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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. H.D. McCarty, Brigadier General, USAF, Retired, of Fayetteville, AR.

PRAYER

The guest Chaplain offered the following prayer:

May we speak to Him for a moment. Gentle and patient Father, on this National Day of Prayer, we thank You for the love and understanding and forgiveness You have for our imperfections and blunderings as Your people. We are grateful for this wondrous country whose roots are still deep enough in spiritual reality to acknowledge that vital prayer is critically necessary not only for our well-being, but for our survival.

My Dear Lord, grant afresh to the Members of this historic Chamber the increased power in mind, heart and will to overcome unnecessary conflicts, shallow contentions and abiding differences to such a degree that their honest tensions will bring the good and the best to our American people, both living in our homeland or serving throughout the world. Give our President, our leaders, our citizens and especially these Senators a depth of selflessness, a love of others and an expansion of vision that will enhance and fulfill dreams and goals of our gifted Founding Fathers. Let them seek and find Your path as earnestly today as our ancestors did in 1776 and 1787.

Finally, my Lord, teach us that prayer that is powerful is more than asking You for gifts, answers or promises fulfilled but, rather, the yielding of ourselves to truth. May our actions demonstrate that our passion for our country is not sourced in the conservative view of truth or the liberal view of truth but in the right view of truth. Give our Senators righteous, humble

and honest minds that the awesome task that is theirs will be effectively achieved for ourselves and our posterity. Guide them with foresight that when their labor here be ended Scripture could testify of them as it does of King David, "he led them with a pure heart, and guided them with skillful hands!" Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will conduct a period of morning business for up to 90 minutes, with the first 45 minutes under the control of the majority leader or his designee and the second 45 minutes under the control of the Democratic leader or his designee. Following morning business, the Senate will resume consideration of the FSC/ETI JOBS bill.

We made significant progress on the bill thus far this week. I hope that will continue through today. Chairman GRASSLEY and Senator BAUCUS will be here to continue working through relevant amendments.

In addition, we expect to consider the Negroponte nomination during today's

session. This is one of many important ambassadorial nominations on the Executive Calendar. I expect a vote on this nomination today. Therefore, roll-call votes will occur during today's session.

CONDEMNING THE GOVERNMENT OF THE REPUBLIC OF THE SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 497, S. Con. Res. 99.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 99) condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble:

(Strike the parts shown in black brackets and insert the parts printed in *italic*.)

S. CON. RES. 99

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas United Nations officials and non-governmental organizations have indicated that the humanitarian situation in the

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



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Darfur region is extremely urgent, particularly in light of restrictions by the Government of Sudan on the delivery of humanitarian assistance for the people of the region;

[Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe";

[Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

[Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

[Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates"; and

[Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it]

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe", and in April 2004 reported to the United Nations Security Council that in Darfur, "a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing'";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates";

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement; and

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it

Resolved, [That Congress—

(1) strongly condemns the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan and for its failure to take effective actions to stop militia attacks on civilians in the region, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) calls on the international community to strongly condemn the Government of Sudan for its participation and complicity in these attacks and demand that such attacks cease;

(3) urges the Government of Sudan to allow the delivery of humanitarian assistance to people in the Darfur region; and

(4) urges the President to direct the United States Representative to the United Nations to seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region.]

That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(3) encourages the Administrator of the United States Agency for International Development to work with donors to develop a plan to pre-position and deliver humanitarian assistance to Darfur, including a plan for delivery of food by air if necessary;

(4) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (2), including a plan to seek a Security Council resolution addressing the Darfur situation;

(5) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur; and

(6) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for

crimes against humanity in Darfur are accountable for their actions.

Mr. FRIST. Mr. President, I wish to make a brief comment. First, I ask unanimous consent that the committee-reported amendment be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The concurrent resolution (S. Con. Res. 99), as amended, was agreed to.

The amendment to the preamble, in the nature of a substitute, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 99

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas, the militia forces backed by the Government of Sudan have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably "the world's worst humanitarian catastrophe", and in April 2004 reported to the United Nations Security Council that in Darfur, "a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing'";

Whereas, on February 17, 2004, Amnesty International reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia";

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that "aid workers are unable to reach the vast majority [of the displaced]";

Whereas, Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of "catastrophic mortality rates";

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas, the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying

them unrestricted access to humanitarian aid organizations;

Whereas, attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement; and

Whereas, nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(3) encourages the Administrator of the United States Agency for International Development to work with donors to develop a plan to pre-position and deliver humanitarian assistance to Darfur, including a plan for delivery of food by air if necessary;

(4) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (2), including a plan to seek a Security Council resolution addressing the Darfur situation;

(5) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur; and

(6) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are accountable for their actions.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I do want to draw attention to this terrible tragedy unfolding in the Darfur region of Sudan. I have had the opportunity to travel to the Sudan a number of times, many times over the last several years, and care greatly for the people there, as do all of our colleagues who are in this Chamber today.

I thank Senator BROWNBACK for his tremendous leadership on this issue. He will come to the floor later today to comment on this important resolution. He has shown steadfast commitment

throughout for the people of southern Sudan.

I also thank Senator FEINGOLD. He and I have had the opportunity to work together for many years on the Africa Subcommittee and have worked together to draw attention to the terrible civil war in Sudan, which has displaced millions of people. A million people have died over the last 20, 22 years.

I also thank my colleague from Tennessee, Senator ALEXANDER, who now chairs the African Subcommittee, as well as Chairman LUGAR and Senator BIDEN, and all the colleagues who have worked on this issue.

The international community estimates that 1 million—1 million—Sudanese in the Darfur region have been displaced by the ongoing attacks by government-backed militias. At least 110,000 Darfur Sudanese have sought refuge in Chad. But even there the militias have been able to cross the border and attack the refugee camps. It is an ongoing tragedy.

The outgoing United Nations humanitarian coordinator in Khartoum says the continuing atrocities are nothing short of genocide.

Since the violence began in February of last year, up to 30,000 Darfur natives have been killed. The U.N. coordinator warns that the raping, looting, and mass destruction being perpetuated is “more than just a conflict.” He warns that, “It is an organized attempt to do away with a group of people.”

On Monday, a U.N. mission returned from a 6-day inspection of Darfur. The team concludes that many of the violations they investigated may constitute war crimes and/or crimes against humanity. Their report, due to be completed by the end of this week, is expected to confirm many of the accounts of mass murder, multiple rapes, aerial bombings, and ground attacks.

The crisis only threatens to worsen. Later this month, the rainy season will begin. Aid experts tell us the massive yearly flooding may seriously hinder their efforts to distribute desperately needed aid and medical supplies. Amnesty International warns that the impending rains are a ticking timebomb in the countdown to disaster.

The situation in Darfur is dire. I take a special interest in the plight of the Darfur people because of my own contact with the Sudanese. I have traveled extensively throughout southern Sudan. I have had the opportunity to perform medical mission work in that part of the world in a hospital in a little village called Lui. I have visited the Nuba Mountains in central Sudan, the Blue Nile region north of there, as well as Pabong, which is one of the oil regions in which there has been a lot of displacement.

Recently, in August, I was in southern Sudan, where I had the opportunity again to operate and perform surgery and serve the community there in this hospital in Lui, the only medical facility in about a 150-mile radius of that small village.

Through these travels, I have had the opportunity to take care of patients who have come in with war-torn injuries, and who are suffering from the plight of this civil war, a brutal war—the innocent people there who are being shattered day in, day out, by civil war.

I wanted to share with my colleagues the suffering of the people of southern Sudan and thus wholly endorse this resolution. We have all worked together—Senators BROWNBACK, FEINGOLD, BIDEN, LUGAR, HELMS, and many others—to enact a Sudan Peace Act in the past. That bill, indeed, provided a framework for peace negotiations in Sudan.

This past September, shortly after we were in southern Sudan, I was heartened by the cease-fire by the Khartoum government and the Sudanese rebels. Peace, it seemed, at that point in time might finally come. But now my hopes are wearing thin. The government of Khartoum absolutely must take responsibility for its complicity in the systematic murders and atrocities being committed in Darfur by the Janjaweed.

On Tuesday the U.S. Agency for International Development delivered the first of four aid airlifts planned for the week. The Agency is providing thousands of blankets and temporary shelter and medical supplies and food. But even with the best, the most hopeful, the most optimistic projections that the Darfur crisis can be controlled, the most optimistic say it will continue for another 18 months, even if Khartoum right now starts cracking down on the Janjaweed militias. Hence, there is not time to waste. Literally millions of lives are in the balance. We must draw the world's attention to the crisis in Sudan.

This week's elections of Sudan to a third term on the United Nations Human Rights Commission is a travesty. It undermines the credibility of the Commission but, more importantly, it signals to the Sudanese people that the highest human rights body in the world has abandoned them and ignored their plight.

I stand alongside the administration in its unqualified disapproval of Sudan's inclusion in the U.N. Human Rights Commission. By approving S. Con. Res. 99, however, this body rightly condemns the actions of Khartoum and Darfur. We put Khartoum on notice that the Senate will continue to scrutinize and hold accountable acts of commission or omission by the Khartoum government that violate their citizens' human rights.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Does the majority leader reserve the remainder of his time?

Mr. FRIST. Mr. President, that completes leader time. That should not take away from morning business.

The PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I, too, will use my leader time and reserve the

remainder of the allocation for our Democratic colleagues to use the other time in morning business.

I share the sentiment expressed by the majority leader with regard to S. Con. Res. 99, regarding the Sudan. It is past time that we were heard on this troubling situation. I commend Senators Feingold and Brownback as well for their leadership.

Late last year, United Nations Under Secretary General for Humanitarian Affairs Jan Egeland called the developing situation in the Darfur region of Sudan, where two rebel groups have been locked in a battle with Sudanese government forces and government-backed militias since February 2003, "the world's worst humanitarian catastrophe."

Mr. Egeland has seen a lot of disaster, and he does not use terms like catastrophe loosely. In a world increasingly torn asunder by ethnic and regional conflicts, calling Darfur the world's worst catastrophe is saying something. Unfortunately, it appears that Egeland has chosen the right word to describe this situation.

Amnesty International has reported that it "continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia." Doctors Without Borders reported that the regions is the scene of "catastrophic mortality rates."

And American government and international estimates suggest that nearly 3 million people have been affected by the terrible fighting in Darfur; 700,000 have been displaced; 100,000 have fled to neighboring Chad, and 30,000 have been killed.

Meanwhile, international aid agencies estimate that, as a result of this fighting, they have been able to help only 15 percent of the people who need it. The Sudanese Government has systematically and deliberately denied humanitarian assistance for, and international access to, this region.

At the same time, credible reports suggest the militia forces backed by the Government of Sudan are engaged in the use of rape as a weapon of war, are abducting children, and are destroying food and water sources. If all this were not sad and outrageous enough, the Sudanese Government—the same one that is complicit in these atrocities—just Tuesday was chosen to serve on the United Nations Human Rights Commission. Nicholas Kristof of the New York Times recently described the situation in the Darfur region this way: I can't get the kaleidoscope of genocide out of my head since my trip last month to the Sudan-Chad border: the fresh graves, especially the extra-small mounds for children; the piles of branches on graves to keep wild animals from digging up corpses; the tales of women being first raped and then branded on the hand to stigmatize them forever; the isolated peasants, unfamiliar with electricity, who suddenly encounter the 21st century as

helicopters machine-gun their children.

Each of us hoped we would leave this hatred, violence and ethnic cleansing behind in the 20th century. At the very least, we must now ensure we do not repeat the mistakes of the past. I was heartened when the United States recently voted against a resolution backed by the United Nations Human Rights Commission because it didn't do enough to condemn ethnic cleansing in Darfur. And I am pleased that the President condemned the Sudanese Government's actions there. But that is just a first step.

If the Government of Sudan ever wants to be welcomed into the community of nations, it must take concrete steps that befit a member of the United Nations Human Rights Commission. It must immediately take actions to cease the attacks in Darfur. It must allow the delivery of humanitarian assistance to people in the Darfur region. President Bush must direct the United States Representative to the United Nations to seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan in the Darfur region.

This is the very least the international community must do, and we must do it now. Any delay will have a terrible cost in human lives.

Mr. BROWNBACK. Mr. President, I rise with several of my colleagues today to bring to the attention of this body a severe situation in the western part of Sudan. The Darfur region is facing an acute humanitarian catastrophe, which has been cited by some individuals as the worst humanitarian crisis in the world today.

For over a year now, government-backed militias have been carrying out savage attacks on innocent civilians and have engaged in the use of rape as a weapon, abducted children, destroyed food and irrigation systems and burned villages. We are gravely concerned about the violence that persists, despite the April 8 cease-fire agreement. Recent estimates report that 3 million people are beyond the reach of aid agencies trying to provide assistance in Sudan, and mortality rates in the Darfur region are catastrophic.

The Darfur disaster has forced staggering numbers of people to flee their homes. More than 800,000 people have been displaced, with more than 100,000 of them crossing the border into neighboring Chad. Less than half of these refugees are living in UNHCR camps. Refugees International reported yesterday that 540 refugees in Chad are near death due to lack of food. To make matters worse, the rainy season is expected soon, at which time roads will be impassable and the delivery of aid extremely difficult.

Human Rights investigators have finally been allowed into the region and we anticipate their findings later this week. However, initial reports indicate that their movements were severely re-

stricted, despite numerous requests for full access to the region. The international community must continue to call on the Government of Sudan to grant visas to the humanitarian organizations who are ready and waiting to provide much-needed assistance in Darfur.

Civil war has left carnage during the two decades of fighting in Sudan. The largely Arab-Islamic North had been fighting the predominantly African-Christian and animist South over issues of religion and Sharia law. Negotiations have included tough compromises over issues of power- and wealth-sharing. I believe that continued pressure on Sudan to end the suffering in Darfur can lead to a negotiated settlement between the North and the South, which we hope to see in the coming days. But we cannot wait for this agreement to address the current situation; the humanitarian crisis in Darfur warrants immediate attention by the international community.

Today the Senate passed S. Con. Res. 99, condemning the Government of Sudan for their complicity in attacks against innocent civilians and calling on them to immediately end such brutality. It calls on Sudan to grant immediate and unconditional access to Darfur for humanitarian and human rights organizations and for a cease-fire monitoring team. In addition, it calls on the USAID Administrator to develop a plan for the delivery of humanitarian assistance, by air if necessary. Furthermore, the resolution urges the Secretary of State to develop a plan for further bilateral and multilateral action in the event that the Government of Sudan fails to immediately allow access, including a plan to seek a Security Council resolution addressing the Darfur situation. Finally, S. Con. Res. 99 urges the President to direct the U.S. Representative to the United Nations to seek an official investigation to determine if crimes against humanity have been committed by the Government of Sudan in Darfur and work with the international community to ensure that the individuals responsible for such crimes are accountable for their actions.

I thank my colleagues for their support of this important resolution. The 10th anniversary of the Rwandan genocide was an important reminder of the devastating effects that international blindness can have on a population. Just this week, Sudan was voted back onto the U.N. Human Rights Commission, despite protests by the United States. How can a nation who allows for nearly 1 million displaced persons, catastrophic deaths, and the threat of continuing death and disease, remain on the very body of the United Nations which is responsible for preventing such atrocities?

We have a moral responsibility to the people of Darfur, let us not wait until another life is lost.

Mr. BIDEN. Mr. President, on Tuesday, the Foreign Relations Committee

discharged a resolution which speaks to the situation in Darfur, Sudan. I am alarmed by reports of atrocities there. I am worried that genocide may be unfolding.

We need to make a determination about what is going on in Darfur and respond accordingly. Administration officials have termed it ethnic cleansing. This would be horrific in and of itself. But we also have to ask whether or not Khartoum's actions are an intent to destroy in whole or in part a particular ethnic or racial group or groups. If so, what should we do about it? These are questions we must answer right away.

As you know, the administration has been heavily involved in negotiations between the government in Khartoum and southern Sudanese rebels. If an agreement is reached, it will bring an end to twenty years of civil war between the Muslim north, and non-Muslim south.

It will end 20 years of attacks against Muslims in the Nuba mountains and southern Sudanese; 20 years during which the government of Sudan targeted civilians either with its military forces, or through government allied militias; 20 years during which 2 million people have died; 20 years during which millions were displaced both within Sudan and beyond its borders.

The war sparked outrage among members of the international community because of the brutality of attacks against men, women and children. Some cast the war as Muslim versus Christian. I think this captures only a fraction of the story. Arab militias took southern, non-Muslims, black Africans captive as slaves. They pursued a scorched earth policy in southern villages. Muslims living in the Nuba Mountains, who happen to be black, were victims of attacks as well. One is left to wonder if the real cause of the attacks wasn't good old fashioned racism. And while the United States continues to spend valuable diplomatic time and political capitol to bring an end to the north-south conflict, history is repeating itself in western Sudan.

Early last year, ethnic minorities living in western Sudan took up arms to protest Khartoum's arming of Arab militias in the region, and what they believed was economic marginalization by the government in Khartoum. The wisdom of this course of action on the part of the rebels may be debatable. What is not debatable is the disproportionate response of the government—ethnic cleansing in Darfur by means of a well orchestrated campaign of attacks aimed specifically at non-military persons who belong to the same ethnic groups as the rebels.

Khartoum is employing the same tactics in Darfur that they used against those living in southern Sudan: Aerial bombardment of civilians with helicopter gun ships and planes, and attacks by government supported Arab militias known as janjaweed, which employ scorched earth tactics against

villages inhabited by black Africans. We are receiving reports of a variety of abuses perpetrated by the janjaweed—routine rape of women, murder of men, the wanton burning of children—from credible sources working in Darfur. In my view, these deliberate attacks and atrocities against civilians constitute crimes against humanity.

President Bush's statement on Sudan issued on April 7, while helpful, was inadequate. He condemned the atrocities in Darfur, but the statement does not speak to the ethnic nature of the attacks. We all know that ethnic cleansing has the potential to turn into genocide. By failing to highlight this very dangerous dimension of Khartoum's campaign, the president failed to speak to the most alarming aspects of the crisis.

The statement says that President Bush expressed his views condemning the atrocities directly to Sudanese President Omar al-Bashir. Since U.S. officials have acknowledged that the actions constitute ethnic cleansing, describing them as well "organized," and "comprehensive," I sincerely hope the President took Bashir to task about the particular evil of such actions. Given the vagueness President Bush's statement, however, one is left to wonder.

Our Ambassador to the U.N. Human Rights Commission, Rich Williamson, has said that 30,000 people are dead as a result of the conflict. One million people—25 percent of the population—are displaced, according to the U.N. High Commissioner for Refugees, UNHCR.

All of them are in dire need of assistance because on top of razing entire villages and firebombing civilians, in addition to burning crops, raping women, torturing men and throwing children into burning huts, on top of all the misery the government has heaped on the people of Darfur for months, Khartoum has refused to allow humanitarian relief organizations free, unfettered, regular access to the region. According to the State Department, it takes aid workers 2 months to get visas. And this is an improvement—it used to take 3 to 4 months.

After pursuing a scorched earth policy in Darfur for months—burned crops, stolen cattle and poisoned wells—the government's latest outrage is cynically ordering people to return to their homes. The few agencies on the ground in the area indicate that people cannot venture even 100 yards outside the displaced persons camps without being attacked. Even if they are able to make it home safely, there is absolutely no likelihood of people surviving in communities that literally no longer exist. At this point, return is not an option and Khartoum is well aware of this.

And the attacks by the janjaweed continue despite the April 8 cease-fire agreement.

Over 100,000 people have fled across the border into Chad. They too are still

subject to attack from the janjaweed. UNHCR is in the midst of attempting to relocate refugees farther from the border to enhance their safety. Only half of refugees are living in camps in more secure locations. The other half are making do the best they can. A report issued by Refugees International indicates that many refugees are living in the open with no food, water or shelter.

According to UNHCR's public documents, it needs \$27 million to address the needs of refugees in Chad. It has less than half of that on hand. Soon the rainy season will make roads impassible, preventing the delivery of food and shelter materials. The World Food Program is attempting to stockpile food in advance of the rains, but they have a 35 percent funding shortfall as well. We have contributed significant funds, but we and the rest of the international community need to do even more.

Congress needs to do more as well. S. Con. Res. 99 speaks to the nature of the violence and urges the President to do two main things:

First, develop a plan to deliver humanitarian aid to the nearly 1 million people who have been driven from their homes that does not necessitate permission from the government of Sudan. I hope that this plan includes immediate use of the commodities we are holding in the Emerson Trust stockpiles. I would also encourage the administration to come up with a way to deliver food through neighboring countries, including Chad.

Let me also say that I expect and welcome a request in the forthcoming supplemental for money to meet the humanitarian needs engendered by the crisis in Darfur.

Second, it urges the Secretary of State to develop options to increase sanctions on Sudan if the attacks in Darfur do not stop immediately.

I co-sponsored this resolution because I think that these are important steps. They are only steps however. If we do not see any change on the ground by the end of May, we should go even further than this resolution suggests.

We should amend the Sudan Peace Act, which was aimed at jump-starting the north-south peace process, so that it is relevant to the situation in Darfur. Three changes are essential. First, the act, Public Law 107-245, imposes sanctions on the government of Sudan if the President determines that it is not making a good faith effort to negotiate a peace agreement. The act should be amended to require that the President certify that neither the government nor government allied militias have attacked civilians in Sudan 30 days from the enactment of the act and every 90 days thereafter. If the President cannot certify such, then the sanctions in section 6, paragraph 2 should be triggered.

The same certification should apply to humanitarian access. This is already in the legislation, however the requirement is obviously not explicit enough

for the White House. Despite the restrictions placed on the non-governmental organizations attempting to go into Darfur, on April 21, the President certified the government of Sudan had not unreasonably interfered with humanitarian efforts. Making the law more explicit may prevent another such mistake.

Finally, we should add a requirement that our permanent representative to the U.N. Security Council pursue a Security Council Resolution condemning the government of Sudan for its actions in Darfur, and calling for accountability for those who are found responsible for orchestrating and carrying out the atrocities.

Mr. President, the administration has said that it will not attempt to secure the north-south peace agreement at the expense of the people in Darfur. I agree. In fact, a north-south agreement will be meaningless in the face of ethnic cleansing in western Sudan. I believe that we must ratchet up the pressure on the Government of Sudan, and our partners in the international community to bring an end to the criminal acts of the government in Khartoum.

RIISING COST OF HIGHER EDUCATION

Mr. DASCHLE. Mr. President, I rise to comment as well on another matter closer to home.

It is graduation season. Over the next several weeks, in cities and towns in South Dakota and across America, hundreds of thousands of young people will graduate from high school.

Parents will tell their graduating sons and daughters, "I'm proud of you."

Unfortunately, many parents will also have to tell their children, "I'm sorry."

"I'm sorry that we can't afford to send you to college."

The novelist James Michener grew up dirt poor in Pennsylvania, but he got a good education.

He once told an interviewer, "I went to nine different universities and never paid a nickel of my own money. My wife got many scholarships. We are children of the United States."

James Michener was able to graduate from college because America invested in him. In his case, it was the GI bill that opened the doors of higher education.

In my own case, it was the Air Force ROTC that opened those doors.

I was the first person in my family ever to go to college. I worked to pay part of my tuition, and my parents helped; my mother went back to work when I was in high school just to help pay for my college education.

Even with all of us pitching in, I still could not have paid for college without help from the United States Government.

I am deeply mindful of, and grateful for, the investment America made in

me. It is partly because of my own background that I am troubled today to see many families in America priced out—or on the verge of being priced out—of the college market.

Since President Bush took office, the average tuition at a 4-year public college has increased 28 percent.

This year, tuition increased at State universities in all 50 States. In some States, tuition shot up as much as 40 percent. And more increases are slated for next year.

The University of Kentucky is raising tuition for freshmen and sophomores by \$618 next year. That is a 14-percent increase—on top of this year's 14-percent increase.

The University of Missouri will see a 7.5-percent tuition increase next year—on top of this year's increase of 20 percent.

In Texas, the University of Houston recently raised tuition by 25 percent. The University of Texas at Austin plans a 26-percent increase. And Texas A&M University will charge students 21 percent more.

In Washington State, community college tuition is going up 7 percent, bringing the total increase over the past 5 years to more than 35 percent.

In California, where budget cuts and tuition increases this year shut an estimated 175,000 students out of community colleges, State lawmakers are now considering a 44-percent increase in community college fees; that would be on top of last year's 64-percent increase.

They are also looking at a 10-percent tuition increase for University of California students and a 9-percent budget cut for the Cal State system.

At the same time tuition is increasing dramatically, the value of the Pell Grant, America's main college tuition assistance program, is declining.

In 1979, the maximum Pell Grant covered 77 percent of the tuition at a 4-year public college or university. By 2001, that percentage had dropped to just 42 percent.

Today, the average college student needs to come up with \$3,800 per year out-of-pocket—that's after grants and loans.

Most college students today work. In fact, more than three-quarters of all full-time students at public colleges and universities work, and they work an average of 22 hours per week. Yet student debt has doubled over the last decade.

Students graduating from college this month will leave school with \$17,000-worth of student loan debt; that's for undergraduate students. Professional and graduate students often graduate with \$100,000—or more—in student loan debt. And they are luckier than some.

The rise in college costs is outpacing the ability of many low-income families to pay for college. At 4-year public colleges, tuition costs for the lowest 20 percent of wage earners rose from 12 percent of family income in 1980 to 25 percent of family income in 2002.

At 4-year private colleges, tuition costs for low-wage earners rose from 58 percent of family income in 1980 to 117 percent of family income in 2002.

And according to the National Center for Public Policy and Higher Education, in the fall of 2003, at least 250,000 prospective college students were priced out of the college market. They had the grades to go to college; they just couldn't afford the tuition.

When I graduated from high school, a college education was a big advantage. Today, it is rapidly becoming a necessity. The fastest-growing and best-paying jobs today require at least some college.

Over the course of his or her career, a person with a 2-year college degree will earn an average of \$400,000 more than a high school graduate. Someone with a 4-year degree will earn nearly \$1 million more.

But it is not just individuals who suffer when middle- and lower-income Americans are priced out of college. Our entire Nation suffers. Broad access to higher education is critical to America's economic future, our national security, our intellectual and cultural life, and our democracy.

There was a story on the front page of the New York Times on Monday that ought to alarm us all. The headline read: "U.S. is Losing Its Dominance in the Sciences."

It said:

The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals. . . .

Foreign advances in basic science now often rival or even exceed America's. . . .

It quoted John Jankowski, a senior analyst at the National Science Foundation, saying:

The rest of the world is catching up. Science excellence is no longer the domain of just the U.S.

The article cited three statistics to support that claim:

First, in international competition involving industrial patents, the percentage won by Americans "has fallen steadily over the decades and now stands at 52 percent."

Second, the percentage of research papers by Americans published in top physics journals has declined from 61 percent in 1983 to just 29 percent this year.

Finally, the share of Nobel Prizes for science won by Americans has fallen to 51 percent. These are prizes America dominated heavily from the 1960s well into the 1990s.

Unless we reverse this decline and regain America's scientific and technological edge, our children will grow up in a less productive, less prosperous America.

If we are going to meet the challenges of the future, we need the best thinking and best efforts of every American. Yet the doors to college are narrowing.

What has the administration's response to this problem been?

Deafening silence.

The Higher Education Act is up for reauthorization. Yet this administration has put forward no real plan to make college more affordable.

The Bush administration has stood by while States have slashed their education budgets and raised college tuition to close State budget shortfalls.

The President's oversized tax cuts have eaten up Federal resources that we could otherwise invest in higher education, and in basic research and investment.

Despite his repeated promises to increase the value of the average Pell Grant, the President's proposed budget for next year freezes the Pell Grant for the third year in a row.

The President's budget also cuts the Perkins Loan program—the Federal work-study program that has helped tens of millions of middle- and lower-income students work their way through college.

I hope we can come up with a better answer, and many of us have proposed one.

We believe the Government can, and must, create an opportunity society, where every college-ready student or worker who needs to update his or her skills has the chance to go to college, or get additional training, without having to take on back-breaking debt to do it.

We want to increase the maximum Pell Grant from \$4,050 to \$5,100, to double the HOPE Scholarship tax credit from \$1,500 per student to \$3,000 per student, and to make the education tax credits refundable.

We also support efforts to help more African American, Hispanic, Native American, and other minority students attend college, because diversity strengthens our democracy and our economy.

James Michener fought in World War II. He helped win perhaps the greatest battle of the last century.

Americans in the 21st century will fight different battles. But the stakes are just as high.

We need to make sure that every son and daughter of America has the chance to go to college if he or she can do the work. It is not just a matter of individual self-interest. In a real sense, it is a matter of our national survival.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 90 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 Indiana is recognized.

Mr. LUGAR. Mr. President, I will use 8 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 8 minutes.

DIPLOMATIC NOMINEES

Mr. LUGAR. Mr. President, I rise to address the body this morning on the importance of Senate action to confirm pending nominations for ambassadorial and other foreign affairs posts.

Together, Republicans and Democrats on the Foreign Relations Committee have worked to move nominations as expeditiously as possible. During the past few weeks, the committee has held hearings and considered nominations for more than 30 such posts. As a group, these nominees received bipartisan support. Our members voted unanimously in favor of confirmation of each one at a business meeting last Thursday.

I was pleased last night when the Senate confirmed Paul Applegarth to be chief executive officer of the Millennium Challenge Corporation. I appreciate the work of Senator FRIST and Senator DASCHLE to move this important nomination. The launch of the Millennium Challenge Corporation presents an important opportunity for the United States to enhance the effectiveness of its development assistance. Last year, Congress appropriated \$1 billion for the MCC, and having a chief executive officer in place and ready to provide leadership in this new enterprise is a vital first step to ensuring its success.

I hope the Senate will now move with some dispatch on the rest of the pending diplomatic nominees. The posts for which these individuals have been nominated hold great importance for our country. A few examples will illustrate that point.

Among the nominees pending before the Senate is that of John Negroponte to be U.S. Ambassador to Iraq. As I said at Ambassador Negroponte's nomination hearing, the post will be one of the most consequential ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel—that is, 1,000 Americans and 700 Iraqis—he will be the epicenter of international efforts to secure and reconstruct Iraq and provide the developing Iraqi government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in the war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to redirect the Middle East toward a more productive and peaceful future.

The stakes for the United States in achieving success in Iraq could not be higher.

I understand there is leadership activity that may make it possible for the ambassadorship of John

Negroponte to be considered by the Senate very soon. I very much appreciate that effort.

The pending nominees also include individuals to be ambassadors to the Democratic Republic of the Congo, Cote d'Ivoire, and Sierra Leone, each of which is struggling in the aftermath of ethnic conflict. They include nominees to be ambassadors to Poland, Romania, and Slovenia, at a time when these countries are joining the European Union and looking to deepen their ties to the United States. They include nominees to be ambassadors to Jordan, Kuwait, Lebanon, the United Arab Emirates, and Yemen at a time when the United States must improve its relations and encourage democracy and reform in the greater Middle East. They include also nominees to be ambassadors to important regional anchors, such as Brazil, Nigeria, South Africa, and South Korea.

The ambassadorial nominees currently awaiting Senate confirmation would represent the United States in countries with a collective population of more than 700 million people.

Foreign governments notice when U.S. ambassadorships to their countries go unfilled for lengthy periods of time. An ambassadorial absence can be read by some nations as a sign of declining American interest. The United States needs strong and effective diplomatic representation abroad to ensure cooperation in the fight against terrorism, to prevent proliferation of weapons of mass destruction, to build trade and investment relationships that will strengthen our economy and advance freedom and democracy worldwide.

We also must remember that ambassadorships function not only as representation of the United States, but as managers of their embassies. Given that U.S. diplomatic missions have been terrorist targets and remain the most visible American symbol in many countries with a terrorist presence, we need leadership at these embassies. Needless depriving an embassy of its ambassador in a time of terrorist threat may have consequences as grave as depriving a military unit of its commander in time of conflict.

Over the years, the Senate generally has done its duty to efficiently move ambassadorial nominees. We should proceed carefully and thoughtfully when we evaluate diplomatic nominations. But we should proceed with dispatch. Nominations must not be delayed by inattention, bureaucratic arguments, or political motivations, and when our examinations are complete, we should send the nominees to their post as quickly as possible.

I am confident the Senate understands the importance of confirming nominees who will be on the front lines of efforts to advance U.S. interests around the world, and I ask all Members to join the Foreign Relations Committee in moving these nominees. I thank the Chair.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Missouri. How much time does the Senator yield to himself?

Mr. BOND. Ten minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

HIGHWAY BILL FILIBUSTER

Mr. BOND. Madam President, I am on the Senate floor to explain why I am on the floor today. A week ago, I came to the Senate floor to raise what I think is a very serious point, and that is, we are being filibustered on the procedural motions to take the highway bill to a conference with the House.

I had the great privilege and pleasure back in January of 2003 to assume the chairmanship of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee, and I did so knowing full well that committee, along with the full committee, had the responsibility for drafting what I consider to be one of the most important infrastructure bills this Congress ever deals with, and that is the transportation bill or, as it is known by some, the highway bill. This year we are calling it SAFETEA. This is the acronym adopted by the administration to emphasize the fact that it is a safety-related measure.

Good highways, roads, and bridges, along with mass transit and other elements, are vitally important to our country in a number of ways. For those of us who are stuck in traffic around Washington, DC, being stuck in traffic is like having breakfast in the morning, and it is as reliable as flowers in the springtime. Better roads mean less congestion, less hassle. But there are many other items that are very important as well, because good roads and the lack of congestion mean less pollution. Cars sitting idling pollute the atmosphere, so the atmosphere is worse, the air quality is worse if you have congestion.

Highways are also important in another way. If we had passed the highway bill last winter or even when we passed it in February, we would have put people to work because every billion dollars of highway investment creates 47,000 jobs, and there is no question that we were waiting to see the jobs come back. We needed these highway jobs this year. We have missed this year's construction season.

Fortunately, the tax cuts passed by this body are working, and we are seeing an upturn in the economy, particularly in small business. That is another speech I will make on the Senate floor.

Tremendous numbers of people are going to work, as small business members, as proprietors starting their own businesses, 410,000 working selling their own products on e-Bay. They are creating good jobs. But we still need the jobs.

Beyond that, good highways and good transportation are essential for the long-term stability and growth of our

States, our communities, and our Nation.

When I was Governor, I spent a lot of time working on economic development issues, and there is one thing I can tell you: if you are trying to get jobs into a particular community, they have to have transportation, particularly if they are dealing with goods or with people who are coming into that community. Good roads mean good jobs. Our highways, our roads, our bridges, even our waterways are the sinews of economic commerce. Without good transportation, we do not have growth and we don't have jobs.

Finally, good highways mean safety. We kill about 43,000 people on the highways in the United States every year. The Department of Transportation says about a third of those killed are killed because of insufficient highway infrastructure. In other words, we have in Missouri many crowded two-way highways which have traffic that really demands a divided highway. When you have that, you have frustration, and very often people from out of State are not familiar with the curves and the hills and pass in areas where you cannot pass, and they have tragic head-on collisions. I say we kill roughly three people a day on Missouri's highways, and I think one out of three is killed because of inadequate highways. All you have to do is travel the highways and see the white crosses where people have died.

To deal with that situation, I set out to work on a bipartisan basis. We have worked since a year ago January very closely with all the interested parties—the people interested in road building, community development workers, union members, environmental groups who wanted to have improved environmental processes. We brought all of them together in a bipartisan—let me emphasize bipartisan—bill for which I have thanked my colleagues on the other side many times for their great cooperation. We brought a good bill to the floor: \$255 billion for highways and bridges over the next 6 years. Boy, we passed it with a whopping 76-vote majority in the Senate.

I go home and people say: What is happening to the highway bill?

I say: It is being filibustered.

They say: What? It passed by 76 votes.

I say: No, the simple procedural steps to move the bill to conference with the House are being filibustered.

They say: What?

I say: Yes, there are about six steps that have to be taken to send a bill to the House of Representatives so we can sit down in a conference and get a final bill that has to then pass both Houses and go to the President.

We have been working for more than a year and a half. It has been more than 7 months since the existing bill, TEA-21, expired. It has now been 7 weeks since the Senate passed a highway bill. It has now been 5 weeks since the House passed a highway bill. The

majority leader and I have gone to the Senate floor and asked unanimous consent three times to take the necessary steps to move the bill to the House.

All three requests have been objected to by my colleagues on the other side. Yesterday, a great group of citizens from the community of Saint Joseph, MO, was in my office. They traveled a long way to ask me: Why do we not have a highway bill? I told them I wish I had a reasonable answer, but I do not.

Last Friday, I went to Kansas City, MO, where we had the road-building group together and that was the union leaders, the contractors, the community development people, the local elected officials, and they gave me a stack of 43,000 signatures on petitions saying pass this bill. Unfortunately, my suitcase was not big enough and the restrictions made it difficult for me to bring it here with me, but if my colleagues want to see them we will bring 43,000 signatures to the floor to show how many Missourians want a highway bill.

They asked me why we have not even begun the process of meeting with the House. There is no good reason, except politics, and that is not a good reason.

Every single day someone asks me these questions, and now I ask my colleagues once again why can we not start a highway bill conference? Some on the other side say they demand to know what is going to come out of the conference. I would love to know what is going to happen tomorrow. I would love to know what is going to happen the day after tomorrow. No one can say with certainty what is going to come out of any conference.

This is too important a bill to be a political football. We passed a total bill of \$318 billion. The House passed one for a total of \$275 billion. We passed a much better bill. I want to see our bill passed. I want to see \$318 billion. I want to see the environmental streamlining in the bill that allows the environmental concerns to be raised early on in the process and dealt with, that makes it easier to do the planning.

The House bill had \$11 billion worth of specific earmarks. My colleagues probably read about it in the editorial pages. Now, the occupant of the chair may take great pride in the fact that some of those were in a far northwest State, but I say to my colleagues we are not going to be able to take a bill that has \$11 billion of earmarks that take away from the general allocation of funds among the States. So that is something we have to negotiate, but we need to do that to get a good bill.

I cannot speak for the folks on the other side as to why they are willing to kill the bill. They will not even let us go to conference to try to get the bill that we passed. They have to be banking, I guess, on perhaps a cynical notion that the American people will understand or they will just blame Republicans, even though it is their side currently undertaking to kill the legislation.

Are they killing it in hopes they can blame us? Is politics that cynical? I hope not. I thought we had to fight OMB to get the bill done, and I am willing to make that fight.

As a matter of fact, people who have been around a long time know I took on that fight against a President of my own party. The year I campaigned, he made three wonderful appearances for me. I have great respect for him, but he vetoed a highway bill, and I was the deciding vote that overrode that veto, much as I respected him, because I know how important highways are to my State and to the country.

Several months ago we started the normal bipartisan process of writing a highway bill. The bipartisanship carried through to a floor vote on the final bill. The Finance Committee provided the funds we needed. It was paid for, without a tax increase and without bonding.

After we passed the bill, my colleagues and I cheered our success and praised the cooperative efforts across the aisle; yet somehow, now my colleagues across the aisle tell me they do not trust me? Is this how good faith bipartisanship is honored?

Will someone come to the floor and tell me that I have not acted in good faith for days, weeks, and months through this process?

I have every intention to get a strong bipartisan conference report to the Senate floor and to the desk of the President but we cannot do that if the Democrats prevent us from negotiating the final bipartisan bill. Unless they let the process go, this bill is dead and they will have killed it; and for what?

My House counterpart Congressman PETRI may have said it best as quoted in yesterday's edition of BNA:

House Highways, Transit and Pipelines Subcommittee Chairman Tom Petri, R-Wis., hailed the move to "normal order," Petri said; people analyzing the situation said in the absence of an agreement—on a number—it was better to go back to conference because "there might have been wisdom in the ideas of the founding fathers.

The whole point of a conference with the House is to work out our differences and produce a final bill. It is past time to get to work on those differences. I also read a quote in the paper yesterday where the distinguished minority leader said his party did not want to "roll the dice" and hope they get adequate representation in conference.

Instead, I submit that my colleagues are "rolling the dice" with an even bigger gamble. Rather than even giving conference a chance, they are betting that voters will prefer procrastination over progress.

My constituents say, "Senator, didn't the same people raising objections vote for the bill?" They also ask, "Senator, didn't many Democrats help draft the bill?" Some even wonder "Didn't I hear Senator so and so say the Nation needs a highway bill now?"

The resounding answer to all of their questions is yes. Yes, my colleagues

helped draft the bill. Yes, my colleagues voted in favor of the bill. Yes, my colleagues make cries for a strong bill now. And, yes, unless the politics stop, they will also have killed this bill. To steal a line from some great philosopher, they are all bark, no bite.

One week ago today I was on the Senate floor attempting to move this process forward. Now Republicans in both Chambers of the Capitol are prepared to work in conference to resolve our differences. In the near future, we will vote in the Senate to determine who really wants to back up their bark with a bite.

Right now safety and quality of life on our roads are taking a back seat to political warfare that has nothing to do with transportation. It is time to end the filibuster on the highway bill.

That said, I renew my unanimous consent request from last week.

I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further, that all after the enacting clause, be stricken, the text of S. 1072, as passed, be inserted in lieu thereof; the bill be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 10.

Mr. REID. Reserving the right to object, at this time I am not able to make a statement; so, I will make a statement when our time comes. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

Mr. DOMENICI. How much time do we have remaining?

The PRESIDING OFFICER. Twenty-seven minutes remaining.

Mr. DOMENICI. I will do my best to be finished in 10 minutes.

AMERICA NEEDS AN ENERGY POLICY NOW

Mr. DOMENICI. Madam President, I rise today to speak about a subject that is dear to the heart of the Chair because Alaska contains much of the energy that the United States needs. Yesterday, crude oil closed at \$39.57 on the New York Exchange. Nationwide, the average price of gasoline is \$1.84, expected to rise 5 to 10 cents over the next several days, and even more as we enter the summer driving season which begins on Memorial Day.

Natural gas prices are also at a record high for this year, 70 percent higher than they were a year ago. We are increasingly dependent on imported supplies to set prices. In the Pacific Northwest, the snowpack is at 50 percent of average, and so hydroelectric generation will be at a record low this summer.

We currently import 55 percent of our oil. We will depend upon 70 percent for our demand by 2025. Meanwhile, we are

experiencing record temperatures in southern California where already there is a strain on the region's electricity system.

I do not know what sort of psychological barriers need to be broken in the Senate to finally pass comprehensive energy legislation. We are very close to breaking through every psychological barrier related to energy policy. Oil will soon cost \$40 a barrel. Gasoline will be over \$2 a gallon. Natural gas will be permanently over \$5 per MCF and the adequacy of our electricity generating grid this summer is now a simple calculus. Will it be hotter than usual? Because if so, we will have blackouts again.

My colleagues will notice that I no longer believe that our growing dependence on imported oil will have the psychological impact necessary to motivate my colleagues into action on the Energy bill. For my part, I am alarmed. I see us becoming 70-percent dependent on imported oil. I read of terrorist threats against overseas oil infrastructure and refining capacity, and I am amazed that I have colleagues who want to stop building our emergency supplies in the Strategic Petroleum Reserve or, even worse, call on us to use up those reserves now. In the past, the result of such activity was miniscule in terms of its impact on gasoline prices. It is just something to talk about. It is not something that will do anything.

Instead, yesterday a number of Senators came to the floor and called on the President to pressure OPEC to increase production and reduce prices. Does anybody assume he has not already done that? Does anybody assume they are interested in what we say today? It would be terrific if OPEC would do that, but I have to ask my colleagues, why would OPEC take us seriously? OPEC sees us for what we are. We are hooked and we cannot even do the most incremental steps to begin to address this plight.

OPEC sees a Congress that has talked about passing an energy bill for 10 years. They see a Congress that has failed every year for the last 3 years to pass an energy bill. OPEC sees an America that lacks the political will to address its own crisis. Instead, we blame and complain. If you were OPEC, would you take us seriously?

Some say passing an energy bill will not do a lot for foreign crude oil prices. I disagree. I think passing the first comprehensive energy bill to come out of this Congress in 12 years sends a strong signal to oil-producing nations. I think if we do more to conserve energy, increase production, diversify our energy supply, we will tell OPEC America is a country with unity, commitment, and the political will to address our most serious domestic problem, and that is our energy challenges.

If Senate Democrats mean what they say when they wring their hands and lament the rising oil prices, pass this bill. When we voted last week on the

authorizing portion of the bill, we got only 14 Democrats to join us, and then someone on that side had the audacity to say it was the Republicans' fault we didn't pass it. That is less than one-third of the Democrats who voted in favor of it. Yet the steady stream of Senators who come down here to speechify on energy is from the other side. They are Democrats. Some of the Democrats down here on the Senate floor yesterday wringing their hands about gasoline prices, blaming the administration yesterday, are the same Senators who voted against the Energy bill last week.

Last summer we had the biggest blackout in the Nation's history during the August recess. You all remember that. When Congress returned, Senators went to the Senate floor to make speeches, to wring their hands about the problem in our power grid. Some of those same Senators turned around a few weeks later and voted against an energy bill that mandated electricity reliability. Everyone who knows anything says that must be adopted if we are to rearrange things and have power over the utility lines so we will not have blackouts. It is recommended by everyone who knows anything about it, and we sit here and fail to pass the bill that contains it.

Gasoline prices have shattered all records in April. Prices could reach \$3 by late September. I know that is a startling statement, but I make it because I believe it. Prices could reach \$3 a gallon by late summer. Natural gas prices on average are 70 percent higher than last year. Our electricity grid is every bit as vulnerable to a blackout today as last summer, and we stand here making speeches and passing the blame: Blame OPEC, blame the President.

The buck stops here. It is up to this Congress to pass a bill that stabilizes the price of oil, gas, coal, and natural gas. It is up to this Congress to pass a bill that increases our production of energy from natural gas, wind, solar, geothermal, and clean coal. It is up to this Congress to mandate electricity reliability. Let's stop politicking on this energy bill and on this energy problem. Let's stop looking to foreign shores to solve our problems. Let's stop looking to OPEC so they would have the will. Let us unify and resolve that lack of enthusiasm and unity. Let's roll up our sleeves and pass an energy bill.

It is possible. The bill before us now contains about half the Energy bill. It has all the tax credits that will bring much of the energy that I have spoken about on board America. It will not do the whole job, but it will do something. We understand there are Senators who do not want to see that pass. It has broad support and it will do something significant. I trust we will pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. There are 18 minutes remaining on Republican side.

HUMANITARIAN CRISIS IN SUDAN

Mr. DEWINE. Madam President, I rise in support of S. Con. Res. 99, condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

I commend my fellow cosponsors of this resolution for taking this essential first step in addressing the dual crises in Sudan. We must condemn the Government of Sudan for its complicity in the human rights abuses and their gross failure to put an end to the current genocide.

In addition to the gross human rights violations, we now face a humanitarian disaster. Over a million people are displaced and well over a hundred thousand have fled over the border to Chad.

The Government of Sudan is only making matters more difficult by resisting, delaying, frustrating the work of humanitarian assistance groups, and the situation gets worse. Roads in the region are only accessible to the most sturdy of jeeps and trucks, and once the rainy season starts in just a couple of weeks, those roads will be wiped out, cutting off aid altogether. The clock is ticking. We certainly cannot control Mother Nature, so the world must act now.

I believe there are a few essentials that we should do immediately. First, the United States must push the United Nations Security Council to authorize a stability and support operation under chapter VII to help stop the atrocities and help distribute humanitarian aid. I would also like to see an expansion of the civilian protection monitoring teams into the Darfur region. The Government of Sudan has had long enough time to stop the killing and facilitate the flow of aid. With the rainy season coming, we cannot tell the people of Darfur to give their government more time to comply.

This may sound as if it is a radical step, but this step is needed. We should not be, and do not want to be, in the situation 6 months or a year or 2 years from now where we look back and say we should have taken this step—oh, if we only would have sent this U.N. force in; if we only would have sent these troops in we could have saved hundreds of thousands of lives—because that is the situation we are going to be in. We are going to look back and say, if we only would have acted, if the world only would have acted, these lives could have been saved. Why didn't we act? That is what has to take place. That, clearly, is what should take place.

Second, I believe Congress should amend the Sudan Peace Act to require improvements in Darfur. We have the ability here in Congress to do that.

Third, the United States should target sanctions against any members of

the Sudanese Government found to be involved in these atrocities. We have done it in regard to other individuals in other governments in other countries. We should do it in regard to these individuals. We should make it very clear to them they will be held accountable.

Finally, the international community must act now. We need a special session of the U.N. Human Rights Commission to appoint a special rapporteur for Sudan. The international community should also consider a special tribunal to investigate the atrocities.

These steps form a broad outline of what must be done. We must work together with the administration in the coming days to iron out the details so we can move forward. The crisis is here, it is now, and this is what we must do. Clearly, this is a case of genocide, and the international community must face its moral responsibility to act.

CRISIS IN HAITI

Mr. DEWINE. Madam President, let me turn to another area in the world where there is another humanitarian crisis, and that is the country of Haiti. I will be very brief because I have come to the Senate floor many times before to talk about Haiti.

Haitian Prime Minister Latortue was on Capitol Hill yesterday. I had the opportunity to meet with him. The majority leader and the Democratic leader met with him, as well as other Senators. The Prime Minister is a very impressive man. He is a man who faces a very difficult task in Haiti. The U.S. troops are scheduled to leave June 1 to be replaced with U.N. troops.

I will not try to summarize the message from the Prime Minister, but two things he said were very important which I will share with my colleagues. First, the Prime Minister made a very strong case to the Members of the Senate whom he talked to for the passage of a bill Senator DODD and I have introduced in the Senate, a bill that, according to the Prime Minister, within a relatively short period of time would help create an additional 100,000 jobs in Haiti, 100,000 jobs that are desperately needed.

This is a trade bill Senator DODD and I have introduced that is pending in the Senate. It has bipartisan support. There is a companion bill introduced by Congressman CLAY SHAW in the House of Representatives. I again call my colleagues' attention to this bill and hope we can act on this bill this year. It is a bill that would restore the assembly jobs in Haiti. Haiti at one time had many assembly jobs. After the sanctions were imposed during the Clinton administration, these jobs basically went away. This bill will help restore these jobs. It will make a big difference for Haiti.

The other point the Prime Minister made was the Haitian Government today is in desperate need of cash.

They cannot even do little things such as get the electricity back on. I have talked to Mr. Noriega in our administration. I have talked to Secretary Colin Powell. Both are very sympathetic to what is going on in Haiti and the needs of the Haitian Government. Secretary Powell has assured me the administration is trying to reprogram money and to get additional money for Haiti. Everyone agrees and understands the urgent need for this money.

I simply say to the administration, this money is desperately needed now. The new Haitian Government is struggling. They need to show the people of Haiti some immediate victories. If the people of Haiti are to have some confidence in this new Government, if they are to believe in this new Government, if they are to have confidence in the new Government, they have to see something tangible and they have to see it fairly quickly.

I hope our administration will be able to reprogram some money, will be able to set some money aside and get that money to Haiti so this new Government will be able to show the people of Haiti some good faith, be able to show them some victories, and the people of Haiti will be able to see there is, in fact, some hope.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. How much time do I have on this side in morning business?

The PRESIDING OFFICER. There are 8 minutes remaining.

THE PRICE OF OBSTRUCTION

Mr. McCONNELL. Madam President, I believe many in the press world and too many outside the beltway are observing the gridlock in the Senate and probably just dismissing it as "politics as usual."

The truth is, it is not politics as usual. It is politics at its worst. The result is Americans are getting the worst, the very worst from the Senate, when they deserve the best.

With gridlock jamming our Nation's highways, we get gridlock on the highway bill right here in the Senate. With our Nation's energy supply uncertain, the fate of the Energy bill in the Senate is equally uncertain. With a work-based welfare system doing wonders across America, we see no work allowed on welfare reform in the Senate. As backlogged as courtrooms are with lawsuits, so, too, is the Senate backlogged with sensible tort reform. As emergency room patients wait for a doctor's care, so, too, do emergency room doctors wait for medical lawsuit reform from the Senate.

Gridlock, uncertainty, inaction, backlog, and delay; that is all the Senate is serving up these days. Gridlock, uncertainty, inaction, backlog, and delay is all that is on the menu in the Senate these days.

There is a price for obstruction. It is real. It is painful and it is rising. Let me give a few examples.

For decades, now, congestion has been rising. According to the committee report on the highway bill, the extra time needed for a rush-hour commute has tripled over the past two decades. The resulting congestion costs every man, woman, and child in the United States \$520 a year. About a billion gallons of gasoline are wasted every 2 months on U.S. roads.

Yet this highway bill we have could create hundreds of thousands of jobs in the next few years. This highway bill is being prevented from being written, right here in the Senate. This highway bill, which would prevent almost half a million accidents, save almost 2,000 lives over the next two decades, this bill is stalled on an open road to nowhere.

Why? Because of Democratic obstruction. The House version and Senate version of the bill are blocked by Democrats from going to conference to resolve our differences. It is the way we legislate in the Congress.

With gas prices rising this year, with wide-scale electrical blackouts last year, and with Middle East tensions every year, the Energy bill is again stalled, going well into its third year of delay. But a bill that will, according to the Senate Energy and Natural Resources Committee, create 650,000 new jobs, that will boost the economy and secure our energy supplies, is blocked by Democratic filibusters.

Do we have to have another blackout before we are permitted to act? Do we have to have total shutdown of our freeways before the highway bill will be freed?

The price of obstruction is real. It is rising. And there appears to be little relief in sight in our roads, at our pumps, in our courtrooms, our emergency rooms, and our employment offices across America, all due to obstruction by Democrats.

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

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

Mr. REID. Madam President, how much time is left on the majority side in morning business?

The PRESIDING OFFICER. On the majority side there are 2 minutes 49 seconds remaining.

Mr. REID. Will the Chair notify me when that time has expired?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, is the time for the Democrats to begin now?

The PRESIDING OFFICER. Thirty seconds remain on the majority side.

ORDER OF PROCEDURE

Mr. REID. Madam President, when time comes for the Democrats, I ask

unanimous consent that Senator KOHL be recognized for 5 minutes, Senator FEINGOLD be recognized for 8 minutes, Senator KENNEDY for 5 minutes, Senator LEAHY for 5 minutes, and Senator CORZINE for 5 minutes. I further ask that the time remaining on this side, which I understand would be 17 minutes—is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I will yield myself such time as I may consume. If I get up to 15 minutes, I would ask the Chair to advise me.

The PRESIDING OFFICER. All time has expired on the majority side.

Mr. REID. I thank the Chair.

Madam President, I ask unanimous consent that the Democrats' time be allocated as I have indicated.

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

The Senator from Nevada.

HOLDING UP THE FSC BILL

Mr. REID. Madam President, I want everyone to listen. I know the best defense is good offense. That was learned long before I used those words. But that is what we have going on here today. We now have and have worked all week on a bill that is extremely important to this country. We refer to it as FSC. It is a tax bill that deals with corporate America.

As we speak, corporate America is being assessed penalties as a result of trade sanctions that have been placed on them by the World Trade Organization. We are trying to work our way out of that, and we are very close to being able to pass a bill. But the majority, as they do all the time, will not let us finish the bill.

Do you know what is holding up the FSC bill? Because the slow walk started last night. Four amendments. Four amendments: One by Senator FEINGOLD, which basically says we should buy American products. He wants 5 minutes. Senator CANTWELL wants to extend unemployment benefits, 30 minutes; Senator FRANK LAUTENBERG wants corporations that have foreign subsidiaries not to do business with terrorist countries. It does not sound too outlandish to me. Senator CORZINE wants to impose 301 actions, which basically is called super 301, which simply says the President has to enforce our trade laws.

Those are the four amendments, taking a total of an hour and 35 minutes, the majority will not let us go forward with on this bill. That is it, an hour and 35 minutes. Tough votes by some. I don't know why it would be hard to vote "buy America" or extend unemployment benefits or say foreign subsidiaries should not do business with terrorist organizations or countries, and enforce our trade laws. That is what they are.

But now we will hear the speeches: The Democrats are not allowing us to go forward with this most important—

they call it the JOBS bill; I will call it the JOBS bill. It is a way of kind of diverting our attention away from the real jobs problem, but it is a jobs bill. I acknowledge that. But that is what we are faced with here.

The same good defense is being used offensively here because my dear friend, the Senator from Missouri, has come to the floor and said: The Democrats won't let us do our highway bill.

I have here—and I am not going to bring out all three charts, but they are here—oh, I am sorry, we couldn't get them on three—there are four charts of the 390-plus organizations that are saying: We agree with the Democrats. We should not go to conference. They want \$318 billion in funding.

Now, why don't the Democrats want to vote on this? Are we being partisan? Maybe we have memories. Maybe we can reflect back on what happened to the Energy bill. We went to conference with the Energy bill. We not only were not allowed to go to the conference, we did not know where the conference meetings were held.

Medicare. We also remember that. We at least knew where the meetings were held because the Republicans told us: You can have two people. We asked others to come to the meeting. They closed the meetings. That is not what a conference is all about.

Yes, we do have memories. And through all this: Oh, they won't let us do a highway bill. They are filibustering.

If a conference were appointed 5 minutes from now, what would happen is what we want to happen. If a conference were appointed 5 minutes from now, we would have the staffs of the Senate—majority and minority—meet to decide what actually should be done. It would be easy because it is a bipartisan bill. Then we would go over and meet with our counterparts in the House, and the staffs would meet.

This is a big bill. It would take weeks, at least 2 solid weeks, with 20-hour-a-day, 6-day weeks, to get us to that point. They will not let us do that. The majority will not allow the staffs to meet on this bill. For people to say the only way to do a bill is to have this conference is foolishness—foolishness. We have passed lots of bills, in fact, scores of bills without going to conference. We have something we call a preconference, and it is just as I described would happen following the appointment of conferees.

So we understand, if we were working with an administration like this that is so unreasonable, so impossible to deal with, and I were in the majority, and I had a President like they were dealing with, I would probably come out and do the same thing. It is all they can do. They are desperate. But we have the necessity of coming up with legislation that is truly legislation that is good for the country, not necessarily good for the President's reelection.

ACCOUNTABILITY FOR OUR ACTIONS

Mr. REID. Madam President, I want to read the first two paragraphs of an editorial that appeared in the New York Times today, written by Thomas Friedman.

We are in danger of losing something much more important than just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world. I have never known a time in my life when America and its president were more hated around the world than today. I was just in Japan, and even young Japanese dislike us. It's no wonder that so many Americans are obsessed with the finale of the sitcom "Friends" right now. They're the only friends we have, and even they're leaving.

This administration needs to undertake a total overhaul of its Iraq policy; otherwise, it is courting a total disaster for us all.

I have been married for more than four decades, and there have been a lot of things that I think have made our marriage a success. I married a girl I met in high school. The main thing that has been good for our marriage is the ability for both of us to say "I'm sorry."

Relations in other aspects of our lives are based on the same principles of relationship that couples have. For example, the foundations of nations, of countries are formed by relationships between people.

When I got home last night, my wife said words to me to the effect: I watched all the news today. Why couldn't the President say he was sorry?

I had no answer for that. I flipped on the television set. The first two people I saw on TV interviewing others asked the same question: Why couldn't the President say he was sorry. Why couldn't the President say he was sorry, not only for himself but for all Americans? This is expected in America.

I guess he couldn't say he was sorry for the same reason that in his last press conference he couldn't say he had made a mistake. I add this to the list of mistakes that are paramount, No. 1, when he claimed on the aircraft carrier, with his flight suit that he borrowed from somebody, that major combat was over, and had the banner "mission accomplished." The mission was not accomplished. He should have acknowledged that as a mistake. Then just a few days later, when someone said there are problems going on in Iraq, he said: "Bring it on." Well, we have almost 800 dead men and women. I think that was a mistake.

It was a mistake yesterday when he had the time and the ability to say he was sorry. I don't have the position and power of the President of the United States; I know that. But I have the ability to say that all America is sorry for what went on in the prisoner of war camps in Iraq. What went on in those prison camps does not represent America or its valiant military men and women.

We have so many reasons to be proud of what our Armed Forces have done for this country, not just over the last couple of years but since our founding. We are reminded of that heroic service as we look out on The Mall. We are going to dedicate in a couple of weeks a memorial to the 16 million men and women who served in World War II. On Memorial Day, during that dedication, we will not only remember the 16 million who served but the nearly 800 who have lost their lives in Iraq.

One of the hallmarks of our military in this great democracy is that our military is controlled not by soldiers, sailors, and airmen, but by civilians. We maintain this critical feature of our system with checks and balances by having a Commander in Chief who is a civilian. The Secretary of Defense and his deputies are civilians, so these remarks are directed to the civilian leadership of our military.

Harry Truman was a war President. He had a sign on his desk that said, "The buck stops here." He knew that in any administration there would be mistakes, and he accepted responsibility for mistakes that occurred on his watch.

President Truman knew it was important to admit mistakes and take responsibility so the mistakes would not be repeated. He knew if we didn't admit mistakes, we couldn't learn from them.

The current administration has made some mistakes, and I have outlined some of them. We know in the first gulf war 90 percent of the war costs were paid for by other countries, and our allies provided about 200,000 troops. But in this war we are bearing 90 percent of the cost and taking 90 percent of the casualties. They said Iraqi oil revenues would pay to rebuild the country, but we keep appropriating more money and are being asked to come up with \$25 billion more.

Vice President CHENEY predicted that our soldiers would be greeted as heroes, bouquets would be thrown. Bombs are being thrown instead. We are now hearing that the administration received warnings about the treatment of prisoners months ago, but those warnings were not taken seriously.

Last week, when Secretary Rumsfeld was in the Capitol in 407, the room where we hear classified information, we weren't told that "60 Minutes" that very night would have a story about mistreatment of prisoners, with pictures of naked men, Iraqi prisoners, to humiliate them. Now it has humiliated America. We should have been warned about that. They knew or should have known that they were about to become public and that they would affect the course of events in the ongoing war on terror. After the civilian leadership has claimed for months that it needed no more money, we are now asked for \$25 billion.

This is not to cast stones but to cast responsibility. Mistakes always have consequences. In war, the consequences are a matter of life or death. We talk in

the Senate about accountability. We want schoolteachers and public employees to be accountable. But we must look beyond that at why our civilian military should also be held accountable.

Our Founding Fathers believed that the civilian leaders of our military should be held accountable. I share that belief. I hope the President does.

The time has been allocated to my friends. Senator KOHL has 5 minutes; Senator FEINGOLD, 8 minutes; Senator KENNEDY, 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

RESTORING JUVENILE JUSTICE FUNDING

Mr. KOHL. Madam President, I rise today to discuss juvenile crime and juvenile crime prevention programs. We must remember that a strategy to combat juvenile crime consists of a large dose of prevention programs as well as strong enforcement. Juvenile justice programs have proven time and time again that they help prevent crime, strengthen communities, and give children a second chance to succeed and lead healthy lives. It is no secret that robust funding for these programs in the 1990s contributed to a 68 percent drop in juvenile crime from 1994 to 2000. Most importantly, investment in our at-risk children will help prevent a life marred by crime and wasted in prison.

For these programs to succeed, however, they must be priorities for this Congress and for this administration. We fear that we are failing to live up to our responsibility on this essential issue. A little more than 3 months ago, President Bush released his fiscal year 2005 budget proposal. In it, juvenile justice and delinquency programs will receive only about one-third of the funding they received 3 years ago. This is at a time when recent statistics indicate an uptick in juvenile crime and an increase in school murder rates.

We understand that other priorities compete with juvenile justice funding and local crime prevention programs. Yet the amounts we are discussing are so small in the grand scheme of the budget, and the results from the programs so immense, that they mandate our attention.

When the Senate considered the budget resolution, we began to address the shortfalls in juvenile justice funding. I was pleased to work with Senators HATCH and BIDEN on an amendment to restore cuts made to juvenile justice programs and local law enforcement funding. Our amendment represents a step in the right direction by restoring juvenile justice funding to last year's levels, and reversing the trend of ever-diminishing appropriations for these programs. It is essential that the Kohl-Hatch-Biden amendment that restores juvenile justice funding remain in the final Budget Resolution.

These programs are a wise investment. For every dollar spent on pre-

vention, we save \$3 to \$4 in costs associated with juvenile crime. Furthermore, law enforcement officials strongly support prevention efforts. A recent poll shows that 71 percent of police chiefs, sheriffs and prosecutors believe that crime prevention efforts would have the greatest impact in reducing youth violence and crime. So for those who may fear that a crime prevention strategy is not "tough" enough on juveniles, we suggest that these programs make sound economic sense and are overwhelmingly endorsed by law enforcement. We must do a better job of funding them.

Let me tell you about two essential programs. In 1992, we established the Title V Local Delinquency Prevention Program. Title V was and remains unique in that it is the only source of federal funding solely dedicated to juvenile crime prevention efforts. More importantly, Title V has proven to be a very successful program that encourages investment, collaboration, and long-range prevention planning by local communities.

Title V programs include preschool and parent training programs, youth mentoring, after-school activities, tutoring, truancy reduction, substance abuse prevention and gang prevention outreach. Through these initiatives, large cities like Milwaukee to small communities like Ladysmith, WI are creating environments that strengthen families and help children avoid crime and develop into productive adults.

Enforcement is an important part of the overall strategy, but the administration cuts those programs as well. Positive intervention and treatment at this early stage of delinquency can prevent further violent behavior and steer a young person in the right direction before it is too late. Realizing this, Congress created the Juvenile Accountability Incentive Block Grant Program, JAIBG, in 1997 and provided it with healthy funding levels of \$250 million. Congress reauthorized Title V and JAIBG in 2002 at even greater levels. And we improved JAIBG by adding substance abuse and mental health counseling, restitution, community service, and supervised probations to the list of program options. The reauthorized program also ensures State and local accountability for proper and effective uses of funds.

We have a choice in this Congress of where we want to invest our money. We can choose to address the roots of crime and invest in our children by preventing a life of criminal behavior. We can choose to intervene in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law. We can turn many of those kids around. I urge my colleagues to make the right choice this year and boost funding for the Title V program, the Juvenile Accountability Block Grant program, and juvenile justice programs overall. We can and must do better.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

SUDAN

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues in calling attention to the horrifying crisis in Darfur, a part of western Sudan where over a million people have been displaced by a brutal campaign of ethnic cleansing perpetrated by government-backed militia forces and official Sudanese forces.

Human Rights Watch has documented massacres, widespread rape, massive forced displacement, and indiscriminate aerial bombardment of civilians in Darfur. Amnesty International indicates that the ceasefire agreement signed on April 8 has not stopped the attacks against civilians on the ground, stating that "attacks on villages continue; indiscriminate and deliberate killings of civilians continue; looting continues and rapes continue." Doctors Without Borders, which is actually on the ground delivering services in parts of Darfur, warns of desperate malnutrition and tells us that the absence of food aid on the ground is especially alarming because measles have broken out among the displaced, and measles can seriously aggravate malnutrition.

Because so many homes and farms and mosques and entire villages have been burned and totally destroyed, and because normal life has been so thoroughly disrupted, because fear still dominates the lives of so many civilians, and because the rainy season is beginning—making much of Darfur completely inaccessible by road—literally hundreds of thousands could die of starvation. The humanitarian task before the world would be mammoth even if a major political breakthrough backed by what we have not seen to date—actual effective action taken by the government of Sudan to put a stop to the attacks on civilians. Without such action, the crisis deepens each day.

And even as the government of Sudan has failed to take effective action to stop the attacks and protect the Sudanese people, they also have denied humanitarian organizations and international investigators access to Darfur, deliberately undermining the world's efforts to help those who are suffering and starving. The government's aim appears to be to drive ethnic Africans out of Darfur, and to shield this abhorrent agenda from the eyes of the international community.

It is a disgrace that this same government was just elected to a third term on the United Nations Human Rights Commission. Africans have as great a stake in the commission's work and aims as any people anywhere in the world. They deserve far better representation.

Mr. President, crimes against humanity have been and continue to be perpetrated in Darfur, and the criminals responsible for these atrocities—the planners directing this horror at the highest levels—should be brought to justice.

I am proud to have joined with my colleague, Senator BROWNBACK, who is deeply committed to Sudan, in introducing S. Con Res. 99. And I am so pleased to have been able to work as part of a bipartisan group, including Senators FRIST, DASCHLE, BIDEN, LUGAR, ALEXANDER, KENNEDY and DEWINE on Sudan issue over the years. I mention as well that Senator DURBIN has been enormously helpful at this time, issue, and discussion possible. I hope that today, by calling for urgent action to implement a humanitarian response plan that does not bow to the constraints imposed by the wishes of the Sudanese Government, we can encourage those working to respond to the needs on the ground. And by calling for a Security Council resolution addressing the situation in Darfur, this resolution will make it crystal clear to the Sudanese government that the current situation is simply unacceptable.

Mr. President, I applaud the efforts of the State Department and the White House to bring an end to Sudan's long and tragic north-south conflict. But the hopes that we all harbor of achieving a just and lasting end to that crisis simply cannot be meaningfully realized in the context of the kind of brutality we see in Darfur.

At the same time, any hopes that the government of Sudan harbors of an easing of economic pressure or isolation stand no chance—no chance at all, Mr. President—of being realized until the situation in Darfur changes, the attacks are stopped, and the international community—from humanitarian aid agencies to cease-fire monitors to U.N. investigators—has full, unfettered access to the region. We need to see real change—not rhetorical change, not change on paper, not change on some days not more of the same on others. And we need to see it right away.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend Senator FEINGOLD and Senator BROWNBACK and our colleagues for raising this issue not just on the floor of the Senate but also across our Nation, because it is an issue of enormous importance and consequence, as it should be for all Americans and for people all over the world.

It has been 10 years since the Rwanda genocide. A decade ago, 8,000 Rwandans were being killed every day. Yet the international community was silent. We did not stop the deaths of 800,000 Tutsis and politically moderate Hutu, in spite of our commitment that genocide must never again darken the annals of human history.

Sadly, we may now be repeating the same mistake in Sudan.

Over the past few weeks, reports of severe ethnic violence have come from Darfur, a region of western Sudan. We have heard accounts of thousands or even tens of thousands of people murdered, of widespread rape, and of people's homes burned to the ground.

The Sudanese government has refused to allow full access to western Sudan. International monitors and humanitarian workers have been prevented from reaching the area. We need immediate access to gather more information on what is happening and to provide urgent humanitarian relief to the one million people the United Nations reports have been displaced internally in Sudan or across the border to Chad.

Many of us hoped that the humanitarian ceasefire and agreement earlier this month between the Sudanese government and rebel forces in western Sudan would end the many months of violence against entire communities. It has not.

The burning of homes and crops of desperately poor villagers has left in its ashes a humanitarian disaster. Without immediate relief, experts predict deaths in the hundreds of thousands. The cruelty of the Government of Sudan and its paramilitary allies against other ethnic groups raises the very real specter of genocide.

The United States and the international community need to act now, to stop this brutality, to save lives. If we fail to act—and to act now—the consequences will be dire.

United Nations Secretary General Kofi Annan was eloquent in his statement at the commemoration of the 10th anniversary of the Rwanda genocide. He said that he would not permit Darfur to become the first genocide of the 21st century.

There will be discussion in Washington and around the world about whether the ethnic violence in Darfur is, in fact, genocide, but we cannot allow the debate over definitions obstruct our ability to act as soon as possible.

It is a matter of the highest moral responsibility for each of us individually, for Congress, for the United States, and for the global community to do all we can to stop the violence against innocents in Darfur. We must act, because thousands of people's lives will be lost if we do not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud both the Senator from Wisconsin and the Senator from Massachusetts for what they have said. Obviously, I agree completely.

ABUSES AGAINST IRAQI PRISONERS

Mr. LEAHY. Mr. President, this is a troubling time in America. Yesterday I spoke on this Senate floor about the despicable abuses perpetrated against Iraqi prisoners. The damage done to every American and to the reputation of our great Nation as a whole as a result of these barbaric acts is incalculable. It has severely tarnished our image as a nation of laws, a nation that for more than two centuries has

been a beacon of hope for oppressed people around the world.

Every day, quite rightly, we pride ourselves on our Constitution and our Bill of Rights. After all, they were the template for the universal declaration of human rights. We often criticize other nations for violating those rights, for engaging in torture and other crimes, and it is right that we do. We should speak out when human rights and liberties are violated whenever and wherever it occurs.

But today we see our own faces in the mirror. Until recently, it was beyond our ability to contemplate that we would become the subject of such universal ridicule and scorn for the actions of a handful.

The reputation of our Armed Forces, certainly since the First World War, has deservedly been the finest in the world. As the father of a former marine, I can attest that the training of our troops and the outstanding performance of the vast majority of them should make every American proud. They conduct themselves professionally. They treat others with respect. They perform bravely. And 138,000 men and women are courageously wearing America's uniform in Iraq today. Now they are endangered there and around the world.

At the heart of this problem is a failure of leadership, not "followship." We have heard from the Secretary of Defense. He was appalled by what happened, so appalled that he did not bother to read the report that described the horrific conditions at Abu Ghraib prison even though he had been aware of the concerns for months; so appalled he forgot that it was he who decided, apparently on his own, that the U.S. military would no longer be bound by the Geneva Conventions, an astounding decision when one considers its implication; so appalled that his Department has treated those of us who have asked questions and sought information about the interrogation practices at U.S. military detention facilities after reports of torture and even homicide as a nuisance; so appalled that for days he treated this whole episode as though he could not quite grasp what all the fuss was about. After all, these are terrorists, and we are fighting a war.

I have known Secretary Rumsfeld for 30 years. I like him. He is highly intelligent. He has served his country with great devotion. But I believe that he and the Deputy Secretary bear ultimate responsibility for this catastrophe.

The post-war chaos in Iraq that has resulted from such miserably poor planning—and so many people warned them that it was miserably poor planning—has claimed the lives and limbs of hundreds of America's troops and civilians and thousands of Iraqis, including many civilians. It has caused deep divisions between ourselves and the Iraqi people and Muslims around the world. It has so damaged our image as a nation that stands for respect for

human rights. This represents a colossal failure of leadership.

For 2 years, we have heard that if you are not with us, you are against us. Who is with us now? And who was ever with us? The coalition the President speaks of is a mirage. It is Americans who are dying. It is Americans who are paying the price—another \$25 billion, according to the President today, and that is only for the next few months. Another \$50 billion at least will be necessary next year just for Iraq. That is \$75 billion we do not have to pay teachers and police and firefighters and other needs in America.

We have heard how the Secretary of Defense waited for months to tell the Congress about what was happening in that prison. When the photographs appeared in the press, he and the National Security Adviser, the President, everybody else said they were stunned and shocked and said these were isolated incidents. The only thing they could have been shocked by was that the facts became public because they had known about them for a very long time. That is the real question that should trouble each one of us: Why we thought it was OK to behave this way. It represents a serious flaw of character, of morality, of decency, of professionalism, of training. It does not reflect the great military of our country. It certainly does not reflect the values of America, and we have to ask the leaders: Why did you allow this shame to happen? Why did you allow America—America—to be shamed this way throughout the world?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following morning business today the Senate proceed to executive session for the consideration of Calendar No. 685, the nomination of John Negroponte to be Ambassador to Iraq.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, we hope to work very closely with our Republican friends and have a good discussion and debate about the Negroponte nomination. I understand there are a number of other Senators who wish to be recognized in regard to this nomination.

Last night, we confirmed two members of the Federal Marine Maritime Commission and the nominee for chief executive officer of the Millennium

Challenge Corporation. We are now going to get the agreement on Ambassador Negroponte, and we hope before the end of the day to announce an agreement on additional ambassadors who might be confirmed yet today as well.

I hope all of the cooperation that is being demonstrated will allow the administration to reciprocate with a number of our nominees to various boards and commissions from whom we have yet to hear. So I look forward to working through the confirmation of the Negroponte nomination today and the ambassadors tonight, and our hope is we can get additional cooperation from the administration on our board nominees very shortly.

I have no objection to going forward as the majority leader has now proposed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I am pleased we are making progress. The fact that we are going to the debate on the future Ambassador of Iraq, Mr. Negroponte, demonstrates that we are making some progress. We have a whole series of judges who must be addressed, a whole series of nominees who were just mentioned who must be addressed, and a whole series of ambassadors on whom it sounds as though we are making some progress with the Negroponte nomination, as well as what we will see take place later during the day.

I further ask consent that there then be 5 hours 30 minutes equally divided between the chairman and ranking member of the Foreign Relations Committee; provided further that the minority time be divided among the list that is at the desk. I also ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask unanimous consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader if it is his intention to go back to the FSC bill after we have completed this work. I have consulted with the assistant Democratic leader. We are now down to four amendments which will only require 1 hour 35 minutes on our side. We are getting down to a very small number. Only 1 hour 35 minutes on four amendments, and we would be finished with the bill as far as our side is concerned.

I ask the majority leader if it is his intention to complete work on the FSC bill.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response, through the Chair, our inten-

tion is that as soon as we finish the 5 hours 30 minutes, we go back to the FSC/ETI JOBS bill. We have made tremendous progress on the bill. I congratulate the managers for their leadership over the course of the week. They have done a commendable job in getting the number of amendments both down and dealt with. Some have been adopted. Some have had votes on them over the course of the week. Our intention is, as soon as we finish the Negroponte nomination debate and vote, to go back to FSC/ETI. I hope all 5 hours 30 minutes might not be required on the Negroponte nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is still 6½ minutes remaining for the Democratic Party. The Senator from New Jersey has 5 minutes.

The Senator from New Jersey.

Mr. CORZINE. May I make an inquiry? Are there other of my colleagues requesting time?

The PRESIDING OFFICER. The Senator from New Jersey is the only one on the Democrat side seeking time.

SUDAN DARFUR CRISIS

Mr. CORZINE. Mr. President, I rise today to speak on an issue that too easily comes off our agenda in America and around the globe. We accepted S. Con. Res. 99 which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan. I think it is not enough just for us to be condemning in this situation. It has all of the makings of turning into a humanitarian crisis that rivals or at least approaches the kinds of problems we saw in Rwanda.

While we will take a stand in recognizing it as a problem, I think it is absolutely essential that we maintain attention and focus when there are so many events in the world that draw us away.

The United Nations, international humanitarian and human rights organizations, as well as our own Government, agree that the campaign by the extremist, theocratic Sudanese Government and their militia allies against Muslim civilians of African ethnicity in Darfur, western Sudan, over the last 14 months has driven over 1 million civilians from their home. We have the risk of another tragic genocidal action in place.

The 1 million Muslim civilians displaced within Darfur, Sudanese citizens victimized by their own Government, cling to life as displaced, homeless persons living in the open or in pathetic and inadequate camps, in constant fear of further attacks and depredation.

Their physical condition is severely weakened, food supplies are exhausted, and the international community so far has been unable to get critically needed food assistance into the interior, due to deliberate interference and

obstruction by the Khartoum government. These individuals, these Muslim civilians, are fleeing systematic attacks by their own Government, Sudanese armed forces, and their militia allies, the "janjaweed."

The horrors which civilian families in Darfur are fleeing include the cold-blooded murder of unarmed civilians; pillage and burning of villages; organized, systematic rapes of women—wives, daughters, sisters; rape used as a deliberate weapon of terror and political control; and the deliberate destruction of farms, the irrigation systems, and food stockpiles on which this already impoverished region depends; in other words, deliberately manufactured starvation that will lead to the kind of real potential for genocide that we have seen in other places on the African Continent. We must stay alert. We must keep the focus of public opinion on this issue.

Last is a key point. Even though from 10,000 to as many as 30,000 civilians have died so far in Darfur since February, 2003, the final death numbers for 2004 and 2005 may prove far higher because of the actions that are being taken and the lack of ability for the international community to actually participate and provide assistance for the unbelievable inhumane conditions.

This is all in the context of a very difficult environment—underdeveloped, impassable roads, huge swings in the nature of the weather. It is an incredibly complex and debilitating human situation which needs to be brought to attention. While genocide may not yet have occurred in Darfur, the elements are in place. The possibility of such horrors should not be far from our minds. That is why I speak out about it on the Senate floor, and I will do it over and over. This needs to be made into something about which we have a positive sense of responsibility, both here in the United States and in the international community.

U.N. Secretary Kofi Annan has compared the genocide in Rwanda 10 years ago to events that are now unfolding. It will not be enough to go back and look, after the fact, to this kind of inhumanity to man.

We will have, later this year and next, an occasion to vow yet again, in the wake of another deliberately inflicted mass murder and disaster, to say: Never again. But we can do that now as opposed to after the fact. I hope all of us in this body, those of us who are part of the Foreign Relations Committee and are very focused on these issues, will make sure it stays a priority, although that is very hard in the complex world we have. So I hope by speaking out today and as we go forward that this Darfur situation will not fall off the radar screen.

This is a real risk of genocide evolving. I think it absolutely essential that our Government stand up, stand tall, be outspoken, make sure we are not tolerant of the developments that are so readily reported in that part of the

world. It is important that we recognize it and keep it in the limelight so world public opinion can stop this kind of action before it happens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FAMILY OPPORTUNITY ACT OF 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 295, S. 622.

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

The legislative clerk read as follows:

A bill (S. 622) to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Family Opportunity Act of 2003" or the "Dylan Lee James Act".

[(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

[(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- [Sec. 1. Short title; amendments to Social Security Act; table of contents.
- [Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
- [Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
- [Sec. 4. Development and support of family-to-family health information centers.
- [Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

[(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

[(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

[(A) in subsection (a)(10)(A)(ii)—

[(i) by striking "or" at the end of subclause (XVII);

[(ii) by adding "or" at the end of subclause (XVIII); and

[(iii) by adding at the end the following new subclause:

[(XIX) who are disabled children described in subsection (cc)(1);"; and

[(B) by adding at the end the following new subsection:

[(cc)(1) Individuals described in this paragraph are individuals—

[(A) who have not attained 18 years of age;

[(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

[(C) whose family income does not exceed such income level as the State establishes and does not exceed—

[(i) 250 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

[(ii) such higher percent of such poverty line as a State may establish, except that—

[(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

[(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.".

[(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

[(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

[(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

[(ii) if such coverage is obtained—

[(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

[(II) treat such coverage as a third party liability under subsection (a)(25).

[(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance."

[(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

[(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

[(2) by adding at the end the following new subsection:

[(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

[(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

[(A) the aggregate amount of such premium and any premium that the parent is

required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

["(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

["(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

[(c) CONFORMING AMENDMENTS.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII)."

[(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2005.

[SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

[(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

[(1) in paragraph (1)—

[(A) in the first sentence, by inserting " , or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded"; and

[(B) in the second sentence, by inserting " , or would require inpatient psychiatric hospital services for individuals under age 21" before the period;

[(2) in paragraph (2)(B), by striking "or services in an intermediate care facility for the mentally retarded" each place it appears and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21";

[(3) in paragraph (2)(C)—

[(A) by inserting " , or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21," after " , or intermediate care facility for the mentally retarded"; and

[(B) by striking "or services in an intermediate care facility for the mentally retarded" and inserting "services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21"; and

[(4) in paragraph (7)(A)—

[(A) by inserting "or would require inpatient psychiatric hospital services for individuals under age 21," after "intermediate care facility for the mentally retarded,"; and

[(B) by inserting "or who would require inpatient psychiatric hospital services for individuals under age 21" before the period.

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after January 1, 2004.

[SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

[Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

["(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

["(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

["(I) \$3,000,000 for fiscal year 2004;

["(II) \$4,000,000 for fiscal year 2005; and

["(III) \$5,000,000 for fiscal year 2006; and

["(ii) there is authorized to be appropriated to the Secretary, \$5,000,000 for each of fiscal years 2007 and 2008.

["(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

["(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

["(ii) remain available until expended.

["(2) The family-to-family health information centers described in this paragraph are centers that—

["(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

["(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

["(C) identify successful health delivery models for such children;

["(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

["(E) provide training and guidance regarding caring for such children;

["(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

["(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

["(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) under this subsection in accordance with the following:

["(A) With respect to fiscal year 2004, such centers shall be developed in not less than 25 States.

["(B) With respect to fiscal year 2005, such centers shall be developed in not less than 40 States.

["(C) With respect to fiscal year 2006, such centers shall be developed in not less than 50 States and the District of Columbia.

["(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

["(5) For purposes of this subsection, the term "State" means each of the 50 States and the District of Columbia."

[SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

[(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

[(1) by inserting "(aa)" after "(II)";

[(2) by striking ") and" and inserting "and";

[(3) by striking "section or who are" and inserting "section", (bb) who are"; and

[(4) by inserting before the comma at the end the following: " , or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without

regard to the phrase "the first day of the month following"."

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the first day of the first calendar quarter that begins after the date of enactment of this Act.]

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Family Opportunity Act of 2003" or the "Dylan Lee James Act".

(b) *AMENDMENTS TO SOCIAL SECURITY ACT.*—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

- Sec. 1. Short title; amendments to Social Security Act; table of contents.
- Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
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- Sec. 4. Development and support of family-to-family health information centers.
- Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) *STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.*—

(1) *IN GENERAL.*—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking "or" at the end of subclause (XVII);

(ii) by adding "or" at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

"(XIX) who are disabled children described in subsection (cc)(1);"; and

(B) by adding at the end the following new subsection:

"(cc)(1) Individuals described in this paragraph are individuals—

"(A) who have not attained 18 years of age;

"(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

"(C) whose family income does not exceed such income level as the State establishes and does not exceed—

"(i) 250 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(ii) such higher percent of such poverty line as a State may establish, except that—

"(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

"(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual."

(2) *INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.*—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

“(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(II) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”

(b) **STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.**—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (h)”; and

(2) by adding at the end the following new subsection:

“(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

“(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(1).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”

(c) **CONFORMING AMENDMENT.**—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII).”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2005.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) **IN GENERAL.**—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “, or would require inpatient psychiatric hospital

services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) in the second sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21” before the period;

(2) in paragraph (2)(B), by striking “or services in an intermediate care facility for the mentally retarded” each place it appears and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(3) in paragraph (2)(C)—

(A) by inserting “, or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21,” after “, or intermediate care facility for the mentally retarded”; and

(B) by striking “or services in an intermediate care facility for the mentally retarded” and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(4) in paragraph (7)(A)—

(A) by inserting “or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded,”; and

(B) by inserting “or who would require inpatient psychiatric hospital services for individuals under age 21” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2004.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

“(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

“(I) \$3,000,000 for fiscal year 2005;

“(II) \$4,000,000 for fiscal year 2006; and

“(III) \$5,000,000 for fiscal year 2007; and

“(ii) there is authorized to be appropriated to the Secretary, \$5,000,000 for each of fiscal years 2008 and 2009.

“(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

“(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

“(ii) remain available until expended.

“(2) The family-to-family health information centers described in this paragraph are centers that—

“(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

“(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

“(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

“(A) With respect to fiscal year 2004, such centers shall be developed in not less than 25 States.

“(B) With respect to fiscal year 2005, such centers shall be developed in not less than 40 States.

“(C) With respect to fiscal year 2006, such centers shall be developed in all States.

“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) **IN GENERAL.**—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting “(aa)” after “(II)”; and

(2) by striking “and” and inserting “and”; and

(3) by striking “section or who are” and inserting “section), (bb) who are”; and

(4) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after October 1, 2004.

Mr. GRASSLEY. Mr. President, today, I come to the floor to talk about a bill of great significance to me. The Family Opportunity Act is a bill that I first introduced with Senator KENNEDY in the 106th Congress.

This bill promotes family, work, and opportunity. Every day, across the country, thousands of families struggle to obtain affordable and appropriate health care coverage for children with special health care needs, including children with conditions such as autism, mental retardation, cerebral palsy, developmental delays, or mental illness. Over the course of the last three Congresses, this bill has enjoyed strong bipartisan support.

Low and middle income parents who have employer sponsored family health care coverage and children with disabilities often find that their private insurance does not adequately cover the array of services that are critical to their child's well-being, such as mental health services, personal care services, durable medical equipment, special nutritional supplements, and respite care. Because Medicaid, our Nation's health care program for low-income individuals, offers the type of comprehensive care that best meets the needs of children with disabilities, it can become a lifeline on which many parents depend. Yet, Medicaid is a safety net program and one must be impoverished in order to be eligible. This presents a terrible choice for many low and middle income families who have a

child with special health care needs: they must choose between work or impoverishment. Or, in the worst cases, parents consider the devastating choice of relinquishing custody for an out-of-home placement so their child can obtain services they so desperately need.

The Family Opportunity Act helps families to address the needs of children with disabilities. Some Members of the Senate have voiced concerns over the years about the cost of this bill and the expansion of the Medicaid program. Senator NICKLES and I have had many long discussions about the goals of this legislation. I greatly respect his position and I appreciate the thoughtful and productive debate that I have been able to have with him. This bill would never have gotten to this point without his help and I wholeheartedly thank him for his willingness to work through his concerns with me. The Family Opportunity Act will cover families up to 250 percent of the Federal poverty level. This is less than coverage up to 600 percent of the Federal poverty level in my original bill. Senator NICKLES and I have worked over the years to reach this compromise.

At Senator NICKLES request, language has been added to this bill that clearly conveys the intention of Senator KENNEDY and me that States who choose the FOA optional eligibility category will receive Medicaid match and not S-CHIP match for children covered under the Family Opportunity Act. The legislation before us allows States the option of having families eligible for FOA pay up to 7.5 percent of their income for their premium. These family contributions are affordable and help to insure that children with disabilities have the access that they need.

Senator NICKLES expressed to me another concern. While States will have the option to cover families above 250 percent of the Federal poverty level with 100 percent State dollars, States need to decide how they want to spend their dollars. They should also be aware that it is not the role of the Federal Government to help them when times are financially tough. Last May, the Congress provided States with \$20 billion in State fiscal relief. Ten billion went directly to Medicaid to address the rising costs in Medicaid. Over 60 percent of the spending in Medicaid is for optional services. The Family Opportunity Act is an optional service, and as much as I want States to take up this Medicaid option for children with disabilities, I want to let States know that they need to be responsible when expanding their Medicaid programs in good and bad budget times.

Senator NICKLES and I have reached a good and fair compromise and I thank him for traveling this long road with me. As he can tell you, the Family Opportunity Act is one of my highest priorities. Over the past 4 years, I have worked closely with Senator KENNEDY and Representative PETE SESSIONS to

advance this important legislation on behalf of thousands of families who need our help. I thank them both for their efforts along with the thousands of children and families who have been tireless advocates for this legislation.

Mr. KENNEDY. Mr. President, it is an honor to join my colleague Senator GRASSLEY today in completing Senate passage of the Family Opportunity Act—so that once and for all, we can remove the barriers to quality and affordable health care for children with disabilities. Barriers that prevent families from staying together and staying employed. And prevent their children from growing up to live independent lives and become fully contributing members of their communities.

Many parents and leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are parents, family members, citizens, and advocates. They are our friends, neighbors and colleagues. They showed us how we are failing families with severely disabled children by not giving them access to the health care they need to stay home and live in their community and compelled us to act. We have worked together for four long years to develop this legislation and to all of them I say, thank you for helping us to move this necessary legislation forward. You have been fearless and tireless warriors for justice.

When we think of disabled children we tend to think of children who are disabled from birth. But fewer than 10 percent of all children with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest child. Currently, more than 9 percent of children in this country have significant disabilities. Many do not have access to even the most basic health services they need to maintain their health status because their families cannot afford to pay for them. To obtain vital health services for their children, families are being forced to become poor, stay poor, or to do the unthinkable—put their children in institutions or even give up custody of their children—all so their children can qualify for the health coverage available under Medicaid.

In a survey of 20 States, families of special needs children reported they have turned down jobs, turned down raises, and turned down overtime—all so their child can stay eligible for Medicaid through the Social Security Income Program. The lack of adequate health care in our country today continues to force these families into poverty in order to obtain the care they need for their disabled children.

The bill we are considering today may be the most important legislation we pass this Congress. It will close the health care gap for the nation's most vulnerable population, and enable families of disabled children to be equal partners in the American dream. It will tear down artificial barriers to success

which have stood for far too long. This bill will change lives.

This bill will change the life of 13-year-old Alice in Oklahoma, who was disabled because of multiple dystrophy. Under this bill she will now be able to get personal assistance to live at home with her family and go to her neighborhood school.

This bill will change the life of Johnny in Indiana, who has severe mental illness and needs multiple mental health therapies and drugs. His mother will no longer be forced to give up custody of Johnny in order to secure the treatment he needs. Her goals of staying a productive citizen and keeping her son at home will no longer be denied—because her son will have access to the health care and supports he needs.

This bill will change the life of Abby in Massachusetts, who is 6 years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis of mental retardation. Without Medicaid, her parents would be bankrupted by her current medical bills. Now Abby and her family will have a fair opportunity to work and prosper.

The Family Opportunity Act will make health insurance coverage more widely available for children with significant disabilities, by giving families opportunities to buy health care coverage through Medicaid. It will provide States with greater flexibility to enable children with mental health disabilities to obtain the health services they need in order to live at home and in their communities. It will establish Family to Family Information Centers in each State to assist families in meeting the unique health care needs of their disabled children.

The passage of the Work Incentives Improvement Act in 1999 demonstrated our commitment to give adults with disabilities the right to lead independent and productive lives, without giving up their health care. It's time for Congress to show the same commitment to children with disabilities and pass the Family Opportunity Act.

These families aren't looking for a hand out—just a helping hand. Today, the Senate will move one step closer to providing it to them.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the substitute amendment at the desk be agreed to, the committee-reported substitute as amended be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements be printed in the RECORD.

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

The amendment (No. 3119) was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Family Opportunity Act of 2004” or the “Dylan Lee James Act”.

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; amendments to Social Security Act; table of contents.
- Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
- Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
- Sec. 4. Development and support of family-to-family health information centers.
- Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) **STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.**—

(1) **IN GENERAL.**—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking “or” at the end of subclause (XVII);

(ii) by adding “or” at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

“(XIX) who are disabled children described in subsection (cc)(1);”;

(B) by adding at the end the following new subsection:

“(cc)(1) Individuals described in this paragraph are individuals—

“(A) who have not attained 18 years of age;

“(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

“(C) whose family income does not exceed such income level as the State establishes and does not exceed—

“(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

“(ii) such higher percent of such poverty line as a State may establish, except that—

“(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

“(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.”.

(2) **INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.**—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

“(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent’s child being or re-

maining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(II) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”.

(b) **STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.**—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (h);”;

(2) by adding at the end the following new subsection:

“(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) in the case of a disabled child described in that paragraph whose family income does not exceed 250 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 7.5 percent of the family’s income; and

“(B) the requirement is not consistent with section 1902(cc)(2)(A)(ii)(I).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”.

(c) **CONFORMING AMENDMENT.**—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII).”.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b))) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) **IN GENERAL.**—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) in the second sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21” before the period;

(2) in paragraph (2)(B), by striking “or services in an intermediate care facility for the mentally retarded” each place it appears and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”;

(3) in paragraph (2)(C)—

(A) by inserting “, or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21,” after “, or intermediate care facility for the mentally retarded”; and

(B) by striking “or services in an intermediate care facility for the mentally retarded” and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(4) in paragraph (7)(A)—

(A) by inserting “or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded.”; and

(B) by inserting “or who would require inpatient psychiatric hospital services for individuals under age 21” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

“(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

“(I) \$3,000,000 for fiscal year 2006;

“(II) \$4,000,000 for fiscal year 2007; and

“(III) \$5,000,000 for fiscal year 2008; and

“(ii) there is authorized to be appropriated to the Secretary, \$5,000,000 for each of fiscal years 2009 and 2010.

“(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

“(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

“(ii) remain available until expended.

“(2) The family-to-family health information centers described in this paragraph are centers that—

“(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

“(B) provide information regarding the health care needs of, and resources available

for, children with disabilities or special health care needs;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

“(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

“(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

“(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

“(C) With respect to fiscal year 2008, such centers shall be developed in all States.

“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”.

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting “(aa)” after “(II)”;

(2) by striking “) and” and inserting “and”;

(3) by striking “section or who are” and inserting “(section), (bb) who are”; and

(4) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ

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

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

The PRESIDING OFFICER. There is 5½ hours equally divided. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I direct a parliamentary inquiry to the Chair. Would the Chair describe at the outset of this debate the unanimous consent agreement and the allocation of 5½ hours of time?

The PRESIDING OFFICER. The 5½ hours for debate is equally divided between the chairman and the ranking member of the committee.

Mr. LUGAR. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LUGAR. Mr. President, today the Senate considers the nomination of Ambassador John Negroponte to be U.S. Ambassador to Iraq. This position will clearly be one of the most consequential ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel—1,000 Americans from as many as 15 different agencies of our Federal Government, and 700 Iraqis—but he will also be the focal point of international efforts to secure and reconstruct Iraq and to provide the developing Iraqi government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in the war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to redirect the Middle East toward a more productive and peaceful future beyond the grip of terrorist influences. Helping the Iraqi people achieve a secure, independent state is a vital United States national security priority that requires the highest level of national commitment. With so much at stake, I am pleased the President has nominated a veteran diplomat and manager to lead the American presence in Iraq.

Ambassador John Negroponte has served as U.S. Ambassador to Honduras, to Mexico, and to the Philippines. He has also served as an Assistant Secretary of State and Deputy Assistant for National Security Affairs under President Ronald Reagan. He has been the U.S. Ambassador to the United Nations since September 18, 2001, 7 days after the September 11 attacks. The contacts and credibility he has developed at the United Nations will be invaluable.

If we are to be successful in Iraq, the United Nations and the international community must play a more central role. The United Nations’ involvement can help us generate greater international participation, improve the po-

litical legitimacy of the interim Iraqi government, and take the American face off of the occupation of Iraq. The appointment of an ambassador who occupies such a high and visible post underscores for our coalition partners and the Iraqis that the American commitment to Iraq is strong and we mean to succeed.

In April, the Foreign Relations Committee held three hearings to examine whether American and Iraqi authorities are ready for the transition to Iraqi sovereignty on June 30. These hearings greatly advanced our understanding of the situation in Iraq and answered many questions. We will hold additional hearings this month to monitor developments and to illuminate for the American people the challenges and responsibility we face in Iraq.

The President and other leaders, including Members of Congress, must communicate with the American people about our plan in Iraq. American lives will continue to be at risk in Iraq, and substantial American resources will continue to be spent there for the foreseeable future. I am convinced that the confidence and commitment demonstrated by the pronouncement of a flexible but detailed plan for Iraq is necessary for our success, and such a plan would prove to our allies and to Iraqis that we have a strategy and we are committed to making it work. If we cannot provide this clarity, we risk the loss of support of the American people, the loss of potential contributions from our allies, and the disillusionment of Iraqis.

During Foreign Relations Committee hearings, I posed six detailed questions as a way of fleshing out a plan for Iraq. Answers to these questions would constitute a coherent transition strategy.

We discussed issues surrounding Ambassador Brahimi’s efforts, the status of American Armed Forces in Iraq after the transition, the role of the U.N. Security Council resolutions, plans for elections, the composition of the U.S. Embassy, efforts to provide security for its personnel, and how we intend to pay for the continued U.S. involvement in Iraq.

Under Secretary of State Mark Grossman testified about the reporting of engaging the interim Iraqi government as soon as it is selected. We cannot simply turn on the lights in the Embassy on June 30 and expect everything to go well. We must be rehearsing with Iraqi authorities and our coalition partners on how decisionmaking and administrative power will be distributed and exercised.

It is critical, therefore, that Ambassador Negroponte and his team be in place at the earliest possible moment. For this reason, the Foreign Relations Committee made a bipartisan decision to take up Ambassador Negroponte’s nomination in an expedited fashion. Processing the diplomatic nomination often requires weeks and sometimes months from the time the President announces it. Through the diligent efforts of the State Department and our

own committee staff on both sides of the aisle, we accelerated the normal timetable to give Ambassador Negroponte and the administration a chance to stand up the U.S. Embassy in Iraq as soon as possible.

I thank Senator JOE BIDEN and all the members of the Foreign Relations Committee for their help in moving this nomination forward unanimously.

Ambassador Negroponte, with the support of his family, has made an extraordinary personal commitment to undertake this difficult assignment. Our Nation is fortunate that a leader of his stature and experience is willing to step forward. The Senate must do our part by supporting his efforts with the necessary attention and resources by allowing him to take his post as soon as possible.

I am grateful to the leaders on both sides of the aisle for allowing us to commence this debate this morning.

I add that Ambassador Negroponte's appearance before the Foreign Relations Committee—that led to a business meeting and the unanimous vote 19 to 0 on behalf of this nomination—was very important in terms of fleshing out the plan I mentioned in this comment.

We specifically asked Ambassador Negroponte questions regarding what could be very difficult conversations even within our own Government—specifically, a chain of command with the Ambassador, the Embassy, with the thousand Americans from 12 to 15 agencies, as submitted in Under Secretary Mark Grossman's testimony, that these people coordinate the chain of command responsible for security in Iraq, the chain of command going from the President of the United States as Commander in Chief through the Secretary of Defense and through the Pentagon, through General Abizaid and General Sanchez presently on the ground in command in Iraq. We asked specifically: What if there are disagreements or differences of judgment as to how the security functions ought to proceed, given political considerations, given international considerations that Ambassador Negroponte, if confirmed, would bring to the fore? These are issues that can only be worked out in the field. But it is important to raise the issues now.

Our current CPA Director, Ambassador Jerry Bremmer, understands this situation very specifically. He told me in a telephone conversation yesterday that he has been visiting with General Abizaid and General Sanchez specifically on these issues.

It is important for Ambassador Negroponte to be confirmed, to be a part of this conversation at the earliest possible moment.

Ambassador Negroponte responded to our questioning by pointing out that he will physically be in New York during many days of this month because of his responsibilities as our Ambassador to the U.N. and that is a very important and pivotal position in the Iraq planning.

Ambassador Negroponte returned, in fact, from our public hearing before the Foreign Relations Committee to the U.N. to consult with Ambassador Brahimi who was, in fact, making a presentation before the Security Council that very afternoon.

Ambassador Brahimi is now in Iraq. He is, once again, proceeding through consultation with Iraq authorities and others. He estimates around the 1st of June coming forward with those who have been suggested by all parties to be the interim government: Apparently, 29 persons, including a Prime Minister, a President, two Vice Presidents, 25 members of the consulting counsel.

It is very important, and we asked Ambassador Negroponte about this issue, that Ambassador Negroponte and those who he is going to have with him—he has mentioned a DCM, Mr. Jeffrey, probably onboard within the next 10 days in Baghdad—be in consultation with the 29 members, if they prove to be acceptable to the Iraqis and to other parties involved because, in addition to conversations between our Ambassador and the chain of command, there will need to be intensive consultation with the Iraqi leadership to which this measure of sovereignty is to be extended beginning July 1.

On security issues and likewise on political issues, Ambassador Negroponte understands the Iraqi officials will believe, correctly, that the governors of Iraq have Iraqi constituents, that on their part, as described in our hearing, there could be a certain amount of push-back from time to time by what they think are American measures or decisions that are not wise, in their judgment, for either the security or the politics or the economy of Iraq.

Accommodating these three channels of thought requires what I describe as a time for rehearsal during June. Before the curtain opens July 1, it is extremely important that all of these parties have had intensive conversations, because the success demands—at least of the Iraqi transition government, working with Ambassador Brahimi and other U.N. officials on the plans for elections now estimated to occur anytime from the end of December of this year to January of calendar 2005—those preparations go smoothly.

These elections are the basis that many Iraqis have suggested provide legitimacy for some Iraqis then to proceed to build a constitution and a structure for governance of the country while security is provided by Americans, by other coalition members, and increasingly, apparently by the Iraqis themselves, and as the vetting of those who were previously in the army takes place, the continuing training of police so not only numbers are increased but equally important the quality of service and, therefore, the possibility for a security situation that involves Iraqis and the expertise they may bring to that, well coordinated with the military figures we have onboard now.

In our hearing, we also raised with Ambassador Negroponte the probability of a U.N. Security Council resolution that brings some certainty to these arrangements I have been describing and does so at least in as timely a way as possible. Clearly, Ambassador Negroponte's current duties—he has worked with colleagues on the Security Council—will be very important in the careful drafting and execution of that resolution. He believes it is important, and so do members of our committee.

Likewise, we would like to see worked out, although this may not be possible, after July 1, the greatest possible certainty about the status of our forces and the forces of other foreign countries that are a part of the coalition in Iraq—that issue is not at all a certainty—and precisely who is competent, given the governance situation to give it is still an open question, but it is a question that must be resolved. That is why we have laid it on the table as a part of our confirmation proceeding with Ambassador Negroponte.

We have asked the Ambassador, likewise, about his enthusiasm for this post. I simply want to say, as I have in my earlier comments, we admire his ability to take hold on fairly short notice of such a momentous responsibility. He is a professional in every sense of the word, a man of great experience.

The committee was mindful from previous confirmation hearings on Ambassador Negroponte that questions have been raised about his tenure in Honduras. There have been, at the time of his U.N. confirmation, those questions and others, at least, that members had.

I mention this because this has not always been smooth sailing with regard to these confirmation proceedings, nor should it be. Our members take very seriously what happens in various countries during the tenure of Ambassadorships or what has been taking place at the United Nations during the current responsibilities of Ambassador Negroponte.

The committee also is mindful simply of the hazards, the dangers, the political and security difficulties, that will attend not only our Ambassador but all of our American personnel who may be proceeding to set up the largest embassy we have had in any country at any time, in a very short period of time, in which responsibilities have to be carefully defined.

I am pleased a great number of brave Americans have, in fact, stepped forward and volunteered for positions in the American Embassy complex, not only as a part of the State Department contingent, but from the other agencies that will be represented. That is the spirit with which Ambassador Negroponte approaches this responsibility. I find it not only admirable but very fulfilling to see and to witness this kind of responsiveness on his part.

Therefore, it is a privilege to commence this debate, indicating the nature of our hearing and the nature of other hearings we have had on Ambassador Negroponte in the past and our observation of his conduct and his achievements as an American public servant over the years. I believe the record is very complete on those achievements and on his qualifications. I am most hopeful during the course of the day our debate will do much to boost the prospects for his success and will lead to a favorable vote of confirmation for him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak to the Negroponte nomination. Let me begin where I end up: I think we owe Ambassador Negroponte and his wife Diana, quite frankly, a debt of gratitude. It takes political courage, physical courage, and moral courage to take on this assignment. I cannot think in my years in the Senate of a circumstance where we have placed an individual into a position where the degree of difficulty in accomplishing his mission has been as high and the stakes as profound as Ambassador Negroponte is being positioned now.

It is unusual, in all my years here of speaking to and voting on the Ambassadorships and positions of the State Department, for me to start off by thanking the nominee for being willing to take on this responsibility.

Although the circumstance we find ourselves in in Iraq, I think, is still redeemable, the degree of difficulty in accomplishing our mission has been made extraordinarily more difficult by the events of the past year and particularly by the revelations of the past several days.

Let me define at the outset once again—and I apologize to my friend and my chairman for having to hear me say this again and again and again and again and again—what I would consider to constitute success, what our mission is. For me—and I have said this from before we went in, and consistently since then—it is leaving the Iraqi people with a representative government of their choosing that is secure within its own borders and poses no threat to its neighbors and does not possess or seek to possess weapons of mass destruction or harbor terrorists. That is difficult but doable. It is my hope that if we are able to help the Iraqi people accomplish that, in time they could build political and economic institutions that we would recognize as a liberal democracy. But I want to make it clear what I believe the test of success or failure is.

Unfortunately, the Negroponte nomination has been swamped by the debate and the crisis we now face in Iraq and in the Middle East. So it is necessary to talk about the policy in Iraq more than about the personality of the individual we are about to put in place to carry out American policy.

As complicated as Iraq seems, in one sense it is fairly simple. We have three basic options as a nation. One, we can continue to try to seek the objective I have stated, or even a broader objective of liberal democratization on the western model as some in the administration state, by ourselves in the hope that more of the same of we have been prescribing will bring about success.

Or we can conclude—as some have in this body, although they have refrained from stating it; as some have in the American public, and they have stated it; and as some serious press people and political pundits and think-tank types have—that this is not doable, meaning the objective I stated, and that we should figure out how, as rapidly as possible, to leave Iraq before it implodes.

There is a third option, which seems to me the only rational option, notwithstanding the fact that the degree of difficulty has increased; and that is, we can get the Iraqi people more engaged and the world's major powers to help us invest in helping the Iraqi people accomplish the goal of self-government. Nothing, in my view, from this point on will be easy—nothing. Not a single aspect of this undertaking will be easy.

The chairman and I, from different perspectives, independently have been characterized as critics of administration policy. We both voted for this. We both, in differing degrees, but I think on balance in agreement, laid out—this is not 20/20 hindsight—how difficult we thought the task would be before we went in, and the predicates that should have been laid down to increase the prospects of success before we went in, and have independently, together and with others, from the moment we went in, met privately, publicly, within the committee and through our personal relationship, with administration officials and others, argued for a different approach or a ratcheting up of the effort in Iraq in a way that could and would allow for legitimacy for whatever government came forward and more security on the ground. Because security is a precondition, in my view, for getting the Iraqi people into a position where they are willing to take the risk—and there will be risk—of raising their heads in an effort to form a government that is not an Iranian model and not a strongman model.

This has been made more difficult by the fact that, in my view—speaking for myself only—we have squandered every opportunity since the statue of Saddam was pulled down by ropes. Since that moment we have squandered every major opportunity we have had to get this endeavor on the right track. I want to make clear for anyone who is listening that an incredibly large dose of humility is in order for anyone who stands and suggests that they know the answer in Iraq. I am not suggesting that I know with any degree of certainty whether the prescription that I and others laid out in detail in July,

August and September the year before we went to war, in innumerable speeches and presentations on the Senate floor and other places since we went to war, whether if had every single thing that I and others had suggested been done, I could guarantee the American public I am certain we would succeed.

This is an incredible undertaking. There has been no time in the history of the modern nation state where what we are attempting to do in that region of the world has succeeded.

As I said to Ambassador Bremer, when Mr. Talwar and I were there a few months after Saddam fell: “Mr. Ambassador, I want you to understand that I believe if the Lord Almighty came down and gave you the absolute correct answer to the first 20 major decisions you have to make, you still only have a 65 percent of getting this right.”

I want to make clear, I understand this is a difficult deal. I understand that mistakes would be made no matter who had been President, no matter who had been in charge. But I do think we put ourselves in a position where we started off this occupation having made three very fundamental mistakes that have to be corrected.

One, we can correct. I believe the administration significantly exaggerated the imminence of the threat posed by Saddam, thereby squandering an opportunity to build the international consensus we needed, not to win the war but secure the peace. Committee reports we wrote, Democrats and Republicans in the committee, repeatedly started off saying: We do not need international help to win the war, but it will be essential in winning the peace.

As a consequence of the exaggeration of the threat in terms of how imminent it was, we squandered the opportunity to isolate the French and the Germans, who I believe were taking advantage of President Bush's misstatements and/or mistakes—unfairly taking advantage. We lost and squandered the opportunity to isolate them and, as a consequence of that, at the same time to generate much broader international support so when we did go, there was a genuine coalition; that there was more legitimacy for the undertaking from the outset.

The second serious mistake we made is going in with too few forces, squandering the opportunity to wipe out the Republican Guard, to prevent looting and street crime, to secure nearly 1 million tons of weapons that are now being used against our troops that were left in open depots, to avoid a security vacuum that is now being filled by common criminals, insurgents and rogue militias, and outside “foreign fighters.” It was not as if this was not a topic of debate before we went. The way we treated and approached the Turks when we wanted the 4th ID to come through, the arrogance of suggesting that we didn't need that, we could still move anyway. What would be the status, I ask my friend from

Connecticut, of the Sunni triangle, had the 4th ID come down from the north through the Kurdish area into the triangle?

Can I guarantee it would have been crushed? No. Can I say with certainty we would be better off than we are now? Yes. We went with too little force, too little power.

That brings us to the third fundamental mistake we made—and I say this not to criticize but to set up what I think we have to do from this point on. If we can't determine individually or collectively what the mistakes were that put us in this position, how in the devil are we going to get to the right decision now, if there is one? The third fundamental mistake in getting this right was, we went in with too little legitimacy. Not only didn't we have the rest of the world with us, we decided for some reason unknown to me—and I don't want to bash anybody—that Ahmed Chalabi and the expatriates were the answer to legitimacy, and that initially General Garner, on the one hand, and Chalabi on the other, would move along very quickly.

As a consequence, we squandered the opportunity to generate wider support inside Iraq and in the Arab world and among the major powers.

Now I have to add to the list of serious mistakes that were made these horribly degrading abuses of jailed Iraqis that have made the problem exponentially worse. I don't pretend to be an expert on Islam. I don't pretend to be an expert in terms of the culture in the Arab world.

But I, like my chairman, have gone out and tried to hire for my staff serious experts. I have, as he has and my friend from Connecticut has and my friend from New Mexico has—we have, over the last couple of years, sought out the most informed voices in this country about Islam, about the Arab culture. I went so far, 2½ years or 3 years ago, as to go to Harvard and hire a professor whose expertise is Islam, because I was aware of how little I knew about the 1.2 billion Muslims in the world.

One of the fairly clear conclusions I have arrived at, which is no revelation to anyone, is that, as horrible as this sounds, we probably would have done less damage to our image and our legitimacy and our motive had the Iraqi prisoners been shot, like Saddam and other despots in that region do, than to have forced them, in some circumstances at least, to engage in degrading, sexually embarrassing, humiliating positions.

If I am not mistaken, a picture I saw in the paper today was of a naked Iraqi prisoner with a leash around his neck. There are certain things that certain cultures take on as a degree of gravity and depravity that don't occur in other communities.

So now these mistakes have complicated our mission and, I believe, genuinely jeopardized our objective: a stable Iraq, with a representative gov-

ernment that poses no threat to its neighbors, does not possess weapons of mass destruction, or cradle terrorists.

To find our way from here, it seems to me we have to go back to first principles. I think one of those first principles is that we cannot want freedom for the Iraqi people more than they want it. My premise has been—and it is beginning to evaporate—that the vast silent majority of Iraqis want freedom. They want a representative government, but they have been brutalized for three decades and they have learned to keep their heads down, not merely as a consequence of the despot who ruled them, but also because of a sense that the outside world won't stick with them. So they are keeping a pretty low profile. Consequently, the "insurgents" and others are the face of Iraq, in many cases right now.

The second part of the first principle is that we have to create a condition on the ground which will let them raise their heads above the crowd and begin to take charge of their own country. The most important condition, in my view—so you understand where I am coming from—the necessary precondition for that is security in the neighborhood, security in the streets, security so you can send your daughter from your home to the corner store to pick up sundries needed for the meal. That is the overwhelming majority of Iraqis, in the personal experience of all of us who have been there, as well as what the polling data shows.

So that raises a very difficult question: How could we create security or a condition for security? There is no single step, in my view, that we can take. There is a coordinated series of steps that would move us toward real security in Iraq for the purpose of letting the Iraqis begin to work out their own governmental circumstances. The first is very unpopular. As my Democratic friends here can tell you, when I raise it in the caucus, it is not very popular. One is more American troops now.

I have, as you have, surveyed not only the existing military force and generals, but I have been in contact recently with a total of seven former CENTCOM commanders, supreme allied commanders, and/or generals in charge of the distribution of our forces for the Joint Chiefs of Staff over the last several years. There is an absolutely common thread they all have. They have differences as to how many troops we could garner quickly and from where we could get them. But they all agree on several things. We need more troops, if only for troop protection. We clearly need more troops, as well, to begin to create the environment of greater security on the ground. These generals also tell me—these are four-star folks, people who have run these shows—that we need to demonstrate our resolve to our NATO friends, European friends, Arab friends, Pakistani friends, all of whom have the capacity to help us in one form or another in this. But as strange as it

sounds to us, they are doubtful of our commitment. Are we going to stay? So I think we need more forces.

Do I expect any Delawarean listening to this to be happy with me saying that? No, not one. Am I frustrated that the failure to have the forces we recommended, that General Shinseki recommended, and others recommended but was not followed puts me in the position of being the guy calling for more forces? Purely personally, it makes me angry that I am in the spot of having to be the one to deliver bad news to folks at home, as if this is my idea. But the fact is, no matter what we say, in my view, security requires more force.

It is going to require more sacrifice from the middle class and the poor. We have to do a much better job of sharing the burden here. I want to warn everybody now. I am going to vote for more money for Iraq, but I will introduce my amendment again, that people who are willing and able to pay for it now—pay for it, us, and not hand the bill to my granddaughters. I will get back to that at another time.

The second thing in terms of security that we have to do is get a buy-in from the world's major powers. It is going to be years before Iraq can handle their own security. But we cannot sustain the effort on our own for years. We are providing nearly 90 percent of the troops, taking 90 percent of the non-Iraqi casualties, and spending the bulk of the reconstruction costs. Our troops have to be bolstered with troops from NATO, from India and Pakistan, and from the region.

Am I suggesting to you that I am naive enough to think we can do it in a big way now? No. But I have done the homework we have all done. I have spoken with our Supreme Allied Commander; I have gone to NATO; I have sat down with these generals. This is what they tell me.

Immediately, if there is a consensus among our NATO allies, we could get somewhere between as few as 3,000 and as many as 7,000 NATO troops. Immediately they could take over the border patrol. Immediately they could take over what is left in the north, although we depleted many of our forces in the north in the Kurdish area, and/or coordinate the Polish division in the south, freeing up American forces that are now doing those functions.

Why is that important? You say: BIDEN, out of 150,000, 160,000 folks, another 3,000, 4,000, 5,000, 6,000 troops are not going to make much difference here. I argue it makes a significant difference in the buy-in of the major powers in the world. That, in turn, would open the door for an appropriate resolution authorizing—this from the U.N., not U.N. blue helmets—an authorization for NATO forces. I believe that would bring in, with a lot of diplomacy and Presidential leadership, significant numbers of troops from India, Pakistan, Bangladesh, and from the region. But it is a process.

I do not know what the folks in South Carolina are saying, but I know

what they are saying in Delaware: "I ain't doing this alone, JOE." And they know if NATO is in, the prestige of the major powers is on the line, as well as ours, to stay the course.

Our troops have to be bolstered and NATO and the surrounding Arab countries must be convinced to take on the urgent responsibility of training Iraqi armed forces and police.

I might add, the Germans and the French offered that right after Saddam's statue fell if, in fact, we were willing to get authorization for that from the U.N.

The neighboring Arab countries are fully capable of training some of these forces. Clearly, the Europeans have even greater experience in training police forces, all of which are urgently needed.

Many say this cannot be done. I know from the very serious people in the press, they look at me and privately say to me: Senator, great idea, too late, man; get real. What can really be done?

Look, the President does not collect his paycheck—no President collects his paycheck—by managing. He gets paid to lead.

We had before our committee two men I have high regard for, Mark Grossman from the State Department and Peter Rodman from the Defense Department. I asked Secretary Rodman what we're doing to get NATO to participate. He said, and I'm paraphrasing here: We have already asked, which is mildly disingenuous. I do not know anybody who has been here very long who can name for me anything, other than declaring article V invoked, that NATO has done spontaneously without U.S. leadership without a specific plan being brought to NATO, sold to NATO, and negotiating with NATO in Brussels through Presidential leadership. The President has to commit to sell this.

Going to the U.N. is necessary, but it is not sufficient. Let's not get into this sort of ideological war that has taken place in the 30 years I have been here about the U.N. The President has to win support of key countries first before he goes to the U.N., or before someone goes to the U.N., and then the U.N. has to engage a Security Council resolution to give those major countries the political justification for going to their constituencies and saying: I want to get in a deal you didn't want me in, in the first place; it looks like it is going bad now, but is necessary for our security—ours, meaning France, England, Germany, wherever, any country.

The President should immediately, in my view, in light of the recent revelations convene a summit of the major powers with the most at stake in Iraq, including those from the Arab world. The objectives for this group should be to endorse the Brahimi plan for a caretaker government, propose a senior international figure to referee the political disputes that are going to take

place between June 30 and elections being held in January, and call for and authorize a multinational security force under NATO command and U.S. leadership to be the vehicle that provides the security.

Then, as a final step, I think this group—call it a new contact group—should go to the U.N. and seek a security council blessing for this agreement.

I have no illusions about the U.N. being able to bring anything special to Iraq, but its blessing is necessary to provide political cover to leaders whose people oppose the war and who will now be asked to sacrifice to build the peace. To paraphrase George Will, it may be a necessary mask to hide the American face. And George Will is no fan of the U.N.

Simultaneously, the President should be going to NATO. NATO cannot take it on right away, and I will not go back through this again, but it can do a lot. It would free up, I am told, as many as 20,000 American troops, open the door to participation by countries such as India and Pakistan, and send an important message to the American people that we are not bearing the security burden in Iraq virtually alone.

By the way, when I go home, the people say to me: Well, the Brits are with us, JOE? Americans do not know there are only 7,500 Brits there, God bless them, in all their bravery—7,500. We have, what, 160,000 Americans in the region? As JOHN KERRY suggested, it seems to me we should also make the training of Iraqi security forces a much more urgent mission than we have thus far but we must understand it will take time and that it needs to be done right.

When I was in Iraq last summer, our specialists told me it would take five years to recruit and train a police force of 75,000 and three years to recruit and train an army of 40,000. Instead, the Administration rushed 150,000 Iraqis into uniform with minimal vetting and training. When trouble came, many abandoned their posts.

Here, too, other countries could play a potentially decisive role. For example, the Europeans have greater expertise than we do in training police. Even the French told me that under the right conditions they would be willing to train Iraqi police. Our friends in the region, including Jordan, Egypt, and Morocco, could host training sessions for Iraqi police, border security forces, and the military. They could, in fact, take American-trained Arab officers from Morocco, Egypt, and Jordan and embed them with Iraqi forces in Iraq now, a la Fallujah.

There are a lot of specific ideas I will not bore my colleagues with now that are not new to me. I am getting these from serious people who have run the show in that region of the world, military forces. But by doing this, it seems to me, we can significantly speed up the day when the Iraqis can provide their own security and Americans can come home.

Why would other countries join what looks like a lost cause they did not support in the first place? It is a reasonable question to ask. For one simple reason: It is in their naked self-interest. For Europeans, Iraq's failure endangers the security of their oil supply. They get a significantly higher percentage of their oil from the region than we do. It is in their interest because they have large Muslim populations that could be radicalized. It is in their interest because of the threatening destabilization of refugee flows that would be created if a civil war breaks out. It is in their interest because it is their front yard, and we may be creating a new, huge source of terrorism if the result is not a civil election, but a civil war.

For Iraq's neighbors, a civil war in Iraq would draw them in—i.e., the Kurds, the Turks, the Iranians. It would put moderates in the region on the shelf for another generation. It would put radicals in the driver's seat, and I think it would threaten the very survival of the regimes in Jordan, Egypt, and Saudi Arabia.

Would what I am suggesting be difficult to achieve? You bet. The bar has been raised here. The degree of difficulty is exponentially greater. Will it guarantee success? No. But I know of no other alternative than to try.

In light of all the mistakes we made, no one can guarantee success, but if we do not do this, I think success will, in fact, be near impossible.

If the President does do all of what we are talking about, it is not going to be enough to put us on the path to success given the revelations of this week, the abuse of Iraqi prisoners. As I said before, no single act I can think of, other than maybe the bombing of the holiest shrines in Najaf loaded with pilgrims, could have been worse for America's image than what has happened, notwithstanding the fact that it does not represent American troops, it does not represent American values, it does not represent what the American people believe needs to be done.

The facts are appalling and so is the symbolism. Ironically, the abuses took place in the same prison that Saddam made himself famous for his torture of his opponents. As a result, I am concerned that even if we do everything I just outlined in which several of us have been advocating for months, we will not be able to muddle through the so-called transition of sovereignty on June 30 and then the elections next year. The revelations have so damaged our prospects of success that I believe the only way to recover is to do something equally dramatic in a positive sense. I think we need to make this less about us and more about the Iraqi people.

The Iraqi people are going to wake up on July 1 and still see 140,000 American troops out their window, patrols going by in Humvees at 40 miles an hour. They will still lack security and they will still be seething about the abuse of

the prison scandal. And they will continue to blame us for everything that has gone wrong in the country.

I ask any of my colleagues who are listening whether there is any possibility, no matter what the interim government is, that they will be able to, even if they want to, vote to keep American forces in their country after July 1, when they are ostensibly in charge? Even as we move to increase security and bring the rest of the world in, there are four things we have to do right away, and I will end with this.

First, we should today announce that the Red Crescent, the Red Cross, the international community, should be able to come into every prison in Iraq, open them up and put the international community permanently in the prisons as observers.

Second, we have to establish a credible, independent investigation of the abuses and go as high in the command chain as the facts lead us and demand accountability.

Third, we should close the Abu Ghraib prison, work with the Iraqi people on a plan to destroy it or convert it to a monument. We cannot do that precipitously because we need to build other facilities to house 5,000 prisoners. Possibly we should do as was recommended by the State Department and release a significant number of those prisoners who, according to some in the State Department, need not be detained in the first place.

Fourthly, and this is the most controversial thing I suspect I am going to say in the minds of my colleagues, in coordination with the Brahimi plan, we should hold snap elections now, ideally early this summer, to create the equivalent of a *loya jirga* where on a community level across Iraq they will hold down and dirty elections to elect those who will write this new constitution.

I want to see pictures and debates about whether people are getting shot going to the polls, scrambling going to the polls, arguing about whether the election is free or not. I want this about the Iraqi people.

This election will be far from perfect, but they could use their oil-for-food ration cards as proof of registration and get on with it quickly as part of the transition that is already envisioned for the total free election in November of 2006 of an actual government.

The Iraqis would elect government representatives at a local level who would come together, as I said, the equivalent of a *loya jirga*.

Until now, I believed that, provided the caretaker government was selected by a respected international figure with buy-in from the Iraqis, not the U.S., it would pass the legitimacy test. In the wake of the prison incident, I do not think that is possible.

The big obstacle would be security, especially in the Sunni triangle. And there is the certain prospect that some people will be elected that we will not like.

But the vast bulk of the country could handle elections now. In the

Shi'a south, it is a gamble, but it is better than an even chance that moderate Shi'a would emerge if given an opportunity for elections, and they would finally use their power and influence to defeat Sadr and other radicals among them.

The U.N. has a team in place now to prepare for elections in January. Let's speak with Brahimi and see if we can speed up that process and make elections the next step in the transition plan.

I realize this is a fairly radical proposal, but I believe we need a fairly radical proposal. This should focus on what the Iraqi people need now, and we should demonstrate that everything in our mission is to turn this over as rapidly and clearly as possible.

I close with this one rhetorical question: The chairman of the Foreign Relations Committee has been pointing out, what about the conundrum when the interim government is appointed and it concludes we should not be sending troops to Fallujah? I think there is a more basic question than that. What happens now that 70 percent of the Iraqi people now think we should get out? By the time this prison scandal is over, it is going to be 90 percent. What happens when we appoint the new Iraqi government and give it partial sovereignty and right out of the box they say, Get out of Dodge?

We better do something quickly or Negroponte's Herculean efforts are likely to be for naught.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I support the nomination of Ambassador Negroponte. He is assuming an extremely difficult position. I wish him well in this new position, and I commend him for his willingness to take it on, quite frankly.

One of the most difficult problems he will face is how we correct the perceptions and the reality that have come to light with regard to abuse and humiliation of prisoners in Iraq. I want to say a few words about that issue today as well.

I congratulate and commend BG Mark Kimmitt for the statement he made yesterday at a press briefing in Baghdad. He gave what I consider to be a straightforward, unambiguous apology to the Iraqi people for what has occurred. In my view, that is the message that all of us in positions of responsibility should be conveying to the Iraqi people on this issue. His statement was as follows:

My Army's been embarrassed by this. My Army's been shamed by this. And on behalf of my Army, I apologize for what those soldiers did to your citizens. It was reprehensible and it was unacceptable. And it is more than just words, that we have to take those words into action and ensure that never happens again. And we will make a full-faith effort to ensure that never happens again.

Frankly, I regret the President did not use his opportunity in his interviews to make the same straight-

forward apology to the Iraqi people. I hope this Senate, in the resolution the leadership of Republican and Democratic leaders is drafting for consideration in the Senate on this issue will contain that kind of straightforward apology to the Iraqi people. I think that is an appropriate message for all of us to embrace.

Much needs to be done in order to correct the situation that has occurred. I suggest one starting point would be the following.

First, a full accounting about who we have detained and what the administration plan has been and is for these detainees; not just in Iraq but in Afghanistan, in Guantanamo, wherever our military is detaining foreigners, we need to come clean about what our intentions are and what actions we have taken.

Second, as to all detainees, we need to fully comply with the Geneva Convention. That means providing each of them an opportunity for a hearing, an opportunity to argue to someone they are improperly being detained. As to detainees who are not a threat to our troops or to our national interests and about whom we do not have evidence of criminal activity, we need to release those detainees. Obviously, if they pose a threat to U.S. forces or a threat to U.S. interests, then they should be charged and they should be prosecuted. But if they pose no such threat, they should be released.

According to the morning paper, the President has privately chided the Secretary of Defense. This is an unusual way to conduct business here in Washington, but I am never surprised anymore about how business is conducted. I heard the statement on the news that the President was standing behind the Secretary of Defense. Then I opened the paper this morning and it said a senior White House official said the President has privately admonished the Secretary of Defense; that:

... Bush is "not satisfied" and "not happy" with the way that Rumsfeld informed him about the investigation into the abuses of U.S. soldiers at Baghdad's Abu Ghraib prison or the quantity of information that Rumsfeld provided, the senior White House official said.

Then it goes on to point out the senior White House official did:

... refuse to be named, so that he could speak more candidly.

As I say, I am always amazed by the goings on in our Government. But I am glad to see the President shares some of the frustration I and many of us here in Congress have had about the lack of full information, the lack of adequate knowledge about what is going on. In order to remedy the situation, I recommend the President start by demanding a quick and a full response to the following questions: How many people have we detained in Iraq, in Afghanistan, and in other parts of the world? Who have we detained? Who have we taken into custody? How many of them are still in custody, and to

those who are not still in custody, what has happened to them?

There is a report that there are investigations about 25 deaths that have occurred among detainees in Iraq. Where are these prisoners being detained? Where in Iraq are they being detained? Which prisons? How many in each prison? Where in Afghanistan are they being detained? Which prisons? Where are they located? How long have these detainees been in custody? How many have been charged with crimes? Are we intending to charge these detainees with crimes? If not, what are we intending with regard to these detainees?

What is our position regarding our obligations under the Geneva Convention with regard to military detainees, with regard to civilian detainees? How can we justify continued detention of people in each of these categories?

Another set of questions I believe the President should insist upon answers to, is what has happened to any prisoners we have transferred to third countries? How many captives have we in fact turned over to other countries for questioning? Which countries? Pakistan? Israel? Other nations? What are the policies and practices of those countries with regard to torture of prisoners and treatment of prisoners? Have they been afforded their Geneva Convention rights in those countries? What is the status of those prisoners now?

This is obviously a partial list of questions. The American public deserves answers to these questions. The President deserves answers to these questions. Those of us in Congress deserve answers to these questions. If we are serious about taking corrective action to deal with the abuses that have been disclosed, then in my view, at least, answering these kinds of basic questions is an essential starting point.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, let me thank my colleague from New Mexico for his thoughtful comments. I certainly want to associate myself with them. I, too, want to commend General Kimmett for his very concise, clear, unambiguous statement yesterday. I was moved by it.

I was moved by the personal pronoun "my," too—"my Army." This is someone who dedicated his life—in fact, the Kimmett family has one of the most distinguished records of any American family when it comes to serving the U.S. Government in uniform. Mark and his family have worn that uniform proudly. Over the years, numerous members of his family have. I could feel the pain of Mark Kimmett's sentiments in those brief comments he made so eloquently yesterday.

It is on that note that I would like to begin my remarks. Clearly the events of the last several days, the revelations we have become aware of, the events

going back now apparently as late as last November, indicate a very serious problem. But before getting into the details of that, speaking for myself—and I am quite confident that I speak for my colleagues here, and others—it is very clear that while this is a serious problem, the overwhelming majority of the more than 130,000 American men and women in uniform who are operating in Iraq are good, decent and caring people, who would never allow this kind of activity to occur on their watch. So I want to begin by thanking them. This is a very difficult service they are engaged in.

Certainly those who are responsible for these acts and those who condoned or allowed them to happen need to be brought to a bar of justice as soon as possible.

But I think it would be a mistake if we allowed our disgust with these abuses to somehow cause those who are in uniform, serving in Iraq today, to believe that there is any feeling here that this is an indictment of all of them. It certainly is not.

Let me be clear—my disagreements with U.S. policy and how this whole matter of Iraq has been handled, as well as the actions of what seem to be only a few, in no way diminish my admiration and respect for those in uniform who are serving in Iraq or anywhere else.

However, these reports of abuses are very disturbing. And they are not only unacceptable, they are possibly violations of United States law and international law. Moreover, it is obvious that this matter has not been treated with the urgency it warrants. If in fact the reports are accurate, these events may have occurred as early as last November or December, and they are only now coming to light—primarily, it appears, because there are photographs. I suspect that had this been an account reported in some written document, without any photographic evidence, it might not be receiving the kind of attention it deserves.

Obviously these allegations of abuse must be quickly investigated, and those responsible for these reprehensible acts brought to justice. Those in the chain of command as well, who failed to discharge their duties effectively to detect and prevent such actions, need to be sanctioned, including, to put it simply, fired.

Again, I want to emphasize that the majority of our service men and women are not to blame. I can not stress this point enough. The overwhelming majority of our troops are doing a superb job under very difficult circumstances. They are putting their lives at risk every single day for this country.

Indeed, what has happened here, what has occurred, also puts all of these honorable men and women who are serving, not only in Iraq but elsewhere, at risk. These abuses damage not only the victims, but our troops. And they also damage America—they do great damage to our country. This

is not who we are. This is not what we stand for. We are a nation of laws. That is what we have stated over and over again.

A few moments ago, my colleague from New Mexico and I were having a conversation about these abuses. He eloquently pointed out that our Constitution is based on the fundamental concept and idea that it is not just what we do, but how we do things. The founders of this country could have set up any kind of a system. But they picked a system that in many ways is terribly inefficient. That is because they wanted to make sure not only that we would do the right thing, but that we do it the right way—that the ends do not justify the means; the means are also important.

It is why a generation ago when there were trials to prosecute those who were guilty of the crimes committed by the Nazi regime, every single one of those defendants at Nuremberg had a lawyer and had the right to present evidence. Some people suggested that those on trial in Nuremberg ought to be summarily executed—that they shouldn't have a trial. After all, these were dreadful human beings who committed dreadful and unspeakable crimes. But cooler heads and wiser heads prevailed and asserted that there is a huge difference between Western civilization and the Nazis, not the least of which is that we do things differently. And by holding these trials, we set an example.

Unfortunately, the events that have just become known over the last several days indicate, at least in this instance, that we did not do things any differently in the eyes of many than the dreadful regime we overthrew a year ago—the regime of Saddam Hussein. That is what I worry about. This does damage to the United States. It does damage to people like Mark Kimmett who spoke eloquently yesterday about his Army. And I worry about our men and women all over the globe who put themselves in jeopardy for our country—not only in that the reports of these abuses could cause an increase in violence against them, but I worry about what might happen if, heaven forbid, they are apprehended, and how they may be treated.

I know the matter before the Senate is the nomination of John Negroponte. I support that nomination. We have had our difficulties over the years, one going back to his days in Honduras when there were issues of human rights violations. I know Ambassador Negroponte. He has been a good ambassador in other capacities, a good ambassador at the U.N. He has done a good job in Mexico. We have worked together since our days of difficulty more than 20 years ago. I am confident John Negroponte can do a good job, particularly, I hope, in the area of human rights. He will be in charge of what I am told will become the largest U.S. mission anywhere on the globe. And I am hopeful that John Negroponte, when he is confirmed—and I believe he

will be—will grab this issue and do what has to be done to get our work in Iraq on track.

The responsibility for these abuses that have occurred in Iraq goes beyond a few low-level bad apples. That is what worries me. This is clearly a problem of mismanagement at very high levels, which the Bush administration needs to get a handle on, and quickly. If that means high-ranking officials need to be replaced, then that is a judgment that we shouldn't dismiss out of hand.

After all, we are currently in the throes of trying to prove that we want to help Iraqis create a new and democratic Iraq, and that in doing so we will respect Iraqi and Arab culture and tradition. It does not take much of an imagination to figure out the disastrous consequences of these abuses, not only with respect to U.S. policy in Iraq but with respect to our policies throughout the greater Middle East.

Over the past week, newspapers throughout the world have carried headlines about these abuses. Not only in English speaking countries, obviously—Arab language newspapers have also carried the stories with headlines such as "The Scandal" and "The Shame."

Anyone who knows anything about Arab culture will know this much: Honor and respect are valued highly. Many of these abuses with sexual overtones were directly aimed at damaging the honor of Iraqis or forcing them to do things in contravention of their most deeply held beliefs.

Let's not forget these abuses occurred in the very same prison Saddam Hussein used to torture Iraqis. Now this prison has served as a source of allegations of sexual abuse, psychological torture, and even murder.

In the minds of Iraqis and those in the Arab world, what is to separate these acts from past abuses?

Certainly the scope of these abuses does not compare to those that occurred under Saddam Hussein, but the unacceptability of these acts is not something we should attempt to measure in quantitative terms. Surely we hold ourselves, I hope, to an entirely different and higher standard than that with which we judged Saddam Hussein.

Moreover, diplomacy is a delicate game, and one mistake by the world's superpower reverberates around the globe to the detriment of our foreign policy. It is going to make the job of Ambassador Negroponte—when the majority leader decides to move on his nomination—all the more difficult. As difficult as his job was going to be prior to the emergence of these allegations, it is exponentially more so today.

Given the situation, I urge Ambassador Negroponte, when he is confirmed, to draw on his previous experience to make the protections of human rights in Iraq a top priority.

I am stating the obvious. But these abuses must not occur again.

Moreover, we owe it to the more than 130,000 honorable and dedicated U.S. troops currently risking their lives in Iraq to ensure that those who are found guilty of these crimes be punished to the fullest extent possible. Anything less would be a great disservice to all of these brave men and women in uniform who now face a much more difficult task than winning the hearts and minds of the Iraqi people.

Equally troubling is that these disgraceful acts have been made possible by the administration's rigid philosophy of outsourcing jobs and responsibility. This time, though, it outsourced much of our mission in Iraq, responsibilities that should be given to well-trained military personnel. The administration has outsourced these responsibilities to private military firms (PMFs), that are virtually unregulated by our Government or any other.

I don't support the outsourcing American jobs abroad and I don't think we should give our military duties to independent contractors, either. Indeed, reportedly, there are as many as 20,000 private military firm personnel currently working in Iraq. It appears that no chain of accountability exists for their actions, that no universal rules exist to govern their operation in coordination with U.S. and coalition troops. Most disturbing, according to reports, these private military firms' personnel have been directly involved in some of these crimes.

I ask my colleagues, is it any surprise to learn that members of an unregulated group of paramilitaries is alleged to have committed human rights abuses?

And I would ask the President of the United States and the Secretary of Defense—why were private contractors taking part in U.S. military interrogations? And since when do we assign to non-official personnel the most critical and delicate task to our military operations—unregulated personnel, I might add.

I am sure many agree that the use of these companies in sensitive military situations certainly raises some ominous questions. That is why last week I sent a letter to the GAO along with four of my colleagues—Senator FEINGOLD, Senator REID, Senator LEAHY, and Senator CORZINE—requesting that GAO investigators undertake an extensive investigation into the employment of these firms in Iraq.

I am hopeful, given the increasing violence in that country and recent reports of abuse, including reports of abuse by private contractors, that the General Accounting Office will expedite this investigation and answer all of the questions posed. Our troops, our mission in Iraq, and the American taxpayer deserve a prompt, independent, and careful look into this matter.

Mr. President, if we are lucky, we may get a second chance to demonstrate to the Iraqi people and the Arab world that we came to Iraq for good—not abuse.

But we will only get that chance if we make amends fully and completely. That is why the administration must move quickly and publicly to bring the criminals who committed these abuses to justice. We must also take back direct responsibilities related to the administration of Iraq from private contractors and assume responsibility for what are clearly official and delicate functions which have profound foreign policy implications if not handled properly.

Mr. President, the sooner we do these things, the sooner we can get back on track helping the Iraqi people build a democratic and just society that reflects their own values and aspirations.

Ambassador Negroponte can play a critical role in making that happen, and I am therefore pleased that the Senate is poised to approve his nomination today. I fully support moving ahead to confirm him for this critical post.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. DODD. Mr. President, if I might have an additional minute or 2.

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

NATIONAL DAY OF PRAYER

Mr. DODD. Mr. President, I would also like to bring to the attention of my colleagues an article from today's Washington Post. It was on page A-3 carried over to page A-6, and it worries me deeply because it goes to what I am fearful may have had some underlying and undercurrent effect on the events of the last several days. It seems to speak to the extent that we are dehumanizing and minimizing and casting this pall of accusation over an entire religious group in the world.

Senator BIDEN pointed out in his remarks here this morning that 1.2 billion people are observers of the Muslim faith.

And today is a national day of prayer in the U.S. It began with a resolution adopted in the Truman administration in 1952 and has been followed every year since then. When Harry Truman signed the congressional resolution he called for "a suitable day each year other than a Sunday to be set aside for common prayer." Every administration since 1952 has taken that day out of the calendar year to focus on common prayer. And it was under the Reagan administration that the first Thursday of May was set aside as the permanent day each year.

I cannot tell you how disturbing it was to read in this morning's paper a quote from one of the organizers of this year's day of prayer. The quote was buried away, but let me read it, because it actually goes to the heart of what we are talking about. We are told here, this morning, that they would make "no apologies" in today's celebration of prayer "about the exclusion of Muslims and others outside of the 'Judeo-Christian tradition' from ceremonies planned by the task force on Capitol Hill and in state capitals across the country."

"They are free to have their own national day of prayer if they want to," she said.

Well, if you have that attitude about common prayer today, and you exclude religious groups from a national day of prayer, then what have we come to?

I might point out as well, because the Presiding Officer will appreciate this—my wife pointed this out to me this morning—in Salt Lake City, Mormons have complained that they are not allowed to lead prayers during today's observance. I don't know how you have a national prayer day in Salt Lake City and exclude the Mormons from participating.

But this sort of attitude where we are going to selectively choose religious groups that can be involved, and the particular reference here to the exclusion of anyone who might be of the Muslim faith, is troubling to me because it is that sort of an attitude that contributes to the dehumanization of people and casts aspersions on an entire group of people.

Indeed, as we talk about what has occurred as a result of the actions of a few bad apples, I point out the story in today's newspaper because I think that the attitude of exclusion expressed in the story contributes to an environment, if you will, that somehow makes these abuses permissible in the minds of some—that somehow these people are undeserving of the kind of treatment that every other human ought to receive—particularly in the hands of a nation that prides itself on being governed by the rule of law and which respects individual rights.

Mr. President, I ask unanimous consent that the article in today's Washington Post entitled "Bush to Appear On Christian TV For Prayer Day" be printed in the RECORD.

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

BUSH TO APPEAR ON CHRISTIAN TV FOR
PRAYER DAY
(By Alan Cooperman)

President Bush's participation in a National Day of Prayer ceremony with evangelical Christian leaders at the White House will be shown tonight, for the first time in prime-time viewing hours, on Christian cable and satellite TV outlets nationwide.

For Bush, the broadcast is an opportunity to address a sympathetic evangelical audience without the risk of alienating secular or non-Christian viewers, because it will not be carried in full by the major television networks. Frank Wright, president of the National Association of Religious Broadcasters, said more than a million evangelicals are expected to see the broadcast.

Some civil liberties groups and religious minorities charged that the National Day of Prayer has lost its nonpartisan veneer and is being turned into a platform for evangelical groups to endorse Bush—and vice versa.

"Over the years, the National Day of Prayer has gradually been adopted more and more by the religious right, and this year in particular there is such an undercurrent of partisanship because for the first time they are broadcasting Bush's message in an election year," said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State.

The event's organizers denied that it amounts to a tacit political endorsement.

"We're in an election year, and we believe God cares who's in those positions of authority," said Mark Fried, spokesman for the National Day of Prayer Task Force. "But we're not endorsing a candidate—just praying that God's hand will be on the election."

The private task force, which operates from the Colorado headquarters of the Christian organization Focus on the Family, has encouraged the nation's churches to organize potluck suppers and pipe the ceremony into their sanctuaries. It will be taped in mid-afternoon in the East Room and re-broadcast during a three-hour, late evening "Concert of Prayer" featuring Christian music stars and other luminaries, such as Bruce Wilkinson, author of the best-selling "Prayer of Jabez." "This feed is available to any network anywhere in the world free of charge, but only religious networks have an inclination to pick it up," Wright said.

Fried said this year's theme is "Let Freedom Ring." He described it as the evangelical response to efforts to remove the words "under God" from the Pledge of Allegiance and keep the Ten Commandments out of public buildings.

"Our theme is, there is a small group of activists unleashing an all-out assault on our religious freedoms. They are targeting the Christian faith," he said.

The National Day of Prayer has been celebrated every year since 1952, when President Harry S. Truman signed a congressional resolution calling for "a suitable day each year, other than a Sunday to be set aside for common prayer."

Under President Ronald Reagan, the date was set permanently as the first Thursday in May. Since the mid-1980s, the ceremony has been organized by the nonprofit task force headed by two prominent evangelical women: Vonette Bright, widow of Campus Crusade for Christ founder Bill Bright, and Shirley Dobson, wife of Focus on the Family founder James C. Dobson.

As in recent years, today's observances will begin with a congressional prayer session on Capitol Hill in the morning, followed by the afternoon ceremony at the White House. Under President Bill Clinton, Bright said in an interview this week, the White House observance was private and "very definitely lower key" than under Bush, who has invited print and television coverage each year.

Although "we were disappointed" with Clinton's low-profile celebration, Bright said, evangelicals did not make that sentiment public. "We have as enthusiastically promoted the Day of Prayer when Democrats were in office as when they were not," she said, adding that any "politicization" of the Day of Prayer "would be so unfortunate."

Bright did not hesitate, however, to express admiration for Bush: "I don't think he has a political agenda of his own. I think he's really trying to do what would please God."

She also made no apologies about the exclusion of Muslims and others outside of the "Judeo-Christian tradition" from ceremonies planned by the task force on Capitol Hill and in state capitals across the country. "They are free to have their own national day of prayer if they want to," she said. "We are a Christian task force."

The White House press office and presidential adviser Karl Rove's office did not respond to calls seeking comment on the National Day of Prayer observances.

Organizers said some Jewish rabbis, Catholic clergy and mainline Protestants have been invited to the congressional and White House ceremonies. But the exclusion of religious minorities has led to protests in several cities.

In Salt Lake City, Mormons have complained that they are not allowed to lead prayers during the local observance.

In Oklahoma City, the Rev. W. Bruce Prescott has planned an interfaith ceremony on the steps of the state Capitol today to protest the exclusively Christian ceremony inside the building. "As a Baptist preacher, it's hard for me to protest prayer," he said. "What I'd rather do is see if we can't find a way to do it right."

Mr. DODD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that in addition to my time, I receive 10 minutes from Senator HARKIN.

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

Mr. REED. Thank you, Mr. President.

Mr. President, we are currently engaged in a fierce battle to salvage something, anything, from the administration's effort at regime change and reconstruction in Iraq. Each day, the costs in lives and dollars accumulate, as the Iraqi people become more restive and impatient. International and regional support for our efforts is eroding at a time when an international effort, as distinct from the administration's unilateral approach, may be the only effective way to change the political dynamic and allow us to avoid being trapped in a long, bloody, and uncertain conflict.

Many Americans are asking how we came to this point. Some are asking why we must remain. The President has responded with a slogan: "We must not waiver." What we need is a plan, a plan based on reality, not on ideology.

The administration launched the preemptive attack on Iraq to counter, according to their claims, the overwhelming danger of Iraqi weapons of mass destruction and alleged ties between Saddam Hussein and terrorists. In the last year, no weapons of mass destruction have been found, and no strong link has been established between Saddam and terrorists. Ironically, today, there is no shortage of terrorists in Iraq. They have been drawn there not by Saddam but by his demise.

Now, the administration returns to the subtext of its justification for preemptive action in the fall of 2002, the unalloyed evil of Saddam. That, of course, is a point beyond debate; indeed, a point that was acknowledged by all sides during the debate in the fall of 2002.

When Secretary Wolfowitz testified recently before the Senate Armed Services Committee, he continually reiterated the depravity of Saddam stressing, in his words, the "density of evil" that gripped Iraq under Saddam. Looking backward at Saddam will not help us find a way ahead today. Today, more relevant than the "density of evil" that gripped Iraq is the "density of illusion" that continues to grip the

administration and the Pentagon. The administration and the Pentagon stubbornly cling to illusions about the situation in Iraq. Let me suggest some of the most salient.

For months, they have attempted to convince the world—and, perhaps, themselves—that Iraqi security forces were capable of making a significant contribution to establish order and to defeat the insurgency. No such capability exists at this time, and it may take years to train a competent and cohesive force that can assume the security role in Iraq that currently falls primarily upon the United States.

For months, the Pentagon regaled us with charts showing the astronomical and rapid growth of Iraqi security forces from mere handfuls to hundreds of thousands. They repeatedly stressed the proportional decrease of the American presence as a sign of progress. All this was wishful thinking and political spinning.

The last few weeks have revealed the fact that a significant number of Iraqi security forces are ill prepared, ill equipped, and unmotivated.

A Washington Post article pointed out that on April 5, a new Iraqi battalion of several hundred Iraqi soldiers refused to join U.S. Marines in the offensive in Fallujah. In the south, police units as well as members of the Iraqi Civilian Defense Corps, equivalent to the National Guard of the United States, refused to engage Sadr's forces. MG Martin Dempsey, commander of the 1st Armored Division in Iraq, estimated that one in 10 members of the Iraqi security forces actually worked against the U.S. forces and 40 percent simply walked away from their post because of intimidation during the recent violence in Fallujah and in the south of Iraq.

The Pentagon likely had indications of problems with these forces. Several months ago MG Karl Eikenberry was dispatched to Iraq to conduct a survey of Iraqi security forces. General Eikenberry is an extremely competent and experienced officer who played a key role in establishing the new national army in Afghanistan after Operation Enduring Freedom.

For many weeks, I have been attempting to obtain this report to become informed and to inform my colleagues about the state of readiness of the Iraqi security forces. The Pentagon has been completely uncooperative. This lack of cooperation and respect for the responsibilities of Congress to perform oversight over the Department of Defense has been characteristic of this administration's approach throughout the conduct of operations in Iraq, and it has contributed to the predicament we find ourselves in today. Too often a small group of civilians in the Pentagon has displaced normal planning functions and instead, insulated from appropriate congressional oversight, has hatched plans for the occupation in Iraq that have proven to be misguided and inept. The formation of

credible and effective Iraqi security forces is imperative, but not just because it reduces the burden and the threat to our forces. It is imperative we establish these forces because today our goals for Iraq are being thwarted by a climate of violence that affects every Iraqi and saps their willingness to commit to the reform of their country.

We often see the violence in Iraq as those attacks against our forces. When we do, we miss the pervasive and disturbing violence that touches the lives of every Iraqi and, in a cruel irony, has many Iraqis comparing the order under Saddam with the chronic disorder under the United States.

The following is an article, translated from Arabic, in the April 25th edition of *Al Manar*, a newspaper from Baghdad:

The Iraqi society has never known or, even in U.S. gang movies, seen such acts of looting, robbery, and murder as the current crimes taking place in Iraq today, which cause newborn's hair to turn gray. The crimes have become so common that hardly an hour passes without hearing that some people are being plundered or a number of cars are being stolen. The drivers of the new and expensive cars have become a target for the thieves and burglars.

Someone may think that such crimes occur in other places at night; however, the strange thing is that in Iraq, they take place during the day for everyone to see. In addition, the numbers of these looting gangs have become very well known to the ordinary citizens of Baghdad.

A few days ago, my relative's car was stolen at gun point in Baghdad, but he managed to escape without being physically harmed or injured in the incident. Having recovered from the shock a few days later, his friends advised him to meet with a former gang leader who enjoyed considerable status and reputation among the members of the other criminal gangs. Having no other option, my relative went to see the guy who promised to take him to the gangs operating in the zone where his car was stolen.

As promised, the man secretly took my relative to meet well known gangsters where one of them congratulated him [my relative] for his good luck because his car was stolen by a gang "that only steals cars but does not kill the owners; otherwise, you would have been killed if it was another gang." The strange thing is that most of the gangsters are young boys between the age of 15 and 20 years.

After several terrifying trips, my relative found his car when tough negotiations began. He was asked to pay \$500, a special offer out of honor and respect for their repentant comrade who brought him to get his car back.

This true story is an example of dozens of other similar robbery, looting, and murder crimes taking place in Baghdad where stealing and murdering gangs have dramatically increased. Unless we are able to protect the people of Iraq from criminal gangs and from situations as illustrated in these comments in the newspaper, we will fail in our mission because we have a situation where the basic elements of order, the basic sense of safety and security have been completely eviscerated for a vast number of Iraqis.

These are off the TV screens. But this is one of the constant drumbeats

that is turning the people of Iraq to become resentful of our presence.

The administration has also, together with the Pentagon, consistently underestimated the number of troops necessary for the successful occupation of Iraq. Secretary Rumsfeld and General Franks adroitly planned the air and ground campaign that shattered the Iraqi army in a matter of days. They correctly judged our overwhelming technological advantages, together with the extraordinary courage and skill of our fighting forces, would quickly overwhelm the much larger Iraqi forces. But winning a swift victory over a conventional military force is not the same as successfully occupying a large country with a population of 25 million.

From the beginning, our forces, including international allies, were insufficient to physically and psychologically dominate the scene. The absence or limited presence of coalition forces in many parts of Iraq gave the insurgents opportunities to organize and the perception they could initiate hostile actions against our forces. One of the first clues I had suggesting a lack of adequate forces was the briefing I received last July from the 4th Infantry Division in Kirkuk on my first trip to Iraq. I was taken aback, frankly, to learn there were hundreds, if not thousands, of Iraqi ammo dumps. Many of them were totally unsecured while others had some security barriers but were not secured by military personnel. This was the case all over the country.

Today munitions in these ammo dumps are being used to craft the improvised explosive devices that bedevil our forces. This is one example indicating additional troops could have been used effectively.

Another indication of the insufficient number of coalition military forces is the proliferation of private security forces. Why is it necessary to have 20,000 armed private security guards in Iraq performing essential military duties? The answer is simple. We did not deploy sufficient military forces. These private security forces are generally highly trained professionals, typically veterans of our special operations forces. But their presence raises numerous questions.

How, for example, do they coordinate with our military forces? What rules of engagement may they use? What is their legal status, particularly after June 30, when limited sovereignty is transferred to some Iraqi authority? I am still awaiting the answer to these questions from the Pentagon. Once again, my request has not been responded to promptly with detailed information or any information.

Last September, Senator HAGEL and I proposed an amendment to the supplemental appropriations bill to increase the size of our Army by 10,000 soldiers. That is a necessary initial step to provide the manpower to continue to commit further forces to Iraq and to continue to meet the worldwide demands

upon our Army. The Senate supported that amendment. Unfortunately, the administration vociferously opposed it. They claimed Iraq was just a spike and that in the months ahead, the Army could begin to withdraw forces.

In January, they suddenly reversed this position and announced they would take steps to increase the Army by 30,000 soldiers by tapping into the supplemental appropriations bill. I am pleased the Pentagon is finally convinced we need more forces for our Army, but they still maintain this is a temporary emergency condition that is best funded through the supplemental appropriations process.

The reality is, this condition is not temporary. If we are serious about succeeding in Iraq and meeting other demands throughout the world, we must admit this is a task that will take many years and a larger army for many years. We must provide for increases in end strength for our Army in the regular budget process, not the supplemental, by directing more resources to the Army from the other services or by increasing the overall defense budget.

The administration and the Pentagon continually insist that we are being opposed by a small group of unrepentant holdouts from the former Baathist regime and an even smaller cadre of terrorists who have flocked to Iraq after the defeat of Saddam.

This view dangerously misconstrues the growing resentment of the Iraq population to our presence and the very real possibility that many Iraqis will sympathize with the insurgents not because they agree with their political or religious views but because they see them as fellow Iraqis resisting a foreign occupation.

Anthony Cordesman, a very prescient analyst at the Center for Strategic and International Studies, pointed out that "it is important to note that an ABC poll in February found a large core of hostility to the Coalition before the tensions unleashed by current fighting, and that core involved many Shi'ites as well as Sunnis." And, as reported in a new USA TODAY/CNN/Gallup poll, "only a third of the Iraqi people now believe that the American-led occupation of their country is doing more good than harm, and a solid majority support an immediate pullout even though they fear that could put them in greater danger . . ." Although half the Iraqis who responded to the poll said that they and their families were better off now than under Saddam, 71 percent of the respondents when asked to classify the Americans as "liberators" or "occupiers" chose "occupier." The figure increases to 81 percent if you exclude respondents from the semi-autonomous Kurdish region. More startling is the fact that more than half the respondents outside of the Kurdish region "say killing U.S. troops can be justified in at least some cases."

What might have begun as the desperate acts of diehards from Saddam's

regime has rapidly morphed into a widespread resentment of the United States as "occupiers." The insurgents have touched a nationalistic nerve that vastly complicates our efforts. Popular support is the critical element in political warfare, and the administration is squandering that support.

The latest revelations of gross abuse of Iraqi prisoners at the Abu Ghraib prison have further fanned the flames of resentment and anger. It is an aberration in the conduct of American soldiers, but its occurrence has confirmed in a very suspicious population the worst lies spread by our adversaries. In addition, these actions have poisoned our already strained relations with many countries and their citizens around the world.

For months now, the Coalition Provisional Authority has been in power, and the administration touted that as an example of our reconstruction efforts. Frankly, I believe it has been dysfunctional from the beginning.

The President vested the Department of Defense with extraordinary powers in the occupation and reconstruction of Iraq. Even before the initiation of military operations, the decision was made to exclude experts from the State Department from planning for the reconstruction and administration of Iraq. The task was given to a small group of ideologues in the Department of Defense. They relied on the self-serving declarations of Chalabi and the exile crowd to assume away most of the problems that we later encountered in Iraq. Problems such as a dilapidated infrastructure, ancient rivalries between religious and ethnic factions were conveniently ignored as the "neocons" predicted that we would be welcomed with open arms in a country that was economically and culturally ready for a rapid transition to democracy.

The institutional responsibilities for the transformation of Iraq were given to Ambassador Bremer and the Coalition Provisional Authority, the "CPA". And, in this regard, the record is one of confusion and ineptness.

The decision to disband the Iraqi army threw thousands of desperate and dangerous individuals onto the streets of Iraq. Many of these individuals formed the heart of the insurgency that continues to attack our troops.

The decision to eliminate the Baath party from the civic life of Iraq was quite correct in principle, but carried to such extremes that it alienated the Sunni community and provided additional fuel for the growing fires of resistance. To add insult to injury, the process of debaathification was placed under the control of Chalabi, a figure of immense distrust and dislike in Iraq.

I first heard these complaints from our military commanders last November during one of my trips to Iraq. They complained that thousands of teachers were being excluded from schools at a time when there was a concerted effort to reopen schools

throughout the country. These officers explained that membership in the Baath Party was obligatory for anyone who hoped to obtain a job like teaching in Iraq. Most of these individuals were motivated not by political impulses but by economic and career goals. Nevertheless, they were categorically excluded subject to the discretion of Chalabi. It was a situation that further antagonized the Sunni community. The policy has been belatedly amended but not after doing great damage.

This episode also illustrates the gap between the CPA and the military commanders that actually were doing the work of rebuilding Iraq. The CPA existed in a security bubble in Baghdad disconnected from the field where Army division commanders and their staffs were taking pragmatic actions to restore services, rebuild communities and instill hope in the people of Iraq. The CPA added little to these actions except indecision that simply complicated the action of commanders on the ground.

In the past few days, a revealing memorandum by someone who served in the CPA has surfaced that provided additional details illustrating the incompetence of the CPA. The anonymous author of the memo is a fan of Chalabi and is hopeful for success in Iraq. This makes his criticism even more telling.

He describes the CPA as handling "an issue like six-year-olds play soccer: Someone kicks the ball and one hundred people chase after it hoping to be noticed, without a care as to what happens on the field." My view is that the CPA quickly became a 30-day summer camp for "neocons." Subject-matter experts were displaced by ideological true believers who rotated in and out at a dizzying rate.

The CPA installed the Iraqi Governing Council composed of representatives from the major factions and then allowed the Governing Council to pick ministers to run the major ministries, like Oil and Public Works. The result was nepotism and corruption. As the memo points out, "both for political and organizational reasons, the decision to allow the Governing Council to pick 25 ministers did the greatest damage. Not only did we endorse nepotism, with men choosing their sons and brothers-in-law; but we also failed to use our prerogative to shape a system that would work . . . our failure to promote accountability has hurt us."

I met with a member of the Iraqi Governing Council on March 17 in Baghdad. He explained to me the importance of the June 30 date. As Chalabi explained it to him, it is important because on that date they get to "write the checks." I am sure there are competent and patriotic Iraqis involved in the Governing Council, but I am deeply skeptical of many, like Chalabi, who seem interested only in self-promotion based on deceit and deception.

Despite the institutional failings of the CPA, it has acquired some hard-

won experience. That experience disappears on July 1 as our new Embassy replaces the CPA. I fear that we will witness once again a lack of coordination and direction as a new team tries to organize itself in the complicated and unforgiving environment of Iraq. I was hoping to hear Ambassador Negroponte describe in detail the organization and policies that will guide the new Embassy. I didn't hear much.

There are numerous questions. What is the status of contracts with the CPA, particularly contracts with security firms? Will American civilian contractors in Iraq be subject to Iraq law or United States jurisdiction? How will the Embassy be organized to avoid being "captive" in the Green Zone in Baghdad? How will responsibilities be divided between the Department of State and the Department of Defense? I'm still waiting for good answers.

We are in danger of repeating the mistakes we made a year ago. Once again, we are approaching a critical juncture without a plan, just a new set of players. And the clock is ticking.

The administration is pinning most of its hopes for political progress in Iraq on the transfer of sovereignty to an Iraqi entity on June 30. In doing so, they confuse the difference between sovereignty and legitimacy. The new Iraqi entity—yet to be devised or to be fleshed out with Iraqis—may have some formal powers that may qualify it as a sovereign for the purposes of international law, but I doubt that the vast majority of Iraqi citizens will see it as a legitimate government. This new entity lacks the key components that people ascribe to legitimate governments. Legitimate governments are created by internal political forces, preferably by elections, and legitimate governments control their territory.

This new entity will be a creation of the United States with the belated and uncertain participation of the United Nations, and this new government will exist because American military forces control the territory of Iraq.

In a sense, the administration has already made June 30 both irreversible and irrelevant. Having held out the prospect of a transition to Iraqi rule on June 30, it is impossible to turn back. But on July 1, a prevailing sentiment in Iraq is likely to be disappointment and a sense that the United States has, once again, failed to carry out its word. This will further aggravate tensions, not diminish them.

We can hope the participation of the United Nations will give us a reprieve from this fate, but the administration's disdain for and distrust of the United Nations suggests to me that the current arrangement of necessity will not be sufficient to truly give a sense of legitimacy despite recent efforts.

The surest route to legitimacy is through elections, but we are far from that day. Indeed, that day may continue to recede. Recent polling in Iraq underlines a disturbing fact:

Seventy-five percent of the Iraqis polled—that's the largest percentage of people agree-

ing on virtually any issue—say they would never join a political party and oppose the existence of a political party.

If that is the case, the likelihood of a democratic Iraq is many years away.

The administration's gravest illusion has been and continues to be that the United States can do it alone.

Recent events show the necessity for significant international involvement, not unilateral action. The administration has made overtures to the United Nations, but, as I have suggested, these overtures smack more of political expediency than a new realization of the value of broad-based collective action.

The monetary cost alone to the United States is staggering. We have spent \$100 billion on the effort in Iraq with no end in sight. More importantly, we have lost 767 men and women of our Armed Forces. Indeed, according to an article in today's Washington Post, Yale economist William D. Nordhaus has estimated that the additional \$25 billion just requested for the war in Iraq will make it more costly than the inflation-adjusted expenditures of the Revolutionary War, the War of 1812, the Mexican-American war, the Spanish-American War, and the Persian Gulf war combined.

These monetary costs are just a fraction of what we will end up paying. Each day we are accruing significant costs to recapitalize the equipment and materiel we are using up at alarming rates. The aircraft and the tactical and logistical vehicles will require massive overhauls and replacement. None of these costs are being adequately addressed in or outside the supplemental budgetary process or the regular budgetary process.

Without broad-based international support, we will be unable to accomplish our political goals, and we will be hard pressed to sustain the billions of dollars necessary to sustain our effort in Iraq. As long as we dominate the military and political forces deployed to Iraq, we will be seen as occupiers serving our self-interest rather than a force to advance the interests of the Iraqi people.

The administration has long maintained that Iraq is the "central front" in the war on terrorism. They are badly mistaken. The "central front" in the war on terrorism is the United States. The ultimate objective of our terrorist adversaries is to once again inflict a catastrophic attack against the United States. They are not distracted in this objective by Iraq. We should not be either.

Today, al-Qaida and sympathetic terrorist cells throughout the world continue to plot to conduct an attack against the United States or the homelands of our allies.

The insurgents that we are engaging in Iraq may hate us with the same intensity as an al-Qaida operative, but they have chosen a different path—a path of guerrilla war against our military forces and the citizens of Iraq. The majority are Iraqis motivated by spe-

cific grievances involving our presence in Iraq. The "foreign fighters" who are in Iraq are drawn by the desire to fight the infidel. They are temperamentally and technically much different than the plotters who attacked us on September 11. In contrast, there are still many al-Qaida and associated operatives who continue to plan stealthy attacks against Americans rather than seek out a guerilla war against our military forces. To assume we will lure these terrorists into Iraq and destroy them there is a dangerous misperception.

Once again, the value of a truly international approach to the war on terror becomes more evident. The key element in this struggle is intelligence, not simply military might. This intelligence is not the province of one country, even a country with the resources of the United States. It is the sum of the collective efforts of many countries. To the extent we have alienated other countries or made their intelligence contributions more difficult, then we have diminished the key element in defeating those who continue to plot to strike our homeland.

The PRESIDING OFFICER. The Senator's time expired.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes and that the other side be given an additional 5 minutes.

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

Mr. REED. Mr. President, considering all of this, it is alarming to see the inattention that the administration is paying to homeland security.

What is also very disconcerting about the administration's view is that they see al-Qaida as an institution rather than an ideology. It is an ideology, and it is an ideology that is spreading in the Islamic world despite our huge efforts in Iraq, some might say even because of our efforts in Iraq.

This ideological battle will not be won by military means alone. It will be won by providing Muslim populations around the world with a compelling alternative to the jihad as a means of enhancing their sense of empowerment and defusing their sense of frustration.

Education and economic development spring to mind as ways to begin to counter the appeal of the jihad. Once again, our choice of massive military involvement in Iraq has constrained the resources that we can deploy throughout the Muslim world to directly challenge the ideology of al-Qaida through education and economic development. Here also is another example of where an international approach would have given us much more credibility and, potentially, more resources to advance this agenda of education and economic development.

The administration entered Iraq with illusions, and they struggle today in Iraq because of these illusions. The unfolding crisis in Iraq can no longer tolerate illusion. It demands a realistic assessment of the risks and resources, and a pragmatic plan to prevail.

The administration must develop a true plan for the war's financing with realistic numbers in a timely manner.

The administration must commit more soldiers to the struggle in Iraq. This means increasing the overall end strength of the Army through the regular budget process.

The administration must recognize that the struggle in Iraq is separate from the war on terrorism and that the war on terrorism requires more robust funding at home to protect America.

The administration must recognize and admit that we are committed to a long and dangerous struggle in Iraq that will cover many years and cost many billions of dollars. The administration must seek to truly institutionalize our efforts in Iraq.

A government that deceives its people may sustain itself for a while. Lincoln reminded us that "you can fool some of the people some of the time," but a government that deceives itself is doomed to failure, and its policies are doomed to failure.

I yield back the remainder of my time.

THE PRESIDING OFFICER. Who yields time?

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I know we have a time limitation. I think I was allocated some time earlier. Is that correct?

THE PRESIDING OFFICER. The Senator is allocated 20 minutes.

Mr. KENNEDY. Mr. President, I will support John Negroponte to be America's first ambassador to Iraq since the gulf war, and I will speak about it in more detail in a moment.

First I want to say a few words about the larger issues of Iraq and the enormously important challenge we face at an enormously important time for our Nation. The stakes could not be higher for the safety of 135,000 American soldiers serving in Iraq, for the future of Iraq and its 25 million citizens, for America's role in the world in the years ahead, and for America's own security in the weeks, let alone the years, ahead.

For the stability of the entire Middle East, America's ambassador must convey to the new Iraqi government and the Iraqi people America's hopes for Iraq that it soon become a free, stable and prosperous and peaceful nation that respects the rights of its own citizens.

We pray that mission accomplished has not become mission impossible. America's respect and reputation in the world have never been lower in the entire history of our Nation. Where do

we go to get our respect and reputation back? Where do we go to bring a respectable end to the nightmare for America that Iraq has become?

I worry that the actions of our Government may no longer keep America true to the ideals of the Nation's Founders so long ago.

I hope the appointment of Ambassador Negroponte, a career diplomat, will mark a new beginning of serious American engagement in the real problems in Iraq.

Too often, the Bush administration has been blinded by its arrogance on Iraq and refused to recognize the cold, hard truth about its failed policies. Time and again, the President has looked at events in Iraq through rose-colored glasses, ignored the administration's many mistakes in Iraq, and has failed to speak with candor either to the American or the Iraqi people.

Ambassador Negroponte could not be entering this position at a more challenging time. The allegations of prisoner abuse have shaken the faith of the Iraqi people and the international community in the benevolence of the U.S. involvement in Iraq. The new ambassador must start to rebuild their trust.

In his April 20, testimony to the Senate Armed Services Committee, Deputy Secretary of Defense Paul Wolfowitz spoke at length about the human rights abuses under Saddam. Seven of the 23 pages of his prepared testimony addressed the atrocities committed by Saddam Hussein.

One of the goals of the U.S. occupation of Iraq should have been to herald a new day of human rights for the Iraqi people. Instead, many Iraqis are equating America's crimes to those committed by Saddam Hussein, using the same prison and the same torture rooms.

There is no question that this is not the case. There is no question that Saddam's crimes were crueler and more horrific and more widespread by any objective standard.

But the reports of torture by American soldiers, and the reports that these abuses took place at the direction of Army intelligence officers, CIA agents, and private contractors, are deeply damaging to our cause in Iraq and our reputation and interests in the world.

Nobody questions the commitment and skill of the vast majority of our soldiers. They are performing admirably under extraordinarily difficult circumstances. I have no doubt that these despicable incidents are even more painful for them than they are for the rest of America. I am concerned, however, that allegations of prisoner abuse are not limited to this one Baghdad prison. GEN. George Casey has said that this military has conducted at least 25 criminal investigations into deaths and 10 criminal investigations into other allegations of misconduct involving detainees in Iraq and Afghanistan.

Without a question, these reports of abuse strike at the heart of the moral

argument for the administration's war in Iraq.

It is clear that we need a full and independent investigation. The American people need the truth. Congress needs answers. There must be a full investigation and full accountability, including a comprehensive review of all detention and interrogation policies used by military and intelligence officials abroad, in Iraq, Afghanistan, Guantanamo, and elsewhere.

We need to know when the torture started, why was it kept secret for so long, and why we had to learn about it from the media. No one should be immune to questions, including the President.

This is President Bush's war. It is the result of his radical doctrine of preventive war and American unilateralism run amok.

President Bush has spoken frequently about the dignity and human rights of the Iraqi people, and he made it a major justification for the war.

In the East Room of the White House on March 19, 2004, President Bush asked: "Who would prefer that Saddam's torture chambers still be open?"

In the Cabinet room on December 24, 2003, the day Saddam was captured, President Bush said:

For the vast majority of Iraqi citizens who wish to live as free men and women, this event brings further assurance that the torture chambers and the secret police are gone forever.

The President has failed the Iraqi people, and he has failed America. He has presided over America's steepest and deepest fall from grace in the history of our country.

The buck stops at the Oval Office. The tragedy unfolding in Iraq is the direct result of a colossal failure of leadership. It is a failure of calamitous proportions. The President should apologize to the Iraqi people and accept full responsibility.

In the wake of this tragedy, Ambassador Negroponte will face an uphill battle regaining the enormous ground we have lost in winning the hearts and minds of the Iraqi people.

America's vision to rebuild Iraq and provide new hope and opportunity was grand and noble, but we have not delivered on our promise. Far too many Iraqis have come to the conclusion that America is able, but unwilling, to meet their basic needs. The frustration with our unfulfilled promises is feeding into massive hatred for America and our soldiers, who are paying with their lives.

Last fall, President Bush requested \$20 billion in emergency reconstruction assistance from Congress to provide basic services for the Iraqi people. Congress wrote a large check to the Iraqi people, but the administration still has not delivered it.

Ambassador Bremer spoke of the urgent need for this assistance in the Senate Appropriations Committee on September 22, 2003:

This is urgent. . . . Most Iraqis welcomed us as liberators. Now the reality of foreign troops on the streets is starting to chafe. Some Iraqis are beginning to regard us as occupiers and not liberators. This was perhaps inevitable, but faster progress on reconstruction will help.

Acting in good faith, the Congress approved this funding 3 weeks later.

Despite the desperate need for reconstruction assistance in Iraq, the Bush administration has spent only a small portion of these funds. A mere 14 percent of the billions provided by Congress last October has been obligated for reconstruction projects. The administration has not clearly told the Congress how much has actually been spent. It may not even know.

According to the most recent report to the Congress from the Office of Management and Budget: Nearly \$3.6 billion was intended for public works projects, including nearly \$3 billion for drinking water, but only \$32 million has been obligated overall, and only \$14 million has been obligated on drinking water; \$443 million was intended for improvements in hospitals and health clinics, but the coalition government has obligated nothing.

Mr. President, \$300 million was designated for health care equipment and modernization, but nothing has been obligated and \$90 million was designated to build and repair schools, but less than a quarter of it has been obligated.

Our half-hearted attempt to take the face of America off the occupation will inevitably exacerbate Ambassador Negroponte's diplomatic challenges.

Our proposal to transfer sovereignty to the Iraqi people on June 30th and take the face of America off the occupation is nothing more than that—a proposal. It's not even a real transfer of sovereignty.

At the very time we are talking about transferring sovereignty, President Bush is developing a grandiose plan to build a super embassy in Baghdad, staffed by 1,000 Americans. We will still have 135,000 American soldiers on the ground in Iraq for the foreseeable future.

The new embassy's significance is clear. This administration wants Baghdad to be America's new colonial beachhead in the Middle East. As one American official said it will be just like "Saigon, circa 1969."

By comparison, 147 Americans now work at the American Embassy in Afghanistan, a country with 4 million more people than Iraq; 500 Americans work at the American Embassy in Egypt, a country nearly three times the population of Iraq; and 293 Americans work at the American Embassy in India, a country of 1.8 billion people.

In fact, the administration is diverting funds intended for Iraq's reconstruction to support this Fortress America Embassy. According to an April 30th article in the Washington Post, \$184 million has been reassigned from drinking water projects to pay for the operations of the U.S. embassy. An-

other \$29 million has been reallocated from projects such as democracy building to the administrative expenses of USAID.

And we wonder why the Iraqis hate us, why hatred for the American occupation continues to grow.

We all have a stake in Iraq's success—the administration, the American people, the Iraqi people. Ambassador Negroponte has an enormous responsibility to ensure that our policy toward Iraq is based in reality and shaped by the facts on the ground.

As the Ambassador embarks on this new assignment, he must not gloss over the truth, even if it is painful. He must speak with candor to the American people and the Iraqi people about America's objectives, our strategy, and our successes, and he must be equally candid about our failures.

He would be wise not to follow in the footsteps of so many in the Bush administration who may have spoken candidly about the bleak situation in Iraq to the President in private, but who constantly sought in public to put a positive face on the clear failures.

The stakes are high and the challenges are many. I wish Ambassador Negroponte great success and the best of luck. He will need both if America is to succeed in stabilizing Iraq, delivering on our promise of freedom and democracy, and bringing our troops home with dignity and honor. I urge my colleagues to approve his nomination.

Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum.

Mr. REID. I request the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, parliamentary inquiry: Does the Senator from Iowa have a certain amount of time? And if so, what is that?

The PRESIDING OFFICER. The Senator from Iowa has been allocated 20 minutes.

Mr. HARKIN. I appreciate that.

Mr. President, I rise in opposition to the nomination of John D. Negroponte to serve as U.S. Ambassador to Iraq. I understand and agree America needs a representative there, more so now than ever. We need someone in Iraq who has a sterling record, an unassailable record in terms of his or her support for fundamental human rights and for the rule of law, someone who has no blot on their career record of having been involved in the kind of abuses that have come to light recently in Iraq under our military jurisdiction.

After the terrible revelations of the abuses under our watch at the prison at

Abu Ghraib—more is coming to light in Afghanistan, and we do not know what is happening in Guantanamo—I believe nominating Ambassador Negroponte to this vital post would send entirely the wrong message. He is not the right person for this job at this time.

Why do I say that? Ambassador Negroponte served as U.S. Ambassador to Honduras from October 1981 through May of 1985. During this time, Mr. Negroponte showed a callous disregard for human rights abuses through his tenure as U.S. Ambassador to Honduras. I speak of this from firsthand knowledge. I traveled to Honduras during this period and I visited one of the Contra camps along the border of Honduras and Nicaragua with then Ambassador Negroponte. At that time, there were many allegations that a so-called Battalion 316—which was supervised and trained by our CIA and by some of our military personnel—had been involved in some very egregious human rights abuses, including the disappearances of people, including the disappearance and alleged torture and murder of a Catholic priest.

At the time of my visit to the camp with Mr. Negroponte, I asked a number of questions about Battalion 316 and the alleged human rights abuses. I was told there were no such human rights abuses committed by the Honduran military. It became clear to me I was misled, and quite frankly I was not given answers to my questions about the human rights abuses being committed by Battalion 316. I believe Ambassador Negroponte knowingly misinformed me and knowingly misinformed the U.S. State Department about gross violations of human rights in Honduras during his tenure.

I refer to a series of articles written in the Baltimore Sun in 1995. A June 19, 1995 article was talking about Ambassador Negroponte.

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

I will read further from this article:

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so,

he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in the Honduran newspapers that year alone. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

I ask unanimous consent to have the articles from June 19, 1995, printed in the RECORD.

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

[From the Baltimore Sun, June 19, 1995]

HEAR NO EVIL, SEE NO EVIL . . .

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Each year, U.S. embassies report on human rights abuses and the State Department passes the information on to Congress. Nations that consistently violate human rights are barred from receiving U.S. military aid. By ignoring the clear, unavoidable evidence that Hondurans were being kidnapped, tortured, raped and murdered by a special unit under the command of the army chief of staff, the Reagan administration was able to boost military aid to Honduras from \$3.9 million in 1980 to \$77.4 million four years later.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so, he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in Honduran newspapers that year. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

In the last of four articles resulting from a 14-month investigation, Sun reporters Ginger Thompson and Gary Cohn quote liberally from the 1982 and 1983 human rights reports on Honduras. Each quotation is matched by persuasive evidence it is a shameless lie. Even the Honduran government has now acknowledged the atrocities. But not Mr. Negroponte, the hard-line cold warrior who considered Henry Kissinger a softie on Vietnam.

Now ambassador to the Philippines, Mr. Negroponte has refused to respond to ques-

tions repeatedly directed at him by The Sun. But he can't ignore pointed questions from President Clinton, whose personal representative in Manila is Mr. Negroponte. Despite the State Department's support of Mr. Negroponte, the president can't possibly want someone of this ilk representing the U.S. abroad.

Mr. HARKIN. Ambassador Negroponte's reports to his superiors in the State Department resulted in the Congress being misled as to the scope and nature of gross human rights violations that were committed by Battalion 316, an elite U.S. trained unit of the Honduran military involved in some of the worst human rights abuses in Central America.

In a letter to The Economist in 1982, Ambassador Negroponte wrote, it is simply untrue that death squads have made appearances in Honduras.

This is from our Ambassador to Honduras at the very time death squads were openly operating in Honduras under Battalion 316. Yet he said it is untrue that they have made an appearance in Honduras.

We now have history. We now know Mr. Negroponte was not telling us the truth.

From 1981 to 1984, over 150 people disappeared in Honduras, including an American priest, Father James Carney. His body has never been recovered. All indications at that time pointed to Battalion 316. There had been reports that they interrogated him and he was severely tortured and killed. I am not suggesting Ambassador Negroponte was responsible for Father Carney's disappearance. What I am saying, however, is Ambassador Negroponte turned a blind eye and a deaf ear to the human rights abuses in Honduras during his watch. During that period, Ambassador Negroponte was in very close contact, perhaps almost on a daily basis, with GEN Gustavo Alvarez, the Commander in Chief of the Honduran military, and the architect of Battalion 316.

For Ambassador Negroponte in 1982 to say it is simply untrue that death squads have made appearances in Honduras—this is going to be our Ambassador to Iraq at this time?

In 1989, during a hearing before the Senate Foreign Relations Committee, on his nomination to be Ambassador to Mexico, Ambassador Negroponte was questioned about the human rights violations by this elite battalion which became known as Battalion 316. His response was that he had "never seen any convincing substantiation they were involved in death-squad type activities." Yet, as a Baltimore Sun article pointed out, the evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information, and Mr. Negroponte was the Ambassador at that time.

Mr. President, the Baltimore Sun, in 1995, devoted a series of articles on what happened in Honduras and what happened in terms of Mr. Negroponte's involvement at that time. For the ben-

efit of those who might want to read the RECORD and catch up on Mr. Negroponte's past and what he did while he was Ambassador to Honduras, I commend these articles to them.

Mr. President, I think it should be clear to all of us why human rights questions and concerns should be at the forefront of today's debate and why someone with the background of Mr. Negroponte is not the right person to send to Iraq, because it is going to come out, it will come out about Mr. Negroponte's involvement with Battalion 316. It will come out about Mr. Negroponte's efforts in Honduras to suppress information Congress needed at that time. It will come out that Mr. Negroponte was untruthful to his superiors at the State Department. It should be clear to us why he should not go there at this time.

We are shocked and shaken by the pictures of abuse against Iraqis at the hands of U.S. personnel. Our image as a country is at stake. But it is not just our image, it is the very essence of our Nation, our fundamental respect for human rights, our fundamental respect for the dignity and worth of each individual, the essence of what we are trying to tell the world, that we are for freedom, that we are for individual liberties, that we oppose torture in all its forms. There is no reason why people should be tortured in prisons, and we should not be involved in it.

The photographs we have seen also have a personal association for me. When I first saw these pictures, I was taken back in time—34 years to be exact—to 1970, July of 1970, when I was a staff person in the House of Representatives, and I was sent with a commission to Vietnam.

We had heard all these reports about these tiger cages in which people were brutally tortured, killed. Our State Department denied their existence, our military denied the existence of them; these were all just Communist conspiracy stories.

Well, I had heard enough about them and others had heard enough about them that I began to look into it, and because of some luck, because of the courage of Congressman William Anderson of Tennessee, and Congressman Augustus Hawkins of California, a young man by the name of Don Luce, and the bravery of a young Vietnamese man who gave us the maps on how to find this prison, we were able to uncover the notorious tiger cages on Con Son Island.

Fortunately, I had a camera. Fortunately, I had a hidden tape recorder. Because when I came back and we reported on this, we were told they were not that bad. Well, then LIFE magazine published my pictures and the world saw how bad they really were. North Vietnamese, Vietcong, and civilian opponents of the war in South Vietnam were all bunched into these tiger cages, in clear violation of human rights, fundamental human rights, and in clear violation of the Geneva Convention. We had been asking the North

Vietnamese to abide by the Geneva Convention in terms of their treatment of our prisoners in North Vietnam. Yet, here we were condoning, supervising, the very same kind of abuses of people, in clear violation of the Geneva Convention.

Well, then I was told, well, as to what these people were telling me—because the interpreter was pro-Communist—that he was telling me the wrong things, because I did not speak Vietnamese, you see. I did not speak Vietnamese, and they said the person interpreting for me had a bias toward the Communists, so I could not believe what I was being told. So they sent another group over to hear all these glowing reports. What they did not know at the time is that I had a hidden tape recorder. No one knew that except me. I tape recorded everything that was said.

I was fired from my job. I was told I would never again work in the U.S. Congress because of my actions in letting these pictures out and telling the truth about what was happening on Con Son Island. I was brought before a congressional committee and was charged that what I was reporting was false because I did not speak Vietnamese, and that my interpreter was a well-known “Communist sympathizer.” But I had my tape recorder and I taped everything that was said.

I turned it over to the Library of Congress to transcribe, and they transcribed every single word. Not only what I had been saying was confirmed, but there was even more on the recording that was not interpreted for me, more evidence of the cruel, torturous conditions in these tiger cages, how people had been tortured and killed, and how we, the U.S. Government, had provided not only the funding but the supervision for these prisons.

So when I saw these pictures from Iraq, it brought back Con Son Island and the tiger cages. I thought we had learned our lesson. Yes, war is not a nice thing. War is terrible. But that is why we have Geneva Conventions. That is why we have these international treaties. I thought we learned after Con Son and the tiger cages that we ought not to be involved in those things, that we ought to make sure whoever runs these prisons, whoever has charge of prisoners of war, treats the prisoners according to the Geneva Convention. Yet here we are back again—34 years later—and we see the same kinds of things happening in this prison.

I do not know who took those pictures. I read in the paper today it was a young man and that he may be in some serious trouble. Well, whoever took those pictures, I want them to know they have a friend and an ally in this Senator from Iowa. I will do whatever I can to ensure that no harm in any way comes to them, that they are able to speak out without fear of any reprisal about what they saw and what went on in those prisons.

We have to let the sunlight in—the best disinfectant. Let's show it for

what it was. Let's show what happened there. And let's tell the world, once again, that we are going to make sure we have in place policies, programs, things that will never let this happen again.

The lead editorial in this morning's Washington Post made it very clear when they said:

Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured, and murdered—and in which, until recently, no one has been held accountable.

I agree with those who want a full investigation. I believe we should investigate. But I don't want to see this just pinned on a few soldiers at the bottom. Yes, they have to be held responsible, too. No military person has to follow an illegitimate order of anyone placed in authority above him or her. These were illegitimate orders. If they were ordered to do such things, who gave those orders? Who supervised it? How far up the chain of command did it go?

The bottom line is, the Constitution of the United States puts a civilian in charge of our military. It is that civilian, by his or her actions, statements, policies, programs, that filter down to that private, that sergeant out in the field. Mr. Rumsfeld, because of his actions and his statements and his policies during his tenure as Secretary of Defense, is ultimately responsible. That is why I have called today for his resignation. If he doesn't resign, the President of the United States should dismiss him forthwith.

Seeing no one else asking for time on the floor, I ask unanimous consent that I have an additional 5 minutes.

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

Mr. HARKIN. Because of what has happened, and for our country, we speak of patriotism a lot, patriotism of our brave soldiers and airmen and seamen in Iraq and around the world, the patriotism of those in our country who fight for justice, fight for those less fortunate. Patriotism takes on a lot of different forms. I think Mr. Rumsfeld has to show some patriotism. He has to put the good of his country above his own self-interest and his own self-esteem. It is time for him to recognize that we need a new Secretary of Defense to change the policies and the programs that Mr. Rumsfeld instituted, that, as the Washington Post editorial said, led to this kind of a situation.

I ask unanimous consent that the editorial in the Washington Post this morning, May 6, be printed in the RECORD.

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

[From the Washington Post, May 6, 2004]

MR. RUMSFELD'S RESPONSIBILITY

The horrific abuses by American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan can be traced, in part, to policy decisions and public statements of Secretary of Defense Donald H. Rumsfeld. Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered—and in which, until recently, no one has been held accountable.

The lawlessness began in January 2002 when Mr. Rumsfeld publicly declared that hundreds of people detained by U.S. and allied forces in Afghanistan “do not have any rights” under the Geneva Conventions. That was not the case: At a minimum, all those arrested in the war zone were entitled under the conventions to a formal hearing to determine whether they were prisoners of war or unlawful combatants. No such hearings were held, but then Mr. Rumsfeld made clear that U.S. observance of the convention was now optional. Prisoners, he said, would be treated “for the most part” in “a manner that is reasonably consistent” with the conventions—which, the secretary breezily suggested, was outdated.

In one important respect, Mr. Rumsfeld was correct: Not only could captured al Qaeda members be legitimately deprived of Geneva Convention guarantees (once the required hearing was held) but such treatment was in many cases necessary to obtain vital intelligence and prevent terrorists from communicating with confederates abroad. But if the United States was to resort to that exceptional practice, Mr. Rumsfeld should have established procedures to ensure that it did so without violating international conventions against torture and that only suspects who truly needed such extraordinary handling were treated that way. Outside controls or independent reviews could have provided such safeguards. Instead, Mr. Rumsfeld allowed detainees to be indiscriminately designated as beyond the law—and made humane treatment dependent on the goodwill of U.S. personnel.

Much of what has happened at the U.S. detention center in Guantanamo Bay is shrouded in secrecy. But according to an official Army report, a system was established at the camp under which military guards were expected to “set the conditions” for intelligence investigations. The report by Maj. Gen. Antonio M. Taguba says the system was later introduced at military facilities at Bagram airbase in Afghanistan and the Abu Ghraib prison in Iraq, even though it violates Army regulations forbidding guards to participate in interrogations.

The Taguba report and others by human rights groups reveal that the detention system Mr. Rumsfeld oversees has become so grossly distorted that military police have abused or tortured prisoners under the direction of civilian contractors and intelligence officers outside the military chain of command—not in “exceptional” cases, as Mr.

Rumsfeld said Tuesday, but systematically. Army guards have held "ghost" prisoners detained by the CIA and even hidden these prisoners from the International Red Cross. Meanwhile, Mr. Rumsfeld's contempt for the Geneva Conventions has trickled down: The Taguba report says that guards at Abu Ghraib had not been instructed on them and that no copies were posted in the facility.

The abuses that have done so much harm to the U.S. mission in Iraq might have been prevented had Mr. Rumsfeld been responsive to earlier reports of violations. Instead, he publicly dismissed or minimized such accounts. He and his staff ignored detailed reports by respected human rights groups about criminal activity at U.S.-run prisons in Afghanistan, and they refused to provide access to facilities or respond to most questions. In December 2002, two Afghan detainees died in events that were ruled homicides by medical officials; only when the New York Times obtained the story did the Pentagon confirm that an investigation was underway, and no results have yet been announced. Not until other media obtained the photos from Abu Ghraib did Mr. Rumsfeld fully acknowledge what had happened, and not until Tuesday did his department disclose that 25 prisoners have died in U.S. custody in Iraq and Afghanistan. Accountability for those deaths has been virtually nonexistent: One soldier was punished with a dishonorable discharge.

On Monday Mr. Rumsfeld's spokesman said that the secretary had not read Mr. Taguba's report, which was completed in early March. Yesterday Mr. Rumsfeld told a television interviewer that he still hadn't finished reading it, and he repeated his view that the Geneva Conventions "did not precisely apply" but were only "basic rules" for handling prisoners. His message remains the same: that the United States need not be bound by international law and that the crimes Mr. Taguba reported are not, for him, a priority. That attitude has undermined the American military's observance of basic human rights and damaged this country's ability to prevail in the war on terrorism.

Mr. HARKIN. We are all upset about what happened. Our country was founded on the principles of democracy, the inalienable rights of individuals. We were right to condemn Saddam Hussein for his state-sponsored torture in Iraq. We are right to condemn anyone, whether it is in Uganda or those who led the Rwandan massacre, the generals who now run Burma, or those who set up the Soviet gulags during that long cold war where so many were tortured and killed by the Soviets. We have always been right to speak out against those and to do what we can to uphold the inalienable rights of individuals. We are not perfect. No country is; no individual is. But our obligation is to make sure that when this country makes a mistake, we right it. We don't try to cover it up. We don't try to excuse it. We bring it out, show it for what it is, and then institute policies, programs, procedures to make sure that human rights abuses under our watch will never happen again.

The bravery of our men and women in Iraq, under intolerable conditions, is a source of pride to all of us. As Senator KENNEDY said, what has happened with these pictures, these terrible human rights abuses, I believe, has to pain our wonderful young men and

women in uniform more than it pains us. Most of them, I am sure, are as abhorred by this as we are. I know they are wondering how something like this could have happened. It has to be demoralizing for our military as it is demoralizing for us. That is why 34 years ago, when the pictures of the tiger cages came out, it led to reforms. I believe it helped lead to the end of that terrible conflict in Vietnam and brought our troops home.

I hope these pictures, as awful as they are, about what happened in the Abu Ghraib prison, will now provoke us to act, to straighten out the system, to make sure this does not happen again.

The PRESIDING OFFICER. The Senator has used his additional 5 minutes.

Mr. HARKIN. I ask unanimous consent for an additional 5 minutes.

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

Mr. HARKIN. I believe that our President has to apologize to the Iraqi people. He went on television yesterday. As I understand from all the articles I read, he gave a slight slap on the wrist to Secretary Rumsfeld and said he still supported him. I am sorry. Sometimes it takes a big person to admit wrong and to apologize. I believe that is what we need to do for the Iraqi people, to let them know, not by words but by deeds, that this does not reflect who we are as a people. We are better than that. We are bigger than that.

Because of what has happened, because of the pall this has cast over our involvement in Iraq, for those reasons and for the history of John Negroponte and what he did during his tenure in Honduras during a time of gross violations of human rights, he should not be the highest ranking diplomat in Iraq. I suppose the skids are greased for him to get this appointment. But I don't think there are too many here who remember Mr. Negroponte and what he did in Honduras, but I don't forget. I don't forget what happened there. I don't forget that Mr. Negroponte was one of those individuals closely aligned with General Gustavo Alvarez and Battalion 316. I don't forget that it was Mr. Negroponte who turned a blind eye and a deaf ear to the human rights abuses in Honduras at that time.

So to send Mr. Negroponte to Iraq would send entirely the wrong message at this time.

Mr. President, 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. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that the time under the quorum call be charged equally to both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes using the time that Senator LEVIN had.

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

Mrs. BOXER. Mr. President, at 5 o'clock we are going to vote on whether to confirm Mr. Negroponte to be our Ambassador. I want to make clear a couple of points. I voted against Mr. Negroponte for the very issues Senator HARKIN talked about in his history when he was in Latin America, during what I believed to be a massive coverup of human rights abuses, which was very troubling. When Mr. Negroponte went there, there was a meeting with him and I said: You are now in a new job, and although I am not voting for you, I want to work with you. We did work together on a treaty banning child soldiers. He worked very well with us on that. There were times when I called him to talk about issues of concern and he was very accommodating.

I am going to vote for him today to give him another chance at a job that is so dangerous and so worrisome, because we have a policy in Iraq that is not working. He is willing to go there. I give him tremendous credit for that and I give credit to his family. I also think his ties with people in the United Nations, as we try to get more nations involved, could be helpful. I am not sure, but it could be helpful.

I want to express my reservation, now that we see on the agenda of the United States of America one of the worst scandals I think we have seen in a very long time—this prison scandal, which has such enormous ramifications. As one of my colleagues said, it has undone a thousand gestures of kindness and goodness our troops have demonstrated to the Iraqi people and to the people of Afghanistan.

People say, Senator, you should not vote for Mr. Negroponte because now we have this other human rights scandal. Well, I feel Mr. Negroponte knows we are watching everything now. America has a way of getting to the truth. The other day I made a speech about making sure that truth will not be a casualty of this war. We need to know the truth. I can tell you, I have never seen anything uglier.

When the press came to me and asked how I am going to vote for Mr. Negroponte, I said I want to give him this opportunity. I also feel we ought to be looking to the Commander in Chief right now.

It isn't Mr. Negroponte who is responsible for what has gone on here. It

is, in the end, the Commander in Chief, and I wish this Commander in Chief would do what others of both political parties did and step up to the plate and admit it. We all make mistakes. God knows I have made many. We do not like to admit them because it shows our fallibility, perhaps our lack of wisdom or experience. But in the end, you have to do that.

There have been so many mistakes made since this Iraq situation turned into the nightmare that it is—and let me put it right on the table because I do not come to this table without a certain point of view. I did not vote to go it alone in this war. I worried about going it alone in this war. Now we have to ask ourselves, whether we voted for it or against it, what do we do now? Of course, that is the important question. And what mistakes have been made? There are so many mistakes.

The military campaign was brilliant.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for an additional 2 minutes per side, and I will finish up. Excuse me, I ask if I can have an additional 5 minutes from leader time, and then I will finish up.

Mr. MCCAIN. Reserving the right to object, 5 minutes?

Mrs. BOXER. Yes, and I will be done.

Mr. MCCAIN. I do not object.

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

Mrs. BOXER. Mr. President, I see Senator MCCAIN here, one of our heroes in America. He is my chairman and friend. I went over to him one day—I don't know if he remembers this. I was so worried about this war, and he said something that turned out to be true. He said: It will be over in 2 weeks. He was right, in essence. It was maybe a little longer. That first military campaign was brilliant. And I said: But, Senator, I am worried about how many we are going to lose.

He said: It's going to be OK, Barbara.

He was right. But there wasn't a plan in place after that, and we all know that. Yet when the President was asked by the press, Did you ever make any mistakes, couldn't he think of that one?

DICK LUGAR, chairman of the Foreign Relations Committee, Senator BIDEN, Senator HAGEL, Senator KERRY, Senator DODD, Senator CHAFEE, myself, and others on the Foreign Relations Committee came together and said: Where is the plan? We said that before the first shot was fired. So that was a mistake.

Then when the President landed on the carrier and he said major combat was over, "Mission Accomplished" behind him, that was a mistake.

Then when the world said—after that moment, we had them in our hands that day, the whole world when the President landed on that carrier: Can we help you in Iraq? The President said: If you did not go in with us, you cannot rebuild; you are not getting anything. So the spoils of the war were

not going to be shared with anyone except those who went into Iraq. It was a mistake in the end. We would have had everyone in there with us. It would have been different.

When the United Nations building was blown up, an opportunity to say then and show leadership that this has turned into a war against terror and the terrorists are here now—and by the way, they were not before. We know that from State Department documents. They are there now. We had an opportunity to say: United Nations, you have been attacked; come with us. We did not do that.

Now this horrific vision in these prisons. I heard one commentator say: What about the vision of the Americans who were slaughtered and hung on the bridges? Yes, sickening, horrifying, hellish. We cannot go down that road because this is America.

When I was growing up, I knew America was different. This editorial that ran today in the Washington Post opened up my mind because I did not call for anybody's firing. I think the Commander in Chief is responsible, and he has to decide who he is holding responsible. This is an interesting editorial. It said, When did the trouble start? It is when Don Rumsfeld, and I assume with the permission of the President, said: We are not going to pay any attention to the Geneva Convention. None of these rules are going to apply. And now what has happened?

We don't know all the details, but if it is true, and we do not know that yet, what we see in the paper—and these are real photographs—I do not know that for sure, but if it is true, what we are seeing is something that has stained this country, that has burdened this country and scarred this country, that has undermined everything in which we all believe, Democrats, Republicans, Independents, Greens. It does not matter what party; it is about America.

I think it is mistake after mistake after mistake after mistake after mistake. What do we do now? I think JOE BIDEN has great ideas on that. He says the Iraqi people have to want democracy as much as we want it for them. I do believe it is time to test that. We are sending our people into a caldron. We cannot keep going down this course. We have to modify it and change it.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I thank the Chair.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from California be allowed 2 additional minutes to finish up.

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

Mrs. BOXER. Mr. President, as usual, my friend is very generous of spirit.

Stay the course, modify the course, change the course—we need to change the dynamics of this. Some have suggested tearing down the prison. I think that might be an excellent idea to show

our remorse, our sorrow, and our outrage. They say a picture is worth a thousand words. These pictures say terrible things, and we by our actions have to undo those pictures.

My understanding is that a lot of these people who were conducting themselves in this atrocious fashion were kids. They were never trained. They did not understand. They were told: Just do whatever you have to do to get people to talk.

I do not know if that is all true. We will get to the bottom of it. But one thing I do know is, you do not stay on a course when it is not working. We have lost over 700 of our beautiful people, some young, 18, 19, some 30, 40 years old leaving behind children. Some 3,000 plus have been wounded. And why doesn't Paul Wolfowitz know these numbers? What is wrong with him that he doesn't know these numbers? It is wrong. These are lives. These young people are not just some faceless, nameless cutout of a soldier.

Mr. President, I am so filled with sadness. Every time I come to the Senate floor to read the name of Californians who have died—I know they are the best.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. My word to them is: You are the best, and we will get to the bottom of this.

Mr. President, I thank Senator MCCAIN for his generosity.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from California. I do remember our conversation. I also remember she and I discussed the fact that the post-conflict era was going to be extremely difficult. She made a very balanced statement today, and I thank her for that as we all go through this very difficult time in the history of our country.

Mr. President, we will be having a hearing tomorrow with Secretary Rumsfeld, and after that hearing, a lot of us, I hope, will be better informed, not just members of the committee, but others will be better informed as to the dimensions of this terrible situation which we have seen so graphically demonstrated on the abuse of human rights.

I also am convinced again that the sooner we get this issue resolved and move forward and make sure it never happens again, it is very important because we have to go about the business of winning this conflict. We cannot let this terrible situation, as tragic as it is, divert us from our purpose of winning this conflict which we cannot afford to lose. We have plenty of time to debate and discuss that in the future.

I also would like to comment on my friend John Negroponte. I have known John Negroponte ever since he was ambassador to Mexico, where he did an outstanding job. He has held a broad variety of positions in both Republican and Democrat administrations. I believe he will perform admirably in the

position for which the President of the United States has nominated him.

There probably would have been a lot less discussion about Mr. Negroponte's qualifications if it had not been for the difficulties we are experiencing in Iraq at the moment, but I would also point out it also lends some urgency to getting this highly qualified, patriotic American in position as we prepare to turn over the government of Iraq to the Iraqi people, which I think all of us are in agreement should be done as quickly as possible.

SUDAN

Mr. President, I rise to speak about the situation in Sudan. Before I do, often citizens, opinion leaders, and people who are viewed with some respect by the American people have, unfortunately, the opportunity or the obligation to say: Never again. We said "never again" after the Holocaust. We said "never again" after the slaughter of 800,000 innocent people in Rwanda, and we have said "never again" on a number of occasions where acts of genocide have taken place.

We are seeing a situation in the Sudan where I do not want us as a nation or as individuals to look back and say some years from now, after these innocent people are being ethnically cleansed and victims of a genocidal plan of orchestrated atrocities, that we would say never again without us attempting to do what we can to stop what is happening in the Sudan as we speak.

Our thoughts and prayers are with the brave Americans serving in Iraq and with the Iraqi people we have liberated, but at the same time the situation in Sudan is dire and it is getting worse.

I applaud Senator BROWNBACK and Senator FEINGOLD for introducing a resolution on this situation, and I am proud to cosponsor it. I would like to take a few moments to describe what the world faces today in Sudan.

The region of Darfur, in western Sudan, is one of the most strife-ridden places on Earth. The largely Arab Sudanese government has teamed with the janjaweed, a group of allied militias, to crush an insurgency in Darfur. This is not the same as the conflict between the Sudanese government and the Sudanese People's Liberation Movement in the south, but rather a separate, brutal conflict. The methods that the government and the janjaweed have employed to put down the insurgents are nothing short of horrific. They are not only targeting rebels, but civilians as well.

Reports emerging from Darfur indicate that the government and the militias are killing civilians, engaging in widespread rape, abducting children and adults, looting civilian property, deliberately destroying homes and water sources, and forcing villagers into government-run concentration camps. The government continues to block access to the region for international humanitarian organizations and ceasefire monitors.

I urge my colleagues to listen to the words of a student from the town of Jorboke. He told Human Rights Watch:

I was at the well with my animals, about half a kilometer from the village, when the planes came. . . . The Antonovs came first, they were very high, like small birds, and they dropped eight bombs around Jorboke. We have two wells and both were hit, the others landed outside the village. . . . The MiGs came about fifteen minutes later and they bombed two of the houses in the village. I heard later that the janjaweed came and looted and burned the rest of the village, but I had left by then; my family put me on a camel to come out to Chad.

A recent article in the New York Times reported an Antonov pilot ordering a ground commander: "Any village you pass through you must burn. That way, when the villagers come back they'll have a surprise waiting for them."

My colleagues heard correctly. The government of Sudan is actually using Russian made Antonov bombers and MiG fighters to kill the civilian population. They are not simply attacking military targets but are focusing on civilian targets such as water wells, granaries, houses, and crops.

Jan England, the UN Under-Secretary General for Humanitarian Affairs describes the situation in Darfur as a "scorched-earth" policy of ethnic cleansing in Darfur, and Andrew Natsios, Administrator of USAID described it last week as "the worst humanitarian disaster in the world right now." The cost to the local population has been enormous. In the last year alone, possibly up to 30,000 people have been killed and another million people have been displaced. Many of the displaced are farmers, who have been unable to plant their crops. Famine looms.

As we stand here today, a nominal cease fire is in place, but there is little evidence that the government and its allied militias are honoring the agreement. Refugees continue to pour across the border into Chad, fleeing for their lives.

If any of this sounds familiar, it should. Just weeks ago we commemorated the 10th anniversary of the Rwandan genocide. Just weeks ago we wrung our hands and said, "If only we knew what was to come, we would have acted." We should have acted. But the international community remained silent and idle, and 800,000 Rwandans lost their lives, under the most horrible circumstances.

This cannot happen again. We do not yet face a Rwanda-type situation in Sudan, and must ensure that we never do. The situation in Darfur offends America's values, and threatens our interests. The continued flight of refugees into Chad, the tenuous peace between Eritrea and Ethiopia, as well as the ongoing conflicts in Somalia could further escalate if we allow Sudan to go up in flames.

Now is the time to act to stop the killing in Sudan before it becomes genocide. I am encouraged that Presi-

dent Bush has spoken out against atrocities in Sudan, and that the State Department and USAID have been very engaged. But we must do more. As the rainy season approaches and threatens to hinder the delivery of aid and medicine, we are running out of time.

The United States must first make clear to the Government of Sudan that its behavior and the actions of its allied militias are totally unacceptable. If the government believes that it will get a free pass in Darfur in exchange for brokering peace with rebels in the south of the country, it is sorely mistaken, as the administration has rightly made clear. We must maintain all sanctions related to human rights violations until real progress is made in Darfur, and consider other ways we can increase pressure on the government.

The international community must also join with us in pressuring the regime. The situation in Darfur should be no more acceptable to responsible European and African governments than it is to the American people. The United Nations Security Council must condemn, in the strongest terms, the gross abuses of international humanitarian law and human rights in Darfur. It should further demand that the Sudanese government immediately disarm and disband its militias, allow full and unhindered access to Darfur by humanitarian agencies and ceasefire monitors, and allow all displaced persons safe passage back to their homes. The Secretary General should report back to the Security Council within weeks, noting the degree to which the Government of Sudan is complying with these demands. At that point, if necessary, the Security Council should consider stronger action under Chapter VII authority.

In the meantime, we must examine whether and what size international contingent it would take to stop this disaster. If troops are required, we should figure out how to get troops, possibly African troops, on the ground. If we need financial and logistical support, the United States and others should provide it.

Some will say that this is going too far, that we face other, more important crises around the world. Dealing with ethnic strife is never easy, and it is all the more tempting to turn our heads when Sudan seems a far-off, obscure place in Africa. Yet 10 years ago, we looked the other way when the public was unaware of the war between the Hutu and the Tutsi in Rwanda. In 1998, President Clinton apologized for our lack of action. I do not want to stand on the Senate floor 10 years from now and remark about the hundreds of thousands of innocent Sudanese who perished under our watch.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise to comment on the critical importance of moving ahead on many of the pending nominations for the ambassadorial and foreign affairs post, and to speak to

John Negroponte, who has become a good friend, someone whom I admire tremendously.

I do commend the Senator from Arizona for his statement on the Sudan. I opened this morning earlier today with the resolution at the time it was approved. The Sudan is a country I am in every year, and throughout the southern Sudan. I have had the opportunity to be there at least once a year for the last 6 years. Again, the atrocities that are going on in Sudan must be condemned, and the Senate is speaking loudly, through the voice of Senator McCain and so many others over the course of today. I commend the leaders, both of the sponsors of the bill, and the bipartisan support for that resolution.

I mentioned the ambassadorial and foreign affairs posts because we need to pay attention not just to the future of Ambassador Negroponte, but also the many others today because we do have a whole range of qualified individuals who are going to be in very important posts—except there is one little block, and the block ends up being a huge one, right here in the Senate. They are ready. They have been fully vetted and approved, with strong support of the Foreign Relations Committee. There have been bipartisan votes. There have been unanimous votes. It is now time to act on a whole range of these ambassadorial posts.

Chairman LUGAR, on the Senate floor just a few hours ago, eloquently noted that foreign governments take notice when the American Embassy post remains vacant. They basically look at the post and they see back in America that nominees have been put forward, but the fact the Senate has not said yes, which we ultimately will do, sends a strong signal to those countries as if the United States doesn't put the emphasis or care quite as much about that country. It might be interpreted as a feeling of declining interest in that country. We should not allow it to happen. Really, we must not allow that to happen. It takes action here in the Senate.

I am very hopeful we can open up this whole gate that is blocking so many of these nominees. We absolutely must have strong diplomatic representation and support for our policies in order to fight global terror, to defeat global terror, to further our economic interests around the world, to advance our interests and bring freedom and democracy to the millions of people who yearn for it. Like our military, our diplomatic corps is a part of a national security team.

I know most of my colleagues, indeed, all of my colleagues would not deny our military the leadership they need in the time of war. I ask my colleagues to remember the similar and very important role that our ambassadors play. That important role is advancing our national security and foreign policy interests. Our embassy teams serve on the front line of the

United States of America. Our Foreign Service officers and embassy personnel literally put their lives at risk each and every day.

It was just in 1998, in Tanzania, in Kenya, that a number of our embassy staff were killed in the al-Qaida attack. They paid the ultimate price for freedom.

The Constitution gives us responsibility, it gives us a critical role in the appointment of ambassadors. But the advise and consent power is not only a right of this body but it is a responsibility of this body. As I have said many times before, I take that responsibility very seriously. In this time of war, America needs to have full diplomatic representation abroad. We are at war. We need to be represented fully abroad.

The nomination of John Negroponte is pending today, and hopefully shortly, we will be voting on his nomination. I have had the opportunity to visit with him recently and to grow to know him over the last several years. I think there is no individual more qualified to take on that difficult task—and we all know it is going to be difficult—as Ambassador to Iraq. Ambassador Negroponte has served this country for over three decades. He is one of the most qualified diplomats to ever serve this Nation. He has been confirmed by this body seven times before.

On June 30, as we all know, the Coalition Provisional Authority turns over Iraqi sovereignty to the Iraqi people. We have seen it play out in the last several days, the last several weeks. It is a difficult time in Iraq. It is perhaps the most critical moment in the fight to bring freedom to that war-torn nation.

As we all know, Ambassador Negroponte will be charged with implementing those policies in Iraq. He will be responsible for leading and protecting a team of over 1,700 embassy personnel.

It is a critical time of conflict in Iraq and indeed throughout the Middle East. It is in this critical time that we need Ambassador Negroponte at his post as soon as possible. The future of Iraq depends on our ability to make good decisions right now.

As Chairman LUGAR pointed out, we have a number of other nominations, 30 nominations pending on other important posts, right now pending throughout Europe, throughout the Middle East, in Africa and throughout the world. I hope with the final confirmation today of Ambassador Negroponte we can open up what would be a floodgate to these other 30 nominations.

It is not the time to make political statements on either side of the aisle as an excuse for holding up these nominations. The risks are too great at this moment in history. I strongly urge my colleagues to approve Ambassador Negroponte shortly, and all of the other pending nominations as soon as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COLEMAN. Mr. President, I rise to speak to the issue of the confirmation of the nomination of John D. Negroponte to be ambassador to Iraq.

I serve on the Foreign Relations Committee. During my short time in this esteemed body, I have had the opportunity to listen to, to engage in conversation, and to question Ambassador Negroponte on a number of occasions. He is an extraordinary man to whom this Nation owes a debt of gratitude for his service in the past and whose confirmation should swiftly be approved so he can continue with the distinguished career he has in Government.

His Government career started in 1960 at the age of 21 when he entered the Foreign Service. He has 37 years of experience at the Department of State. He has clearly played a leadership role in American foreign affairs. That leadership is needed today and certainly he can bring that skilled leadership to the challenges he will face as Ambassador to Iraq.

He has served on four continents at the highest levels. Of course, he is serving as Ambassador presently to the U.N., Permanent Representative of the United States to the United Nations. He served this country five times in ambassadorial positions, including Ambassador to the Philippines, Ambassador to Mexico, Ambassador to Honduras in 1977, in 1979 as Deputy Assistant Secretary of State for Oceans and Fishery Affairs, with the rank of Ambassador. His service to this country covers an extraordinarily wide spectrum of regions and functions. He has received numerous commendations, including two President's Meritorious Service Awards, an honorary doctorate from Adamson University in the Philippines, the Homeric Award from the Chian Federation, and on and on.

He truly is an extraordinary man. He brings the right vision for what America needs in Iraq. His vision of the role of ambassador is different from what we have now with Ambassador Bremer. Whereas the CPA today is the ultimate political authority in Iraq, the Embassy will be in a supportive, as opposed to a commanding, role. He understands and believes a U.S. mission will support democratization and rule of law, economic reconstruction and security and counterterrorism.

He believes the U.N. role does not come at the expense of United States influence or interests but, rather, the efforts will be coordinated and complementary. That is what we need in an ambassador. That is the nomination we have before the Senate. I hope there is

a resounding voice of support from this body. It sends out the right message to the world as to the kind of individual we want working with the government of Iraq after the transfer of sovereignty on June 30.

I am thrilled Ambassador Negroponte is willing to continue his service, a difficult service. He brings the right skills to the task. The skills certainly are needed.

These are challenging times in Iraq. There is no question about that. In those times of challenge, oftentimes in this great free land of ours, folks have different opinions and different perspectives. Those are often played out in the Senate or in the House Chamber on the other side of this magnificent Capitol Building.

With dissent come tough, probing questions that make our Nation stronger, make it freer, and democracy more durable. I have great respect for those who dissent, to offer a different perspective than me. Certainly the challenge in Iraq, the war in Iraq is evoking a great deal of concern in different perspectives. There is a lot of 20/20 hindsight. It is easier to be a critic. But dissent is not a validation of one's position. On the contrary, one can be just as easily wrong in their dissent as they may be right.

I will say while American lives are on the line, those who dissent must choose the moments to determine whether their dissent will help make this Nation stronger or freer or if it will undermine the very foundation of what holds us together.

I said it before and I will say it again, these days we are observing a mixture of Monday-morning quarterbacking, in some cases, political opportunism, exaggeration, which threatens to deprive us of perspective and resolve when we need it the most.

There are challenges in Iraq. We are all reeling over the photographs we saw of the treatment of some prisoners in an Iraqi prison. It is not what America is about. We rejected that. The President rejected it. The military has rejected it and will hold those responsible.

At the same time, as we speak today, men and women are still in uniform fighting for freedom, fighting against terrorism. This President, our President, did not ask for a war on terror. September 11 happened. We have come to understand that no longer could we escape terrorism, that our shores did not protect us, that we had to be vigilant. We had to resolve and take the battle to the enemy. We have done that.

War is never pretty. War is never something clean and concise. At times, bad things happen. Lives are lost. But in this case, we should never forget the underlying purpose. The underlying purpose is America is in a war on terrorism.

There are people who hate us because we enjoy freedom, because we respect freedom, because of who we are, be-

cause of what democracy is all about. There are folks who will go to great ends to make sure democracy never takes hold in Iraq, who will do everything they can to destabilize what we are trying to accomplish, to make it not happen.

But Americans have understood—even if we disagreed on the original purpose of going in, et cetera—that when our men and women in uniform are in battle, we stand with them.

I have grown fond of Teddy Roosevelt, for many reasons, because of this, one of my favorite quotations:

It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause. . . .

Let me reiterate the worthiness of the cause we have undertaken.

This morning, like many of my colleagues, I awoke to an article in Roll Call in which one of the Members of the Democratic minority in the House has decided that comments he made in private should be trotted out to be heard by the entire world.

His comments were that the war in Iraq is "unwinnable." In private conversation those words are troublesome enough, but his willingness to allow those comments to be put in the public domain for partisan political purposes is not only outrageous but it is indecent.

Over the course of the last several days, we all have been horrified by the images of prisoners being tortured in Iraqi prisons. They are shameful, they are reprehensible, and they should make all of us who are fathers and mothers and brothers and sisters say this is not what America is about. And we have said that. There are not enough apologies today to be given to the Iraqi people for that, but we have done that.

But today, as American blood is shed in the cause of freedom and liberty across the world, a Member of Congress' utterances of a war as "unwinnable" does not just demoralize American soldiers, I fear it emboldens America's enemies.

Imagine being on a sports team that is losing badly to their opponent and hearing one of the leaders of the winning team all of a sudden say the game is unwinnable for them, even though they control almost every aspect of the game.

To those thugs and monsters who killed with Saddam and now kill without Saddam, the "unwinnable" jersey on their back has just been put on ours by a Member of Congress. I find that so troublesome.

Every day in Iraq, and in most of the country in Iraq, things are going on in which people are getting their lives together. Their schools are operating and

their hospitals are operating. The city is operating, with a city council. Twenty-some million people are going about their lives. There are areas in which there is conflict, but the country is operating, is moving forward. Oil production is back to the way it was, just about at prewar levels.

There are 130,000 American soldiers there, and they are doing great things. When you talk to them, when you talk to the folks who come back, they tell you morale is high. They believe in the mission. When an elected Member of the Congress stands up and says, "I don't believe in the mission. We can't win the mission," something is wrong—not with the mission, not with those who are putting their lives on the line, who believe in the mission. Something is wrong with uttering that kind of statement.

Shameful. Outrageous. It demands the collective condemnation of all of us that we should give comfort to the enemy because of those seeking to score partisan political points.

There is an election coming up on November 2. We all know that. There is no way to avoid it. But because of that, it does not mean we put good common sense behind us. It does not mean that everything that goes on gets caught up in a political perspective and a political battle to make points for those who are for or those who are against.

There is one thing about this country that I have always believed and I have always seen: that in times of difficulty, America comes together. I think what has been so uplifting about what we have seen in regard to the situation in Iraq is that, though there may be debate over the nature of the policy, there may be debate over a range of issues, there has been little or no debate about what our young men and women are doing in Iraq and how well they are doing it and how proud we all are of their courage, of their fortitude, of their commitment. To undermine that in any way, to talk about it being unwinnable, is something that I find difficult or impossible to fathom.

It is time this awful language of defeatism in our Nation's Capitol comes to an end. It is time America comes together, as we do in times of war, to stand with our men and women on the front line, to stand with those who are willing to give the ultimate sacrifice—and many have—and to say to them: We appreciate what you are doing. We appreciate your commitment. We appreciate your service. We appreciate your courage. And we know that America will prevail. We know that justice will prevail. We have faith. We have faith in what you are doing and your ability to get it done. Shame on those who would say otherwise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, we are here this afternoon debating the nomination for the position of Ambassador to Iraq, the nomination of Ambassador-nominee Negroponte, a career diplomat who probably has as long and good a record in the United States as any person who has served in our Foreign Service.

He started in 1960 representing the United States. He has had an amazing array of important posts, including being Ambassador to the Philippines and Honduras and Mexico, and serving in a variety of other international organizations.

I hope, at the conclusion of our debate today, the Senate will, in fact, confirm the nomination of Ambassador-designate Negroponte.

We need the very best in Iraq. It is a challenging situation. There is no doubt about that. We need somebody of his caliber there. I am delighted the President has found it possible to find such a good person to be the first ambassador to this newly freed country. I hope, as I said, we will be able to confirm him quickly and that he will be able to assume his post.

I think a lot of the Members have found this as an opportunity to discuss the larger issue of the war in Iraq and how it is going and particularly in light of the events of the recent days regarding the revelations of the treatment of certain prisoners in Iraq. I think it is appropriate we all reflect on that, but I also think it is important we keep it in perspective.

I just gave a radio interview in which the questioner asked questions that suggested maybe the wheels were coming off the wagon, that the entire effort might not be worth it; that one of our colleagues in the House had indicated that maybe we are losing the war and we ought to recognize that right now.

I want to focus a little bit on that because, as we have a new ambassador about to assume the position there, he might rightly ask the question, What am I getting into here if we are about to lose a war? And the question is, Are we? And, of course, the answer is, No, we are not. I think it would be well for Americans to stop and think before they talk in those terms because the mere discussion of the issue in those terms gives solace and encouragement to our opponents.

Unlike a war that we fought in the past—you could choose your examples—this war on terrorism includes components that have a lot to do with psychology, with what the enemy believes he can accomplish using asymmetric force against far superior forces of the allied coalition. Therefore, it is important what the enemy reads into what we are saying about the war ourselves. That is why, in effect, the floor of the Senate and the media are other fronts in the war.

When we ask what we can do to help our troops, one thing we can do is think clearly about this and speak in a constructive, positive way, which is not to say we should never express disagreement with each other or with the administration or offer constructive suggestions about what to do better. All of that is fair game in a democracy and makes us what we are and makes for a better conduct of any kind of operation, including a military one. But there is a way to do it that does not give encouragement to the enemy.

When you begin to suggest that because of what a very small handful of Americans did to some Iraqi prisoners, that it somehow suggests we are losing the war, we have gone way off track. I realize most people are not saying that. I hope they don't. That is the kind of expression that will be the beginning of the end of our effort to conduct the hearts and minds part of this war on terror which is almost in some respects as big a part of it as is the military conquest we were so successful in achieving in Iraq.

How should we be conducting ourselves? We are part of this war effort. We are not carrying a gun. But people listen to what we have to say. The terrorists take away from what we say either encouragement or discouragement.

I return to the memo we intercepted from a fellow by the name of Zarqawi. He was sending a memo to his fellow terrorists connected with al-Qaida saying: We have a real problem here. The Americans are winning in Iraq. They are defeating our brothers, and we need more allies. We need people to pour into Iraq to assist us. I fear we are losing the battle because we can't get enough help and the Americans are too tough. They are winning the country over, and before long they are going to have a new government set up here and we will have lost this effort.

That was this terrorist's assessment of the situation. I like that assessment. What it shows is the planning and execution of our military effort and the followup of the military effort after we took Baghdad and had conquered the country, that that has largely succeeded. For most of the country we know it has.

We have two pockets of significant resistance with which we are dealing. There the tension is between going in and doing collateral damage or trying to negotiate, which is what we are being urged to do by people on the ground, Iraqis who, after all, are making a point that they might have some idea about how to do this since they know the folks involved and it is their country. They are going to have to take care of this in the future. So we are paying attention to what they suggest. We are trying to walk a careful line in dealing with these two situations.

But by and large, the point is, the country has been pacified. There has been so much constructive accom-

plished there in terms of getting the country's infrastructure back to work, getting oil production going, getting the schools and hospitals back up to speed, all of the other aspects that have begun to return the country to normalcy, that we tend to forget all of the good and tend to forget that the security of the country has largely been obtained when we see on the nightly news only one thing and that is the latest explosion that killed either an American soldier, perhaps, or innocent Iraqis, because a lot of the people who are being killed are Iraqis themselves. That is the bad news.

Notwithstanding the news that we get all of the time, the terrorists are saying: We are about to be beat here because the Americans and the other allies have been able to marshal the military power to subdue our brothers. Without new reinforcements, we are likely to lose this battle.

That is a nice assessment. It gives us encouragement that if we continue on this path, we will prevail. We have a strategy laid out to turn authority over to the Iraqis to govern themselves on June 30 and proceed to have elections in the country next January. Hopefully, we will continue to consolidate the security and so on. We are aware of those things.

Therefore, it is especially distressing when people who are important people in America, perhaps elected officials, speak out on television and suggest that, because of these most recent events, somehow we can't win this battle; We can't win this war; We can't continue to consolidate the gains we have made, continue to provide security, continue to help in the reconstruction of the country, and continue on the path of turning it over to the Iraqis so they can freely govern themselves.

Let's take each of those points. First, no one in America condones or in any way expresses anything but disgust for what we have seen on television and what we have been reading about. It is un-American to treat people the way these Iraqi prisoners were treated. It doesn't make any difference what they might have done. Americans don't do that.

The President today, in meeting with King Abdullah, publicly said he was sorry for this. He was also sorry that a lot of people in the world would take this incident as manifesting what Americans and America are all about. He said that bothers him, and it obviously bothers all of us because we know that is not what we are about. The question is, This aberration, as it has been described, should that in any way suggest to us that we can't win this conflict? I fail to see a connection.

I understand that among a lot of Arabs and, frankly, the rest of the world, including in the United States, people are appalled. But anyone with an open mind who has any understanding of the United States and of Americans understands that this is not

the way Americans act and, in point of fact, that we have a system which encourages reporting of such incidents and which immediately ensures that the perpetrators will be dealt with in an appropriate way.

It is my understanding—and we will find out a lot more about this as time goes on—that the day after the report of the incident the inquiry began which resulted in military action, court-martial action being taken against several of these perpetrators, and subsequent to that, action has been taken against several people and that there are some that are still pending to be resolved. It is also my understanding that within the same month of January, a command had already been set up to investigate whether this was endemic or widespread, whether it really was an aberration and, to the extent that it demonstrated that there were flaws in our system that permitted this to occur, that they be fixed, and that things have been implemented to ensure this will not happen again.

I suspect as we are briefed on all of this we will learn a lot more of the detail, and we might be more comfortable with the way the military has handled this. This is what America is all about.

There is some fault, not only for the people who actually did what we have seen but also for the way it was handled. What I regret is that many in the political world have tended to focus on this. I would hope that opponents of the President would not seize upon this to try to gain partisan advantage. It is something that reflects on the entire country. It is not a Democratic or Republican kind of issue.

There have already been calls for the resignation of Secretary Rumsfeld. This, obviously, would not help the President politically, but is it appropriate? The Secretary will be presenting open testimony tomorrow before the Senate Armed Services Committee. He will tell his story. Until he does, I think it would be wise for people to withhold their judgment. Since we have not even been briefed on the issue—and that is one thing people complain about—would we have a right to call for somebody's resignation before we have even heard what they had to say or been briefed? Is that an American way to do things or is it an expression of partisanship?

I suggest to the extent it might be the latter, people should hold their fire and wait until the facts come in, and we can discuss this in a nonpartisan and a constructive way rather than a way that might be misread by our enemies, because the more this kind of criticism occurs, the more the enemy may take from it that America is divided and we no longer have the commitment or the will to see this conflict to an end; that therefore if they continue to try to nip away at us the way they have been, they will be able to drive us out, and they will have the country left to them to resume the kind of rule that Saddam Hussein exerted in that country for decades.

We cannot allow that to happen. I think there is a legitimate question about when the people in the policy-making part of the Government—and that includes the Assistant Secretary, Secretary of Defense, National Security Council, the President, and Vice President—became aware of things like the existence of photographs and other things which, if made public, would certainly significantly detract from our effort. These policymakers would clearly have understood that is the kind of thing that can undo countless hours of good work by thousands of military and non-military personnel in the country. Just one incident like this can undo all of the good that literally hundreds of people do.

We have all seen the acts of kindness as well as bravery by our troops. We have seen soldiers helping kids in school—saving a little child in one case and a woman in another case—from being in the line of fire, one of whom had been wounded. There are countless Americans acting unselfishly and, frankly, selflessly, putting themselves in danger to help Iraqi people. That is a message that obviously needs to be conveyed, but all of that is, in a sense, forgotten the minute you have an incident like this, especially with the photographs showing this.

I can understand how someone who committed these atrocities, unthinkingly, would have no idea about how this might affect the entire war effort when it becomes known, but people higher up certainly would have that sense. It was important that they get this information so they could then decide what to do with it. Undoubtedly, in America, ordinarily, we understand that the best way to deal with bad news like this is to deal with it in an open, honest fashion. I suspect that had we been able to do that, a lot of the outcry here might have been averted. That might have been included in briefing Members of Congress. But if the Secretary of Defense didn't even know of the existence of the photographs, it is kind of hard to brief Congress about it.

I suggest that the bottom line on this point is that we find out what the facts are by asking the people directly. Let's stop condemning them publicly and calling for their resignation and stop assuming facts we don't know.

During a radio interview that I just had, the questioner asked me about a certain situation. I said: I don't know that to be true. Do you? He said: No, but that is what we have heard. Let's see what the truth is, and we can act in a calm, compassionate, and firm way with those who did wrong.

My final point is that in the fog of war a lot goes wrong. Individual people make bad judgments. Americans are just as prone to that as anybody else. There is a lot of pressure and emotions run high, and it is certainly possible for people to do wrong. One of the candidates for President this year talked about atrocities he committed, or saw

committed, in another war in our history. It happens. It is not right, and people should be called to account for it when it happens.

But let's remember, too, that everything in war is not coming up roses every day, and that there will be days of bad news. If you stop to think about World War II, for example, or about Korea, or any other wars we have fought in, you can find some very bleak days, days when Americans were being pushed off the Korean peninsula, days when we were being pushed off Omaha Beach, or times when we were making no progress and were taking thousands of casualties on the Pacific islands. Our own prisoners were horribly mistreated, and there must have been a sense that this may not be worth the effort.

Americans understood the stakes and we persevered. In war there are going to be times that are bad. We understood that. Sometimes they are caused by enemy action and sometimes by mistakes we ourselves might have made. This is one of those times when we have a real problem because of mistakes that Americans made. But we have the capacity as a Nation to correct those mistakes if we will do that in a constructive way. That is the key. But if we do it in a partisan way, in a destructive way, we will only play into the hands of our enemies, who are looking for that kind of signal so they can succeed in their effort.

As we conclude debate on the nomination of a critical position at this time in our history, the ambassadorship to Iraq, it is good to reflect on these issues. The Ambassador will have a very difficult job. I hope as we consider his nomination and how to support him when he assumes this role, we will all agree it is important to do so in a constructive way, always giving him our best judgment, but not undercutting him with premature judgments or actions that might be construed as political and might be misunderstood by our enemy.

If we conduct ourselves in that way, I am confident that, despite the fact there will be days we feel very challenged in this country and, as the President said, things we are very sorry for, nonetheless, because of the kind of people and Nation we are and the values and principles for which we are fighting, we will in the end prevail, and we will prevail not only to the benefit of Americans and our national security, but for the cause of freedom of people throughout this world.

THE PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak regarding the nomination of Mr. Negroponte to be the Ambassador to Iraq.

THE REPUBLIC OF GEORGIA

Before I speak on that, I want to draw the attention of my colleagues to something that happened, on a very positive note, in the Republic of Georgia, one of the former Soviet Union

countries. It was reported today that one of the breakaway regions, Ajaria, has voluntarily come back into Georgia. The people have thrown out, vanquished kind of a local thuggish dictator, Aslan Abashidze, who had ruled this region for about 10 years. Thousands of Ajaris are now out in the streets, bringing Georgia back together, throwing out this guy who had been really a ruthless local, small-scale dictator in the region, and bringing the people back together of Georgia.

This doesn't get the publicity of Georgia's "rose revolution" of last November, but the people are rising up and saying they want democracy, they want to be part of this country. We need a change in leadership. They have done it by nonviolent means. It is inspiring to read about and to see that has taken place and that the Georgians who we are working with and supporting are getting this done. A number of people celebrating this victory are waving Georgian flags and American flags. A number of places in the world would not be standing free if it weren't for us, and they appreciate that.

Mr. President, now speaking on Iraq and Mr. Negroponte's nomination to the position of Ambassador of the United States to Iraq, he is an eminently qualified individual. I have worked with him in the Foreign Relations Committee. He worked in Central America, and he has been our representative in the U.N. He is the exact type of person we need to have in the region. He will take us from being the occupying power to a supporting role and not a governing role in Iraq. He understands that in a great way. Mr. Negroponte has great relationships around the world and he is a very wise man. I think he will do an excellent job for us.

We all lament what has taken place in the Iraqi prisons and the problems and images that created. But more than the moral outrage this has generated, these terrible acts by a few do a great disservice to the men and women who have already lost their lives in the effort to free Iraq and help the people of Iraq to govern themselves.

I had a closed town hall meeting with soldiers at Fort Reilly. They had recently returned from Iraq—about 300 Army men and women who had come back and served for an extended stay in Iraq. To a person, they were positive about the events that have taken place overall in Iraq. Yes, there have been problems and, yes, this is war. But they would talk about helping the children; they would talk about opening schools; they would talk about power services being brought back to levels higher, to pre-Saddam levels in that country. They would talk in glowing terms about what they are getting done on building a free, open, democratic Iraq.

Yes, problems, yes, difficulties, and, yes, lost American lives. We have had 37 people stationed at Fort Reilly killed in this conflict.

We have had a number of Kansans, as there have been people from all over the Nation, who have given their lives for the freedom of the people of Iraq and security for the people of American. We should not let the actions of a few do disservice to so many who have given their lives in this great and worthy cause.

The damage done to our credibility in Iraq and the Middle East is going to be difficult to rebuild, but we must do that in earnest. People must be held accountable, especially those in the chain of command with direct control over the prison system. Perhaps it is time this prison that has such a terrible legacy in Iraq in the Saddam era simply be closed, torn down, and never used as a prison again.

Let's keep in mind why we are in Iraq. I met with Jalal Talabani. He is one of the key leaders of the Iraqi Governing Council. He is a gentleman with whom I worked over the years as we moved forward in this country to confront the dictatorship of Saddam Hussein.

Let me give a very brief history lesson. He was involved in the Iraqi coalition, the diaspora. Actually, he is from the Kurdish part of the country, so he was in country. He has been involved in that group for some period of time seeking the United States to come forward and support the liberation of Iraq.

I remind my colleagues, in 1998, we passed the Iraq Liberation Act which called for regime change in Iraq. That was signed into law by President Bill Clinton who supported it. Mr. Talabani was involved in that effort from the outset. The Kurdish region has self-governance and has had it for the past 10 years and is doing remarkably well. He reminded me of a poll recently taken by CNN that had the Kurdish people supporting America and George Bush by over 95 percent and thankful for what is taking place, the liberating of their country and their region.

He also said this to me: It is shameful to us that we as Iraqis are sitting down and not taking on the role of governing and security within our country while American soldiers are being killed.

He said: It is our duty—the Iraqis' duty—to fight the terrorists, and we must do this as soon as possible.

I agree, exclamation mark, and we have to move in that direction. For years, the people of Iraq suffered under the brutal dictatorship of Saddam Hussein. There will be a trial sometime soon, hopefully this year, of Saddam Hussein. The world will see the atrocities, the hundreds of thousands of people buried in mass graves as a result of this man's rule.

Yet few—except for some countries in the region, Kuwait and Israel—dare to denounce Hussein for what he did to his own people. Especially those countries we call our allies in the Middle East, Egypt and Saudi Arabia, have failed to assume the moral leadership to tell about the Saddam Hussein re-

gime. We stepped into this void to do what others were unwilling to do. We did so grudgingly because going to war is never an easy decision for any country, particularly for America.

Even before the Iraqi war resolution in 2002, we spent years supporting the passage of one resolution after another at the U.N. to make clear that the Iraqi regime was an outlaw regime condemned by the international community. We engaged the American people. After a thorough debate in the Senate regarding the risk, this Congress overwhelmingly voted to give the President the legal authority to go to war in Iraq. We decided as a nation we did not want America to compromise its moral authority by avoiding the demands of leadership. We sought freedom for the Iraqis and for that freedom to spread throughout the Arab world, and we desired security for Americans.

It is a heavy burden. At critical moments in world history, we have not hesitated to carry this burden places far from home. Wherever we went, our men and women in uniform inspired others, bringing hope and freedom to millions.

I can quote a young man from Union Town, KS, who died in Afghanistan. I talked with his mother about his death and his service. He died at 21 years of age. His mother said: He e-mailed me home, and he said:

I would rather die for a cause than of one.

How better do we summarize it than that? He put his life on the line so others in Afghanistan, on the other side of the world, can be free.

On the interrogations, I understand interrogations are necessary in a war against a merciless enemy. But we have a long and honorable military tradition that is certainly not reflected in the photos from the Iraqi prison. Let's be guided by the moral courage to acknowledge our mistakes and to change what needs to be changed, and we will, and that is our pledge to the world. We need to behave better, be more humble, and understand that the war in Iraq, and the broader war on terrorism, is also a war of ideas and values.

Those who threaten our soldiers, our diplomats, and even ordinary Americans, as happened on 9/11, believe in hateful ideas. We do not agree with those ideas. We need to help the people of Iraq and others in the Middle East understand this war of ideas; that it is not something we can do for them, they must do it for themselves. Only the people of Iraq and the millions of Arabs who yearn for freedom can do that.

We must continue in our effort to give the Iraqis self-rule and free elections. These are our aspirations for the Iraqi people, and they are their aspirations as well. It is up to them to have the courage to move on, to realize these aspirations in a free nation that will bring democracy to their country and to the Middle East.

We have in Ambassador Negroponte the chance to start a new chapter. On

July 1, sovereignty will pass to the Iraqis. Ambassador Negroponte has enormous responsibility, and judging by his background, I cannot think of anybody better qualified to do this.

In his capacity as the Ambassador to Iraq, I know he understands his role to be fundamentally different from that of Ambassador Bremer. Whereas the CPA is the ultimate political authority in Iraq, the Embassy will be in a supportive, not commanding, role. His role is to provide support in democratization and rule of law, religious freedom and tolerance, economic reconstruction, and security and counterterrorism. His mission will be to further cooperation with the U.N., the international community, and independent Iraqi electoral authorities, and all aspects of election preparation, which is critical for elections for a transitional national assembly, no later than the end of January 2005.

He will need to assist the U.N. in establishing an independent electoral commission, an electoral law, and a political parties' law, encourage Iraqis to establish effective governing institutions in Baghdad and the provinces, as well as a myriad reconstruction efforts. This will be a critically important area because he will be responsible for holding these projects to the highest standards of financial accountability. He has the responsibility to the American people that the money for Iraq will be spent without waste and fraud, and in this context, he will need to encourage Iraq's new leaders to choose sound economic policies and enforce high standards of integrity in public administration.

Ambassador Negroponte will also need to play a key role in building and strengthening the capacity of Iraqi security services to deal with both domestic extremists and foreign terrorists so that they patrol and deal with terrorists in their country and our troops are garrisoned. He should continue to bolster the role of a robust multinational force, but mostly build up the Iraqi force.

Finally, he should make sure the role of the U.N. does not come at the expense of U.S. influence or interest, but rather the efforts be well coordinated and complementary.

Ambassador Negroponte has a big job. He is up to it, and I support his nomination to be Ambassador for the United States in Iraq.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. CHAFFEE). The Senator from Oregon.

Mr. HATCH. Mr. President, what is the parliamentary situation?

THE PRESIDING OFFICER. The majority side has 80 minutes.

Mr. HATCH. We are on the Negroponte nomination?

THE PRESIDING OFFICER. That is correct.

Mr. HATCH. Mr. President, I stand today in full support of the President's nominee to be our first ambassador to the new Iraq, Ambassador John D.

Negroponte. This is the most important nomination for an ambassador that we have considered in several decades.

This moment is historic.

We are asked to approve the President's choice for an ambassador to a country whose previous leadership was an enemy to America, to its neighbors and to its own people. That dictatorship, the brutal and bloody regime of Saddam Hussein, was removed by force, by a coalition of nations led by this country, in a military campaign where we still face, every day, bloody resistance from the remnants of Saddam's Ba'athist regime, his criminal associates, and the international jihadists who have joined forces with the tattered remnants of the Arab world's bloodiest regime.

We are engaged in a conflict we cannot, and will not, lose and the President has shown that our military determination is matched by our political determination to return this country to its people, beginning with the opening of an American embassy on July 1 of this year.

That we are providing our advice and consent on this ambassadorial nomination demonstrates that this President is dedicated to returning sovereignty to the Iraqi people. Under the President's direction, Ambassador Bremer and the Coalition Provisional Authority, working with the international community, now represented by U.N. Special Envoy Lakhdar Brahimi, have listened to Iraqi leaders and are holding to the deadline of June 30 for the transfer of authority.

That transfer of authority and the return of sovereignty require that the U.S. political presence be transferred from the office of the administrator, held by Ambassador Bremer, to a U.S. embassy, to be led, if this Senate approves, by Ambassador Negroponte.

Jerry Bremer and John Negroponte are two of the finest diplomats ever to serve this country. Their contributions throughout their careers reveal skill and dedication that will set the standards for our diplomatic corps for generations to come.

I truly hope that Ambassador Bremer, when his historic mission is over with the CPA, will continue to play a leading role representing our country to the world.

Ambassador Negroponte has represented our country to the world on many fronts, serving as ambassador in the Philippines, Mexico and Honduras. Most recently he has served as permanent representative to the United Nations, where he has been as our ambassador since September 18, 2001.

There are those who charge that this administration has been unduly unilateral, caustic to coalition-building, and dismissive of the diplomacy necessary to winning the war on terrorism that erupted on our land on September 11, 2001.

Frankly, that charge, now becoming a theme in a campaign year, leaves me baffled.

It reveals deeply flawed thinking, and deeply flawed perception.

Diplomacy cannot be measured by outcomes as expected by the multilateralists. This is a definition of diplomatic success that becomes a euphemism for subjugating national interest to international veto.

The citizens of Utah reject this thinking, and they are correct. And I believe the rest of the country does as well.

If diplomacy cannot be measured by multilateral consensus, it should not be shunted by unilateral arrogance. To suggest, as many on the left seem to do these days, that this administration has ignored diplomacy is to, in my opinion, ignore the facts.

This administration has been, in my opinion, extraordinarily engaged in the international community.

No President since the founding of the United Nations has been as respectful, solicitous and encouraging of the United Nations as has President Bush. That he has done so without ever sacrificing the fundamental sovereignty that rests in our Constitution makes him no less remarkable for the very public appeals he has made directly to the United Nations.

On November 10, 2001, fewer than 2 months after the most catastrophic terrorist attacks on our homeland in the history of the Republic, President Bush traveled from Washington to speak before the U.N., where he recognized:

The United Nations has risen to this responsibility. On the 12th of September, these buildings opened for emergency meetings of the General Assembly and the Security Council. Before the sun had set, these attacks on the world stood condemned by the world. And I want to thank you for this strong and principled stand.

Less than a year later, on the day after the first anniversary of September 11, President Bush traveled from the White House to address the General Assembly again, where he declared:

The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace. Iraq has answered a decade of U.N. demands with a decade of defiance. All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?

The President answered the question:

The United States helped found the United Nations. We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced.

Critics of this administration have declared that our doctrine of preemption, not a doctrine new to this administration, is incompatible with a desire for international consensus.

This is simply not true.

For a nuanced perspective, may I recommend a review of none other than Secretary General Kofi Annan's words,

in his address of October, 2003 before the General Assembly? In that speech, he was expected to denounce the doctrine of preemption. But while he stood by the principle of collective action enshrined in article 51 of the U.N. Charter, he recognized, as the honest man he is, that states which were threatened had to respond, and that if the United Nations were to retain its legitimacy in the 21st century, it would have to develop mechanisms to promptly address the threats of this new century.

In my view, this was a recognition, by the Secretary General of the United Nations no less, that in dealing with Iraq, 12 years and 14 resolutions without resolve could not be the way the United Nations retained its relevancy in addressing the security challenges we face today.

In that same week, President Bush addressed the General Assembly yet a third time. And I note that no President of the United States has addressed the General Assembly three times in one term. He declared:

The Security Council was right to be alarmed about Iraq. The Security Council was right to declare that Iraq destroy its illegal weapons and prove that it had done so. The Security Council was right to vow serious consequences if Iraq refused to comply. And because there were consequences, because a coalition of nations acted to defend the peace, and the credibility of the United Nations, Iraq is free and today we are joined in the General Assembly by representatives of a liberated country.

John Negroponte, as ambassador to the United Nations, stood by the President during those three historic addresses to the international community.

Today, the President has chosen our current ambassador to the United Nations, John Negroponte, to be the first U.S. ambassador to an Iraq liberated from tyranny.

Ambassador Negroponte has worked with the United Nations through this most historic of times. During this time, he worked closely with U.N. Special Envoy Lakhdar Brahimi on supporting Afghanistan after our forces deposed the Taliban. Ambassador Brahimi's efforts to guide the transition in Iraq from the Coalition Provisional Authority to sovereignty under an interim government has, as my colleagues know, the support of President Bush and his administration.

Ambassador Negroponte understands this. In his statement before the Senate Foreign Relations Committee, he said:

The prospect of legitimacy that the United Nations can bring to the process of political reconciliation is a point of crucial interest in both the region and the broader international community. With an expanded United Nations role in the political arena, I believe that it will be easier to generate the international support that the successful rehabilitation of Iraq requires. Secretary General Annan's and Ambassador Brahimi's contributions may well open the door to creative thinking about ways in which the international community, as well as the Coa-

lition, can further contribute to the process of rehabilitating Iraq, both politically and economically.

I want to be clear that a vital United Nations role does not come at the expense of the United States' influence or interests. Our efforts can be well coordinated and complementary; there is ample evidence across a broad range of situations that a strong partnership with the international community, including the United Nations organization, is in our strategic interest.

I hope my colleagues recognize that in supporting this nominee, we are supporting a man of exceptional experience, a man who represents the best thinking by this administration on the challenges we still face in Iraq. He is also a very good man, a good father, a good husband. He is an example to us all.

Let us be honest: The challenges in Iraq remain large.

Our engagement there is historic, and our commitment to support this engagement until we achieve success must remain strong.

As all of my colleagues, I have been shocked by the reports out of Abu Ghraib prison in the past weeks.

I have been shocked and I have been disgusted.

I join the people of Utah, and the good citizens throughout this country, in expressing how appalled we all are at the barbarous acts we have witnessed. In the prison that Saddam Hussein used to torture Iraqis, a few Americans have engaged in acts that demean Iraqis and besmirch the honor of Americans in uniform.

Every day, members of the American military are risking their lives in Iraq, in order to bring about a better society for the Iraqi people.

In combat, American military, the best trained in the world, have, time and again, exercised restraint of force in order to minimize civilian casualties. Sometimes that restraint has resulted in increasing the risk to our soldiers. That a handful of American soldiers committing brutalities in one of Saddam's reclaimed prisons could occur is worthy of all of our outrage—not least because we are proud of the honor and decency and sacrifice offered by the vast majority of our military in Iraq everyday.

We must expose what went on in Abu Ghraib prison. We must conduct full investigations, and follow those investigations wherever they lead. Those who committed crimes must and will be held accountable. Respect for the Iraqi people demands this, as does respect for the honor of all Americans in uniform, and all Americans who support them.

The security situation in Iraq is still hostile. We face enormous challenges, challenges we will meet. We have learned in recent days about the President's request for appropriations to fund our historic mission. This will lead to further debate, as it should.

Our duty as legislators is to render democratic scrutiny to the most important issues before this government.

If you want to support the transition to the first stage of Iraqi sovereignty, as the President has committed to do by the end of June, if you want to support continuing our appeal to the international community to join in the historic cause of rebuilding Iraq, and if you want to support this President, as he asserts his constitutional prerogative to conduct diplomacy at this most critical time in the history of our foreign policy, you must support his superb selection of John D. Negroponte to be the first Ambassador to an Iraq free of despotism.

He is certainly going to have my vote. I have met him in various nations around the world. I have seen him in action in diplomacy. I know what a brilliant man he is, I know what a good man he is, I know what a fine man he is, I know what a good family man he is, and I know what he has meant to the diplomatic corps in this country, and I know what he has meant at the United Nations.

I support him fully, and I hope every other Senator in this body will support him as well. There may be some who do not, but if they don't, they just plain do not know the man.

This is not an easy position. This is a position which will take a great deal of courage, a great deal of diplomacy, a great deal of common sense, a great deal of genius. This is the fellow who can provide all that.

Mr. President, 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. STEVENS. 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. STEVENS. Mr. President, I do appreciate the opportunity to discuss my very good friend, John Negroponte, in support of his nomination to be the United States Ambassador to Iraq. John and I have known each other since 1977 with his appointment as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs with the rank of Ambassador. Because he handled several fisheries negotiations of vital interest to my state, John was a frequent visitor to Alaska. In 1978, John negotiated a breakthrough agreement with the Government of Japan which provided crucial protection for Alaskan salmon stocks from Japanese high seas fishing fleets. This agreement provided countless benefits to the Alaskan fishing community which endure to this day.

I have also had the pleasure of working with John in his subsequent assignments: as Ambassador to Honduras; as Assistant Secretary for Oceans and International Environmental and Scientific Affairs, as Ambassador to the Philippines and more recently as U.S. Ambassador to the United Nations. In each situation, I was able to witness

first hand his ability to manage large and complex diplomatic missions and to observe his effectiveness and sensitivity in dealing with his foreign counterparts.

Educated at Yale, he speaks five languages fluently—something that I consider a true asset for this position.

I believe President Bush, on the recommendation of Secretary of State Powell, has chosen extremely wisely and well in his selection of John to be our Nation's representative in Iraq. I also believe that at this point in time in our Nation's history, it is vital to have John at the helm in Iraq—we will need his expertise to help guide us through the next few months. I can tell you without any question, this man is one of the most distinguished public servants that I have had the honor of knowing and serving with. I know his family and I know this man.

With the unfortunate development we have recently had in terms of the conduct of some of the people involved in the prisons in Iraq, I am confident that John Negroponte is the man necessary to be there, in Iraq, to represent our Government. He will represent us well, and we will be very well served by his confirmation.

I urge the Senate to quickly confirm John Negroponte as our Ambassador to Iraq. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, may I inquire of the time allocation for each side?

The PRESIDING OFFICER. There are 10 minutes remaining.

Mr. CORZINE. I request permission to use 5 of those minutes and be informed when 4 minutes have been used of the time allocated.

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

Mr. CORZINE. Mr. President, like you, I sit on the Foreign Relations Committee and I reviewed the nomination of this experienced diplomat, our U.N. Ambassador, John Negroponte. I, too, both in the Foreign Relations Committee and on the floor, will have voted for his confirmation.

I do that, acknowledging, however, there are legitimate questions that can be raised about previous concerns in his tenure as an ambassador in Honduras, and human rights violations which are so important in the context of some of the things that are of great concern to us today.

But more troubling to me is the context in which this confirmation is actually being considered.

The reality is, once again we are doing something on the fly. We are rushing to confirm an ambassador to maybe the most important choice and role we have. In and of itself, it is indicative of the crisis we have in Iraq—frankly, the mess Ambassador Negroponte will be walking into.

If the administration—I am very troubled about this—sticks with an arbitrary, artificial June 30 deadline,

Ambassador Negroponte's job will begin in less than 2 weeks with little or no definition about what he will be doing. There are no secure or thoughtful political or security plans in place. We do not know who will be making those judgments, how those people will be chosen, their role, or what the true definition of sovereignty in the context of this June 30 transfer will be all about. We do not know how they will be selected. We do not know what the role of the Ambassador will be with regard to those individuals. It is very unclear what sovereignty means.

By the way, put into the most dramatic terms today, what is the role of the new ambassador with regard to what is happening to the prison guards? Who will be responsible for that? Sovereignty questions are totally unclear. We still do not have a structure for our forces and how they fit in and what we do going forward and what is the relationship with the United Nations.

This is a real problem. We continue with failed and confusing policies. They are true with regard to the U.S. Ambassador. But they reflect the basic incompetence we have seen with regard to our crippled occupation from the start, some might even say our crippled war from the start, because we executed this with real questions about what the justification was with regard to weapons of mass destruction in relation to al-Qaida. We have continued it with poor planning, or no planning, with regard to the occupation that has been in place.

Right from the start, there were questions about what the force structure needed to be on the ground. We have heard over and over again the warnings General Shinseki gave us, several hundred thousand troops, dismissed out of hand by the Pentagon. The administration has refused to talk about the cost of this occupation and what the cost to the American people will be, aside from the tragedy of the loss of life. When there have been predictions, they have been so far off base it has made no sense in the context of reality.

The administration promised or thought we would be greeted as liberators. We have been anything but that. Seventy percent of the Iraqi people believe we are occupiers. There has been serious resistance with the insurgency. By the way, history would have shown that would be the indication that would occur in the Middle East. But we dismissed every single outside expert, Member of Congress, who might have raised any questions about it and emphasized we had a coalition of the willing that was anything but a serious coalition.

Ninety percent of the cost, 90 percent of the troops, 90 percent of the effort, or more, were all American. It is an American occupation. The administration continues with these failed policies. As we go forward, I certainly think we see it very clearly in the lack

of clarity with regard to this tragic situation we see now with regard to the administration of prisons and detainees. The fact is, no matter what we do, every time the administration executes one of these policies, there is a flip-flop.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CORZINE. The idea that we were not going to have the U.N. involved; now we have the U.N. involved. We were going to have de-Baathification; and then we have reentry of Baathis. The issue of deployment of troops.

I am supportive of this Ambassador, but it is high time we get a consistent, thoughtful policy that is vetted with more than a few, narrow interests inside the Pentagon and maybe inside the White House. We need to have a real discussion about the direction of our policies on occupation and transition of political power and sovereignty. It is too costly.

In the context of this series of events that all Americans are repulsed by, we need to stand back and say it is time to be thoughtful and fully vet the kinds of policies we are going to put in place because this is a long-term project.

I yield the floor.

Mr. BUNNING. Mr. President, I want to talk briefly about Ambassador John Negroponte and support his confirmation to be the United States' first ambassador to the free and democratic Iraq. Not only will he be the first ambassador to the free and democratic Iraq, but he will be the first ambassador to Iraq since the first Gulf War in 1991.

Ambassador Negroponte is one of the most experienced diplomats in the State Department. His experience is necessary for this job because he will be assuming one of the most challenging and important positions the State Department has ever had.

Throughout his career in the State Department, Ambassador Negroponte has been stationed at eight different posts covering most parts of the world. While he has not been previously stationed in the Middle East, I have no doubt in his ability to handle the task ahead. His experience representing the United States at the United Nations since September 11 and serving in nations like Vietnam and Honduras during periods of turmoil will guide him during Iraq's transition to democratic self-government.

Many challenges lie ahead for Iraq, including holding orderly elections, establishing government bodies, reconstructing infrastructure and the economy, and securing the country. The United States will be a partner for Iraqis throughout the coming challenges.

Critical to the successful transition to a sovereign Iraq is the participation of the international community. Ambassador Negroponte has earned respect among his colleagues while representing the United States at the United Nations. He will do a fine job

working with other nations to help Iraq flourish under the rule of Iraqis.

In summary, I believe President Bush has made a fine choice in nominating Ambassador Negroponte. I support his nomination and encourage my colleagues to swiftly confirm him to this vital position.

Mr. ENZI. Mr. President, I rise in strong support of the nomination of John Negroponte to be our U.S. Ambassador to Iraq. When he takes his oath of office, Ambassador Negroponte will be our first ambassador to Iraq since the Gulf War of 1991.

I have had the pleasure of meeting with the ambassador many times over the last 3 years. He was a member of the Foreign Service from 1960 to 1997 and he is currently serving as the U.S. Permanent Representative to the United Nations. His leadership there has been exemplary as he has provided our country with a strong voice and a presence at the United Nations that has been vital during these extremely difficult times. His experience at the United Nations gives him a great deal of insight into the thinking of the international community that will be invaluable in his new role in Iraq.

Soon Iraq will be welcomed back into the family of nations and the rights and freedom so cherished by the people of our nation will become a part of daily life in Iraq. Given our history in the region, I am certain my colleagues understand the wisdom of appointing an experienced diplomat with an informed opinion and a vision for the installation of a new government and the birth of a new nation of Iraq.

During our consideration of Ambassador Negroponte's nomination, I have heard some of my colleagues express their concerns about recent events in Iraq. That is understandable, because these are concerns we all share about this sensitive region of the world. We must not, however, allow those legitimate concerns to be politicized and used as a club against the President and his efforts to stabilize Iraq and introduce democracy there. Our soldiers' lives are on the line and we owe them every consideration while they are in harm's way.

Before anyone says I am being overly sensitive to the rhetoric of a campaign year, let me share with you a few of the details about what happened during a trip I took in April when I was able to visit wounded U.S. soldiers at Landstuhl Regional Medical Center in Germany. Before we met them, I was anticipating they would need some encouragement and we should try to lift their spirits after all they'd been through. The opposite turned out to be the case. They encouraged me and strengthened my spirit and resolve to see this through to the end. Every one of them, these brave men and women, said to me—"We are making a difference in Iraq. We know the people there. We know our job. We are doing our job and the people are responding to what we are doing. We are making a

difference and we want to go back there with our comrades so we can finish the job."

I don't believe anyone knows better than those who are serving on the front lines—those actually doing the work and living the dangers of life in a war zone every day. We have made a difference in Iraq. We have removed a brutal dictator from power and we are working with the Iraqi people to build a nation based on democracy and freedom. We are continuing to make a difference every day in the schools we help to build and operate, in the infrastructure we continue to improve and repair, and in the sovereignty of the people of Iraq which continues to command our deepest respect. We will continue to make a difference through democratization and the rule of law, economic reconstruction, and security and counterterrorism. By supporting all these areas, our diplomatic, civilian, and military personnel will make a lasting difference in the lives of the Iraqi people and they will, through their efforts have literally changed the world.

I hope my colleagues will remember that when we speak here on the Senate floor, our words are heard by those brave men and women overseas. Our words are heard by their families and their friends who make it possible for them to serve our Nation so well. They are also heard by our enemies who look to twist and distort our open discussions to make it appear that we have lost our will to see this through to the end. We must remember that fact each time we speak. If you wonder how I know if what I say is true, I can share my sources with you—our U.S. soldiers. They have asked me more than once: How come everything sounds so bad back home when it is improving in Iraq? We keep hearing this rhetoric which is based on the fight to win a presidential election, and it has nothing to do with what is happening in Iraq. Nonetheless, it has an impact on the morale and safety of our troops.

I have spoken here on the Senate floor about the importance of supporting our troops. I noted that we must remember to pray for our troops. When we do, I think we should also be praying for the opposition as well. We should pray that the hearts of those we fight will soften, and they will realize the role they are playing in the world and in Iraq. It is not too late for them to join us in the effort to build a better Iraq for all its people. Praying can make a difference, and it is up to all of us to do that every day. It is something we can do that is real and it has real power. With our faith, and our belief in our cause because it is just, we will continue to provide the brave men and women who serve in our armed forces, their spouses and their families with the support and encouragement they need and deserve by keeping them in our thoughts and in our prayers.

We also need to pray for those few soldiers at Abu Ghraib whose actions

were severely misguided as well as those who suffered the shame and humiliation of those acts. I have heard many speak today about tearing down this prison facility, and that is a good idea. Let's rid the world of this terrible prison and do it completely so that it will never house or harm another Iraqi.

I hope that people in the United States and throughout the world will remember that these deeds do not represent the character of any but a few misguided American soldiers. This should not be the image that the world has of our troops because it is not the truth. I am pleased that action is being taken immediately to address this situation. Charges are being levied, investigations are continuing, and changes are being made to the prison administration. We are blessed to have a truly exceptional military force whose image should not be tarnished by the actions of a few.

We have a job to finish in Iraq and we must not shy away from completing it. The more rapidly the people of Iraq are able to stand on their own, the sooner our troops will be able to come home. We have undertaken a job, and we cannot afford to fail to complete the task at hand.

I have often heard it said that exceptional times call for exceptional people to lead us through them. We must have someone in Iraq who is able to fully represent the United States at the time the Coalition Provisional Authority transitions out of the country. As the chairman of the Foreign Relations Committee stated this morning, we cannot expect to wake up the morning on July 1 and have a fully functioning U.S. Embassy. The time to plan for that day is upon us and I encourage my colleagues to join me in taking the first vital step by supporting Ambassador Negroponte's nomination. With the confirmation of this exceptional individual, we will ensure that we have a strong U.S. voice on the ground and the right person in charge who will show the world the level of our commitment to Iraq. It will also underscore our determination to make life better for Iraqis for generations to come. It is a dream we share with the Iraqi people and, with the right people in charge, it is a dream that will come true.

Mr. BAUCUS. Mr. President, I rise to express my great admiration of our brave Montana servicemen and women in Iraq, Afghanistan and elsewhere in the world. These brave men and women have put their lives on hold and on the line. Their families and their communities—our communities—support them. These Montanans and all American soldiers are in our thoughts and prayers. We want them to come home quickly and safely.

We need a plan to bring their mission in Iraq to conclusion. And we need the administration to communicate that strategy clearly to the world, and to our brave troops.

I am deeply troubled by the allegations of abuse of Iraqi prisoners. I was

horrified by the images we have seen over the last week. Our nation, which our men and women are serving with such honor, must lead by example if we want to win the global "war of ideas".

Although we know the vast majority of our men and women in uniform are serving honorably, these allegations of abuse demonstrate that we are not giving our troops all of the support that they need.

These images of prisoner abuse are not at all consistent with the principles I know our men and women in the Armed Forces hold dear. Our men and women went to Iraq to protect this Nation, to make the world a safer place. They have performed admirably under harsh conditions, sometimes with insufficient equipment, because they believe in their mission. I believe in them and I will continue to make sure that they get the support they need.

What our troops need now more than ever is visionary leadership. They need to know what their mission is and when that mission has changed. They must be trained for that mission and given all of the resources they need for it, be it body armor or bottled water.

In order to win the war of ideas and make the world safer, we must share our vision of how to win the global war on terrorism. Sharing the vision to win means building effective, lasting partnerships with not just other countries and governments, but international institutions. The whole world benefits from a stable Iraq. The U.S. needs to work together with other nations to share the risk and responsibility U.S. forces face today.

Sharing our vision of how to win the war on terrorism also means ensuring exemplary leadership for every private first class in the United States armed services. We want to ensure that the unconscionable actions of a few misguided soldiers do not endanger the mission of the thousands who work day in and day out to fulfill that vision.

This is why I supported the President's nomination of Ambassador Negroponte to be Ambassador to Iraq. This administration must demonstrate that it has not only the determination but also the vision to win the war on ideas that the war on terror truly has become.

Now is the time when we must share our vision with the troops who serve with dignity and honor, with the American people and with the world.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I inquire of the Chair how much time remains on both sides.

The PRESIDING OFFICER. The minority has 5 minutes and the majority has 60 minutes.

Mr. LUGAR. Mr. President, in a moment I will ask for a quorum call and then shortly after that, ask unanimous consent all time be yielded back and we proceed to the question on Ambassador Negroponte.

For the moment, having given a clear signal, I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, we are about to vote. I had an opportunity to speak earlier today. Let me conclude and then yield back whatever time remains by saying Mr. Negroponte is a serious diplomat with significant experience. When he appeared before our committee, he impressed me that he was more likely to be straightforward and unequivocal in answering our questions.

I will end where I began. I quite frankly think we owe him and his wife a debt of gratitude for being willing to take on what, without exception, in my view, is the most difficult and, at this moment, most dangerous job in U.S. diplomacy.

I urge my colleagues to vote for Mr. Negroponte, notwithstanding that they may feel, as I do, that this administration's policy on how to handle the circumstance in Iraq has been seriously wanting.

Do not confuse the lack of a coherent policy, from my perspective, anyway, with a lack of competence and ability of Ambassador Negroponte. I urge a yes vote on Ambassador Negroponte.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate again the assistance of the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, and, for that matter, all members. Many of the members of our committee, of which the distinguished Chair is a member, have spoken today, and have indicated they plan to support John Negroponte, as I will.

I think one reason why the committee has this feeling is that we appreciate the fact he has been forthcoming in response to our questions. He understands the gravity of the situation and its complexity. He does not have a doctrinaire point of view, but clearly recognizes the political realities in Iraq, in this country, and in our international relations.

As a part of his responsibilities at the United Nations, even as we speak, he is working with other nations on behalf of the best ideals of our country, and is attempting to bring to the people in Iraq the full possibilities that might come from much more intense and favorable and constructive relations with the United States and its allies.

I was impressed in our hearing with Ambassador Negroponte, that he has

been there many times before, in the sense of very difficult situations, tortuous circumstances, dangerous predicaments, ways in which he had to work with the elements of whatever administration he served, that may or may not have agreed with his point of view, but at the same time, through his experience and the gravity he brought to the issue, he was persuasive and effective.

Finally, I conclude by saying John Negroponte is not any more certain than Senator BIDEN or I am of precisely what is going to happen day by day in Iraq. It is a day-by-day story. And that is not all bad, in the sense that sometimes we make improvements day by day. Sometimes we are able to listen to the evidence, try to take a look at the rest of the world, talk to other people, consult more broadly.

But the fact is, I believe Ambassador Negroponte is prepared to consult. He is prepared to talk. He is prepared to open up. He is responsive to our committee, to the Senate and, I believe, to the Congress and, therefore, through us, to the American people, the people we serve.

The final point I want to make in this debate is I believe Members of the Senate are not unreasonable, I believe members of our committee are not unreasonable, in asking for discussion and consultation during these very difficult times, because the support of all of us—Democrats and Republicans, Americans—is going to be required.

I appreciate, on very short notice, the preparation for the hearing of the Ambassador. But I had the feeling he did not need much notice; that, as a matter of fact, he has been thinking about these issues for a long time. His responses indicated a degree of both maturity but, likewise, willingness to listen that I found very appealing and reassuring.

I encourage Members to vote for him so he might proceed to his duties.

Having said that, Mr. President, I yield back the remainder of the time available on our side and ask that the Chair pose the question.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 85 Exe.]

YEAS—95

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lieberman	Wyden
DeWine	Lincoln	

NAYS—3

Dayton	Durbin	Harkin
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NOT VOTING—2

Kerry	Thomas
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The nomination was confirmed.

Mr. LUGAR. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Idaho.

ORDER OF PROCEDURE

Mr. CRAIG. I ask unanimous consent that the Senator from Nebraska and I be allowed to speak as in morning business for no more than 10 minutes.

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

Mr. REID. Reserving the right to object, we would like 10 minutes following the Senator from Idaho as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

DEMOLISHING ABU GHRAIB PRISON

Mr. CRAIG. Mr. President, today the Senator from Nebraska and I are introducing a sense-of-the-Senate resolution. I will read it because I think it is

appropriate at this time, when all of us are tremendously frustrated about what has gone on in a certain Iraqi prison.

Expressing the sense of the Senate that the Abu Ghraib prison must be demolished to underscore the United States' abhorrence of the mistreatment of prisoners in Iraq.

Whereas the Abu Ghraib prison was used by Saddam Hussein to execute and torture thousands of men, women and children;

Whereas Saddam Hussein and his Special Security Organization oversaw the execution of thousands of prisoners;

Whereas Abu Ghraib prison is notoriously known as a death chamber by the Iraqi people;

Whereas the Abu Ghraib prison is arguably the largest and most feared prison in the Arab world;

Whereas it is widely known that one of Saddam's sons, in one day, ordered the execution of 3,000 prisoners at the prison;

Whereas the recent reports of the atrocities and abhorrent mistreatment of Iraqi prisoners in the Abu Ghraib prison are un-American, do not represent our values, and have sent the wrong message about the United States intentions in Iraq;

Whereas the American people will not tolerate the mistreatment of Iraqi prisoners;

Whereas the American people view this prison as a symbol of evil, and where past cruel torture and mistreatment occurred;

Whereas the American people would like to rid the world of this evil place where past and, unfortunately currently reported mistreatment has occurred;

Now, therefore, be it Resolved, That it is the sense of the Senate that the Abu Ghraib prison, also known as the Baghdad Central Detention Center, be completely demolished as an expression and symbolic gesture that the American people will not tolerate the past and the current mistreatment of prisoners.

We are offering this sense-of-the-Senate resolution today because we believe it is a profound and clear expression of the American people's concern and it is a sense of this Senate that we do not accept the treatment that has gone on there of Iraqi detainees.

I yield the floor now to my colleague from Nebraska for a similar expression, and I send this resolution, as proposed, to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Idaho for this opportunity to express our outrage at the behavior of Saddam's henchmen and for the disgust we have for what some misguided soldiers apparently did in conjunction with the trust they had imposed on them in conjunction with prisoners.

We cannot erase what has been done. We can apologize for it. We can express our outrage. We can say to the American people and to the people of the world, this is not our way and we do not condone it, but we cannot change it and we cannot erase it. I think what we can do is make the broadest statement we possibly can symbolically by leveling this prison.

It seems as though the demons of the Saddam regime carried on in the disguise of Americans who under ordinary circumstances would not have been conducting themselves in this way.

I do not believe in those ghosts, but I do believe the message that can be sent is a very strong one: We do not condone this kind of behavior. The very behavior we went to eradicate needs to be eradicated once again. Those who are criminally responsible must be held to the letter of the law, and those who are responsible in the chain of command must also be held to the highest standards of our military.

I think we can say to the Iraqi people more than we are sorry, which we are, more than we wish it had not occurred, that we stand with them to eradicate this kind of behavior once and for all, at least in that prison. Perhaps symbolically it will help all recognize this kind of behavior is unacceptable anywhere in the world.

I have traveled with my colleagues to various parts of the world, to South Korea, the Baltics, Afghanistan, and Iraq, and those photos do not represent those men and women who serve our Nation honorably or share the values we Americans hold dear.

This prison was the tool of a violent, repressive regime. It is as much a symbol of Saddam's regime as the statues honoring him throughout Iraq. It is even more so in many respects because it represents the truth of what his rule was. Just as those statues were torn down, so should this prison be torn down. This place has become a symbol of abuses and atrocities first under the regime and now sadly with the new acts committed by our troops. We need to make a clean start. What happened in that prison is not American. It does not represent our values, and we need to let the rest of the world know in the most visible way possible that these acts which were committed in that prison are not the American way and not the way America conducts itself.

We need to make a break from the past. We need to level this prison. The symbol of atrocities, this home of abuses, should stand no longer. Let that be our stand, to tear down the prison, to hold those accountable who have engaged in such activities as we have held Saddam accountable, and let us move on so we can say to the people of the world, this is a new start, a break from the past. Let us join with the Iraqi people in building a new Iraq, one that is founded not on the abuses

of Abu Ghraib but on the hope for tomorrow. We can share the values together to eliminate abuse, to eliminate these atrocities and to set the record straight for the rest of the world.

I yield back any time to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Nebraska for his support of this effort.

Mr. BREAUX. Mr. President, parliamentary inquiry: Is the time controlled? How is the time yielded?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining.

Mr. BREAUX. I would like to ask a question.

Mr. CRAIG. I yield to the Senator for a question.

Mr. BREAUX. I probably should not be getting into this because I have not looked at it, but it seems that the sense of the resolution is the prison should be destroyed. I do not think it was so much a problem with the prison as it was with people who ran the prison. It is not the physical plant that caused the problem. It is the people who were running the prison.

If we do demolish a prison, are we not going to have to build another one? It seems to me what we ought to be advocating is not the demolishing of the prison but the replacement of the people who were running the prison with professional people who understand how to treat prisoners.

The problem is not the physical plant. The problem is the people running it. I am sort of concerned if we demolish the prison we are going to have to end up building another one because we are going to have prisoners who are going to have to be dealt with over there.

Mr. CRAIG. The Senator from Louisiana makes an excellent point. There will be a need for a prison to detain people. This is a very large complex. It is also phenomenally symbolic of the evil of Saddam Hussein where within those walls literally thousands of Iraqis were killed. It was known as the death center. Symbolically what we do is very important. Tragically, what we have done or allowed to happen is very important. I think what the Senator from Nebraska and I are saying is, let us look at the death chambers themselves and tell the Iraqi people those chambers will no longer stand. I believe that is an important expression. Words are one thing; actions are clearly another. I believe symbolically what we say today, or what the Senate of the United States could say and should say, is important.

Mr. NELSON of Nebraska. Mr. President, my response to my friend from Louisiana is if this had been a prison, I would say let us continue it as a prison and change simply the administration, the prison guards. But it was never a prison. It was a place of abuse and atrocity, a death chamber for thousands and thousands of Iraqi citi-

zens. So it is not a prison, and it never was converted into a prison, apparently not even during the time that we have been able to administer it.

Mr. BREAUX. With the explanation I think that clears up a great deal of my concern, and I intend to support it. I thank you.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. How much time is left under the control of the Senator from Idaho?

Mr. CRAIG. I yield the remainder of our time.

Mr. REID. I yield our 10 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I listened carefully to this debate by my colleagues. We can join in the debate as to whether the destruction of the building is an appropriate symbol of our shame and outrage at what happened to the Iraqi prisoners. The fact is, after the invasion, this Saddam Hussein torture chamber or prison was extensively remodeled by the U.S. taxpayers. Tearing it down will, as the Senator from Louisiana suggests, result in the need to build another at the expense of the U.S. taxpayers.

If this symbol, though, can move us any closer to expressing our sense of outrage and shame to the people of Iraq and to the Arab and Muslim nations around the world, then that expense, as far as I am concerned, is money well spent. I am open to that suggestion.

I would like to reflect for a moment on the larger issue that has been raised, not just in this Chamber today but around the world over the last several days. As a member of the Senate Intelligence Committee, yesterday I spent several hours in a hearing with representatives of our military and civilian agencies involved in Iraq, where we poured over every gruesome, grisly, sickening detail of this abuse of Iraqi prisoners. I cannot disclose what was said in that room. What I am about to say is based exclusively on those public pronouncements and things that have been available in the press. I want to make that clear at the outset.

I will tell you about yesterday. I can't remember a sadder day in my service in Congress than the time I spent in that intelligence room. To think any human being would do that to another person is unthinkable. To think that an American would be involved in that is something I never would have believed. And to imagine that someone wearing the uniform of our country would have been in some way associated with that activity is something I would never, ever have accepted. Yet it is a reality, and the reality is it was not one isolated incident. It was a series of incidents involving the killing of prisoners, the sadistic, wanton, and blatant mistreatment of prisoners, and it is something which, sadly, this United States of America must face up to.

I am glad the President of the United States went on Arab television yesterday to express his personal feelings about how terrible these events were, and to make it clear that America does not accept this conduct. I wish the President had extended an apology to the Iraqi people and all who were offended by this shameful episode. It would have been an easy thing for him to do. It would have expressed a sense of humanity and a sense of justice, which we expect of an American President. He did not. I wish he had.

But now we have to ask ourselves how should we, as a people, react to this? I am going to suggest one way we should not react to this. I have in my hand a transcript from a syndicated radio program of May 4, by Rush Limbaugh. Oh, he is well known around Washington, around the world. I want to read what Mr. Limbaugh said in reaction to this scandalous episode involving the torture and abuse of Iraqi prisoners.

His caller, on May 4, asked as follows:

It was like a college fraternity prank that stack up naked men.

And Mr. Limbaugh replied as follows:

Exactly. Exactly my point! This is no different than what happens at skull and bones initiation and we're going to ruin people's lives over it and we're going to hamper our military effort, and then we are going to really hammer them because they had a good time. You know, these people are being fired at every day. I'm talking about people having a good time, these people, you ever heard of emotional release?

Rush Limbaugh said in describing the sadistic torture of Iraqi prisoners. And then Mr. Limbaugh, in his infinite wisdom, went on to say:

You ever heard of need to blow some steam off?

Rush Limbaugh. I am embarrassed that this man, who supposedly speaks for so many people in America and is listened to faithfully by so many people in America, would be so callous, so insensitive as to make those statements. Trust me, they will be repeated, not just on the floor of the Senate, but around the world by our enemies as an indication that we are not taking this seriously.

President Bush struck the right note yesterday. We are taking this extremely seriously, and we should. The reason is obvious. What happened in those prison cells was a complete breakdown of leadership, a complete breakdown of discipline. It is clear that some are being held accountable for it already, and the investigation continues. Some of my colleagues have come to the floor and said this investigation should go all the way to the top. I will keep an open mind on that issue. I want the Secretary of Defense to have his day in court, his moment to explain when he learned of this and what he did about it; frankly, what action he took to avoid this from occurring.

But there are several things I think we should keep in mind. No. 1, the men

and women of this reserve unit who were called on to run this prison represented a military police unit without training in detention and corrections.

There is never an excuse for this inhumane and barbaric conduct but the fact is, time and again since we invaded Iraq, we have given assignments to our men and women in uniform, assignments that they were never trained to do. We have asked them to establish civil order in Iraq when they were trained to invade and defeat an enemy. We asked them to be traffic cops and university security. We have asked them to guard museums. We have asked them to do things that were beyond their skill and beyond their training, and this is another example.

Second, let me tell you this. We cannot ignore the reality that the people we are still holding in detention, because of the war on terrorism, are the next questions to be asked by the world. If this happened in Iraq at the Abu Ghraib prison, what is happening at Guantanamo Bay? We have to be prepared to answer those questions. We have to be transparent and open in our treatment of these prisoners, and we have to accept the obvious. We have held and detained hundreds of people without charge, without benefit of counsel, and without communication, in some cases for more than 2 years. There reaches a point where the United States needs to either charge these people with wrongdoing or release them.

We are going to be asked by the world: If Abu Ghraib was a scandal, how are you treating the other detainees and the other prisoners who are involved as well?

We should accept the reality, too, that what happened in this prison, sadly, is going to make our mission in Iraq that much more difficult and that much more dangerous for the brave men and women in uniform who still serve our country so well as I speak. It has become a recruiting poster, the photos of this abuse and torture, a recruiting poster for those who hate us around the world. Some would say we need to condemn it by resolution; we need to tear down the prison. All of these are important words and important symbols. But we need to do more. We need to try to establish bridges of communication and bridges of understanding with Arab States and Muslim states and the people who live there who, in these images of torture, will believe they see the real United States. That is not who we are. We are a caring people, and we need to demonstrate that.

Beyond tearing down buildings, can we talk about building things up? Can we talk about investing our resources and talents in the United States, to reach out, as the President has asked, in the global AIDS fight, to Muslim nations that are struggling, to reach out to struggling countries, Muslim and otherwise, to provide school feeding programs for children, to once again

demonstrate to the world who we really are? Blowing up a building is one thing, but building a life and building a school and building a health clinic is another. It is clear evidence of who we are as an American people.

I look at the situation in Iraq today. It is much more troublesome than it was even a week ago. In April, the bloodiest month in this war for America since our invasion, we lost more troops, we suffered more injuries than in any single period. I make it my responsibility to try—and sometimes I cannot—to call every Illinoisan who has lost a soldier. God bless them, every single one of them, so proud of their son or daughter, husband, wife, killed in this conflict. And they should be proud. They have served our country. They should be proud of the contribution a member of their family has made to this country.

However, this situation is getting perilously complicated and so far from the resolution we hoped for when we made the invasion of this country. Our war on terrorism is going to be complicated as well. We need to develop a sound strategy for the Iraqi situation and for our war on terrorism. We need to concede that many of the things that seemed so obvious and so easy have failed us so far.

We heard predictions early on that the Iraqis would greet us with open arms, move toward democracy, and we would start turning over control of the nation to them. It sounded like a great goal. Clearly, we were wrong. It has not happened. It is not likely to happen soon.

The administration will ask for more money—\$25 billion—to support our troops. Although I voted against this war, I will continue to vote for every dollar this administration asks for to keep our troops safe and to bring them home safely. We must continue to ask the hard questions: What is the strategy? What is the plan? Where is the leadership? How can we bring our troops home from Iraq with a mission truly accomplished?

Sadly, today we are further from that goal than we were just a few short days ago. I hope that during the course of the debate on this important resolution on the scandalous activity at the prison we can find Senators of both political parties coming forward, trying to find common ground to reach our goal in the Middle East.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. 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. HOLLINGS. Mr. President, I take it we will be voting on a resolution with respect to the Saddam prison.

It strikes me, what I have just heard in the last few minutes, as a typical

copout from responsibility. We hide the deficit. We do not pay the costs of the war. We hide behind all these other things. Now all we have to do is remove the building, and if they cannot be aware of it, they will not care.

This thing happened in January. What we have on foot is the exact "torture-gate," I guess you would call it. From January to May, we have not heard anything about it. This Senator has not heard anything about it. Now we have all of these "whereas" clauses, and this is what Saddam did, and it did not bother us. We did not put in a resolution about it. In fact, we went there and spent good money to clean it up and we put a prison there.

Maybe after we take some responsibility, then maybe this kind of resolution would be in order. The first act and the first reaction officially of the Senate is going to be, let's tear down the building. The building is not at fault. It is the people in the building who are at fault.

I will not be able to vote for this nonsense. I have never seen a crowd that absolutely will not accept responsibility for the war, for the costs of the war, the cost of government, and now the responsibility here. Their first reaction is a lot of "whereas" clauses about Saddam and nothing about us, other than that is not our way of life, and everything else of that kind. Let's find out that is not our way of life by fixing some responsibility in this Government. Once that is done, bring on the "whereas" clauses about Saddam's prison.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business.

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

EXTENSION OF EMPLOYMENT BENEFITS

Ms. CANTWELL. Mr. President, I rise to talk about the unemployment trust fund issue that has us basically stalled on Senate business; the fact that several weeks ago we had an unemployment benefit amendment that was part of the UC request for amendments to the FSC/ETI bill done, and yesterday it was in the queue to be considered; then after it was actually offered on the floor, after 10 minutes of debate and discussion, basically the amendment was pulled. Somebody objected to scheduling a vote on it.

For weeks we have been assuming there was a finite list of amendments and it was agreed that this amendment was going to be voted on. I don't even

know that we need to have more time to discuss it.

I know now that there are those on the other side of the aisle who don't want to have a vote on it. Maybe leadership will be able to work out an agreement to have a vote. But when we have moved toward giving the American people some hope that we were going to discuss unemployment benefits in support of those millions of workers who have lost their jobs, they find out now there may not be a vote at all.

I don't think it is surprising that the Dayton Daily News last month basically said the GOP leaders were still dodging the jobless. That newspaper, in a State with high unemployment, thought we were not doing our job here, that those on the other side of the aisle were still trying to dodge the issue. I can tell you we are not getting a vote. It certainly feels at this point in time as if somebody is dodging the issue.

I wonder if my colleagues on the other side of the aisle, or my colleagues in general, have thought about the circumstances of the individuals in this country and the tough times they are facing. I know we see the face of the Iraqi people every night on television. Maybe it is too hard to put 1.5 million Americans who are unemployed on the 6 o'clock news. But they still exist. They, too, are still struggling. They, too, are looking for our support and help.

I want to share with you a letter I got from a constituent. It is posted to our Web site because we have had so many people responding and telling their stories. This one individual from my State said:

I am a 41 year old, recently divorced, with a 5-year old daughter. I had worked for Nordstrom for over 22 years, when I was suddenly without a job last August, and my unemployment benefits just ran out, which put me into a bankruptcy position. I only have minimal child support and no other income at the moment.

I was earning \$47,000 annually prior to my job elimination, and had existing responsibilities based on that income, which I can no longer pay since my benefits have been eliminated. Being a single parent with a home and a 5-year-old to take care of, I have never been in a more desperate position in my life.

I want to work very badly. However, I have not been successful in getting hired back at Nordstrom or any other company. The IT market has declined, and my job was eliminated due to 7-year restructuring of the IT Department, which included the company's initiatives and achievements in job elimination and head count reduction. Their objective was to bring in contractors from India and use offshore outsourcing IT services as well. In fact, for the last 3 years, I have had to work with the offshore folks from India that took the place of hundreds of my fellow employees who were laid off over the last 7 years.

I don't understand how a company or a Government can say that they are compassionate for the climate, but create it by having Americans eliminated and replaced by foreign workers in the U.S. workplace.

My constituent says:

If the benefits are not reinstated, then I will have to seek getting other assistance until something comes up. All the jobs I have applied for, I have either not been called back, am under qualified, or over qualified.

This shows the humor of my constituent:

Most of the time, there are no numbers to follow up on, since they are handled via an automatic online HR recruiter. So I am not even sure if there are real people out there really looking for someone to fill a position. I have between 2 and 3 viable job opportunities per week that I apply for. So far, I have been interviewed only 5 times. At the time of my unemployment, I thought it would only be a temporary position. However, the jobs are just not out there and I am required to make at least \$30,000 annually, even after my bankruptcy, to maintain my home and my daughter's day care responsibilities.

I live in a small house that was built in 1947 and pay roughly \$1,100 in monthly payments on the mortgage. My car is 15 years old and in need of repair. My average bills are \$2,000 a month, which are hard to keep up with, health care being so expensive. I don't want to lose my home, since that would not be in the best interest of my daughter. Besides, I don't think I could get much cheaper rent than what my current mortgage is. My property is my retirement.

I am scared to death that I won't have anything to fall back on after working this hard for the last 26 years of my life. I don't quite understand why I can't get the extended benefits until there are more jobs available, or at least until the Government puts an end to the outsourcing of jobs to foreign countries. I have even pursued reeducation to a different field, but was told that I made too much income last year, and it would take a cost of \$10,000 for retraining in the health care field.

Now, without unemployment benefits, because my benefits have been exhausted, a student loan would not be funded. Do you have any suggestions how I can get food stamps or aid or, in the meantime, how I can find any kind of time line when we might actually get a vote? I don't understand why the President would not want to help his own first, before those suffering in other parts of the world.

I think that letter sums it up. This is not somebody who hasn't been in the workforce. She was in the workforce 20 some years. This is not a person who didn't have skills and didn't help her company actually try to modernize and improve productivity. She did that. It is not somebody who is sitting around not trying to find a job. She is doing that, too. As she clearly stated, she cannot find a job. So now she has been forced into a bankruptcy situation, is being threatened with losing her house, all because we are sitting on the Federal unemployment benefit account of \$13.3 billion and basically saying, even though this is a fund paid into by employers for this very purpose, in strong times of economic downturn, we are not going to give her the assistance.

We are going to pass a FSC/ETI bill instead and give other tax breaks to a whole bunch of things—\$2 billion for a green bond initiative that I say still probably will end up getting used for a Hooters Restaurant. There is over \$2.8 billion in here for another incentive program, a credit for synthesized coal,

which is a tax credit that is under investigation by another Senate committee—\$2.8 billion. That is roughly the cost of what it could take to extend the unemployment benefit program for another 6 months—a little more than \$5 billion. Yet we are very comfortable today in making a decision to give all these tax cuts and tax breaks away, but we are not going to help the American workers with a fund they have paid into. We are going to hold that hostage as some sort of mark against our deficit, when it is a trust fund they have paid into and, instead, we are going to pass a bill called a "jobs" bill without actually taking care of people that have not gotten the support.

I am amazed we are in this situation. I think the Dayton paper had it right. People are dodging the jobless. They are dodging this issue.

Let's talk about the specifics. There are 1.5 million Americans who are certainly without help and assistance. This is 1.5 million Americans who, as of December 31, exhausted their benefits such as the constituent I just mentioned. They are going through the same situation she is going through. They are trying to figure out, now that the State benefits have expired, and there are very few jobs created—certainly not in a fast enough time period—that they are going to have to be like my constituent; they are making very tough choices. Because we don't see those choices on the 6 o'clock news doesn't mean they are not happening.

Let's look at some of the toughest parts of the country that have had to deal with this issue. You can say maybe not every State is in this situation. Certainly different regions have been hard hit. Certainly the Midwest has.

This chart shows the number of people in these States that have exhausted State benefits. They are still unemployed and they would be helped by our Federal program. They would be helped by the \$13 billion that exists in a Federal account—if only this body and the other body would say, yes, you can have access to it.

Illinois has almost 70,000 people, who are like the constituent I read a letter about, who need help and support. In other parts of the Midwest, Michigan has 66,000; Ohio, 42,000; Pennsylvania, 69,000, almost 70,000 workers who qualify for health and assistance.

I do not even know that these people understand that the debate on this proposal is being considered. I know many of my constituents do because they write to me all the time. These are not invisible people, and their problems are not invisible. In fact, the Presiding Officer's State of Texas has 95,000 exhautees. That is the number of people in that region of the country. In my part of the country, the Northwest, we have one of the hardest hit economies, the highest unemployment rates for the last several years. We have 33,000 people who would qualify right now for this program if this body would just say yes.

What we really want to say is we know that job growth is going to happen. In fact, last month there were 300,000 jobs created. The bottom line is, we have lost over 2 million jobs, and it takes a while to recreate them. By that I mean it takes a while for the economy to recover.

The Center on Budget and Policy Analysis says it will take several months more of robust growth to whittle down the number of unemployed to a more typical size. The truth is, I think a lot of people are saying: Oh, well, gosh, Friday we will have new numbers. Maybe we will have another 300,000 jobs. Maybe we will have another 500,000 jobs, maybe another 600,000 jobs created. To me, it does not matter if there are 600,000 jobs created in the month of April. It simply does not matter if we have 1.1 million people who have already exhausted their benefits.

Even if we have 600,000 jobs created in April, we will still have a million people who will not have access to the benefits they deserve. To me, it is an issue of what are we going to do to sustain the economy while we are waiting for the job creation engine to restart.

A lot of people say: Oh, gee, the economy is actually getting better; productivity has gotten better. My constituent helped her company be more productive. Guess what. That, I am sure, added to the bottom line of that company. It probably added to the bottom line that got passed on to shareholders. But did it help my constituent actually get a job or get a new career? No, it did not. She is not asking for us to give her a job. She is only asking for what she and her employer already paid into, an account that was created for these tough economic times only to get some of those funds in the interim until new job growth and new job availabilities are out there. I do not think it is an unreasonable request.

Some people have said: If you have 1.5 million people, and they have exhausted their benefits, what is the rate by which those people will actually find jobs? The Joint Economic Committee and the Center on Budget and Policy Analysis came up with a formula. Basically, they said about 3 percent of those 1.5 million people would find a job each week.

Some people say: Maybe we will think about unemployment benefits for 7 weeks. Maybe we will say let's give people 7 weeks of benefits for another 60 days, and let's figure out how that helps. We did the calculation. After 7 weeks, using this 3 percent of people finding a job each week, which is the number that is used in both good and bad economic times, it is an average, after 7 weeks of benefits, 458,000 people would find jobs. So after 7 weeks, those 1.5 million exhaustees—those are people who have already exhausted their State support but are still jobless—how many of these people would have a job? Basically, 450,000 of them would have a job.

The issue is, after 450,000 of them would get employed after 7 weeks, we still would be looking at 1.1 million people without a job, without support, being in the same situation as my constituent of bankruptcy, potentially losing her home and in a desperate situation.

Let's be realistic. We are not going to solve this by saying here is 7 weeks of unemployment. It is not going to happen. This economy will get better. It will. But it is going to take a while. You cannot recreate 2 million jobs overnight. You cannot.

The good news is, when you have a Federal program, which the UI trust fund is, at \$13 billion, you can use a little bit of those funds to help those people in the meantime and actually generate stimulus in the economy. For every dollar we give these unemployed workers, it generates \$2 of stimulus. Who is helped by my constituent basically having to declare bankruptcy and maybe not able to make mortgage payments? Who is helped by that? She is not, but neither is the bank and not the businesses with which she does business. Certainly her 5-year-old daughter who would rather have a home is not receiving any benefits.

If we adopted my proposal, a 6-month extension with 13 weeks of benefits, after that 6 months, the account, which was \$13.3 billion, would still have \$9 billion in it. So the account will be a very healthy account at the end of that period. Yes, we would pay money out to those individuals, but the account is continually paid into by other employers. That is the way it works. That is why it is a healthy account today, and it will remain healthy under the Cantwell-Voinovich proposal.

This is a bothersome debate to me in the sense of why are we having this discussion when we have a healthy account? We know what the individual problems are. We know people need to have support and assistance. We know even after a short plan, 1.1 million people will still be unemployed. Why don't we just do this? Is it because we are using the money for something else, and we do not have it available to us? Is it that we believe the economy is so much better that even a few trickling of jobs at 300,000 or another 300,000 announced on Friday is somehow going to solve our problem?

I do not think that is what other people have said. In fact, Alan Greenspan said recently before two different committee hearings that the unemployment extension benefit is a good idea largely because of the size of the exhaustees, the number of people who exhausted the benefits, those 1.5 million people. We have the chief economist for our country basically saying this is a good idea based on the fact we have 1.5 million people, and they are not going to be back in the workforce tomorrow. They are not going to be back in the workforce from the April numbers or the May numbers or the June numbers. So who are we kidding?

The economy is not going to be that red hot to take care of 1.5 million people tomorrow.

The question is, What do we want to do about it? I think BusinessWeek said it best. They basically said the Senate must act. The Senate must bridge the gap that will help the economy cross over this extended valley of almost nonexistent hiring. They just said that on March 22—nonexistent hiring. Let's not fool ourselves. Americans know it; that is, if you poll them and ask them the question, Is the country going in the right direction or the wrong direction, they say the wrong direction because they know that we do not have job creation happening.

So it is up to us to make a decision. I know my colleagues are saying we do not want to have a vote. Somebody, in one of the afternoon journals, basically said, on the GOP side, that even having a standalone vote on my amendment is a nonstarter.

I am hoping wiser heads will prevail and that people will come to their senses and say: Let's have a vote on this issue. Let's find out where the Members of the Senate stand on getting their constituents' support in tough economic times.

Let us see where the Members of the Senate stand on following the advice of Alan Greenspan who says doing unemployment benefits would be a smart idea given the number of exhaustees. Let us find out where the Senate stands on having a solution to the issue of whether individuals should have access to the money they have paid into a \$13.3 billion account through their employers.

Let us find out where the Senate stands on giving a solution on whether they think the economy is recovering fast enough or whether they want to help people in the times when economic recovery is still slow.

I hope we come to some resolution of this issue. I hope my colleagues will listen to their constituents and heed the words they are saying about the tough economic times we are seeing. It may not be on the 6 o'clock news, it may not be on the front page with four or five other stories as is the situation in Iraq and the Middle East, but there is still a struggle for Americans and their struggle deserves the help and support of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Who yields time? The Senator from Nevada.

Mr. REID. We are not under any controlled time now, are we? Is that right?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

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

Mr. ENSIGN. Mr. President, I rise to address some of the comments that

were made by the Senator from Washington State. The proposal to extend unemployment insurance benefits is something the Senator from Washington has been attempting to have passed for some time now. The arguments have been that there are a lot of people unemployed in the country who have been unemployed for long periods of time and therefore we need to have not just normal unemployment benefits but we need to have extended unemployment benefits.

For the last several months, I have gotten up on the Senate floor to refute some of the arguments that have been made by the Senator from Washington, and I want to not only reiterate some of those points but I want to go a little bit further today.

One of the points I have been making is that back when the Democrats controlled the House, the Senate and the White House, the unemployment rate in the country was almost a full percentage point higher than it is today. At that time, the three bodies working together, in control, once again, by the Democrats, thought that the economy had come out of the recession and had recovered to the point where the extension of the unemployment benefits was not necessary. So they terminated the program.

Well, the unemployment rate in the country is almost a full percentage point less today—now when Republicans control the House, the Senate, and the White House. We have recovered from a recession and today, enjoy an unemployment rate that is almost a full percentage point lower than what it was back in the 1990s when the Democrats were in control, when they stopped the temporary extension program. That is the situation we are facing today.

Nationwide, unemployment is 5.7 percent. Economists used to argue that this kind of an unemployment rate was full employment. I am one of those people who believe we can do better than we are doing today. In fact, in my State we are at about 4.4 percent. In some of our counties in our State we are at about 3-percent unemployment. So I think we can do better. In fact, in the JOBS bill that we have before us today, we have provisions in the bill that would create a couple of million jobs.

The one I authored, called the Invest in the USA Act, according to independent economists, will increase the GDP of this country by 1 percent and will produce 660,000 jobs. This is a conservative estimate. So I believe in creating jobs. It is not that people do not feel bad that people are unemployed, but instead of giving them a check for being unemployed we want to give them a job so they are no longer unemployed.

The Senator from Washington has an amendment that she has been trying to get enacted, and she changed her amendment slightly. Her State was one of the highest unemployment States in

the country. So my colleagues could understand why she was pushing for this. In the last couple of months, her State's economy has improved. Her State's unemployment rate has been dropping precipitously, so much so that to qualify as a high unemployment State for some of the extra funds under her amendment, she had to re-draft her amendment to adjust the figures in such a way that her State would qualify. Under her previous amendments, the State of Washington would not qualify because the economy is improving in her State.

When President Bush was elected, he inherited an economy that was in recession. There is no argument about that. We had three straight quarters of negative growth. By anybody's definition, that is a recession. It takes time to come out of that. We have had economic policies put into place, including two rounds of tax cuts, that have helped spur our economy onward to where we are creating jobs and to where the economy is starting to fire on all cylinders.

We still have work to do, and I think all of us in this body would agree that. But let's look at some of the employment figures.

This chart shows what I was talking about earlier in the State of Washington. Starting in April of 2001, their unemployment rate was a little above 6 percent. We can see, over the last couple of years, it has gone up fairly significantly. It plateaued in October 2003, and since then it has fallen drastically. This is the home State of the author of the amendment, and that is why her State, under her old amendment, would basically no longer qualify as a high unemployment State.

I want to address the issue of the two surveys that measure unemployment. One is called the household survey and the other is called the payroll survey. The household survey measures not only people on payrolls but it is a better measure of the economy because it also measures those who are self-employed.

For instance, in the last 2 years we have seen this incredible phenomenon known as eBay. I think most people are familiar with eBay. There are 430,000 people who now make a full-time living on eBay. Try to conceptualize that. Ten years ago, we could not even have imagined it. The payroll survey, the most common one that people quote about jobs being produced or eliminated, does not reflect a single one of those people who are now supporting themselves full time by doing business on eBay. The household survey does count them.

Anybody who goes out and starts their own business, once they hire somebody that individual is counted in the payroll survey. Well, even a lot of the small businesses are not counted for some time under payroll but they are counted in the household survey. It is a more accurate reflection of the current employment situation in our country.

In the past, the payroll survey and the household survey, the reason we did not worry about really talking about the differences between them is because they paralleled each other. For the last 20, 30 years they literally went up and down at about the same rate. Over the last 2 to 3 years, though, our economy has been changing. Today we are living in a high-tech information age. Things such as eBay didn't exist before. Thus, over the last 12 to 24 months the payroll survey has showed a loss of jobs while, according to the household survey, a couple of million jobs have been produced.

We hear the other side saying under President Bush a couple of million jobs have been lost. Well, that is if you include only the payroll survey. If you include the household survey, we are at the highest level of employment in the history of the United States—the highest level of employment in the history of the United States. We have the most people actually employed, self-employed or employed by somebody else, that we have ever had in the United States.

Unemployment insurance was set up to be a hand up. The longer and the more generous the benefits are, the less incentive there is for somebody to go out and get a job. We know that and can prove that.

During times of high unemployment, during times of recession, we extend the Federal program so those who have fallen on hard times in a tough economy, can get assistance. Those jobs may not be out there, so we extend the program an extra 13 weeks, sometimes 26 weeks, and we allow the States to extend it even further.

But when the economy is growing, is it really necessary to extend those Federal unemployment benefits? Not only is it not necessary, does it, in fact, inhibit somebody from taking the initiative, No. 1, to either create their own job, to become that entrepreneur on eBay or wherever else they are going to create the job, or, No. 2, to do what it takes to go out and find a job?

By the way, sometimes that requires moving. We have a very fluid economy today. Sometimes it requires changing careers. Today, the average American changes careers—not jobs, careers—three times. Again, a reflection of our changing economy. That is one of the reasons, if the other side of the aisle is so interested, as they say they are, in helping people, let's make sure the Workforce Investment Act that was passed unanimously in the Senate actually is finalized into law instead of using procedural maneuvers to block it. That would train an additional 900,000 people in the United States to help find those new jobs that are being created.

In most places that you travel around the United States, if you would ask how the economy is, a year ago there was a lot of pessimism. People were really unsure. You go out there now and there is a lot of optimism.

People are hiring and manufacturing orders are up. All the economic indexes we see in virtually every category are up, including the payroll survey for the last 3 months, and we expect to have fairly good employment numbers coming out tomorrow. The jobless claims that came out today were the lowest level we have seen since the year 2000, again, another good piece of economic news.

That is why I think it is the right thing to do, to not further extend the temporary extended unemployment benefits program. It already expired in March.

We have heard a lot from the other side of the aisle about deficits and how much of a threat deficits are to the current economy and the future economy of the United States. I agree with that. In fact I, by the National Taxpayers Union, was rated No. 1 as the biggest deficit hawk in the Senate. I am very concerned with deficits. My votes match my rhetoric.

Extending the unemployment insurance benefits cost \$1 billion a month, which is added to the deficit. That is deficit spending. A few of the proposals we have heard from the other side would make it a \$2 billion-a-month program. So if people care about the deficit, if they believe that it is something we should not be adding on to, as the Senator from Washington is trying to do by adding back in the extension of the unemployment benefits, then they should not support her amendment.

To sum this up, the facts are, the economy is growing, and growing strongly. Yes, we can do better. I will admit that. I want to see us do more. Pass the JOBS bill that is in front of the Senate today that the Senator from Montana, the ranking member on the Finance Committee, and the Senator from Iowa, the chairman of the committee, have put together. They put together a bill that will create jobs in America. That is part of doing better. There are many other things we can do.

I believe it would actually do harm to the economy, by adding \$1 billion a month to the deficit and discouraging those people who are currently on unemployment, if we were to continue extending the TEUC program for weeks and weeks, and months, instead of giving people the incentive to go out and find the jobs that are being created in America.

I yield the floor and yield the remainder of my time.

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

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

NOMINATIONS

Mr. REID. Mr. President, earlier today, during the Negroponte debate, a number of my friends from the other side of the aisle expressed concern that some ambassadors were pending on the Executive Calendar. I think concern is a very light word. I think we could use words such as they expressed outrage—concern. I wish to comment on this because I think it was misguided. Perhaps they didn't have the right information.

One of the most unfortunate charges I heard was that the Democrats have ensured that there were vacancies in U.S. Embassies in countries representing 700 million people.

Another unfortunate charge was that we were hamstringing the war on terrorism by not having confirmed ambassadors that the Foreign Relations Committee just found time to report out last week.

Again, we were criticized because we were hamstringing the war on terrorism because, after action taken by the committee last week, we didn't do floor action within the next few days. I think anyone who understands Senate procedure knows acting on work of a committee within a very short period of time doesn't happen very often. What I mean by that is a matter of weeks.

I hope if these Senators think these people were needed so urgently, the Foreign Relations Committee should have moved a little faster—or a lot faster.

But this really is not the issue, because all my colleagues know the record does not support these accusations—and that is what they are. Later tonight we will confirm 20 ambassadors. We have already voted for Ambassador Negroponte. His nomination was completed with nearly record speed, given he was only nominated by President Bush last week.

As to the charge the Democrats have kept several American Embassies vacant, we have been told there are 10 embassies the State Department has said are currently vacant. Of these 10, the President has chosen to fill only 5 of them. Out of 10, half of those the President has not sent names.

Tonight, we will confirm ambassadors to fill Nigeria and Serbia. The only reason we have Serbia tonight is last week Republicans objected to confirming this qualified Foreign Service officer. We also wanted to confirm the new Ambassador to Nepal tonight, but there was an objection, I am told, by our Republican friends that would prevent the Senate from ensuring that this very qualified career Foreign Service officer will not be confirmed. The remaining two vacancies, Sweden and Finland, need to be filled, of course. These are going to be political appointees because they did not fill out the term they committed to serve.

The facts that were propounded by my friends on the other side of the aisle about ambassadors not being ap-

pointed simply is without any basis of fact. We will confirm two tonight. We have 10 that are unfilled. The President has not even sent five of the names to us. I repeat: Two of them we are going to fill tonight. We have five vacancies. A third we will fill tonight, we would not have needed to do that but for an objection by the Republicans last week over that very qualified person. Then, of course, I indicated the person to go to Nepal is being objected to by the Republicans also.

We have two vacancies, then: Sweden and Finland. The reason those are vacant is because they were political appointees and the people decided they wanted to come home early.

We are doing the very best we can. There are a lot of places that people could place blame, but certainly not in the case of appointment of ambassadors because the facts do not support the allegations that we have been slowing up the ambassadors.

I am happy to see the two managers of the bill in the Senate. We are cautiously optimistic we will be able to complete in the near future the very important FSC bill, the JOBS bill. While the two Senators are in the Senate, I say publicly how much I appreciate their work on this piece of legislation. This committee they are responsible for running, the Finance Committee, is as important if not more important than any other committee in the Congress. They work well together. This is a very complicated bill. There have been a lot of political sideshows that have gone on during the pendency of this legislation, as happens in all complex bills. We might get lucky later tonight and work out an arrangement to complete this bill in the near future, probably early next week.

Again, I express my appreciation to the two Senators. They are both experienced. Both come from relatively sparsely populated States, like the State of Nevada. The Founding Fathers set up the Constitution so that the Senate was not determined by how many people are in a State but, rather, that it is a State. There is no better example of what the Founding Fathers had in mind than these two fine men who run this most important committee. I express my appreciation for the good work they do and have done on this bill.

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

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

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. VOINOVICH. Mr. President, I am rising this evening in support of S.

1637. This is legislation, sponsored by Senator CANTWELL and myself, to extend the Temporary Extended Unemployment Compensation Program for another 6 months. The TEUC Program provides additional unemployment compensation benefits to individuals who have exhausted their initial eligibility without finding new employment. It covers those individuals who may find themselves out of a job, once it takes effect.

This program is absolutely critical to thousands of people in the United States of America, many of them who live in my home State of Ohio. The Congressional Budget Office recently reported that for the past 2 years, the exhaustion rate for unemployment benefits has been higher than at any time in recent history. During calendar year 2003, 43 percent of UI recipients exhausted their entitlement to regular benefits.

This is best depicted by this chart that I have here this evening. The bottom line shows the unemployment from a period of 1972 up to 2004. The top line shows the exhaustion rate of benefits. You can see during this period of time we had exhaustion in benefits, then it goes down, then we come out to the 2003-2004 area and you can see that means these people have been unemployed for a much longer period than is traditional in a recessionary period.

Many of those out there today are still in great need. They need these unemployment benefits in order to keep going, paying their mortgages, and giving them some time so they can gain new skills for the jobs that we hope are going to be available to them.

In my own State of Ohio, over 31,000 individuals have exhausted their unemployment benefits since the Temporary Extended Unemployment Compensation Program ended in late December. Without additional assistance, these families face severe financial difficulties until they are able to regain employment.

Many of my colleagues believe the recent declines in overall unemployment and the continuing decline in initial unemployment claims indicate there is no further need for a TEUC. Nothing could be further from the truth. As CBO's recent report indicates, long-term unemployment has actually continued to increase, even though short-term unemployment has been declining.

Part of the problem we face is that many of our assumptions regarding recessions, economic recovery, and job creation are more suited for the 1950s than the 21st century. Traditional economic analysis tells us companies lay off workers during a recession and rehire them to the same jobs during a recovery. Workers may have collected unemployment during a limited period of time, but they have not lost a job and usually return to their former workplace with no need to seek new employment.

Unfortunately, the current recession has not followed this pattern. Instead

of existing companies laying off employees and later rehiring them, many corporations have permanently eliminated positions or even gone out of business. This has particularly been hurtful in the State of Ohio, where manufacturing has been hit by international competition, litigation costs, and high energy costs. We have lost some 17.5 percent of our manufacturing jobs in the State of Ohio.

Companies like Rubbermaid, in Wayne County, Worchester, OH, one of the most successful companies that Ohio has ever had, a company that was written up in *Fortune* magazine, just closed down—1,200 jobs, in Worchester, OH, a small Ohio city in a small county, Wayne County. Thankfully, new companies and new types of jobs are emerging to replace those that are lost; however, many of the workers who were displaced during the recession have difficulty qualifying for these new jobs. Usually they have to retrain and it is not uncommon they have to relocate. Quite often, middle-aged factory workers find themselves competing with younger, better educated workers for jobs in the technology sector.

Also, many times jobs are lost in older urban communities, but the replacement technology or service sector jobs are created in distant suburban areas that require long commutes or changing residences. Families who are dependent on two incomes may find it difficult to locate employment for both wage earners at the same location. Consequently, either the husband or the wife may be unemployed for much longer than in previous recessions.

This is precisely the situation we are facing in Ohio. We have lost manufacturing jobs in older communities such as Youngstown and Cleveland and southeast Ohio. Most of these job losses reflect plant closings or permanent downsizing. These jobs are gone and they are not coming back. They are gone. They are finished.

Meanwhile, some areas of the State are picking up service sector jobs and have unemployment rates as low as 3.9 percent. Unfortunately, expanded financial service jobs in suburban Columbus are not much help to an unemployed tool and die maker in Toledo, OH. It is all very well to talk about the bright new economy that will generate plentiful employment at high wages for the knowledge workers of the future. However, we still have a responsibility to assist the semiskilled manual laborers being displaced by the demise of the old manufacturing economy. Many of these workers can and will retrain. Some will, however reluctantly, relocate. All of them will require time to make these changes.

Recently, Chairman Greenspan has recognized the need to extend temporary unemployment benefits. Secretary Snow has recognized the need to extend temporary unemployment benefits. Our President recognizes that we need to extend temporary unemployment benefits. It is time for Congress to extend these benefits.

The program was designed specifically to give long-term unemployed individuals the time they need to readjust to changing economic realities. The recent report from the CBO clearly indicates the continued need for this program. Consequently, I call upon my colleagues to offer a helping hand to workers from that old economy, while we welcome the rise of the new economy. We can afford to help with this transition, and it is the right thing to do.

I know there are many of my colleagues from States that do not have the problem we have in my State, and they don't understand the urgency of the passage of this legislation. I think we owe it to these people, to these families. Some of them live in my neighborhood in the city of Cleveland. I have lived in the same house since I was mayor of the city of Cleveland, since 1972. I live in a middle-class neighborhood. I have a neighbor across the street who has been unemployed and his benefits have been exhausted. He needs help. I see these people in the grocery store and they talk to me about it.

I think some of our colleagues who are opposed come from States where things are fine, things are wonderful. But I think part of the responsibility we have as Senators in the United States of America is to look after the needs of the entire country. If I were in a position where things were wonderful in my State and they weren't good in some other State and they needed some help in unemployment, then I would be supportive of that because I think it is the proper thing for us to do.

The other thing about this program that a lot of my colleagues do not understand is that, even though this money is coming from the Federal Treasury, the money ultimately is repaid back to the Treasury from the unemployment compensation fund that is supported by a tax on our businesses in our State. This happened when we had the last recession in the State of Ohio.

I am urging my colleagues to open their eyes to the pleas and the needs of so many of our fellow Americans who need that extra help at this time for themselves and for their families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

DEMOCRACY AGAIN TRIUMPHS IN GEORGIA

Mr. McCONNELL. Mr. President, there is good news from Georgia this morning. In a second bloodless revolution in that country, former Soviet official and Ajaria troublemaker Alan Abashidze fled into exile after thousands of opponents—including some from within his own police and military forces—took to the streets to demand change.

Abashidze's hasty departure is a great victory for the people of Georgia and their leaders, particularly President Saakashvili and Prime Minister Zhvania. By seeking a non-violent solution to the crisis in the breakaway region of Ajari, Saakashvili and Zhvania demonstrated patience in the face of Abashidze's hostile provocations—designed to spark a military conflict.

Reports of the celebrations in the streets of Batumi are inspiring, particularly those of reformers waving American flags along side their own country. I want to remind my colleagues such symbolism is a reality in Iraq, where Georgian soldiers serve alongside U.S. and Coalition forces.

My message to the people of Georgia is clear: America will continue to stand with them as they champion the cause of democracy. We will continue to help them build a country—and institutions—dedicated to the furtherance of freedom and the rule of law.

Once again, democracy triumphs in Georgia.

MILLION MOM MARCH

Mr. LEVIN. Mr. President, this weekend moms from across the country will converge on Washington to join in a march remembering gun violence victims and urging President Bush to support commonsense gun safety legislation. I am proud to support the moms, and I know my colleagues will join me in commending these women for their leadership.

On Mother's Day, moms will gather on the west lawn of the U.S. Capitol to bring their "Halt the Assault" message to the front door of Congress. These women have come to Washington to urge Members of Congress to support sensible gun safety legislation. Their leadership is desperately needed on this issue, and I applaud all of the moms who will make this journey for their commitment. After the march, the moms will spend Monday visiting our offices and urging us to support commonsense gun safety legislation.

One of the moms attending this Sunday's events is Barb Case, Michigan's Million Mom March President. Mrs. Case has been a member of the Michigan Million Mom March since it first started in 2000. She will be leading as many as 500 Michigan moms to Washington. The Michigan moms will be marching in memory of the 120,000 people who have been killed by a firearm,

including more than 13,000 children and teens, since 2000. Mrs. Case, along with other moms in Michigan, have united with State and local leaders to implement community efforts to address the tough issues surrounding gun violence in my home State of Michigan. And, Barb has organized Michigan's moms trip to Washington every year since the first march took place in 2000.

This year's marchers are focused on the renewal and strengthening of the assault weapons ban, holding gun manufacturers accountable for their products, requiring background checks on all gun purchases, reinstating the 5-day Brady waiting period for all gun purchases, and incorporating safety standards into gun design.

Michigan's moms, just like millions of moms from across the country want an America where their kids are safe from gun violence. Again, I commend all of the mothers coming to Washington this weekend for their hard work and commitment to the issue of gun safety and I hope all of my colleagues will remember these efforts when the Senate considers gun safety legislation in the coming months.

I ask unanimous consent that an article from the Detroit Free Press, which discussed the issue of gun violence and this Sunday's march, be printed in the RECORD.

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

[From the Detroit Free Press, Apr. 29, 2004]

WORK TOWARD PEACE THIS MOTHER'S DAY
(By Desiree Cooper)

Sometimes, society's assault on your humanity can be so fierce, you have to throw down the gauntlet and say, "This means war."

That's what happened to two women more than 140 years ago. One was Anna Reeves Jarvis, a West Virginia Methodist pastor's wife. She established Mother's Day Work Clubs to improve the health of Appalachian women and children. But as Civil War casualties mounted, she converted the clubs into nursing squads, determined to save the lives of all soldiers—both Confederate and Union.

Abolitionist Julia Ward Howe, author of the "Battle Hymn of the Republic," also had become war-weary. When the Franco-Prussian War began on the heels of the Civil War, she started rallying women for a national Mother's Day for Peace. Together, the nurse and the poet began the antiwar holiday that we know as Mother's Day.

NOT ABOUT DAISIES AND DINNER

We've long since forgotten that Mother's Day was a social movement. But this year, Endolyn Chapman and her daughter Tonisha will hark back to the roots of the holiday and celebrate it on May 9 at the Million Mom March in Washington, DC.

Neither woman has ever seen herself as political. Tonisha, 19, just registered to vote last week. But, like Jarvis and Howe, violence has spurred their fight for peace.

"The last time I saw my father, he was driving away as I was coming home," said Tonisha, remembering the even on April 5, 2004. "I wanted to stop and chat with him, but he just waved and drove off."

That night, 44-year old Steven Chapman went to Detroit's Sa-Mari Hand Car Wash on Wyoming and 6 Mile.

"Four men wearing ski masks robbed the place," said Endolyn, who'd been married to Chapman—a former college football player who stood 6 feet 6 and wore a size 18 shoe—for nearly 20 years. "My husband pleaded for his life. He was in a seated position when they killed him."

HOW WILL YOU COMMIT FOR PEACE?

Tonisha has tried to comfort her mother, taking her out on her parents' anniversary. Endolyn, too, has tried to move on, even though her husband's killers remain at large.

Then she read an article about the Million Mom March's Halt the Assault rally to urge Congress to renew the assault weapons ban.

"There is no reason why anyone would need an assault weapon," Endolyn said. "You can't hunt with one. I decided that we'd go to the march because we don't ever want another family to go through what we've been through."

Million Man Marchstate president Barb Case said, "So many women have been touched by the suffering of others and want to do something to change the world." She estimated that about 500 people from Michigan will attend the march. "This is a powerful way for them to get involved."

And what better day to demonstrate that power than Mother's Day.

Mrs. FEINSTEIN. Mr. President, tens of thousands of women will come to Washington this Mother's Day weekend to spread the word about the urgent need to renew the Federal assault weapons ban.

I thank these women, and their families and friends who will join them, for their effort to focus the American public on the fact that we could lose this important law unless Congress and the President renew the ban soon.

I ask these committed Americans to do everything they can do to help save the assault weapons ban. They should write the President and urge him to help renew the ban. They should write Senate Majority Leader BILL FRIST and Speaker of the House DENNIS HASTERT and urge them to bring the assault weapons ban up for a vote. They should make their voices heard until the ban is renewed.

Time is running out. The Federal assault weapons ban will expire on September 13 of this year if Congress and the President do not act. This means that AK-47s, TEC-DC 9s, Street Sweepers, and dozens of other types of military-style assault weapons will once again flood the streets of America. We cannot afford to let this happen. We owe the American people more than that. It is just that simple.

Assault weapons pose a grave threat to all Americans, but most especially to law enforcement officers on our city streets.

Just last month, I spoke at the funeral of San Francisco Police Officer Isaac Espinoza, who was shot and killed by a gang member armed with an AK-47 and a 30-round clip. Officer Espinoza took three shots in his back as a gunman fired 15 rounds in just seconds, giving Officer Espinoza and his partner, who was also shot, no time to seek refuge.

Officer Espinoza was a bright young star in the San Francisco Police Department, and he had a promising future and loving family. Now that future is gone. His wife Renata is without a husband. His beautiful 3-year-old girl Isabella is without a father.

And Officer Espinoza is far from the only law enforcement officer gunned down in his prime by an assailant wielding an assault weapon.

A recent study by the Violence Policy Center stated that one in five police officers killed in the line of duty is killed with an assault weapon.

That study listed a number of officers gunned down by assault weapons, and I would just like to list a few examples because if we let the assault weapons ban expire, we can expect many more of these incidents.

On January 10, 1999:

Officer James Williams was killed with a MAK-90 or SA85 7.62mm rifle. Officer Williams was among a group of officers who were searching for a rifle that had been discarded by the occupants of a vehicle that was involved in a chase with police. While they were searching for the rifle, a gunman opened fire from a nearby overpass, killing Officer Williams. Chad Rhodes was arrested and charged with special-circumstances murder, attempted murder, three counts of firing an assault weapon, and possessing an assault weapon. Rhodes pleaded guilty to second-degree murder and was sentenced to life in prison without parole.

On June 12, 1999 in Orange County, California:

Sheriff's Deputy Brad Riches was killed with a MAK-90 or SA85 7.62mm rifle. Deputy Riches was sitting in his patrol car outside a 7-Eleven when his police cruiser was riddled with assault weapon fire. The 7-Eleven clerk said that a customer told him he was carrying an AK-47-style assault rifle to shoot a police officer. Maurice Steksal was convicted on November 19, 2002 of the first-degree murder of Deputy Riches.

And there are many, many more. But the list would be far longer if the assault weapons ban were not in place, because more of these guns would be out there. They would be easier for criminals to get and to use, and more officers would be killed.

Indeed, these shootings underscore the fundamental danger assault weapons pose to our society.

The good news is that the Senate has gone on record in support of extending the ban on military-style assault weapons. In a bipartisan vote in March, the Senate approved a straight 10-year renewal of the current ban as an amendment to a bill being pushed by the National Rifle Association giving gun manufacturers and dealers protection from civil lawsuits.

But in a bizarre twist, the NRA scuttled its own bill to prevent the extension from becoming law. This is the power of the NRA.

In over a decade as a U.S. Senator, I have encountered no lobby stronger than the gun lobby. I am convinced that if the NRA is going to be defeated, it will be by the mothers and fathers of this Nation—parents who want a future for their children free of the violence

and bloodshed sparked by the vast overproliferation of guns throughout our country.

These are the people who came together in the first Million Mom March 4 years ago, and these are the people who will come together again this weekend.

These people will stand firm and say: Enough is Enough. Now is the time to protect our families from assault weapons. There cannot be any turning back.

Over the past decade, we have had a chance to examine the assault weapons ban and to determine if it works and enjoys support.

The results are in.

The ban works. Recent Department of Justice records indicate that the use of banned assault weapons in crimes has declined measurably—by 65 percent in one analysis—since the measure took effect.

The men and women of law enforcement across the Nation support the ban because, on the front lines, they know it protects them and makes communities safer. The Fraternal Order of Police endorses another 10 years, as does almost every other major law enforcement organization, including chiefs of police all across the Nation.

No weapons have been confiscated from legitimate gun owners. In fact, the bill specifically protects 670 shotguns and rifles used for hunting.

Almost three-fourths of the American people, and two-thirds of gun owners, support renewing the ban.

In fact, a recent University of Pennsylvania Annenberg poll found that 71 percent of all Americans support renewing the assault weapons ban; 64 percent of people in homes with a gun supported extension of the ban; and even 46 percent of people in NRA households support extending the ban, contrary to claims by NRA leadership that its members are universally against this proposal.

Some in the Senate opposed the ban a decade ago, fearing it would do little to reduce crime, and could threaten the constitutional rights of law-abiding gun owners and hunters.

Now, 10 years since that vote, America has seen just the opposite: the ban has made our streets safer, it has protected law enforcement officers, and in no way has it diminished legitimate gun owners' rights.

Moreover, we all know that the world has dramatically changed since 1993. September 11, 2001, has taught us many lessons; among them that terrorism lurks in our own cities and communities. Given today's dangers, it defies logic to let suicidal terrorists, gang members and others simply walk up to a counter and buy these weapons for potential attacks.

Assault weapons pose a fundamental danger to law enforcement and our society, and we will continue to work to extend the ban in the Senate. The assault weapons ban is too important to let die.

The bottom line is this—what is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK-47s?

Who is clamoring for new TEC-9s?

These are guns that are never used for hunting. They are not used for self-defense, and if they are, it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

For a number of years now, President Bush has indicated that he supports renewing the assault weapons ban for another decade. But he has not lifted a finger to help. Ultimately, however, the voice of the White House will be pivotal in determining if the ban is ultimately approved by Congress and signed into law.

Now is the time to renew a sound law for another 10 years.

We do this in the memory of Officer Espinoza and all the other police officers shot and killed with assault weapons.

We do this on behalf of all the women who are marching on Washington this weekend.

And we do this to keep our communities safe.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Robert Martin was found lying outside an abandoned school in Ashburn, GA, with head injuries from a blunt object. Martin was wearing a dress at the time. Press reports indicate that Martin had been beaten and harassed before because of his perceived sexuality.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE NEED FOR NATIONAL ELECTRICITY RELIABILITY STANDARDS

Mr. FEINGOLD. Mr. President, I rise to express my strong support for the Electricity Reliability Act of 2004, S. 2236. I am proud to be an original cosponsor of this legislation and I hope that the Senate acts on this bill soon. Although we cannot agree on the comprehensive energy bill that has been before the Senate, we can agree on

many provisions in the bill. Mandatory reliability standards are a perfect example of what we all agree should be part of our national energy policy.

Our citizens deserve a reliable, safe power grid. This is one of the country's most pressing energy needs. We have to do all that we can to prevent blackouts like the one that hit the east coast and Midwest last August and the Electric Reliability Act of 2004 takes a crucial step toward that goal. The bill grants the Federal Energy Regulatory Commission—FERC—the explicit authority to create mandatory electric reliability standards. FERC can also approve the formation of electric reliability organizations, which will, subject to FERC review, enforce these standards. Strong and enforceable electric reliability standards will help ensure that our citizens and businesses do not have to worry about their respective lives and livelihoods being disrupted by blackouts.

In fact, a joint investigation by a United States-Canadian task force found that the lack of mandatory reliability standards contributed to the August 14, 2003, blackout. This massive outage affected 50 million people in eight U.S. States and parts of Canada. The task force report found that an Ohio-based utility and regional grid manager together violated at least six reliability standards on the day of the blackout. Examples of the reliability violations that contributed to the blackout included: not reacting to a power line failure within 30 minutes, not notifying nearby systems of the transmission problems, failing to analyze what was happening to the grid, inadequately training operators, and failing to adequately monitor transmission stations. Since the industry is largely self-regulated, violations of these voluntary reliability standards carry no penalties. This legislation would hold utilities accountable for reliability violations.

Let's act now and pass this legislation before we face a blackout like we saw last summer. We should work together to pass the elements of the broader energy bill that are necessary and widely supported. I urge my colleagues to support Senator CANTWELL's bill and to join me in asking that this legislation come to the floor.

OFFICER STEPHAN GRAY

Mrs. BOXER. Mr. President, I rise today to celebrate the life and mourn the death of Officer Stephan Gray of the Merced Police Department. On April 15, 2004, Stephan Gray, age 34, became the first officer to be killed in the line of duty in the history of the Merced Police Department. Stephan is mourned by his wife Michelle Gray and their three children: Landess, 13; Isaiah, 5; and Cameron, 3.

Officer Stephan Gray died in the line of duty while protecting the community that he cherished. Officer Gray worked for the Merced Police Depart-

ment for seven years, where he was assigned to the Gang Violence Suppression Unit and the Special Operations Unit. Officer Gray was well known for going above and beyond the call of duty, distinguishing himself as a dedicated and brave officer through his many heroic efforts and accomplishments. During his tenure with Merced Police Department, Officer Gray received a commendation for assisting in the capture of a dangerous criminal street gang member and for saving the life of an eleven-month-old infant who was not breathing. Officer Gray devoted himself to making the streets safer for the people of Merced.

Stephan Gray was also a loving husband, father, and son. He enjoyed playing catch with his son, Isaiah. He loved to sing and dance and was an avid scuba diver and tropical fish enthusiast.

My heart goes out to his wife, his daughter, his sons, and the countless others whose lives he touched. I want them to know that people across California share their grief as we also salute the gift of his life and work.

A gallant officer is gone, but he will not be forgotten. We can and must carry on his work by giving community police officers and other first responders the resources they need to bring peace and safety to our Nation's streets and neighborhoods.

IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to honor Asian Pacific American Heritage Month and to pay tribute to the struggles and enormous contributions of Asian Pacific Americans to our Nation's history and culture.

Each May since 1978, we have honored the rich heritage and countless achievements of the many Asian Pacific Americans in our country. The month of May was aptly chosen in order to commemorate both the arrival of the first Japanese immigrants in 1843, and also the completion of the Transcontinental Railroad in 1869, which was constructed in large part by Chinese laborers.

"Freedom for All, a Nation We Call Our Own" is the theme for this year's celebration of Asian Pacific American Heritage Month. This phrase beautifully encapsulates the great journey of Asian Pacific Americans to achieve the American dream and rings especially true during these uncertain times at home and abroad.

The men and women of our Armed Forces, many of whom are from the APA community, are proudly serving all over the world to secure our homeland. Currently, thousands of young Asian Pacific Americans are defending our country, joining the ranks of over 300,000 APA veterans who have served in the name of freedom.

One such veteran is my esteemed colleague, Senator INOUE of Hawaii, who

began his career in public service during World War II where he served in the Army's 442d Regimental Combat Team. The famed "Go for Broke" regiment of Japanese American soldiers courageously defended our country abroad even as their families endured unjust internment at home.

This is just one of the many achievements made by Asian Pacific Americans in the face of adversity. Despite discriminatory laws such as the Chinese Exclusion Act of 1882, the Alien Law Act of 1920, and the forced internment of Japanese Americans during World War II, Asian Pacific Americans have forged ahead to become a very successful and fast-growing segment of American society.

Today, over 13 million Asian Pacific Americans reside in the United States. Whether through academics, technology, the arts, or business, the impact of the APA community is felt in virtually every aspect of our society.

The U.S. Department of Commerce estimates that Asian Pacific American firms alone account for 2.2 million American jobs and generate over \$300 billion in revenue. In California alone, Asian Pacific Americans own over 12 percent of all businesses, making them a significant force in the State's economy.

Asian Pacific Americans are also gaining an increased presence in Federal, State, and local governments. Throughout my career, I have had the distinct honor of working with many extraordinary Asian Pacific American leaders such as Senators Inouye and Akaka of Hawaii, Secretary of Transportation Norman Mineta, and Secretary of Labor Elaine Chao. Each of these public servants can function as an inspiration to all Americans.

But even as we celebrate these achievements, we must continue to address the struggles and hardships experienced by certain segments of the APA community.

In California, we have large populations of Southeast Asian and Pacific Islanders who have recently sought refuge in our country as a result of war and civil unrest. As these newcomers to America pursue their dreams and goals, we need to remember the challenges they face and stay vigilant against discrimination and hate.

That is why I believe one of the most significant contributions of Asian Pacific Americans to our Nation is their role as our neighbors. America draws its strength from diversity. The presence of Asian Pacific Americans in our communities further adds to the vibrancy of the American landscape.

The strength of diversity is evident in my home State of California, where close to one-third of the entire Asian Pacific American population lives. One only needs to look at Los Angeles and San Francisco to see the rich kaleidoscope of cultures and traditions that Asian Pacific Americans have brought to their communities.

Places such as Chinatown, Little Tokyo, Little Saigon and Koreatown

are no longer isolated ethnic enclaves. As the APA community has spread and grown, these historic neighborhoods have become vibrant centers of cultural exchange and learning.

As a former mayor and native of San Francisco, I can safely say that my hometown would not be the wonderfully vibrant, bustling city it is without the conditions of the Asian Pacific American community.

Finally, Asian Pacific Americans played an important role as we built our country into what it is today. I am pleased to take this time today to honor the accomplishments of these remarkable Americans during this Asian Pacific American Heritage Month.

PROMOTING FAIRNESS WITHIN THE FEDERAL CONTRACTING PROCESS

Mr. AKAKA. Over the past 3 days, I have discussed the need to honor public servants, especially Federal workers, during Public Service Recognition Week. I thought back to last week when I participated in the nomination hearing for David Safavian, who has been nominated to serve as the Administrator for the Office of Federal Procurement Policy. This position serves as the gatekeeper for the Government's contracts. Much of our discussion with Mr. Safavian centered on making sure that Federal employees have the right to protest competition decisions and that agencies have adequate funds to compete to retain work in-house.

Some of the concerns expressed at our hearing stemmed from what I consider to be misguided principles set forth under the President's Management Agenda, which required agencies to implement quotas that could have resulted in the contracting out of up to one-half of all Federal work. Congress, in a bipartisan manner, voiced its opposition to this government-wide approach of contracting out quotas through provisions in the Fiscal Year 2003 Transportation, Treasury, and General Government Appropriations Act. In response to this action and others, the administration dropped this approach in favor of agency-specific plans. With the recent policy reversal of the administration on contracting quotas, I had hoped that the change would have resulted in a fairer approach to the contracting out of Federal work. Therefore, I was disappointed that a February 2004 report on competitive sourcing by the General Accounting Office, GAO, Congress's independent auditor, found that agencies have focused more on following OMB guidelines on the number of positions to compete at the expense of achieving savings and improving performance.

As the ranking member of the Governmental Affairs Financial Management Subcommittee and the Armed Services Readiness Subcommittee, I understand that without adequate management structures, management

information systems, and program review structures, government contracts will not realize savings for the American people. This has been proved time and again by GAO. Contract management and acquisitions have long been identified as high-risk areas. As such, we must ensure that Government contracts are awarded only to responsible parties who generate cost-savings throughout the life of contracts. To counter cost overruns and stop erroneous and improper payments, agencies need the resources to improve the speed and accuracy of contract data collection.

The GAO report also noted that six out of the seven agency offices examined had only one or two employees overseeing outsourcing activities. More must be done to make certain that agencies have the people, skills, and technologies needed to oversee \$230 billion in contracts.

The key to achieving success requires strengthening the Federal Government's acquisition and contract management workforce. We must recognize that this corps of professionals make decisions every day affecting how hundreds of millions of Federal dollars are spent. For a number of years now, the acquisition workforce has been drastically downsized and many of those remaining are eligible to retire.

Whether we are discussing quotas or the acquisition workforce, concerns about competitive outsourcing within the Federal Government are essentially about accountability. Approximately 2 million Federal employees and another 8 million private sector employees work for the Government on grants and contracts. This situation raises concerns about who is ultimately responsible for contracted work. It also draws attention to the long-term implications of competitive outsourcing, both in terms of money spent, efficiencies gained, and the retention of institutional knowledge and experienced Federal employees.

As we near the end of Public Service Recognition Week, I want to thank our acquisition workforce for their efforts in managing Government contracts. I also urge my colleagues to support efforts to increase and train the acquisition workforce and implement the systems and structures needed to ensure that Government contracting is transparent, accountable, cost effective, and fair to Federal workers.

CALIFORNIA HIGHWAY PATROL OFFICER THOMAS STEINER

Mrs. BOXER. Mr. President, flags were flown at half-staff recently in memory of Thomas J. Steiner, a California Highway Patrol, CHP, officer allegedly killed by a teenager who wanted to impress a gang. Officer Steiner was 35 years old and left behind a wife, Heidi, and two children, Bryan and Justin. I am honored to stand before my colleagues to memorialize this dedicated officer.

On Wednesday, April 21, 2004, shortly before 3 p.m., Officer Steiner exited the Pomona South Courthouse after testifying in traffic court. Before he could get to his patrol car, shots were fired at the officer from behind the wheel of a car. Officer Steiner died at a local hospital later that evening. An arrest was made in the case.

Thomas Steiner died because he wore a uniform. Our law enforcement officers know the dangers and demands of their profession, but despite the daily challenges they face, they commit themselves to protecting others and do so selflessly. A five-year CHP veteran, Officer Steiner clearly exemplified the very best. CHP Chief Mike Brown told a news source that Steiner "loved being a cop. He loved putting on the uniform. He wore it with pride." CHP Commissioner D.O. "Spike" Helmick called Steiner a "quiet family man always ready to help." Steiner was also known as a mentor to newcomers to the department. He will be deeply missed by all those privileged to have known him.

Officer Steiner's murder sent shockwaves through the community. Steiner was known as a solid officer and devoted family man. Whether drinking his morning Gatorade at the station or bottle-feeding his baby on the homefront, Officer Steiner's goals seemed to be simple: to do his job well and be a good husband and father.

As the community reflects on the life and memory of Officer Steiner with a very heavy heart, I salute his legacy as a dedicated officer and family man, and extend my deepest condolences to his entire family and to his friends.

THE EFFORTS TO ATTACH THE ENERGY BILL TO S. 150, THE INTERNET TAX BILL

Mr. FEINGOLD. Mr. President, I would like to explain my votes on two amendments that were offered to S. 150, the Internet access tax bill that the Senate debated last week. I was pleased to support the amendment offered by the Senator from South Dakota, Mr. DASCHLE, No. 3050. I support the renewable fuels title of this amendment and the measures that increase the supply of ethanol. I also support language to consolidate the number of reformulated gasoline blends. I have worked closely with Congressman PAUL RYAN in an effort to reduce the number of Federal reformulated gasoline blends and increase gasoline supplies. In recent years, fuel supply shocks such as pipeline problems and refinery fires have contributed significantly to gasoline price spikes in southern Wisconsin. Chicago and southeast Wisconsin use a specialized blend of reformulated gasoline to meet Federal Clean Air Act requirements that is not used elsewhere in the country. When supplies of this type of gasoline run low, Wisconsin is unable to draw on supplies of gasoline from other areas.

I could not, however, support the amendment offered by the Senator

from New Mexico, Mr. DOMENICI, No. 2051. This so-called "scaled down" version of the energy bill consists of 900 pages and contains many of the worst provisions of the H.R. 6 conference report that failed to get cloture last fall. The entire Wisconsin congressional delegation voted against the bill last fall, and I cannot support the amendment either.

In addition to its fiscal implications, I am deeply concerned that the amendment repeals the Public Utility Holding Company Act. This critical act protects consumers against abuses in the utility industry. Repeal of PUHCA would leave ratepayers vulnerable and spur further consolidation in an industry that has already seen a number of mergers. Furthermore, the bill does not protect consumers from Enron-style electricity trading practices and market manipulation. The Senate recently went on record in support of an amendment by Senator CANTWELL to bar such abusive practices and I am disappointed that the Domenici amendment fails to include similar protections.

Also the amendment has serious environmental impacts. For example, the amendment undercuts the Clean Air Act by postponing ozone attainment standards across the country. This issue was never considered in the House or Senate bill, but it was inserted in the energy conference report. This rewrite of the Clean Air Act is not fair to cities like Milwaukee that have devoted significant resources to reducing ozone and cleaning up their air. And as asthma rates across the country increase, this provision could severely undercut efforts to safeguard the air quality of our citizens.

In addition to undermining air quality protection, the amendment allows for siting of transmission lines in national parks, grants exemptions from the Clean Water Act and Safe Drinking Water Act for oil and gas companies, and pays oil and gas companies for their costs of compliance with the National Environmental Policy Act.

I am also concerned that the taxpayers would pay \$2 billion in transition assistance for MTBE manufactures. MTBE is found in all 50 States, and high levels are affecting drinking water systems all over the Midwest, including 5,567 wells in 29 communities in Wisconsin, even though the State only used MTBE gasoline for the first few weeks of the phase I program that began in January 1995.

This amendment also fails to reduce our reliance on fossil fuels. The Senate energy bill contained a requirement that power companies provide at least 10 percent of their power from renewable energy sources like wind and solar power. The technical term is a renewable portfolio standard. The amendment doesn't contain any renewable portfolio standard. There's no doubt that we can and should do better on renewable energy to reduce our dependence on fossil fuels.

For these reasons, I supported the Daschle amendment that contained the energy bill's renewable fuels title, but I opposed the Domenici amendment. I appreciate the need to develop a new energy strategy for this country, and I hope that Congress will pass the portions of the energy bill legislation that have widespread support so that we can address the pressing energy needs of our country in a sensible way.

ADDITIONAL STATEMENTS

TRIBUTE TO EDWIN COLODNY

• Mr. JEFFORDS. Mr. President, today I wish to recognize Edwin I. Colodny, a native son of Burlington, VT, as this year's recipient of the Burlington Business Association's Nate Harris Award. This award is conferred annually on an individual who exhibits the enthusiasm and dedication to maintain and improve the economic vitality of the Burlington region. Ed has supported the Burlington and greater Vermont community in so many ways that all Vermonters owe him a debt of gratitude.

Ed was born in 1926 in Burlington and graduated from Burlington High School in 1944. He went on to receive an A.B. degree from the University of Rochester in 1948, and an LL.B. from Harvard Law School in 1951. From 1975 to 1991, Ed was president and chief executive officer of US Airways, Inc. and was also president and chief executive officer of US Airways Group from 1978 to 1991, and chairman of the board from 1978 to 1992.

More recently, Ed served as the interim president of the University of Vermont and interim president and chief executive officer of Fletcher Allen Health Care, Vermont's premiere medical treatment facility, during critical change periods at both institutions. Ed also served as chairman of the board of Comsat Corporation, a leading provider of global satellite and digital networking services, which merged into Lockheed Martin Corporation.

I have admired the breadth and depth of Ed's business experience and his ability to collaborate with all partners involved in complex matters. His career-long dedication to fair and equitable treatment for workers and a desire to look for winning solutions to problems has set him apart from many of his peers. He understands the dynamics of a healthy business climate while maintaining a respect for the different needs and expertise of other participants.

Ed works tirelessly for the well being of Vermont and its people. He now serves as chair of a Vermont committee to clean up Lake Champlain, one of Vermont's natural jewels. He continues to sit on numerous non-profit boards such as Vermont Law School, Shelburne Museum, Vermont Symphony Orchestra, Vermont Mozart Festi-

tival and he is of counsel to the law firm of Dinse, Knapp & McAndrew in Burlington, VT.

There are a very few people in this world who have given so much and asked so little in return. I hope Ed Colodny knows that his years of service have not gone unnoticed. This award shows how much he is appreciated, even though it is impossible for us to fully recognize his many contributions.

I am so proud to stand here and tell you about such a great Vermonter. I wish him my deepest congratulations for an award he so greatly deserves.●

THE LIFE OF ELLIOTT MARANISS

• Mr. FEINGOLD. Mr. President, I would like to take a moment to pay tribute to Elliott Maraniss, a journalist whose work invariably served the cause of justice. Though he passed away on May 1, his work, and his commitment to the community he served, will leave an indelible mark on our State.

Maraniss, who rose to become editor of Madison's Capital Times newspaper, first made his mark in Wisconsin as a reporter for that paper, with award-winning investigative stories about river pollution, controversy at the UW-Medical School, and a UW-Madison boxing scandal. He went on to serve as city editor, managing editor, and finally editor, a post he held from 1978 until he retired in 1983. As an editor he was known for being a mentor, for spotting talented new reporters, and for caring deeply about his staff.

His leadership and integrity in the newsroom were legendary, and it was on those qualities, as well as his journalistic skills, that he built his outstanding career.

His commitment to justice was lifelong, and he inspired many others through his work. A World War II veteran, he saw injustice firsthand in the still-segregated Army, where he served as captain of an all-African-American unit. Later in life he entered the political realm, working for Milwaukee Mayor Henry Maier after retiring from the Capital Times.

I extend my condolences to his wife, Mary, and to his family and friends. His passing is a great loss for all those who knew him, and for everyone who understands the powerful contributions that journalists can make when they are fiercely committed to the truth, and to the cause of justice. So today I join his many family and friends in paying tribute to his memory. He will be long remembered for his outstanding service to the Capital Times and to his community, and for his many contributions to the State of Wisconsin.●

DEPUTY JOHN PAUL SANDLIN: IN MEMORIAM

• Mrs. BOXER. Mr. President, I wish to honor and share with my colleagues

the memory of a remarkable man, Reserve Deputy John Sandlin of Solano County, who died Friday, April 23, 2004. Deputy Sandlin spent almost 50 years working to protect his fellow citizens, serving a distinguished career in the Navy and as a volunteer deputy with the Solano County Sheriff's Office. Deputy Sandlin was killed in the line of duty when his patrol car spun out of control during a recent pursuit.

John Sandlin was the devoted husband of Dr. Kay Talbot and the proud father of three daughters, Elizabeth, Lori and Susan. He was also the proud grandfather of seven grandchildren.

Deputy Sandlin compiled a remarkable record in community policing with the Solano County Sheriff's Office, becoming its second most highly decorated officer. He spent 20 years as a volunteer reserve deputy who patrolled the streets most Friday nights for the past decade. Last May, he earned the Sheriff's Office Distinguished Service Medal and the Purple Heart. Sheriff Gary Stanton said of Deputy Sandlin, "We lost a brother—a man who has been part of our department for 20 years."

Before joining the Solano County Sheriff's Office, John served in the Navy for 22 years. He became a nuclear power instructor, served in the Submarine Service, and was awarded the Navy Commendation Medal for saving another's life. He attained the rank of Lieutenant Commander while on active duty.

John Sandlin also spent 14 years at Westinghouse Electric Corporation as a Senior Mechanical Engineer and Documentation Manager. During his career at Westinghouse, he was sworn in as a reserve deputy sheriff with the Solano County Sheriff's Air Squadron. He earned the 1990 Community Service Award for his dedication to law enforcement and drug surveillance activities with the Solano County Sheriff's Department.

After retiring from Westinghouse, he soon entered the patrol field training program in the Sheriff's Office and began to work on the ground, patrolling the streets to protect his community.

John Sandlin died doing what he loved to do—providing protection for his community. He was a natural leader, a compassionate mentor, and an enthusiastic, charming and very well-liked member of the Sheriff's Office. We will always be grateful for Deputy Sandlin's heroic service defending our Nation and our freedoms, and protecting his community.●

PRUDENTIAL SPIRIT OF COMMUNITY AWARD HONOREES

● Mr. CARPER. Mr. President, today I recognize Meghan Pasricha and Andrew Bell for being selected as two of the Nation's top youth volunteers in the ninth annual Prudential Spirit of Community Awards. This is an extraordinary honor. More than 24,000 young

people across the country were considered for this recognition each year.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, NASSP, constitutes America's largest youth recognition program based exclusively on volunteerism. The awards are designed to emphasize the importance that our Nation places on service to others and to encourage young Americans of all backgrounds to contribute to their communities.

Meghan Pasricha was named as one of America's top 10 youth volunteers for 2004. Selected from more than 2,000 applicants, she received \$5,000, an engraved gold medallion and a crystal trophy from her school, Stanford School. In addition, she will have \$25,000 in toys, clothing and other juvenile products donated in her name to needy children in the area by Kids in Distressed Situations, Inc.

Meghan Pasricha, 18, of Hockessin, is a senior at Sanford School. Meghan started an antitobacco club at her school that has since developed into a full-blown campaign to educate young people across the country and overseas about the hazards of smoking. When Meghan heard that her State legislature was considering a ban on indoor smoking, she paid close attention. After learning that most smokers start before they turn 18, Meghan founded the Anti-Tobacco Action Club at her school. With a grant from the American Lung Association and the Delaware Health Fund, she recruited a core team of volunteers, led meetings, planned a year-long series of antitobacco activities, created training and presentation materials, and conducted 12 tobacco awareness workshops for school and youth groups. She also set up a tobacco education booth at a school health fair, published a newsletter and helped other Delaware schools start tobacco education programs. And by writing newspaper articles and speaking publicly, she helped mobilize youth support for the enactment of one of the Nation's toughest indoor smoking bans.

On a visit to India, Meghan observed how young people there are targeted by tobacco sellers, so she trained a group of youth advocates to raise awareness in a number of villages. Later, Meghan presented her project at the World Conference on Tobacco in Finland, and worked with youth advocates from nine other nations to prepare a World Health Organization Youth Action Guide and video. "I am convinced that a single person, even if young and inexperienced, can become a catalyst for change," she said. "Young people are often told that they are 'leaders of tomorrow.' I urge young people to become leaders today."

Andrew Bell of Seaford was selected as one of Delaware's top youth volunteers for 2004. He received a \$1,000 award and was congratulated by Academy Award winning actress and come-

dian, Whoopi Goldberg. He also received an engraved silver medallion and a trip to Washington, DC, for the program's national recognition events.

Twelve-year-old Andrew, a sixth grader at Sussex Academy of Arts and Sciences, helped collect shoes, socks, and shoelaces for needy orphans around the world. Andrew started the project by writing letters to the four elementary school principals in his hometown of Seaford, asking them for permission to collect donations in their schools. He wrote articles for his school newsletters, created handouts and brochures explaining the purpose of his project, decorated collection boxes for each of the four schools, and solicited donations from local department stores. Some 300 pairs of shoes, 83 pairs of socks and 15 pairs of shoelaces were collected for this effort. From there, the items were sent to the Buckner Orphan Care facility in Texas. The items were then distributed worldwide to orphans in need. Andrew felt that this project was important because "many children on Earth are poor, and not very many people are trying to help them."

Today, I rise to congratulate Meghan and Andrew. These youngsters inspire examples of community spirit and leadership. They serve as role models not only to their peers, but to all of us, as well as to the people they have touched through community service. They represent the State of Delaware at its very best.●

ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY'S EARLY LOAN REPAYMENT

● Mrs. BOXER. Mr. President, I congratulate the Alameda Corridor Transportation Authority, ACTA, for repaying its loan to the Federal Government 28 years ahead of schedule.

ACTA has proven that it is an asset for Southern California and the Federal Government by building the Alameda Corridor on time and on budget—and now repaying the loan so early.

I have worked on this project since 1995, when I secured the Alameda Corridor as a high priority corridor in the National Highway System bill.

This project is extremely important because the ports of Los Angeles and Long Beach receive 40 percent of the Nation's imports, together composing the largest shipping complex in the United States.

By taking trucks off the road, the Alameda Corridor helps move goods more rapidly and reduces congestion for many communities in southern California.

I am proud to be associated with this project. It is a model for the Nation and a model for innovative finance.

I look forward to working with ACTA on new projects supporting goods movement in southern California.

I ask that a proclamation signed by the City of Los Angeles, the City of Long Beach, and the Alameda Corridor

Transportation Authority be printed in the RECORD.

The proclamation follows.

PROCLAMATION

Whereas, in connection with the issuance of the Alameda Corridor Transportation Authority Subordinate Lien Revenue Refunding Bonds, Series 2004A and Series 2004B, the Authority intends to prepay the remaining balance of the Federal Loan dated January 17, 1997 by and between the Alameda Corridor Transportation Authority (ACTA) and the United States Department of Transportation, Federal Highway Administration (DOT);

Whereas, the City of Los Angeles, the City of Long Beach and ACTA hereby acknowledge the critical role of the DOT in the development and financing of the Alameda Corridor Project;

Whereas, the DOT was an instrumental partner in achieving the substantial completion of the Alameda Corridor Project and in significantly improving the transportation system and movement of goods in the Southern California region;

Now Therefore, the undersigned hereby proclaim their gratitude and appreciation to the DOT for its efforts in connection with this significant transportation project.●

TRIBUTE TO FATHER JOHN D. DEATRICK

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor an outstanding member of the Catholic church, Father John D. Deatruck, the pastor at St. Martha in Louisville, KY.

Father Deatruck is retiring June 13, 2004 upon reaching the mandatory retirement age of the Catholic church. He has been an ordained priest for 38 years. Throughout his years as a pastor, Father Deatruck served as chaplain at St. Xavier High School as well as Bellerme University where he also served as the Bellerme Knights baseball coach. He has remained a steadfast baseball fan throughout the years and attends the National spring training camp in Florida when he gets the opportunity.

Father Deatruck has been the pastor at St. Martha for 11 years. He will be greatly missed by the members of his congregation. I join all Kentuckians in commending Father Deatruck for his faithfulness and dedication to the Catholic church for the past 38 years. I wish him well in his retirement.●

2004 WINNERS OF THE "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" NATIONAL COMPETITION

● Mr. CORZINE. Mr. President, on May 1-3, 2004, over 1,200 students from across the United States visited our Nation's Capital to take part in the national finals of We the People: The Citizen and the Constitution. This program, administered by the Center for Civic Education and funded by the Department of Education, was developed specifically to educate young people about our great Constitution and Bill of Rights.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, won first place in this prestigious academic event. After winning the statewide competition, these outstanding students demonstrated superior knowledge of the U.S. Constitution during the national competition.

The 3-day We the People competition is modeled after Congressional hearings. First, the students are given an opportunity to exhibit their knowledge before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge.

This innovative program continues to be one of the best antidotes to apathy and cynicism in our Nation. Numerous evaluations and independent studies have validated the effectiveness of the We the People program on students' civic knowledge and attitudes. The program helps students to develop an increased understanding of the institutions of constitutional democracy and the fundamental principals and values upon which they are founded. It also teaches students the skills necessary to participate as effective and responsible citizens.

I commend the students from East Brunswick High School on their exceptional achievement—their accomplishment is truly inspiring. I wish them the best of luck in learning and advocating the fundamental ideals that identify us as a people and bind us together as a Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:26 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, without amendment:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The message also announced that the House passed the following bills in

which it requests the concurrence of the Senate.

H.R. 27. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4227. An act to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendments of the Senate to the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications, committed to conference: Mr. YOUNG of Alaska, Mr. COBLE, Mr. DUNCAN, Mr. HOEKSTRA, Mr. LOBIONDO, Mr. SIMMONS, Mr. DIAZ-BALART, Mr. OBERSTAR, Mr. FILNER, Mr. BISHOP, and Mr. LAMPSON.

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. COX and Mr. THOMPSON of Mississippi.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated.

H.R. 27. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; to the Committee on Foreign Relations.

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4227. An act to amend the Internal Revenue Code of 1988 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

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-7359. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter" received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7360. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Transfer of Voluntary Inspection of Egg Products Regulations" (RIN0583-AC94) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7361. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems" (RIN0583-AC51) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7362. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle" received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7363. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 614 and 617: Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure" (RIN3052-AC04) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7364. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 614, 620, and 630: Young Beginning,

Small Farmers, and Ranchers" (RIN3052-AC07) received on May 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7365. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Orders—Interim Order" received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7366. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-7367. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC-7368. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation as part of the National Defense Authorization Bill for Fiscal Year 2005; to the Committee on Armed Services.

EC-7369. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Comparative Testing (FCT) Program; to the Committee on Armed Services.

EC-7370. A communication from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting, a list of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC-7371. A communication from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of an approval to wear the insignia of general; to the Committee on Armed Services.

EC-7372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Harpin Protein; Exemption from the Requirement of a Tolerance" (FRL7356-5) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Pesticide Tolerance" (FRL7358-2) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance; Technical Correction" (FRL7356-2) received on May 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7375. A communication from the Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Special Supplemental Food Program for Women, Infants, and Children Overseas" (RIN0720-AA75) received on May 5, 2004; to the Committee on Armed Services.

EC-7376. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Distribution of DoD Depot

Maintenance Workloads"; to the Committee on Armed Services.

EC-7377. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Multi-mission Maritime Aircraft; to the Committee on Armed Services.

EC-7378. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2003 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7379. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 6172" (44 CFR 67) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7380. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6165" (44 CFR 65) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7381. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6170" (FEMA-P-7632) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7382. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility: 69 FR 5474" (FEMA-7825) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7383. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations: 69 FR 6179" (44 CFR 67) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7384. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes in Maximum Mortgage Limits for Multifamily Housing" (RIN2502-AI19) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7385. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations: 69 FR 6166" (FEMA-D-7551) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7386. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Adjustable Rate Mortgages" (RIN2502-AH84) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7387. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Inspector Roster"

(RIN2502-AH76) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7388. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7389. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOME Investment Partnerships Program; American Dream Downpayment Initiative" (RIN2501-AC93) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7390. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgage to Refinance Existing HECMs" (RIN2502-AH63) received on May 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7391. A communication from the Acting Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association (Ginnie Mae); to the Committee on Banking, Housing, and Urban Affairs.

EC-7392. A communication from the Director, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a report relative to Atlantic highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC-7393. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Representations and Certifications—Other than Commercial Items" (RIN2700-AC97) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7394. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Announce Approval by the Office of Management and Budget (OMB) of Collection-of-Information Requirements Contained in the Following American Fisheries Act (AFA)-related Amendments to the Fishery Management Plan (FMP): 61 for Groundfish in the Gulf of Alaska, 13 for BSAI King and Tanner Crab, and 8 for the Scallop Fishery off Alaska" (RIN0648-AR42) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7395. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening Directed Fishing for Sablefish with Fixed Gear Managed Under the Individual Fishing Quota Program" (ID020204C) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7396. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule to Maintain an Area Access Program for the Atlantic Sea Scallop Fishery in the Hudson Canyon" (RIN0648-AR92) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7397. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for the Final 2004 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries" (RIN0648-AQ83) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7398. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7399. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend Regulations Governing the North Pacific Groundfish Observer Program" (RIN0648-AR32) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7400. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; Final 2004 Specifications for the Atlantic Herring Fishery" (RIN0648-AQ84) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7401. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Management Measures for Pacific Halibut Fisheries" (RIN0648-AR95) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7402. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Species in the Rock Sole/Flathead Sole/Other Flatfish Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7403. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2004 Specifications for BSAI Groundfish Fisheries" received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7404. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coral Reef Ecosystem Fishery Management Plan for the Western Pacific" (RIN0648-AM97) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7405. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement a Regulatory Amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico" (RIN0648-

AP50) received on May 5, 2004; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

POM-425. A joint memorial adopted by the Legislature of the State of Washington relative to technologies available at the Washington Animal Disease Diagnostic Laboratory; to the Committee on Agriculture, Nutrition, and Forestry.

POM-426. A resolution adopted by the Council of the City of Ocean City of the State of New Jersey relative to local beach replenishment; to the Committee on Banking, Housing, and Urban Affairs.

POM-427. A resolution adopted by the Council of the City of Carbondale of the State of Illinois relative to the Senator Paul Simon Federal Building; to the Committee on Environment and Public Works.

POM-428. A resolution adopted by the Board of Commissioners of the Town of Nags Head of the State of North Carolina relative to federal funding for beach funding and nourishment; to the Committee on Environment and Public Works.

POM-429. A resolution adopted by the Village Officials Association of the County of Suffolk of the State of New York relative to the federal government's role in shoreline nourishment projects; to the Committee on Environment and Public Works.

POM-430. A resolution adopted by the City of Hallandale Beach of the State of Florida relative to federal participation in beach erosion control projects and studies; to the Committee on Environment and Public Works.

POM-432. A resolution adopted by the Board of Supervisors of the County of Los Angeles of the State of California relative to the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. No. 108-259).

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 Mr. AKAKA:

S. 2390. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to establish a Geospatial Management Office within the Department of Homeland Security to establish and maintain geospatial preparedness for homeland security purposes; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 2391. A bill for the relief of Pongsakorn Kaewkornmuang; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GRAHAM of South Carolina):

S. 2392. A bill to amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. MCCAIN, and Mr. HOLLINGS):

S. 2393. A bill to improve aviation security; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. CAMPBELL, and Mr. INOUE):

S.J. Res. 37. A bill 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; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 353. A resolution designating May 2004, as "Older American Month"; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. NELSON of Nebraska):

S. Res. 354. A resolution expressing the sense of the Senate that the Abu Ghraib prison must be demolished to underscore the United States' abhorrence of the mistreatment of prisoners in Iraq; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 355. A resolution to authorize the production of records by the Committee on Commerce, Science, and Transportation; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. Con. Res. 104. A concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 423

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 809

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 809, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 887

At the request of Ms. SNOWE, her name was added as a cosponsor of S.

887, a bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgements, settlements, or agreements that operate as a tax.

S. 976

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 983, 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. 1053

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1102

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1102, a bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs.

S. 1428

At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. REID), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Utah (Mr. HATCH), the Senator from Mississippi (Mr. LOTT) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level.

S. 1515

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1515, a bill to establish and

strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT Act to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1918

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1918, a bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose.

S. 2088

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2262

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2292

At the request of Mr. VOINOVICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2310

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont

(Mr. LEAHY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2310, a bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes.

S. 2321

At the request of Mr. BYRD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2323

At the request of Mr. SHELBY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2323, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2371

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2371, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 2376

At the request of Mr. BUNNING, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2376, a bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes.

S. 2385

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2385, a bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

S.J. RES. 31

At the request of Mr. EDWARDS, the names of the Senator from California

(Mrs. BOXER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S.J. RES. 32

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.J. Res. 32, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 325

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 325, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 343

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 343, a resolution calling on the Government of the Socialist Republic of Vietnam to respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government; and to respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2390. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et

seq.) to establish a Geospatial Management Office within the Department of Homeland Security to establish and maintain geospatial preparedness for homeland security purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Homeland Security Geospatial Information Act of 2004 which would create a Geospatial Management Office within the Department of Homeland Security (DHS). Geospatial information is a critical component of effective planning for homeland security.

My interest in homeland security geospatial information developed out of my efforts to ensure support for pre-disaster mitigation programs, such as Project Impact. Project Impact was started by FEME in 1997 to help communities become disaster-resistant by preventing damage and loss of life and property during a disaster and reducing recovery time and costs afterwards.

Geospatial technologies, such as satellite imagery and aerial photography, provide data that create the maps and charts that can help prevent a disaster from occurring or lessen the impact of an unforeseeable event by equipping first responders with up-to-date information. In the event of a terrorist chemical attack, knowing which way a contaminated plume will travel can save lives. Similarly, the damage of a natural disaster, such as wildfire, can be lessened by maps that help predict which areas will be in the path of the blaze.

My own State of Hawaii is vulnerable to hurricanes, torrential rains and flooding, tsunamis, droughts, earthquakes, and even wildfires. Four years ago, flooding on the islands of Hawaii and Maui caused approximately \$20 million in damage to private and public facilities. In order to predict floods more accurately, local officials need current, interoperable data on water levels and surrounding infrastructure so that accurate maps predicting the flow of water can be created on demand. Accurate maps are also critical for swift and safe evacuation procedures.

All levels of government are more effective and efficient when employing geospatial technology, especially in the area of homeland security. Its uses include, but are not limited to: disaster early warning and mitigation, border monitoring, criminal investigations, public health protection, and critical infrastructure oversight.

In the past, geospatial information management has been done in a piecemeal fashion. Domestic geospatial data procurement and sharing is poorly coordinated and managed. According to a 2003 study by Cary and Associates, a geotechnology consulting firm, the Federal Government spends \$5 billion per year on geospatial goods and technologies. This figure does not include the amount being spent by State and local agencies, which some experts estimate is two to three times that of the

Federal Government. It is also estimated that at least half of the government's geospatial spending is going towards redundant activities.

During a House Government Reform hearing in June 2003, Mark Forman, then the Administrator of the Office of E-Government and Information Technology, admitted that the Office of Management and Budget had no idea how much money federal agencies spend on geospatial procurement.

The Administration's current solution to this problem is Geospatial One-Stop, an online portal where organizations and individuals can access geospatial information developed by Federal, State, and local agencies. While Geospatial One-Stop is a good sharing tool, it helps to reduce government redundancy only if agencies voluntarily access data from it instead of procuring the data themselves. With no one keeping a close eye on an agency's geospatial spending, there is no incentive for it to utilize this tool.

The legacy agencies that make up DHS had traditionally managed their own geospatial procurement. But many of the homeland and non-homeland security missions of DHS complement each other. Sharing maps and data reduces redundancy, provides savings, and ensures better information for disaster response.

Currently, the DHS Chief Information Officer (CIO) is working to break down this geospatial stove piping within the Department by naming a Geospatial Information Officer. However, there is no single office in DHS officially responsible for geospatial management, and therefore, no corresponding budget. In the present structure, the Geospatial Information Officer does not have the authority to compel the five DHS directorates to cooperate with his efforts. The entire agency should make geospatial coordination a priority.

A geospatial management office needs to be created and codified within DHS. A congressionally mandated office would give the Geospatial Information Officer more authority with which to do this job.

The Office of Geospatial Management has the potential to significantly increase the quality of the resources homeland security officials rely on by reducing redundancy and improving the quality of geospatial procurement. But in order to do this it needs authority and funding.

This office would also serve as a mechanism for coordinating with State and local authorities. Much of the geospatial information available today is created at the state and local levels. Centralizing this information will make it more widely available to first responders and other homeland security officials.

The Homeland Security Geospatial Act of 2004, will address these needs by: creating the Office of Geospatial Management under the CIO; giving this office the responsibility for managing

DHS geospatial activities and coordinating with State and local officials on geospatial initiatives that pertain to homeland security; and naming the Department as member of the Geospatial One-Stop Board of Directors, which will give DHS a role in coordinating federal geospatial activities.

We can improve the Department's mission of protecting America, while maximizing the funds. I urge my colleagues to support this important legislation.

By Mr. WYDEN (for himself and Mr. GRAHAM of South Carolina):

S. 2392. A bill to amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, and for other purposes; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, I rise today to introduce the "Political Candidate Personal Responsibility Act," together with my colleague from South Carolina, LINDSEY GRAHAM. This bill would extend the successful model of the "Stand By Your Ad" provision—which requires candidates for Federal office to take explicit personal responsibility for TV and radio ads—to additional types of media, including the Internet, that today aren't covered.

Although the elections of 2004 are still months away, the onslaught of political advertising has already begun. As the election nears, with each passing day, political ads become more and more prevalent.

But something is different this year. Two things, actually.

First, as anyone who watches television has probably noticed, this year political ads feature a personal statement by the candidate saying "I'm so-and-so and I approved this message." The candidates are taking full personal responsibility, clearly and publicly, for the advertisements put out by their campaigns.

This is the direct result of the "Stand By Your Ad" provisions included in the McCain-Feingold campaign reform law. As the author of the original "Stand By Your Ad" amendment, together with my good friend Senator COLLINS, I'm proud of the effect our new requirement is having on the tone of radio and TV campaign ads. Already, in the first election cycle where it applies, it's making a real difference.

The reason is simple. The public is turned off by aggressively negative attack ads—and candidates know it. So when candidates have to associate themselves in a personal manner with their ads, they are going to be extra careful about the tone. A nasty or controversial attack can backfire, leading to negative perceptions of the candidate who approved it.

In short, candidates are thinking twice about the tone of the ads they put on the air. Representatives of national, non-partisan campaign reform groups such as Common Cause, the

Campaign Legal Center, Democracy 21, and the Center for Responsive Politics have all been quoted in the press as saying that there has been a noticeable shift away from the overly negative attack ads of the past.

The second change this year is that Internet communications are coming into their own as a vehicle for political advertising. Americans are spending more time online—plus many now have Internet connections and computing power that enables them to view video that matches the quality of television. Political campaigns have taken note, and have made major strides in tapping into the tremendous potential of the Internet for reaching large numbers of people at low cost.

According to press reports, the Presidential campaigns already have e-mailed links to campaign videos to literally millions of people. These Internet-based communications can spread like wildfire, because each recipient can easily forward them to others. Moreover, Web videos often attract attention from the news media, so the message sometimes ends up getting carried on television as well.

Political messages are also starting to appear on websites that carry banner or pop-up ads. It has been estimated that politicians will spend an estimated \$25 million this year on online ads.

The rise of Internet-based ads is not just a flash in the pan—it's a trend that is sure to continue.

I have a long history of supporting the Internet, e-commerce, and Internet-based innovation. In politics as in so many other areas, the Internet brings exciting opportunities—in this case, to create new avenues for democratic dialogue and engagement in the political process.

But I don't believe that the Internet should be allowed to become a vehicle for political candidates to sidestep existing campaign rules and engage in mudslinging without accountability.

The problem is, the scope of the "Stand By Your Ad" provisions is limited. They only apply to television and radio ads. Internet communications are not covered. Nor are communications such as newspaper ads or mass mailings.

Already, there are clear signs that highly negative ads are migrating to the Internet—in part because the "Stand By Your Ad" requirements don't apply there. Here are a few recent press headlines:

"Political Attack Ads Already Popping Up on the Web."

"Presidential Ad War Hits the Web—Harsh Attacks Leveled Online, Where TV Rules Don't Apply."

"Political Smears Thrive Online."

The ads these articles talk about aren't just ordinary text messages sent through e-mail or posted on a website.

Often, they are full, professionally produced videos, equal in quality to anything you might see on TV—and therefore packing the same emotional impact as a well crafted TV ad. But instead of using broadcast, satellite, or cable, they are e-mailed to thousands or even millions of Internet users.

So today, I am introducing the “Political Candidate Personal Responsibility Act.” You could also call it “Stand By Your Ad II.” The basic idea is that what works for TV and radio should work for other types of communications as well. Candidates wishing to distribute negative campaign materials via the Internet or the mail should be held just as accountable as they are now for ads they put on the air.

Specifically, the bill would require that campaign communications such as audio or video ads transmitted over the Internet, newspaper ads, brochures, bulk mailings, bulk e-mail, and prerecorded telephone calls—if they mention another candidate for the same office—must carry a “Stand By Your Ad” disclaimer stating that the candidate personally approved the message. For Internet audio or video and prerecorded phone calls, the requirements would be identical to those that now apply to radio or television. For printed materials, whether paper or electronic, a picture of the candidate would be required to accompany the statement.

I believe that forcing candidates to take personal responsibility also forces them to think long and hard about releasing the types of aggressive negative attacks that have been growing all too common during election seasons. This is important, because when people get turned off by the electoral process, voting and public involvement suffer. Decreasing the amount of negativity in our political campaigns may help reduce some of the cynicism about politics, and bring more people back into the process.

I say to my colleagues, Stand By Your Ad is working. So let's take the next step and extend this success to campaign communications generally. Let's build on the good work we've already done in getting candidates to take responsibility for what they say.

And yes, I'm RON WYDEN, and I stand by this statement.

I ask unanimous consent that my statement and a copy 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. 2392

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 “Political Candidate Personal Responsibility Act of 2004”.

SEC. 2. ADDITIONAL REQUIREMENTS FOR PUBLIC COMMUNICATIONS BY CANDIDATES FOR FEDERAL OFFICE.

(a) PRINTED MEDIA.—Section 318(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting “, including a printed communication that is transmitted through the Internet,” after “subsection (a)”;

(2) in paragraph (2), by striking “and” after the semicolon at the end;

(3) in paragraph (3), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(4) if the communication is described in paragraph (1) or (2) of subsection (a) and makes any direct reference to another candidate for the same office—

“(A) include a clearly identifiable photographic or similar image of the candidate;

“(B) include a clearly readable printed statement identifying the candidate and stating that the candidate has approved the communication; and

“(C) occupy no less than 10 percent of the total area of the communication.”.

(b) INTERNET AND PRERECORDED TELEPHONE COMMUNICATIONS.—

(1) AUDIO AND VIDEO INTERNET COMMUNICATIONS.—Section 318(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(d)(1)) is amended by adding at the end the following:

“(C) BY INTERNET.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through the Internet and which makes any direct reference to another candidate for the same office shall—

“(i) in the case of an audio communication, meet the requirements applicable to communications transmitted through radio under subparagraph (A); and

“(ii) in the case of a video communication, meet the requirements applicable to communications transmitted through television under subparagraph (B).”.

(2) PRERECORDED TELEPHONE COMMUNICATIONS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(A) in subsection (a), by inserting “telephone call which consists in substantial part of a prerecorded audio message” after “mailing,” each place it appears in the matter preceding paragraph (1); and

(B) in subsection (d)(1), as amended by paragraph (1), by adding at the end the following:

“(D) BY PRERECORDED TELEPHONE CALL.—

“(i) IN GENERAL.—Any communication described in paragraph (1) or (2) of subsection (a) which is a telephone call which consists in substantial part of a prerecorded audio message and which makes any direct reference to another candidate for the same office shall meet the requirements applicable to communications transmitted through radio under subparagraph (A).

“(ii) EXCEPTIONS.—The requirements of this subparagraph shall not apply to a communication that is—

“(I) terminated by or at the request of the recipient of the communication after less than 30 seconds; or

“(II) not initiated by the party making the communication.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to communications made after the date that is 180 days after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. MCCAIN, and Mr. HOLLINGS):

S. 2393. A bill to improve aviation security; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that is intended to help the Transportation Security Administration (TSA) improve our Nation's aviation security

system. All of us continue to have real concerns about our Nation's security given the threats that we face, and aviation continues to be a focus of those that want to do us harm.

I, first, want to acknowledge the work of Senators MCCAIN and HOLLINGS. We all have spent a lot of time thinking about the problems of our aviation system, and the threats our country faces in today's environment. Their support and thoughts have enabled all of us to put together a better piece of legislation, and we share a common goal—a better, and more secure, aviation system.

We began this process right after 9-11, but more needs to be done. Most of us understand that improvements have been made, but it has now been three years and we must complete the job. This bill, the Aviation Security Advancement Act, will move us further toward completion of this task.

When terrorists hijacked airlines and used them as weapons of mass destruction against our nation, the American people saw firsthand that we were quite vulnerable to an unseen enemy, and that our way of life was threatened in a way it had never been before. National security immediately became the primary focus of our government, and many other private entities, as everyone understood that another failure of this magnitude would be a devastating blow to the country.

In response to 9-11, Congress passed P.L. 107-71, the Aviation and Transportation Security Act or ATSA, which federalized the airport security screener workforce and required an expansive strengthening of aviation security in the U.S. As a frequent flier, I believe that the vast majority of travelers are confident in the new security regime and feel that we are much safer than we were under the system that existed before. This confidence is borne out through increasing passenger levels that are fast approaching those prior to the terror attacks in 2001. With an increased volume of passenger flow and aircraft traffic will come further challenges for aviation security. The Aviation Security Advancement Act is intended to help TSA foster a higher level of security than currently exists and focus on additional tasks that need to be addressed in this rapidly changing environment.

Yet I continue to be completely frustrated by the progress we are making with respect to screener effectiveness. Testimony before our Committee, public reports and recent editorials, all tell us that we can not rest until the effectiveness of screeners is improved. In addition, new technologies need to be deployed to help them do their jobs. We can not spend billions of dollars on a system and have it barely measure up to pre-9-11 days.

The Aviation Security Advancement Act takes needed steps to bolster aviation security and provides TSA the financial and physical support needed to close numerous loopholes in the current security regime. In response to

the increasing use of aviation by the traveling public, this legislation standardizes the Federal screener workforce and requires TSA make efforts to improve the efficiency of passenger screening to insure individuals are processed in a faster, more secure manner. To address shortcomings in cargo security, the bill would overhaul all-cargo aviation security by implementing recommendations developed by the Aviation Security Advisory Committee and by funding a new grant program to pursue technological improvements that will help secure freight on all-cargo and passenger aircraft. The bill also seeks to increase the efficiency of baggage screening by funding capital security projects at airports across the country, while providing money for the research and development of advanced screening machines, and mandating a schedule for in-line placement of Explosive Detection Systems rather than various alternative means now practiced at many airports.

In addition, the bill would mandate improvements to a number of other sectors of aviation security where I feel more needs to be done. Among these efforts would be increased support for the Federal Air Marshal program, airport perimeter security, and intelligence information sharing. It also authorizes funding for TSA to develop a biometric center of excellence to focus on definitive identification of travelers and employees which I believe could have a dramatic impact on the speed of passenger screening while providing greater security for the entire system.

It is clear that we need to take more action to improve the security of our skies. The Aviation Security Advancement Act will be a big step in the right direction. I appreciate the support of Senators MCCAIN and HOLLINGS and urge my colleagues to co-sponsor the bill so that we can move it through the Committee quickly.

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. 2393

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 "Aviation Security Advancement Act".

SEC. 2. AVIATION SECURITY STAFFING.

(a) STAFFING LEVEL STANDARDS.—

(1) DEVELOPMENT OF STANDARDS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation and Federal Security Directors, shall develop standards for determining the appropriate aviation security staffing standards for all commercial airports in the United States necessary—

(A) to provide necessary levels of aviation security; and

(B) to ensure that the average aviation security-related delay experienced by airline passengers does not exceed 10 minutes.

(2) GAO ANALYSIS.—The Comptroller General shall, as soon as practicable after the date on which the Secretary of Homeland Security has developed standards under paragraph (1), conduct an expedited analysis of the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(3) REPORT TO CONGRESS.—Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security and the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the standards developed under paragraph (1), together with recommendations for further improving the efficiency and effectiveness of the screening process.

(b) INTEGRATION OF FEDERAL AIRPORT WORKFORCE AND AVIATION SECURITY.—The Secretary of Homeland Security shall conduct a study of the feasibility of combining operations of Federal employees involved in screening at commercial airports and aviation security related functions under the aegis of the Department of Homeland Security in order to coordinate security-related activities, increase the efficiency and effectiveness of those activities, and increase commercial air transportation security.

SEC. 3. IMPROVED AIR CARGO AND AIRPORT SECURITY.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

(1) \$200,000,000 for fiscal year 2005;

(2) \$200,000,000 for fiscal year 2006; and

(3) \$200,000,000 for fiscal year 2007.

(b) NEXT-GENERATION CARGO SECURITY GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a grant program to facilitate the development, testing, purchase, and deployment of next-generation air cargo security technology. The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and as rapidly as practicable.

(2) RESEARCH AND DEVELOPMENT; DEPLOYMENT.—To carry out paragraph (1), there are authorized to be appropriated to the Secretary for research and development related to next-generation air cargo security technology as well as for deployment and installation of next-generation air cargo security technology, such sums are to remain available until expended—

(A) \$100,000,000 for fiscal year 2005;

(B) \$100,000,000 for fiscal year 2006; and

(C) \$100,000,000 for fiscal year 2007.

(c) AUTHORIZATION FOR EXPIRING AND NEW LOIS.—There are authorized to be appropriated to the Secretary \$150,000,000 for each of fiscal years 2005 through 2007 to fund projects and activities for which letters of intent are issued under section 44923 of title 49, United States Code, after the date of enactment of this Act.

(d) REPORTS.—The Secretary shall transmit periodic reports no less frequently than every 6 months to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the progress being made toward, and the status of, deployment and installation of

next-generation air cargo security technology under subsection (b); and

(2) the amount and purpose of grants under subsection (b) and the locations of projects funded by such grants.

SEC. 4. AIR CARGO SECURITY MEASURES.

(a) ENHANCEMENT OF AIR CARGO SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop and implement a plan to enhance air cargo security at airports for commercial passenger and cargo aircraft that incorporates the recommendations made by the Cargo Security Working Group of the Aviation Security Advisory Committee.

(b) SUPPLY CHAIN SECURITY.—The Administrator of the Transportation Security Administration shall—

(1) promulgate regulations requiring the evaluation of indirect air carriers and ground handling agents, including background checks and checks against all Administration watch lists; and

(2) evaluate the potential efficacy of increased use of canine detection teams to inspect air cargo on passenger and all-cargo aircraft.

(c) ALL-CARGO AIRCRAFT SECURITY.—Subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

"44925. All-cargo aircraft security

"(a) ACCESS TO FLIGHT DECK.—Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall—

"(1) issue an order (without regard to the provisions of chapter 5 of title 5)—

"(A) requiring, to the extent consistent with engineering and safety standards, that all-cargo aircraft operators engaged in air transportation or intrastate air transportation maintain a barrier, which may include the use of a hardened cockpit door, between the aircraft flight deck and the aircraft cargo compartment sufficient to prevent unauthorized access to the flight deck from the cargo compartment, in accordance with the terms of a plan presented to and accepted by the Administrator of the Transportation Security Administration in consultation with the Federal Aviation Administrator; and

"(B) prohibiting the possession of a key to a flight deck door by any member of the flight crew who is not assigned to the flight deck; and

"(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the flight deck.

"(b) SCREENING AND OTHER MEASURES.—Within 1 year after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall issue an order (without regard to the provisions of chapter 5 of title 5) requiring—

"(1) all-cargo aircraft operators engaged in air transportation or intrastate air transportation to physically screen each person, and that person's baggage and personal effects, to be transported on an all-cargo aircraft engaged in air, transportation or intrastate air transportation;

"(2) each such aircraft to be physically searched before the first leg of the first flight of the aircraft each day, or, for inbound international operations, at aircraft operator's option prior to the departure of any such flight for a point in the United States; and

“(3) each such aircraft that is unattended overnight to be secured or sealed or to have access stairs, if any, removed from the aircraft.

“(c) **ALTERNATIVE MEASURES.**—The Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, may authorize alternative means of compliance with any requirement imposed under this section.”.

(d) **CONFORMING AMENDMENT.**—The subchapter analysis for subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

“44925. All-cargo aircraft security”.

SEC. 5. EXPLOSIVE DETECTION SYSTEMS.

(a) **IN-LINE PLACEMENT OF EXPLOSIVE-DETECTION EQUIPMENT.**—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish a schedule for replacing trace-detection equipment used for in-line baggage screening purposes as soon as practicable with explosive detection system equipment. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of the schedule and provide an estimate of the impact of replacing such equipment, facility modification and baggage conveyor placement, on aviation security-related staffing needs and levels.

(b) **NEXT GENERATION EDS.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of next generation explosive detection systems for aviation security under section 44913 of title 49, United States Code. The Secretary shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(c) **PORTAL DETECTION SYSTEMS.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000, in addition to any amounts otherwise authorized by law, for research and development and installation of portal detection systems or similar devices for the detection of biological, radiological, and explosive materials. The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a pilot program at not more than 10 commercial service airports to evaluate the use of such systems.

(d) **REPORTS.**—The Secretary shall transmit periodic reports no less frequently than every 6 months to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on research and development projects funded under subsection (b) or (c), and the pilot program established under subsection (c), including cost estimates for each phase of such projects and total project costs.

SEC. 6. AIR MARSHAL PROGRAM.

(a) **CROSS-TRAINING.**—The Secretary of Homeland Security shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the potential for cross-training of individuals who serve as air marshals and on the need for providing contingency funding for air marshal operations.

(b) **AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any

amounts otherwise authorized by law, for the deployment of Federal Air Marshals under section 44917 of title 49, United States Code, \$83,000,000 for the 3 fiscal year period beginning with fiscal year 2005, such sums to remain available until expended.

SEC. 7. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the present system for addressing lost, stolen, damaged, or pilfered baggage claims relating to air transportation security screening procedures. The report shall include—

(1) information concerning the time it takes to settle such claims under the present system;

(2) a comparison and analysis of the number, frequency, and nature of such claims before and after enactment of the Aviation and Transportation Security Act using data provided by the major United States airlines; and

(3) recommendations on how to improve the involvement and participation of the airlines in the baggage screening and handling processes and better coordinate the activities of Federal baggage screeners with airline operations.

SEC. 8. REPORT ON IMPLEMENTATION OF GAO HOMELAND SECURITY INFORMATION SHARING RECOMMENDATIONS.

Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the heads of Federal departments and agencies concerned, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on implementation of recommendations contained in the General Accounting Office's report titled “Homeland Security: Efforts To Improve Information Sharing Need To Be Strengthened” (GAO-03-760), August, 2003.

SEC. 9. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

(a) **BIOMETRICS.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$20,000,000, in addition to any amounts otherwise authorized by law, for research and development of biometric technology applications to aviation security.

(b) **BIOMETRICS CENTERS OF EXCELLENCE.**—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of competitive centers of excellence at the national laboratories.

SEC. 10. PERIMETER ACCESS TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Homeland Security \$100,000,000 for airport perimeter security technology, fencing, security contracts, vehicle tagging, and other perimeter security related operations, facilities, and equipment, such sums to remain available until expended.

By Mr. BROWNBACK (for himself, Mr. CAMPBELL, and Mr. INOUE):

S.J. Res. 37. A bill 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; to the Committee on Indian Affairs.

MR. BROWNBACK. Mr. President, I rise today to introduce before this body a joint resolution that seeks to address an issue that has long lain unresolved. That issue is our Nation's relationship with the Native peoples of this land.

Long before 1776 and the establishment of the United States of America, this land was inhabited by numerous nations. Like our Nation, many of these peoples held a strong belief in the Creator and maintained a powerful spiritual connection to this land. Since the formation of the American Republic, there have most certainly been numerous conflicts between our Government and many of these Tribes—conflicts in which warriors on all sides fought courageously and in which all sides suffered. However, even from the earliest days of the Republic, there existed a sentiment that honorable dealings and peaceful coexistence were preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance, “The utmost good faith shall always be observed toward the Indians.”

Many treaties were made between this Republic and the American Indian Tribes. Treaties, as my colleagues in this Chamber know, are far more than words in a page. Treaties are our word, our bond. Treaties with other governments are not to be treated lightly. Unfortunately, too often the United States of America did not uphold its responsibilities as stated in its covenants with the Native American Tribes. Too often, our Government broke its oaths to the Native peoples.

I want my fellow Senators to know that this resolution does not dismiss the valiance of our American soldiers who bravely fought for their families in wars between the United States and different Indian Tribes. Nor does this resolution cast all the blame for the various battles on one side or another. What this resolution does do is recognize and honor the importance of Native Americans to this land and to our Nation—in the past and today—and offers an official apology to the Native peoples for the poor and painful choices our Government sometimes made to disregard its solemn word.

This is a resolution of apology and a resolution of reconciliation. It is a first step toward healing the wounds that have divided us for so long—a potential foundation for a new era of positive relations between Tribal governments and the Federal Government. It is time—it is past time—for us to heal our land of division, all divisions, and bring us together as one people.

Before reconciliation, there must be recognition and repentance. Before there is a durable relationship, there must be understanding. This resolution will not authorize or serve as a settlement of any claim against the United States, nor will it resolve the many

challenges still facing the Native peoples. But it does recognize the negative impact of numerous deleterious Federal acts and policies on Native Americans and their cultures.

Moreover, it begins the effort of reconciliation by recognizing the past wrongs and repenting for them.

Martin Luther King, a true reconciler, once said, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This resolution is not the end. But, perhaps it signals the beginning of the end of division and the faint first light and first fruits of the creation of beloved community.

I have worked with the chairman and ranking member of the Indian Affairs Committee, Senator CAMPBELL and Senator INOUE, in the crafting of this resolution. I also reached out to the Native Tribes as this bill was being formed, and I continue to receive helpful and supportive feedback. I ask that my colleagues in this Chamber, and those in the House of Representatives, join together in support of this important resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 37

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.

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian Tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian Tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

Whereas Indian Tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian Tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian Tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to far-away boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized Tribal land, the theft of resources from such territories, and the mismanagement of Tribal trust funds;

Whereas the policies of the United States Government toward Indian Tribes and the breaking of covenants with Indian Tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite continuing maltreatment of Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian Tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian Tribes;

Whereas Indian Tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian Tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) acknowledges years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian Tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former offenses and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the offenses of the United States against Indian Tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian Tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian Tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian Tribes within their boundaries.

SEC. 2. DISCLAIMER.

Nothing in this Joint Resolution authorizes any claim against the United States or serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—DESIGNATING MAY 2004 AS "OLDER AMERICANS' MONTH"

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

S. RES. 353

Whereas today's older Americans are living longer, healthier, and more productive lives than any other time in our history, and;

Whereas older Americans exemplify the theme of "Aging Well, Living Well" by continuing to give their time to our communities, their knowledge to our children, their experience to our workplace, and their wisdom to all of us, and;

Whereas there are now more than 50,000 people in the United States 100 years old or older, and;

Whereas more than 47 million Americans are now 60 years old or older, and;

Whereas the opportunities and challenges that await our Nation require our Nation to continue to commit to the goal of improving the quality of life for all older Americans;

Whereas it is appropriate for our Nation to continue the tradition of designating the month of May as a time to celebrate the contributions of older Americans and to rededicate its effort to respect and better serve older Americans: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2004, as 'Older Americans Month';

(2) commends the President on the issuance of his proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that publicly reaffirm our gratitude and respect for older Americans.

Mr. CRAIG. Mr. President, I rise today to submit a resolution honoring May as Older Americans' Month.

I am here today to celebrate May as Older Americans' Month. Since 1963, May has been the official month during which we pay tribute to the contributions of our 47 million older Americans. It is during this month that we, as a Nation, recognize older Americans for their service, hard work and sacrifice that helped assure us the freedom and security which we continue to cherish.

This year's theme of "Aging Well, Living Well" reflects the lifestyle and attitude of today's older Americans. Not only should we take this time to show our appreciation and respect for America's seniors, but also to acknowledge that seniors of today and tomorrow will continue making significant contributions to our communities through their wisdom and experience, in the workplace, in civic leadership and in our homes. They gave, they give, and they will continue to give to this country.

I am committed to working hard on behalf of our seniors. As the Chairman of the Senate Special Committee on Aging, we have pursued an ambitious agenda. The committee has examined issues including the Medicare law, long-term care policy, internet fraud, Social Security, assistive technology, the Older Americans Act, and healthy aging.

In addition, this year I believe we have special reason to celebrate. Last year, Congress passed the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. I am especially pleased that we are now able to provide prescription drug benefits to those seniors most in need. This is an important step in putting Medicare on a more modern and secure footing as the 77-million-strong Baby Boomer generation moves closer to retirement age.

Our commitment to America's seniors must continue beyond this one month of special recognition. With reauthorization of the Older Americans' Act on the horizon, we have an opportunity to focus on the needs of today's seniors, and the challenges that the baby boomer generation will bring. It is also an opportunity to design an act that promotes seamlessness and one that works well with other programs and initiatives to promote non-institutional care, maximizing successful outcomes, and empower older Americans to optimize autonomy and independence and one that promotes "Aging Well and Living Well."

Seniors are living longer, healthier, and more productive lives than any other time in our history. In the tradition of Older Americans' Month, I am submitting a resolution in the Senate

calling on the people of the United States to observe the month of May 2004 as Older Americans' Month and to encourage all Americans to promote awareness through ceremonies, programs, and other activities that promote acknowledgment, gratitude, and respect for American seniors.

I ask all of you to celebrate with me Older Americans' Month this May.

SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE THAT THE ABU GHRAIB PRISON MUST BE DEMOLISHED TO UNDERSCORE THE UNITED STATES' ABHORRENCE OF THE MISTREATMENT OF PRISONERS IN IRAQ

Mr. CRAIG (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the Abu Ghraib prison was used by Saddam Hussein to execute and torture thousands of men, women, and children;

Whereas Saddam and his Special Security Organization oversaw the execution of thousands of political prisoners;

Whereas the Abu Ghraib prison is notoriously known as a death chamber by the Iraqi people;

Whereas the Abu Ghraib prison is arguably the largest and most feared prison in the Arab world;

Whereas it is widely known that one of Saddam's sons, in one day, ordered the execution of 3000 prisoners at the prison;

Whereas the recent reports of atrocities and abhorrent mistreatment of Iraqi prisoners at the Abu Ghraib prison are un-American, do not represent our values, and have sent the wrong message about the United States' intentions in Iraq;

Whereas the American people will not tolerate the mistreatment of Iraqi prisoners;

Whereas the American people view this prison as a symbol of evil, and where past cruel torture and mistreatment occurred;

Whereas the American people would like to rid the world of this evil place where past, and unfortunately current reported mistreatment has occurred; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Abu Ghraib prison, also known as the Baghdad Central Detention Center, be completely demolished as an expression and symbolic gesture that the American people will not tolerate the past and current mistreatment of prisoners.

SENATE RESOLUTION 355—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas, the Committee on Commerce, Science, and Transportation has been conducting an inquiry into the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes;

Whereas, the Committee has received requests from both the U.S. Olympic Committee and the U.S. Anti-Doping Agency that the latter gain access to records of the Committee's inquiry;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to the U.S. Anti-Doping Agency the documents subpoenaed by the Committee regarding the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF CONGRESS THAT KIDS LOVE A MYSTERY IS A PROGRAM THAT PROMOTES LITERACY AND SHOULD BE ENCOURAGED

Ms. MIKULSKI (for herself and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 104

Whereas knowledge, wisdom, and children are the greatest assets of a democracy;

Whereas books enable one generation to pass on its knowledge and wisdom to the next;

Whereas learning to read is one of the greatest privileges the Nation extends to its children;

Whereas children most often choose mysteries as their favorite books;

Whereas the Mystery Writers of America sponsors Kids Love a Mystery, an outreach program designed to bring mystery writers and children together to encourage literacy and the love of reading; and

Whereas the Mystery Writers of America recognizes the value in celebrate the importance of reading for children: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Kids Love a Mystery is a program that helps promote literacy and reading and should be supported and encouraged; and

(2) the President should issue a proclamation encouraging the people of the United States and interested groups to promote Kids Love a Mystery with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3119. Mr. GRASSLEY proposed an amendment to the bill S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, and for other purposes.

SA 3120. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation

rules of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3119. Mr. GRASSLEY proposed an amendment to the bill S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Family Opportunity Act of 2004” or the “Dylan Lee James Act”.

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; amendments to Social Security Act; table of contents.
- Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
- Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
- Sec. 4. Development and support of family-to-family health information centers.
- Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) **STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.**—

(1) **IN GENERAL.**—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking “or” at the end of subclause (XVII);

(ii) by adding “or” at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

“(XIX) who are disabled children described in subsection (cc)(1);”;

(B) by adding at the end the following new subsection:

“(cc)(1) Individuals described in this paragraph are individuals—

“(A) who have not attained 18 years of age;

“(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

“(C) whose family income does not exceed such income level as the State establishes and does not exceed—

“(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

“(ii) such higher percent of such poverty line as a State may establish, except that—

“(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

“(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.”.

(2) **INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.**—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

“(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(II) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”.

(b) **STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.**—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (h);” and

(2) by adding at the end the following new subsection:

“(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) in the case of a disabled child described in that paragraph whose family income does not exceed 250 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 7.5 percent of the family's income; and

“(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”.

(c) **CONFORMING AMENDMENT.**—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII).”.

(d) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, nothing

in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b))) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. 3. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) **IN GENERAL.**—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) in the second sentence, by inserting “, or would require inpatient psychiatric hospital services for individuals under age 21” before the period;

(2) in paragraph (2)(B), by striking “or services in an intermediate care facility for the mentally retarded” each place it appears and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(3) in paragraph (2)(C)—

(A) by inserting “, or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21,” after “, or intermediate care facility for the mentally retarded”; and

(B) by striking “or services in an intermediate care facility for the mentally retarded” and inserting “services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”; and

(4) in paragraph (7)(A)—

(A) by inserting “or would require inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded,”; and

(B) by inserting “or who would require inpatient psychiatric hospital services for individuals under age 21” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. 4. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

“(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

“(I) \$3,000,000 for fiscal year 2006;

“(II) \$4,000,000 for fiscal year 2007; and

“(III) \$5,000,000 for fiscal year 2008; and

“(ii) there is authorized to be appropriated to the Secretary, \$5,000,000 for each of fiscal years 2009 and 2010.

“(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

“(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and
“(ii) remain available until expended.

“(2) The family-to-family health information centers described in this paragraph are centers that—

“(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

“(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

“(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

“(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

“(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

“(C) With respect to fiscal year 2008, such centers shall be developed in all States.

“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting “(aa)” after “(II)”;
(2) by striking “) and” and inserting “and”;

(3) by striking “section or who are” and inserting “section), (bb) who are”; and

(4) by inserting before the comma at the end of the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

SA 3120. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production

activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE IX—PROVISIONS DESIGNED TO RESTRICT USE OF ABUSIVE TAX SHELTERS

SEC. 901. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking “a penalty” and all that follows through the period in the first sentence of subsection (a) and inserting “a penalty determined under subsection (b)”, and

(3) by inserting after subsection (a) the following new subsections:

“(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

“(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

“(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

“(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

“(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 415(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 902. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting “the tax liability or” after “respect to,” in paragraph (1),

(2) by inserting “aid, assistance, procurement, or advice with respect to such” before “portion” both places it appears in paragraphs (2) and (3), and

(3) by inserting “instance of aid, assistance, procurement, or advice or each such” before “document” in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

“(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

“(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 150 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

“(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

“(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.”

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

“(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

(e) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 419 of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 903. PENALTY FOR FAILURE TO REGISTER TAX SHELTER.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

“SEC. 6707. FAILURE TO FURNISH INFORMATION ON POTENTIALLY ABUSIVE TAX SHELTER OR LISTED TRANSACTION.

“(a) IN GENERAL.—If a person who is required to file a return under section 6111 with respect to any potentially abusive tax shelter—

“(1) fails to file such return on or before the date prescribed therefor, or

“(2) files false or incomplete information with the Secretary with respect to such shelter,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be not less than \$50,000 and not more than \$100,000.

“(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

“(A) \$200,000, or

“(B) 100 percent of the gross income derived by such person for providing aid, assistance, procurement, advice, or other services with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting ‘150 percent’ for ‘100 percent’ in the case of an intentional failure or act described in subsection (a).

“(c) CERTAIN RULES TO APPLY.—The provisions of section 6707A(d) allowing the Commissioner of Internal Revenue to rescind a penalty under certain circumstances shall apply to any penalty imposed under this section.

“(d) POTENTIALLY ABUSIVE TAX SHELTERS AND LISTED TRANSACTIONS.—The terms ‘potentially abusive tax shelter’ and ‘listed transaction’ have the respective meanings given to such terms by section 6707A(c).

“(e) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle

or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.”.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking “regarding tax shelters” and inserting “on potentially abusive tax shelter or listed transaction”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 408(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 904. PENALTY FOR FAILING TO MAINTAIN CLIENT LIST.

(a) IN GENERAL.—Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters) is amended to read as follows:

“(a) IMPOSITION OF PENALTY.—

“(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary’s request, such person shall pay a penalty of \$10,000 for each day of such failure after such 20th day. If such person makes available an incomplete list upon such request, such person shall pay a penalty of \$100 per each omitted name for each day of such omission after such 20th day.

“(2) GOOD CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if, in the judgment of the Secretary, such failure is due to good cause.”.

(b) PENALTY NOT DEDUCTIBLE.—Section 6708 is amended by adding at the end the following new subsection:

“(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made by the Secretary of the Treasury after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 409(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 905. PENALTY FOR FAILING TO DISCLOSE POTENTIALLY ABUSIVE TAX SHELTER.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

“SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE POTENTIALLY ABUSIVE TAX SHELTER INFORMATION WITH RETURN OR STATEMENT.

“(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a potentially abusive tax shelter which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be \$50,000.

“(2) LISTED TRANSACTION.—Except as provided in paragraph 3, the amount of the penalty under subsection (a) with respect to a listed transaction shall be \$100,000.

“(3) INCREASE IN PENALTY FOR INTENTIONAL NONDISCLOSURE.—In the case of an intentional failure by any person under subsection (a), the penalty under paragraph (1) shall be \$100,000 and the penalty under paragraph (2) shall be \$200,000.

“(c) DEFINITIONS.—For purposes of this section—

“(1) POTENTIALLY ABUSIVE TAX SHELTER.—The term ‘potentially abusive tax shelter’ means any transaction with respect to which information is required to be included with a return or statement, because the Secretary has determined by regulation or otherwise that such transaction has a potential for tax avoidance or evasion.

“(2) LISTED TRANSACTION.—Except as provided in regulations, the term ‘listed transaction’ means a potentially abusive tax shelter which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

“(d) AUTHORITY TO RESCIND PENALTY.—

“(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of a penalty imposed by this section with respect to any violation if—

“(A) the violation is with respect to a potentially abusive tax shelter other than a listed transaction,

“(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

“(C) it is shown that the violation is due to an unintentional mistake of fact,

“(D) imposing the penalty would be against equity and good conscience, and

“(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

“(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner’s sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

“(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

“(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

“(A) the facts and circumstances of the transaction,

“(B) the reasons for the rescission, and

“(C) the amount of the penalty rescinded. A copy of such opinion shall be provided upon written request to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, or the General Accounting Office.

“(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

“(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

“(B) a description of each penalty rescinded under this subsection and the reasons therefor.

“(e) PENALTY REPORTED TO SEC.—In the case of a person—

“(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

“(2) which—

“(A) is required to pay a penalty under this section with respect to a listed transaction,

“(B) is required to pay a penalty under section 6662A with respect to any potentially abusive tax shelter at a rate prescribed under section 6662A(c), or

“(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

“(f) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by this section shall be in addition to any other penalty provided by law.

“(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.”.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

“Sec. 6707A. Penalty for failure to include potentially abusive tax shelter information with return or statement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

(d) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 402(c) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 906. IMPROVED DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

“SEC. 6111. DISCLOSURE OF POTENTIALLY ABUSIVE TAX SHELTERS.

“(a) IN GENERAL.—Each material advisor with respect to any potentially abusive tax shelter shall make a return (in such form as the Secretary may prescribe) setting forth—

“(1) information identifying and describing such shelter,

“(2) information describing any potential tax benefits expected to result from the shelter, and

“(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date which is 30 days before the date on which the first sale of such shelter occurs or on any other date specified by the Secretary.

“(b) DEFINITIONS.—For purposes of this section—

“(1) MATERIAL ADVISOR.—

“(A) IN GENERAL.—The term ‘material advisor’ means any person—

“(i) who provides any material aid, assistance, or advice with respect to designing, organizing, managing, promoting, selling, implementing, or carrying out any potentially abusive tax shelter, and

“(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

“(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

“(i) \$50,000 in the case of a potentially abusive tax shelter substantially all of the tax benefits from which are provided to natural persons, and

“(ii) \$100,000 in any other case.

“(2) POTENTIALLY ABUSIVE TAX SHELTER.—The term ‘potentially abusive tax shelter’ has the meaning given to such term by section 6707A(c).

“(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

“(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

“(2) exemptions from the requirements of this section, and

“(3) such rules as may be necessary or appropriate to carry out the purposes of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

“Sec. 6111. Disclosure of potentially abusive tax shelters.”.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

“SEC. 6112. MATERIAL ADVISORS OF POTENTIALLY ABUSIVE TAX SHELTERS MUST KEEP CLIENT LISTS.

“(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any potentially abusive tax shelter (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

“(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such shelter, and

“(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.”.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting “written” before “request” in paragraph (1)(A), and

(ii) by striking “shall prescribe” in paragraph (2) and inserting “may prescribe”.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

“Sec. 6112. Material advisors of potentially abusive tax shelters must keep client lists.”.

(3)(A) The heading for section 6708 is amended to read as follows:

“SEC. 6708. FAILURE TO MAINTAIN CLIENT LISTS WITH RESPECT TO POTENTIALLY ABUSIVE TAX SHELTERS.”.

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

“Sec. 6708. Failure to maintain client lists with respect to potentially abusive tax shelters.”.

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

“For purposes of this section, the identity of any person on such list shall not be privileged.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) NO CLAIM OF CONFIDENTIALITY AGAINST DISCLOSURE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

(e) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 407(d) of this Act, such section, and the amendments made by such section, shall not take effect.

SEC. 907. EXTENSION OF STATUTE OF LIMITATIONS FOR UNDISCLOSED TAX SHELTER.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

“(10) POTENTIALLY ABUSIVE TAX SHELTERS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a potentially abusive tax shelter (as defined in section 6707A(c)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 2 years after the earlier of—

“(A) the date on which the Secretary is furnished the information so required; or

“(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 416(b) of this Act, such section, and the amendment made by such section, shall not take effect.

SEC. 908. PENALTY FOR FAILING TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

“(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

“(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

“(B) AMOUNT OF PENALTY.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed \$10,000.

“(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

“(I) such violation was due to reasonable cause, and

“(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

“(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314, the amount of the civil penalty imposed under subparagraph (A) shall be—

“(i) not less than \$5,000,

“(ii) not more than 50 percent of the amount determined under subparagraph (D), and

“(iii) subparagraph (B)(ii) shall not apply.

“(D) AMOUNT.—The amount determined under this subparagraph is—

“(i) in the case of a violation involving a transaction, the amount of the transaction, or

“(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

(c) PRIOR SECTION TO HAVE NO EFFECT.—Notwithstanding section 412(b) of this Act, such section, and the amendment made by such section, shall not take effect.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COLEMAN. 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 Thursday, May 6, 2004. The purpose of this hearing will be to discuss Biomass Use in Energy Production: New Opportunities for Agriculture.

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

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 6, 2004 at 9:30 a.m. in closed session to mark up the Department of Defense Authorization Act for fiscal year 2005.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. COLEMAN. 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 Thursday, May 6, 2004, at 10:00 a.m. to conduct a markup of “The Public Transportation Terrorism Prevention Act.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 6, 2004, at 9:30 a.m. on Impacts of Climate Change and States' Actions.

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

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 6, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit.

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss, Feinstein, Grassley, Cornyn, Graham, Schumer];

S. 1933, Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Feinstein, Cornyn];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees [Chambliss];

S. 1609, Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act [Hatch, Cornyn];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer]; and

S.J. Res. 34, A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day [Conrad, Leahy].

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

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

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet on Thursday, May 6, 2004 at 10 a.m. for a hearing entitled, "Trimming the Fat: Examining Duplicative and Outdated Programs and Functions."

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Matt Stump, a congressional fellow in my office, be granted the privileges of the floor for the remainder of the day.

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

Mr. LUGAR. Mr. President, I ask unanimous consent Michael Mattler, a detailee on the Foreign Relations Committee staff, be granted the privilege of the floor for the duration of the debate on this nomination.

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

FOREIGN TRAVEL FINANCIAL REPORT

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Senator Patrick Leahy:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Senator Norm Coleman:									
Brazil	Dollar		939.00		866.00				1,805.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		320.00						320.00
Kevin McDonald:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Chile	Dollar		648.00						648.00
Argentina	Dollar		640.00						640.00
Kay Webber:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Matthew O'Mara:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Hunt Shipman:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Patricia Doty:									
Brazil	Dollar		939.00						939.00
Uruguay	Dollar		243.00						243.00
Argentina	Dollar		640.00						640.00
Chile	Dollar		648.00						648.00
Delegation Expenses: *									
Argentina	Dollar				1,114.00		4,878.00		5,992.00
Uruguay	Dollar				3,528.00		14,406.00		17,934.00
Total			18,792.00		4,642.00		19,284.00		42,718.00

* Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

THAD COCHRAN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Apr. 20, 2004.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carol Cribbs:									
China	Dollar		722.00				100.00		822.00
Thailand	Baht		356.00				100.00		456.00
Singapore	Dollar		618.00				150.00		768.00
El Salvador	Dollar		362.50				100.00		462.50
Mexico	Peso		576.00				100.00		676.00
Rebecca Davies:									
China	Dollar		732.00				100.00		832.00
Thailand	Baht		356.00				100.00		456.00
Singapore	Dollar		412.00				100.00		512.00
Senator Ernest Hollings:									
Brazil	Real		1,472.00						1,472.00
Joab M. Lesesne:									
Brazil	Real		1,472.00						1,472.00
Tim Rieser:									
Colombia	Dollar		650.00				60.00		710.00
Nicaragua	Dollar		108.00						108.00
United States	Dollar				776.00				776.00
Total			7,836.50		776.00		910.00		9,522.50

TED STEVENS,
Chairman, Committee on Appropriations, Feb. 13, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul L. Grove:									
Hong Kong	Dollar		1,137.00						1,137.00
Vietnam	Dollar		892.00						892.00
Cambodia	Dollar		609.00						609.00
Thailand	Baht		696.00						696.00
United States	Dollar				7,142.78				7,142.78
Vietnam	Dollar				161.00				161.00
Katherine Hennessey:									
New Zealand	Dollar		828.00						828.00
Australia	Dollar		511.00						511.00
East Timor	Dollar		233.00						233.00
United States	Dollar				9,818.00				9,818.00
Katherine Eltrich:									
New Zealand	Dollar		828.00						828.00
Australia	Dollar		511.00						511.00
East Timor	Dollar		233.00						233.00
United States	Dollar				9,818.00				9,818.00
Senator Ted Stevens:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Sid Ashworth:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Charlie Houy:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Bob Henke:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Lila Helms:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Senator Ernest F. Hollings:									
Jordan	Dinar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Rupee		523.52						523.52
France	Euro		916.00						916.00
Senator Kay Bailey Hutchison:									
Germany	Euro		382.00				109.00		491.00
Jim Morhard:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Scott Gudes:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Katherine Hennessey:									
Malta	Lira		272.00						272.00
Cyprus	Pound		652.00						652.00
Italy	Euro		1,440.00						1,440.00
United States	Dollar				6,326.59				6,326.59
Total			30,269.12		45,919.55		109.00		76,297.67

TED STEVENS,
Chairman, Committee on Appropriations, Mar. 30, 2004.

May 6, 2004

CONGRESSIONAL RECORD—SENATE

S5011

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson:									
Morocco	Dirham		248.78			6.34			255.12
Egypt	Pound		262.96						262.96
Israel	Shekel		1,023.00			43.41			1,066.41
Jordan	Dinar		133.27			17.50			150.77
Belgium	Euro		408.11						408.11
Peter J. Mitchell:									
Morocco	Dirham		248.78			56.00			304.78
Egypt	Pound		262.96			288.00			550.96
Israel	Shekel		1,023.00			424.06			1,447.06
Jordan	Dinar		166.09			96.00			262.09
Belgium	Euro		408.11						408.11
Daniel Shapiro:									
Egypt	Pound		262.96			144.00			406.96
Israel	Shekel		1,023.00			570.00			1,593.00
Jordan	Dinar		166.09			143.84			309.93
Belgium	Euro		408.11						408.11
Evelyn N. Farkas:									
Malaysia	Ringgit		121.90			13.83			135.73
Philippines	Peso		307.50			61.94			369.44
South Korea	Won		844.07			6.00			850.07
Japan	Yen		432.80			95.71			528.51
United States	Dollar				10,042.32				10,042.32
Madelyn R. Creedon:									
United States	Dollar				7,508.62				7,508.62
Russia	Ruble		1,635.04						1,635.04
Georgia	Lari		729.76						729.76
Senator John McCain:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		407.00						407.00
Argentina	Dollar		114.00						114.00
Ecuador	Dollar		123.00						123.00
Daniel C. Twining:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		610.00						610.00
Argentina	Dollar		114.00						114.00
Ecuador	Dollar		290.00						290.00
Senator Lindsey Graham:									
Colombia	Peso		146.70						146.70
Brazil	Real		262.18			90.14			352.32
Argentina	Peso					92.71			92.71
Ecuador	Dollar					195.90			195.90
Senator Susan M. Collins:									
Colombia	Dollar		271.00						271.00
Brazil	Dollar		610.00						610.00
Argentina	Dollar		113.99						113.99
Ecuador	Dollar		290.00						290.00
Lynn F. Rusten:									
United States	Dollar				5,712.50				5,712.50
Russia	Dollar		1,328.00						1,328.00
Karen E. Volker:									
Germany	Euro		599.72						599.72
Mark Salter:									
Germany	Euro		808.00						808.00
Daniel C. Twining:									
Germany	Euro		808.00						808.00
Richard F. Walsh:									
South Korea	Won		993.11						993.11
United States	Dollar				4,306.98				4,306.98
Gerald J. Leeling:									
South Korea	Won		960.87			75.00			1,035.87
United States	Dollar				4,306.98				4,306.98
Scott W. Stucky:									
South Korea	Won		995.36			40.00			1,035.36
United States	Dollar				4,306.98				4,306.98
Diana G. Tabler:									
South Korea	Won		1,014.11						1,014.11
United States	Dollar				4,306.98				4,306.98
Senator John Warner:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Senator James M. Inhofe:									
United States	Dollar				3,177.83				3,177.83
Benin	Dollar		360.40						360.40
Germany	Euro		80.40						80.40
J. Mark Powers:									
United States	Dollar				6,387.90				6,387.90
Germany	Euro		98.57						98.57
Benin	Dollar		320.00						320.00
Djibouti	Dollar		30.00						30.00
John A. Bonsell:									
Germany	Dollar		81.25			50.00			131.25
Senator Carl Levin:									
Israel	Dollar		256.75						256.75
Jordan	Dollar		130.75						130.75
Kuwait	Dollar		324.54						324.54
Belgium	Dollar		228.61						228.61
Senator Jack Reed:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00
Kuwait	Dollar		348.99						348.99
Belgium	Dollar		248.86						248.86
Richard D. DeBobes:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00
Kuwait	Dollar		311.00						311.00
Belgium	Dollar		253.75			35.00			288.75
Senator John McCain:									
Germany	Dollar		513.00						513.00
Senator Lindsey Graham:									
Germany	Dollar		609.75						609.75
Ambrose R. Hock:									
Germany	Dollar		58.75						58.75

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Wayne Allard:									
Ireland	Dollar		1.00						1.00
Germany	Dollar		65.00						65.00
Jayson Roehl:									
Ireland	Dollar		10.00						10.00
Germany	Dollar		160.00						160.00
Maren R. Leed:									
Germany	Dollar		58.75						58.75
Senator Daniel K. Akaka:									
Germany	Dollar		58.75						58.75
Judith A. Ansley:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Charles W. Alsop:									
Jordan	Dollar		476.00						476.00
Kuwait	Dollar		804.00						804.00
Pakistan	Dollar		523.52						523.52
France	Dollar		916.00						916.00
Malaysia	Ringgit		166.00				15.00		181.00
Philippines	Peso		353.50				65.00		418.50
Korea	Won		895.25				25.00		920.25
Japan	Yen		524.15				105.00		629.15
United States					10,109.01				10,109.01
Total			36,971.66		60,166.10		2,755.38		99,893.14

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 21, 2004.

AMENDED 2ND QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF
SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR, TRAVEL FROM APR. 1 TO JUNE 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
Ghana	Dollar		100.00						100.00
Italy	Euro		90.27						90.27
Czech Republic	Dollar		563.07						563.07
United Kingdom	Pound		229.60						229.60
Mark Powers:									
Ghana	Dollar		172.00						172.00
Italy	Euro		74.00						74.00
United States	Dollar				5,172.46				5,172.46
Total			1,228.94		5,172.46				6,401.40

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 16, 2004.

AMENDED 3RD QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF
SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Judith A. Ansley:									
Qatar	Dollar		188.00						188.00
Kuwait	Dollar		673.00						673.00
Richard D. DeBobes:									
Qatar	Dollar		196.00						196.00
Kuwait	Dollar		647.00						647.00
Charles A. Alsop:									
Kuwait	Dollar		638.95						638.95
Brenda Strickland:									
United States	Dollar				4,890.94				4,890.94
Belgium	Euro		203.39						203.39
Czech Republic	Crown		377.70						377.70
Germany	Euro		832.96						832.96
Denmark	Krone		685.95						685.95
Total			4,442.95		4,890.94				9,333.89

JOHN WARNER,
Chairman, Committee on Armed Services, Jan. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		564.22						564.22
Elizabeth King:									
Pakistan	Rupee		149.52						149.52

May 6, 2004

CONGRESSIONAL RECORD—SENATE

S5013

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait	Dinar		564.22						564.22
Senator Hillary Rodham Clinton:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		572.39						572.39
Andrew Shapiro:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		572.55						572.55
Huma Abedin:									
Pakistan	Rupee		149.52						149.52
Kuwait	Dinar		565.86						565.86
Senator Bill Nelson:									
Chile	Peso		253.28				70.72		324.00
Brazil	Real		325.94				62.06		388.00
Argentina	Peso		604.00				85.00		689.00
Bolivia	Boliviano		191.00				17.00		208.00
Peru	Nuevos Sol		289.00				8.00		297.00
United States	Dollar				3,335.40				3,335.40
Pete Contostavlos:									
Chile	Peso		291.00				33.00		324.00
Brazil	Real		342.95				25.05		368.00
Argentina	Peso		596.64				78.36		675.00
Bolivia	Boliviano		171.92				21.08		193.00
Peru	Nuevos Sol		292.68				4.32		297.00
United States	Dollar				5,871.60				5,871.60
Peter J. Mitchell:									
Chile	Peso		286.11				37.89		324.00
Brazil	Real		311.20				57.80		369.00
Argentina	Peso		565.19				103.81		669.00
Bolivia	Boliviano		198.00				110.00		208.00
Peru	Nuevos Sol		278.70				18.30		297.00
United States	Dollar				3,335.40				3,335.40
Senator John McCain:									
Azerbaijan	Dollar		200.00						200.00
Georgia	Dollar		327.00						327.00
United States	Dollar				7,235.39				7,235.39
Daniel C. Twining:									
Azerbaijan	Dollar		322.00						322.00
Georgia	Dollar		540.00						540.00
United States	Dollar				6,381.39				6,381.39
Senator Jack Reed:									
Tunisia	Dinar		127.00						127.00
Morocco	Dirham		549.52						549.52
United States	Dollar				6,656.26				6,656.26
Elizabeth King:									
Tunisia	Dinar		127.00						127.00
Morocco	Dirham		556.00						556.00
United States	Dollar				6,673.26				6,673.26
Total			11,332.97		39,488.70		632.39		51,454.06

JOHN WARNER,
Chairman, Committee on Armed Services, Feb. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Switzerland	Franc		386.00						386.00
Germany	Euro		389.00						389.00
Senator Zell Miller:									
Iraq	Dinar		95.00						95.00
Kuwait	Dinar		959.00						959.00
Spain	Peseta		478.00						478.00
Laura Friedel:									
Iraq	Dinar		89.48						89.48
Kuwait	Dinar		939.23						939.23
Spain	Peseta		397.78						397.78
Total			3,733.49						3,733.49

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Mar. 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickles:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Senator Conrad Burns:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Senator Judd Gregg:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Hazen Marshall:									
Australia	Dollar		1,360.00						1,360.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
New Zealand	Dollar		971.00						971.00
Stacy Hughes:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Gayle Osterberg:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Yvonne Bartolli:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Julie Clark:									
Australia	Dollar		1,360.00						1,360.00
New Zealand	Dollar		971.00						971.00
Delegation Expenses:*									
Australia	Dollar						21,586.55		21,586.55
New Zealand	Dollar						18,438.54		18,438.54
Senator Jim Bunning:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		1,206.00						1,206.00
Spain	Euro		373.00						373.00
Blake Brickman:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		758.12						758.12
Spain	Euro		343.00		30.00				373.00
David Young:									
Ireland	Euro		185.56						185.56
Kuwait	Dinar		758.12						758.12
Spain	Euro		333.77		20.00				353.77
Total			22,976.69		50.00		40,025.09		63,051.78

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

DON NICKLES,
Chairman, Committee on Budget, Mar. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JAN. 1, TO MAR. 31 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Maria Cantwell:									
Switzerland	Franc		284.73						284.73
Germany	Euro		389.00						389.00
John Easton:									
Switzerland	Franc		740.00						740.00
Germany	Euro		389.00						389.00
Travis Sullivan:									
Switzerland	Franc		740.00						740.00
Germany	Euro		389.00						389.00
David Wonnberg:									
United States	Dollar				3,890.24				3,890.24
Morocco	Dirham		433.00						433.00
Egypt	Pound		374.00						374.00
Yemen	Rial		135.00						135.00
Bahrain	Dinar		353.00						353.00
Total			4,226.73		3,890.24				8,116.97

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Mar. 25, 2004.

AMENDED 4TH QUARTER REPORT (2003)—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Virginia Worrest:									
United States	Dollar				1,470.66				1,470.66
Italy	Euro		1,253.00						1,253.00
Total			1,253.00		1,470.66				2,723.66

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Mar. 26, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Israel	Dollar		250.00						250.00
Jordan	Dollar		124.00						124.00

May 6, 2004

CONGRESSIONAL RECORD—SENATE

S5015

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait	Dollar		310.94						310.94
Belgium	Dollar		248.86						248.86
Kellie A. Donnelly:									
Marshall Islands	Dollar		485.98						485.98
United States	Dollar			2,634.07					2,634.07
Allen Stayman:									
Marshall Islands	Dollar		467.47						467.47
United States	Dollar			4,457.36					4,457.36
Jennifer Michael:									
Russia	Ruble		1,424.60						1,424.60
United States	Dollar			4,621.70					4,621.70
Total			3,311.85		11,713.13				15,024.98

PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, Apr. 1, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Aloysius Hogan:									
United States	Dollar				3,548.01				3,548.01
Italy	Lire		3,073.00						3,073.00
Michael Catanzaro:									
United States	Dollar				5,664.94				5,664.94
Italy	Lire		3,073.00						3,073.00
Christopher Miller:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Alison Taylor:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Andrew Wheeler:									
United States	Dollar				5,664.94				5,664.94
Italy	Lire		3,073.00						3,073.00
Celia Wallace:									
United States	Dollar				5,590.95				5,590.95
Italy	Lire		3,073.00						3,073.00
Shannon Heyck-Williams:									
United States	Dollar				5,231.30				5,231.30
Italy	Lire		2,634.00						2,634.00
Robert Kincaid:									
United States	Dollar				975.34				975.34
Mexico	Peso		1,218.21						1,218.21
Edward Michaels*:									
Italy	Lire					1,820.00			1,820.00
Total			21,412.21		37,138.08		1,820.00		60,370.29

* Edward Michaels did not go to Milan, Italy as was planned, however, his hotel charges still had to be reported as this expense was not reimbursable.

JAMES M. INHOFE,
Chairman, Committee on Environment and Public Works, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Miller:									
United States	Dollar				893.43				893.43
Canada	Dollar		338.00						338.00
William Boyd:									
United States	Dollar				893.43				893.43
Canada	Dollar		338.00						338.00
Genevieve Erny:									
United States	Dollar				5,979.34				5,979.34
Malaysia	Ringgit		894.92						894.92
Jo-Ellen Darcy:									
United States	Dollar				5,979.34				5,979.34
Malaysia	Ringgit		894.92						894.92
Total			2,465.84		13,745.54				16,211.38

JAMES M. INHOFE,
Chairman, Committee on Environment and Public Works, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
Australia	Dollar		626.00						626.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
New Zealand	Dollar		971.00						971.00
Senator Jon Kyl:									
Australia	Dollar		626.00						626.00
New Zealand	Dollar		971.00						971.00
Sue Keenom:									
Australia	Dollar		626.00						626.00
New Zealand	Dollar		971.00						971.00
Senator Gordon Smith:									
Switzerland	Dollar		386.00						386.00
Germany	Dollar		389.00						389.00
Rob Epplin:									
Switzerland	Dollar		672.00						672.00
Germany	Dollar		389.00						389.00
Brian Pomper:									
Morocco	Dirham		318.09						318.09
Egypt	Pounds		292.09						292.09
Yemen	Rial		155.00						155.00
Bahrain	Dinar		393.00						393.00
United States	Dollar				3,374.58				3,374.58
Ellen Doneski:									
Morocco	Dirham		336.30						336.30
Egypt	Pounds		310.29						310.29
Yemen	Rial		131.29						131.29
Bahrain	Dinar		169.29						169.29
United States	Dollar				3,374.58				3,374.58
Bryn Stewart:									
Morocco	Dirham		324.77						324.77
Egypt	Pounds		298.77						298.77
Yemen	Rial		119.77						119.77
Bahrain	Dinar		157.77						157.77
United States	Dollar				3,374.58				3,374.58
Carrie Clark:									
Morocco	Dirham		382.50						382.50
Egypt	Pounds		356.50						356.50
Yemen	Rial		77.50						77.50
Bahrain	Dinar		295.30						295.30
United States	Dollar				3,374.58				3,374.58
Robert Holifield:									
Morocco	Dirham		410.00						410.00
Egypt	Pounds		384.00						384.00
Yemen	Rial		105.00						105.00
Bahrain	Dinar		343.00						343.00
United States	Dollar				3,374.58				3,374.58
David Johanson:									
Morocco	Dirham		307.70						307.70
Egypt	Pounds		281.70						281.70
Yemen	Rial		102.70						102.70
Bahrain	Dinar		140.70						140.70
United States	Dollar				3,474.58				3,474.58
Brian Pomper:									
Morocco	Dirham		318.09						318.09
Egypt	Pounds		292.09						292.09
Yemen	Rial		113.09						113.09
Bahrain	Dinar		151.09						151.09
United States	Dollar				3,474.58				3,474.58
John Gilliland:									
Japan	Yen		286.00						286.00
Thailand	Baht		385.00						385.00
United States	Dollar				7,868.58				7,868.58
Senator Max Baucus:									
Japan	Yen		304.00						304.00
Thailand	Baht		385.00						385.00
United States	Dollar				7,868.85				7,868.85
Jim Foley:									
Japan	Yen		258.75						258.75
United States	Dollar				3,416.70				3,416.70
Tim Punke:									
Japan	Yen		315.00						315.00
Thailand	Baht		396.00						396.00
United States	Dollar				7,868.85				7,868.85
Brian Pomper:									
Thailand	Baht		212.00						212.00
United States	Dollar				4,424.70				4,424.70
Total			16,236.14		55,269.74				71,505.88

CHUCK GRASSLEY,
Chairman, Committee on Finance, Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Switzerland	Franc		386.00						386.00
United States	Dollar				4,231.00				4,231.00
Senator Sam Brownback:									
Vietnam	Dong		80.00						80.00
Hong Kong	Dollar		426.95						426.95
United States	Dollar				5,941.83				5,941.83
Senator Chuck Hagel:									
Belgium	Euro		324.00						324.00
United States	Dollar				7,466.88				7,466.88
Senator Chuck Hagel:									
Germany	Euro		808.00						808.00
Senator Richard Lugar:									
Germany	Euro		1,850.00						1,850.00
United States	Dollar				5,378.15				5,378.15

May 6, 2004

CONGRESSIONAL RECORD—SENATE

S5017

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jonah Blank:									
Pakistan	Rupee				2,789.00				2,789.00
India	Rupee		2,232.00		293.00				2,525.00
Nepal	Rupee		427.00						427.00
United States	Dollar				4,229.63				4,229.63
Heather Flynn:									
Uganda	Shilling		2,012.12						2,012.12
United States	Dollar				7,867.00				7,867.00
Michelle Gavin:									
Dem. Repub. of Congo	Franc		597.00		150.00				747.00
Rwanda	Franc		30.00						30.00
Kenya	Shilling		190.00						190.00
Uganda	Shilling		929.00						929.00
United States	Dollar				8,353.00				8,353.00
Michael Haltzel:									
Latvia	Lat		261.00						261.00
Denmark	Krone		304.00						304.00
United States	Dollar				4,980.71				4,980.71
Michael Haltzel:									
Russia	Ruble		1,100.00						1,100.00
United States	Dollar				6,420.56				6,420.56
Frank Jannuzzi:									
China	Yuan		676.00						676.00
North Korea	Won		2,795.00		310.00				3,105.00
South Korea	Won		740.00						740.00
Japan	Yen		864.00						864.00
United States	Dollar				7,134.17				7,134.17
Jofi Joseph:									
United Kingdom	Pound		457.00						457.00
France	Euro		715.00						715.00
Austria	Euro		815.00						815.00
United States	Dollar				6,117.93				6,117.93
Chris Ann Keehner:									
Mexico	Peso		563.45						563.45
Brazil	Real		589.32						589.32
Jamaica	Dollar		443.88				37.31		481.19
United States	Dollar				4,319.30				4,319.30
Edward Levine:									
United Kingdom	Pound		421.00						421.00
France	Euro		698.00						698.00
Austria	Euro		663.00						663.00
United States	Dollar				6,136.50				6,136.50
Keith Luse:									
China	Yuan		746.49		310.00				1,056.49
North Korea	Won		1,621.41						1,621.41
South Korea	Won		679.42						679.42
Japan	Yen		517.37						517.37
United States	Dollar				5,692.17				5,692.17
Thomas Moore:									
United Kingdom	Pound		457.00						457.00
France	Euro		816.00						816.00
Austria	Euro		969.00						969.00
United States	Dollar				6,240.50				6,240.50
Kenneth Myers Jr.:									
Germany	Euro		1,850.00						1,850.00
United States	Dollar				5,378.15				5,378.15
Kenneth Myers III:									
Germany	Euro		1,900.00						1,900.00
United States	Dollar				5,378.15				5,378.15
Kenneth Myers III:									
Austria	Euro		969.00						969.00
United States	Dollar				5,573.84				5,573.84
Nilmini Rubin:									
Peru	Nuevo Sol		1,102.00		477.19				1,579.19
Paraguay	Guarani		872.00						872.00
United States	Dollar				3,040.50				3,040.50
Kim Savit:									
Qatar	Rial		750.00						750.00
United States	Dollar				6,913.32				6,913.32
Jennifer Simon:									
Peru	Nuevo Sol		988.00						988.00
United States	Dollar				5,404.50				5,404.50
Puneet Talwar:									
Switzerland	Franc		1,132.00		3,820.32				4,952.32
Sean Woo:									
Japan	Yen		317.00						317.00
Vietnam	Dong		91.20						91.20
Hong Kong	Dollar		987.00						987.00
South Korea	Won		549.00						549.00
United States	Dollar				7,169.56				7,169.56
Randall Zeller:									
Belgium	Euro		324.00						324.00
United States	Dollar				6,584.88				6,584.88
Total			40,035.61		144,101.74		37.31		184,174.66

DICK LUGAR,
Chairman, Committee on Foreign Relations, Apr. 15, 2004.

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF
SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United Kingdom	Pound						1,129.45		1,129.45
Jessica Fugate:									
Slovenia	Tolar						148.99		148.99

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total							1,278.44		1,278.44

DICK LUGAR,
Chairman, Committee on Foreign Relations, Apr. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg:									
Israel	Shekel		209.00				2.68		211.68
Jordan	Dinar		124.00						124.00
Kuwait	Dinar		314.39						314.39
Belgium	Euro		221.86		524.31		27.00		773.17
Total			869.25		524.31		29.68		1,423.24

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, Apr. 16, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Israel	Dollar		756.00				759.00		1,515.00
Morocco	Dollar		102.50						102.50
Christine Clark:									
Israel	Dollar		760.00						760.00
Morocco	Dollar		102.50						102.50
Senator Jon Kyl:									
Germany	Dollar		665.00						665.00
Senator Lindsey Graham:									
Australia	Dollar		1,360.00		6,235.01				7,595.01
Total			3,746.00		6,235.01		759.00		10,740.01

ORRIN HATCH,
Chairman, Committee on Judiciary, Apr. 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Bond:									
United States	Dollar				5,569.07				5,569.07
Thailand	Baht		414.00						414.00
Singapore	Dollar		462.00						462.00
Jack Bartling:									
United States	Dollar				4,813.84				4,813.84
Thailand	Baht		414.00						414.00
Singapore	Dollar		462.00						462.00
Total			1,752.00		10,382.91				12,134.91

OLYMPIA SNOWE,
Chairman, Committee on Small Business and Entrepreneurship,
Apr. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pat Roberts			2,357.00						2,357.00
Senator Mike DeWine	Dollar				3,149.00				3,149.00
William Duhmke			2,470.00						2,470.00
Senator Saxby Chambliss			1,372.00						1,372.00
James Barnett			2,331.00						2,331.00
Lindsey Fair	Dollar		1,300.00						1,300.00
Brandon Miihorn					4,194.21				4,194.21
			2,592.00						2,592.00
	Dollar				5,499.13				5,499.13
			2,089.00						2,089.00
	Dollar				5,145.93				5,145.93

May 6, 2004

CONGRESSIONAL RECORD—SENATE

S5019

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Matthew Pollard	Dollar		2,089.00		5,145.93				2,089.00
									5,145.93
Total			16,600.00		23,134.20				39,734.20

PAT ROBERTS,
Chairman, Committee on Intelligence, Apr. 5, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JAN. 4 TO JAN. 8, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
William H. Pickle:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Steve Biegun:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Rohit Kumar:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Bob Stevenson:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Sally Walsh:									
Colombia	Peso		496.00						496.00
Mexico	Peso		830.00						830.00
Delegation Expenses:*									
Colombia	Peso					10,283.00			10,283.00
Mexico	Peso					6,500.05			6,500.05
Total			7,956.00			16,783.05			24,739.05

* Delegation expenses include payments and reimbursement to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95—384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, Mar. 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), CODEL McCONNELL FOR TRAVEL FROM OCT. 3 TO OCT. 11, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Jordan	Dollar		99.75						99.75
Kuwait	Dollar		639.75						639.75
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		280.50						280.50
Senator Larry Craig:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Conrad Burns:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Craig Thomas:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Senator Lincoln Chafee:									
Jordan	Dollar		138.00						138.00
Kuwait	Dollar		578.00						578.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		257.00						257.00
Paul Grove:									
Jordan	Dollar		188.00						188.00
Kuwait	Dollar		728.00						728.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		457.00						457.00
Robert Karem:									
Jordan	Dollar		188.00						188.00
Kuwait	Dollar		728.00						728.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		457.00						457.00
John Eisold:									
Jordan	Dollar		238.00						238.00
Kuwait	Dollar		778.00						778.00
Pakistan	Dollar		226.00						226.00
Turkey	Dollar		557.00						557.00
Delegation Expenses.							12,196.20		12,196.20
Total			12,839.00				12,196.20		25,035.20

BILL FRIST,
Majority Leader, Feb. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SENATOR BILL FRIST, MAJORITY LEADER, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Julia Hart:									
Australia	Dollar		1,242.00						1,242.00
New Zealand	Dollar		971.00						971.00
Steve Biegun:									
Germany	Euro		808.00						808.00
Total			3,021.00						3,021.00

BILL FRIST,
Majority Leader, Apr. 26, 2004.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 659, 660, 661, 662, 664, 665, 667, 669, 672, 673, 674, 677, 678, 679, 680, 681, 682, 683, and 686.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Craig A. Kelly, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Thomas Bolling Robertson, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Marc McGowan Wall, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Michael Christian Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Serbia and Montenegro.

John M. Ordway, of California, a Career Member of the Senior Foreign Service, Class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Thomas Neil Hull III, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Lauren Moriarty, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

Michele J. Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Thomas Charles Krajewski, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Michael W. Marine, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Richard LeBaron, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

ADDITIONAL PROTOCOL TO INVESTMENT TREATY WITH ROMANIA

ADDITIONAL PROTOCOL AMENDING INVESTMENT TREATY WITH BULGARIA

INVESTMENT PROTOCOL WITH ESTONIA

ADDITIONAL INVESTMENT PROTOCOL WITH THE CZECH REPUBLIC

ADDITIONAL INVESTMENT PROTOCOL WITH THE SLOVAK REPUBLIC

ADDITIONAL INVESTMENT PROTOCOL WITH LATVIA

ADDITIONAL INVESTMENT PROTOCOL WITH LITHUANIA

ADDITIONAL PROTOCOL CONCERNING BUSINESS AND ECONOMIC RELATIONS WITH POLAND

Mr. FRIST. I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 17, 18, 19, 20, 21, 22, 23, and 24.

I further ask unanimous consent that the treaties be treated as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; further, that any committee provisions, declarations, and understandings be agreed to, that any statements be printed in the RECORD, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and following the disposition of the treaties, the Senate return to legislative session.

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

Mr. FRIST. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolutions of ratification will rise and stand until counted.

All those opposed to ratification, please rise and stand until counted.

On a division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

[Treaty Doc. 108-13 Additional Protocol to Investment Treaty With Romania]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment of May 28, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108-13).

[Treaty Doc. 108-15 Additional Protocol Amending Investment Treaty With Bulgaria]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Bulgaria Amending the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment of September 23, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108-15).

[Treaty Doc. 108-17 Investment Protocol With Estonia (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Estonia to the Treaty for the Encouragement and Reciprocal Protection of Investment of April 19, 1994, signed at Brussels on October 24, 2003 (T. Doc. 108-17).

[Treaty Doc. 108-18 Additional Investment Protocol With the Czech Republic (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Czech Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on December 10, 2003 (T. Doc. 108-18).

[Treaty Doc. 108-19 Additional Investment Protocol With the Slovak Republic (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Slovak Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on September 22, 2003 (T. Doc. 108-19).

[Treaty Doc. 108-20 Additional Investment Protocol With the Latvia (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Gov-

ernment of the Republic of Latvia to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 13, 1995, signed at Brussels on September 22, 2003 (T. Doc. 108-20).

[Treaty Doc. 108-21 Additional Investment Protocol With Lithuania (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of the Republic of Lithuania to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 14, 1998, signed at Brussels on September 22, 2003 (T. Doc. 108-21).

[Treaty Doc. 108-22 Additional Protocol Concerning Business and Economic Relations With Poland (Exec. Rept. No. 108-13)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Poland to the Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations of March 21, 1990, signed at Brussels on January 12, 2004 (T. Doc. 108-22).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MEASURES READ THE FIRST TIME—H.R. 4227 AND H.R. 2771

Mr. FRIST. Mr. President, I understand that H.R. 4227 and H.R. 2771 are at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

A bill (H.R. 2771) to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

Mr. FRIST. Mr. President, I now ask for a second reading en bloc and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 492, S. 2092.

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

The legislative clerk read as follows:

A bill (S. 2092) to address the participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in *italic*.)

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

[(a) FINDINGS.—Congress makes the following findings:

[(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

[(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

[(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

[(4) Taiwan's achievements in the field of health are substantial, including—

[(A) attaining—

[(i) 1 of the highest life expectancy levels in Asia; and

[(ii) maternal and infant mortality rates comparable to those of western countries;

[(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

[(C) providing children with hepatitis B vaccinations.

[(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

[(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

[(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese Government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government.

[(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

[(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

[(10) Public Law 106-137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

[(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

[(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the

United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that the administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

[(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services, Tommy Thompson, announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observatory status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

[(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated \$1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

[(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan.

[(16) Avian influenza, commonly known as bird flu, has reemerged in Asia with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

[(17) The SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO.

[(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

[(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

[(b) PLAN.—The Secretary of State is authorized to—

[(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2004 in Geneva, Switzerland;

[(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

[(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

[(c) REPORT.—Not later than 14 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken to carry out the plan described in subsection (b).]

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

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(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

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(C) providing children with hepatitis B vaccinations.

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(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

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(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observatory status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

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(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

(b) PLAN.—The Secretary of State is authorized to—

(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly each year in Geneva, Switzerland;

(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Secretary of State has made, following the last meeting of the World Health Assembly, to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Secretary of State will take to endorse and obtain observer status at the next annual meeting of the World Health Assembly in Geneva, Switzerland.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute amendment be adopted, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2092), as amended, was read the third time and passed.

RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION OF TOPEKA

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 349, and the Senate proceed to its immediate consideration.

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. 349) recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 349

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954);

Whereas in the 1896 case of *Plessy v. Ferguson*, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of "separate but equal", which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of "separate but equal" resulted in separate schools, housing, and public accommodations that were inferior and unequal for African-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in *Westminster School District of Orange County v. Mendez* (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (*Brown v. Board of Education of Topeka*, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (*Gebhart v. Belton*, 91 A.2d 137 (Del. 1952)), South Carolina (*Briggs v. Elliott*, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (*Davis v. County School Board of Prince Edward County*, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in *Bolling v. Sharpe*, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in *Brown v. Board of Education of Topeka*, the Supreme Court overturned the decision of *Plessy v. Ferguson*, concluding that "in the field of public education, the doctrine of 'separate but equal' has no place" and, on that same date, in *Bolling v. Sharpe*, held that the doctrine of "separate but equal" also violated the fifth amendment to the Constitution; and

Whereas the decision in *Brown v. Board of Education of Topeka* is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors May 17, 2004, as the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*;

(2) encourages all people of the United States to recognize the importance of the Supreme Court decision in *Brown v. Board of Education of Topeka*; and

(3) acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally realize the dream of equal educational opportunity for all children of the United States.

50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 102 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 102) to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*.

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

Mr. BROWNBACK. Mr. President, it gives me great pleasure to speak on behalf of the passage of S. Con. Res. 102, which honours the 50th anniversary of the landmark Supreme Court decision, *Brown et al. v. Board of Education of Topeka*, Kansas et al.

As you may know, the history of desegregating our public school system started before *Brown* with such cases as *Murray v. Maryland* and *Sweatt v. Painter*. But it was *Brown v. Board of Education* that caught fire and changed the course of America's history and the way in which we view equality in the eyes of the law.

Before *Brown*, many States held and enforced racially segregated laws enforced, which was an atrocious practice. Many individuals cited the 1896 *Plessy v. Ferguson* case, which sanctioned the separate but equal doctrine, as the grounds for keeping school segregation legal.

Oliver Brown, a citizen of Topeka, KS, along with other individuals, filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda. Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus to take her to the "colored" school on the other side of the city from where she lived—even though a school for white children was located only a few blocks from her home.

There were many notable African Americans who helped to bring this case to the United States Supreme Court; however, none so famous as Supreme Court Justice Thurgood Marshall, who valiantly defended the

rights of not only Linda Brown and the other defendants in the case, but of an entire race of individuals who were treated as second class citizens.

On May 17, 1954, the Supreme Court rendered its decision to rule racial segregation in schools unconstitutional. Further, the Supreme Court found the "separate but equal" doctrine to be in violation of the 14th amendment of the United States Constitution, which states, among other things, that, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

When the Court ruled, in 1954, that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The Court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

I would like to take this opportunity to thank the many individuals who worked tirelessly to ensure that the 50th anniversary celebration of this case is recognized world wide. Most notably, I would like to thank Cheryl Brown Henderson, the Brown Foundation and the Brown v. Board of Education National Historic Site for their steadfast and unwavering commitment to the legacy established by the *Brown* decision. I would also like to thank and commend the work of the Brown v. Board of Education 50th Anniversary Commission. Finally I would like to recognize all of the cases that comprise the *Brown* decision.

BELTON V. GEBHART (BULAH V. GIBHART)—
DELAWARE

First petitioned in 1951, the local cases, *Belton v. Gebhart* and *Bulah v. Gebhart*, challenged the inferior conditions of two African American schools. In the suburb of Claymont, DE, African American children were prohibited from attending the area's local high school. In the rural community of Hockessin, Delaware, African American students were forced to attend a dilapidated one-room schoolhouse and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility. Both cases were represented by a local NAACP attorney. Though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware.

BOLLING, ET. AL. V. C. MELVIN SHARPE,
ET. AL.—DISTRICT OF COLUMBIA

Eleven African American Junior High School students were taken on a field trip to Washington, D.C.'s new John Phillip Sousa School for whites only. The African American students were denied admittance to the school and ordered to return to their inadequate school. In 1951, a suite was filed on behalf of the students. After review with

the *Brown* case in 1954, the U.S. Supreme Court ruled that segregation in the Nation's capital was unconstitutional.

BRIGGS V. R.W. ELLIOTT

In Clarendon County, SC, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1974 against the inferior conditions African American students experienced under South Carolina's racially segregated school system. By 1951, community activists convinced the African American parents to join the NAACP efforts to file a class action suite in U.S. District Court. The court found that the schools designated for African Americans were grossly inadequate in terms of buildings, transportation and teacher's salaries when compared to the schools provided for whites. An order to equalize the facilities was virtually ignored by school officials and the schools were never made equal.

BROWN V. BOARD

In Kansas there were 11 school integration cases dating from 1881 to 1949, prior to *Brown* in 1854. In many instances the schools for African American children were substandard facilities with out-of-date textbooks and often no basic school supplies. In the fall of 1950, members of the Topeka, Kansas Chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education. On February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. vs. The Board of Education of Topeka Kansas, which represented a group of 13 parents and 20 children. The District Court ruled in favor of the school board and the case was appealed to the U.S. Supreme Court. At the Supreme Court level, their case was combined with other NAACP cases from Delaware, South Carolina, Virginia and Washington, D.C., which was later heard separately. The combined cases became known as Oliver L. Brown et. Al. vs. The Board of Education of Topeka, et al.

DAVIS, ET. AL. V. PRINCE EDWARD COUNTY
BOARD OF SUPERVISORS

One of the few public high schools available to African Americans in the State of Virginia was Robert Moton High School in Prince Edward County. Built in 1943, it was never large enough to accommodate its student population. The gross inadequacies of these classrooms sparked a student strike in 1951. The NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court. Although the U.S. District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the white schools in their area.

I am encouraged and hopeful that the Nation will join with me and celebrate this magnificent achievement in American History.

Mr. FRIST. Mr. President, I ask unanimous consent that the concur-

rent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 102) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 102

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, *Brown v. Board of Education* (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (*Brown v. Board of Education*), Delaware (*Gebhart v. Belton*), South Carolina (*Briggs v. Elliot*), and Virginia (*Davis v. County School Board of Prince Edward County*) that were combined by the United States Supreme Court in *Brown v. Board of Education*, and in Washington, D.C. (*Bolling v. Sharpe*), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to *Brown v. Board of Education* in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) in the fall of 1950, members of the Topeka, Kansas chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education;

(4) on February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. v. The Board of Education of Topeka Kansas (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as *Oliver L. Brown et al. v. The Board of Education of Topeka, et al.*;

Whereas with respect to the Virginia case of *Davis et al. v. Prince Edward County Board of Supervisors*—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of *Briggs v. R.W. Elliott*—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of *Belton v. Gebhart* and *Bulah v. Gebhart*—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of *Bolling, et al. v. C. Melvin Sharpe, et al.*—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the *Brown* case in 1954, the United States Supreme Court ruled that segregation in the Nation's capital was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation "violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws";

Whereas the decision in *Brown v. Board of Education* set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the *Brown v. Board of Education* decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*;

(2) the Congress encourages all people of the United States to recognize the importance of the Supreme Court decision in *Brown v. Board of Education of Topeka*; and

(3) by celebrating the 50th anniversary of the *Brown v. Board of Education of Topeka*, the Nation will be able to refresh and renew the importance of equality in society.

AUTHORIZING DOCUMENT PRODUCTION BY COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 355 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 355) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

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

Mr. FRIST. Mr. President, the Committee on Commerce, Science, and Transportation has been conducting an oversight inquiry triggered by press reports and court records suggesting that United States Olympic sport athletes may have used banned performance-enhancing drugs without detection. As part of its inquiry, the committee obtained by subpoena documents from a federal criminal investigation regarding the alleged sale and distribution of such drugs to U.S. Olympic sport athletes.

After conducting a confidential review of the subpoenaed records, the committee held a closed hearing on May 5, 2004, to explore whether current U.S. Olympic sport athlete drug-testing policies, resources, and authority are sufficient to deter such athletes from using banned performance-enhancing drugs. The committee specifically considered the implications of the potential participation in this summer's Olympic Games of U.S. Olympic sport athletes who may have used banned performance-enhancing drugs. Representatives of the United States Olympic Committee and of the United States Anti-Doping Agency testified at the committee's hearing.

Both organizations have requested that the committee share the confiden-

tial records it received in the course of its inquiry with the U.S. Anti-Doping Agency, which is the independent agency that enforces anti-doping rules for the U.S. Olympic Committee and the Olympic sport federations. Both organizations have advised the committee that they view it as critical to the credibility and reputation of American sport that the U.S. Anti-Doping Agency obtain timely access to these records to enable it to use them as evidence, if justified, in disciplinary proceedings prior to the selection of the U.S. Olympic team that will compete in the 2004 Summer Olympic Games in Athens, Greece.

This resolution would authorize the chairman and ranking member of the Commerce Committee, acting jointly, to provide documents from the committee's inquiry to the U.S. Anti-Doping Agency in response to these requests.

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

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

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 355

Whereas, the Committee on Commerce, Science, and Transportation has been conducting an inquiry into the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes;

Whereas, the Committee has received requests from both the U.S. Olympic Committee and the U.S. Anti-Doping Agency that the latter gain access to records of the Committee's inquiry;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to the U.S. Anti-Doping Agency the documents subpoenaed by the Committee regarding the potential use of banned performance-enhancing drugs by U.S. Olympic sport athletes.

CELEBRATING MOTHERHOOD

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 348 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 348) to protect, promote, and celebrate motherhood.

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

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

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

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the second Sunday of May is observed as Mother's Day;

Whereas motherhood and childhood are entitled to special assistance;

Whereas mothers have a unique bond with their children;

Whereas the work of mothers is of paramount importance, but often undervalued and demeaned;

Whereas mothers' concerns about their children and their education should be supported by the national agenda;

Whereas a child's healthy relationship with the mother predicts higher self-esteem and resiliency in dealing with life events;

Whereas the complementary roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas mothers have an indispensable role in building and transforming society to build a culture of life; and

Whereas mothers along with their husbands, form an emotional template for a child's future relationships: Now therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of mothers to a healthy society; and

(2) calls on the people of the United States to observe Mother's Day by considering how society can better respect and support motherhood.

ORDERS FOR FRIDAY, MAY 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, we have had a number of discussions as to how we might go about finishing the FSC/ETI JOBS bill. Unfortunately, we have

been unable to reach an agreement this afternoon and tonight. It appears it will be necessary to file cloture tomorrow. We will continue to discuss our options on Friday and early next week, but I do believe that it is now time for us to finish this bill. I am disappointed in the number of amendments that Members have indicated they intend to offer, many of which have nothing to do with the underlying bill.

At this point, I announce that no rollcall votes will occur on Friday, and all Members should be aware that the next rollcall vote can be expected Monday evening. I will say more on Monday's schedule tomorrow.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I noticed in the statement of the leader—I think it was a fair statement—that many amendments have nothing to do with the underlying bill, and he didn't designate that only Democrats were contemplating amendments that may not be pertinent to the bill. I am disappointed we have not been able to complete this legislation, as I indicated earlier. We are very close.

I repeat very quickly, because I have said it before, we have four contentious amendments. The total time we would take would be an hour and 35 minutes. We have the Made in America amendment by Senator FEINGOLD; the Lautenberg amendment dealing with foreign subsidiaries doing business with terrorist nations; the Corzine amendment dealing with section 301, which is having the President enforce the trade laws; then we had unemployment compensation. I am disappointed that we have not been able to get to those because I think it is important that we are able to do this bill.

We are going to pass this bill. It is only a question of time. This bill is so important that we, the Congress, and the President cannot leave here without passing this legislation. This is a must-pass piece of legislation. It is only a question of how we get there. I think we would have been better off dealing with these amendments and going on to something else.

The leader made a decision that cloture must be filed, and time will only tell whether cloture will be invoked. We have heard there may be an opportunity to vote on at least one of the contentious amendments. I hope that is the case. That may make things a little better. Everybody has tried hard and, in my opinion, it is not the fault of the managers of the bill. I know they have devoted a lot of time, energy, and effort to this most important piece of legislation. I understand where we are procedurally. I understand what the leader has stated.

Mr. FRIST. Mr. President, very briefly, in response, we have had a very productive week. As I set out really 2 weeks ago, and again last Friday and Monday, I agreed that we would work hard every day this week and we would consider relevant amendments, and we

would consider amendments that may not be considered relevant on both sides of the aisle, and we have indeed considered germane amendments that really pertain to and are germane to the bill, and nongermane amendments. It is a matter of definition. We have done just that on Monday, Tuesday, Wednesday, and Thursday.

We have reached the end of the week, having cast votes on a number of amendments and accepted others, working together. I, too, congratulate the managers for working together and moving this bill forward.

At this juncture, we plan on filing cloture tomorrow, and that means we will still, once cloture is obtained—I hope it is obtained—we still will be considering germane amendments to the underlying bill. We have had a productive week and considered a lot of amendments.

Although there is some disagreement about the best approach, I want to bring this to a close. We will have amendments in the early part of next week and they will be germane amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Friday, May 7, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 2004:

DEPARTMENT OF STATE

RALPH LEO BOYCE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JOHN MARSHALL EVANS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. B. KOHLER JEFFREY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. REGNI, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES N. MATTIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDOLPH D. ALLES, 0000
COL. JOSEPH F. DUNFORD JR., 0000
COL. PAUL E. LEFEBVRE, 0000
COL. RICHARD P. MILLS, 0000
COL. MARTIN POST, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. DONALD C. ARTHUR JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JUSTIN D. MCCARTHY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JONATHAN W. GREENERT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEVIN J. COSGRIFF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALAN S. THOMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PETER M. GRANT III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY J. LESCAVAGE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK W. BALMERT, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 2004:

DEPARTMENT OF STATE

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

CRAIG A. KELLY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

THOMAS BOLLING ROBERTSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

MARC MCGOWAN WALL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

JOHN CAMPBELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

MICHAEL CHRISTIAN POLT, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SERBIA AND MONTENEGRO.

JOHN M. ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

THOMAS NEIL HULL III, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

ROGER A. MEECE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

LAUREN MORIARTY, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM.

MICHELE J. SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

THOMAS CHARLES KRAJESKI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

MICHAEL W. MARINE, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

PATRICIA M. HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

RICHARD LEBARON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

JOHN D. NEGROPONTE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ.

DAVID MICHAEL SATTERFIELD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR

EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on May 06, 2004, withdrawing from further Senate consideration the following nominations:

FREDRICK W. ROHLFING III, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 2003.

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, WHICH WAS SENT TO THE SENATE ON OCTOBER 1, 2003.