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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 6, 2004.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Joseph V. Brennan, St. Linus Church, Norwalk, California, offered the following prayer:

Dear Lord, in many and varied ways You have been compared to a shepherd who carefully watches over his flock. You shepherd us by example, Lord, seeking out those who are lost and protecting the flock with Your very life. So lead us and guide us this day to pastures of truth, goodness, and justice. Guide our feet into the way of peace.

Bless these chosen ones in this House. Give them wisdom and the spirit of courage and of right judgment. Bless the work of their hearts and hands and keep our beautiful country always in Your loving and tender arms. We ask all of this with confidence in Your love for You live and reign forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. MATHESON) come forward and lead the House in the Pledge of Allegiance.

Mr. MATHESON 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 34. 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.

The message also announced that pursuant to section 637, title VI of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Dr. Marty LaVor of Virginia.

The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Majority Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging—

the Senator from Iowa (Mr. GRASSLEY); and

the Senator from Idaho (Mr. CRAIG).

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of One Hundred Eighth Congress—

Senator ERNEST F. HOLLINGS of South Carolina; and

Senator ZELL MILLER of Georgia.

The message also announced that pursuant to sections 276h–276K of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from New Mexico (Mr. BINGAMAN) a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the Second Session of the One Hundred Eighth Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches per side.

WELCOMING REVEREND JOSEPH V. BRENNAN

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Speaker, I rise to pay homage and recognize our guest chaplain today, a gentleman who has been our pastor in our church for the last 12 years.

He was born in the San Fernando Valley in California on March 20, 1954, the ninth out of 10 children to Roger and Helen Brennan of Van Nuys. He was born again through Sacrament of Baptism on April 18, 1954, celebrating this year 50 years as a Catholic.

This June 21 he will be celebrating his 24 years as a priest. He graduated from St. John's Seminary College in 1976. He was ordained as a priest from

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St. John's Seminary Theologate in 1980 and is a priest in good standing with the Archdiocese of Los Angeles. He served with Cardinal Roger Mahony at the old Cathedral Church of St. Vibiana for 5 years.

His current assignment, we are sorry to see him go because he has brought our parish together and is adored by all of the children of the school and those that go to our church, will be assigned as pastor of Holy Trinity Church in San Pedro on July 1. We are very happy he was able to spend some time with us today and offer the blessings to the House.

Mr. Speaker, I thank you very much for allowing Father Brennan to give the morning prayer, and I thank Father Brennan for the ability to be here and our resident chaplain for allowing him to be here.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SUPPORT OUR TROOPS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning the news indicates that some of our Democrats have politicized the war in Iraq. It is a war against terrorism. We have got to support our troops. Our Secretary of Defense is doing a super job.

The question is, are we here in the United States of America as citizens going to support them to the hilt? When I was in Vietnam as a POW, we were scared to death that the United States was going to turn on us, politicize it and end it without getting us out.

They did get us out of Vietnam, but they did not get all of our people out of Cambodia and Laos, and it was because of the peaceniks who did not believe we could win.

We have to support our troops. Our freedom, our Nation, our liberty depend on it. God bless the United States.

A PRESCRIPTION FOR CONFUSION

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise this morning to discuss the extreme frustration that our senior citizens are experiencing in applying for this Medicare discount card.

This card was created from a flawed Medicare prescription bill, so it is no surprise that our seniors are having problems utilizing it.

The Houston Chronicle recently published an article about how confusing this discount card is for seniors. The article found the discount card more confusing than preparing your income taxes or dealing with an insurance company regarding a hospital bill.

With great fanfare on Friday, Medicare released a Web site to provide seniors with the ability to compare drug prices. The problem is a lot of our seniors do not have access to the Web site or are not proficient.

Even if seniors are willing to go through the steps, it is so confusing that our seniors cannot make a truly informed choice.

The story, unfortunately, gets worse for our seniors. They spend time and energy and brain power and choose the best card, and seniors are not even guaranteed that the company will hold up their end of the bargain. The company has no obligation to maintain its advertised price that is on that Web site or even carry those drugs for the full year. And yet our seniors, once they sign up, are stuck for that full year. Also, if they do not sign up now, then they lose their benefits. They get penalized if they do not sign up now. It is a flawed bill, and it is causing problems now.

WINNABLE WAR

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I give thanks that we serve in a Chamber where we can champion differences of opinion. Yet I rise really more in sorrow than in anger to see the headline in today's Roll Call newspaper, the senior Member from the other side of the aisle now calls our war effort in Iraq ''unwinnable.''

Mr. Speaker, our troops in uniform do not wear their political registrations on their sleeves. They are Americans representing all over America. I would caution those even as I embrace the right to dissent. I would caution those who choose to blame America first even in the wake of the challenges we see now with the abuses that are being found out and the people are going to be punished and punished and brought to justice from our side.

I would caution those who would paint with a broad brush every member of our military. I would caution those who would attempt now for political reasons to snatch defeat from the jaws of victory. It is not becoming this Nation. It does not well serve our men and women in uniform. And even as I defend the right to dissent, I disagree in the strongest possible terms with those who attempt to politicize this conflict and, in essence, place in jeopardy our men and women in uniform.

PRIORITIES OF THE HOUSE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, since April 1 this body has been in session 11 days. In those 11 days of legislative activity, we have named eight post offices and other Federal buildings, authorized the use of the Capitol grounds for the Soap Box Derby, congratulated the University of Connecticut, the University of Denver and Kennesaw State for their sports achievements.

Mr. Speaker, since April 1, 163 soldiers died in Iraq, bringing the total to 767.

Yesterday, the administration announced that it will keep our current troop level through 2005, and that we will need another $25 billion on top of the $112 billion already spent.

But while we name post offices and congratulate sports teams, our constituents are asking us the whys and the hows of Iraq. When the chairman of the Committee on Armed Services and the majority leader refuse to hold hearings, they are failing America.

As President Kennedy once said, ''An error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration and no country can succeed, and no republic can survive.''

Mr. Speaker, to govern is to choose. We can name post offices, or we can ask the hard questions about the direction of our country, and we might even be able to do both in this House.

WHATEVER IT TAKES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the book on terrorism has a chapter in it called ''Iraq.'' You cannot close the book on terrorism until you close the chapter on Iraq.

It saddens me that the Democrat leaders have now joined the ranks of the French and Spanish in calling the war in Iraq unwinnable. That is not what our troops told me when I visited them in Iraq. I asked a soldier what did he think about being in Iraq where all the terrorists are congregating from around the Middle East.

He said, this is where we ought to be. He said, this is the only place in the globe where every American carries a gun.

That war is winnable. We must support our troops. We must do like the firemen in New York City said on September 12 when they spoke to the President: do whatever it takes. We must do whatever it takes to win, and we will win.

God bless America.

MISMANAGED WAR

(Mr. BLUMENAUER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I have been listening to my colleagues on the other side of the aisle. The issue has never been whether or not our troops could win a war. They are the finest fighting men and women in the world, and they can win a war.

The issue is the mismanagement of this administration, their inability to win the peace. The mismanagement of our war is not the fault of our troops. It starts with the Secretary of Defense who is out of the loop. It is a failure of candor with people in this Congress who have to rely on the The New Yorker magazine to find out things that the Administration should have provided to our committees. It is a failure of our committees to move forward to deal with the investigations of problems of supply, of inappropriate activities on the part of contractors, of why there has been a failure of command that has produced the horrific pictures that put not just our troops at risk but put at risk any American traveling in the Middle East.

I think it is time for my colleagues to get a grip and get back to the business that we should, as Members of Congress, fulfill our responsibilities, not try to play politics.

STAND UP FOR AMERICA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I am disturbed. I am disturbed by the Democrats who would suggest that this war in Iraq is unwinnable. I reject that premise. Nothing could be further from the truth. We must continue to fight terrorism wherever it exists in the world.

Mr. Speaker, I am convinced that the security of our Nation depends upon stabilizing Iraq, Afghanistan, the Middle East and bringing peace and freedom to that region of the world. It is time to stand up for America. It is time to stand firm for freedom.

Mr. Speaker, we are blessed to live in the greatest Nation on Earth.

God bless America.

RUMSFELD MUST GO

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, Secretary Powell came before the Congressional Black Caucus yesterday. Every Member was there. They asked him, Are you going to ask for more money? He said, There is no need for more money.

Within 2 hours, the President of the United States came on and said, We need $25 billion more money.

Even the Secretary of State is left out of the loop. This government has no plan; and the fact that a Member has finally stood up and said what everybody knows, the emperor has no clothes, it is about time somebody said that.

My newspaper, the lead editorial this morning is ''Rumsfeld Must Go.'' He laid our people out there in danger. There is a study out of the Army that says that a quarter of the people who have died would not have died if they had provided the proper equipment.

Now, this was a war of choice. We did not have to go. Nobody was attacking us. It is clear we were not in danger.

□ 1015

They chose a day to go and so they went, whether they were ready or not. They did not care about the troops. Our troops are being badly used by rotten leadership. They should go.

SADNESS OVER COMMENTS ON IRAQ WAR

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this morning it is with a sense of profound sadness that I address the House of Representatives, and usually it is not so. I cherish the time that I have been able to spend here representing my District.

Mr. Speaker, my son is a member of the Air National Guard of the 136th Wing out of the old Carswell Air Force Base in Dallas. He is a staff sergeant, but I picked up the paper this morning like so many of my friends, and we see that the leaders on the other side have proclaimed the war unwinnable, and I think of all of the brave young men and women that I saw when I was in Iraq two times in the past year, and I cannot help but feel a profound sense of sadness that they feel that their leaders have abandoned them.

Now, we are all outraged and saddened by the photos of mistreatment of the Iraqi prisoners we have seen on our television screens. The abusers will be punished. The commanding officers will likely have their careers in ruins, but I just want to caution the leaders on the other side, indeed the candidates who are running for the highest office in this land, that this response is reminiscent of the response that a candidate named KERRY, 30 years ago had before the Senate committee where he condemned all of our troops in Vietnam.

This is not the case of our brave men and women over in Iraq today.

POINT OF ORDER

Mr. FILNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOSSELLA). For what purpose does the gentleman from California rise?

Mr. FILNER. Do the rules of the House allow personal reference to a candidate running for the presidency of the United States?

The SPEAKER pro tempore. Members may not personally attack a presumptively nominated candidate but may criticize his policies.

Mr. FILNER. The candidate was personally attacked on this floor, and I ask for his words to be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1030

The Clerk read as follows:

''Now we are all outraged and saddened by the photos of mistreatment of the Iraqi prisoners we have seen on our television screens. The abusers will be punished. The commanding officers will likely have their careers in ruins, but I just want to caution the leaders on the other side, indeed candidates who are running for the highest office in this land, that this response is reminiscent of the response that a candidate named KERRY 30 years ago had before the Senate committee where he condemned all of our troops in Vietnam. This is not the case of our brave men and women over in Iraq today.''

The SPEAKER pro tempore (Mr. FOSSELLA). In the opinion of the Chair, while personal attacks on a presumptive candidate are not in order, general references to past statements or positions by such a candidate are not, as with the reported choice of words, necessarily prohibited under the rules.

PARLIAMENTARY INQUIRIES

Mr. FILNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FILNER. Mr. Speaker, I am still not sure where that line is. If I were to say that the Republican candidate for President misled us into this war, is that crossing the line?

The SPEAKER pro tempore. The Chair will state these guidelines.

As the Chair stated on March 11 and April 22, 2004, the standards of decorum in debate applicable to the President are applied against any apparent nominee for that office. Thus, although remarks in debate may include criticism of such a candidate's official positions as a candidate, it is a breach of order to refer to the candidate in terms personally offensive, whether by actual accusation or by mere insinuation.

Mr. FILNER. Mr. Speaker, further parliamentary inquiry.

I am not going to challenge the ruling of the Chair; but if the candidate of the Democratic Party is accused of condemning our troops, I find that crossing the line, inappropriate and wrong. We are allowed, the candidate is allowed at Senate hearings to make his voice known about the war in Vietnam. He did not condemn the troops. I am upset with the ruling of the Chair.

The SPEAKER pro tempore. The point of order has been overruled.

HEARINGS ON ABUSE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the House should hold hearings on the abuses in the Iraqi prisons. The most powerful military machine that the world has ever seen quickly won the hot war in Iraq. It is the occupation of Iraq that is unwinnable. The gentleman from Pennsylvania (Mr. MURTHA) is on target with his analysis. The incompetent, improvised occupation of Iraq, guided by the Department of Defense, is unwinnable. Our troops in Iraq have been betrayed by the blundering of this administration and their top command.

An unqualified Secretary Rumsfeld improvising this occupation has thrown untrained soldiers into the role of prison guards. We owe it to our soldiers in the ranks to have a full investigation, to openly let the American people see exactly what happened. Yes, this is an un-American approach, un-American activity, and it probably involves only a few, but that few operate under top command.

Mr. Speaker, let us have a full investigation. The top command must accept responsibility. Hearings will reveal this truth. Let us have hearings as soon as possible.

STANDING BY OUR TROOPS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am very concerned that with troops in the field, the Democrats are now going out sending a signal this war is unwinnable. With young men in the hospital, wounded, amputees, they are saying this war is unwinnable. With families and Americans mourning the dead, the Democrats are saying this war is unwinnable. We often hear from Democrats, Well, I support the troops, but I am against the war.

Mr. Speaker, I have never understood that. I have the honor of representing the Third Infantry Division and five military installations in my district, and that just does not sell to the soldiers in the field that, well, I support you individually, but what you are doing is wrong and I am against it.

This is not the time for our country to be sending mixed signals abroad that we are a divided country and that some of us want to cut and run. The best thing we can do to honor those who are wounded, to honor those who have lost their lives and their family and to stand beside the nearly 200,000 troops we have in Iraq and Afghanistan is say, You are doing the right thing. This cause is noble and it is winnable. We stand united behind you. Even though it is an election year, America comes first.

WHO HAS LET OUR TROOPS DOWN?

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, the gentleman says we do not support our troops. The gentleman says we want to cut and run. The gentleman says we have let our troops down.

I will tell Members who have let our troops down: the administration that misled us into this war and did not tell us the truth, an administration that is incompetent, that does not provide the body armor for our troops, nor the armored cars. We have been told 25 percent of the casualties would have been prevented if this administration had been competent.

I will tell Members who has let our troops down: those who did not instruct prison guards in the Geneva Convention and who led young people, brave young men and women, to the abuse of prisoners and led to our embarrassment worldwide. That is who is letting our troops down: an administration that has no plan for the peace. We have no idea what we are doing there or how to get out. That is who is letting our troops down. That is who is not supporting our troops. I yield the balance of responsibility to this administration.

U.S. OIL PRODUCTION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, NPR News this morning had a report about why gas prices are now over $2 a gallon in some States and headed higher everywhere. The reporter explained that while demand has gone up, as everyone has known it would for many years, capacity has gone way down.

He said due to environmental restrictions, no new refineries have been built in this country for more than 20 years, and the number of refineries in California has decreased from 37 to 13. Also, radical environmentalists have successfully fought and stopped oil production in the frozen tundra of Alaska and most other places where it can be safely and environmentally and economically done in the U.S. Environmental extremists almost always come from wealthy, or at least very upper-income, families; but they are really hurting the poor and the lower income and working people of this country, and even our national security, by shutting down so much oil production and refining here and making us overly dependent on foreign oil that is being sold at rip-off prices.

□ 1045

REGARDING THE WAR IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my good friend from Georgia how many of the military families has he engaged. How many has he asked why there is a blackout on allowing America to mourn with them as their loved ones' flagged-draped coffins come home to America. How many administration officials have deigned to go to the funeral and to give to the family some comfort?

I know military families. They want this war to end with dignity, yes; but they want some people to be responsible for the travesty of what is going on. And so I ask in light of the fact that we want to blame the troops because of what happened in the prison, I do not want to blame them. They are young. They are 19, 20, 21. I demand for there to be some heads to roll. And Secretary Rumsfeld is the one that needs to roll along with his deputy, Paul Wolfowitz.

I ask the Speaker of the House to demand an open session here on the floor of the House for Secretary Rumsfeld to come and tell us why he was hiding reports for 2 months, why no one knew about the reports, and why these kinds of heinous and ridiculous acts are going on. We want peace over war, but this administration went to war with untruth. Now it is time for people like Secretary Rumsfeld to wash his hands of the tragedy of this and resign. This is the time that we should start anew.

MISTREATMENT OF IRAQI PRISONERS

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, the one bipartisan thing that we can all agree on today that we will address in a resolution today is that the conduct which we have all witnessed in pictures spread around the world by a few misguided and perhaps sadistic and criminally accountable young men and women in charge of prisoners of war was wrong. There is no debate on that. There is no debate outside the American military. There is no debate inside the Congress that this was wrong.

But I do believe it is important, Mr. Speaker, for the American people to understand that every soldier is instructed that this is unacceptable. Every officer is trained that this is unacceptable. From my experience both as an enlisted man and as an officer, the military will see that these individuals who were instructed that this was not acceptable and then broke the regulations will be punished. This Congress will oversee that. That is a word that the people of the Arab world need to understand, that the people of Iraq need to understand. Things have changed. This Congress will not tolerate this behavior.

HONORING TOM WOODRUFF AND MELISSA MILLER DURING NATIONAL TEACHERS WEEK

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor two of the many outstanding teachers in my home State of Arkansas. Melissa Miller, a sixth grade math and science teacher at Randall G. Lynch Middle School in Farmington, Arkansas, was in Washington this week to accept the National Educator Award from the Milken Family Foundation. She was honored by the foundation for her innovative teaching methods that use real-world applications to make learning relevant and interesting to students.

Then there is Tom Woodruff, who teaches at Rogers High School in Rogers, Arkansas. Tom was recently named as one of five national finalists in the NASDAQ's national teaching awards. The awards recognize teachers for their originality, creativity, and effectiveness in advancing interest in, and understanding of, our economic system.

Mr. Speaker, we are blessed to have such dedicated people teaching our children in the Third District of Arkansas. It seems fitting since the PTA has named this week National Teachers Appreciation Week to take a moment to thank Tom, Melissa, and all the wonderful teachers who are helping to shape the future of our Nation.

SUPPORT OUR TROOPS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, the American people quite often are seen from time to time from both civilian businesses and the military with some bad actors. We all condemn those. The problem that I have is that too many people focus on just the bad actors and forget about the people that serve us well both in civilian business and in the military. I have served in the military. What irks me is that people that condemn our military are generally the people that have not served themselves. They are generally the people that continually vote against defense, which most of goes to the families to support them coming back. They continually vote against intelligence. And then they have the gall to stand up here and chastise our military. Mr. Speaker, I think that is wrong. I am proud of the men and women that serve in our military. I think if those individuals would speak about their accomplishments more, maybe we would all be better off.

APPOINTMENT OF CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. FILNER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on 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, be instructed to insist on the language contained in section 415 of the House bill that requires foreign-flag vessels to have their vessel security plans approved by the United States Coast Guard before entering a port in the United States.

The SPEAKER pro tempore. Under the rule, the gentleman from California (Mr. FILNER) will be recognized for 30 minutes and the gentleman from New Jersey (Mr. LOBIONDO) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

The motion that the House has before it is really very simple. It instructs the House conferees on the Coast Guard and Maritime Transportation Act to insist on our House provision on section 415. Section 415 simply clarifies that all foreign-flag vessels that may be involved in a security incident in the United States must submit their vessel security plans to the Coast Guard for their review and approval before they enter the United States. It is pretty simple. We are trying to make sure that we do not have a terrorist incident caused by a ship coming to our shores.

We have seen clear evidence that terrorists have the means and capability to use vessels as a weapon. We all know about the attack on the U.S.S. *Cole*. Most recently, insurgents in Iraq blew up their boat filled with explosives when a U.S. boarding team tried to inspect their vessel. Two members of our Navy and one member of the Coast Guard died in that attack.

When this Congress enacted the Maritime Transportation Security Act in November of 2002, foreign vessel owners were clearly required to submit vessel security plans to the United States Coast Guard. They were prohibited from operating after July 1 of this year if those plans were not approved and if they were not operating in accordance with those plans. But in the month after this MTSA, the Maritime Transportation Security Act, was enacted, the Coast Guard went to London and agreed to amendments to the Safety of Life At Sea Convention to require security standards for all vessels engaged in international trade. These amendments are called the International Ship and Port Facility Security Code, or as we refer to them, the ISPS Code.

The Coast Guard never told Congress that they were intending to overturn the new security law by allowing foreign-flag vessels to enter the United States if their security plans were approved not by the Coast Guard but by the government in which the ship is flagged. As many Members know, thousands of ship owners choose to register their ships in so-called ''flag of convenience'' countries. The ship owners do this to save money because they know that these governments flaunt international law by not enforcing the international maritime conventions to which they are a party.

Mr. Speaker, our Nation has learned a great deal about terrorism since 9/11. One thing we have clearly learned is that not every nation in the world is our friend. Each day hundreds of ships enter U.S. ports with dangerous and hazardous cargoes. A weapon of mass destruction, a biological agent could easily be smuggled aboard a vessel in a foreign port. Look at some of the largest registries in the world, like Panama, Malta and Cyprus, and you will find vessels that are often detained by the Coast Guard for violations of international safety laws. Now we expect those same governments to protect U.S. citizens by making sure that their vessels have adequately implemented security plans? Give me a break! I for one am not willing to delegate our security responsibilities to the governments of Panama or Malta or Cyprus.

I raised this issue with the Coast Guard at two separate hearings. The Coast Guard argued that they do not have the resources to approve the security plans for the thousands of foreign-flag vessels that come to our country. I have a simple thing to say, as I said to the commandant: send us a budget request, and we will fight for every nickel you need to review and approve the foreign vessel security plans. The resources will be there if you ask for them. But do not compromise the security of our coastal communities and our whole Nation by placing our security in the hands of these foreign governments.

When Congress wrote the Maritime Transportation Security Act in 2002, we realized that it is up to the United States Government through the United States Coast Guard to protect our citizens. I urge my colleagues, Mr. Speaker, to support the motion to instruct the conferees on H.R. 2443 to insist on the House provisions requiring all foreign-flag vessels, any one of which may

be a potential terrorist threat, to submit their security plans to the Coast Guard for review and approval before they enter the United States. We ask this in law. We ask now to reinforce the law.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

On behalf of Chairman YOUNG and myself, I have a couple of remarks about this motion. We support section 415 and allowed it to be included in the House bill with the agreement that we would continue to work to improve the language. It is very important that we ensure that all vessels, including foreign vessels, have security plans. However, to protect the United States, we need to support the Coast Guard's efforts as they board and inspect vessels coming into U.S. waters.

However, the Coast Guard and the Department of Homeland Security have expressed strong concerns about the current House language. They are concerned about requiring submission and secretarial approval of all foreign vessel security plans. They are concerned that this requirement could undermine extensive progress on vessel security planning already made in the international arena and would impose an unsupportable resource drain on the Coast Guard. They are concerned that this could conflict with provisions of the Safety of Life At Sea Convention and the International Ship and Port Facility Security Code. This would place the United States at a significant disadvantage when demanding that other nations comply with their responsibilities and would significantly degrade our ability to negotiate new international requirements.

Additionally, other nations could retaliate and demand to review and approve U.S. security plans before our vessels were allowed to trade in their ports. I believe that this is a real danger. Ultimately, the sharing of sensitive U.S. vessel security plans with all nations may not be in the best interests of our own national security. I would like to continue to explore whether acceptance of foreign vessel security plans approved under the International Ship and Port Facility Security Code with aggressive Coast Guard verification and enforcement might better achieve our national maritime security goals.

There is concern that the number of plans that could potentially be subject to review is staggering. Worldwide, there are approximately 40,000 vessels required to have security plans. If section 415 were enacted, the Coast Guard would be required to review the security plan of each of these vessels that wanted to visit the United States. In recent years, approximately 8,000 vessels per year have visited the United States, making roughly 50,000 port calls.

□ 1100

Without significant additional resources, our diversion of resources from some other area, the Coast Guard could not accomplish this review and approval process in a timely manner. The cost of this effort would be substantial, and the Coast Guard is not funded in this effort.

The gentleman from Alaska (Mr. YOUNG) and I pledge to continue to work with our colleagues and the gentleman from Minnesota (Mr. OBERSTAR), the Democratic ranking member, and the gentleman from California (Mr. FILNER) to address their concerns on this homeland security issue.

Today we will support this motion, but would strongly recommend that we continue to discuss this issue with the Coast Guard and the maritime shipping industry and our colleagues in the other body to improve and merge our other bills to ensure that the country and our security is protected.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I was a little surprised the gentleman was going to accept the motion after speaking out against it, but I appreciate that, and I hope we fight for this at the conference committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for yielding me this time.

I was just meeting with some constituents in my office, and when I came in I heard the chairman speaking, and it sounded to me as though he was strongly opposed to our motion to instruct to better protect our ports and national security, but apparently from what I heard, he is going to support the motion. So I am a little confused.

But let me make the points that I think need to be made about this. We have a law, a national law, a law in the United States of America, that says under the Maritime Transportation Security Act, that foreign-flagged, that is, vessels that sail to the United States many times with very obscure ownership, in fact, the way international maritime law works, Osama bin Laden could very well own some of these freighters, but we would not be able to find that out.

So we are working on that problem and the Coast Guard has made some slight progress, but not enough in terms of lifting the veil of secrecy around who actually owns these ships, which I think is essential to our national security, but in the interim under the Maritime Transportation Security Act, these foreign-flagged ships of unknown ownership with crews who are not very well identified, that is, there are no foolproof counterfeit-proof IDs or certification for the crews, many of them have false documents, many of them are of a dubious lineage, no security checks that are meaningfully conducted on those people, are cruising in and out of the ports of the United States, and what we have today is a little better than before 9–11.

Proposals I had made subsequent to a ship accident have been implemented by the Coast Guard to hold the vessels that are in international align and to require manifests and other things and do boardings when they think they are necessary, and that is all well and good. But the Maritime Transportation Security Act goes one step further. They are supposed to have a plan that has been approved by the United States Coast Guard, these foreign-flagged vessels of uncertain lineage. Now, the issue before us is are we going to allow foreign classification societies, flags of convenience, and others to certify these plans in foreign languages with no review by the Coast Guard and just assume that everything is hunky-dory? That is really the issue that is before us.

I mean, let us take Liberia, for instance. There is no government in Liberia, pretty plain and simple, but they are a major flag of convenience for these freighters, these freighters which may be owned by Osama bin Laden. We really do not know. But they are done in an obscure way through nonexistent countries like Liberia. They exist, but they do not have a functioning government. They certainly do not have a Coast Guard. In fact, the government of Liberia, I think, recently moved. They were in Reston. I think they moved somewhere else in Virginia. They have a bunch of ex-Coast Guard people who are running their registry, which is just a for-profit thing they do, a flag of convenience, so that vessel owners, whoever they might be, can avoid the strictures of U.S. law for crewing and for safety and a whole host of other reasons.

I have never been comfortable with this arrangement, but I am particularly uncomfortable with an arrangement where the nonexistent government of Liberia will be certifying vessel security plans without any review by the Coast Guard, except perhaps the retired Coast Guard who are being paid a fabulous salary to pretend that there is a government in Liberia and that they are processing these plans on behalf of that government.

That is the situation we are confronted with. This does not give me great comfort. And, in fact, the international standards say, well, these nonexistent governments of Liberia, or its substandard performers like Panama, Malta, and Cyprus, again, all who are just trying to make money on flagging ships, and if they get tough with those people, like make them have an actual real vessel security plan, really certify the crews, well, they will just go to another country or so-called country, as in the case of Liberia, and get a flag from them for a few bucks more or less.

That is what it is all about. They are trying to avoid safety, security, crewing requirements, and all that. And this becomes to me another major security loophole for the United States of

America to say that Malta, Cyprus, Liberia, who do not care about the interests of the United States in these matters, would certify in foreign languages these vessel security plans. This is not adequate. It does not meet laws that were enacted with, I think, virtually unanimous support of the United States Congress under the Maritime Transportation Security Act. They undermine the Maritime Transportation Security Act. And then as I came in, I heard my chairman, with whom I have tremendous respect and he is a great advocate for the Coast Guard and he has helped them get more money, saying if we made the Coast Guard review these plans, they would not have enough people. They would need more resources.

Then let us ask for the resources. This is a pattern I keep hearing from the administration. Yesterday I was at a hearing with the Transportation Security Administration folks, and we were raising concerns about rail and port security in the Railroads Subcommittee, and I said, Look, just be honest with us. Tell us you do not have enough people and you need more money. And they cannot do that because the political minders down at the White House are watching them. They cannot ask for more money for homeland security. We cannot ask for enough money to help the Coast Guard. I mean, the Coast Guard could contract this out if they do not have the staff, and the administration loves contracting out. We could hire a firm, a U.S. firm, who has security credentials or something else to certify these plans. But to allow Liberia, which does not have a government, to approve these plans of ships of unknown lineage and ownership in foreign languages and say that meets U.S. law, that is providing optimal homeland security for the United States of America, is absolutely wrong.

So I hope that the ranking member was right in saying that the chairman will support this. I hope he will and I hope he will not just support it with his vote, but he will support it wholeheartedly through conference. We need these protections for homeland security. And if it is a matter of a few more dollars, then let us ask for that money so we do it compliant with our law and not with a loophole-ridden international organization that does not give a darn about U.S. security.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Oregon (Mr. DEFAZIO) for his comments. The gentleman from Alaska (Mr. YOUNG) and I do support this, but as we have worked through the committee all along in a very strong bipartisan way, we are expressing that there are some legitimate concerns such as our turning over our vessel security plans to this nonexistent government of Liberia. These are things that we should be talking about. These are things that we want to talk about so that in the end the final product that we have is a product that will ensure our national and homeland security.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have been informed that there are no ships with American flags going to Liberia.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman, ranking member, for his stout defense of the committee position and for his splendid service, and I also wanted to express my great appreciation to the gentleman from Alaska, the chairman of the full committee, who has, from his first day in this body, been a stout defender and advocate of the U.S. Coast Guard. He sometimes calls it ''my Coast Guard,'' and rightly so, because Alaska has the largest coastline to protect in all of the Coast Guard's work.

And I have enormous respect for the gentleman from New Jersey, who has one of the largest Coast Guard facilities, perhaps the largest in his district, who has chaired the subcommittee with great distinction.

But I must say I am disappointed in the Coast Guard and in the administration, whoever it is. It is uncertain. The Coast Guard has been shifted from the Department of Transportation to the Department of Homeland Security. We hardly know who is the Secretary to whom they report for all the various functions of the Coast Guard, or whether this message is coming from the White House or the Office of Management and Budget. Whatever it is, the Coast Guard is on the wrong track.

We passed the port security bill, known as the Maritime Transportation Security Act, in November, 2002, hard on the heels of all of the horrific events of September 11 and in the spirit of vastly improving security in all of the modes of transportation. We had extensive discussion, debate within our committee, all aimed at one objective, protecting transportation in America from terrorist threats. Every step of the way, the purpose was to elevate security in transportation, make it substantially better, not just an increment, not just a little step better. And I was at the White House for the signing of the bill. I think the gentleman from New Jersey was there as well, as I recall. A delegation from the other body was there.

The President was very proud of that bill. Hardly was the Coast Guard involved in the International Maritime Organization negotiations on the Safety at Sea law, negotiating something that really undercuts a main thrust of this legislation. When we crafted this bill, the MTSA, the original law, I drew on our experience in aviation in the aftermath of Pan Am 103. I served on that commission with the gentleman from Arkansas, Mr. Hammerschmidt, and one of the great failings we saw was that the United States really did not have the ability to go into foreign countries' aviation programs and see whether they had a strong security program, whether they were doing security inspections and screening of passengers, screening of luggage, screening of mail, as we were doing and as we were proposing to do in even stronger fashion; so we crafted in that legislation language to establish foreign security liaison officers within the FAA in foreign countries with the authority to go in and inspect, with the authority to look at aviation security plans of foreign governments.

And I took that theme and introduced it into our Maritime Transportation Security Act. It was missing one word. I sort of take the responsibility for it. We did not put the word ''foreign'' vessel, thinking that was pretty clear that vessels coming into U.S. ports that are suspect would be from other countries. The Coast Guard went and negotiated away that power of the U.S. to inspect the security plans of other countries and to see whether vessels operating under a foreign flag were in compliance with the security plan of the country of registry of that vessel.

□ 1115

Well, seeing that shortcoming, in the course of hearings that the chairman of the committee conducted, the issue came up. It was raised by members on both sides in the course of our hearings. So the language was tightened up, just to make it very clear we would have the ability to inspect, that the Coast Guard have the ability to inspect, the security plans of foreign governments.

Now, why is that a concern? Because this is the document that the U.S. Coast Guard negotiated, the Safety of Actions At Sea. It was 17 December 2002, and the relevant language, ''Ship security plans are not subject to inspection by officers duly authorized by a contracting government to carry out control compliance measures in accordance with regulations specified in section 9.8.1.''

Here is section 9.8.1. ''Officers,'' meaning U.S. Coast Guard in this case, ''will have limited access to the specific section of the plan allowed in the exception, only with the consent of the contracting government,'' meaning Malta, Liberia, Panama, the Philippines, ''or the master of the ship concerned. Parts of the code are considered as confidential and cannot be subject to inspection unless otherwise agreed by the contracting governments concerned.''

Did our President not say, the President of the United States say, and has he not said repeatedly, ''I will never ask permission of the United Nations to defend the United States. I will never ask permission of a foreign government to protect the citizens of the United States. We are not going with a permission slip''?

This is a permission slip. This is what has been agreed to. I heard what the chairman said, that, oh, if we insist on protecting our interests, then other governments will insist on inspecting security plans of the United States.

We have only 37 American-flagged vessels in international commerce. They do not call on ports at Malta and Liberia. That is not the issue. The issue is whether we, the biggest trading Nation in the world, 11 million containers coming into the United States every year, will have the ability to see whether those ships were loaded in accordance with the security plan that meets our standards and will protect our security, and that there is not anything going on those ships that does not belong on those ships, like bombs, nuclear devices, weapons of mass biological destruction.

We do this already with aviation. Why can we not do it for maritime? Time and again, we have heard our biggest threat, the biggest unknown is what might be in a vessel coming into a U.S. port, what could be there that could destroy a city, not only on the coastal plain of the United States, but in the interior as containers move from the port to the interior of the country.

Now, why have this motion to instruct? The purpose is that the Senate, excuse me, the other body, has language in its version of our bill that simply accepts the international convention. The Senate version simply recognizes the ISPS Code, security plans drawn up by foreign-flag states, and allows the country of registry to do the signoff.

Well, I know from experience and having been at this for some time that in those countries of foreign registry, very frequently the security plan is contracted out to some private entity, a private entity that has been approved by the classification societies. And as we know, those international ship classification societies are not repositories of great strength and great courage and great oversight or great concern about security. So I do not want to see a security plan and have us just on faith accept a security plan of another country of registry, done by a contractor, which we do not even review.

Furthermore, under the international convention, which I just read, the Coast Guard has to get the equivalent of a search warrant. They have to have probable cause. They have to find something that they say, we know there is something wrong. We have evidence that this ship has been improperly loaded and there may be ricin stored in one of these containers, or the equivalent thereof.

Why do we have to do that? That is nonsense. Are we going to protect America, are we going to protect our shores, are we going to protect our ports, or are we just simply going to leave it to the good will and good offices of other countries? We do not do that in aviation, and we ought not to be doing it for port security.

Why do I take the time to say this? Because I feel very strongly about this. I have given 25 years of my service in this body to security in aviation and to maritime security, to on-land security. A good part of my career has been on aviation safety and aviation security, and I do not think that we should do anything less than the best.

So, yes, we had that language in our bill. I think we need to have this vote here on that language to reinforce the position of the conferees when we go to the other body because their language simply embraces the international convention. We have to tell them, wait a minute, that is not good enough. That does not do a good enough job. If you are serious about protecting our ports and protecting the homeland of the United States, with 11 million containers coming in, 8,000 vessels calling at our ports every year, let us get serious about it and make sure we provide the Coast Guard with the personnel and financial resources to carry out this mission.

It is crucially important. Either we are serious about port security or we are not; and not being serious is swallowing this International Convention on Safety of Life At Sea.

That is not safe. I will trust the U.S. Coast Guard. I know what the men and women of the Coast Guard can do. They are serious, they are experienced, and they will do the job of security.

So let us reaffirm the position of the House. Let us make sure when we go to conference, we stand firm; that the four principal negotiators on the part of the House are backed up by the voice of this body, so that we stand firm on this language. Let us give the Coast Guard the authority it needs. Let us stand up to make sure that we are protecting our ports. Protect the House position, protect security in the homeland of the United States through the one major Achilles heel afflicting us right now, and that is port security.

Mr. LOBIONDO. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Speaker, we are in agreement with so many points that the gentleman made. No Member and no one should get the impression that any of us are not completely committed to maritime anti-terrorism, to homeland and port security. What we are saying here is we believe there needs to be just a little bit of additional fine tuning.

But in principle, I agree. I will support the gentleman's motion to instruct, and I thank the gentleman very much.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I thank the gentleman. We will stand firm in conference.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. FILNER).

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H. RES. 627, DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 628 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 628

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 628 is a closed rule providing for the consideration of House Resolution 627, deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice to any member of

the Armed Forces who has violated the Uniform Code of Military Justice, and expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes.

Mr. Speaker, the rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule provides one motion to recommit, which may not contain instructions.

Mr. Speaker, Members of this House, and indeed millions of concerned Americans, have been appalled by reports that Iraqi prisoners have been severely mistreated by their U.S. captors. President Bush has rightly pledged to ensure that those responsible for this abuse are brought to justice, and that process is already under way.

Mr. Speaker, in a society like ours that prides itself on its commitment to civil and human rights, there is no place for the sorts of atrocities depicted in recent days in newspaper and television accounts from Iraq.

Thankfully, it appears that the reported abuses have been the exception, rather than the rule, during this conflict. But that does nothing to excuse those who carried out or permitted the acts in question to take place. They must be punished swiftly and surely.

At the same time, Mr. Speaker, we must not permit the outrageous acts of a relative few to stain the service of more than 100,000 of our brave American men and women who are risking their lives every day in the cause of freedom. They are doing what is right, and they are doing it the right way. Their services make us all proud to be Americans.

Therefore, in addition to strongly condemning the acts of abuse by U.S. personnel against Iraqi prisoners, House Resolution 627 also pays tribute to the selfless service of our men and women in uniform.

Mr. Speaker, the President has spoken loudly and clearly on this subject, and it is imperative that we in the House do the same. Accordingly, I ask my colleagues to support both the rule and House Resolution 627.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, we are here this morning to carry out a very grave duty. We are here to express the horror felt by the American people upon seeing the graphic images and learning of the torture, abuse, brutalization, and humiliation of Iraqi detainees at the Abu Ghraib prison.

□ 1130

We are here to condemn such acts.

But we are also here to do much more. We need to make clear that this Congress not only condemns these actions, but demands a full investigation and accountability for those who perpetrated these acts, those who ordered these acts, those who turned a blind eye to these acts, and those in the chain of command who failed to act upon repeated warnings and reports of abuse of Iraqi detainees.

Mr. Speaker, I firmly believe that the overwhelming majority of our uniformed men and women currently on active duty in Iraq, Afghanistan and elsewhere carry out their duties in an exemplary manner. They have represented the United States in perilous times with great distinction and great honor. And it is critical that Congress not blindly accept the scapegoating of a few enlisted men and women when there is a much more serious, troubling, high-ranking, and systemic problem that needs our most serious attention.

In December last year, Human Rights Watch issued a searing report on inhumane conditions and abuses of detainees under U.S. authority in Afghanistan.

We now know from the media that the International Committee for the Red Cross has also been urging U.S. military authorities to make substantial changes on how detainees are treated at prison facilities throughout Iraq.

Mr. Speaker, this is a grave and serious crisis, and I do not use the word ''crisis'' lightly. It is a crisis for our relations with the people of Iraq. It is a crisis for our relations with our allies. It is a crisis for our intentions to create a stable and more democratic Middle East. It is a crisis for our Armed Forces, whose honor has been stained by these revelations. It is a crisis for our Nation whose honor, intentions, reputation, and moral authority are now suspect throughout the world. It is a crisis for the safety of our troops in the field and the safety of our homeland.

Mr. Speaker, I fear for every American, military and civilian, who is now held captive in Iraq. For how can we demand standards for the humane treatment of our own citizens when it appears to many that we have turned our backs on those very standards and international law in our treatment of foreign detainees?

Mr. Speaker, Congress needs to carry out its own thorough investigation, not just about what happened at one isolated prison in Iraq, but in the breakdown in chain of command and the context within the Armed Forces that created such a climate for these crimes to take place.

I believe the conditions that led to abuse were created at the very top when our Secretary of Defense announced early in the war against terrorism that the Geneva Conventions would not apply to many of our actions, especially those concerning detainees.

I believe the conditions that led to abuse were created at the very top when independent monitors were denied access to prisons and detention facilities.

I believe the conditions that led to abuse were created at the very top when decisions were made to assign troops, many of whom were inexperienced in prisoner treatment and the rights of prisoners, rather than to troops who have been trained for such duty.

I believe the conditions that led to abuse were created at the very top when information and reports were withheld from the relevant intelligence, defense, and foreign policy Congressional committees regarding these abuses.

Mr. Speaker, I also believe that this Congress needs to take a hard and serious look at the use of private contractors engaged in interrogation of prisoners and ensure that their role in these abuses is fully investigated and punished.

But even more importantly, I believe the President of the United States must act. The President must demonstrate exactly how serious the United States is about changing the conditions that led to these abuses.

The President prides himself on being a plain-spoken, straight-shooting man of action. This moment desperately calls for some plain speaking and accountability. Anonymous leaks to the news media about the President of the United States ''privately chiding'' the Secretary of Defense simply will not do.

Mr. Speaker, Donald Rumsfeld needs to resign as Secretary of Defense, and if he does not do so, President Bush should fire him. No other action, no other words would send as strong a signal to the world that the United States is serious about fixing what is wrong in Iraq.

Mr. Speaker, I regret that this resolution required a rule for debate. I regret that unanimous consent could not be obtained. But I firmly believe that this resolution needs to assert the oversight responsibilities, our own accountability, and investigate these abuses and the systems that created a climate of abuse. We cannot call for accountability by others and then shirk our own responsibilities. I firmly believe that we must investigate the roles of both our uniformed personnel and private contractors in these abuses, and I would have hoped that the majority would believe the same.

Mr. Speaker, at the conclusion of this debate, I will move the previous question. If defeated, I will offer an amendment to the rule allowing for the consideration of an amendment to be offered by the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services, affirming the need for a bipartisan congressional investigation to

be conducted immediately into these allegations of abuse, including those by civilian contractor personnel and into systemic chain of command and other systemic deficiencies that contributed to such abuse.

I hope that my colleagues on both sides of the aisle will join me in this effort to affirm the need for the Congress to carry out its constitutional duties of oversight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank my colleague, the gentleman from Washington (Mr. HASTINGS) for yielding me this time. I rise today in strong support of both the rule and the underlying resolution.

I believe most Americans, as I was, were extremely upset by the images they saw on television of prisoner abuse in Iraq, and the horrific actions just defy everything that America stands for and Americans stand for: goodness, decency, fairness, compassion.

The perpetrators of these dastardly deeds must be swiftly brought to justice and severely punished for their actions.

America and our allies liberated Iraq from a despot. Mr. Speaker, our soldiers are very sincerely over there helping to restore basic services to Iraq and make life for the Iraqi people much better, and they are doing it at serious risk to their own lives. A few sick people in the military have set back our efforts for peace in the Mideast and around the world for who knows how long. They have destroyed all of the good relationships our soldiers and others have established in Iraq. And the majority of our service men and women are very good, decent, patriotic Americans, very honorable.

So we must not allow these actions by a few to overshadow the goodness of the majority of Americans or of our soldiers, or the effort to win the war on terror. We cannot close the book on terror until we close this chapter on Iraq.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules and the Permanent Select Committee on Intelligence.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and my good friend, the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time. This morning he and I and the other members of the Committee on Rules who are here met at 7 o'clock a.m. to discuss this resolution.

Now, the simple fact of the matter is, it is important for us to recognize that the American military has no peers. It is also important for us to recognize that most of the men and women, the great majority of the men and women in the military are not the kind of people that are now being investigated and that we see so widespread, and are not the kind of people that would abuse people in the circumstances that the detainees found themselves.

It is unfortunate that this matter does not come to the floor under unanimous consent. It does have, as I pointed out this morning, one or two flaws that could easily have been corrected had the majority determined that it was proper to do so.

One of those flaws allows itself to come forward in one paragraph which reads, ''Whereas the Congress was not fully informed of the existence,'' and that is true, ''or the seriousness.'' But it does not say what I think it should say, and that is that we decried the fact that for too long, this was in the hands of military higher-ups who did not deem the oversight responsibilities of Congress important enough for them to bring the matter forward.

Additionally, this is a resolution about horrors that took place inside a prison. This is not a proper place, in my judgment, for us to be bragging about anything concerning the conditions being better after the removal of Saddam Hussein.

Additionally, it is that these abuses, as offensive as they are, need to be put in perspective with regard to the ongoing military effort.

I would urge everybody to take a deep breath and to realize that no American, Republican or Democrat, would allow for this kind of conduct, and no one from the President on down does not feel sorry that this occurred, and all of us should be in a position to do as the general who now is in charge of this prison did, and that is, apologize not only to the detainees that this occurred to, but to the others who likely feel that America has lost its moral authority.

America will never lose its moral authority, because in this body and in the White House and in the Secretary of Defense's office, and in the Secretary of the Army's office, justice will come to those who took advantage of others in circumstances that were not proper.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence in the House.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank my colleague and friend, the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, we have always known that the war on terrorism was going to be lengthy and difficult. President Bush told us that from the very beginning.

Americans everywhere have girded up for a sustained conflict across the globe, around the world. We have great and justifiable pride in our troops and all they have accomplished. We have accepted the necessary sacrifices in the war on terrorism with a heavy, but a resolute heart in places like Afghanistan and Iraq.

However, it is impossible to accept the apparently isolated, but nonetheless totally deplorable instances of blatant prisoner mistreatment that have surfaced in the past week. These actions, particularly when contrasted with the courageous and honorable decisions made day in and day out by the vast majority of our American soldiers in difficult circumstances, must be strongly condemned.

The charges of abuse will be examined fully and immediate corrective measures taken to prevent against their reoccurrence. That is assured. No equivocation can be tolerated. Wrong is wrong. The international community will be watching America's actions closely, and now is the time to demonstrate anew that the American soldier respects the rules of engagement and always values justice and humane treatment of detainees and prisoners. We all abhor the slaughter and maiming and carnage of innocent victims, which, of course, is the terrorists' hallmark.

Mr. Speaker, I rise today because our military has worked too hard and accomplished too much to be stained by the actions of a few. By acknowledging that this is a tremendously hurtful anomaly in an otherwise impressive effort, I hope that justice may be swiftly served and the trust in America restored.

The House Permanent Select Committee on Intelligence routinely and regularly oversees interrogation activity for intelligence purposes, and we are giving comprehensive attention, of course, to these newly-discovered abusive treatment cases. In fact, as we speak, our committee is receiving briefings upstairs and asking some very tough questions, and I will return to that meeting forthwith.

The conduct of appropriate and professional interrogation is extremely important to the successful prosecution of the war on terrorism and the protection of our troops and citizens at home and abroad.

□ 1145

Terrorism is a bad thing, and interrogation on a proper level of a terrorist is an important tool for us to preempt the mischief that they can cause us.

This rule brings forward a clear resolution that supports the views I espouse and that other Members have espoused articulately. I urge passage for this rule and for this resolution.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule. This resolution condemns abuse, but presents glaring and unacceptable omissions. The boiler

plate language offers no apology, does nothing to ease the international tensions, and calls on the Department of Defense, quite frankly, to investigate itself.

The resolution is insufficient on all three grounds. We need a full-scale bipartisan congressional investigation into these charges and their devastating international consequences and also the role of private contractors in this war. I hope that these horrible human rights abuses are not just the tip of an iceberg.

Tens of thousands of American troops are serving with great courage. These outrages do not typify their behavior; but they do, they do endanger their lives. As for those accused and others, I quite frankly worry about our young men and women in uniform who are being dehumanized.

These young men and women are being dehumanized. They are being dehumanized by the policies of the Bush administration and a war that allows them to cross this threshold.

Finally, Mr. Speaker, this resolution presents really a very false portrait of Iraq, one that is safe and secure and prosperous. I urge Members to vote against this rule. This really is not about a handful of photographs. It is about the failures of leadership at the very highest levels.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), the distinguished Republican Conference chairman.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of this rule and the underlying legislation. I rise in sadness and regret. The behavior of the soldiers charged with misconduct and abuses of prisoners in Iraq, to use the President's word, is abhorrent.

The Iraqi people are beginning new lives of liberty and freedom. They are just beginning to shake off the dread of years of torture and abuse. They are only just beginning to sleep soundly, without fear of midnight kidnappings. They are only just beginning to express their views on politics and social issues. Our whole country is appalled and disgusted by the reports of this insane abuse.

I send my deepest sympathy and regret to these Iraqis who, in such a tender moment, are forced to see scenes of abuse that I can only imagine bring to the surface old fears, old nightmares, and old wounds.

The actions of a few are sure to have long-term implications of mistrust in the Middle East. Our message is clear: we are devastated. We went into Iraq because Americans reject evil and embrace liberty. The heart of American values is founded in respect for one another, in fairness and a love for freedom.

Today we should ask ourselves what can we do to rebuild the trust and confidence in the hearts and minds of those we want to help. Unlike 20 years of unavenged, unstoppable evil at the hands of Saddam Hussein, this abuse will not be tolerated. It will not be brushed over. It will not be excused.

I join my colleagues in the U.S. House of Representatives and condemn these acts and support immediate, meticulous investigations into the abuse reports, full disclosure of abuses committed, and justice served to those men and women responsible.

Every day the men and women of our Armed Forces are putting their lives on the line because they believe in their mission and they are devoted to their duty. They also have been hurt by these senseless, shameful acts. We cannot falter in our support for thousands of troops who now more than ever require reenforcement, support and prayers from their government, their friends, and their families at home.

I would ask the American people, Iraqis who have tasted liberty, and freedom-loving people across the world to renounce the reprehensible deeds of a few and look forward. I ask them to renew their support in the brave efforts to free Iraq and our efforts in the war on terrorism, and for the men and women of our Armed Forces who sacrifice daily in defense of honor, justice, and democracy.

Mr. Speaker, I urge my colleagues to support this rule and the very important legislation it enforces.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this outrage cuts to the bone, not just because it damages our international relations, but because it damages basic tenets of American values. And when you have such a deep wound, self-inflicted, you cannot have half measures. And this resolution is weak tea when we need strong medicine; and it is inadequate, and this rule should be defeated for that reason.

Where in this resolution is there a call for the obvious need for an investigation of the private contractors who are making hundreds of thousands of dollars, who are involved in this outrage, who are outside the chain of command, who are not subject to military justice? Why will the Republican Party not join us in investigating those private contractors and putting this in this resolution? Why is there nothing in this resolution about the need for an international opening up of our system so that we can regain credibility? Why is there not in this resolution an accounting for the Iraqi people of who is in there? And lastly, where is the resignation for Donald Rumsfeld?

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 19 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 17 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this resolution will be minimally useful at best.

I intend to vote for it. But it falls far short of what this House ought to be doing today.

Lou Dobbs two days ago on CNN I think said it best when he said that the reason the Commander in Chief needed to make a public apology for what happened in the prisons in Iraq was not just because that conduct was offensive to the Arab world but because it was offensive to basic American values. And I think Mr. Dobbs had it dead right.

Later on in that same program, Anthony Cordesman, a well-known defense expert, made the observation that the worst thing about this from the standpoint of American troops is that because the pictures associated with these violations of human rights will have inflamed the Arab world, that unfortunately it is likely that additional Americans will die because of that. And unfortunately, he also had it dead on.

This resolution needs to be amended, and there will be an effort to do that, to amend it to affirm that we need a bipartisan congressional investigation to conduct an investigation into these allegations of abuse, including those by U.S. civilian contractors and other civilians, and an investigation into the chain of command and other systemic deficiencies including the command atmosphere that may have contributed to such abuse. That is the minimum that is necessary.

Now, months ago I called for the resignation of the Secretary of Defense because I think the conduct of the civilian leadership of the Defense Department in conducting the affairs in Iraq after the war was spectacularly incompetent. So I do not need to go into that today.

Mr. Speaker, the following is an article from a Washington Post editorial on Mr. Rumsfeld's performance on this issue.

[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 review 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 right 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, the publicly dismissed or minimized such accounts. He and his staff ignored detained 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. Speaker, I would just make this observation. The Congress has only two real abilities to effect events. The first is to use the power of the purse, and preliminary to doing that, to ask the right questions about what the intent of our government is before we get into something like Iraq. The Congress, unfortunately, settled for spongy answers beforehand.

But the second power that Congress has is the power of investigation. At least after the fact, this Congress ought to investigate from top to bottom what contributed to this outrageous chain of events that has been such a disgrace to our ability to stand up for basic American values. At least if we do that, we can try to ensure that something like this never happens again in the name of the United States of America.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, it is sad that the resolution before U.S. today is as close as we can get to having a full and open debate on the tragedy that continues to unfold in Iraq.

Yes, this is about failure of leadership in the Department of Defense from Secretary Rumsfeld and the team that was unable, after winning the war, to win the peace, a Department that cannot communicate with its own Department of State, let alone the Congress. But it is about more than the failure of the administration and the Department of Defense.

What we should be debating today is the failure of Congress. We should be having hearings dealing with these issues on armed services, international relations, appropriations, government operations.

Mr. Speaker, my Republican colleagues do themselves no favor rushing this to the floor and refusing to deal with the responsibilities of congressional oversight. When our Republican colleagues do not permit us to do our job, it does not help them politically. What happens is that this is forcing us to rely on reporters from the New Yorker & from CNN. The avalanche of reports now coming out show the Department of Defense knew about this, even if the top brass had not bothered to read the reports. This should have been shared with members of Congress, and we should have been helping them do their job.

It is not just the brave men and women on the front lines in Iraq who are being shortchanged by failures of Congress & the Administration. We are shortchanging the American public, wasting their Treasury, putting Americans at risk, and undermining their confidence in their government doing its job and giving them straight answers.

I strongly urge the rejection of this rule and that this morning we start doing our job as Members of Congress to give the American public the information they deserve.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this resolution is written as if the administration's war in Iraq was right from the beginning and now is basically going well, and neither is correct.

It is written as if support of the troops is an issue. It is not. We fully support our troops.

What is at issue is the appropriate response of this House to the horrendous conduct illustrated in the graphic pictures of prisoner abuse.

What is in issue is the appropriate response of this House to the American people and to this House hearing the truth on TV while it was sitting undisclosed on the desk of high administration officials.

The proper response for this House is not just to pass resolutions but to be an active force in facing up to what is happening in Iraq and its consequences for our Nation and the world.

□ 1200

When it comes to events in Iraq, the majority in this House can no longer simply rubber stamp all of the actions of this administration or pass the buck to it or the Senate.

Turn down this rule so we can add an amendment requiring this House to step up to its responsibilities.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, all of us on both sides of the aisle come to the well and to discuss the different events on this resolution.

First of all, I am very, very proud of the men and women that serve in our

armed services, and I served with in Vietnam and all the conflicts up to that point, but time has witnessed a sine wave of activities.

In business we had Enron. We have had a Member of this body sexually abuse a page. We have had a Nixon break-in and impeachment of a President. Harassment in our military academies and we look at the scandal in the Catholic church, but Mr. Speaker, there are good people in Enron, there are good Members of Congress. The harassment in our military academies, most of those men and women serve honorably, and the same thing in the Catholic church, but good people is not the question here.

The question is what happened in our interrogation facility, and I sit and I questioned myself, what are the key reasons why everybody is so upset? What factors bother us? One thing, leadership at the point of infraction, and secondly, the timeliness. Let me give my colleagues a good example.

I had an admiral that brought us, his commanding officers, together, and said if I have a single commanding officer that gets busted with a DUI or DWI, I am going to fire you, and not a single CO received a DUI or DWI. If they went to a party, they had a designated driver. Prior to that, many of the commanding officers got picked up for a DUI or DWI.

I would bet, Mr. Speaker, that no one at that prison sat those kids down and said this is the expected conduct. I just witnessed from the services all kinds of paper, all kinds of rules, people that had been there to investigate, look at the different things that go on, but I want to tell my colleagues, not a single officer sat down with those sergeants, with those people and said if this is your conduct these are the consequences, like that admiral did with us and the DUI's. The breakdown was at the point of leadership at the prison.

Secondly is the timeliness. I had a squadron and I had exceptions to the chain of command. My friend over here the gentleman from New York (Mr. RANGEL) knows about the chain of command. He was in the service, but as commanding officer, a person could walk into my office, past my chief, past my division officer, past my executive officer for several things: any known sexual abuse, because I had women in the squadron; anything racial, even verbal, because it could destroy the unit; any known drugs within the unit; the thing that I have recommended to the military, anything, any conduct that would affect the unit, negatively, the Services or United States of America, and I think those two things were overlooked in this case, that it did not go up the chain of command fast enough. There was not enough action taken, and that there was a breakdown in leadership and cutting through the chain of command.

The last thing I would recommend to our military is that when they have something so critical that is a blight on the United States of America, that we sit down and we take care of this, but let us not forget the people that serve us are the best of the best, and yes, there are Enrons, there are Catholic churches, there are others, but the majority of our people are very good people.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to condemn the alleged abuse of prisoners in Iraq. We must take every step possible to investigate the shocking allegations, punish any perpetrators, re-examine our entire system of interrogation and confinement to prevent such occurrence from happening in the future.

I have called on Attorney General Ashcroft to begin an investigation of abuses committed by private military contractors in Iraq. I circulated this letter to all of my colleagues for review. A hundred Democrats have signed on so far. I hope all my colleagues will join me in this effort.

In the year 2000, Congress passed the Military Extra Territorial Jurisdiction Act, which allows the Justice Department to investigate and prosecute criminal action by contractors abroad that are in the employ of the United States Government. This Congress granted the Attorney General this authority for this exact case.

Attorney General Ashcroft has the ability to investigate and prosecute any criminal abuse by private contractors. I urge him to begin his investigation immediately.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me the time.

We come today together as a unified body, 435 Members of the people's House, without any question about condemning totally unacceptable behavior, and I support this rule very strongly because it is most appropriate that we come to the floor and say today our unanimous condemnation of behavior we do not accept under any circumstances.

We need to maintain a focus that says to the American people and even more importantly the rest of the world that in a free society, where men and women can come to the well of the House and express their opinion on any subject, there are many countries around the world where freedom does not exist, but in our free society, the home of the free and the land of the brave, we have the right to stand up and speak out when something goes wrong.

In the land of freedom, we have responsibility. People are accountable for their actions, and the perpetrators of these deeds will be punished. This is the issue today. So now is the time to stand up and express our joint outrage for what has happened.

We also need to make sure, and ironically, as I waited to speak, I received a message from Daniel Metzdorf, an 82nd Airborne trooper who lost a leg fighting for the freedom that we all want for Iraq, got a message, wanted to know how I am doing. He is the one that lost a leg.

We cannot lose the focus today, as we speak out against this contemptible behavior that 99.9 percent plus are wonderful men and women in uniform who are seeking to bring freedom to Iraq, to give them the opportunity to express their opinion. Yes, the rest of the world, we have made a mistake here and we all agree but we will not accept it.

Whatever steps are necessary to follow up our condemnation today of these despicable acts, we will, as Republican, Democrats, in a bipartisan manner, we will get to the bottom of it. The perpetrators will be punished. We will see that it does not happen again. Justice will be served. Freedom will be protected.

We are here to do the right thing. That is what America is about, but please do not lose sight of what is being done for us, for Iraq, the rest of the world by these men and women in uniform who are seeking to provide freedom and justice for all the world.

Mr. Speaker, again I thank the gentleman from Washington (Mr. HASTINGS) for the time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise to speak against this rule. We can do better. We can do much better as a Nation and as a people.

Mr. Speaker, I rise today with a heavy heart, but my conscience is clear. I am so sick and tired of seeing so many of our young men and our young women die in Iraq. I am deeply troubled by the acts that some of our soldiers committed against the prisoners of war in Iraq.

Mr. Speaker, I say to my colleagues today, we must take a good and hard look at the leadership of this Nation, the leadership of this government, the leader of this government, the person who was in charge. I say to my colleagues today, we must hold the leadership, the President, the Secretary of Defense, the Vice President, hold them accountable for mistake after mistake we have committed in this war, and we must hold them accountable for the unjust torture of prisoners of war.

Mr. Speaker, it is not a question of who committed these unbelievable acts. It is not a question of who, but what. What led to this flagrant disregard for the humanity of our fellow human beings? Those at the highest level of this government, the President, the Vice President, the Secretary of Defense, they all have created the climate and the environment that led to these abuses. What happened to those prisoners is a reflection on our soul, on our values.

American citizens smiling as they humiliate citizens of Iraq! There must be a sense of righteous indignation in America about what happened in those prison cells, and there must be a sense of righteous indignation in this Congress against these unspeakable acts. Does it profit a great Nation to gain a whole world or win a war and lose a soul?

Mr. Speaker, I have said it in the past and I say it again today. War is messy. It is bloody. It tends not to just hide the truth, but to sacrifice the truth. Why did it take so long, so long for us to get this information? Why did not Mr. Rumsfeld, why did not the President inform the Congress? Why did officials at the highest levels of government try to hide these criminal acts against humanity? Why did they try to cover it up?

Mr. Speaker, we have made mistakes, yes, but it is not enough to issue an apology. It is not enough to say we are sorry—and we should apologize. We should say we are sorry.

The handwriting is on the wall, Mr. Speaker. It is time for us to close this very dark and sordid chapter of our history. It is time for the Secretary of Defense to go. He must leave.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

Last night, I stood here in the well following the speech that my friend from Georgia gave and he has delivered the same speech, and I want to say to my friend from Georgia, while addressing the Speaker according to the rules of the House, that righteous indignation is something that every single one of us, every single one of us has demonstrated by the support of this resolution. We are all outraged at the photographs that we have seen, and we believe that it is reprehensible that these kinds of actions should take place.

Dating back to 1785, the framers of our Constitution, Benjamin Franklin, Thomas Jefferson, Alexander Hamilton and others, focused at that point on the importance as we deal with conflicts of recognizing the human rights of even our adversaries, and that is why it is so important for the United States of America, which is the only Nation on the face of the earth that could do this kind of work, to step forward, and yes, liberate the people of Iraq, send a positive message for the cause of freedom throughout the entire world, but at the same time, recognize those important rights that do date back to 1785 and the founding of the United States of America.

We do, as my friend from North Carolina (Mr. HAYES) stated very eloquently, need to realize why it is that we are in Iraq. We are there because of the global war on terrorism. We are there because this is part and parcel of the global war on terrorism.

There are 135,000 American troops who are part of this very important international coalition, and we have seen tremendous success.

□ 1215

It is important for us to support this resolution, but it is also very important for us to realize that any sign of weakness from the United States of America as we proceed with resolve in dealing with these terrorists in Iraq, any sign of weakness emboldens those terrorists. That is why, yes, we are going to ensure that anyone who is responsible for this and is convicted under the Uniform Code of Criminal Justice is in fact going to go to jail because they are criminals.

At the same time, we must realize that, as the gentleman from North Carolina (Mr. HAYES) said, there are 135,000 courageous men and women in the U.S. Armed Forces who are seeking to win this war and we need to, with this resolution that the gentleman from California (Mr. HUNTER) has put together, underscore and demonstrate the solidarity and resolve of the American people and the United States Congress behind our men and women.

Support this rule, support this resolution, and let us move forward and make sure that we do resolve this very difficult situation.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, well, it is obvious from this resolution to me that the days of the ''buck stops here'' are dead and gone. Oh, yes, it takes occasion to single out those individuals who do have blame for abusing in the most horrendous way our prisoners. But nowhere in here does it say that those who are in the leadership of this mission in Iraq hold any responsibility whatsoever.

I looked through this carefully, and it seems that they want to limit it to a few individuals that they will go after. And by the way, not just the right individuals. There is no mention in this of the private military contractors, individuals who for profit are in those prisons that we know are under investigation, may even have been giving orders, companies like Titan and CACI that were hired to be in those prisons that are not part of the Uniform Code of Military Justice. Where are we going to point our fingers at them and hold them accountable?

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services and the author of this resolution.

Mr. HUNTER. Mr. Speaker, I think it is time for us to refocus. The focus should be on the fact that we have had over 300,000 Americans in uniform serving in this theater. The vast majority of them have served honorably and courageously, I would say to my colleague who just spoke who said, sure, we have some criminal acts, but why can we not convict more people up the chain of command for those acts.

The facts are in this country when somebody commits a criminal act, they are held accountable for that act. They are being held accountable. I want to remind my colleagues once again of the numbers. The numbers are 300,000 Americans serving honorably in Iraq. The numbers further at this point are that six of them have been recommended for criminal prosecution under UCMJ for these acts.

Once again, I saw in The Washington Post this morning that picture of that same lady undertaking a reprehensible act with respect to a prisoner. We have seen thousands of pictures. The ones that I have seen at least that have come forward all have the same several individuals. My point is 300,000 people serving honorably, over 3,000 Purple Hearts awarded, thousands of Bronze Stars awarded, 127 Silver Stars awarded for valor, four Distinguished Service Crosses or Navy Crosses awarded for valor in this war, and our troops in contact right now.

So while we have potentially six bad apples, and I want to set the record straight, three have been recommended to the court martial convening board for court martials. It is the convening board's decision whether or not those court martials go forward and when. So three out of the six who have been recommended for court martial under article 32 are now before the court martial convening authority. That is six people.

Sure, investigations may show more people, but they do not show thousands of people. They do not show tens of thousands of people, and what the record in Iraq does reflect is 300,000 courageous Americans serving our country.

One other thing that we put in this resolution, while all of this national media and international media is going to the six, to the six bad apples who have been identified so far, and the careers have been ended of about seven superior officers up through the chain of command up to the general who is the brigade commander, not because they knew anything about it, in fact, in some cases probably because they did not know anything about it, but because it was on their watch it happened, those careers have been ended.

We have thousands of acts of compassion and nation-building and government-building carried on by the men and women who wear the uniform of the United States. They have started city councils, repaired sewage lines, and inoculated kids so they will not get sick. They have done great things, and we put that in this resolution because they deserve a little attention, not just the six bad apples.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, we all know what is going on out here today. We are passing a CYA resolution to limit the damage. The Christian Science Monitor carries the story of Mr. Miklaszewski from NBC News who asked the question of a Pentagon official about the soldiers involved. He said, ''You mean the six morons who lost the war?''

The decision has been made in the Pentagon what they are going to do to those six, but this resolution does not go wide and deep like it ought to. This was not six young people that we are going to blame and make scapegoats and send them out in the wilderness. This has to go all of the way to Mr. Rumsfeld, the Secretary of War.

A Scottish newspaper, the Sunday Herald, said, ''The pictures that lost the war. The grim images of American and British soldiers torturing Iraqi prisoners has taken the moral high ground from Blair and Bush.'' And the article finishes with a quote from Lieutenant Colonel Retired Bill Cowan of the United States Marines, ''We went to Iraq to stop things like this from happening; and, indeed, here they are happening under our tutelage. If we do not tell this story, these kinds of things will continue and we will end up getting paid 100 or 1,000 times.''

The other side can try and limit the damage here with this and say let us keep it in the Secretary of the Army, but the fact is that the world knows much more broadly.

[From the Sunday Herald, May 2, 2004]

THE PICTURES THAT LOST THE WAR

(By Neil Mackay)

It's an image that would do Saddam proud. A terrified prisoner, hooded and dressed in rags, his hands out-stretched on either side of him, electrodes attached to his fingers and genitals. He's been forced to stand on a box about one-foot square. His captors have told him that, if he falls off the box, he'll be electrocuted.

The torture victim was an Iraqi and his torturers were American soldiers. The picture captures the moment when members of the coalition forces, who styled themselves liberators, were exposed as torturers. The image of the wired and hooded Iraqi was one of a series of photographs, leaked by a horrified U.S. soldier inside Saddam's old punishment centre, Abu Ghraib—now a U.S. POW camp.

When the images were flashed around the world by America's CBS television network last Wednesday, there was a smug feeling within the U.K. that British troops would never behave like that to their prisoners. But on Friday night, the U.K. was treated to images—courtesy of the Daily Mirror—of British soldiers urinating on a blood-stained Iraqi captive, holding guns against the man's head, stamping on his face, kicking him in the mouth and beating him in the groin with a rifle butt.

The pictures of U.S. soldiers torturing their captives have the added horror of sexual abuse. In five of the 14 images that the Sunday Herald has seen, a female soldier—identified as Lynndie England, a 21-year-old from a West Virginia trailer park—is playing up to the camera while her captives are tortured. In one picture, she's smiling and giving the thumbs-up. Her hand rests on the buttocks of a naked and hooded Iraqi who has been forced to sit on the shoulders of another Iraqi prisoner.

In another, she is sprawled laughing over a pyramid of naked Iraqis. A male colleague stands behind her grinning. Later, she's got a cigarette clenched between grinning lips and is pointing at the genitals of a line of naked, hooded Iraqis. A third snap shows her embracing a colleague as a naked Iraqi lies before them.

In other pictures, two naked Iraqis are forced to simulate oral sex and a group of naked men are made to clamber on to each other's backs. One dreadful picture features nothing but the bloated face of an Iraqi who has been beaten to death. His body is wrapped in plastic.

Other pictures, which the world has not seen, but which are in the hands of the U.S. military, include shots of a dog attacking a prisoner. An accused soldier says dogs are ''used for intimidation factors''.

There are also pictures of an apparent male rape. An Iraqi POW claims that a civilian translator, hired to work in the prison, raped a male juvenile prisoner. He said: ''They covered all the doors with sheets. I heard the screaming . . . and the female soldier was taking pictures.''

The British pictures show a hooded Iraqi aged between 18–20 on the floor of a military truck being brutalized. According to two squaddies who took part in the torture, but later blew the whistle, the Iraqi's ordeal lasted eight hours and he was left with a broken jaw and missing teeth. He was bleeding and vomited when his captors threw him out of a speeding truck. No one knows if he lived or died.

One of the British soldiers said: ''Basically this guy was dying as he couldn't take any more. An officer came down. It was 'Get rid of him—I haven't seen him'.'' The other whistle-blower said he had witnessed a prisoner being beaten senseless by troops. ''You could hear your mate's boots hitting this lad's spine . . . One of the lads broke his wrist off a prisoner's head. Another nearly broke his foot kicking him.''

According to the British soldiers, the military police have found a video of prisoners being thrown from a bridge, and a prisoner was allegedly beaten to death in custody by men from the Queen's Lancashire Regiment. Although there is a debate about the veracity of the images, Armed Forces Minister Adam Ingram said that if the pictures were real, they were ''appalling''. A Downing Street spokesman said Tony Blair expected ''the highest standards of conduct from our forces in Iraq''. The U.K.'s most senior army officer, General Mike Jackson, said that if the allegations were true then those involved were ''not fit to wear the Queen's uniform.'' The Defense Ministry is in crisis over the pictures as top brass know they ruin any hope of U.K. forces winning Iraqi hearts and minds.

The U.S. torture pictures were taken by members of the American 800th Military Police Brigade sometime late last year. Following an investigation, 17 soldiers were removed from duty for mistreating captives. Six face court martial. Brigadier General Janice Karpinski, who ran Abu Ghraib and three other U.S. military jails, is suspended and faces court martial. Prior to the relevations, Karpinski assured the U.S. media that Abu Ghraib was run according to ''international standards''.

Brigadier General Mark Kimmitt, deputy director of coalition operations in Iraq, said he was ''appalled''. He added: ''These are our fellow soldiers. They were the same uniform as us, and they let their fellow soldiers down. Our soldiers could be taken prisoner as well—and we expect our soldiers to be treated well by the adversary, by the enemy—and if we can't hold ourselves up as an example of how to treat people with dignity and respect . . . we can't ask that other nations do that to our soldiers as well. This is wrong. This is reprehensible. But this is not representative of the 150,000 soldiers over here.''

But these soldiers aren't simply mavericks. Some accused claim they acted on the orders of military intelligence and the CIA, and that some of the torture sessions were under the control of mercenaries hired by the U.S. to conduct interrogations. Two ''civilian contract'' organizations taking part in interrogations at Abu Ghraib are linked to the Bush administration.

California-based Titan Corporation says it is ''a leading provider of solutions for services for national security''. Between 2003–04, it gave nearly $40,000 to George W. Bush's Republican Party. Titan supplied translators to the military.

CACI International Inc. describes its aim as helping ''America's intelligence community in the war on terrorism''. Richard Armitage, the current deputy U.S. secretary of state, sat on CACI's board.

No civilians, however, are facing charges as military law does not apply to them. Colonel Jill Morgenthaler, from CentCom, said that one civilian contractor was accused along with six soldiers of mistreating prisoners. However, it was left to the contractor to ''deal with him''. One civilian interrogator told army investigators that he had ''unintentionally'' broken several tables during interrogations as he was trying to ''fear-up'' detainees.

Lawyers for some accused say their clients are scapegoats for a rogue prison system, which allowed mercenaries to give orders to serving soldiers. A military report said private contractors were at times supervising the interrogations.

Kimmitt said: ''I hope the investigation is including not only the people who committed the crimes, but some of the people who might have encouraged the crimes as well because they certainly share some responsibility.''

Last night, CACI vice-president Jody Brown said: ''The company supports the Army's investigation and acknowledges that CACI personnel in Iraq volunteered to be interviewed by army officials in connection with the investigation. The company has received no indication that any CACI employee was involved in any alleged improper conduct with Iraqi prisoners. Nonetheless, CACI has initiated an independent investigation.''

However, military investigators said: ''A CACI investigator's contract was terminated because he allowed and/or instructed military police officers who were not trained in interrogation techniques to facilitate interrogations which were neither authorised nor in accordance with regulations.''

One of the U.S. soldiers facing court martial is reservist Staff Sergeant Chip Frederick—the equivalent of a part-time territorial army squaddie. In civvy street, he was a prison warder in Virginia. Frederick has said he will plead not guilty and blame the army for the torture at Abu Ghraib. ''We had no support, no training whatsoever,'' he said, claiming he had never been shown the Geneva Convention. ''I kept asking my chain of command for certain things like rules and regulations and it just wasn't happening.''

Frederick also blamed the intelligence services for encouraging the brutality.

Among the agencies coming to the prison were ''military intelligence'', said Frederick, adding: ''We had all kinds of other government agencies, FBI, CIA.''

In letters and e-mails home, he wrote: ''Military intelligence has encouraged and told us 'Great job'.'' He added: ''They usually don't allow others to watch them interrogate. But since they like the way I run the prison, they have made an exception . . . We help getting [the PoWs] to talk with the way we handle them . . . We've had a very high rate with our style of getting them to break. They usually end up breaking within hours.''

Frederick said prisoners were made to live in cramped windowless cells with no clothes, running water or toilet for up to three days. Others were held for 60 days before interrogation. He said one prisoner with a mental health condition was ''shot with non-lethal rounds''. An interrogator told soldiers to ''stress one prisoner out as much as possible [as] he wanted to talk to him the next day''. Frederick also said one prisoner was ''stressed so bad that the man passed away''. Prisoners were covered in lice and some had tuberculosis. None were allowed to pray. Frederick said his commander sanctioned all this.

The former commander of Guantanamo Bay prison, Major General Geoffrey Miller, has now been made deputy commander for containment operations to overhaul the Iraqi detention centres.

Frederick, unlike mercenaries, faces jail and being thrown out of the army. His lawyer, Gary Myers said: ''The elixir of power, the elixir of believing that you're helping the CIA, for God's sake, when you're from a small town in Virginia, that's intoxicating. And so, good guys sometimes do things believing that they are being of assistance and helping a just cause . . . and helping people they view as important.''

Kimmitt admitted: ''I'd like to sit here and say that these are the only prisoner abuse cases that we're aware of, but we know that there have been others.''

This also applies to Britain. A Sunday Herald investigation has found that at least seven civilians have died in British custody in Iraq.

Describing the images of abuse as an ''atrocity'', Abdel Bari Atwan, editor of the newspaper Al-Quds Al-Arabi, said: ''The liberators are worse than the dictators.'' His sentiments have been echoed around the world. It is hard to find a country or agency that hasn't condemned the torture of Iraqi prisoners. From the Red Cross to the UN and from Amnesty to the coalition's loyal ''deputy in the Pacific'', the Australian premier John Howard, the world is united in horror against the actions of the US and UK forces.

The awful cost of these acts of barbarism by Britain and America is summed up by ex-US Marine Lieutenant Colonel Bill Cowan: ''We went to Iraq to stop things like this from happening, and indeed, here they are happening under our tutelage . . . If we don't tell this story, these kind of things will continue, and we'll end up getting paid back 100 or 1000 times over.''

[From the Christian Science Monitor, May 4, 2004]

''SIX MORONS WHO LOST THE WAR''

(by Tom Regan)

Regardless of the outcome of the now multiple investigations into prisoner abuse at Baghdad's Abu Ghraib prison, politicians and media around the world say the United States' image has suffered a serious blow. Sen. Joe Biden (D) of Delaware said on Fox News Sunday that ''This is the single most significant undermining act that's occurred in a decade in that region of the world in terms of our standing.''

The Associated Press reports that a senior Bush administration official, speaking on condition of anonymity, said the photos (of U.S. soldiers abusing Iraqi prisoners) hurt the U.S. efforts to win over an audience that is already deeply skeptical of U.S. intentions. Arabs and Muslims, the official added, ''are certain to seize upon the images as proof that the American occupiers are as brutal as ousted President Saddam Hussein's government.''

Officials at the Defense Department are also said to be ''livid,'' and well aware of the damage that has been done by the incident, according to NBC News' Pentagon reporter Jim Miklaszewski. Speaking on the Imus in the Morning radio/MSNBC program Tuesday, Mr. Miklaszewski said he asked a Pentagon contact about the soldiers alleged to be involved, to which the Pentagon official replied, ''You mean the six morons who lost the war?''

The Chicago Tribune reports that other experts agree with this assessment. ''The United States already had a huge perception problem in the Arab world,'' said Stephen Walt, a professor of international affairs at Harvard's Kennedy School of Government. ''This is only going to reinforce the belief that the United States is anti-Arab and anti-Muslim, whether it's true or not.''

As the Financial Times noted, even before the incidents at Abu Ghraib, opinion polls taken in Iraq and other Muslim and non-Muslim nations ''indicated an almost global nadir of U.S. credibility and popularity.'' And the Times reports that the U.S.'s much hailed public relations campaign in the Middle East is ''floundering.''

The New York Times reported late last week that Margaret Tutwiler, the woman who was put in charge of the program to make changes in the U.S.'s ''public diplomacy effort'' announced she was leaving the job to take a position with the New York Stock Exchange. The Financial Times also reports that experts on the Middle East say public relations programs or new pro-US TV channels will not change the way people in the Arab world feel. ''It is not the case that Arabs and Muslims feel antipathy towards the U.S. because they are being brainwashed by Al Jazeera or reading state-controlled media in Egypt—it's American policy,'' said Samer Shehata, professor of Arab politics at Georgetown University. ''Regardless of how many radio stations you have that play great music, or TV stations like al-Hurra, as long as U.S. policy—whether it be in Iraq or Palestine—remains the same you are not going to win hearts and minds.''

Rashid Khalidi, director of the Middle East Institute at Columbia University, echoes this view. ''I think the United States is less respected at the end of these 13 months than it has ever been,'' he said. ''Never has a country with such unlimited power been so pitifully unable to affect outcomes. Ruthless, murderous terrorists can strike at will in the United States and the U.S. can't take Fallujah?''

In the same article, by Agence-France Presse, Robert Leiber, professor of government and foreign service at Georgetown University, argues, however, in favor of keeping ''things in perspective.'' ''The photographs and, more importantly, the acts themselves are harmful to the cause of helping the Iraqis form a stable and democratic country,'' Leiber said, but he noted that such treatment is contrary to U.S. policy. ''We must keep in mind that, although this has been an ugly business, it pales in comparison to what Saddam (Hussein) did to his own people over 30 years,'' he said.

Unfortunately, many others believe that the damage has already been done. The allegation of mistreatment of prisoners ''makes the U.S. and coalition forces a legitimate enemy in the eyes of more Arabs than was the case before,'' said Anthony Cordesman, an expert on Middle East security issues at the Center for Strategic and International Studies.

Mr. Cordesman, in another interview with Reuters, said the mistreatment of Iraqi prisoners also hurts the war on terror. ''Those Americans who mistreated the prisoners may not have realized it, but they acted in the direct interests of Al Qaeda, the insurgents, and the enemies of the U.S.'' ''These negative images validate all other negative images and interact with them,'' he [Cordesman] said in a statement, citing ''careless U.S. rhetoric about Arabs and Islam,'' failures to stabilize Iraq, continued Israeli-Palestinian violence and fears the United States is out to dominate the Middle East.

The Miami Herald, in an editorial, writes that the exposure of abuse at Abu Gharaib can ''seriously damage'' the success of US operations, both militarily and otherwise, in Iraq. It is too bad that the response so far, from President Bush's perfunctory indignation to General Myers' blaming a few wayward soldiers, badly misses the mark. The whole premise of the US invasion of Iraq (as currently construed) is to rid the Iraqi people of a brutal dictator and create a foothold for democracy in the Middle East. The senseless humiliation and abuse of Iraqi prisoners—many of whom were civilians and have since been released without charges—is an indelible stain on that endeavor.

Yet in the end, The Christian Science Monitor reported Monday, this latest incident may not have made all that much difference to many in the Arab world because their opinion of the US had already sunk as low as it could. That is why, argues Rami Khouri, a Jordanian political analyst and editor of Lebanon's Daily Star, the only thing that will substantially change the US's image in the Muslim world, is a change of policies. ''They [the US] have to be more even-handed in the Arab-Israeli issue, be less militaristic in addressing regimes they don't like, be more consistent in promoting democracy everywhere not only in a few places,'' Khouri says. ''They can turn their image around, but only if they turn their policies into more consistently fair and reasonable ones.''

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that the great majority, overwhelming majority of Americans serving in Iraq, military and civilian, are honorable people who have gone to great risk. They are among the victims of these outrages. It is a shameful thing that their bravery, their good work, their integrity has been besmirched. We owe it to them to do a full investigation.

We heard reference to the six. I hope it is only six, but I am skeptical. Months ago I would have said it would not be six. Had these accusations been made months ago, I would have said, no, Americans do not act like that. We now have to acknowledge, tragically, sadly, heartsickeningly, that we do; and we owe it to everyone to have a full investigation. But we owe something more. We owe the people of this country and the people of adherence to the democratic process.

What troubles me about this resolution is the persistence of the Republican majority in a pattern of using the

rules of this House and their small majority to frustrate open democratic procedures. We have had a terrible blow to this country. We hope it was perpetrated only by a few, but the incompetence and indifference of superiors clearly contributed to it.

We owe ourselves and the American people a full investigation. We are not even allowed under the majority's rules to put forward a motion calling for such an investigation. The other side of the aisle has already decided it is only the six. We are abusing the democratic process here.

We are trying to teach the people of Iraq about democracy. One of the things we have been worried about is that a particular majority, the Shia, might not understand the importance of minority rule. We are trying to get them to understand how you do that difficult thing of reconciling majority control and majority's right to decide with full minority participation.

The majority, Mr. Speaker, are giving them exactly the wrong example of how to do that. I suppose we ought to say to the people of Iraq who watch this narrow majority, for partisan purposes refuse to allow an open debate on this extraordinary issue. Please do not try this at home. We are giving them exactly the wrong example of how to proceed. This is a chance to show democracy. Yes, some people made a mistake. Let us throw this open and do everything possible to purge ourselves of this error and not appear to be cutting it off.

So we are compounding the terrible misdeeds of that certain number of people, and we do not know how many in the prisons, by a partisan manipulation of the process. The other side of the aisle is doing a terrible thing.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me just answer the gentleman who has just spoken. There are three investigations going on right now. There is a CENTCOM investigation, a criminal investigation going on right now. If there are other people involved beyond these six, those people will be picked up in that investigation. There is also a Department of the Army investigation and a Department of the Navy investigation going on.

Further, let me say to my friends, the ranking member, the gentleman from Missouri (Mr. SKELTON), and I worked on this together. The Committee on Armed Services was the appropriate standing committee to do this. We worked on this until late last night, and the people who vetoed what we thought we had an agreement on were the Democrat leadership.

Let me tell Members the two paragraphs they vetoed. They wanted to kick out the two paragraphs that referred to the good works in terms of providing food, providing education, providing medical capability to the Iraqi people that were given by our people in uniform. I thought it was appropriate since we have 300,000 people who have done right to continue to mention the fact that they have done some good things in Iraq. I think the gentleman from Missouri (Mr. SKELTON) agreed with that also.

The Democrat leadership did not want to include those good things in this particular resolution, and that is why this had to come forward not under unanimous consent agreed to by the gentleman from Missouri (Mr. SKELTON) and myself, but it had to come forward through the rules process.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say two things. First, the gentleman from California (Mr. HUNTER) and the cosponsor, the gentleman from Missouri (Mr. SKELTON), are entitled to their decisions; but so is the whole House. It is the House that should decide whether paragraphs go in or out. I do not understand why the majority does not allow the House to vote.

Secondly, I appreciate that some investigation is going on; but I am not a great believer in people investigating themselves and nobody else. I believe an outside investigation is necessary.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would simply say, before we knew about this, the criminal procedures were going forward. It was the United States Army soldier, not a press, not an IG who brought this forward. It was a United States Army soldier who brought this forward. Criminal investigations are going on, undertaken by the Army. The court martial process is in process.

Mr. MCGOVERN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from California (Mr. HUNTER) apparently thinks that the Army has been the exemplar of good self-investigation. Many of us do not.

But aside from that substantive issue, why is this not in a democracy a subject for full debate of the House, not a 1-hour constricted debate with no amendments allowed constructed by the majority?

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me say to my colleague that when the publicity flush is finished on what was done by who we have identified as some six individuals now, they will have received thousands and thousands, as much time and publicity as the 300,000 good Americans who have served this country, and as much attention from this Congress.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, all Americans have been horrified by the pictures and accounts of inhumane treatment of detainees in Iraq. The conduct in those pictures is absolutely intolerable, and the United States must take swift and decisive action to investigation and resolve this terrible incident and make sure it never happens again.

While this resolution calls on the Secretary of the Army to conduct a full and thorough investigation into the allegations of mistreatment, take corrective action against those responsible and ensure that it never happens again, I believe Congress must also do its job and conduct its own investigation.

□ 1230

Mr. Speaker, Congress was never notified about the problems at Abu Ghraib prison, even though the Department of Defense had a report outlining the conditions there 3 months ago. As a partner in the War on Terror, Congress absolutely has not only the right, but the responsibility to investigate what went wrong up and down the chain of command.

So today, Mr. Speaker, I urge a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule allowing for the consideration of an amendment offered by the gentleman from Missouri (Mr. SKELTON) affirming the need for bipartisan congressional investigations into these allegations are of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into the chain of command and other deficiencies that contributed to such abuse.

Let me be clear, Mr. Speaker, voting ''no'' on the previous question will not prevent this House from voting on the underlying resolution, it will simply allow for the consideration of the Skelton amendment and allow the House to conduct a bipartisan investigation. It will allow us to do our job, what the people we represent expect us to do.

Congress is a full partner in the war on terror. We need to do our job. We cannot call for accountability by others and then shirk our own responsibility. Let us do our part to resolve this awful situation and restore confidence and trust in our Nation and in our military.

I urge a ''no'' vote on the previous question.

Mr. Speaker, I include the following material for the RECORD.

[From the New York Times, May 6, 2004]

RESTORING OUR HONOR

(By Thomas L. Friedman)

We are in danger of losing something much more important that 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.

That overhaul needs to begin with President Bush firing Secretary of Defense Donald Rumsfeld—today, not tomorrow or next month, today. What happened in Abu Ghraib prison was, at best, a fundamental breakdown in the chain of command under Mr. Rumsfeld's authority, or, at worst, part of a deliberate policy somewhere in the military-intelligence command of sexually humiliating prisoners to soften them up for interrogation, a policy that ran amok.

Either way, the secretary of defense is ultimately responsible, and if we are going to rebuild our credibility as instruments of humanitarian values, the rule of law and democratization, in Iraq or elsewhere, Mr. Bush must hold his own defense secretary accountable. Words matter, but deeds matter more. If the Pentagon leadership ran any U.S. company with the kind of abysmal planning in this war, it would have been fired by shareholders months ago.

I know that tough interrogations are vital in a war against a merciless enemy, but outright torture, or this sexual-humiliation-for-entertainment, is abhorrent. I also know the sort of abuse that went on in Abu Ghraib prison goes on in prisons all over the Arab world every day, as it did under Saddam—without the Arab League or Al Jazeera ever saying a word about it. I know they are shameful hypocrites, but I want my country to behave better—not only because it is America, but also because the war on terrorism is a war of ideas, and to have any chance of winning we must maintain the credibility of our ideas.

We were hit on 9/11 by people who believed hateful ideas—ideas too often endorsed by some of their own spiritual leaders and educators back home. We cannot win a war of ideas against such people by ourselves. Only Arabs and Muslims can. What we could do—and this was the only legitimate rationale for this war—was try to help Iraqis create a progressive context in the heart of the Arab-Muslim world where that war of ideas could be fought out.

But it is hard to partner with someone when you become so radioactive no one wants to stand next to you. We have to restore some sense of partnership with the world if we are going to successfully partner with Iraqis.

Mr. Bush needs to invite to Camp David the five permanent members of the U.N. Security Council, the heads of both NATO and the U.N., and the leaders of Egypt, Jordan, Saudi Arabia and Syria. There, he needs to eat crow, apologize for his mistakes and make clear that he is turning a new page. Second, he needs to explain that we are losing in Iraq, and if we continue to lose the U.S. public will eventually demand that we quit Iraq, and it will then become Afghanistan-on-steroids, which will threaten everyone. Third, he needs to say he will be guided by the U.N. in forming the new caretaker government in Baghdad. And fourth, he needs to explain that he is ready to listen to everyone's ideas about how to expand our force in Iraq, and have it work under a new U.N. mandate, so it will have the legitimacy it needs to crush any uprisings against the interim Iraqi government and oversee elections—and then leave when appropriate. And he needs to urge them all to join in.

Let's not lose sight of something—as bad as things look in Iraq it is not yet lost, for one big reason: America's aspirations for Iraq and those of the Iraqi silent majority, particularly Shiites and Kurds, are still aligned. We both want Iraqi self-rule and then free elections. That overlap of interests, however clouded, can still salvage something decent from this war—if the Bush team can finally screw up the courage to admit its failures and dramatically change course.

Yes, the hour is late, but as long as there's a glimmer of hope that this Bush team will do the right thing, we must insist on it, because America's role in the world is too precious—to America and to the rest of the world—to be squandered like this.

[From the Washington Post, May 6, 2004]

WHO SHOULD HAVE KNOWN?

(By Richard Cohen)

This week the United States Army did the oddest thing in this Age of Bush: It reprimanded six soldiers in connection with the Iraqi prisoner abuse scandal—not for what they did but for not knowing what others were doing. An Army spokesman put it this way: ''They should have known . . .'' If that's the standard, then half the Bush administration will soon be gone.

Maybe first to get the accountability ax will be Defense Secretary Donald Rumsfeld. He certainly should have known that a scandal was brewing in Iraqi prisons, and he should have bothered to read the Pentagon report detailing what went wrong. Instead, the Pentagon tried to delay CBS's ''60 Minutes II'' from showing pictures of prisoner abuse and then, in an amazing public relations offensive, sent the chairman of the Joint Chiefs, Gen. Richard B. Myers, on three Sunday talk shows to announce—a little bugle call here—that he had not read the report either. It has been available since March.

As is almost always the case, the Pentagon did not tell the State Department that a wee spot of trouble was coming its way because, as we know, the Pentagon doesn't tell the State Department anything. Who cares if a billion or so people in the Islamic world have a snit? The Bushies hardly do diplomacy anyway. It's for sissies. At a certain level—a very high one—the Bush administration is as dysfunctional as it is cocky.

But if accountability is going to be the new order of the day, there's no telling where things will wind up. What will happen to CIA chief George Tenet, who assured the president that Iraq was a virtual storehouse of weapons of mass destruction? It was ''a slam dunk,'' the spy chief said. He should have known otherwise, but he did not. No matter. Instead of a reprimand, Bush always expresses confidence in him and probably has given him a nickname, Slam Dunk George.

Or take Condoleezza Rice. Should she have known that Bush was blowing smoke when he told the Nation that Iraq had tried to buy uranium from Niger? Yes, indeed. There was no such nuclear program in Iraq, and it hadn't attempted to make that uranium purchase. The CIA knew that, yet Bush said otherwise. Once again, no reprimand. Instead, she was rewarded with more sleepovers at Camp David.

What about Dick Cheney? He was the leading hawk in the White House, so anxious to go to war with Iraq that Secretary of State Colin Powell characterized him as feverish. The vice president repeatedly insisted that Iraq had ''reconstituted'' its nuclear weapons program. Should he have known better? To revert to Cheney talk, you betcha.

Should Rumsfeld have known that stabilizing Iraq would require more troops than he allotted? Gen. Eric K. Shinseki had said so, but the Army chief of staff was brushed aside and treated as an eccentric.

Should Rummy and his deputy, Paul Wolfowitz, have known that U.S. troops might not be universally greeted with flowers, kisses and donations to the Bush reelection campaign? It would have been prudent planning.

Should they have known that Iraqi oil might not cover the cost of the occupation? Probably. Should they have had enough troops on the ground to prevent looting and a general breakdown of law and order? Well, some might think so—but not, apparently, the president.

You and I can argue the wisdom of going into Iraq some other time. What is not arguable, I think, is that the invasion and occupation were marked every step of the way by incompetence, smugness and repeated mistakes. Yet the only people to feel the opprobrium of the White House are those, such as Richard Clarke or Joseph Wilson, who had the nerve, the gall, the immense chutzpah to question administration policy.

The new accountability could be a wonderful thing. It comes a bit late in the game, maybe, and will almost surely be limited to expendable underlings, but a supine Congress just might get the idea and start asking some hard questions about how things went so bad in Iraq. It might begin with Rumsfeld and ask him a more pertinent version of that famous question—not what did you know and when did you know it but why, damn it, didn't you know it in the first place?

[From USA Today]

WHY WAS PATTERN OF ABUSE IGNORED FOR SO LONG?

The Bush administration swung into full damage-control mode Wednesday, trying to quell a rising furor at home and abroad over the shocking abuse of prisoners in Iraq by U.S. military personnel.

The general in charge of U.S.-run prisons in Iraq apologized to the Iraqi people. Secretary of Defense Donald Rumsfeld made the rounds of TV shows, claiming that the mistreatment of prisoners at Abu Ghraib prison was an aberration and pledging that those involved would be dealt with swiftly and firmly. President Bush gave interviews to two Arabic-language TV stations, calling the behavior depicted in the photos broadcast on TV last week ''abhorrent'' and counter to American values.

The question none answered: What took so long?

Documented complaints of mistreated prisoners in Iraq, Afghanistan and at Guantanamo Bay, Cuba, date back two years, including the cases of two Afghans whose deaths in 2002 were recently ruled homicides.

Unlike the Abu Ghraib mistreatment, those incidents were not caught on film. The abuse was further obscured by the still-lingering horror of the 9/11 terrorist attacks. But the nation now risks paying a mighty price for its failure to stand firmly in favor of international law and human dignity.

Otherwise-neutral Muslims are enraged, aiding terrorists and turning Iraqis against Americans. International support for the war on terrorism has been undercut. At home, support for Bush's attempt to bring peace and democracy to Iraq has eroded. A Gallup Poll today shows the public's disapproval of Bush's handling of Iraq has risen to 55%, the highest since the war began.

Ebbing support for the mission comes as the scandal keeps expanding. U.S. officials reported Wednesday that the number of prisoner deaths in Iraq and Afghanistan under investigation or already blamed on U.S. captors has risen to 14. The deaths of two Iraqi prisoners are now considered homicides, and 20 investigations are underway.

Warning signs about abuses of Iraqi detainees had been flashing for months:

The Pentagon acknowledged this week that enough concerns were raised last fall to prompt a ''top-level review'' of how its Iraqi detection centers were being run.

Abuses at Abu Ghraib were brought to the attention of commanders in Iraq by a tip from an unidentified soldier in January.

A damning report by a general assigned to investigate the charges has been lying around the Pentagon since March 3, apparently without getting the attention of any top decision-maker. The report documented ''numerous incidents of sadistic, blatant and wanton criminal abuses.''

The military brass could no longer ignore the problem last week, when photos of U.S. soldiers gloating over naked prisoners forced into degrading acts surfaced on CBS' 60 Minutes II. More details about the abuses, based on leaks from the then-secret military report, appeared in The New Yorker this week. Even then, the Pentagon shrugged off the story as a case of a few renegade soldiers who already had been punished. Worldwide outrage forced the Bush administration to address the matter seriously.

Some military personnel down the chain of command did the right thing, notably the troops who blew the whistle at Abu Ghraib and leaked photos to the media when superiors failed to take stern action. But top commanders seemed more concerned with keeping the scandal quiet than ensuring that those who committed abuses would be punished and the attitudes that allowed such behavior would not be tolerated.

Defenders of the military say the abuse was the work of a few sadistic prison officers and overzealous intelligence agents in Iraq, and some already are being disciplined.

Perhaps so. But their arguments do not explain a climate that resulted in abuses from Afghanistan to Guantanamo Bay.

Now that the Pentagon has finally acknowledged the problem, it needs to investigate thoroughly, punish those who committed or tolerated abuses and implement safeguards to prevent a recurrence.

Those steps could begin to repair the enormous damage the scandal has caused.

[From the Los Angeles Times, May 4, 2004]

WHEN WE'RE THE EVILDOERS IN IRAQ: WITH IMMORAL U.S. LEADERSHIP, IS IT SO SHOCKING TO FIND TORTURERS IN THE RANKS?

(By Robert Scheer)

President Bush is again refusing to take responsibility for any of the horrors happening on his watch. This time it is the abuse of Iraqi prisoners carried out by low-ranking military police working under the direct guidance of military intelligence officers and shadowy civilian mercenaries. Our president launched this war with the promise to the Iraqi people of ''no more torture chambers and rape rooms. The tyrant will soon be gone.'' What went wrong?

The president has called the now-exposed pattern of violence an isolated crime performed by ''a few people.'' Yet the Pentagon's own investigation of the incident shows that not only was the entire Abu Ghraib prison out of control, it was the MPs' immediate military superiors who ''directly or indirectly'' authorized ''sadistic, blatant and wanton criminal abuses'' of the prisoners as a way to break them in advance of formal interrogations.

''Military intelligence interrogators and other U.S. government agency interrogators actively requested that MP guards set physical and mental conditions for favorable interrogation of witnesses,'' says the report. The report, completed in March and kept secret until it was revealed on the New Yorker website Friday, also stated that a civilian contractor employed by a Virginia company called CACI ''clearly knew his instructions'' to the MPs called for physical abuse.

Furthermore, in a statement released Friday, Amnesty International reported that in its extensive investigations into human rights in post-invasion Iraq, it ''has received frequent reports of torture or other ill treatment by coalition forces during the past year,'' including during interrogations, and that ''virtually none of the allegations of torture or ill treatment has been adequately investigated by the authorities.''

Recall that a key excuse for the U.S. invasion was to ensure the safety of Iraqi scientists and others in the know so that they might feel free to reveal the location of weapons of mass destruction or evidence of Saddam Hussein's potential ties to Al Qaeda. Shockingly, some of those scientists are now in coalition prisons, even though the weapons clearly don't exist.

In this context, of course, it makes sense that U.S. interrogators would feel enormous pressure to use any means necessary to verify the absurd claims made so aggressively by the president and his Cabinet before the war. Far from the jurisdiction of the U.S. legal system, they apparently felt quite free to approve techniques clearly banned by war crimes statutes.

Yet, astonishingly, weeks after the Pentagon's own damning internal report on the torture at Abu Ghraib, and several days after CBS' ''60 Minutes II'' broke open the story worldwide by showing those horrific photos, Defense Secretary Donald H. Rumsfeld still had not been briefed on the report, a spokesman said Sunday. Similarly, the chairman of the Joint Chiefs of Staff, Gen. Richard B. Myers, admitted Sunday that he hadn't yet bothered to read the 53-page report filed by Army Maj. Gen. Antonio M. Taguba, even though he had successfully requested that CBS delay its ''inflammatory'' broadcast. This shows far more concern for public relations than for finding out the truth.

How could it be that the top officials responsible for the military were not themselves interested in keeping abreast of the investigation—even after the story had exploded into a global scandal?

After all, an ambitious promise to bring democracy and the rule of law to Iraq became the ex post facto rationale for the invasion, once it became clear that the earlier claims of weapons of mass destruction and Hussein ties to Al Qaeda were a fraud.

So it should have been a clear and high priority to make certain that Iraqi prisoners incarcerated in Hussein's most infamous prison did not receive the same brand of ''justice'' the dictator had been doling out for decades. That they did is now a deep and dirty stain on the reputation of this nation.

Yes, it's great that we are still worlds away from being Nazi Germany, Stalinist Russia or Hussein's Iraq.

We are a free society in which, it is hoped, truth eventually comes out, and thanks to what seems to be one brave whistle-blowing soldier and a responsible officer to whom he reported the torture, these crimes have come to light. Those are the acts of true heroes, and we should be proud of them.

Yet, before we go overboard in celebrating our virtues, let's admit that Americans too can be ''evildoers,'' especially when we embrace, as the president consistently has done, the terribly dangerous idea that the ends justify the means.

The ultimate cost of a foreign policy based on blatant lies, and that equates military might with what is right, is that the brute in all of us will not inevitably lie dormant.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

This is an important resolution, and I think it is fitting we have this debate on this. But I would remind my friends on the other side of the aisle that we have a system here where we break down this big body into committees. That is the proper way we get to the heart of some of the issues that confront us. And I just talked to the chairman of the Committee on Armed Services, and they are going to have hearings on this. There will be probably several hearings as this process goes through, and I suspect that there will be probably some other committees that will find out if they will have jurisdiction and will look at that.

So I just want to say that this is a start of a process that we need to address. Everybody is outraged by what happened over there with that small group of individuals in Iraq. That is not America, and we all know that. We all know that is not America, and that is why I think this resolution will be pass with strong bipartisan support.

And I would say this, Mr. Speaker: I thought the President, in his two interviews with the Arab TV stations, said it very well. He was very forthright. And in many respects, what we are just saying here today is a message to the Iraqis and to the Middle East that our form of government and the form of government they are struggling to have, does not condone what went on, and I think that is a very strong message.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I just want to point out a couple of things.

First of all, hearings are not investigations, and a lot of us feel that what we are doing here is just kind of shirking our responsibility. So a vote for the previous question means a vote against bipartisan congressional investigations. No one on the other side has yet explained to us why, in fact, a bipartisan investigation is a bad idea, why we should not be allowed to do our job. That is what we are asking for here.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I appreciate what the gentleman is asking for, and as I mentioned in my remarks, we do have a committee system. The chairman of the committee said that there are going to be those investigations, and I suspect there will be others that will look at it.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that we

have a committee system, but it is not a substitute for debate and amendment on the floor of the House, even to debate whether or not we do this and the substance. The committee system should not be something behind which you hide to avoid debate that you might find uncomfortable.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I would just remind my friend that we do not know what is going to come out of these hearings. There may be some legislation that comes out. It will go through the process, and if there is something, it will get to the floor and we will have that debate.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just say to the gentleman the committees are the servants of the House, not the other way around. The committees exist to do the will of the House. The full democratic House does not wait for the committees.

The material previously referred to by Mr. MCGOVERN is as follows:

In the resolution strike ''and (2)'' and insert the following:

''(2) the amendment specified in Section 2 of this resolution if offered by Representative Skelton of Missouri or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

At the end of the resolution add the following:

SEC. 2. The amendment referred to in the first section of the resolution is as follows:

At the end of H. Res. 627 strike ''nation.'', insert in lieu thereof ''nation;'' and add the following:

''(11) affirms the need for bipartisan Congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel, or other U.S. civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse.''

The SPEAKER pro tempore. All time for debate has expired.

The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and then on the motion to instruct conferees on H.R. 2443 by the gentleman from California (Mr. FILNER), and then on the motion to suspend the rules on H.R. 402 debated yesterday.

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 14, as follows:

[Roll No. 147]

YEAS—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Baca
Bono
Boyd
DeMint
Greenwood
Jenkins
Johnson (IL)
Lewis (KY)
Meeks (NY)
Menendez
Saxton
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1258

Mr. HOEFFEL and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 147 I was unavoidably detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

MOTION TO INSTRUCT OFFERED BY MR. FILNER

The SPEAKER pro tempore (Mr. LINDER). The pending business is the de novo vote on the motion to instruct conferees on H.R. 2443.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 19, not voting 19, as follows:

[Roll No. 148]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Bartlett (MD)
Blunt
Bonilla
Cantor
Chocola
DeLay
Dreier
Gilchrest
Graves
Hensarling
Johnson, Sam
Kingston
Portman
Putnam
Sullivan
Tancredo
Taylor (NC)
Thomas
Tiberi

NOT VOTING—19

Baca
Ballenger
Bono
Boyd
Brady (TX)
DeMint
Ford
Green (TX)
Greenwood
Hunter
Jenkins
Latham
Lewis (KY)
Meeks (NY)
Menendez
Miller, George
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1307

Messrs. NEY, LINDER, TIAHRT and DOOLITTLE changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a subsequent time.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 148, on motion to instruct on Coast Guard authorization, I was unavoidably detained. Had I been present, I would have voted ''yea.''

EXPRESSING SENSE OF HOUSE REGARDING NEED FOR FREEDOM AND DEMOCRATIC REFORM IN LAOS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 402.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 402, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, answered ''present'' 1, not voting 23, as follows:

[Roll No. 149]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly

Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Miller, George

NOT VOTING—23

Baca
Barrett (SC)
Bono
Boyd
Brady (TX)
Carter
DeMint
Diaz-Balart, L.
Dooley (CA)
Ferguson
Frelinghuysen
Greenwood
Jenkins
Johnson (CT)
Latham
Lewis (KY)
Lofgren
Meeks (NY)
Menendez
Rogers (MI)
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1315

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 149 on H. Res. 402—Laos People's Democratic Republic, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 147, 148, and 149 due to a prior obligation. Had I been present, I would have voted ''no'' on rollcall vote 147, ''yea'' on rollcall vote 148, and ''yea'' on rollcall vote 149.

DEPLORING ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 628, I call up the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 627 is as follows:

H. RES. 627

Whereas the American people and the world are dismayed by revelations of abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the military justice process so far has resulted in charges being brought against six individuals, three of whom have been recommended for trial by court martial;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not fully informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing a courageous and determined mission to rebuild and rehabilitate a proud nation after liberating it from the tyranny, oppression, and genocide of Saddam Hussein's evil regime;

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars;

Whereas members of the Armed Forces, United States citizens, over 30 Coalition partners, and patriotic Iraqis are working to finally return the government of Iraq to the Iraqi people after decades of despotism;

Whereas since the deposing of Saddam Hussein, the Iraqi people have enjoyed substantial improvements in essential services, including major water, sewage, power, infrastructure, transportation, telecommunications, and food security projects that already benefit millions more citizens than under the Ba'ath Party regime;

Whereas the quality of life for Iraqis has significantly improved in the areas of food availability, health services, and educational opportunities since the downfall of the Hussein government; and

Whereas security provided by the United States Armed Forces, the Coalition partners of the United States, and the Iraqi people has permitted the adoption by Iraq of a Transitional Administrative Law, with the promise of a sovereign Iraqi Interim Government, national elections, a constitution, and democracy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) declares that the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(3) reaffirms and reinforces the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(4) urges the Secretary of the Army to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(5) urges the Secretary of the Army and appropriate military authorities to undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(6) urges the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions are not allowed to impugn the integrity of the United States Armed Forces or undermine the United States mission in Iraq;

(7) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(8) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(9) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(10) expresses the continuing solidarity and support of the House of Representatives and the American people for the partnership of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

The SPEAKER pro tempore. Pursuant to House Resolution 628, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the debate on the rule, I think every Member who was listening to the debate as they listened to a number of speeches being made over and over, sometimes the same things being said by different Members, they understand the subject which we are addressing today, which is the criminal acts of what has been identified so far as six individuals, with three of them having been recommended under article 32 of the UCMJ to the court martial convening authority for general court martial for abuse of prisoners, assault, and dereliction of duty.

That is one of the purposes of this resolution, for this House to condemn those activities. Understand that the criminal prosecutions have not taken place yet, the trials have not been held and that we are not passing judgment at this point on people who are being focused on as potential defendants in these cases. But I thought it was important, Mr. Speaker, to talk about the other people, because the tendency of the media and the discussion has been to forget about the 300,000 uniformed Americans who are serving our country with bravery, with compassion, with ingenuity and doing great things, not in their own communities, but in communities thousands of miles away where the only reward they may receive is from a kid that they have given a soccer ball to like hundreds of the 101 Airborne members, or for people whom they have hooked up a water supply as people have done in all of the cities throughout central Iraq or children that have been vaccinated by American medics. The only thanks they are going to get, obviously, is not going to come from the American press at this point because the American press is fixated on what you might call the six bad apples who have been identified to date, and there may be more. We all know that.

But the 300,000 who served honorably, they are not going to get too much attention here because it is not in keeping with a good sound bite today if you want to get on television to talk about the good things that have been done in the country.

My great partner on this Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), was in full accord with this. We wanted to make sure that the good people got talked about and that this did not turn into the action of the demoralization of our fighting forces in Iraq.

So we wanted to talk about the good things they have done. And this resolution, and I would commend it to every Democrat and Republican, from the gentlewoman from California (Ms. PELOSI) and all of the others who may have had trouble or problems with this resolution, I would commend it to them to approve and to support and to vote for.

I just wanted to say, Mr. Speaker, I am looking at right now some of the untold stories; and I wanted to cite an untold story to you, a couple of them. It is true that there were abuses so far by six people who have been identified in this Abu Ghraib prison; but while that was going on, Gunnery Sergeant Jeffrey Bohr of the United States Marine Corps was awarded the Silver Star posthumously for conspicuous gallantry and intrepidity in action against the enemy while serving as Company Gunnery Sergeant, Company A, 1st Battalion, 5th Marine Regiment, Regimental Combat Team 5, 1st Marine Division.

While moving through narrow streets toward the objective, the convoy took intense small arms and rocket-propelled grenade fire. Throughout this movement, Gunnery Sergeant Bohr delivered accurate effective fires on the enemy, while encouraging his Marines and supplying critical information to his company commander. When the lead vehicles of the convoy reached a dead end and were subjected to heavy enemy fire, Gunnery Sergeant Bohr continued to boldly engage the enemy while calmly maneuvering his Marines to safety.

Upon learning of a wounded Marine in a forward vehicle, Gunnery Sergeant Bohr immediately coordinated medical treatment and evacuation. Moving to the position of the injured Marine, Gunnery Sergeant Bohr continued to lay down a high volume of suppressive fire, simultaneously guiding the medical evacuation vehicle until he was mortally wounded by enemy fire.

Yes, we had abuses by some six people. We have had apparent abuses by some six people who are now going through the criminal justice system of the U.S. Army, which I think our Members will find moves a lot faster than the domestic justice system. But at the same time, Corporal Marco Martinez was undertaking actions which led to him being awarded the second highest award that our government can give for heroism, the Navy Cross.

So I thought I might take a little bit of this time that was intended to beat up the U.S. military, to congratulate some of those 300,000 people who have served U.S. so well.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with heavy heart, a heavy heart for two reasons. The first reason is that a group of American soldiers forgot that they were soldiers and they forgot that the middle name of a soldier is ''honor,'' in doing the despicable acts that they did in that prison. That breaks my heart. I know it breaks the hearts of Americans who saw those pictures and learned of those acts which border on the unspeakable.

But the seconds reason my heart is broken is that the occurrences happened between October and December of last year; they were reported in January of this year. A two star general in the Army, Major General Taguba was called to investigate and his report was rendered in February. And as ranking member on this committee, I found out about it this month, in May, not by any official sources, but through the news media.

Mr. Speaker, that also breaks my heart. We in Congress under the Constitution are the first of the three parts of government listed. We are the ones that raise the money and write the rules for those who serve in the military. We are an important part of the national security, and I think that we should be informed as quickly as possible when these very, very tragic occurrences happen.

Recently in the Wall Street Journal, on April 22, an administration official in response to the expenditure of appropriations funds regarding Iraq and the Middle East stated, ''If lawmakers do not ask questions, they do not get answers.''

Mr. Speaker, it is incumbent upon them to keep U.S. informed because we are the genesis of their funding. We are the genesis of the rules by which they in uniform operate and the defense of our Nation are concerned.

This error has become a mistake. The late John F. Kennedy once said, ''An error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration, no country can succeed and no republic can survive.''

We seem, Mr. Speaker, to have forgotten that.

I support this resolution, and I think it is necessary. It is a shameful series

of acts. I support this resolution because it deplores and condemns the abuse of those in custody. And it is not just about isolated cases of abuse. This incident could very well be the tipping of the security and reconstruction of Iraq. I hope that is wrong. But if we lose the trust of the Iraqi people, if we lose their hearts and minds, we cannot bring anything else effectively to that part of the world.

We must win back the trust, the safety of our troops, and the future of these citizens of Iraq. For that reason, I support this resolution. It urges the Secretary of the Army and the appropriate military authorities to complete a thorough investigation to bring anyone who committed crimes to justice. This applies regardless of who committed the crimes, military personnel, government agencies or private contractors.

The Iraqi people must see U.S. taking swift and strong action. As a matter of fact, we here in Congress and our chairman, the gentleman from California (Mr. HUNTER), has announced that we will have a hearing on this very subject tomorrow in the hearing room 2118 at 3 o'clock with Secretary Rumsfeld. I think that is the right thing for the gentleman to have called, and I thank him for it publicly.

It is an important role for U.S. to have continuing oversight of this issue. We do need, in addition thereto, a congressional inquiry by the staff on the broader policy issues that were raised by this incident. I will underline that.

Finally, I believe this resolution appropriately points out that so many of our troops have served honorably, and the chairman is correct on that, done extraordinarily well in difficult circumstances.

Not long ago I attended a funeral over here at Arlington Cemetery of a staff sergeant from the Fourth District of Missouri, which I am privileged to represent. And these soldiers who forgot that they were soldiers caused his death, in so many respects, to have been in vain. We have to correct this and make sure that those who pay the ultimate sacrifice will be remembered and will be honored for the work that they do in Iraq to bring stability and some sort of representative government there.

We have to look at the chain of command. We have to look at the command atmosphere that allowed these occurrences to happen. So for this reason and the reason that we were not told promptly and the fact that we need not only the hearing tomorrow, which I am pleased we will have, we need a thorough investigation to go forward on this subject.

We must be successful in Iraq. We must show not just the Iraqi people, we must show the world the values of our country. We need to. And one way to do it is to proceed to investigate this and make this a very transparent, clear picture for the world to see.

Mr. Speaker, I thank you for this time. It would be well for those in authority to understand the admonition that sat on the desk of the late President Harry S Truman: ''The buck stops here.''

Keeping that in mind, let U.S. move forward and do the right thing, for the Iraqi people, for those who served so honorably and so well, and for those who paid for the sacrifice of their service. Let this be a reflection of the decency and honesty and thoroughness of the values of America in what we do.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

□ 1330

Mr. HAYES. Mr. Speaker, let me thank the gentleman from California and chairman for yielding the time. Let me thank my friend, my colleague, the gentleman from Missouri (Mr. SKELTON) with whom I completely identify and thoroughly agree with the remarks he made in setting the stage for the purpose of this resolution.

As I hold this picture here, it is reference that what our troops are about in Iraq. When I spoke earlier supporting the resolution and the rule, I referred to a call that I had just received from an 82nd Airborne trooper, who had lost a leg in Iraq for these children, for these men and women.

I called Daniel Metzdorf back on the phone at Walter Reed Hospital, where he is back because of additional infection. I said, Daniel, what do you all think about what is going on? He said, it is wrong. Those people will be punished, and, oh, by the way, the people who put the pictures on the television to undermine our troops, they ought to be in jail, too.

God bless our troops and protect them.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), who is the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for the time.

This is a very difficult time for me because I find it difficult to rise in opposition of this resolution, and the reason I do it is because there just does not seem to be enough outrage involved in what is being said.

We should not have to apologize for brave men and women. We should not have to apologize for what the executive branch or the Congress has or has not done. We should not be put in this position.

Several months ago, I called for the resignation of the Secretary of Defense because I thought, as a major architect of this war, that he was fighting this war with other people's children, and when he said that he did not know whether or not we were winning or losing the war, when he said that he did not know whether we were creating more terrorists than we were killing, when he said we did not have any plan to end the war, that it was a slog, I thought, as a former combat veteran, is this the leadership that we can expect from the Secretary of Defense? I thought that America and the military deserve better than that and he should resign.

Now the information that we receive is that a climate has been created where a handful of people have committed these atrocities against human kind in an atmosphere where all of the people that are in Iraq have been demonized where it appears to American people and certainly to our military that the people in Iraq are responsible for 9/11 and causing us pain, that the Secretary of Defense did have information months ago about these atrocities; and that he kept it from the President, he kept it from the Congress and he kept it from the American people. I think that this rises to the point that it is a high crime and misdemeanor if he disappointed the President, kept information from the Congress and kept this information from the American people.

I think America and the world wants us to show the outrage, not by rhetoric, but by taking action, and if the President does not fire the Secretary, if he does not resign, I think it is the responsibility of this Congress to file articles of impeachment and force him to leave office. Then the whole world would know, not just our military, not just Americans but the whole world what we stand for.

If people can say ''mission completed'' when it looks like there is victory and we see atrocities like this and it happens on someone's watch, if they do not have the dignity to say I am sorry and move on, then we have the responsibility under our Constitution to remove these people from office.

He kept the information away from this Congress. We have the responsibility of oversight. I am preparing articles of impeachment today.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of this resolution, and I want to thank the gentleman from California (Chairman HUNTER) for bringing it to the floor.

First, I want to stress my unwavering support for our men and women in uniform. I am absolutely convinced that recent reports of prisoner abuses are in no way representative of the majority of those who serve in our armed services.

Our fellow Americans who are in Iraq are some of the most dedicated and honorable people in our whole country. It is a rare thing these days to find them with such strong commitment to the values that have made this Nation so great.

Our military is known throughout the entire world for upholding and fighting for human rights, and that is why the American people are so

shocked at the recent reports of prisoner abuse and torture. I, too, am shocked, and it is unfortunate that a few soldiers have harmed the reputation of our entire military.

There is no excuse for abusing and torturing any human being. We are there to restore dignity to the Iraqi people, not to demean and humiliate them.

It absolutely cannot and should not be tolerated. We would not want American POWs abused, and we should not abuse those who we hold as prisoners of war.

The United States has always held very strictly to the standards of the humane treatment of POWs that are universally accepted as international law. We should hold those standards now more than ever.

As the world's superpower, we are an example to every Nation and are viewed as the defenders of life and liberty.

One of the reasons we are in Iraq is because we wanted to liberate the Iraqi people from the torture and abuse of Saddam Hussein's regime. What kind of message do these very few soldiers send to the people of Iraq and to the entire Middle East by now abusing the people that we once rescued? There is absolutely no excuse.

The vast majority of Iraqi people have been treated with respect and dignity by our service members, and I know will continue to be treated properly. Our men and women in uniform know they have a moral and legal obligation to treat prisoners of war humanely and with decency.

These very few individuals who have not acted in this upright tradition should be quickly brought to justice.

Already, the Army has placed a new unit leadership at this facility. As of April 1, we now have one single person responsible for all the detainee activities in Iraq.

Additional training on the Geneva convention and the rules of engagement have been given to all new units going into these facilities.

A mobile training team of corrections and legal experts is on the ground working to help train soldiers to improve operations at the facilities.

I am encouraged and I applaud the quick response by our military leaders. I hope this incident, which involved just a very small group of individuals, will not overshadow the integrity of our soldiers.

The 138,000 Americans in uniform in the Iraqi theater are some of the most dedicated and honorable people, and they are doing a tremendous job. Because of the sacrifices that they are making, our Nation is more secure, and Iraq is on the path to becoming a free and prosperous Nation.

May God bless America and may God bless our men and women in uniform.

Mr. SKELTON. Mr. Speaker, may I inquire as to how much time we have remaining, please?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Missouri (Mr. SKELTON) has 19 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), who is the ranking member on the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me the time and commend him for his leadership, along with that of the Chairman of the House Committee on Armed Services, a committee on which I was privileged to serve for 6 years.

Mr. Speaker, I rise in support of this resolution, though I wish it had called for a thorough investigation by Congress of the acts described in it. Our Nation is strong, not only because of our military might, but because of our values. In peacetime, those values may seem easy to uphold, but in wartime, they are inevitably going to be tested. To keep us strong, we must reaffirm to the American people and the world that those values permeate everything we do as a Nation, at home and all over the world.

We are not naive. We know that the fog of war is thick, and we understand, certainly those of us on the House Permanent Select Committee on Intelligence understand, that interrogation is an integral part of gathering intelligence about the enemy. Good intelligence hopefully prevents and disrupts attacks. That saves lives.

Many of us on the House Permanent Select Committee on Intelligence care deeply that we get it right. I have traveled to Guantanamo three times to assess the effectiveness of our interrogations and to assure that detainees are being treated properly. While I strongly disagree with the lack of legal status for Guantanamo's detainees, I have been increasingly impressed by the tangible improvements in prisoner treatment and by the yield from interrogations.

I have been to Baghdad twice, again focused on intelligence issues. There was no hint in my second visit to Baghdad in February of this year, a month after the devastating photos were delivered to the Pentagon, that anything was amiss with respect to interrogations in Iraq.

Mr. Speaker, my colleagues and I were doing our job to make sure things were done right, but the failure to alert us to the circumstances that led to the request of General Taguba to prepare his report was a failure by the intelligence community to keep our Committee informed. It was a failure by the executive branch to keep Congress informed.

After everything this country has been through over the past 3 years, the horrors at Abu Ghraib made crystal clear the need for major intelligence reform. It is not acceptable for people to retreat into ''chain of command'' stovepipes. It is not credible that a few bad apples carried out what the Taguba report calls ''numerous incidents of sadistic, blatant and wanton criminal abuse'' without any explicit or implicit tolerance from those who supervised them.

Tom Friedman writes today, ''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.''

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), one of our great veterans.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for the time, and I associate myself with the remarks of the chairman and of the ranking member.

I also have a heavy heart. As someone who served as a U.S. Army military intelligence officer for more than 30 years on active and reserve duty, I am appalled and disgusted by the images of U.S. soldiers mistreating prisoners in Iraq. Not only is the abuse of prisoners repugnant to our moral values as Americans, but it has little to no utility in eliciting useful intelligence from hostile elements.

Army Field Manual 34–52 clearly defines interrogation as the art of questioning and beaming a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain usable and reliable information in a lawful manner, in a lawful manner.

It goes on to say, ''The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the U.S. Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results.'' This is Army Field Manual 34–52.

I am outraged to think that the stupid and insulting behavior of a very few soldiers and officers could undercut the honorable and the courageous service of so many American soldiers in Iraq. A full investigation is in order. Punishment for the guilty parties is required, and we must send a clear message to the world that the action of a very few does not represent the values of most American soldiers and most Americans.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Maryland (Mr. CARDIN) for the purpose of making a unanimous consent request.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the abuse of Iraqi prisoners by American soldiers and personnel constitute deplorable, despicable acts. We are all sickened by the pictures of our troops laughing and pointing at Iraqi prisoners who had been stripped naked, possibly beaten, and forced to pose in sexually explicit positions. These actions have compromised not only our mission in Iraq, but also the reputation of the American governments and its agents. Let me be clear: All but a few of our

soldiers and military personnel perform their jobs honorably on behalf of the American people, and our military is playing an important role in keeping the peace and promoting democracy around the world.

Our next step is clear: Congress must hold an open, complete and bipartisan investigation into these terrible allegations. We have a responsibility to oversee our military and intelligence services, and only through an independent investigation by Congress will we be able to regain our Nation's credibility as a champion for human rights. I am disappointed that the pending resolution does not reference an independent inquiry by Congress. The Pentagon must also take quick action to punish those involved, including holding those superiors who knew, encouraged, condoned, or should have known about those abuses. The resolution rightly points out the military must undertake corrective action to address chain of command deficiencies and systemic deficiencies in the military. We must also examine the role played by American civilian contractors in performing governmental functions such as interrogation of enemy prisoners.

Mr. Speaker, I serve as the Ranking Member of the Commission on Security and Cooperation in Europe (CSCE), commonly known as the Helsinki Commission. The United States is one of the fifty-five nations that serve as members of the Organization for Security and Cooperation in Europe (OSCE), the largest regional security organization in the world.

The United States has agreed to a number of Helsinki commitments beginning in 1989 in Vienna regarding democracy, rule of law, and human rights. We regularly criticize other governments in Europe and Central Asia when they use, condone, or fail to stop acts of torture in their prisons. Part of our commitments include: The education and training of all personnel—whether civil, medical, or military—that handle prisoners; systematic review of interrogation rules, methods, and practices; and a systematic review of arrangements for custody and treatment of detained persons, with a view to preventing any cases of torture. The OSCE publishes a ''preventing torture'' handbook to help Participating States eradicate torture.

As the United States seeks to wage a global war on terrorism, many questions have been raised regarding U.S. efforts to combat terrorism and whether related actions are consistent with our international obligations and commitments. Last year on June 26, on the International Day in Support of the Victims of Torture, President Bush declared that ''Torture anywhere is an affront to human dignity everywhere.'' He observed that ''Freedom from torture is an inalienable human right.'' The State Department has also noted that ''Freedom from torture is an inalienable human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exception.'' Finally, as the General Counsel to the Defense Department, William Haynes wrote to Senator LEAHY that, ''the United States does not permit, tolerate, or condone any such torture by its employees under any circumstances.''

Mr. Speaker, last year I offered, and then withdrew, an amendment to the Department of Defense Appropriations bill for FY 04 that would prohibit the use of any funds in the bill from being used to carry out torture. I was disturbed by a December 2002 article in the Washington Post. The article cited a number of defense and intelligence sources which allege that some detainees in Afghanistan and elsewhere may have been tortured.

The abuse of Iraqi prisoners by American soldiers not only harmed the victims, but also harmed our country. It has damaged our mission in Iraq. It has soiled our reputation in pursuit of humanitarian issues.

What happened in Baghdad's Abu Ghraib prison does not reflect U.S. values. We must speak out and take action against torture anywhere in the world, even if it occurs under our watch. We must act decisively.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

□ 1345

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in strong support of this resolution. The actions of several U.S. soldiers in Baghdad are fundamentally inconsistent with our mission in Iraq, American principles of justice, and the basic tenets of morality. They have stained our character and damaged our credibility.

I fear there are no words in the English language that can adequately describe the depth of our disillusionment over the goodwill generated by millions of Americans and billions of American dollars squandered in an instant.

But I do know this: out of this tragedy is born opportunity to show the watching world how we, a Nation founded on the rule of law, conduct ourselves in the aftermath of this tragedy. What distinguishes us from the regime that we ended is justice. While this behavior was once commonplace in Iraq, it is foreign to our national experience and to our nature, and we will deal with it not by saluting those who perpetrated those acts, as the former regime did, but by bringing the perpetrators to justice.

I was fortunate to visit a free Iraq in January. I met with our soldiers, including some from my home State, New Jersey. I say to each of our soldiers and servicemembers, do not allow the injustices done by a few to undermine your faith, for the cause which brought you to Iraq is right and just. You have freed 24 million people from the clutches of unspeakable tyranny, and your actions and character are sowing freedom in a place that has known evil. May God continue to bless all of those who serve honorably in our Nation's military, and may God continue to bless America.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a senior member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, all Americans were shocked by what we saw at the Abu Ghraib prison. The abuse of Iraqi prisoners offends our values as human beings and as Americans. I am deeply disturbed by the administration's handling of this issue. A 3-month-old investigation has only now come to light. Some are questioning whether we may have lost control of civilian contractors who fall outside of the military chain of command.

But there is something equally as alarming about this news, the discovery that unregulated private contractors are interrogating prisoners in Iraq on behalf of the Coalition Provisional Authority.

This now becomes a question of accountability. In the fog of war, it is not only our military but also private companies deciding whom to deploy, whom to carry out operations, and how those people are vetted. There is almost no congressional oversight, civil regulation, or military law that governs them. By contracting out these critical tasks to civilian contractors who fall outside of the chain of command, there is no quality assurance, and there is questionable accountability.

The Secretary of Defense has been inattentive and perhaps negligent at great cost to our reputation and our security, and the call for the Secretary of Defense resignation is growing stronger day by day. At the very least, the Republican leadership in this House should convene bipartisan, bicameral congressional hearings to examine this urgent matter.

This reminds us that before we win the hearts and the minds of the Iraqis in this effort, we must win something else, trust, the trust of the American people.

Mr. HUNTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to address what the gentlewoman just said because she has made a mistake. She said that the 3-month-old investigation has only now come to light. I have in front of me the news release that I will give to the gentlewoman. As of January 16, which was 3 days after the soldier came forward and gave to his commanding officer the evidence that bad things were taking place at the prison, CENTCOM released a news release to every news agency in the world stating that an investigation has been initiated into reported incidents of detainee abuse.

So they announced to the world 3 days after the soldier came forward in January that an investigation had been started; and General Kimmet announced to the combined audiences of Fox News, MSNBC and CNN, by my calculations over 20 million people, on January 16 that an investigation had been started. Outside of that, nobody was told.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I would just say to the gentleman that I think the report in terms of Members of Congress, the people's House, that we have in fact been kept in the dark. There may have been some who have known about it. I listened to General Myers.

Mr. HUNTER. Mr. Speaker, I will tell the gentlewoman the entire world was told by this news release.

Ms. DELAURO. Then it is even more poignant.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I think this is a very important point. The soldier came forward on January 13 and gave this evidence to his commanding officer that prisoners were being abused. CENTCOM announced to the world through their official news release that they were investigating this 3 days later; and General Kimmet, who was before an audience of some 20 million people three days later, January 16, announced it was in fact being investigated.

So the statement that the investigation has just now come to light is not accurate.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I ask that this resolution be less timid and actually ask for a commission beyond the Department of Defense.

Mr. Speaker, I was absolutely outraged last week when I, along with the rest of the world, learned that U.S. servicemembers and private American contractors in Iraq had abused and tortured Iraqi prisoners of war, and had forced them to commit heinous sexual acts.

War is devastating and terrifying, but even in war there is no place for actions such as these. The vast majority of soldiers in Iraq are performing courageously and honorably, upholding the high standards of the U.S. military. But the abuse inflicted by a few soldiers will likely be responsible for much ill will around the world. What's worse, I fear that it will embolden our enemies to commit further acts of terrorism against the United States.

We must get to the bottom of this scandal, but we must do it in the right way. H. Res. 627, which will be voted on today, does not adequately address these abuses because it doesn't go far enough. Instead of encouraging an investigation through the Department of Defense, this resolution should call for congressional investigations to investigate the roles of both servicemembers and private civilian contractors who may have played a role in the abuse of Iraqi prisoners of war.

The military should not investigate itself in this matter, because we don't yet know if the military leadership itself bears some responsibility for these atrocities.

We also owe an apology to the people of Iraq, and to all the countries around the world that look to the United States for leadership and guidance in the area of democracy. This resolution offers no apology. Instead, it absolves the Congress of blame, claiming that we weren't informed of the abuses while they were happening. But the fact that we weren't informed should not stop this body from offering our sincerest regret that military procedures failed to stop this kind of abuse from occurring. Are we so arrogant that we cannot apologize for some of the most heinous acts that member of our military have ever committed?

This resolution must be amended to get to the bottom of this terrible scandal. I urge my colleagues to vote against H. Res. 627 unless it is amended to include congressional investigations and regret for the acts of those wearing the uniform of the United States military.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I have read this bill. I may be one of the few on the floor who has. But as a long-serving Member of this body, as a private who finished World War II as a second lieutenant, I sat on boards, courts martial, served as military prosecutor, and also as defense. I find in the legislation no word of anybody other than Members of the armed services. I find no mention of discussion of members of the CIA, of members of the civilian leadership, of the Defense Department or other government agencies. I find nothing about civilian contractors.

My question to the chairman, are we going to go into that behavior, or are we just going to sack a bunch of poor infantrymen up to the rank of sergeant or something like that and say you are going to jail, when in fact this was policy which originated much higher?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I would say that the investigation, there are now six investigations ongoing, the investigation that was started has identified some six individuals. Those are all people wearing uniform.

If the investigation reveals further people who are civilian contractors, those people can be punished under the laws of the United States which have been extended to theater.

Mr. DINGELL. It sounds to me like they are going to stick it to the ordinary uniformed military service under the rank of lieutenant, and let everybody else off the hook. This is a bad proposal.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, generally I think we can be faulted on this floor for saying the same thing over and over again in our debates; but in this case, I think it is important to say over and over again so it is heard clearly and definitively that the conduct here, including the taking and distribution of photographs, is abhorrent to our Nation and to our values; and also to say that we are proud of and grateful to the thousands and thousands of men and women who do represent and exemplify our values every day in Iraq, for every day there are countless acts of kindness and generosity and respect shown to Iraqis by American soldiers, risking their own lives. Part of the tragedy of this episode is it gets so much attention while all of those acts get so little attention.

Yet it is important for us to continue to do the right thing, to hold those involved accountable for their actions or their neglect, and to not let up in our efforts to overcome the malicious forces of oppression, working with the Iraqi people for a free and secure and stable Iraq.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 627 only because we need to begin the healing process, not because it offers a real solution to our troops and peace in Iraq.

Mr. Speaker, yet again we are seeing politics driving our policy in Iraq rather than logic, and compassion, and sense of duty. The resolution before us today is political damage control. This Congress has a constitutionally mandated duty of oversight over the executive branch. We and the world have seen over the past days that some horrible deeds have occurred in Iraq—deeds that truly threaten to undermine everything that we have worked toward on the international-diplomatic front for the past century. We must be thoughtful in crafting our approach to diffusing this awful situation, bringing those responsible to justice, and protecting the honor of those members of our armed-services who serve so valiantly and honorably around the world.

This resolution contains several provisions, including (1) deploring and condemning the abuse of Iraqi prisoners in U.S. custody; (2) reaffirming and reinforcing the American principle that any and all individuals under the custody and care of the U.S. armed forces shall be afforded proper and humane treatment; and (3) urging the Department of Defense to conduct an investigation into any and all allegations of mistreatment or abuse of Iraqi prisoners and bring to swift justice all members of the Armed Forces who have violated the Uniform Code of Military Justice.

I agree with all of that; however, is that all the duty of this Congress is? All this resolution does is says, "We read in the paper that mistakes were made. Somebody else, find out what happened. Somebody else, tell us what you find out. Somebody else, make this problem go away.'' That is a dereliction of our duty.

Members in this body have extraordinary experience and expertise in these issues. We owe it to the people we represent to immediately launch full congressional investigations into Iraqi prisoner abuse. After the Defense Department report was buried and hidden from Congress, and maybe even the President, for months, it is absurd to now trust that same department to police itself and purge itself of bad actors. We are already seeing the methods by which they will approach this—blame the six people in the pictures and maybe a couple of others, and assume that they were some sort of outliers.

We all hope that that is indeed the case, but we must make sure. Last week, I wouldn't have believed that any American soldiers were capable of such grotesque abuses. We must be objective as we delve into whether this problem goes far deeper than just a few cells at Abu Ghraib. Further missteps in the U.S. response to these atrocities could bring about a monstrous backlash in Iraq, and across the Middle East.

What message does it send to those struggling for democracy and freedom around the world, when this People's House, in the greatest democracy in the world—simply toes the majority party line?

We need bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into chain of command and other systemic deficiencies that contributed to such abuse.

We all know that the vast majority of U.S. troops in Iraq are performing superbly. It is tragic that the behavior of a small number of American soldiers has besmirched the reputation of U.S. troops overall. The vast majority of U.S. troops in Iraq are courageously performing their duties and are living up to the highest standards of the U.S. military. They are serving our country with honor, distinction and dedication and deserve our country's deepest gratitude.

However, the grotesque abuse of Iraqi prisoners is completely unacceptable—and is against everything our country stands for and holds dear. The abuse of Iraqi prisoners in the Abu Ghraib prison by U.S. soldiers that has been documented with photographs is abhorrent and does not represent America. The citizens of America have been appalled by what they have seen and condemn these actions as against our ethics and against our practices. These abuses are truly un-American.

Congressional investigations are critically needed in order to get to the bottom of this outrage. Among the questions that must be answered are: How widespread were these incidents of prisoner abuse? Were personnel trained adequately to do the jobs to which they were assigned? When did senior leadership of the Department of Defense learn of these allegations? Was their response timely and did it reflect the seriousness of this situation?

We owe it to the American people, to those around the world who are watching intently, and especially to our troops whose reputations have been called into question by this situation. We must put this Congress to work purging our military of those who encourage such un-American behavior, and restore the honor of our brave soldiers serving in Iraq and around the world.

I again call for Secretary Rumsfeld to appear before the full body of this House with the complete story of this travesty. Ultimately, I call for his resignation and that of Deputy Secretary Wolfowitz.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget and also a senior member of the Committee on Armed Services.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, there is nothing we hold in trust more sacred than the good name of America, and the good name of our great country is at stake. We have been defiled, maligned, if not damaged irreparably in some parts of the world; and we cannot diminish the consequences.

Just as the world has been fixated on those revolting photographs, the world is watching now to see what America will do, not what we will say, but how we will respond in fact. We should first of all rise up in indignation and outrage and condemn these atrocities and not diminish them. I do not care whether six soldiers or 600 were involved. We should make it unmistakably clear that this is conduct that Americans will not tolerate, we will not diminish, we will not excuse, and we will punish with severity.

But our response cannot end with just indignation or even an abject apology. We must make every effort to find out what was involved in these atrocities, who was involved in these atrocities, directly involved, and involved in a supervisory capacity up the chain of command and down the chain of command, wherever it leads; and we must punish everybody who is culpable in a way that makes clear this is despicable conduct which we will not abide in the United States of America.

That quest for facts must ask candidly, painfully whether or not these were isolated acts, these atrocities were isolated acts of poorly trained, undisciplined reservists, or whether they arise out of a culture that permitted and allowed interrogation techniques that call for hoods, sleep deprivation, and incessant questioning.

These are hard questions. We have got to ask them. Was this military intelligence, military police, or was it both? Where did the system break down?

In the committee room of the Committee on Armed Services, Mr. Speaker, we have cast in bronze a plaque with article 1 clause 8 of the Constitution which gives Congress the power to raise and support an Army, a Navy, and provide for their regulation. This was the way that the Parliament in the 17th century gained control of the government by gaining control of the military, among other things, by keeping on a short leash the law that permitted courts martial.

The Department of Defense is and ought to be conducting its own investigation; but if we are worth our salt, if we are up to the powers the Constitution vests in us, we must conduct our own investigation.

□ 1400

Woodrow Wilson once said that our greatest power is the power to investigate, to inform, to check the Commander-in-Chief, to notify, to make the American people understand what is happening in their government. So this is not a matter that we can delegate. This is not a matter that we can trust anyone else. This is a matter where we must not take the role of outsiders looking in. We should launch our own investigation. And one of the places where this resolution stops short, I would say to my good friend, the chairman of the committee, is that it does not emphatically call for our own independent investigation to lead wherever the facts may take us. We should do it because it is our duty. We should do it because of the trust we hold. We should do it for the sake of the soldiers, the vast majority of soldiers, who have are served honorably, who have served and sacrificed and secured the interests of our country.

But here, as in many places, this resolution pulls its punch. I support it. I will vote for it, but I think it should be more emphatic, more outraged, and I think it should be more of a beginning to our effort than an end, to the constitutional trust that we all hold, to find the facts, to ask why we are so late ourselves in being informed, and to see that the truth and the whole truth comes out.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I say to my good distinguished colleague I invite him to come to our committee hearing in which we are conducting oversight in this matter at 3 o'clock tomorrow afternoon, and I also remind him that we have now carried out by those people that we have trusted in uniform in the Iraqi theater and elsewhere, six investigations now ongoing into this particular matter, six investigations.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I have great respect for the gentleman, and he and I served together, as he will recall, on one investigative panel that looked into what happened in Beirut in 1983. We had both been there a month before, both talked about what happened, and that was an investigation that really did unearth new facts. And it is a good illustration of why we need to have a similar investigation here where our committee has searched its constitutional authority and gets to the bottom of this matter.

Mr. HUNTER. Mr. Speaker, I would say to my colleague that we have three of the people involved in this who have been bound over to the court-martial convening authority for general courts martial, that is, for criminal prosecutorial activity, and to say to my colleague again, who has told me many times about how much he respects our people in uniform, that our people in uniform themselves, starting with the private who reported this, have six investigations ongoing. And I think part of our job is not just to have oversight, but also to trust to the honor and integrity of the people who wear the uniform, and we now have six investigations going forward.

So let us have this hearing tomorrow and see where we go from there, but

my feeling is we have good, competent, honorable people undertaking these investigations.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COLE), who cares so much about America's men and women in uniform.

Mr. COLE. Mr. Speaker, I rise today in support of the resolution and to express my revulsion and disgust at the abuse of Iraqi prisoners by a few reprehensible and unrepresentative individuals in our military or operating as representatives of our government.

The very first time I spoke on this floor, it was to warn Saddam Hussein and the Iraqi army of the consequences of not treating our prisoners of war in accordance with the Geneva Conventions. I feel just as strongly about the prisoners of war that are in the custody of our military.

This is not an issue I take lightly. My own uncle was a prisoner of war during World War II. He suffered terrible personal abuse.

Now a few soldiers have brought disgrace upon themselves. And in the process, they have embarrassed our Nation, its Army, and risked the lives of our soldiers.

Mr. Speaker, these abuses must be dealt with and the perpetrators prosecuted and punished. The incident represents a failure of leadership, clear and simple. Those in the chain of command responsible for this breakdown must be identified and sanctioned in some way stronger than simple letters of reprimand.

This resolution and the actions that follow are what makes us different from other nations, Mr. Speaker. Here in America when something like this happens, we put it out in front of the world, we identify the perpetrators, prosecute, and punish them. That is what our soldiers fight for. That is what 30 soldiers from my own district have died for.

In America, we do not have gulags. We do not have concentration camps. And we do not tolerate the mistreatment of those who are incarcerated. We are a just society built upon the rule of law. But make no mistake. Our cause in Iraq is just, and we will be successful in spite of this shameful episode.

Mr. Speaker, the vast majority of our soldiers are honest and upright and willing to risk their lives to defend and advance the cause of freedom. I know. I have had the honor of visiting them, and I am quite sure that they are as disgusted and outraged by the conduct of these few individuals as we in this House are.

Mr. Speaker, I would encourage other Members to vote in support of this resolution, but also to thank the many soldiers who serve us and the Iraqi people, while we sanction the few who have violated our trust.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), who is the minority whip.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the fact that we are on this floor today considering a resolution condemning outrageous conduct by American soldiers and perhaps some civilians against defenseless Iraqi detainees is an unmitigated and shameful embarrassment for this Nation. This abuse, which is as criminal as it is un-American, demands full accountability. And full accountability must be demanded not just at the bottom of the military chain of command, but for the highest ranking military and civilian officials who knew or should have known about this behavior and either turned a blind eye to it or failed to immediately address it.

Let us be clear. The buck should not and it must not stop with a 20-year-old enlisted man or woman who may well have thought they were acting within the framework of a psychology that permitted them to demean and deny basic decency of treatment to detainees.

Mr. Speaker, 43 years ago, I stood in front of this Capitol building as President Kennedy told the American people in one of the most famous inaugural addresses in our history that Americans, he said, are ''unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed and to which,'' he said, ''we are committed today at home and around the world.''

Mr. Speaker, I believe we are still committed to those. That is the America that every Member of this body knows and loves; an America that stands for the rights and dignity of every human being; an American America that fights oppression, inhumanity, and intolerance wherever it rears its head.

This Congress, the elected representatives of 290 million Americans, must fulfill its constitutional duty as a coequal branch of government and demand accountability for these criminal acts. This means that we must hold hearings so that the American people and all the world know the truth about this episode.

I am pleased to see the chairman of the committee is holding hearings. Some 4 days ago, he said they were not necessary and the leader of his party said they were not necessary. Those who perpetrated these criminal acts and those who created the environment in which such acts were thought to be acceptable should be, must be, held accountable.

Today we learn that the Secretary of Defense has known for months that prisoners in Iraq and Afghanistan have been humiliated, beaten, tortured, and even murdered. Twenty-five prisoners have died in U.S. custody. And, still, there is virtually no accountability for those deaths. No House congressional inquiry, no presidential or secretarial condemnation, and no end.

The buck must stop somewhere. Private admonishments are not sufficient. Full public accountability must be demanded. If the Secretary of Defense failed to perform his duty, he should be held responsible. If anybody below him failed to perform their responsibility, they too should be held responsible, as should those perpetrators.

Mr. Speaker, it is nothing short of tragic that this indefensible conduct threatens to overshadow the extraordinary courage and sacrifice of our brave men and women in our Armed Forces. I have supported their efforts and supported the President in removing Saddam Hussein. We have liberated 25 million Iraqis from the clutches of a ruthless dictator. How proud we are of our men and women in uniform.

The only way we can remove that dark cloud that now hangs over their noble efforts is to ensure that those who have acted outside the law are required to answer to it and those who allowed it to go unchecked and unpunished are removed from positions of responsibility.

Finally, Mr. Speaker, let me say that the damage inflicted upon our image and standing in the world is incalculable. As Tom Friedman pointed out in the New York Times this morning, it has been quoted before but let me quote it again: ''We are in danger,'' he said, ''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 will offer a motion to recommit, which makes more clear our outrage and more pointed our demand for full investigation and responsibility. I urge my colleagues to support it.

I thank the gentleman for yielding me this time.

Mr. HUNTER. Mr. Speaker, I yield myself 15 seconds.

To address the distinguished majority whip, the distinguished majority whip, like the previous speaker, is wrong. The statement was put out by the Army on January 15 that this investigation was taking place, 2 days after the soldier came forward. And 3 days after the soldier came forward, it was given in General Kimmitt's address to the combined audiences of Fox News, MSNBC, and CNN. That is not turning a blind eye.

I will give the gentleman the notice. It was put out on January 14. He can look at it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this is not merely a matter of a small number of individuals who have violated the code of military justice. This is a disgrace. This country led an international effort to end the regime of a cruel dictator who abused his people. Now men and women wearing the American uniform have abused Iraqis.

The injury they have caused does not end with the Iraqi prisoners. They have

undermined the war effort. They have risked its success as surely as if they sold military secrets to the terrorists. They have humiliated our Nation more gravely than mere terrorists ever could. They have dishonored every brave American soldier who has lost or risked his life in the war effort and to help the people of Iraq. They have wasted the effort of those brave Americans who have rehabilitated more than 1,700 schools in Iraq. They have squandered the work of a global coalition that has delivered more than 25,000 tons of pharmaceuticals and supplies to health care facilities in Iraq and vaccinated over 70 percent of children in Iraq against polio, tuberculosis, measles, and diphtheria.

If ever justice could be swift, let it be now. If ever the punishment could fit the crime, let it be now. If ever our Nation needed the prayers and support of men and women of goodwill, it is now. The success and survival of liberty depend upon it.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, first, let me say to the gentleman from California (Mr. COX) that I associate myself with his remarks and thank him for those comments. Let me say to my friend, the chairman of the Committee on Armed Services, he and I voted together probably 95 percent on issues of defense.

□ 1415

I will tell my friend, he has repeated the fact that we knew this in January at least four or five times, that I have heard. If that is the case, and I take him at his word, frankly, I did not focus on it, the chairman did not focus on it, there have been no hearings, there have been no investigations. It is a shameful reality that perhaps some knew this as early as January, and we are here today, some 4 months later, with the public getting that information and the Members of Congress being energized by it. And this resolution did not come from your committee, I say to my friend, until almost mid-May, notwithstanding the fact that you read that disclosure over and over and over again.

Mr. HUNTER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, let me just say to my friend, you say some knew about this. The combined audiences of Fox News, MSNBC and CNN heard this in the daily briefing in January. So your statement that the administration turned a blind eye to it is not true. They initiated an investigation, once again initiated by General Sanchez, 3 days after the soldier came forward.

Mr. SKELTON. Mr. Speaker, may I inquire how many minutes are left.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Missouri (Mr. SKELETON) has 3 minutes remaining, and the gentleman from California (Mr. HUNTER) has 8 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Massachusetts (Mr. OLVER).

(Mr. OLVER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. OLVER. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, the whole world now knows about the abhorrent behavior of American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan. Unaccountably, neither Secretary of Defense Rumsfeld nor Chairman of the Joint Chiefs of Staff, General Meyers, took the matter seriously enough to brief the President on the Pentagon report that there were numerous, specific instances of ''sadistic, blatant, and wanton criminal abuses'' by American prison guards at Abu Ghraib. The President knew since January that a general investigation into the treatment of prisoners was ongoing, but neither the Pentagon nor the White House acknowledged that investigation until this week when hundreds of extremely graphic photographs were made public.

I opposed the war in Iraq in part because I was convinced that unilateral American military action in Iraq would lead to an increase in the number of terrorists. The behavior of American prison guards at Abu Ghraib will further breed hatred for the United States and sympathy for those who do us harm. The images of American soldiers humiliating prisoners in Iraq have caused severe damage to our efforts to establish Iraq self-rule and hold free elections. Our standing in the Islamic world is now far worse than it was even last week.

I am convinced that two actions are now necessary.

First, Secretary of Defense Rumsfeld must resign. The events at Abu Ghraib prison were the inevitable result of the Secretary's policy of ignoring the Geneva Accords that govern the rights of prisoners. Despite overwhelming criticism at home and around the world, Secretary Rumsfeld insisted that the United States will no longer by bound by the Geneva Convention and decades of previous practice by the U.S. military in its handling of detainees in foreign countries will be ignored. the Secretary's insistence on handling prisoners in secret and outside the law has led to an unaccountable regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured, sexually abused and killed.

Second, there must be a comprehensive investigation by Congress into the treatment of prisoners of war. There must be an investigation independent of the Department of Defense, where the abuses occurred, that includes an examination of the role of civilian contractors and other civilians who may have played a role in the incidents of prisoner abuse. A thorough investigation by Congress would reveal the systemic deficiencies that contributed to such abuse. Among the questions that must be answered are: How widespread were these incidents of prisoner abuse? Were personnel trained adequately to do the jobs to which they were assigned? When did senior leadership of the Department of Defense learn of these allegations? Was their response timely and did it reflect the profound seriousness of this situation?

The American people must have answers to these questions. I realize that congressional investigations will take months, but Secretary Rumsfeld must resign. By ignoring international law and insisting on a policy that allowed these prisoner abuses in Iraq to occur, the Secretary has greatly damaged our country's standing in the world and compromised our national security.

America cannot win the peace in Iraq while, in America's name, some, however few, commit outrages, as part of the occupation, more akin to those attributed to Saddam Hussein.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, like all of us in here, I am sickened by the images of our military abusing Iraqi prisoners. These actions are deplorable in and of themselves, and it is even more so when we as an American society stand for justice and the protection of human rights. The abuse tears the very fabric of the values which make America great.

This abuse not only degrades the prisoners and the Muslim culture, but ours as well. If these abuses sicken me and most Americans, think of the legitimate reaction of those in Iraq and the Middle East and the world.

It should also trouble Americans that this terrible episode is being exploited by partisans who wish to make it an election-year issue. Republicans and Democrats should stand arm in arm condemning what occurred, apologizing for these abuses, and demonstrate the decent values for which America and we all stand.

I appreciate the President going on Arab television yesterday to directly address the Arab people. It is a good first step. But more must be done to rehabilitate our benevolent reputation.

We need to thoroughly investigate and make sure that those holes that allowed this to happen are plugged. America should stand for nothing less.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I might say there was a serious attempt to have a bipartisan resolution today; but let me say that on this side we were not shown a draft until almost 6:30 last evening, and we were not permitted to share a copy with our leadership until 9:45. Our leadership was not given the opportunity to make a change on the draft that was given at that time, and we were not given a copy of the final version of the bill until after it had been introduced. When the leadership could not reach unanimous consent; we were not given the opportunity to offer an alternative, an amendment or even a motion to recommit. I was hoping we could do a better job of being bipartisan, but we are here and I intend to vote for this.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a former member of the Committee on Armed Services, who is a colonel in the Army Reserve and was in fact a JAG officer at our POW camps in Gulf War I.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, we are all outraged by the criminal conduct of a few. War is not simple; war is not easy. By its nature, it is chaotic. It is an effort to find humanity in a very inhumane environment. That is the reason for the creation of the Geneva Conventions and the laws of war. The United States is a signatory to the Geneva Conventions. The United States has not violated the Geneva Conventions. The United States is enforcing the Geneva Conventions and our laws under it. That is an important message for the world to know.

The United States sets the standard for the world. So we here in this body need to speak in a unified voice in the message to the world that we support the Geneva Conventions for bringing humane treatment to individuals, whether they are prisoners of war, whether they are detained civilians, whether they are detained personnel. It does not matter what status.

Sure, you get into the technicalities of the law, but what is important is they be treated humanely. There is no justification whatsoever for these ''softening up'' of individuals for interrogations. What occurred was wrong.

This did not occur whatsoever in the first Gulf War. I participated in interrogations. I was at the Joint Interrogation Facility. There was never even a hint nor even a rumor with regard to the mistreatment, abuse, or maltreatment with regards to prisoners.

What occurred here is wrong, and every American should be outraged. What is important is that we recognize there was a failure of the chain of command within the 800th MP Brigade and that individuals need to be held accountable. The question is, where does it go from there, whether that accountability function is strictly just of soldiers, or does it in fact move to civilian leadership in the Pentagon?

What I do know about facts is that facts are very stubborn things and that facts will hold the test of time. So beyond the rhetoric, beyond any form of allegation, beyond the spin, facts.

Mr. Speaker, it is important for this body to speak in a unified voice; let all of the investigations come through, let the sun shine in, let the world know and the facts will determine where the accountability lies.

Mr. SKELTON. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time and for his tremendous leadership on behalf of the national security of our country. I also thank the gentleman for his attempt to develop a bipartisan resolution that would bring us all together and take the opportunity to send a true message to the world of democratic values.

Mr. Speaker, last Thursday, Secretary Rumsfeld came to the Congress and he briefed Members of the House of Representatives on the situation in Iraq. He neglected to tell Members of Congress that the situation in Iraq included this most unfortunate, disgraceful situation in the prison. He withheld that information from the Congress of the United States when he had full knowledge of it and apparently had full knowledge for a while.

Indeed, that very evening, ''60 Minutes'' broke the story, a story it had been working on for a while. So why was Congress the last to know, especially on a day when the Secretary was briefing the Congress on the situation in Iraq?

The distinguished chairman of the Committee on Armed Services has said repeatedly in the course of this debate that this information was made public in January by a public statement by General Kimmett. I do not know when that constituted keeping Congress informed; and if that is the standard, if a sentence that does not really explain the situation expressed in a press conference in Iraq meets the standard for informing Congress, then we are in a lot more trouble than we even thought.

Please do not bring that up as an example of ''letting us know,'' because I do not think anybody, even within the administration, would have called that sufficient notification to Congress.

Since last Thursday when the Secretary of Defense withheld information from the Congress, the Senate has held robust hearings. They stopped in their tracks. They stopped the business of the Senate, which was the reauthorization of the Defense Act, and went into committee as the Committee on Armed Services because of the urgency of this matter. Yet this House had to be dragged kicking and screaming into having hearings on the subject. We should have hearings not only in the Committee on Armed Services, but in the Committee on International Relations. We should be having these hearings in the Committee on the Judiciary as well. We should be having these hearings in the Permanent Select Committee on Intelligence, it touches so many jurisdictions in this House, because we must get to the bottom of this.

So today we have this resolution that has come to the floor, missing an opportunity to send a very clear, forceful, values-based message to the world and to the American people about who we are and what we stand for and what we will not tolerate in the behavior of our people.

We all agree that our troops, our men and women in uniform, and even the civilians over there, are courageous, patriotic, and have acted with great courage. They are willing to sacrifice their lives. We owe them our deepest gratitude and respect and our prayers. This resolution acknowledges that fact, and it is right to do so.

Some U.S. personnel, military and civilian, abused Iraqi prisoners in ways that are shocking and reprehensible. The resolution acknowledges that fact and deplores it. Unfortunately, by including a number of causes that seek to compare life in Iraq after the invasion with conditions that existed before, the resolution creates an inference that whatever post-invasion improvements exist, somehow they mitigate the abhorrent nature of the treatment of the prisoners. These ''whereases'' have no place in the same resolution.

The resolution should be focused tightly on the scandal and the need to find out why it occurred and who should be held accountable. Diffusing the focus conceals an important fact: this scandal increases the danger to our troops in Iraq, makes their mission more difficult to accomplish, and threatens the interests of the United States around the world. Even with a concerted effort in which a better-crafted resolution could have played an important part, it will be a very long time before the standing of the United States is restored in the eyes of the world, unless we face up to this matter.

Congressional oversight of the war in Iraq has not been aggressive enough. The administration's failure to provide accountability for its policies and an accounting of the money already provided has not been questioned adequately. Compounding that record of inaction by not investigating this matter thoroughly will be inexcusable.

This resolution could have called clearly for congressional investigations, to include a review of the role that the U.S. civilian contractors and other civilians may have played in it. That suggestion was outright rejected by the Republicans, saying we will not include the investigation and the contractors in this resolution; we will not add it. And it begs the question, Why?

Today, America has an opportunity to show the world our greatness by sending a message to the American people and to the world that we deplore this conduct, that we understand the significance of these abuses in the eyes of the Arab world, and that we will act to uncover the facts to find out who is responsible and to make sure that it will never happen again.

Every opportunity we get, we will always offer our praise and gratitude to our troops. We could have done that in a resolution that would have had bipartisan support, because it was very important that we send a message to the Arab world that we do understand the significance of these abuses to them. This is very, very, very significant; but it has been lost in the resolution before us.

Mr. Speaker, I urge my colleagues to support the motion to recommit to be offered by the gentleman from Maryland (Mr. HOYER), which delivers a message that truly reflects America's values.

□ 1430

It does so clearly and forcefully, and there is a reason for that. The gentleman from Maryland (Mr. HOYER) has

been a champion for human rights for as long as he has been in the Congress, and probably longer. His leadership on the Helsinki Commission, his bipartisan work on these issues gives him standing and authority to speak in a way, again, that clearly reflects America's values.

The Republican resolution does not do that; the Hoyer motion to recommit does.

Let us leave no doubt in the hearts and the minds of the world that we will live by the principles that we preach.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume just to reiterate the same thing that I have been stating, and that is that 2 days after the soldier in January reported to his superiors that abuses were taking place, the United States announced to the world in their press release that we were undertaking an investigation. And a few days after that, 4 days after the facts came forward, we announced to the combined audiences of Fox News, MSNBC and CNN, millions of people, that the investigations were taking place.

The investigations proceeded. We now have three individuals who are being recommended to the Court-Martial Convening Authority for court-martial for prisoner abuse, assault, dereliction of duty, and a large number of people in the chain of command have had their career ended, not because we found any connection between them and the acts, but because it was on their watch that these things took place.

I want to say just one thing about Mr. Rumsfeld before I recognize another speaker, Mr. Speaker. We have 135,000 good, hard-working, courageous uniformed men and women in theater. They are in contact in firefights on a daily basis. The job of the Secretary of Defense is to see to it that we win this war. He assigned to the legitimate, appropriate departments this investigation and told them to go forward, which they did, resulting in the criminal prosecution machine being set in motion under our court-martial authority, and he went back to trying to win this war. That is the appropriate action for the Secretary of Defense.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. THOMPSON), a great member of the 173rd Airborne in the Vietnam War.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to commend the chairman and his colleagues on that side of the aisle on their debate today and associate myself with the remarks that they have made. I agree that this debate should not be limited to the actions of those responsible for these inhumane acts.

It is also about the tens of thousands of U.S. military personnel who are performing their jobs honorably and bravely in the face of danger every single day. It is important for us to focus on these men and women today, Mr. Speaker, because the system that broke down and the system that is responsible for these inhumanities has just placed an even larger target on each of their foreheads. For the 138,000 brave men and women, and for the countless other Americans in Iraq today, their lives have become even more perilous with every new disclosure of atrocity.

This Congress was kept in the dark for months, but now the lights have been turned on. For every minute we take to find our voice, to take a bold action, to demonstrate to the world that American democracy and humanity are more than words that we teach to schoolchildren, is another minute that our soldiers face more danger and even greater odds than they would have faced otherwise, and they exacerbate their chances of getting back home to see their families again.

If this debate is truly about them, I say to my colleagues; if this debate is truly about them, they deserve more than a few words on this floor today. They deserve accountability, and they deserve action, and they deserve it now.

Mr. HUNTER. Mr. Speaker, I yield our remaining time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON) and the chairman, the gentleman from California (Mr. HUNTER) for bringing this resolution to the floor.

When I spoke to the chairman of the Committee on Armed Services, I asked him what we should do about this incident. There was a lot of discussion about a lot of things, but we were talking about doing this resolution. I told him at the time that we wanted to make sure that this was bipartisan, and he expressed himself that we needed to have a resolution that condemned the actions at Abu Ghraib prison but, at the same time, we needed to talk about our troops. That is what this resolution does.

When others tried to come in and impose politics into the resolution, it was rejected.

This resolution is exactly written the way it should have been written, and I congratulate the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for doing it the right way.

The alleged abuses inside Abu Ghraib Prison in Iraq are an outrage. They are crimes by any definition of any terms in any culture, and their perpetrators must be dealt with swiftly and fully. Our government has a responsibility to find out exactly what happened, what went wrong, and make sure it never happens again. But while we meet that responsibility, we cannot allow these shameful crimes to undermine or distract the American people or ourselves from the task, the clear moral imperative at hand.

Operation Iraqi Freedom, whatever difficulty we have faced since the end of major combat, has been an absolute good for the cause of human freedom in the world. The men and women serving the United States in Iraq won the swiftest and most humane military campaign in history, and they turned from that victory in major combat to a protracted, difficult, and bloody guerilla war against terrorist insurgents that still takes American lives every week.

We must, I say to my colleagues, we must not forget that while we have this chance to speak with one voice condemning what has happened in the Iraqi prisons, the war still rages. Attempts to politicize the abuse revelations will rightly be seen by our enemies as opportunities to recruit, to propagandize, and to incite.

The world must know that the abuses we have seen in recent days do not reflect the views, policies, or fabric of this Nation.

Our men and women in uniform are fighting today. Indeed, American blood is flowing in Iraq as we speak, and it is, therefore, incumbent on this body to offer our support for our troops and their mission all the more strongly today.

Our troops are changing the world and building a future for the people of Iraq, sacrificing more than most of us can know for the survival and success of liberty. They are the finest ambassadors, wherever they go everywhere in the world. They are the only thing that separates us from another 9–11. And in their time in Iraq, our servicemen and women have helped to rebuild schools, hospitals, food security systems, and infrastructure. They are an Army of charity. They are laying down their lives and their futures so that others might have themselves the freedom that we all take for granted.

''Greater love hath no man than this, Mr. Speaker.'' Our heroes must know that even in these troubling times, that love is returned.

Ms. WATSON. Mr. Speaker, I rise in opposition to H. Res. 627, a resolution condemning the abuse of persons in U.S. custody in Iraq.

Every member of this body is outraged and saddened by the recent reports of the abuse of prisoners in Iraq as well as Afghanistan. H. Res. 627, however, is a ''feel good'' resolution that fails to empower Congress to exercise its oversight role in the investigation of the Iraqi prisoner scandal. Moreover, the resolution before us today was crafted by a narrow Republican majority, which once again did not permit either the appropriate committees of jurisdiction or the Democratic leadership to participate in the process of crafting language for the resolution.

In effect, this resolution does absolutely nothing. It fails to put forward any policy language to address the serious issues at hand. Most egregiously, the resolution fails to offer any form of apology to the prisoners abused or the Iraqi people.

The United States stands on the precipice of a major foreign policy disaster. It is long past time to change course in Iraq. Defense

Secretary Rumsfeld and Deputy Secretary of Defense Wolfowitz are the principal architects of this failed policy. I once again call upon the President to seek their resignations. Only then will the people of Iraq and the world perhaps begin to view U.S. actions and intentions in a more favorable light.

Ms. ROYBAL-ALLARD. Mr. Speaker, I will be voting for the resolution today because I agree with its praise of our troops in Iraq, who under difficult circumstances continue to display high standards and professionalism during the occupation and rebuilding of Iraq.

However, I am very disappointed in the resolution and will vote for it with reservations. The primary purpose of the resolution should have been to deplore any abuses which have occurred while prisoners are in U.S. custody, and to demand swift prosecution of those who committed illegal or unethical acts, including those responsible in the military chain of command. Atrocities in the Abu Ghraib prison, and anywhere else they may have been committed, must be thoroughly and openly addressed through congressional investigations. These investigations must also include the conduct of American contractors who had a role in overseeing prisoners. Irresponsibly, these important points are left out of the resolution the House is considering today.

The recent abuse of prisoners in the Abu Ghraib prison is not only disgraceful, it is damaging to the interests of the United States, and ultimately it endangers our men and women in uniform not just in Iraq but around the world. We must act quickly to convince the court of world opinion that the American people do not tolerate illegal or unethical conduct by Americans and will take the necessary steps to stop it and prevent it from happening again.

Mr. MEEK of Florida. Mr. Speaker, I rise to strongly oppose H. Res. 627, the Iraqi Prisoner Resolution, because it is simply deficient as a statement expressing the outrage and revulsion that I feel, and that I believe the American people feel, about the despicable abuse and humiliation of these prisoners.

The resolution also lacks any call for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including those by U.S. civilian contractor personnel or other U.S. civilians, and into chain of command and other systemic deficiencies that contributed to this abuse, which have been called for by members of both parties.

It is impossible to exaggerate the seriousness and importance of this abusive mistreatment. It sets us back in the War on Terrorism by turning against us the very allies among moderate Muslims that we need in order to be successful. It taints the reputation of our Nation in the world community and the reputation of our men and women in uniform for years to come. It undermines U.S. credibility as the world's leader in the protection of international human rights. It hurts our efforts to protect the state of Israel and broker peace in the Middle East. And it invites similar abuse of members of our military, indeed any U.S. citizen, who may be captured by our enemies in the future. My great fear is that American lives will be lost because of the impact of this illegal, inhumane and un-American mistreatment.

The Bush administration has not gone nearly far enough or fast enough to apologize for these human rights abuses, or to hold accountable those who are responsible for them, and neither does this resolution. I am therefore opposed to it.

Ms. ESHOO. Mr. Speaker, every American is appalled by the images and reports of the mistreatment of prisoners at the Abu Ghraib prison in Iraq, images which have now been shown around the world again and again over the past week. These criminal actions have greatly undermined America's credibility around the world, humiliated the prisoners and their families, besmirched the reputation of our Armed Services, and placed our troops and civilians at heightened risk. The good work of American troops has been diminished significantly and the Arab world is outraged.

While it's highly appropriate for Congress to condemn these criminal actions, this Resolution does not go far enough in offering a remedy. The Resolution does not call for a full Congressional investigation. Indeed, the Majority has blocked the Minority today from adding a provision that would launch such an investigation. The Resolution ignores the necessity of an investigation to examine the role that intelligence officials and private contractors may have played in these crimes. We have to pursue the truth wherever it takes us and as high up the chain of command as we must go. Finally, the Resolution does not call on the Administration to be fully accountable and to report fully to Congress and the American people about the scope of this most serious issue.

The Congress has been kept in the dark for months about the abuses in Abu Ghraib prison, yet no one from the Administration has informed Congress or offered an apology. In fact, Secretary Rumsfeld came to Capitol Hill to brief Congress on Iraq last week, but never even mentioned these serious abuses and the catastrophic fallout internationally against the United States.

Mr. Speaker, there must be consequences. Reprimands aren't enough. The people in charge should be replaced, beginning with the Secretary of Defense.

A year ago I traveled to Iraq and Kuwait and met with our troops and intelligence officers. The vast majority were doing their jobs superbly well under very trying and dangerous conditions. Their efforts have been made immeasurably more difficult by the actions of a small group.

While we express our outrage, we must do more. There must be a full accounting and there must be consequences. Unfortunately, this Resolution demands none. I vote for this Resolution with all these reservations and concerns, but it cannot be the end of the story. We could have done so much better on a bipartisan basis, and it is regrettable that we did not. Congress now has its constitutional responsibility of oversight and investigation to bring out the entire truth and then move to shape policies that will help assure this doesn't ever happen again.

Ms. DEGETTE. Mr. Speaker, while the recent reports and graphic photographs of the alleged prisoner abuse at the Abu Ghraib prison sound similar to the atrocities that occurred under the cruel dictatorship of Saddam Hussein, these unbelievable instances of brutality and inhumanity, instead, allegedly took place under American command, perpetrated by American troops. Sadly, the Abu Ghraib prison—the very prison that epitomized all that was evil under Saddam Hussein's regime to the Iraqi people—still represents evil, only under a new name.

Accordingly, Congress must send an unwavering message to the Iraqi people and to the rest of the world that the United States will not tolerate the alleged atrocities that have occurred in the Abu Ghraib prison. While I will vote for this resolution, I do not want to simply join my colleagues who want to pay lip-service to a solution without any subsequent action. Congress must ensure that the perpetrators of the alleged brutality, as well as those leaders who let such inhumanity occur under their watch, be brought to justice. Just as importantly, Congress must investigate the scope of this problem; the increasing number of revelations of alleged prisoner abuse at Abu Ghraib and other prisons in Iraq, leads me to believe that such brutality may not be isolated to six or seven individuals. We need to ensure that such abuse is not systemic within and outside of the chain of command by conducting a bipartisan Congressional investigation and by holding Congressional hearings.

Additionally, we must make sure that all people who participated in this alleged abuse are held accountable. This includes the private contractors who were allegedly involved in the brutality that took place at Abu Ghraib. While the Department of Defense has reportedly launched several investigations, none has yet to address the role that the private contractors played. In fact, several reports indicate that the private contractors who were named specifically in the classified Taguba report are still working as paid contractors in Iraq. Not only must Congress hold hearings to investigate the alleged role of the private contractors in the alleged prison abuses, the U.S. Department of Justice must also exercise its ability to investigate, and if warranted, prosecute those individuals to the fullest extent of the law.

Congress must also guarantee that this Administration is held responsible for its actions or more precisely, its inaction, and for its policies that may have allowed such atrocities to occur. The actions of Secretary Rumsfeld and the Pentagon, including the decision that the United States would no longer adhere to the Geneva Convention as well as the ruling that detainees would be held without due process, have arguably helped to create a standard for the treatment of prisoners, which allows for humiliation, torture and murder.

Even worse, Mr. Rumsfeld has not only not read the Taguba report in its entirety, he has failed on numerous instances to respond to other reports of alleged violations and abuse. There is no excuse for his woeful negligence. If Mr. Rumsfeld had responded to these reports, these abuses may not have occurred to this degree, or at all. Mr. Rumsfeld must be held responsible for his part and if doing so requires his resignation, such action must then be called for.

Mr. LANTOS. Mr. Speaker, I join my colleagues in expressing revulsion at the deeply disturbing images that have ricocheted around the world, showing abuses committed by members of the U.S. armed forces against Iraqi detainees. I have seen first-hand the abuse of civilians and others during wartime. I understand the dehumanizing humiliation that can be perpetrated against an individual. At the same time, I also know that if it were not for the bravery and heroism of the U.S. military, I probably would not be walking on this earth—and there are countless people around the world who could say the same thing.

It is important to keep in mind that the overwhelming majority of our men and women in

uniform have acted honorably in fulfilling their duty in Iraq. They have risked their lives and suffered personal hardship to fulfill their responsibilities, and we continue to respect their sacrifices. These loyal soldiers have been tainted by the appalling acts of a small number of individuals.

Mr. Speaker, among the most important values that we as Americans share are our profound respect for freedom and the rule of law, our respect for the value and worth of the individual, and our commitment to protect and respect human dignity. In this context, the images that we have seen in the past few days were simply sickening to me. They do not represent our American character. They do not represent the selfless sacrifice of more than a hundred thousand American soldiers in Iraq, trying to bring a new dawn to that country after decades of nightmare.

On a purely personal level, I find the actions of these individuals abhorrent. On behalf of all Americans, let me express my deepest regret and apologies to all those who were wrongfully mistreated at the hands of a few. There can be no excuse for these actions. Any American should know that they are wrong. Indeed, the Geneva Conventions adopted after the Second World War clearly prohibit this behavior and were accepted by virtually every nation in the world to prevent these abuses.

But Mr. Speaker, as everyone knows, these events are not merely about wrongdoing by a few foolish and misguided individuals that caused profound personal suffering. They have also damaged our credibility and crippled our efforts to pursue critical national security goals in the Middle East and around the world.

I welcome this resolution that we are considering today, Mr. Speaker, but this resolution is not enough. We must take action to be certain that such tragic and unfortunate actions do not occur again. Our standing and our goals and objectives in the Middle East require that we do more. The entire detention system in Iraq must be investigated and those responsible for perpetrating these horrendous events must be brought to justice.

Mr. Speaker, the responsibility for this episode is not only borne by the few who committed these offenses. These events represent a failure of leadership—not only in Iraq but throughout the chain of command. We must determine where and why those leadership failures occurred, and take appropriate remedial action. And we must also examine why it has taken months for this failure to be addressed. The initial reaction was slow and tepid at best. These atrocities should have generated an immediate and powerful response.

Mr. Speaker, it is not enough to say that the Iraqi people are better off today than they were under Saddam Hussein. It is not enough to say that the atrocities and human indignities that were carried out by his despicable and detested regime were more horrendous or more widespread than what we have seen in the last few days. We are—and we should be—judged by a higher standard. Because of our history and our commitment as a Nation to respect for human rights, human dignity and the rule of law, we must meet higher standards. This is who we are, and this is why we are different.

Mr. Speaker, I urge support for this resolution today, but more importantly, I urge our political and military leadership to act and to act quickly and decisively to deal with these despicable acts and the failures that allowed them. Our credibility as a Nation committed to the rule of law and our efforts in the Middle East in the war against terrorism are at risk.

Mr. PAUL. Mr. Speaker, I rise in opposition to this resolution as written. Like so many resolutions we have seen here on the Iraq war, this one is not at all what it purports to be. Were this really a resolution condemning abuse of prisoners and other detainees, I doubt anyone here would oppose it. Clearly the abuse and humiliation of those in custody is deplorable, and the pictures we have all seen over the past week are truly horrific.

But why are we condemning a small group of low-level servicemembers when we do not yet know the full story? Why are we rushing to insert ourselves into an ongoing investigation, pretending that we already know the conclusions when we have yet to even ask all the questions? As revolting as the pictures we have seen are, they are all we have to go by, and we are reacting to these pictures alone. We do not and cannot know the full story at this point, yet we jump to condemn those who have not even yet had the benefit of a trial. We appear to be operating on the principle of guilty until proven innocent. It seems convenient and perhaps politically expedient to blame a small group of ''bad apples'' for what may well turn out to be something completely different—as the continuously widening investigation increasingly suggests.

Some of the soldiers in the photographs claim that their superior officers and the civilian contractors in charge of the interrogations forced them to pose this way. We cannot say with certainty what took place in Iraq's prisons based on a few photographs. We have heard that some of those soldiers put in charge of prisons in Iraq were woefully unprepared for the task at hand. We have heard that they were thrown into a terribly confusing, stressful, and dangerous situation with little training and little understanding of the rules and responsibilities. What additional stresses and psychological pressures were applied by those in charge of interrogations? We don't know. Does this excuse what appears to be reprehensible behavior? Not in the slightest, but it does suggest that we need to get all the facts before we draw conclusions. It is more than a little disturbing that this resolution does not even mention the scores of civilian contractors operating in these prisons at whom numerous fingers are being pointed as instigators of these activities. While these individuals seem to operate with impunity, this legislation before us all but convicts without trial those lowest in the chain of command.

But this resolution is only partly about the alleged abuses of detainees in Iraq. Though this is the pretext for the legislation, this resolution is really just an enthusiastic endorsement of our nation-building activities in Iraq. This resolution ''expresses the continuing solidarity and support of the House of Representatives . . . with the Iraqi people in building a viable Iraqi government and a secure nation.'' Also this resolution praises the ''mission to rebuild and rehabilitate a proud nation after liberating it. . . .'' At least the resolution is honest in admitting that our current presence in Iraq is nothing more than a nation-building exercise.

Further, this resolution explicitly endorses what is clearly a failed policy in Iraq. I wonder whether anyone remembers that we did not go to war against Iraq to build a better nation there, or to bring about ''improvements in . . . water, sewage, power, infrastructure, transportation, telecommunications, and food security . . .'' as this resolution touts. Nor did those who urged this war claim at the time the goals were to ''significantly improv[e] . . . food availability, health service, and educational opportunities'' in Iraq, as this legislation also references. No, the war essential, they claimed, to stop a nation poised to use weapons of mass destruction to inflict unspeakable harm against the United States. Now historical revisionists are pointing out how wonderful our nation-building is going in Iraq, as if that justifies the loss of countless American and Iraqi civilian lives.

This resolution decries the fact the administration had not informed Congress of these abuses and that the administration has not kept Congress in the information loop. Yet, Congress made it clear to the administration from the very beginning that Congress wanted no responsibility for the war in Iraq. If Congress wanted to be kept in the loop it should have vigorously exercised its responsibilities from the very beginning. This means, first and foremost, that Congress should have voted on a declaration of war as required in the Constitution. Congress, after abrogating this responsibility in October 2002, now is complaining that it is in the dark. Indeed, who is to say that the legal ambiguity created by the Congressional refusal to declare war may not have contributed to the notion that detainees need not be treated in accordance with the Geneva Convention, that governs the treatment of prisoners during a time of war? Until Congress takes up its Constitutional responsibilities, complaints that the administration is not sufficiently forthcoming with information ring hollow.

This resolution calls on the administration to keep Congress better informed. But Congress has the power—and the obligation—to keep itself better informed! If Congress is truly interested in being informed, it should hold hearings—exercising its subpoena power if necessary. Depending on the administration to fulfill what is our own Constitutional responsibility is once again passing the buck. Isn't this what has gotten us into this trouble in the first place?

I urge my colleagues to oppose this resolution.

Ms. MAJETTE. Mr. Speaker, I rise today to condemn torture in all of its forms. Acts of abuse and torture must never be tolerated, and those who commit such acts must be swiftly brought to justice. It is with great sadness and anger that I viewed the pictures of frightened, humiliated, and, in some cases, injured Iraqi prisoners in Baghdad's Abu Ghraib prison. Prisoners should never be forced to endure such atrocious behavior, no matter what the cause for their detention. The acts committed on these prisoners are an injustice to the Iraqis who were victimized, the citizens of Iraq, the hundreds of thousands of U.S. soldiers who have served their country in Iraq so honorably over the past year, and all people who hope and pray for peace the world over.

Because of the rage these pictures have generated in Iraq and across the Arab world, I am concerned for the safety of our brave soldiers as they patrol the streets in Iraq, guard

police stations and hospitals and work to rebuild the infrastructure of the country. It is important that we recognize the honor with which the vast majority of our armed service members conduct themselves. In the face of tremendous danger and uncertainty, in a theater fighting combatants dressed as civilians using indiscriminate force and even killing their own countrymen, our men and women have risked their lives to protect Iraqi civilians and restore pride and honor to this war-torn country.

Moving forward, military justice must be sure and swift for those who committed these acts. It will be a long, difficult process to win back the trust and support of the Iraqi people, but we must be successful if we are to accomplish our mission in Iraq. It is essential that we do so, not just for success in Iraq, but also for the global war on terrorism. We cannot win this war alone. American soldiers' torture of Iraqi detainees is a significant setback for our country and the global war on terror.

I expect decisive action from our executive and military leaders to ensure that such abuse will never again occur, and to take the diplomatic steps necessary to salvage America's good name around the world. The American people are justifiably saddened by the waning of our moral authority since the days immediately following September 11, 2001, when the world stood with us in solidarity. If America is to continue to be a force for good in the world, we must convincingly denounce all crimes against humanity, foreign or domestic, and demonstrate to the world that we are sincere when we decry hatred, injustice and terror.

Mr. KUCINICH. Mr. Speaker, I join with my fellow Members of Congress in deploring the abuse of prisoners in Iraq by U.S. personnel. But this resolution does not go far enough.

It does not go far enough to ensure that a full and complete investigation and prosecution is undertaken. We should be opening Congressional investigations, not simply relying upon the Army to investigate itself.

It does not go far enough to demand accountability of the top military and civilian leadership of this fiasco in Iraq. We should demand the resignation of the Secretary of Defense, since we know that ''rotten apples'' are the fruit of a poison tree. And it's the top leadership who have grown that tree—the culture of permissiveness, disregard for the truth, and lack of accountability.

It does not go far enough to express America's regret and sorrow for the crimes committed at Abu Ghraib prison, and possibly elsewhere. We should apologize on behalf of the American people to the Iraqi people.

We have not begun to go far enough to examine the true intent and conduct of the leadership of this country. We have not gone far enough to assign responsibility and demand accountability for the misinformation and untruths that were marshaled to lead us to war. We have not gone far enough to bring an end to this unjustified war. As a result, we are seemingly surprised to discover, and then we deplore, corruption that is all too predictable from this imperial misadventure.

Mr. LANGEVIN. Mr. Speaker, as a member of the House Armed Services Committee, I rise in support of H. Res 627. Recent reports regarding the alleged abuse of Iraqi prisoners by American soldiers are deeply disturbing and inexcusable. While I know this outrageous behavior is not characteristic of our men and women in uniform, we must make it clear to the international community and our own citizens that such actions are not our policy or common practices in Iraq, and they will not be tolerated under any circumstances. It is unfortunate that these abuses have overshadowed the work of the many service members performing critical, and dangerous, missions to ensure a stable and safe Iraq for the newly-freed Iraqi people.

I am equally troubled by the Administration's lack of attention to such abuses in Iraq and elsewhere. There is no excuse for their failure to act swiftly to remedy this stark violation of both the Geneva Convention and basic human rights. Not only did they withhold such allegations and the subsequent investigation from Congress, but the flouting of international law continued while those responsible went unpunished.

The Administration and the Pentagon must find those responsible and hold them accountable for these heinous actions. I have joined many of my colleagues in requesting that the Military Inspector General of the Department of Defense supervise the investigation of tortured Iraqi prisoners of war, and other reported violations of the Geneva Convention at Abu Ghraib Prison. In addition, I have urged Attorney General Ashcroft to investigate the role of private contractors in these abuses. I hope that thorough and open investigations will allow us to hold the appropriate parties responsible and ensure such behavior never occurs again.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this resolution because I strongly agree with most of what it says. But I think its focus is too narrow and it does not say all that needs to be said.

The portions of the resolution calling for action are addressed solely to the Secretary of the Army. Intentionally or not, that suggests that the Army alone—not the Defense Department as a whole, and not any other part of the Administration—bears responsibility for the shocking abuses the resolution rightly condemns.

But what's involved here is not just an Army problem. It is much bigger than that. It involves not just the armed forces but civilian members of the intelligence community as well as civilians working for private companies under contract with the government.

This morning's newspapers report that President Bush has privately admonished the Secretary of Defense and that the Justice Department is examining the involvement of Central Intelligence Agency personnel as well as contract employees in suspicious deaths of detainees.

Clearly, the events at Abu Ghraib prison are only part of a bigger picture.

The resolution rightly complains about the fact that Congress was not properly informed of the abuses at that prison or the investigation of those abuses. But I am concerned that this failure to inform the Congress and the American people may not have been an isolated failure but just another instance of the Bush Administration's standard operating procedure.

In short, while this resolution is right in condemning the abuses at Abu Ghraib—and accurate in saying that they are offensive to the principles and values of the American people—passage of this resolution, by iself, is not an adequate response on the part of the House of Representatives.

We need to insist that the Administration—all of it, not just the Secretary of the Army—take strong action to change the policies and attitudes that made the abuses at Abu Ghraib possible. And we need to insist that all those responsible for those policies and attitudes be held accountable.

And that means Congress itself must do more than make speeches and pass resolutions. We must insist on finding out for ourselves; and for those we represent—the American people. They must bear the costs—in blood and treasure—for the Administration's actions in Iraq and around the world.

Those costs will be made all the greater by abuses like those cited in this resolution and the policies and attitudes that have produced them, and Congress must take an active role in making necessary changes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues in support of this resolution condemning the abuse of prisoners held in United States custody. We've all seen the disturbing images of the unconscionable conduct carried out by a handful of our men and women in uniform. A swift and thorough investigation is needed, and needed now. For those responsible, justice must be swift and strong. Their conduct directly contradicts and undermines our mission in Iraq. The world is awaiting our response.

We must do everything possible to reassure the world community that all those things we take as self-evident—the honor of our military, our intentions in Iraq, our respect for human rights—remain as strong as ever. The vast majority of our troops, who perform heroically every day, are the best evidence of these tenets.

In the wake of this crisis, let us not lose sight of the fact that there are 138,000 Americans in uniform who uphold the highest standards of professionalism every day. They do so in the face of extreme danger and hardship. We should not let the egregious acts of a very small group overshadow the integrity of our soldiers nor deter our Nation from its overall objective of developing a democratic Iraq.

Mr. BEREUTER. Mr. Speaker, this Member is absolutely not satisfied with the language of H. Res. 627, as I believe it does not adequately convey how intensely this House and the American people feel about the exceptionally repugnant, insensitive, and damaging the alleged, but obviously documented, actions of the abusers of the Iraqi detainees are to all of us.

From Abu Ghraib prison, and perhaps from elsewhere, we have reports, with photographs, graphically telling and showing the outrageous abuses of Iraqi detainees by U.S. military personnel and possibly by military contractors. The international damage to the credibility and reputation of our country and our military absolutely cannot be overstated, especially in the Arab and Islamic communities. The alleged actions by at least a few members of our military, already confirmed by very recent disciplinarian action, makes the job being done by our dedicated and courageous military personnel in Iraq and Afghanistan just that much harder and much more dangerous. The extraordinary gravity of this matter, the insensitivity and the degrading abuse, which has apparently been visited upon Iraqi detainees, call for swift and just accountability.

What has allegedly happened is so foreign to our country's principles and traditions and

those of our Armed Forces that these people conducting or condoning such abuse do not deserve to be called Americans. If the use of such tactics of physical abuse and sexual humiliation is not dishonorable conduct, this Member does not know what is. If supervisors of such military personnel were inappropriately unaware or unconcerned about such conduct, then this is a clear case of dereliction of duty, and this accountability should apply several levels up the chain of command. If military contractors were involved, at a minimum, the contracts with the firm which employed them should be immediately terminated.

Mr. Speaker, it is hard to imagine a more politically damaging set of actions, hopefully by just a few individuals, for American and for coalition efforts to replace the brutal regime of Saddam Hussein and to win the hearts and minds of the Iraqi people. We must have swift accountability, justice, and a demonstration that the American people repudiate such conduct and will not let it continue or happen again.

While the resolution fails to convey an important part of what needs to be said, or is at least inadequate in the aforementioned manner, it is probably impossible to vote against this resolution without seeming to denigrate the dedicated, courageous, and patriotic actions of the members of the armed forces of the United States. This Member wants our armed forces to know that their extraordinary service is greatly appreciated by this Member and the American people despite the horrendous conduct of a few service personnel, despite the failures of command and active notification procedures. Therefore, this Member will vote for the inadequate resolution as his only choice to avoid a misunderstanding by the members of our armed forces.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong condemnation of the atrocious behavior of a few, who have denigrated the values of all our armed forces.

I salute the overwhelming majority of Americans who have treated prisoners with respect; their actions have gone unheralded.

Sadly, this dreadful behavior has cast a cloak of mistrust on all our brave men and women and could result in more lives being lost.

Mr. Speaker, we can't ignore the role that contractors and other government agencies have played and their complicity in these crimes.

Their actions, as well as our policies, contributed to a terrible atmosphere.

That's why I am disappointed this body failed to add a clause regarding U.S. civilian contractors personnel and other U.S. civilians.

We must shed light on their role and hold everyone accountable.

The Attorney General and Secretary Rumsfeld should publicly commit to cooperate to apply swift and firm justice.

Ms. WATERS. Mr. Speaker, I rise today to voice my outrage and disappointment in the soldiers who physically and mentally abused Iraqis at the Abu Ghraib prison.

I do not believe that these actions represent the character of our Armed Forces or of the United States. Unfortunately, however, these soldiers, through their despicable actions, have severely damaged the reputation of the United States and significantly complicated our task in the region.

Mr. Speaker, I am saddened that the President did not apologize to the Iraqi people for these deplorable actions. An apology from the President clearly was in order.

I am also outraged, as all of us should be, that the Secretary of Defense failed to make Congress aware of these accusations in a timely manner. According to news accounts, the Department has been aware of the infamous photos, and the abuse, since at least mid-January. Yet, we only found out about them in the last week. This is outrageous and unacceptable.

Unfortunately, this is just one more example of the Administration not playing straight with the Congress or the American people. We have been misled about the weapons of mass destruction, troop levels and the length of their deployments, and the costs associated with the war—among others.

This Administration must change its way. Congress deserves better and, certainly, the American people deserve better.

Mr. MATHESON. Mr. Speaker, like many Americans, I was outraged by the images of torture and abuse of Iraqi prisoners of war at Abu Ghraib Prison in Iraq. These abuses harm U.S. interests in Iraq and the efforts of the coalition forces to foster stability in the region. It is unfortunate that the actions of a few have undermined the hard work and sacrifice of the thousands of men and women who have served in Iraq with honor and integrity.

The provisions of the Geneva Convention protect American soldiers when they are captured in battle. As a result, it is very important to ensure that we do not abuse prisoners of war in our keeping.

I believe that a prompt and thorough investigation of this matter is necessary and the individuals who were involved should be appropriately punished. I will strongly encourage both my colleagues in Congress and the President to disavow these acts and to prevent any similar transgressions in the future.

Mr. HOLT. Mr. Speaker, I rise to strongly condemn the mistreatment of prisoners and detainees in Abu Ghraib prison in Iraq. These abuses are outrageous, deplorable, un-American, and contrary to the values and ethics that our country espouses. The atmosphere that allowed this to happen shows a level of tolerance for abuse that is intolerable.

The United States has suffered a blow to its credibility and effort to bring democracy to the Iraqi people. Photographs showing the abuse that Iraqi prisoners and detainees have suffered at the hands of American personnel damage the standing of the vast majority of U.S. troops in Iraq, who are performing with honor, bravery, and professionalism.

The response of the Bush administration to reports of systemic abuse has been both problematic and disquieting. Major General Antonio M. Taguba's report detailing these abuses, prepared in late February, should have been recognized as a serious matter. Instead, it was largely ignored. I am also disappointed that the administration chose to keep Congress and the public in the dark about this situation until the national news media decided to run the story last week. The administration has a responsibility to inform Congress and act decisively when volatile situations arise.

The U.S. Congress has a critical responsibility to conduct thorough and bipartisan oversight investigations to ensure that those involved are held accountable for their actions. These investigations must address possible abuse by U.S. civilian contractor personnel or other U.S. civilians, as well as the command structure and systemic deficiencies that contributed to such abuse.

The abuse that has occurred at Abu Ghraib is the latest in a series of very serious failures of leadership from military and civilian leaders. The President and his team were wrong about weapons of mass destruction in Iraq. They were wrong about the way American soldiers would be greeted by the Iraqi people. They were wrong about how much the war would cost and how long it would last. And they were wrong about the number of soldiers necessary to win the war and secure the peace. Now, in light of serious human rights violations, they did nothing to get to the bottom of it. This mishandling has created an international crisis that could set the Iraqi people against American efforts in the Middle East for generations. The President must recognize these consistent failures and take decisive action.

I ask unanimous consent to include in today's CONGRESSIONAL RECORD a letter that I sent to Secretary of Defense Donald Rumsfeld of February 5, along with six of my House colleagues. This letter inquires about the policy of CPA forces detaining Iraqis without due process and notification to their families. I also ask unanimous consent to include the response that we received from Thomas L. Carter, Senior Counselor to Ambassador L. Paul Bremer, III. Though the response is dated March 22, it was not received until May 3, three months after my initial inquiry. This response testifies that the processes established ''afford all persons in Coalition custody all the rights and safeguards set out in applicable International Humanitarian Law.''

CONGRESS OF THE UNITED STATES,
Washington, DC, February 5, 2004.

Hon. DONALD H. RUMSFELD,
Office of the Secretary of Defense,
The Pentagon, Washington, DC

DEAR SECRETARY RUMSFELD: I write to inquire about the policy of Coalition Provisional Authority (CPA) forces in Iraq detaining Iraqis without due process and notification of family.

Several news outlets and international advocacy organizations have criticized the CPA's treatment of Iraqi detainees. I am concerned that CPA tactics designed to secure the region are in fact compromising the long-term interests of Iraqis, other internationals, and even the CPA.

I request your response to the following concerns: What is the current procedure for communication between CPA forces and the families of detained Iraqis? Are they able to receive prompt and accurate information regarding the health and legal status of their family member; and what is the status of detainees who were to be freed under the provisional release program, and have family members of these detainees been kept abreast of developments?

I believe that CPA forces have the moral obligation to demonstrate respectful treatment of detainees and, of course, the legal responsibility to uphold the provisions of the Geneva Convention. Further, we must make sure that our treatment of detainees does not sow the seeds of resentment by Iraqis, subjecting CPA forces, other internationals, and Iraqis cooperating with the CPA, to great danger.

Seizing suspects in the middle of the night and leaving a bewildered, uninformed family behind brings to my mind the ''disappeared'' victims of detestable regimes around the world in the past. No American wants to see the CPA regarded as being in any way like those discredited regimes.

I understand the need to employ forceful tactics in a region that is still largely insecure and home to many insurgents and Saddam Hussein loyalists. However, I am concerned that CPA forces are not balancing the need to secure the region and arrest insurgents with their obligation to fair treatment of detainees and with the need for the cooperation of the general populace in force protection and eventual transition of political power to the people of Iraq. I look forward to your reply. If it is necessary to present your response in a classified setting, I would be willing to make such arrangements. I thank you for your cooperation with this matter.

Sincerely,

RUSH HOLT,
Member of Congress.
ROBERT WEXLER,
Member of Congress.
RAÚL GRIJALVA,
Member of Congress.
FORTNEY PETE STARK,
Member of Congress.
DENNIS KUCINICH,
Member of Congress.
BARNEY FRANK,
Member of Congress.

OFFICE OF THE
SECRETARY OF DEFENSE,
Washington, DC, March 22, 2004.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR MR. HOLT: Thank you for the letter from you and your colleagues to Secretary Donald Rumsfeld regarding individuals held by Coalition Forces in Iraq. I appreciate this opportunity to respond.

With regard to your question about the tactics of Coalition Forces, I would note that International Humanitarian Law obliges an occupying power to restore and ensure order as far as possible, including the detention of criminals and interning individuals for imperative reasons of security. In addition, Coalition Forces continue to retain some Enemy Prisoners of War in custody. There are therefore three classes of persons in Coalition custody: Enemy Prisoners of War, Criminal Detainees, and Security Internees. The obligations of the Coalition should be viewed in the context of the conditions that exist in Iraq. The Coalition inherited a situation whereby all the prisons had been destroyed or substantially damaged, and the entire criminal population of around 60,000 had been released onto the streets. Added to this situation is the security challenge presented by the Former Regime Elements and foreign terrorists conducting criminal outrages against the Coalition and the people of Iraq. Eliminating this violence and dealing with the criminal elements is a necessary step toward securing peace and freedom for all Iraqis. In dealing with these matters, the Coalition has established processes that afford all persons in Coalition custody all the rights and safeguards set out in applicable International Humanitarian Law.

Regarding Security Internees, the processes that have been established include review and appeal mechanisms that exceed International Humanitarian Law requirements. Moreover, steps have recently been taken to significantly increase the capacity and therefore the speed of the process. The current rate of review is about one hundred cases each day. Those who are deemed to no longer be a threat to security are being released. With regard to Criminal Detainees, a massive and expensive rehabilitation effort has resulted in the substantial transfer of the administration of criminal justice back to Iraqi authorities subject to continuing monitoring by the Coalition.

I also noted your interest in communications between Coalition Forces and the families of individuals who are detained. Under the former Ba'ath Party regime, individuals who were taken into government custody often simply disappeared. In stark contrast, the Coalition has taken several measures to ensure that Iraqi families can learn the status and location of individuals who have been detained by Coalition Forces. The Coalition maintains a list of all the individuals in detention, and this list is available in specified locations throughout Iraq where families can make inquiries. The list is published in Arabic on the CPA website, http://iraqcoalition.org/arabic/prisoners/index.html. The Arabic list contains the individuals's name, Internment Serial Number (ISN), place of birth, address, and the place of detention. The list is as complete and accurate as possible subject to the willingness of the detained individuals to provide the requested information. Work is continuing with regard to the expansion of both the amount and availability of this information to make it easier for Iraqi families to find their loved ones.

Finally, you inquired about the provisional release program. The Conditional Release Program is ongoing, and efforts are underway to make it even more effective. We continually strive to improve our ability to keep families abreast of the status of detainees. Communications under the auspices of the Conditional Release Program are but one of many efforts in that regard.

Again, thank you for your letter. We appreciate your interest in the future of Iraq. Rest assured of our commitment to bring peace, security, democratic values, and respect for human rights to the Iraqi people.

We have provided a copy of this letter to your colleagues, Representatives Robert Wexler, Raul Grijalva, Fortney Pete Stark, Dennis Kucinich, and Barney Frank.

Sincerely,

THOMAS L. CARTER,
Senior Counselor to
Ambassador L. Paul Bremer, III.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H. Res. 627, a resolution condemning the abuse of Iraqi prisoners, however I do so with great concern. The mistreatment of Iraqi prisoners by members of the Armed Forces and civilian U.S. contractors is shameful and inexcusable. I am outraged that these actions committed by a few reflect negatively upon our Nation and the many men and women who continue to serve our Nation with strength, honor and courage. We must investigate these allegations and take immediate and decisive action to reestablish our Nation's credibility and regain the trust of the Iraqi people and the world community.

I support provisions of this resolution that deplore and condemn these events and urge the Department of Defense to investigate every report of mistreatment of all prisoners in the custody of the U.S. military at all levels and locations including Guantanamo and Afghanistan. We have a breakdown in the chain of command at the highest level.

We must require heightened accountability of the senior leadership at the Department of Defense and determine why there was an intelligence breakdown. We need to know when Secretary Rumsfeld learned of these events, why he did not take immediate action and why he did not make this information available to Congress in a timely way. Above all, we must ensure that events like these never occur again.

Throughout our history, the United States has been a leader throughout the world and a strong voice for the principles of democracy, freedom, human rights and justice. The tragic events we are addressing today have jeopardized our credibility and our relationships with the people of Iraq and the international community. In his thoughtful column in Today's New York Times, Thomas Friedman writes, ''I have never known a time in my life when America and its President were more hated around the world than today.'' It is our responsibility to restore our Nation's credibility, and I urge my colleagues to investigate these shocking allegations. I conclude by joining with other thoughtful individuals in calling upon the Secretary of Defense to take full responsibility for these human rights atrocities and fundamental breakdown in command and to act honorably and resign.

Mr. KIND. Mr. Speaker, the acts of abuse against Iraqi prisoners by American service members are abhorrent and sad. This is not behavior reflective of American values; it is not behavior that helps our cause, and it is not behavior that will be tolerated. Thorough investigations need to root out those responsible, directly and indirectly, for this unlawful conduct no matter how high up the chain of command it goes. Those responsible must be held accountable for their actions.

Congress needs to be highly involved in investigating the actions of abuse at Abu Ghraib prison and the conditions and circumstances that led to these abuses. Reports show that the military was well aware of the situation and conducting its own investigations for months prior to the release of the photos at Abu Ghraib now circulating through the world media. The failure of the Administration to keep Congress informed of the extent and seriousness of prisoner abuse, and the photos documenting it, is unacceptable.

Further, Congress must address and investigate the role of private security forces in Iraq. These forces, which constitute the second largest army in Iraq and account for over 40 percent of all contracting costs in Iraq, are outside the U.S. chain of command. The ability to hold these individuals accountable for their actions under law is questionable.

We must not lose focus, however, that the over 300,000 U.S. military personnel who have served and are serving in Iraq are doing an honorable job under difficult and dangerous conditions. While the Department of Defense investigation into the actions and conduct of the abuses at Abu Ghraib list a number of officers and enlisted personnel who failed to perform their duties as required, it also notes a number of officers and enlisted personnel who acted honorably and reported abuses up the chain of command. When I visited Iraq in October, 2003, I met with many honorable troops, including soldiers from western Wisconsin, who were performing their mission with outstanding commitment and professionalism. The abuses at Abu Ghraib serve only to cloud the accomplishments and sacrifices of our troops and put honorable U.S. service members in greater danger.

Mr. Speaker, perception matters when trying to execute our foreign policy and especially a military mission. We are dangerously losing the hearts and minds of the Iraqi people and the rest of the Arab world, and the abuses at the Abu Ghraib prison serve only to exacerbate this unfortunate reality. We must reinforce to the international community through our words and our actions that the United States is committed to helping the Iraqi people prosper in a free society.

Mr. STARK. Mr. Speaker, I rise to vote no on this resolution. It is right to condemn the brutal and abhorrent abuse of Iraqi prisoners. But, this resolution is not strong enough. Without language authorizing a full-fledged Congressional investigation into this matter, we are failing our responsibility.

Republicans refused to allow any language to be added to this resolution providing for an investigation into these crimes. They have limited our ability to bring those responsible to account for their actions. This is wrong, especially when our ideals have been undermined and our leadership again tarnished throughout the world.

These acts of humiliation, torture and even murder are outrageous. They are a shameful affront to the Iraqi people and those throughout the Arab and Muslim World. As a Nation, we owe the victims of these acts and the Iraqi people a full apology and investigation into how these abhorrent abuses were allowed to occur.

The torture and abuse of prisoners at Abu Ghraib prison are part of a larger systemic pattern of abuse with which this administration has been complicit. We know—as the Washington Post reported in December, 2002—that prisoners captured in Afghanistan by the U.S. were transferred to other nations to be tortured for information. We already are well acquainted with the mistreatment of prisoners at Guantanamo Bay. This latest expose of torture and abuse at the Iraqi prison is just one more example of heinous treatment at the hands of our Government.

We trust in the honorable service of our troops. This does not reflect on the Americans bravely serving in Iraq. But, responsibility does lie with those at the very top of leadership and at the feet of this President.

It is time Congress launch an investigation to end these patterns of abuse. If Congress does not act to right this wrong, I do not trust this administration will. We must condemn these acts of torture and abuse. Given that this resolution completely fails to provide Congress with the tools to initiate such investigations, I am forced to vote no.

Mr. ORTIZ. Mr. Speaker, I share the revulsion of my colleagues, the House of Representatives, our friends and allies around the world—indeed of the entire human race—over the abuse of Iraqi prisoners by American soldiers . . . or in the presence of American soldiers.

We are obliged to investigate this event; it has given our great Nation a black eye around the world, particularly in the Middle East where our efforts have been to help them find democracy.

We are a humanitarian nation and a signatory to the Geneva Conventions. We depend on the protections the conventions offer to our own POWs . . . and we may have broken that assurance now. We shouldn't need to train our soldiers in basic humanity; the other 99.9 percent of our soldiers know this is inhuman behavior. If not for an American soldier burdened by conscience we might not know this today.

This is not a reflection of our professional military—it's an aberration. The action of the soldiers who have candidly come forward—even at the expense of their own careers—are the example of our professional military, and of the high standards democracy demands from those who serve in uniform. The actions of a few have sullied the reputation of our all-volunteer fighting force, our mission in the larger Middle East, and the standing of the United States as a democratic, humanitarian Nation.

There is simply no excuse for this inhuman behavior. We are a superpower; we should be setting the example, not acting like barbarians. I hope desperately when the investigation is completed that it will expose the guilty parties, each and every one, who must be punished so the world will know that this Nation finds this behavior aberrant.

I thank Chairman HUNTER and Ranking Member SKELTON for bringing this issue before the House of Representatives today. This is very much an American issue, not a partisan issue. We must demand and expect that the people—all the people—with any responsibility for this are punished to show the world that this is not American. And we must never, ever, put this irrational, inhuman behavior on the young men and women serving honorably in the uniformed service of the United States.

Mr. BLUMENAUER. Mr. Speaker, this Resolution falls far short of the mark of adequately expressing the concerns I've heard from my Oregon constituents and that I have myself. Its failure to include a mechanism to hold Congress accountable and ensure that we do our job is unacceptable.

While concurring with the sentiment of outrage expressed against these acts and deploring those responsible, this Resolution is a very poor substitute for the oversight, fact-finding, and policy formulations that are the duties of this Congress. H. Res. 627 is window dressing, after the fact, and I refuse to support it.

Ms. KILPATRICK. Mr. Speaker, it is unfortunate that I find myself opposing this resolution. I do so because it is only a half way measure that attempts to gloss over the scope of the problem regarding the treatment of prisoners and detainees in Iraq.

First of all the resolution is limited to only the situation in Iraq when we are given to understand that the problem extends to the treatment of detainees in Afghanistan and in Guantanamo Bay.

Second, the resolution fails to call on the administration to provide assurances that it will treat all classes of detainees, prisoners and enemy combatants to the standards established by the Geneva Convention.

Third, it does not call on the leadership of this Congress to embark on an investigation of these ''abhorrent'' acts, as President Bush described this very sad episode that has left an indelible impression throughout the Arab world.

Fourth, the resolution seems to limit accountability to those in our Armed Services, principally the enlisted ranks of our Army, and exculpates those higher-level officers and civilian authorities within the chain of command.

Fifth, the resolution says nothing about investigating civilian, private military firms (PMFs) who are working under contract with the Coalition Provisional Authority (CPA). The CPA has relied on PMFs to perform security functions that are normally performed by U.S. military personnel, including logistical support, interrogation of prisoners, convoy security, guarding vital facilities and personnel, and more.

Sixth, the resolution fails to hold Defense Secretary Donald Rumsfeld accountable. The day the story broke about the abuses of Iraqi prisoners at Abu Ghraib Prison Secretary Rumsfeld was briefing the Senate and made no mention of the problem. I find myself in agreement with Sen. JOHN MCCAIN of Arizona that there is a lack of communication between the administration and the Congress when it comes to the issue of Iraq. Secretary Rumsfeld is responsible for that lack of communication and this resolution is evidence enough that the leadership of this Congress is covering for him. I join with others in calling for the Secretary's resignation.

The Washington Post is right on target when it said: ''The Pentagon ruled that the United States would no longer be bound by the Geneva Convention, 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.''

This administration has mastered the art of deniability. No one has been held accountable. It is time we hold the Secretary of Defense to account and ask for his resignation.

For these reasons, I cast my vote in opposition to this resolution.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 628, the resolution is considered read for amendment, and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 627 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

POINT OF ORDER

Mr. HUNTER (during the reading). Mr. Speaker, I make a point of order that the motion contains instructions not allowed under H. Res. 628.

The SPEAKER pro tempore. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. HOYER. I do.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, is it the contention that the rule, as presented and as passed by the majority, prevents the minority from offering a substantive substitute under the rule so that the alternative felt to be preferable by the minority may not be heard? Is that the condition under which the rule places the minority?

The SPEAKER pro tempore. The point of order is that the motion includes instructions.

Mr. HOYER. I understand that, Mr. Speaker. My question is, does that preclude us, therefore, from offering an alternative that gives an alternative proposal to have that proposal be considered on the floor?

The SPEAKER pro tempore. Under House Resolution 628, the motion may not contain instructions.

Mr. HOYER. I thank the Speaker. He has answered my question.

I withdraw my reservation because, under the rule, we have been gagged.

The SPEAKER pro tempore. The Chair is prepared to rule.

Although the Chair ordinarily would await the reading in full before broaching a question of order, the Chair is uniquely responsible to intervene in the present circumstances.

The Chair finds that the motion includes instructions, in unambiguous contravention of House Resolution 628. Therefore, the motion is not in order as a matter of form and without regard to its content.

The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. That means not only can it not be considered on the floor, but it cannot even be disclosed to the Members?

The SPEAKER pro tempore. The gentleman may enter the motion into the RECORD by unanimous consent.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to enter the motion into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Strike the preamble and insert the following:

Whereas the American people and the world abhor the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not adequately informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of terrorist attacks and other attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing with courage and skill a mission to rebuild and rehabilitate Iraq and return the Government of Iraq to the Iraqi people; and

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) strenuously deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) reaffirms the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(3) urges the Secretary of Defense to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(4) urges the Secretary of Defense to ensure that corrective actions are taken to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(5) urges the Secretary of Defense to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions do not further impugn the integrity of the United States Armed Forces or further undermine the United States mission in Iraq;

(6) urges the Attorney General to bring to swift justice any United States civilian contractor or other United States civilian whose conduct in connection with the treatment of detainees in Iraq is in violation of law so to ensure that their actions do not further undermine the United States mission in Iraq;

(7) affirms the need for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including allegations of abuse by United States civilian contractor personnel or other United States civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse;

(8) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(9) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(10) declares that the alleged crimes of some individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(11) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(12) expresses the continuing solidarity and support of the House of Representatives and the American people for the efforts of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

Mr. Speaker, I withdraw the appeal.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of H. Res. 627 will be followed by 5-minute votes on the motions to suspend the rules and adoption of House concurrent resolutions 326 and 398.

The vote was taken by electronic device, and there were—ayes 365, noes 50, not voting 19, as follows:

[Roll No. 150]

AYES—365

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha

Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—50

Abercrombie
Blumenauer
Brown (OH)
Clyburn
Conyers
Cummings
Fattah
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Inslee
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Markey
McCollum
McDermott
McGovern
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Oberstar
Olver
Owens
Pallone
Paul
Payne
Pelosi
Rangel
Ryan (OH)
Sabo
Schakowsky
Serrano
Stark
Strickland
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—19

Baca
Blunt
Bono
Boyd
Cox
Davis, Jo Ann
DeMint
Greenwood
Jenkins
John
Latham
Lewis (KY)
McCrery
McHugh
Meeks (NY)
Oxley
Solis
Tauzin
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1505

Messrs. GUTIERREZ, SABO and STRICKLAND changed their vote from ''aye'' to ''no.''

Mr. ANDREWS and Mr. JACKSON of Illinois changed their vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS REGARDING ARBITRARY DETENTION OF DR. WANG BINGZHANG

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 326.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 151]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McDermott
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Brady (TX)
Burgess
Buyer
Davis, Jo Ann
Delahunt
DeMint
Doyle
Gephardt
Greenwood
Hastings (WA)
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Tauzin
Turner (TX)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1513

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 151 on H. Con. Res. 326—Detention of Dr. Wang Bingzhang—PRC, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 398.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 398, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 3, answered "present" 14, not voting 40, as follows:

[Roll No. 152]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—3

Conyers
Kucinich
Paul

ANSWERED "PRESENT"—14

Capuano
Filner
Hinchey
Kanjorski
Lee
McDermott
Miller, George
Mollohan
Rahall
Serrano
Stark
Waters
Watson
Woolsey

NOT VOTING—40

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Burgess
Cole
Davis, Jo Ann
Delahunt
DeMint
Doyle
Farr
Feeney
Gephardt
Granger
Greenwood
Gutierrez
Hastings (WA)
Hunter
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Spratt
Tauzin
Turner (TX)
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1519

Mr. CONYERS changed his vote from "present" to "nay."

Mr. MOLLOHAN changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, during today's rollcall votes on H. Res. 627, H. Con. Res. 326, and H. Con. Res. 398, I was en route to my congressional district for official business. Had I been present, I would have voted in favor of each of these resolutions.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to inquire of the majority leader the schedule for next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

For Wednesday and the balance of the week, we plan to consider several bills that address the impact of health care costs and American job creation and economic prosperity: H.R. 7249, flexible spending accounts; H.R. 4280, medical liability reform; and H.R. 4281, association health plans.

In addition, we will also consider H.R. 4275, which would permanently extend the 10 percent individual income tax bracket.

Finally, I would like to remind all Members that we do expect to have votes next Friday, May 14.

Mr. Speaker, I would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information.

Mr. Leader, you have listed for next week legislation regarding the 10 percent tax bracket expansion. Is it safe to assume the bill will not be considered in the Committee on Ways and Means, but will come directly to the floor instead, just as was the case with the AMT bill last week and the marriage penalty bill the week before that?

Mr. DELAY. That is correct.

Mr. HOYER. Will we be able to offer a substitute as we have in the past?

Mr. DELAY. If the gentleman will continue to yield, I think we have demonstrated on these bills as we move along, the Committee on Rules has been very gracious in allowing substitutes, but I do not want to assume or influence the Committee on Rules as to what they may or may not do.

Mr. HOYER. I appreciate the gentleman's observation. However, I might say that we believe fair is not gracious, but fair and appropriate.

We appreciate their graciousness from time to time. I am trying to remember when that last happened. We appreciate the fact that it has been done and hope it will continue to be done.

Am I correct in assuming that the week after next the child tax credit will be on the floor?

Mr. DELAY. Mr. Speaker, I did not hear the gentleman.

Mr. HOYER. Mr. Speaker, we are going to do the 10 percent bracket next week. Would it be safe to assume the week following we will do the child tax credit?

Mr. DELAY. That is correct. It is safe to assume that.

Mr. HOYER. With respect to the associated health plans, the medical malpractice, and the flexible savings account bills, can you tell us what procedures will be employed for consideration of these three bills?

Mr. DELAY. Mr. Speaker, I just had brief consultations with the chairman of the Committee on Rules, and he is inclined to recommend to his committee that the amendments to these bills be in the nature of a substitute.

Mr. HOYER. Mr. Leader, can you tell me whether these bills will be in exactly the same form as they were when they passed the House last year.

Mr. DELAY. I am afraid I cannot answer that question. I have not read as of yet those three bills, so I cannot answer that question as compared to bills from last year.

Mr. HOYER. Mr. Leader, can you call me when you do read them.

Mr. Leader, would it be fair, and I see the chairman is on the floor, would it be fair to assume that these bills will not be considered in committee again?

Mr. DELAY. Mr. Speaker, if the gentleman would continue to yield, that is correct. I am under the impression that H.R. 4279, the flexible spending accounts bill, has been considered in committee. But medical liability and the association health plan bills are bills that we have passed in this House before.

Mr. HOYER. Mr. Speaker, reclaiming my time, although we have considered them before, you are not sure whether they are going to be in exactly the same form as when they last passed the House last year?

Mr. DELAY. If the gentleman would yield, ''exactly'' is too stringent a word for me to answer. Exactly, I do not know. I am advised that these two bills have passed the House floor and are substantially the same.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. Before yielding back my time and with the leader on the floor, Mr. Leader, I have said this before, I mean it as sincerely as I can say it: this side of the aisle intends to participate to the extent we are allowed in a bipartisan way to put forth and enhance the interests of this country.

There are many of us on this side of the aisle who are supportive of our efforts in Iraq. We now have had, unfortunately, two instances, the instance we just dealt with today and the instance of support of the troops some weeks ago, in which essentially this side of the aisle was not included in those deliberations. This is not an issue about process. It is an issue about substance because substantively we want to project to the world the unanimity that you have indicated on the floor you would like to effect as well.

In light of that, Mr. Leader, I would respectfully request that as we consider issues of great importance and gravity as it relates to the prosecution of our efforts in fighting terrorism and in Iraq, efforts which we ought to be united on notwithstanding our differences in terms of implementation and success of our troops and our objectives, that you and the leaders on your side of the aisle give us the time and the opportunity to be included so that they may in fact be, notwithstanding the votes, but in actuality be bipartisan. I thank the gentleman for consideration of that.

We have been disappointed that that has not occurred. We have lamented that fact on numerous pieces of legislation. We do not believe it is in the best interest of the American public; but when we are dealing with domestic issues, that is not as important. But it is critically important in dealing with the issues of international policy of our troops abroad, their safety, security, and the support we give to them. So we would urge that those items perhaps be treated more sensitively as it relates to the interests of the minority and the role of the minority in forging those resolutions and policy statements. I appreciate the majority leader's consideration of that request.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the gentleman sees it a little differently than I do. The gentleman says there was no consultation on this particular resolution. Nothing could be further from the truth. This leader asked the chairman of the Committee on Armed Services to write a resolution on an event that started 1 week ago, so we could not do it much sooner than this week.

At the beginning of this week, we asked the Committee on Armed Services to write a resolution and admonished the chairman to reach out to the Democrats and the ranking member in order to write that resolution. The staff and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) worked diligently together and came up with a draft yesterday that was sent to legislative counsel. That draft was given then to the leadership, to the minority leader's office, to the Speaker's office, and to my office for consultation.

The minority leader's office came back and wanted to eliminate two clauses in the resolution. I would be glad to read the gentleman the clauses they wanted to eliminate, and it was very surprising to us that the minority leader wanted to remove two clauses congratulating the good work done by our troops in Iraq, and the minority leader wanted to add an additional clause that had nothing to do with the tone or the substance of the resolution.

We rejected adding a clause that had nothing to do with the tone or substance of the resolution and offered to remove the two clauses that they had objections to. That is when they walked away from the table, asked the ranking member to remove his name from the resolution, and that is the resolution that came to the floor.

I do not know how much more bipartisan we can get than that. Unfortunately, some people's definition of bipartisan is to buy into our partisanship or we will go home and not negotiate. That is exactly what happened in this process. If the gentleman has another way of reaching out and working together where we can come to some resolution, than I am more than open to working out a way to get these very important resolutions, as the gentleman says, to the floor in a bipartisan way.

But I also point out to the gentleman that only 50 Members of this House, including the minority leader and the gentleman voted against this resolution; 365 Members voted for this resolution, and I call that bipartisan.

Mr. HOYER. Mr. Speaker, reclaiming my time, I will take a back seat to no one. You, Mr. Leader, the gentleman from California (Mr. HUNTER), or anybody else in this House on support of the troops, support of our efforts, and support of this country, period. But we do see things differently, Mr. Leader.

I think I have a reputation in this body of being able to work in a bipartisan fashion with the speaker, with the gentleman from Ohio (Mr. NEY) with whom I worked as ranking member on the Committee on House Administration, with the gentleman from Missouri (Mr. BLUNT), and with others.

□ 1530

And, yes, Mr. Leader, with you on some very issues of great importance to this institution. And I continue to be in that posture, but, yes, we do see it differently. The leader got, at 10 p.m. last night, the opportunity to review this in a meaningful way

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, that is exactly when I got it, too.

Mr. HOYER. Mr. Speaker, this was of great import. Every speaker that came to the floor expressed outrage, expressed deep concern about what this had done and the impact it would have on America and our image abroad but, more importantly than our image, on our ability to continue to lead on issues of freedom and justice and human rights throughout the world. At 10 p.m., whether it was same time he got it or not, I would suggest to the leader is not a time frame in which we can thoughtfully try to reach a bipartisan agreement.

We do not expect nor do we ask for you to accept without question our position or our changes. But we do expect to have the opportunity to discuss them. I did not have an opportunity to discuss it with you, the gentleman from Missouri (Mr. BLUNT), or the gentleman from California (Mr. HUNTER). I saw the resolution at 9 a.m. this morning. I had no ability to put input nor did others. And the gentleman from Missouri (Mr. SKELTON), I think, is on the floor and I would be glad to yield to him if he would want to make a comment.

If not, in my discussions with the gentleman from Missouri (Mr. SKELTON), he believes there was not the full opportunity that he would have liked to have considered in a bipartisan fashion. And that committee, as you well know, and that gentleman from Missouri has been one of the most bipartisan Members of the House.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I do not quite understand that because the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) wrote the draft. It was done by late yesterday afternoon. It was sent to the legislative counsel. The entire draft was done, their agreed-to draft, both the Democrat ranking member, Republican chairman putting together a draft, coming together, and having done that, then it was vetted with the leadership. How much time does one need?

After they finish writing the draft, do they sit around and wait? For what? The two gentlemen that were charged with writing the resolution came together, wrote a resolution that they both put their name on and had agreed to; then it was given to the leadership staff and the leaders, and then that is when the leader wanted to eliminate two clauses and insert another clause. We agreed to eliminate the two clauses. We did not agree to insert the third clause, and that is when negotiation and bipartisanship, which, by the way, that only 50 voted against the resolution, broke down.

Evidently 365 Members thought it was a very well-crafted bipartisan effort.

Mr. HOYER. Mr. Speaker, reclaiming my time, I have been in a position where I was one of four voting against something if I thought it was appropriate to do. So he can keep saying there were only 50 as long he wants. There should have been zero. His side believes that and our side believes that. Our side is as deeply committed to supporting the troops as is his side. That is good news of this day. Everyone has expressed that.

It does not serve our purposes further, related to staff here, they did not get a draft from their perspective until after 6 p.m. last night when, as you know, we had adjourned. I was at the Fire Service Caucus with the gentleman from Pennsylvania (Mr. WELDON), with whom I work in lockstep, and have for 13 to 14 years in a bipartisan way. We understand bipartisanship. We have a Fire Service bill on this floor totally bipartisan.

So I understand bipartisanship, Mr. Speaker. It does not serve our purpose to further discuss procedures. I agree on that. We have a different view. But what it does serve our purposes for is trying to come together not in a way that will divide the House, but in a way that will bring the House together. That, I believe, is the best interest of our country. I would hope we could do that, and I will work with the gentleman to accomplish that objective, and I presume he will work with me as well.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I would be glad to work with the gentleman because the gentleman has shown good faith in trying to work in a bipartisan way.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, MAY 10, 2004, AND HOUR OF MEETING ON TUESDAY, MAY 11, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 10, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 11, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 627, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, yesterday, the President's Secretary of Health and Human Services, Secretary Thompson, who has previously said he will not allow the reimportation of less expensive FDA-approved drugs from Canada or any other country, deeming them unsafe, of course his assistant secretary, Mr. Hubbard, when questioned before a congressional committee, could not document one single instance of safety problems with Canadian drugs, yet can document thousands of problems with the supply chain here in the United States because of a virtually uncontrolled wholesale drug market.

So it really is not the issue of safety. It is the issue of the profitability of the pharmaceutical industry. They make their profits all in the United States, and that allows them to sell drugs very cheaply in other countries, and they say that is necessary to protect their investment in new technologies and new drugs.

I certainly want to see new drugs and new technologies developed, but why should Americans only pay for those investments? And that is the system they are attempting to perpetuate, and there is also of course the issue that it is only recently that the pharmaceutical industry has been allowed to advertise on television and now they are spending upwards of 6, $7 billion a year on promotion, which of course drives up the cost of drugs, and I am

not quite sure of the value what the little purple pill ads or many of those other ads on television are, and I think consumers would be happy to consult with their doctors rather than 30-second ads if they could see the price of their drugs go down. Drugs are going up at about 10 times the current rate of inflation on an annual basis. They are simply not affordable for most Americans.

So yesterday Secretary Thompson announced that the Maginot Line that this administration has created to defend the profits of the pharmaceutical industry, the Maginot Line that said this was an issue of safety, Americans should not be allowed to reimport lifesaving drugs at a fraction of the cost, that they are available in this country, he predicted it will crumble. He predicted that we will see the reimportation of drugs.

Why is that? What happened to his safety concerns? I think the safety concern that has been elevated in their minds right now is the reelection of George Bush who read the polls. Eighty-five percent of the people cannot understand how it is free trade when we export American jobs, but there is no free trade issue when we prohibit the importation of less expensive pharmaceuticals from Canada, our neighbor, that our FDA approved.

And then today in a further indication that their Maginot Line, their protection of this industry, is crumbling quickly, we have two major drug chains, CVS and Walgreens, who have both come out in favor of reimportation. They do not want to see individuals reimporting. They want to protect their businesses. They want to see that they and other wholesale purchasers can go to Canada where it they can purchase drugs more cheaply from a Canadian wholesaler by far than they can purchase them directly from a pharmaceutical company here in the United States. As big as they are, as much as they buy, the price they are charged is significantly higher than the price at which these drugs are sold in Canada.

So the bottom line here is we have people in this country suffering. They cannot afford the drugs they need. Seniors in my district dividing pills in half, couples sitting down at beginning of the month and deciding who will get their pills this month and who will not, despite their jeopardy to their health, and the Bush administration says they are worried about the health and safety of Oregonians or the American public. Their health and safety is definably hurt by the fact they cannot afford lifesaving drugs. And since they cannot document a single instance of problems from Canada, then let us allow Americans to reimport drugs from Canada, and I would be happy if they could do that through their pharmacies because pharmacies are a key part of this chain and consumer information.

The other thing we could do, and of course the Bush administration is adamantly opposed to but who knows, maybe they will change there too, is negotiate lower drug prices on behalf of the American people like every other civilized democracy on earth does for all their citizens. There is no other country on earth that allows the pharmaceutical industry to leverage these extraordinary extortionate prices for lifesaving drugs out of their citizens. Only the Government of the United States. But, amazingly, the Bush administration got a clause inserted in the so-called Medicare prescription drug benefit that prohibits the government from negotiating lower drug prices, prohibits the government from negotiating, not mandating, negotiating lower drug prices; unlike every other civilized democracy on earth; unlike the private insurance industry which can and does negotiate discounts; unlike the Veterans Administration, which can and does and gets a good deal for our vets, negotiates discounts; and unlike what we mandate in Medicaid.

But they are saying, no, we cannot do that elsewhere. There would be too much market power, meaning it would bring down the price too much. And then what will happen to the industry? The industry will then have to drive a little tougher deal with all these other countries. Instead of just saying, Oh, they will not pay, you will have to pay, everybody would share the cost of the development of new drugs and Americans could have access at lower prices.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUG DISCOUNT CARDS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this week enrollment began for the prescription drug discount cards available for the Medicare bill passed last year. For some seniors in my home State of Ohio, this could mean $600 in prescription drug benefits. That sounds great. We want seniors to look into these cards. If they can get help, that is obviously a good thing.

However, the real story about these cards is found in the details. The discount drug cards will further complicate an altogether too confusing process for America's seniors. Instead of implementing a prescription drug benefit under one program, Medicare, which serves 39 million American beneficiaries, the administration fought to create an unnecessarily complex system that diverts money away from benefits and gives it to drug companies and the insurance companies. The drug companies under this legislation, this new law, according to bipartisan studies, will profit $150 billion more than they are already making, and at the same time, this bill gives a $46 billion subsidy, a $46 billion direct subsidy, taxpayer dollars, to the Nation's insurance industry.

□ 1545

That is not any real surprise, considering that President Bush's reelection campaign has received tens of millions of dollars from the drug industry and tens of millions of dollars from the insurance industry.

But this new program will feature 70 cards, 70 choices of private insurance prescription drug cards, by 70 different companies. It is a lot like the multiple HMO system our Republican friends are trying to foist on Medicare beneficiaries.

So here is the deal. Beginning this week, seniors will get notices at their houses. They will get visits, in Ohio, from up to 50 insurance agents, they will get mailings from up to 50 companies, and then they will get to choose these cards.

Now, what we could have is one Medicare card where seniors get a discount negotiated by the government, the way they do it in every other country in the world, as the gentleman from Oregon (Mr. DEFAZIO) said, one card with prices negotiated by the government on behalf of 40 million beneficiaries. But the Bush administration way, in part because one of his best friends and biggest contributors owns one of these card companies, but let us get back to this, the Bush administration is going to give you a choice of 50 cards.

Now, you buy one of these cards. Pick this card. This card perhaps might have a 30 percent discount or a 20 percent discount on Fosamax. This card here might have a 15 percent discount on Zoloft, or this card here might have a 12 percent discount on Celebrex.

Then you choose this card. You can only choose one card. You pay $30 for this card that you get to choose, one of these 50 cards, as these insurance agents come to your home and these mailings come to your home and these fancy brochures come to your home. You choose one card; you pay $30. And then this card company can actually change what drugs are covered by this card any week during those 52 weeks, during that year, or it can change the percent discount.

So you get this card, this one right here, because it has got a pretty good discount for Fosamax and Vioxx and Zoloft, three drugs you are taking, it has a 15 percent discount. But then after you pay the $30, three weeks from now the card company can say, well, we are not going to cover Vioxx anymore, we are going to cover Celebrex, and we are not going to give you a 20 percent discount on Fosamax, we are

going to drop it to 10 percent. You have no control over that.

So it is a question of do you want to choose among 50 cards, the way that President Bush and his big contributors in the drug industry, the insurance industry and the insurance discount card industry want, or would you rather have one Medicare card, where the government has negotiated a good discount? That is the way Canada does it, and that is why my constituents in northeast Ohio, why they drive to Canada. Canadian drugs are 30 percent, 40 percent, 50 percent cheaper, same drugs, same dosage, same manufacturer. So you got one card, or you got a choice of 50 cards.

Now, there is one other part of this bill, Mr. Speaker, that is really pretty incredible. As I mentioned, in this bill we give, taxpayers give, out of our pockets, reach into our pockets, $46 billion direct subsidy from taxpayers to insurance companies.

Think about what we could do, instead of that $46 billion going to the insurance industry, with their huge executive bonuses and stock options and marketing costs and all that, instead of $46 billion going to the insurance industry, if that money went to Medicare beneficiaries for their drug costs, that would be almost $1,200 for every one of the 39.5 million Medicare beneficiaries. So we are giving $46 billion directly to the insurance industry instead of taking care of our seniors.

Again, the question is, why would this possibly happen? How could Congress be this stupid, how could Congress be this greedy, how could Congress be this out of touch, to choose this, over this? It has got a whole lot to do with how much campaign contributions George Bush has gotten and how much campaign contributions my friends on the other side of the aisle have gotten from the drug industry and the insurance industry.

REMARKS ABOUT IRAQ WAR BEING UNWINNABLE ARE APPALLING AND INEXCUSABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I do take some exception, and I am here to speak on another subject, but as the author of the discount card, I find it very practical, very reasonable, and very meaningful for seniors in my district, the fifth largest Medicare-eligible population in America. We will get on that at another time.

Why I am here today is obviously having read the Roll Call this morning and seen the headlines, I am furious by the remarks that were attributed to one of my colleagues that said the war in Iraq is unwinnable. ''Unwinnable'' was the comment made.

What is more mind-boggling is the remarks are attributed to someone who has served this Nation as a veteran during the Vietnam War conflict, and we respect him immensely for his service to this country.

There are some, though, in this process who have recently spoken in the national media comparing this conflict to Vietnam. I find the comparison absurd. It is also deliberately partisan rhetoric.

But if there is one lesson we should have learned from Vietnam that should carry over here in this Chamber today, it is that disparaging what our soldiers are doing in Iraq is tantamount to giving comfort to the terrorists and comfort to the enemy.

Saying this conflict is unwinnable will make no difference one way or the other to what we do in Iraq, but it has a devastating effect on American men and women who are in Iraq now doing what we in this Congress have asked them to do. Congress voted on a resolution to go into Iraq. We are there. We have sent more troops there to bring peace and democracy to Iraq. We are not risking our lives as Members of Congress; they are, as will the thousands of other Americans who may follow to bring liberty to Iraq.

Whether anyone here agrees or disagrees with the reasons we went to Iraq in the first place, the simple fact is that we are there now and we have to accomplish the goals that free Iraqis are asking of us.

We are fighting terrorism at its doorstep. If someone disagrees with that, so be it. But no one should ever forget that what they say has a direct impact on the men and women who are in Iraq at our behest.

To tell them they are over there risking their life and limb for something unwinnable is just unbelievable. On a very basic level, it is like a coach telling his team of Little Leaguers that they do not have a chance of winning the game, but go out there and play anyway. Let us waste some time.

I know that is a poor analogy, because we are not talking about Little League. This is the big league. This is life and death. This is America's finest young men and women serving this country.

For that reason alone, I find it stunning that anyone in this body could say something that will have absolutely no effect, other than to undercut the morale of our troops in Iraq and cheer on the terrorists.

I went to a funeral in my district of a young man who was killed in Iraq 2 weeks before he was to return home and marry his high school sweetheart. It was a very, very tearful day for everyone in the room.

When I approached his parents, I felt remorse, obviously, because I had voted to send their child to that place. They did not look at me with bitterness. They were proud of their son. They were proud he died doing what he wanted to do since he was a little boy, and that was defend the flag that flies over this building.

I did not sacrifice anything in Iraq, but these people did. They knew that the cause that their son perished under was just and was noble and was right. For him and all the others who have perished in this conflict, these kinds of words of ''unwinnable'' are simply political rhetoric designed to influence the outcome of this next election.

But I urge all of my colleagues, Democrats and Republicans and citizens alike, while there are people in harm's way from this country in that nation and everywhere on the globe, we respect that, and let us not make their burden more difficult by giving the enemy even an inkling that they may be winning. That succeeded in Spain during this recent election by bombing a train and killing people.

Those that say that they were attacked simply because the Spanish were in Iraq have not looked at the entirety of what is happening. Jordanians are being attacked, if you will. There were plans to attack their intelligence service. Saudi Arabia was the target last week of a terrorist attack. These things are happening because of terrorists, not because of Iraq, but because they want to undo the way of life that we respect.

So I take umbrage with the comments that this is unwinnable, and I ask us all to join in salute for our strong, brave men and women in the field.

IRAQ WAR ACCOUNTABILITY AND LACK OF OVERSIGHT IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I listened to my colleague who previously spoke, and I really do not understand why he says what he says. There is no reason why any Member of this House of Representatives should not speak the truth. The Iraq war is unwinnable, it has been a total failure, and if we recognize that fact, then we will not continue to make the same mistakes.

Now, that is not to suggest that there is not an exit strategy or a way of leaving Iraq that will not accomplish some goals and that will not perhaps make the situation for the Iraqis better. But for us to sit around here and suggest that somehow the conduct of this war by the President or the Vice President or the Secretary of Defense is helping the cause is simply not true, and we have to speak out and say that.

Since the very beginning, with its refusal to truly internationalize the war, the Bush administration has shown nothing but arrogance towards anyone outside its inner-circle, whether that be Congress or the international community; and, unfortunately, the administration is now paying the price and our U.S. troops in Iraq are paying with their lives.

There seems to be a sense from Republicans here in Congress that anyone who questions the actions of the Bush

administration is not supporting our troops. But, Mr. Speaker, when are congressional Republicans going to realize that President Bush and Vice President CHENEY and Secretary Rumsfeld simply cannot conduct this war, they do not know how?

How many more months should we sit by silently enduring the kind of month that we had in April? How many more months can we ignore the fact that the minuscule amount of international support we once had in Iraq continues to shrink? How many more months are we supposed to sit by silently and not question the Bush administration on why it did not develop a post-Saddam plan before going to war?

It is time that someone is held accountable in this administration, and it is time for the Secretary of Defense, Donald Rumsfeld, to resign.

Mr. Speaker, on the issue of Iraq, Republicans here in the House of Representatives stand by obediently, wrapping themselves in the American flag, but refusing to ever question any action taken by the Bush administration. Now with the unveiling of these deplorable pictures of abuse from Iraq, House Republicans once again obediently followed their leader, President Bush.

Today, House Democrats called on this House to oversee the Bush administration and investigate these awful abuses. In the other Chamber, Secretary Rumsfeld is scheduled to testify tomorrow on his role in the abuses committed by a few American interrogators. I would imagine my colleagues over in the other Chamber will ask Secretary Rumsfeld why he never mentioned these pictures during a visit to Capitol Hill last week, hours before they would appear on the CBS News Magazine.

I would imagine my colleagues over in the other Chamber will ask Secretary Rumsfeld why he never bothered to read the Taguba report, even though it had been on his desk for more than a month before these outrageous instances of abuse finally came to light on CBS news.

Mr. Speaker, these are valid questions; and they should not only be asked in the U.S. Senate. It is time congressional House Republicans take their oversight responsibilities seriously and call on Secretary Rumsfeld to come over here to the House and answer these questions.

Earlier this week, when the Republican majority leader, the gentleman from Texas (Mr. DELAY), was asked whether or not he called for an investigation into the abuse of prisoners in Iraq, the gentleman responded, ''A full-fledged investigation, that is like saying we need hearings on every case of police brutality, and I do not think they are warranted.''

Well, Mr. Speaker, for the majority leader to minimize the abuses committed in Iraq does nothing to help our troops in Iraq. The Congress must show the Arab world that it takes this issue seriously, so we can save the lives of American troops in the future.

Mr. Speaker, if we truly want to support our troops in combat, the U.S. House of Representatives must oversee actions of the Bush administration. Failing that, in my opinion, we are failing our troops.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

(Mr. HOEKSTRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, tomorrow, I have a special honor. I get to present the World War II medals that my uncle earned in the war to him. He is what Tom Brokaw has called part of the Greatest Generation. In fact, last week we opened the World War II Memorial, with a formal ceremony coming Memorial Day weekend.

Since we are in a challenging world environment, many people are saying today that we are seeing the next Greatest Generation.

□ 1600

The services are reporting that they are meeting their recruiting goals. Imagine that. In an environment where we are at war, soldiers are dying, recruitment levels are being met. Truly, we are seeing a revival of patriotism and, very possibly, another ''greatest generation.''

However, that is not without cost, and today I am here to mention five individuals from my district who have lost their lives in service to their country, not all in Iraq, as we will come to see.

Each of these people gave their lives in pursuit of freedom and democracy. They should be recognized for their sacrifices.

Corporal Foster Jostes was a 21-year-old from Albion, Illinois who served as an Army Corporal in the 1st Battalion, 1st Cavalry Division from Fort Hood, Texas. He was a 2000 graduate of Edwards County High School, after which he joined the National Guard at age 17. He had only been in Iraq for about a week when military personnel say his Humvee was hit by a rocket-propelled grenade, killing Jostes and the driver, in a suburb of Baghdad.

Lance Corporal Torrey Stoffel-Gray was a 19-year-old Marine from Patoka, Illinois. Patoka is a rural town in my district with around 630 people. At 16, Lance Corporal Stoffel-Gray left Patoka to enter Lincoln Challenge, a military-style alternative school at Rantoul, Illinois. Many friends and family say that Lincoln Challenge changed his life and helped him find his way. This young man was recently killed in action in Iraq when his convoy was struck by a rocket-propelled grenade and gunfire in the Al Anbar Province.

Gary Weston was a 52-year-old from Vienna, Illinois. He was employed by DynCorp International, serving with the United Nations as international police officers. He and other officers were fired upon by a Jordanian police officer for unknown reasons. Two fellow workers were killed in the resulting fire fight. Gary was flown to a hospital after receiving several gunshot wounds. He later died from complications from the gunshot wounds. His wife Nina Weston was there by her husband's side.

Kim Bigley was a 47-year-old who lived most of her life in southern and Southwestern Illinois. She was an employee of DynCorp International, which was serving with the United Nations as an international police officer and was a former warden at the Shawnee Correctional Center. She had just completed her first day of job orientation when she was killed. Along with Mr. Weston, Kim was fired upon by a Jordanian police officer for unknown reasons and was killed as a result of the fire fight.

Captain John Tipton was a 32-year-old who grew up in Granite City, Illinois. He died recently in an explosion during combat in the Al Anbar Province in Iraq. The province, west of Baghdad, and is one of the most hostile regions in Iraq. He was stationed at Fort Riley, Kansas with his wife, Susie Tipton of Collinsville and their two children: Austin, 4 and Kaitlyn, 2. He was commander of Headquarters Company, 1st Battalion, 16th Infantry, 1st Brigade, 1st Infantry Division out of Fort Riley, Kansas.

I cannot say enough about these men and women who are putting their lives on the line every day in the hopes of making a difference in far-away lands. They made the ultimate sacrifice and should never be taken for granted. My thoughts and prayers go out to all of the troops, their families and their loved ones.

Truly, we are seeing the next ''greatest generation.'' May God bless our troops and may God bless America.

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. VAN HOLLEN. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TIME TO HOLD PENTAGON LEADERSHIP ACCOUNTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, we are at a critical juncture. The horrible photographs of abused and humiliated Iraqi prisoners being beamed around the world have seriously wounded our already tattered credibility in Iraq, the Middle East, and around the world. The damage done to our effort to win the hearts of the Iraqi people may be irreversible, but we owe it to the 130,000 American troops putting their lives on the line every day in Iraq to show the world that America will not tolerate such abuse. We must take strong action to demonstrate that we understand the severity of the problem and blunt the damage to our image and reputation around the world. Failure to send a strong signal will further strengthen the hand of al Qaeda and the terrorist groups who will use these photographs to bolster recruits and promote their cause.

It is easy to try and dismiss the abuse as the acts of a few bad apples acting alone. But the fact that a situation developed where such abuse could occur in a facility under the total control of the United States represents a failure of leadership at the highest levels of the Pentagon. It is inexcusable that the Secretary of Defense and the top civilian leadership of the Pentagon did not foresee the possibility of such abuses happening and take steps to prevent it. The fact that some are now trying to brush aside these abuses on the grounds that sometimes terrible things happen to prisoners of war only reinforces the fact that such abuses were foreseeable and could have been prevented.

Before the war began, we know that experts on Iraq warned that the toughest fight would not be the military conquest over the forces of Saddam Hussein, but the battle to win the peace. A fundamental miscalculation of our civilian leadership was their belief that removal of the hated Saddam would automatically leave the Iraqi people to embrace the United States. And the Bush administration has since made many miscalculations that have increased the number of Iraqis who view us as occupiers, including the continued detention of many Iraqis without proof of wrongdoing.

In a battle where we knew that the greatest challenge was to win the hearts and minds of the Iraqi people, political considerations are often more important than military calculations. Making sure those considerations are taken into account is the responsibility of the President and his leadership team. It should have been obvious to everybody that the negative fallout from any hint of abuse of Iraqi prisoners would be a huge setback to our efforts throughout the Middle East.

Secretary Rumsfeld should have ensured that the procedures were in place to better screen the Iraqis being thrown into prison and taken extra precautions to ensure the physical well-being of those who were detained. Instead, just as the Bush administration has ignored the international concerns about prisoners held at Guantanamo Bay, it has shown a cavalier attitude when international human rights groups and Iraqis raised issues about the treatment of Iraqi prisoners.

We will be learning more about the facts in the days ahead, but the lawyers representing the American soldiers who were directly involved have already warned that these prosecutions will ''open up a can of worms'' that will show that these abusive practices were not only tolerated, but encouraged by some of their superiors as a useful part of interrogation.

Nothing, nothing could be more damaging to U.S. credibility in Iraq than to have Iraqis abused by Americans in the same Abu Ghraib Prison where Saddam tortured prisoners. The awful symbolism is devastating to U.S. efforts around the world, and reports that Iraqi women may have been subject to sexual abuse will further inflame the problem. It is hard to think of a more serious blow to our international reputation as we seek to promote human rights, freedom, and democracy in Iraq, Afghanistan, and the Middle East.

The tragedy, the real tragedy is that the heroic efforts of our soldiers who have performed so courageously in Iraq have now been compromised by the negligence of the Secretary of Defense and the Pentagon civilian leadership. Throughout the war, President Bush has used the rhetoric of leadership, but has failed to hold leaders in his administration accountable for bad decisions and serious omissions. Indeed, those who did raise prescient questions about the true costs and required troop levels were publicly rebuked, while those who have been consistently wrong in their predictions have received no sanction.

This is a critical moment. The world is watching. If we do not want al Qaeda and our enemies to gain an even bigger public relations victory than they already have, the President must show the world that America will not stand for such abuse. The President was right to go on Arabic-speaking television stations in the Middle East to express his outrage at the abuses that occurred and make it clear that they are unacceptable to the American people, but that is not enough to repair the severe damage that has been done. We must take additional steps and, Mr. Speaker, I will include in the RECORD five additional steps that we must take to blunt the damage that has been done as a result of this.

First, it is not enough for the President to allow a few very bad apples to shoulder the entire blame for actions that have seriously undermined our efforts in Iraq and around the world. Leadership begins at the top and these abuses are the result of failed leadership. Even if Secretary Rumsfeld had no actual notice of prisoner abuse, Secretary Rumsfeld should have taken steps to ensure the safety of Iraqi prisoners. But Secretary Rumsfeld was on notice. He and his deputies at the Pentagon had access to numerous reports of alleged prisoner abuse and did nothing. That failure to act has now undercut the brave efforts of our men and women in Iraq; their failure to act has violated the trust of our soldiers and the trust of the American people. The President owes it to our troops and the American people to act quickly to remove those individuals who should have acted early to prevent this debacle.

Second, the Administration must stop being so contemptuous of international law and norms and immediately grant an independent third party, such as the International Committee for the Red Cross, full and unimpeded access to all the prisoners being detained in Iraq. It has become fashionable in this Administration to argue that the United States should no longer be constrained by international law and norms. Indeed, Secretary Rumsfeld overrode previous U.S. practice in the handling of detainees overseas when he ruled that the U.S. would no longer be bound by the Geneva Conventions. That decision and other statements by the Secretary sent exactly the wrong signal. At a time when both U.S. values and U.S. foreign policy interests demanded tight procedures to prevent abuse of prisoners, Secretary Rumsfeld discarded the rules that had been in place. The result was sadly predictable and avoidable. We must now work to repair our credibility by providing the appropriate international agencies total access to prisoners being held.

Third, the Congress must take its constitutional responsibilities seriously. Formal congressional oversight by the relevant committees of this House has been virtually non-existent regarding the conduct of the war in Iraq. Congress has a constitutional responsibility to oversee the actions of the Executive Branch and to hold it accountable. Yet, unfortunately, especially when it comes to Iraq, the House leadership gets its talking points straight from the White House. It has abdicated its institutional responsibilities as a separate branch of government and become a rubber-stamp for Administration policy. It is time for this House to fulfill its duty to our troops and the American people by putting aside short term election year politics and taking its responsibilities seriously.

Fourth, we should immediately close the Abu Ghraib prison. It remains a symbol of the brutal repression under Saddam's regime. Regional experts had previously recommended against using that hated facility to hold Iraqi prisoners because of the terrible message it sent to the Iraqi people. The Administration ignored their advice. It is time to shut it down.

Fifth, the Administration and the Congress must immediately focus on the role of civilian contractors in Iraq. There are up to 20,000 private contractors operating in Iraq, carrying out military roles from logistics and local army training to guarding installations and convoys. It is stunning that the Defense Department would contract out the interrogation of prisoners of war to private firms. A number of

these contractors have been implicated in the abuses of Iraqi prisoners. The legal status of these contractors in war zones is a murky area. How do we hold these contractors accountable?

The abuse of prisoners in Iraq has severely damaged our standing in the world and undercut our efforts in Iraq, Afghanistan and the Middle East. The real tragedy is that it was avoidable. Our troops and the American people have been let down by a failure of leadership. Real leadership is now required to attempt to limit the damage that has been done.

ON THE NOMINATION OF JON DUDAS TO BE UNDER SECRETARY OF COMMERCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, it gives me great pride to inform my colleagues that Jon Dudas, former counsel to the Speaker, and former key member of my staff when I was Chairman of the House Judiciary Committee has been nominated by the President to the crucial post of Under Secretary of Commerce.

I include my testimony in support of his nomination before the Senate Judiciary Committee for the information of my colleagues.

STATEMENT OF THE HONORABLE HENRY J. HYDE

Mr. Chairman and Members of the Committee,

It is a pleasure to be here today to support the President's excellent choice for the crucial position of Under Secretary of Commerce, Jon Dudas.

I have known Jon for almost a decade. After he graduated from law school at the University of Chicago, he came to Capitol Hill and worked in my congressional office as a legislative counsel. When I first became Chairman of the House Judiciary Committee, Jon moved over as counsel to the Subcommittee on Courts and Intellectual Property which has jurisdiction over the complex issues of patent law. Shortly thereafter, I named him Staff Director and Deputy General Counsel of the full Judiciary Committee. During those extremely busy and trying years for the Congress and the Committee, I came to know Jon very well, and I became personally acquainted with his strong leadership, tremendous loyalty, unwavering integrity and the ability to accomplish his assigned mission under tremendous pressure.

When I first got to Congress, I learned an important lesson. If you want something done, you talk to the Member, and then you go to the ''staffer who makes the Member look good.'' During his service on Capitol Hill, Jon was one of the people who made me look good.

In his position on the Judiciary Committee staff, Jon helped me manage the most productive committee in the Congress—more than one out of five bills considered by the House during the 105th and 106th Congresses went through the Judiciary Committee. Our Conference relied upon him to help achieve some of their most important goals during that period.

With mixed feelings, I encouraged Jon to leave the Committee staff when the Speaker asked him to serve as his chief floor manager and legal policy advisor to the House Leadership. Jon played a critical role in advancing legislation to support the war on terror.

Jon left the Hill when our former colleague, Jim Rogan, was appointed to be Under Secretary of Commerce and Director of the United States Patent and Trademark Office. As the Assistant Secretary immediately under Jim Rogan, Jon played an integral part in implementing the President's Management agenda and in developing the 21st Century Strategic Plan—a comprehensive map to move the Patent and Trademark Office from its crisis situation to one of improved quality, quicker issuance of patents and increased efficiency. His ability to relate and work well with others and his good relationships with Members of Congress will be critical in achieving the difficult task of passing the Administration's fee bill that will implement the strategic plan. Just as important, because he has been serving as Under Secretary Rogan's right hand for the last two years and currently as Acting Under Secretary, Jon will provide continuity at the Patent and Trademark Office.

The issue of this government's position on patents is a critical one in this ever-expanding world of scientific progress. I can think of no one better qualified to lead the Patent and Trademark Office. I urge the Committee to confirm this fine public servant as Under Secretary of Commerce so that he may continue to serve the best interest of the American people.

Thank you again for this opportunity to appear before you today.

ORDER OF BUSINESS

Mr. BURNS. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

HONORING THE TEACHERS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I rise today to extend my appreciation to the teachers of America. As we celebrate National Teacher Appreciation Week, it is important that we recognize the good people of this Nation who hold the keys to our future and the future of our children, the unselfish, dedicated teachers who spend their days taking care of America's future.

Our teachers help our children in many ways. They are leaders. They are inspirations that provide students with the foundation that they take with them for a lifetime, and they learn to believe in themselves. When we succeed, they are guiding us to our next great accomplishments. When we fail, they are the understanding hearts that lift us back up. Teachers are truly noble professionals.

In 1944, Mattye Whyte Woodridge, an Arkansas teacher, began corresponding with political educational leaders about establishing a national observance to honor members of the teaching profession. This effort came to fruition when Congress proclaimed National Teacher Day in 1953.

I encourage those with children in school to offer their support and their thanks for the work done by our children's teachers. As a former educator, I know that your appreciation for their efforts will be most welcome.

I want to express my gratitude and thanks to the teachers who helped me many years ago. Inez Grovenstein, who got me through first grade; Mary Brunson, who guided me through fifth grade after I lost my mother tragically at the age of 10; and Mary Catherine Counts, who solved the mysteries of high school math too many years ago.

These are teachers much like teachers around our Nation who have made a lasting impression on the minds of young America and whose lessons I greatly appreciate.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RUMSFELD TERMINATION/ INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today for two reasons: to call for President Bush to fire Secretary of Defense Donald Rumsfeld for failing to act upon reports of the disgusting photographs and inhumane treatment of Iraqi prisoners, and I also call upon the U.S. House of Representatives to hold hearings into the role private contractors may have played in these incidents.

Mr. Speaker, President Bush has repeatedly allowed the United States' reputation with the international community to be tarnished and has not held his appointees accountable for this damage. Whether it was going to war based upon inaccurate intelligence information, or White House officials exposing the identity of one of our own CIA operatives, or the most recent revelation about the inhumane treatment of prisoners at Abu Ghraib Prison in Iraq, President Bush refuses to hold his people accountable.

According to recent media reports, administration officials, including Secretary Rumsfeld, have known about these abuses for months, yet they failed to act on repeated recommendations to improve conditions for thousands of Iraqi detainees. In response,

Mr. Rumsfeld only received a private scolding from the President.

This is not a minor problem that can be fixed with just a slap on the wrist or by buying million-dollar ads to redefine history. The international community is appalled and upset at the cowboy arrogance and actions of this administration. Wild west tactics do not work anywhere, especially in the Middle East.

Mr. Speaker, I call upon the House Committee on Government Reform to hold hearings into the government-paid contractors in Iraq who may have played a role in the actions in Abu Ghraib Prison. In addition, in a letter sent to the Department of Justice earlier this week, I and 27 other Members asked the Attorney General to investigate those contractors.

We need to get to the bottom of this situation right now and show American citizens and the international community that such actions will not be tolerated. The damage inflicted upon the United States' reputation will take years, if not decades, to repair. We need to hold our government officials accountable for their actions, just as we hold other governments accountable, and it needs to start with Secretary of Defense Rumsfeld's termination.

Mr. Speaker, I would also like to submit to the RECORD today's Washington Post editorial on the leadership decisions made by Secretary Rumsfeld since the beginning of this administration. The Secretary announced that the United States would no longer be bound by the Geneva Convention, that Army regulations on interrogation of prisoners would not be observed, and that many detainees would be held incommunicado and without any independent mechanism for review.

□ 1615

As the Post stated, ''Abuses will take place in any prison system, but Mr. Rumsfeld's decision helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered, and which until recently, no one has been held accountable.''

It was only when photographs of these incidents made it into the press that Secretary Rumsfeld paid much attention. According to media reports, he had not even read the reports on these abuses that was completed in March.

I find it very troubling that our own Secretary of Defense was so dismissive of the abuses that may have taken place under U.S. oversight in Iraq and Afghanistan.

Again, I call upon the President to fire Mr. Rumsfeld, and I call upon the House of Representatives to hold hearings about the role private contractors and the intelligence community may have played in these incidents.

NATIONAL DAY OF PRAYER AND THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I rise to address this body on the National Day of Prayer.

The Constitution—in a word—is the document that defines the values and principles of America.

Nearly 220 years ago, a few men, with extraordinary vision, used the lessons that history taught us to create this binding document that has served as the burning touch of our Nation's freedom. But over time, that flame has been has been dimmed, and its power has been mitigated, and before we know it, it will be a dull light that is indecipherable.

You see, over time, Mr. Speaker, we have let the Judiciary, slowly chip away the freedoms that are guaranteed to us under the constitution—chipping away so much that some of our liberties are unrecognizable.

For example, Mr. Speaker, the First Amendment to the Constitution says, ''Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof . . .'' It says that those of us who have faith in a Higher Power have the right to pray, express our beliefs.

Yet, our Federal Judges have ruled out prayer in schools. They have ruled that the Pledge of Allegiance, particularly, ''. . . one Nation, under God . . .'' is a violation of separation of state doctrine. Those who would ban our inalienable right to express our beliefs in a higher power selectively choose to cite the first part of the clause that says ''Congress shall make no laws respecting an establishment of religion . . .'' They leave the second part, which says ''. . . or prohibiting free exercise thereof . . .''

Congress opens up every session with a prayer, the President of the United States uses a Bible when he is sworn into office by the Chief Justice of the Supreme Court. The Declaration of Independence, arguably the single most powerful political document in world history, mentions God in the first paragraph and ''divine Providence'' in the last.

Religion in the public sector is not prohibited by the Constitution, the Constitution is what makes our ability to freely exercise our belief possible!

The Second Amendment to the Constitution says, ''A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.'' Some would argue, and unfortunately some have successfully done so, that this is not an individual right, but a collective right associated with service in a militia, or in modern terms the National Guard.

The Founders had a profound understanding that individuals and their rights were the only true check against an overzealous government. After all, they had just defeated one that sought to control access to arms.

Just a moment ago I added emphasis on the ''people,'' I did so because right belongs to them, not the President and most assuredly not the Federal Government.

The Fifth Amendment says unequivocally that no person shall ''. . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without due compensation.''

Yet Mr. Speaker, in my district of Southern New Mexico, we can't water our crops because our water is being diverted for a minnow based on science that only a writer of fiction could love. We have people who are prevented from using their God-given resources to feed, clothe, house and provide energy for their neighbors.

The Endangered Species Act, Mr. Speaker, was noble in its intent and just in its cause. Not one of us would seek the termination of a species. Yet the law has been twisted, turned and implemented in ways that directly violate our constitutional rights. Simply stated, and directly supported by the plain wording of the 5th Amendment, Uncle Sam can't take our property without due process. He definitely can't take it without compensating for the loss. So we must ask ourselves, when does it matter to us enough to make a difference?

And the Tenth Amendment says that we have States Rights, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Yet the Federal government, at the behest of highly objectionable rulings by the courts over the last 100 years, has intruded on every aspect of our lives and ignored those rights reserved for the states and the people.

We know that we live under a constitution, but we are living in a time when the Constitution only means what the Judiciary says it means—simply stated, we can't let that happen.

The constitution has been tyrannized by people who honestly believe that we are incapable, as a free people, of living our lives in the manner that best serves us and our families. The courts have been willing accomplices and many of the core freedoms that are guaranteed to us under the constitution have been slowly but continuously taken from us.

I believe that the Constitution has been treated unjustly by the courts, and I believe we need to take a look at how our Constitution—this symbol of freedom—can be returned to its rightful place as the foundation of our freedom—instead of being just another document that tourists visit at the National Archives in Washington.

Thomas Jefferson, James Madison and the Framers of the Constitution feared tyranny from the judiciary more than from the other two branches, so they placed deliberate limitations on the judiciary.

As a result, under their plan, ''the Judiciary is beyond comparison the weakest of the three departments of power . . . [and] the general liberty of the people can never be endangered from the quarter.''

These are not my words, but taken directly from the Federalists Papers. Can there be any doubt that our forefathers saw a danger to our way of life and intentionally erected a wall of separation to protect us from it?

There shouldn't be a doubt, but it stares us in the face every day.

The bottom line is, Americans should not have to fear ''judge-made laws'' as a reality of life. We elect our legislators to make our laws, we elect the executive branch to implement those laws, and the judiciary is charged with holding people accountable to these laws and determining the constitutionality of laws.

There should be no doubt, either, that government is the greatest, if not only, threat to individual liberty. Neither the United States, nor any of the branches of the government, nor the states, is the ultimate authority of the

Constitution. The ultimate authority of the Constitution is the people of the Union, just like Thomas Jefferson said.

We need to make sure that the Constitution doesn't just stay locked up in a display case at the National Archives on Pennsylvania Avenue. We need to bring it into our homes, our schools, our businesses, and our courtrooms.

Only then can we make sure that our schools are symbols of freedom—that our families are symbols of freedom . . . that our businesses are symbols of freedom . . . that our state legislatures, and local governments are symbols of freedom.

When its all said and done, my greatest desire is for my grandchildren to look back on their grandfather and their neighbors and say, "They left us a better country than they inherited. They cared enough to protect freedom for the generations to come."

Mr. Speaker, I was in Vietnam in 1971, 1972, the early part of 1973, and the early part of 1974. I was in Vietnam flying when Jane Fonda made her visit to the north giving aid and comfort to the enemy.

Mr. Speaker, I was in Vietnam, or on my way there, when the presumptive Democrat candidate threw his ribbons across the fence into the dumpster or his friends or his medals, or some similarity of that representation, of our country.

Mr. Speaker, as I listen to the comments from the floor of the House that said that this war is not winnable, I would remind my colleagues that all wars are unwinnable in the heart; and as they seek to undermine the will of the American people, they should consider carefully what they are doing.

Mr. Speaker, we must complete the job that we started before the terrorists complete the job that they started.

Mr. Speaker, I was in France on 9–11. So I was compelled to fly to come back to this country as soon as flight service was restarted. I came through Dallas-Ft. Worth about 10 days after the attacks.

Mr. Speaker, when I came through Dallas-Ft. Worth regional airport, that bustling busy hub of much of the traffic, the air traffic in the western United States, I think that our plane was the only one deplaning. I looked up and down the corridors and walked the full distance to the baggage check without seeing one other plane deplaning. Mr. Speaker, when I went to get a cab to go to the hotel, there was not one cab available because there were no passengers to ask for cabs.

As I finally got a transport van from the hotel, arrived at the hotel to find that there were very, very few customers in the hotel. Mr. Speaker, our economy was this close to collapsing. If we first lose the airlines and the cab industries and the hotel industries and the hospitality industries, we are looking at losing banks and financial institutions and insurance companies.

Mr. Speaker, the terrorists set out to do a job a decade ago first attacking the twin towers of the World Trade Center. Mr. Speaker, they did that attack in 1993 and then again in 2001. If we are going to sit on our heels trying a policy of appeasement to deal with the terrorists, I will tell you that the terrorists will win because we cannot sustain repeated attacks on our economy and of the civilian population of America like occurred on September 11, 2001. There are estimates that that cost alone, that one day, exceeded $2 trillion, Mr. Speaker.

Our economy is $11 trillion. So we took over 15 percent, close to 20 percent of our economy out in one day, not to mention the 2,000 lives.

Mr. Speaker, what I hear from the House floor and what I hear from my friends on the other side of the aisle sounds more partisan when I put it in context of the many complaints that I should have heard from them under the deployments that President Clinton had. We went into Bosnia in the early part of the 1990s, and President Clinton said we would be out by the end of that year. Instead, troops are still there today. Yet, I do not hear one comment about his deployment into Bosnia.

If the names Kosovo, Somalia, Haiti, and Macedonia do not mean anything to my colleagues, those are additional areas in which the previous President dispatched our troops to try to stabilize a very unstable region.

Mr. Speaker, Mr. Clinton launched cruise missiles into Sudan and Iraq, into Haiti with no U.N. resolution. Yet I hear no comments from the floor of this House.

So when I hear my colleagues saying that this war is unwinnable, I think that they are engaged in partisan politics which strikes at the very desire of this country to fight its war. And when I watched the aid and comfort of 1971 and 1972 by the presumptive Democrat candidate for President and Jane Fonda, I am beginning to hear a similar tone.

I will tell you, Mr. Speaker, as one of the Vietnam vets who returned to this country without one public or private official saying thank for your time, Mr. Speaker, I caution our friends to be careful of the rhetoric they use.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair admonishes Members to heed their time limits and to refrain from improper references to Presidential candidates.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MISMANAGEMENT OF WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I was appalled at the comments that just preceded me.

JOHN KERRY is a brave man today, and he was a brave man 35 years ago when he answered his country's call and was wounded on its behalf. And to hear one say that he came close to giving aid and comfort, of course, that is part of a phrase that describes treason, is unworthy of this House. And to couple that sort of wholly unjustified attack on this brave man because he challenges the President and then to say, well, let us avoid partisan rhetoric, there are no words to describe that that would be acceptable under the rules of the House.

I do want to talk about what is going on in Iraq, and I do it with great sadness. Six months ago if someone had told me that American military personnel and civilians employed by the United States Government had engaged in the kind of outrageous dehumanizing behavior that we have recently seen public, I would have been indignant. I would have said, look, I disagree with the Iraq policy. I did not vote to go to war with Iraq, but I think it is unfair to accuse Americans of this.

And we now say that we have to acknowledge that Americans empowered by the United States Government, not specifically to do that, but they were there because of American government policy, committed these outrageous acts. But it is not enough simply to blame a handful of individuals as the majority tried to do earlier today with a resolution.

I want to stress again how absolutely wrong it was for the Republican majority in the House to bring forward today a resolution on this extraordinarily important question. I am told the President just apologized, as he should have. He should have done it earlier.

We have got a major set-back in American policy but more importantly, a revelation that Americans did things in the name of the country that should not have been contemplated, much less done. And we were only given an hour to discuss it? And the majority used its automatic submissive majority of its Members to prevent any amendment, to prevent any proposal. Many of us believe it is not enough for the military to investigate itself. They have known about this for some time.

First of all, this is the military's failing. Though the Secretary of Defense did not do this in this prison, but the

Secretary of Defense and his aids set up this prison which led this to happening, the inadequate supervision, the whole problem here, this is one which we must thoroughly investigate. And having the perpetrators not of the particular acts but of the efforts that led to these acts investigates themselves is wholly unacceptable.

We were not even allowed because of this automatic submissive majority to offer an amendment to call for that sort of an investigation. I want to stress again, what could be more bizarre than for us to tell the Iraqis that we will teach them how to be democratic, with a small D.

We in particular are telling the Shiites who are in the majority in Iraq, use your majority wisely and prudently. Yes, if you are in the majority you have a right ultimately to make the decision, but please show respect for minority rights. Please encourage openness.

I only hope, Mr. Speaker, that the Iraqis were not watching the debate today because if the Shiites were to emulate the House Republicans in terms of their approach to democracy, then we have very little chance of achieving what we want.

I only hope that people in the leadership of the Shiite movement in Iraq do not take the majority leader of this House as an exemplar of democracy. But it is not simply the inadequate way in which the military has responded to these outrages, and we might never have known if these things were not leaked. The military knew for a long time. They came up here and talked to committees. They misled people when they asked questions about contractors. They left names off lists. The way in which they have handled this was outrageous.

I wish it were an exception. I wish this terrible abuse and these cover ups and this refusal to supervise adequately, I wish it were an exception. But we also had, within the last week or two, the on-again off-again appointment of the Iraqi general in Falujah in which, first of all, we were going to have a war in Falujah. Fortunately, they decided, let us try to minimize the killing. So they appoint an Iraqi general to be in charge.

First we were told he is acceptable to everybody. Then it turned out because of his previous connections to the regime he was unacceptable and a new general comes in.

We have had error after error after error. We have a lack of coordination between the State and Defense Departments. I do not think there has been a major national security operation handled as incompetently as the way this administration has muddled in Iraq in a very long time.

Vietnam ultimately became a terrible set of mistakes, but I do not think in a comparable period Vietnam was as badly handled.

This administration has failed this country in the miserably incompetent way it has handled Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONDEMNING TREATMENT OF IRAQI DETAINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, it is with a mix of anger, sadness, and frustration that I rise in support of the resolution that the House passed earlier today.

Our words can do little to mitigate the damage that has been inflicted upon our Nation, our Armed Forces, and our hopes for better relations with the Islamic world.

Nevertheless, we must offer these words to the Iraqi victims and to the world. All of us have seen the photographs of smiling American military personnel mocking hooded, naked Iraqi prisoners. These images of those degraded are vile. The smiles of those who would degrade are grotesque.

The soldiers in the photos must not become the face of the American-lead occupation in Iraq or of the American GI.

Sixty years ago at the end of World War II, the American soldier was seen as a smiling supplier of chocolate bars. Our men and women in uniform must not become known around the world for degrading and humiliating unarmed, naked detainees.

□ 1630

I am deeply proud of our military. The vast majority of our men and women in uniform serve with bravery, compassion and honor. Sadly, the barbaric conduct at the Abu Ghraib prison reflects upon all our troops and it is up to all of us, the Congress, the executive branch, the justice system and the military itself to address this blight upon our record. I am glad that several of our senior commanders in Iraq have publicly apologized to the Iraqi people. I also believe that it was important for President Bush to express his personal regret to the Iraqi people and his commitment to a full investigation as he did during two interviews with Arabic language television yesterday.

I have been to Iraq and met with our young men and women who are serving there. The most disturbing aspect of this reprehensible conduct at the prison is that it undermines and endangers the lives of American soldiers who are diligently working every day in the most difficult conditions. All of the countless acts of good will performed by our soldiers, the rebuilding of hospitals, the opening of schools, the reuniting of families, the building of civic institutions and the foundation of representative government, all of these are undercut by these acts.

Our campaign against terror has also been weakened. The war on terror and the war in Iraq are ultimately wars of ideas. The idea of a civil society under the rule of law, respective of human rights and individual liberties is at war with the idea of a closed society devoid of the right to speak as one chooses, without the free exercise of religion and propagated by indiscriminate and murderous violence against innocent men, women and children. The recent events at Abu Ghraib prison, a place identified with the barbarity of the Saddam Hussein regime, are a major setback in the war of ideas. A key element of this war has been our attempt to convince the Islamic world that America and the West are not out to humiliate and destroy Muslims. The damage to that effort is incalculable and the soldiers who committed these acts have betrayed the bravery, dignity and the sacrifice of their fellow troops.

This resolution is our statement to the world and particularly to Iraq and the Islamic world that the people of the United States are united in their condemnation of the stomach-turning acts of abuse that were perpetrated in our name. But this is only the beginning. We need a thorough investigation to find out both where the breakdown in the chain of command occurred and why Congress was left out of the loop, even though the military has been investigating these incidents for months and the investigation by Major General Antonio Taguba was completed in late February, 2½ months ago. We also need to determine whether the conduct at Abu Ghraib was an isolated set of incidents or whether, as some have suggested, similar acts were committed at other detention facilities in Iraq.

Nearly two centuries ago, Alexis de Toqueville is reputed to have said, ''America is great because America is good; if America ceases to be good, she will cease to be great.'' That was true then. It is still true today. Our greatness has been built upon countless acts of goodness and not even an episode like this can undo that proud history, but it should serve as a reminder that our Nation has succeeded because Americans are strivers. We are always looking to better ourselves, our communities, our country and the community of nations. We now face a great challenge to that perception of goodness and we must all rise to meet that challenge.

WAR IN IRAQ

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am grateful for the tone that has been exhibited on the floor of the House. We must be mindful of what we say and what we do, because our children are listening. I am gratified that Members have come to the floor to indicate both their disgust and their rejection of the actions of some in the military in Iraq. But allow me to lay out my reasoning for opposing the resolution on the floor of the House that was supposed to be today a call by this Congress, a bipartisan call by this Congress to investigate those incidences.

First of all, let me say that I follow in the tradition of Hubert Humphrey that says, in paraphrase, that we are the agitators to create a more perfect union. We are always seeking to make America better. We are always seeking to allow America to live up to its very special ideals of democracy and the Declaration of Independence that indicates that we all are created equal with certain inalienable rights of life and liberty and the pursuit of happiness.

Those actions in Iraq were not necessarily only those of the perpetrators and actors, but it showed the face of America and the face of our military and it was an unjust face. Martin Luther King reminded us that an injustice anywhere is an injustice everywhere. So why do I come to the floor of the House announcing my opposition to the resolution that was on the floor and my ''no'' vote? Because it was the failure of the Republican leadership that I challenged, failure in betraying the trust of the American people. Those crimes in Iraq were not partisan. They were not Democratic; they were not Republican. They were all of us being shocked and outraged, and collaboratively we should have stood here on the floor of the House in a bipartisan way and laid out a road map for the American people on many instances.

The first one is that it should be a bipartisan, complete and comprehensive investigation. We should investigate whether or not there was a violation of the Geneva Convention for the Committee on International Relations. We should investigate whether JAG officers and others who were interrogating these individuals followed certain rules and certain parameters that would be respectful of the human dignity. I know someone is saying now, look at the tragedies that happened to our civilian hostages and others who we saw glaring across the television screens just a couple of weeks ago. Let me say that we all protested that in outrage. But is it for us to follow suit to those whom we consider uncivilized and to be murderous terrorists? Is that the model that we are to follow? I think not.

And so for this Republican leadership to put on the floor of the House a singular resolution that says that the Secretary of the Army is supposed to investigate this, no Judiciary Committee, no International Relations Committee, no Intelligence Committee, no Government Reform Committee, no committees of jurisdiction, no Homeland Security Committee, when the very fact that the individuals who will face the wrath and the ire of the world will be Americans who are traveling around the world, we must investigate this comprehensively.

Mr. President, I disagree with you. I hope that your apology was forthright in the last hours that I have not been before the television screen. I hope you said something that we could understand. I clearly think that you are to be applauded for going before those in the Arab world. But I think the American people have to understand what happened. I have no apologies for not condemning in totality those men and women who were the perpetrators of, yes, criminal acts and they should be brought to justice. But they did not act alone. The hierarchy, the brass, the individuals who knew about this in November of 2003, who shared it with no one and absolutely no one in America, not even this United States Congress, not the Intelligence Committee.

Where else does the blame lie? Directly at the feet of Secretary Donald Rumsfeld, the man who orchestrated this war and suggested to us that weapons of mass destruction were the cause of going to war in Iraq. He misrepresented and misled the American people then and he has hidden the truth from us now. He does not deserve to hold this office. Neither does Deputy Secretary Paul Wolfowitz.

And so I would ask them in a tone that I hope will be respectful, in order to clean the slate and allow America to go forward and to truly have the kind of dignity and respect the United States military deserves, so that we can build again, so that the American people can be known for what they are, compassionate and loving and believers of democracy, so that our children would understand that we too are fighters for democracy, then it is appropriate, Mr. President, that you ask for Secretary Rumsfeld's resignation, along with Paul Wolfowitz'.

This is not a time for loyalty. This is not a time for partisan politics. Mr. Rumsfeld failed you. He was derelict in his duty. He was aware of this and did not share this with the Congress. He knew it on Thursday of last week when ''60 Minutes'' showed it on television. What an insult. We could have avoided the controversy and the sadness that has permeated our leadership. The American people have put all of us in the same boat, Democrats, Republicans, Congress Members, House Members, Senate Members, administration.

It is interesting. When they were ready to rise up against William Jefferson Clinton in the impeachment over discretions in his personal life, everybody was speaking about it in the United States. Everybody was outraged. Where is the outrage now? What a shame and a travesty.

And to the American people, I would say you too have a responsibility to ask the hard questions. In these letters to the President, Secretary Rumsfeld and to the Speaker of the House, I have asked for Secretary Rumsfeld's resignation. That is the honorable thing to do. Or be terminated. And I have asked the Speaker to convene a full body before he leaves to tell us the honest truth.

Mr. Speaker, I ask in a tone of simplicity and humbleness, where are the American people? Where are our voices? It is time now to stand for truth and to stand for those troops who are fighting for us all over the world.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR SPEAKER HASTERT: It has become evident that due to the recent abuses of Iraqi soldiers by members of the U.S. military, that the Congress should get involved in calling for an immediate investigation of these atrocities. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. It is inconceivable that Secretary Rumsfeld would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. His actions clearly go against the dictates and procedures of his position as Secretary of Defense.

Secretary Rumsfeld's failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that he has no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals are taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that Secretary Rumsfeld has known about the severe mistreatment of prisoners and has failed to act.

The severity of Secretary Rumsfeld's actions pose grave consequences for our Nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense, he bears the burden of the actions of the Armed Forces that he was sworn to oversee. The grotesque images of U.S. soldiers abusing

Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our Nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense, your leadership should help guide our Armed Forces to victory, instead your tenure as Secretary has brought disrepute and a greater burden upon our Nation.

In conclusion, it is absolutely essential that the entire United States Congress get involved in the investigation of these atrocities because it affects each and every one of us as we represent constituents who currently serve in Iraq.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY RUMSFELD: I am writing to you today to ask that you resign as Secretary of Defense in light of your actions regarding the abuse of prisoners in Iraq. It has become clear to me and many of my colleagues in Congress that your continued leadership and management of the war in Iraq is no longer in the best interest of our Nation. In my qualified opinion there has been a dereliction of duty on your part as Secretary of Defense and I believe you have an obligation to the American people to resign your office.

As the Secretary of Defense it is your sworn duty and responsibility to oversee and direct the actions of our Nation's Armed Forces. It has become evident that not only have you failed to prevent the abuse of Iraqi prisoners, but in fact you have made a concerted effort to cover up the extent of the abuses taking place. You knew as far back as November 2003 that Iraqi prisoners were being treated in a way that was inhumane and illegal by any standard. Only now more than 6 months later is the truth finally being revealed. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. This information was known to you long ago and yet the first time that anyone ever heard of these incidents was in the release of the horrific photos taken in the Abu Ghraib prison. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. The most galling indication of this cover up was the fact that even President Bush, our Nation's Commander-in-Chief, first found out about the abuse of Iraqi prisoners while watching national television. This incident shows that you have failed the Commander-in-chief as Secretary of Defense and should relieve yourself of the responsibilities of your office. It is inconceivable that you would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. Your actions clearly go against the dictates and procedures of your position as Secretary of Defense.

Your failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that you have no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals are taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that you have known about the severe mistreatment of prisoners and have failed to act.

I sincerely hope you realize the severity of your actions and the consequences they pose for our Nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense you bear the burden of the actions of the Armed Forces that you were sworn to oversee. The grotesque images of U.S. soldiers abusing Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our Nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense your leadership should help guide our Armed Forces to victory, instead your tenure as Secretary has brought disrepute and a greater burden upon our Nation.

I am asking that for the sake of our Nation you resign immediately as the Secretary of Defense. The men and women of our Armed Forces, our Nation, and indeed the world deserve to know that there is accountability for failure and reckless conduct from America's leaders. I hope you will take my words to heart and resign your office for the good of our Nation.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2004.

President GEORGE W. BUSH,
1600 Pennsylvania Avenue, NW.,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to you today to ask that you call for the resignation or terminate Donald Rumsfeld as Secretary of Defense in light of his actions regarding the abuse of prisoners in Iraq. It has become clear to me and many of my colleagues in Congress that his continued leadership and management of the war in Iraq is no longer in the best interest of our nation. In my qualified opinion there has been a dereliction of duty on the part of Secretary Rumsfeld and as Commander-in-Chief I believe you have an obligation to the American people to remove him from office.

As the Secretary of Defense it is Secretary Rumsfeld's sworn duty and responsibility to oversee and direct the actions of our nation's Armed Forces. It has become evident that not only has he failed to prevent the abuse of Iraqi prisoners, but in fact he has made a concerted effort to cover up the extent of the abuses taking place. He knew as far back as November of 2003 that Iraqi prisoners were being treated in a way that was inhumane and illegal by any standard. Only now more than six months later is the truth finally being revealed. An investigation led by Major General Antonio Taguba, reported widespread abuses in the detention of Iraqi prisoners including incidents in which detainees were threatened with a pistol and with military dogs, prisoners were being sodomized with a chemical light and broomstick and soldiers were forcing naked prisoners into compromising positions. This information was known to Secretary Rumsfeld long ago and yet the first time that anyone ever heard of these incidents was in the release of the horrific photos taken in the Abu Ghraib prison. Members of Congress were never told the true extent of the abuses taking place; instead we were left to find out the truth when it was revealed to the general public. The most galling indication of this cover up was the fact that you yourself, our nation's Commander-in-Chief, first found out about the abuse of Iraqi prisoners while watching national television. It is clear that the Secretary of Defense has failed the Commander-in-Chief and now decisive action must be taken to remove him from his office. It is inconceivable that Secretary Rumsfeld would leave both the Executive and Legislative branches of our government in the dark regarding a critical foreign policy issue. His actions clearly go against the dictates and procedures of his position as Secretary of Defense.

Secretary Rumsfeld's failures in managing the war in Iraq go beyond the abuses of Iraqi prisoners. It has become clear that he has no control over the thousands of private contractors and private security companies in Iraq. In fact, the Pentagon has no records as to the number of private individuals who are in Iraq working on behalf of the United States Government. In addition to the extreme danger many of these individuals are being placed in, there are numerous reports that many of these individuals as taking part in highly illegal activities. Indeed, privately contracted individuals are suspected as being involved with the abuses that took place in the Abu Ghraib prison. Another disturbing issue that is just now coming to light is that there are currently fourteen different investigations into prisoner deaths that took place in Iraq and Afghanistan. Yet another indication that Secretary Rumsfeld has known about the severe mistreatment of prisoners and has failed to act.

The severity of Secretary Rumsfeld's actions pose grave consequences for our nation. Let me be clear, I have always supported the men and women of our Armed Forces. It is my belief that the abuse of prisoners in Iraq has been the work of a small number of disgraceful American soldiers. However, as the Secretary of Defense he bears the burden of the actions of the Armed Forces that he was sworn to oversee. The grotesque images of U.S. soldiers abusing Iraqi prisoners are being shown around the world and no amount of words can change the effect of those images. In the short term our soldiers abroad now face even greater danger in fighting this war. In the long term our nation now must address the outlook for our war in Iraq that only seems to become more difficult by the day. As the Secretary of Defense his leadership should help guide our Armed Forces to victory, instead his tenure as Secretary has brought disrepute and a greater burden upon our nation.

I am asking that for the sake of our nation you ask for the resignation or terminate immediately Secretary Rumsfeld as the Secretary of Defense. The men and women of our Armed Forces, our nation, and indeed the world deserve to know that there is accountability for failure and reckless conduct from America's leaders. I hope you will take my words to heart and remove Secretary

Rumsfeld from office for the good of our nation.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

HAPPY MOTHER'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, with Mother's Day quickly approaching, I want to first thank all of the mothers and wish them a happy Mother's Day and thank them for what they do to make America the great place that it is. I want to thank in particular the American gold star mothers for their sacrifice and for the sacrifice of their children by answering the call of duty to their country.

Let me be clear: I support our troops 100 percent. I would like to honor our brave troops, all the military families and all that they do and have sacrificed for our Nation. I want to emphasize that I do not want our troops to be the scapegoats for this administration's failed policies. What is going on in Iraq right now is just another example of this failed administration policy.

And where is the leadership on this? Where is the President? This administration is once again missing in action. MIA. At this exact moment, with all of the uprising in Iraq, our troops are being placed in the most dangerous position. And although I pledge to do everything within my power as an elected official to ensure that our servicemen and women have the equipment and resources they need to carry out their mission, I find it disturbing, in fact, misleading that President Bush continues to hide the truth about Iraq from the American people.

In fact, up until yesterday, the administration was saying that another supplemental appropriation request would be unnecessary until after, by the way, November elections. To me, however, it seemed more than likely that this administration knew all along that they were going to need additional funding. Unfortunately, this new request of $25 billion in supplemental spending for Iraq is just another example of the administration's pattern of covering up the facts and refusing to share information with the American people. Although the American public demands to know the truth about the cost of the war, time and time again the administration has denied them the opportunity to get the full story. Moreover, the Republican leadership in Congress refuses to fulfill its constitutional obligation to act as a check and balance on the executive branch.

With this $25 billion, our country's taxpayers will be forced to spend over $200 billion for this war. How much more will we need in the future? No one knows because the administration does not tell us anything. I would like to say contrary to the administration's talk about how they pass measures like this to provide for the troops, in the last $87 billion supplemental, the Bush administration never even requested sufficient funds for body armor, Humvees, and dozens of other badly needed supplies that the troops need over there for their survival. These items were only included in the package because it was stuck in in this Congress. Not this administration. The Congress put those supplies in for the troops.

In closing, we need to be included in the strategy. The President is asking for another $25 billion. What I am requesting from them is some transparency. I am requesting a broader, inclusive strategy. We are three branches of government, not a dictatorship. America needs a plan for Iraq, Mr. President, one that does not involve hundreds more American troops going home in body bags.

In November, the American people will have their say. Do not forget the 2000 election because it does matter who is in charge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman for what she has said. I want to join her in her salute to mothers with a happy Mother's Day, but also let me say that my heart goes out to mothers who have lost children in the war in Iraq and Afghanistan. I thank the gentlewoman for acknowledging them. I acknowledge my mom, Ivalita Jackson, at this time. I thank the gentlewoman so much and happy Mother's Day to her.

Ms. CORRINE BROWN of Florida. Happy Mother's Day to all of the mothers.

□ 1645

CALLING FOR RESIGNATION OF SECRETARY RUMSFELD

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is a pleasure to address the U.S. House of Representatives this evening and also the American people.

This hour every week the Congressional Black Caucus comes together to speak to the people of the United States about issues that are facing our country, how we can play offense in certain areas to make sure that we stay a vital and sovereign country. But today I must say it is a very difficult day to stand here in this House of Representatives and be able to share with the American people that we have grave issues with the leadership of the Bush administration as it relates to the handling of what has happened to Iraqi prisoners in our custody.

It is appropriate to say there will be investigations that will be conducted. It is appropriate to say that there are future courts martial that will take place and individuals will pay on the front line; but it is very difficult for us to continue, and when I say us, I would mainly want to say the majority party of this House, and for the majority leaders of this House to look in the face of something very wrong, very much mishandled in this country as it relates to the abuse of these prisoners.

I will say this is a very emotional thing for me due to the fact that I have had more than four people in my district die in Iraq. Yes, I commend the troops for their service. Yes, every day on the Committee on Armed Services I make sure that we do what we have to do to make sure that they have the equipment that they need to protect themselves, to make sure that Reservists that signed up to defend their country if need be, that they are able to make ends meet.

We commend our troops every day. We appreciate their patriotism. We have over 120,000 troops in the Middle East, not even counting the individuals that are providing civilian services and contract services throughout the world.

But I must say that Secretary Rumsfeld, with him having the number one job at the Pentagon and being the Secretary, should resign from the Department of Defense. The reason we are calling for his resignation is not because he happens to be a part of the Republican administration or we disagree with Secretary Rumsfeld with his strategy towards the war. It is to save American lives. It is just that simple.

American troops will be terrorized even more now in the Middle East than they have been over recent weeks and days due to the fact of the humiliation of Iraqis and pictures that we will never live down. The Iraqi people will never live it down, the Arab world will never live it down because their pictures are all over the Internet, The Washington Post, CNN, any network Web site. You can definitely pick them up by just picking up the New York Times. The Washington Post today has a picture of one of our soldiers with an Iraqi prisoner on a dog chain.

We all condemn these acts. There is nothing wrong with condemning them, but there is something fundamentally wrong for the President of the United States not to be able to say, I am sorry or someone in my administration, or I was wrong. I will share with you as a Member of Congress and somebody who has been elected for 10 years, there are days I have to admit that I am wrong. There are days that publicly I have to say that I made a mistake. There are certainly days I have to say I am sorry, to not even my constituents when I make a mistake, but also to the American people.

But I will say, this is not the time to shield the administration, the majority

party in this Congress, to shield the President because this is an election year, or to shield Secretary Rumsfeld because he is going to be before the Senate and before the Committee on Armed Services at 3 by putting forth a resolution saying we commend the troops' service in Iraq.

We commend them. We appreciate them. We love them. Members of the minority party here on the Democratic side, we are fighting for up-armoring Humvees. We fought to make sure that individuals had Kevlar vests. We are working to make sure that the Reservists called up on a 12-month call, that they can get home in 24 months or even shorter because their families are going through a lot.

But for this administration, and as it relates to the economy and other issues that have taken place in this country, where the President has hunkered down and said they are my friends, we are in this together, and we are going down together, he cannot do that this time. I do not want the President to have to fire Secretary Rumsfeld, but that may have to happen. I am hoping that Secretary Rumsfeld understands on behalf of the country and on behalf of protecting American troops abroad and also on behalf of protecting Americans and shielding us against additional terrorist attacks in this country, that not only should the world see it, but America sees it.

This is a huge mistake. This is a mistake that is going to cost Americans their lives. I hope that he would be leader enough to say, you know, Mr. President, I did the best I could, but I know the circumstances that we are living under now, and I know the pressure being put on the United States and I know this endangers our troops even more. Personally, even though I did not have my hands on these individuals, I resign. Not to say by him resigning this issue goes away, but it at least shows Americans and the world that we have some level of account and balance.

I think it is very, very important for us to understand that, one, we have over 120,000 American troops in uniform overseas; two, we have Americans that live here in the United States that need protection and we need the Arab world to be with us, or some of our allies in the Arab world to be with us in our efforts against terrorism. As a member of the Select Committee on Homeland Security, terrorism is alive and well in the world; and we need as many friends as we can get.

So chastising Mr. Rumsfeld in the Oval Office, as is referenced in the New York Times today, is not enough to let individuals know that we are sorry and that we are working towards corrective action to make sure that does not happen again. Going on television, going around on Arab television and saying this is not how Americans see the war, this is not how we look to fight against terrorism, we denounce the acts of the pictures, that is not saying anything.

Pictures, the President said today in his press conference we are sorry that these pictures have given an image of Americans that we are insensitive. I am sorry about the pictures. Sorry about the pictures and the act are two different things.

We need to make sure, Mr. President, and to the majority party here in this Congress, we need to protect our troops in harm's way. We need to make sure we do that. If we do not remove Secretary Rumsfeld from the position of Secretary of Defense, we are letting the world know that we are not really sorry. We are letting the American people know that we are not really sorry. We are not doing that. I will share with you that we cannot fall short of that.

This is not the first mistake, this is not the first blunder, but this is a serious, serious issue. I do not think the American people, and definitely some Members of this Congress, understand the gravity of this situation. This is a very, very difficult situation dealing with some very, very dangerous individuals that will use these pictures to fuel more terrorism, show them to young Arab children and say, this is what America thinks of you. We have to be able to push back by saying that is not true, we removed the individuals that were in control. It was not just front line individuals that were held responsible; and it is very, very important that we do that.

Before I yield to the chairman of the Congressional Black Caucus, I just want to make sure that the American people understand that this is not a partisan issue. When our troops are taken hostage or a civilian employee is taken hostage, I guarantee Members that we, although preferably not, will see something similar to this if we do not respond to it in a very strong way.

Mr. Speaker, I would also say that the President has spoken out and has done the right thing for less. I will say that this situation is not a time to say that we are not going to allow certain Members of Congress to ask for the Secretary to step down. American lives are at stake.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his leadership and service. I want to very briefly discuss some points. This afternoon there was a vote on a resolution to condemn those folks, military and otherwise, who did these despicable acts to prisoners in Iraq. As soon as I got back to my office, Mr. Speaker, I was asked by several papers and news outlets why is it that you voted against the resolution, joining some 50 other Members in doing so.

I guess the thing that I would have to say is timing. Here we are, we had a resolution which basically said, and let me quote it, it says, ''Resolved, That the House of Representatives (1) deplores and condemns abuse of persons in the United States custody in Iraq regardless of the circumstances.'' And then it goes on to talk about a handful. It says ''declares the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served,'' and it goes on.

I think in and of itself the word ''handful'' is very, very upsetting to me. We do not have a clue at this juncture as to how extensive this abuse is. We have a situation where we know that there are officers, military officers, who are in the various pictures. We know about the report that was written by the military, a very extensive report that Secretary Rumsfeld just recently said he had not read; but the fact is that this is a situation that certainly calls for us not early on limiting this to a ''handful'' of military personnel, or a ''handful'' of individuals, but it is one where we should be simply asking the question what happened here in Iraq at the Abu Ghraib prison. Do we have similar circumstances in Afghanistan? Do we have similar circumstances at Guantanamo Bay?

I think when all is said and done, the resolution that we passed today that I voted against will be inaccurate in declaring that there were only a handful of individuals.

□ 1700

One of the other concerns that I had about this document was that it talked about the military investigating this matter as if the Congress consisted of a bunch of potted plants sitting in a window doing nothing. This is a Congress that voted with regard to the Iraq War. This is a Congress that has stood up over and over again talking about its love for our military. This is a great Congress. But the fact is that when we stand to the side and say to our military to go and investigate themselves and then send us a report from time to time, I think it sends a horrible message not only to the military, and I will explain that in a moment, but it also sends a horrible message to the Muslim community and to the world.

Why do I say that? It would appear that there has already been substantial finger pointing within the military itself. The people who are caught in the picture, some of them have said that they have got orders from higher-ups. The person who was in charge of all the prisoners there said that she did not even have much of any authority on this particular cell block.

So then there is finger pointing in the military in and of itself. There are also allegations that civilians were involved in all of this. So the question becomes not whether the military can effectively do a good job of investigating itself, the question becomes is how will the investigation appear to the world when we have already gotten finger pointing within the military itself?

Just the other night, I was at the Howard County Muslim Council at a dinner in my district. And as I listened and I talked to members of the Muslim community, some of them with tears in their eyes talked about how offensive these pictures were and how offensive the allegations were to the Muslim people, not only because of who they are, not only because of their culture, but also because of their religion. And one of the things that they talked about was whether they could now trust the United States to do a fair job in providing a transparent and thorough investigation of these types of acts. And one of the things that they asked me to do is just ask the question why not a tribunal? Why not a worldwide investigative agency look into this so that when the message is sent back to the world, the world will be satisfied that we have done all that we could to investigate every single human being, be they military or civilian, that had anything to do with these kinds of despicable acts no matter where they may fall in the line of command?

So what they want is an investigation which is thorough and one that is transparent and one where they can feel comfortable that all of those involved will be brought to justice and that they will be punished accordingly. So that is so very important that we do that.

The other thing that concerned me here was that we talk about investigating a handful of people and we talk about wanting to make sure that these investigations take place, but as I said a little bit earlier, what is the Congress's role in all of this? We have a duty. We have a duty to look into these matters. We have a duty as a Senate and the House to look carefully at every aspect of all of this because one of the things that we do that no other organization on this level does in this country is we set policy not only for this country, but quite often policy that affects the world.

And if we are not gathering information ourselves to make sure that we have a complete understanding of how these kinds of acts could take place and whether there were people asleep at the switch or whether there were folks who simply did not care or whether there were people who just failed to read reports, and then to claim that they had no knowledge of the information, or whether those who had an obligation to let the Congress know and the President know of these atrocities and did not, we need to have that information so that we can set policy to make sure that it never happens again and so that we can send a powerful message, a very powerful message, to the world that we have done all that we could do.

The other audience that we send a message to is our military. Early on in this process, we would read reports where the President and others and military brass said we will reprimand certain folks that may have been in the chain of command. And as soon as I heard that, I said it is too early. It is too early to be reprimanding anybody because I do not see how they can reprimand when they do not know the full extent of the alleged offense.

It does not make sense. So when our friends in the Muslim community and when our friends in the world hear that, the question is, is this a slap on the wrist to reprimand someone for being a part of a process that caused other people to go through indignities and to be offended to such a great extent? I just think that that sends a wrong message to the military when they hear that there is going to be a slap on the wrist early on before a true investigation by the military or by the Congress or by an international tribunal-type organization is done.

It sends a terrible message. And the message that it sends is that, although millions of people have been offended by these acts, that they do not measure up to the kind of investigation and the type of justice that they should be subjected to. And that is a major problem because we do not want anyone believing, whether they are in the military or whether they are civilian, that this kind of conduct is all right.

Finally, the other audience is the American people and our soldiers. The American people have stood up over and over again, as has the Congressional Black Caucus, for our troops. They believe in our troops, for they are our sons, our daughters, our mothers, our fathers, our aunts, our friends. They are the ones who live in our neighborhoods. They are the ones who coach the Little League baseball team. They are the police officers when they, as National Guard, would go away on weekends and now they are serving for more than a year, but they are our neighbors; so we all care about them.

We also are in prayer for them for we realize that they are in harm's way. It pains us tremendously when we go to Walter Reed Hospital and see our young men and young women with amputations of the leg and of the arms. It pains us tremendously when we see pictures on the front page of The Washington Post and The New York Times of caskets, rows and rows of caskets, of our young people coming back in these steel caskets. It hurts and it pains us. But the fact still remains that, as the gentleman from Florida (Mr. MEEK) said a few moments ago, if we send a message to the world, and that message is that they get a slap on the wrist when the world has seen these kinds of pictures, the question becomes what happens when our military folk or when our civilians are captured? Does it become a tit for tat: If you did it to me, I will do it to you?

One of the things we in the Congressional Black Caucus has said over and over again is that we stand up for the moral authority of this country. Not the military authority, the moral authority. And the question certainly becomes have we violated that moral authority when we do not address these problems?

Finally, let me say this: that no one will stand behind one of these podiums and even begin to suggest that we have a lot of our military that could fall in the category of the folks who did these kinds of despicable acts. No, we will never do that because we do not believe it. I believe in my heart that 99.9 percent of our military would never engage in this kind of activity and would find it despicable just as the Congressional Black Caucus finds it despicable. But the fact is that we must get to the bottom of this so we also protect their reputations, so that we pull out those who would do these kinds of things so that the others can say, okay, fine, now we have now rid ourselves of those who have no respect for human dignity, who have no respect for the beliefs of others, who have no respect for the culture of others, who have no respect for human life.

And I end on that point in that there have been even allegations that there have been deaths, and again, when we give a slap on the wrist, we never get to the question of did people die at the hands of our military? Are those deaths being hidden? And that is why I could not, for the life of me, understand why we would restrict this to a handful of folks, a handful, and I think that does a disservice to our military, I think it does a disservice to our country, I think it does a disservice to the world.

Mr. MEEK of Florida. Mr. Speaker, I am so glad that the chairman shared with the American people and Members of the House on how dangerous this situation is for our troops in Iraq. And, Mr. Speaker, I am going to enter for the RECORD a statement of why I voted against a resolution today and I will hand it to the Clerk.

But I think it is important for discussion points to the fact that the Pentagon knew to contact 60 Minutes II 2 weeks ago, when they wanted to run the story of these pictures and what has happened to these prisoners and they were guaranteed once, if other news organizations were moving forth, if they were to just stand by and allow the Pentagon to take another look at this that they would be given an exclusive interview.

Those kinds of things, when a news organization, 60 Minutes II, or 60 Minutes period, when they call, I mean it is kind of difficult for me to even just comprehend or understand that the Secretary of Defense had no knowledge of what was going on in this prison. That is one fact.

The second fact is the issue on January 13 of 2004.

□ 1715

A soldier gave a disk of pictures to a brass commander to let him know what was going on. The Ryder report never made it up the chain of command, that is what someone has said. But I will

tell you, we are going to continue to have problems, and even more problems, if we slow-walk this thing, if we politic this thing in a way of trying to shield the administration and the President. I can care less about shielding someone. I do care about protecting American lives. I am glad the gentleman addressed that.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will yield further, I just think the gentleman is absolutely right. We have to stand up for what is right. I heard the gentleman say a little bit earlier that you do have to leave the politics at the door.

When I saw the picture, and the gentleman showed it today a little bit earlier, I know he showed it at a news conference and it has been on the front page of so many papers, where a lady soldier has what appears to be something similar to a dog chain, dog leash, around the neck of a naked Iraqi prisoner, and he is on the ground naked, and it looks as if she is trying to pull him around.

I tell you, when I think about any person, sometimes I think that we need to pause and try to put ourselves in the position of people who may be suffering through something, and I think if we imagine our son or imagine our father or imagine our daughter being dragged around on a leash like a dog, I think it would cause you to say, wait a minute, hold it.

I want to get to the very bottom of this. There have been diaries, at least one diary I know of, that has been featured in the Baltimore Sun, in my newspaper, as to how a gentleman in the military described and talked about how deep this thing went. In other words, it was not a little handful of people. They are talking about commands coming from people beyond the prison cells. In other words, loosen them up, they were told, or put them in a position so they will confess to certain things and provide certain information.

I just think that we in the United States, as I said before, we have done well because of moral authority. Just the words ''moral authority'' are so powerful.

I would hate to think that countries all around the world would begin to say, Wait a minute, hold it. You are telling us about moral authority? You are telling us about how to treat inmates? You are telling us about how to address issues in a humane fashion? And then they just would throw out the pictures and say, well, it is a problem. We are not going to do that. If that is the way you do it, you cannot suggest to us what to do when we see what you are doing.

That is what we have to be concerned about. That is part of the reason why it is not just a political issue. It is not a political issue. It is a humane issue, how human beings should be treated.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, what is about to happen is due to the lack of top-end response from this administration, that you are going to have the true American spirit break through many of the troops that know different. They are going to blow the whistle on them. Not blowing the whistle on them because they are an Independent or member of the Green Party or the Democratic Party or the Republican Party that disagrees with the President. They are going to blow the whistle to save lives of Americans, because they know the tension and how Americans are treated abroad now.

You have people that are living overseas that they would not wear a flag, or you have some ambassadors that are not flying the American flags on their cars due to the fact of terrorism, of them being a target.

If we are going to be the leader of the free world, then we have to be the leader. We have to be able to lead in a way that lives up to that title.

I will tell you, today earlier when we had a press conference about Secretary Rumsfeld, if you have a basketball team and they are not doing well, sometimes you have to remove the coach.

I will tell you right now, I am not one to stand up on a daily basis or I do not remember a time in my career that I have asked for someone to step down. I really have not. It is not something in my nature. I feel it is something that someone will say, well, I am not performing the job in a way that I should perform it on behalf of especially the lives of troops that are overseas, that are fighting right now as we are here on this floor, fighting on behalf of Americans and fighting on behalf of making sure that we are able to make advances in the Arab world, fighting on behalf of creating and trying to maintain democracies, that their lives are at stake and we want them to come home. We want them to come home. We want to make sure they get home to their families.

I just want to share a few things. 135,000 soldiers are in Iraq right now; 767 and counting have died since the war. Nearly 40 troops have died since these pictures were released last week.

I will tell you that I am just getting goose bumps by just mentioning those numbers. But I also feel for those individuals from the Middle East that are Americans, that are fighting in the armed services, that are paying taxes every day, that hate and despise and pray against future terrorism, that they are wearing the flag on their shoulder, they are carrying that M–5 machine gun. They are taking the bullets; they are losing limbs. And to have people of the same hue, people that live in the Middle East, being treated like these pictures depict that they are treated, or depicting how they have been treated, I will tell you, from what I have seen thus far and what has been reported thus far, we have not even broken the ice on this issue.

I am very, very concerned about the future of our security here in the United States. I am very, very concerned about the increased attempts and achievements of terrorism, of terrorists achieving their goal of killing American troops. I am concerned about the diplomatic community, about the CIA agents that we have working within terrorist organizations to try to weed out terrorism before it happens. I am concerned about those individuals that are contract company workers that are civilians that are there trying to fight with us in this war on terrorism. I am concerned about their safety.

I do not have a lot of patience for the President to call the Secretary of Defense into the office and chastise him. That is what you do to a teenager when they stay out too late. This is the security of the world. This is the security of the United States. This is our future, how our children will live, how our grandchildren will live.

No one is going to stop a troop and say, wait a minute, are you a Republican, before I kill and torture you. They are not going to do that. They are not going to ask you if you are black or Hispanic. Well, who do you support? They are going to kill you and torture you because you are an American, because we are not responding in the way we should respond.

I implore the administration and Mr. Rumsfeld, please do not try to low-ball and low-roll this thing, to say we are going after some low-level individuals, and it does not rise to the level of the Pentagon. The Pentagon did know. I am pretty sure they did know. We will have very good evidence in the very near future. But why do we have to lose additional American lives, and then make sure that the world knows that we mean business about this?

Passing resolutions to clear our conscience so we can go home and spend the weekend and say we passed a resolution condemning and commending our troops is not enough.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will yield further, I do believe, to pick up on the very last statement that the gentleman made, so often it is easy to pass a resolution clearing one's conscience; but I do believe also that, as a reporter asked me, she said, why did you want to vote against this resolution? Now you got to spend all this time with me explaining it.

What I said to her was that perhaps my explaining it and explaining why I wanted an extensive congressional investigation, why I wanted an investigation to go beyond the military investigating itself, why I wanted to send a strong message to the world, the Muslim world, American world, all over the world, about how serious we consider this matter to be, perhaps that might very well save some lives, not just today, but for many years to come.

Just yesterday, Secretary Powell came before the Congressional Black Caucus for an hour and 15 minutes, and I shall never forget the expression on

his face when he said he had read the report, and when he said that he found the acts to be terrible and horrific. But he also said something else. He said, ''I promise you we will get to the bottom of this.'' That was yesterday, and here we are today saying a handful of individuals committed some acts that were so despicable.

The thing that is so amazing is that I do not even see how we could even have words like that in the resolution, because it does in fact say to all those people that may have been involved, say there are similar acts in Afghanistan, Guantanamo Bay, other cell blocks in Iraq, well, it looks like we got off pretty easy this time. It looks like we will be okay. We got a little reprimand going on, and we will be fine.

So I want to thank the gentleman for his vigilance, for standing up for people that do not even know, perhaps, that we are standing up for them. They may not even know that those statements that we make today may very well save lives tomorrow.

Someone asked the question, they said to the Congressional Black Caucus, why is it that you stand up over and over and over again? Why is it that you stand up and so often you do not win? You may not win this battle.

But our response has been one of clarity, and it simply says that we may not win, but we will set the trend. We may not win, but we will stand up for what we believe in and know that somebody is listening. We may not always win, but we do know that by being silent it is far worse, because it appears that we go along with things as they are, and silence basically is giving consent.

So I want to thank the gentleman for yielding and want to thank him for his leadership.

Mr. MEEK of Florida. Mr. Speaker, I thank the chairman. I am glad he is here, and we appreciate his service.

We are going to continue to stand up on behalf of the American people, need it be defense, need it be education, need it be this issue dealing with Iraq. I thank the gentleman for being here tonight, and I thank the Black Caucus for continuing to do what they are doing.

Mr. Speaker, as I close, I just want to say that we must have the annals of this House and the annals of history here in the United States to reflect that pictures that continue to come out about the abuses of what took place in Iraq or what is taking place in other parts of the world, that we condemn them, and we salute our troops; but at the same time our response is imperative and needed to be able to continue this effort against terrorism and have friends in the world that are willing to be with us.

APPOINTMENT OF CONFEREES ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

The SPEAKER pro tempore (Mr. COLE). Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Messrs. YOUNG of Alaska, COBLE, DUNCAN, HOEKSTRA, LOBIONDO, SIMMONS, MARIO DIAZ-BALART of Florida, OBERSTAR, FILNER, BISHOP of New York and LAMPSON.

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Mr. COX and Mr. THOMPSON of Mississippi.

There was no objection.

□ 1730

TUTORIAL ON FEDERAL GOVERNMENT FINANCES

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, this afternoon I am going to give sort of a tutorial on Federal Government finances. This is the 195th birthday of Abraham Lincoln and, in his famous Gettysburg Address, he sort of indicated, can a Nation of the people and by the people and for the people long endure? Of course, the challenge of the Civil War was a huge challenge. But I would suggest, Mr. Speaker, that a challenge even greater than the wars might be the willingness of the United States, the House and the Senate and the President, to deal with real financial problems and, of course, the financial challenge before us is overspending and overpromising.

This is a pie chart of how we spend Federal Government money. We see at the bottom piece of the pie is the 21 percent that is spent on Social Security right now. Then, as we go around, Medicare is 12 percent. However, it is interesting that Medicare is expected to be a greater piece of the Federal pie, if you will, a greater percentage of total Federal spending than Social Security within the next 25 years, because it is growing very quickly. Medicaid is 6 percent, also growing, and that is growing with the increasing number of seniors that are spending all of their savings, as they have spent $40,000 or $50,000 or $60,000 per year on nursing home care, and then after all of their finances have been depleted, then they go on Medicaid and the Federal Government starts paying nursing home care.

Other entitlement programs, 10 percent. Entitlement means if you reach a certain age, if you reach a certain level of poverty, you are eligible for additional help. If you are a business or an industry or a worker, you are entitled if you work, but do not make very much money, you are entitled to an income tax credit. If you are a farmer and the prices of the products you sell are low, you are entitled to a supplement to build it up, that income, a little more for those farmers to keep the farmers in business. This Congress and the United States has been very generous with other people's money. In fact, so generous that we are now facing the dilemma of a huge debt and huge promises that I call entitlements, unfunded liabilities.

The domestic discretionary spending that goes in the appropriation bills, along with defense, is 16 percent. Defense is 20 percent. With the Iraq and Afghanistan war, it has gone from about 19 percent up to 20 percent, and then interest, interest, interest on this increasing debt.

The interest cost for this country is now about $300 billion a year to pay interest at a rate that is the lowest, almost the lowest in history, but a very low interest rate. Alan Greenspan, the chairman of the Federal Reserve, has now suggested that there is no question that eventually interest rates are going to go back up again, and that, compounded by the fact that we are increasing the amount of debt that we have to pay interest on, it is anticipated that within the next 20 years, interest on the debt will be one of the largest pieces of pie.

What does that mean to future generations? What does that mean for our kids and our grandkids. I am a farmer from Michigan, and the tradition on the farm has been you pay off some of that farm mortgage to try to give your kids a little better chance at a better life than you might have had. But in this Congress, what we are doing is going the other way. We are building up a debt, we are building up obligations because, somehow, we think the problems we have today are so great that it justifies us borrowing money from our kids and our grandkids and making them pay for the overspending that we are pushing on them today in this Congress.

Right now, we are in the midst of a budget decision in conference committee with the House and the Senate, trying to figure out a budget of what we are planning on spending for the 05 budget, that means the 05 fiscal year starting September 30, October 1 of 04, and going for 12 months until October 1 of 05, that is called the 05 fiscal year budget, and that is what we are working on, that is what we are arguing about.

This year, the good news is it is probably the most lien budget that we have had since 1996. But still, it is growing at between two and three times the rate of inflation in terms of the increased expansion of that spending, the increased size of government, taking money away from the people that have

it and coming up with new programs and new entitlements and new discretionary spending. That means that this year, we can anticipate in 04 we are looking at a debt that is going to be close to $600 billion. Next year the debt is going to be approximately $530 billion. We are spending more than what is coming in, and this just adds on to how much interest we are going to be paying in the future.

Mr. Speaker, we are a country that is about, let us see, where are we, 228 years old. In the first 200 years of this country, we were very frugal and we have gradually accumulated a debt in that first 200 years of $500 billion. Now we are going deeper into debt, over $500 billion a year.

Now, how do we get the discipline? How do we get the intestinal fortitude to say, look, we are going to quit playing politics and start doing what is right for our kids and our grandkids in terms of the overspending and the overpromising.

Let me just mention what happens to a Member of Congress when they go home to their district. If they take home pork barrel projects, and pork barrel projects, as far as the line items for pork barrel projects that individuals take home: new libraries or new jogging trails or new whatever, or new promises of new programs, or keeping some historic monument in their hometown open, their chances of getting reelected are greater, because they get on the front page of the newspaper, maybe cutting the ribbon and they get on television.

So in pleasing a lot of the American population that is, in effect, saying, give me more government, because it helps get some of these Members elected, we end up with a lot of Members that tend to want to make more promises, to solve more problems. But it is just so important that we remember where government gets its money is two ways: We either tax people that are now working and now earning money and take the money away from them to start these new programs, or we borrow the money and say, well, somehow, sometime, future generations are going to have to pay it back. It is a challenge that somehow we must face up to. That is one of the problems of overspending.

Now I want to discuss for a moment overpromising. Here is our main overpromising programs, our entitlement programs. Medicare Part A, which is the Medicare program that is mostly for hospitals. Medicare Part B, the program that is mostly for doctors. Medicare Part A is an unfunded liability of $21.8 trillion, Medicare Part B, $23.2 trillion. The Medicare drug program that we passed last November is estimated, and this is from Tom Savings, these figures, an actuary for both Medicare and Social Security; he is estimating that Medicare Part D, the prescription drug program, has an unfunded liability of $16.6 trillion.

It is hard to conceive how much $1 trillion is. But compare that to what we are spending in this Congress, and right now we are looking at a budget that is going to spend $2.4 trillion. But if we add Social Security, about $12 trillion to the unfunded liability, it adds up to $23.5 trillion unfunded liability. That means that we would have to come up with $73.5 trillion and put it in a savings account today that is going to earn in interest at least equal to inflation and what is called the time value of money, pretty much the interest rates, to accommodate the increased money that is going to be needed over and above what people are paying in on their taxes to accommodate what we promised in Social Security, what we promised in Medicaid and Medicare to keep those promises. A huge challenge.

Why do we not pay attention to the obligation that we are passing on to our kids and our grandkids? I think, number 1, it is such a huge problem that it is easy to overlook it. It is easy for some people to say well, if the economy would get better, maybe we could solve these problems.

But let me just talk about Social Security for a minute. Our retirement benefits are based on how much you are earning. So if you are earning a lot now, that means eventually when you retire at 65, you are going to get a lot more in Social Security benefits. So an expanded economy, the way we have written the Social Security law, does not fix the problem of Social Security.

The unfunded liabilities, and I am going to show my colleagues unfunded liabilities, Mr. Speaker, in a different way, and that is at what percentage of our total general fund budget is going to have to be used to pay the difference between what is coming in in the payroll tax, the FICA tax, compared to what is going to be needed to keep promises.

In just 16 years, in 2020, it is going to use 28 percent. We are going to need 28 percent of the general fund budget to accommodate the unfunded liabilities, what we need to pay in addition to the FICA tax, the payroll tax for Medicare, Medicaid and Social Security. By 2030, we are going to have to come up with over 50 percent. About 53 percent of the general fund budget is going to have to be used to accommodate keeping the promises for those three promises, a huge challenge.

Let me say why I think it is so serious. That is because ultimately, this overspending and overpromising is going to mean tax increases some time in the future.

The equivalent payroll tax in France right now to accommodate their senior benefit programs is over 50 percent. Now, what does that mean to a business in France? It means they are either going to have to increase the price of their product to accommodate that kind of payment, or they are going to have to reduce the wages that they pay those employees. I mean that is probably one of the major reasons why it is difficult right now for France to compete in a world market on much of their production. It is probably one of the reasons why there is a lot of demonstrations in the street with farmers and workers saying, I have to have more money, because you are taking too much out of my paycheck.

In Germany right now, the payroll tax to accommodate senior citizens has just gone over the 40 percent mark. That means it is going to be tougher if we do not deal with these programs in the United States, if we put the solution off, number 1, the longer we put off the solution, the more drastic the solution is going to be; and number 2, if we have to start taxing our businesses, it is going to put them at a competitive disadvantage that much more than what it already is with other countries.

Now I am going to talk about Social Security. The Social Security program was started in 1934 by Franklin Delano Roosevelt, after the Great Depression, when people, old people were going to the poor house. The President said, look, let us start a program where we have a law, a requirement that while you are working you put some of that money aside to make sure that you will be more socially secure when you retire. So we passed the Social Security Act in 1934. It started in 1935.

Here is how Social Security works. Benefits are highly progressive and based on earnings. So the more you earn, the more you will get out in benefits when you retire. At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation.

□ 1745

Well, what that means is we have continued to raise the ceiling on how much we charge the 12.4 percent Social Security tax on and currently that is $89,000. So when I say up to the ceiling, that is $89,000. And when I say indexed at present value, that means that we have a wage inflation factor. So what you have earned over the last 35 years, what you were earning, for example, 15 years ago, and if wage inflation doubles every 15 years, that $20,000 job 15 years ago would be added on in terms of determining what your benefits are on, that $20,000 would be up to $40,000, what that job is paying today.

That is how we figure Social Security benefits. The best 35 years of earnings are averaged. If you only work 30 years, there are 5 years that are thrown in at zero.

The annual benefit for those retiring in 2004, here is how it is progressive. Ninety percent of earnings up to the $7,344. So if you are a very low-income wage earner, you get 90 percent of what you were making back in Social Security benefits if that was your average for 35 years. Over the 7,300 you get 32 percent of the earnings between the 7,300 and the 44,268. And over the 44,000, you get 15 percent of everything over that 44,000 level.

So that is progressive in benefits to the extent that if you are a very high-

income worker, you will be getting back maybe 15 or 16 percent of what you paid in; and if you are a very low-income worker, you will get 90 percent of what you pay in.

Early retirees receive adjusted benefits. If you decide to retire at age 62, the actuaries have figured out on average how long you are going to live. So if you are very healthy and you think you are going to live longer, then you are better off to wait until you are 65 to retire. If you do not think you will live very long, it will probably be better to retire early at 62.

I added this last blip because, as I have given speeches across Michigan and across the United States, a lot of people say, well, there is a lot of cheating going on with supplemental security income paid out by the Social Security Administration. Well, it is paid out by the Social Security Administration, but it does not come out of the Social Security trust fund. It comes out of the general fund. It is a program for low-income people with some kind of disabling problems that becomes a program to help low-incomes with problems, like a welfare program, but it does not come out of Social Security.

I am going to go rapidly through some of these charts. This chart demonstrates why we are in a problem now with the PAYGO program. I chaired the bipartisan Social Security Task Force in Congress made up of Democrats and Republicans. And after almost a year of hearing testimony, we all agreed that something has to be done, and the sooner the better, to correct Social Security. Otherwise, we are going to be in huge problems of insolvency in the near future.

This represents the problem of a Social Security program that was developed in 1934, saying that current workers pay in their taxes that are immediately sent out to current retirees. So it is a challenge of having enough workers to pay in a FICA tax, a pay roll tax, to accommodate the number of seniors. And of course what is happening is the birth rate has been going down and the length of years that a person lives has been going up. In fact, in 1945 we had about 34 people working paying in their taxes for Social Security for every one retiree. By the year 2000, it got down to three people working. This is because people are living longer because the birth rate is going down.

By 2000 we had three people working paying in their increased tax now, because that is what we do every time we run into problems: we increase the taxes. Now three people are working for every retiree. The estimate by the actuaries is by 2025 there will only be two people working, paying in their increased tax for retirees. There are 78 million so-called baby boomers, the babies that were born right after World War II from 1946 to 1966. Seventy-nine million of what are the high-income workers now, mostly paying in the maximum Social Security tax, are going to be retiring and drawing out the maximum Social Security benefits. And that is why the insolvency is coming very quickly.

The insolvency on Social Security will be here some time between 2016 and 2018 according to the actuaries' report. Insolvency is certain. We know how many people there are, and we know when they will retire. We know when people will live longer in retirement, and we know how much they will pay in and how much they will take out. So we know that Social Security is insolvent. We know that it is going to take $12 trillion in today's dollars, put into a savings account to accommodate what we need to pay out, promised benefits, over and above what is coming in in the pay roll tax.

So do we start using the income tax to pay Social Security benefits? Do we change Social Security into a welfare program where we say that, oh, if you have been lucky enough to be successful in America, then we will not pay you Social Security even though we have made you take money out to save for retirement? The general feeling is that there would be some danger in a lack of support. In fact, the unions have suggested that we do not make it into a welfare program because America is a place where we started with our forefathers writing a Constitution sort of designing our economic system, in effect saying that those that study and learn and use it, those that work hard and save end up better than those that do not.

Now, we have been in sort of a system of dividing the wealth and saying pay in according to your ability and the government will provide services according to your need. There has got to be, for lack of a better word, maybe a golden mean to still have that kind of incentive, to do what has made America great in the first place, and that is to work hard.

A young couple that decides to work two shifts or both mom and dad work so they can earn more money to have a better life for their kids, we now not only say, well, if you are going to earn more money, we are going to tax you more. But if you earn more money, we will even tax you at a higher rate than if you just worked as a single parent or just worked on one 8-hour shift instead of doing two 8-hour shifts.

Social Security benefits are indexed to wage growth. So when the economy grows, workers pay more in taxes but they earn less in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill later on. And that is why when I introduced my first Social Security bill in 1994, it was much easier to achieve solvency than it is today. And the estimate in 1994 was Social Security was going broke in 2012. Now the new estimate is that Social Security probably is going to last until 2018, 2017 or 2018, because there is more money coming in, but eventually there is going to be more money going out.

Social Security has a total unfunded liability of over $12 trillion. The Social Security trust fund contains nothing but IOUs. And to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

Social Security is not a good investment. And so one way to fix Social Security is getting a better return on the money made in. And that is why many people, including President Clinton, including President Bush, including myself and other Members have suggested let us look for a better way to get a better return on the money that people pay in on their payroll taxes. The average return is 1.7 percent for retirees on Social Security. If you are a minority, because black young men have an average age of death at approximately 63 years old so many of them do not collect benefits, but if you compare the average retiree return at 1.7 percent for the average Social Security recipients, compare that to what has happened for equity investments, and even the Wilshire 5,000 actually earned 11.86 percent after inflation over the last 10 years ending January 31, 2004. And that is even through some downer years after the bubble broke on the stock markets.

So even with those downer years, you have an average equity return on those 5,000 stocks of over 11 percent, and that compares to the 1.7 percent on Social Security. Is there some way to accommodate both sides so that there is some concern that we do not want to have private investments so wild that individuals can invest in things where they might go broke and still come back on the government?

But the other side of the coin is, is it reasonable to have a worker-owned account that is their property, that if they die early it passes on to their heirs? Some kinds of structures such as Federal employees have in the Thrift Savings Account is what I have structured into my Social Security bill to essentially try to limit it to safe investments.

Just quickly on this chart, again trying to represent and convince that Social Security is not a good investment. If you retired in 1980, you have to live 4 years after retirement to break even on Social Security. By 2005, next year, you are going to have to live 23 years after retirement to break even. And then you see what happens after 2015. You have to live 26 years after you retire to break even.

Well, here is what we have done in the past. Every time we have gotten into trouble, we either increase taxes or reduce benefits or a combination. And of course, in 1983 under the Greenspan Commission that is what we did; we said we are going to increase the retirement age to 67, gradually, so that is going to gradually happen. That started 2 years ago on so many months per year. But mostly it has been increasing taxes.

In 1940, we went from 1 percent up to 2 percent. It was 2 percent of the first 3,000. In 1960 we raised it to 6 percent of the first 4,800. In 1980 we raised it to over 10 percent to over 25 to almost 26,000. In 2000 we raised it to 12.4 percent of the first 76,000. In 2004 it went up to 87,000. Today it is up to 89,000. So you pay your 12.4 percent tax on your first 89,000.

If you are self-employed, of course, you pay all of it. If you are working for somebody, then the company says, well, I am going to in effect reduce wages to pay my 6.2 percent. So I really think it is fair to assume that the whole 12.4 percent comes out of the worker's pocket even though the worker only actually sees on his pay check stub the 6.2 percent coming out of his pocket. The other 6.2 the employer pays. But here is what happens: now 78 percent of families pay more in the payroll tax than they do in the income tax. Huge challenge.

And what this also means is back to our starting point of overpromising government programs and overspending and going in debt, today 50 percent of the adults in America pay about 1 percent of the total income tax. And so you can see that there are some parts of our population that have little to lose if they say, give me more government programs.

So there is that kind of pressure with lobbyists coming in and saying, well, we represent this program or that program. In my 12 years in Congress, my experiences have been that if new programs can last 2 years, then the interest groups to try to continue that spending are in visiting all of our offices saying how important their program is. And so the momentum of 2 years and 3 years almost becomes an entitlement program, even though we call it discretionary spending, that goes through the appropriations process.

□ 1800

Here are six principles that I have in my five Social Security bills that I have introduced. All have been scored to keep Social Security solvent. The six principles I have used is protect current and future beneficiaries, allow freedom of choice, preserve the safety net, make Americans better off, not worse off, and create a fully funded system. I think it is really important not to have any tax increases on workers.

I am just going to go through some of the highlights of my Social Security bill. Number one, it is scored by the Social Security Administration to restore long-term solvency to Social Security. There are no increases in the retirement age, no changes in the COLA, that is the cost of living index every year, and there are no changes in benefits for seniors or near seniors. Solvency achieved through higher returns from worker accounts and slowing the increase in benefits for highest earning retirees.

Remember, Mr. Speaker, I had the chart that had the bend points of the 90 percent, the 32 percent and the 50 percent. I add another bend point of 5 percent which has the effect of slowing down the increase in benefits for high-income retirees. That is how I pay for the transition to allowing a worker to take 2.5 percent of their income and putting it in an account they own, even though government limits where they can invest that money.

Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. The 8 percent would be bringing in much more money than they ever would have received with the existing Social Security program. Investments would be safe, widely diversified. Investment providers would be subject to government oversight. The government would supplement the accounts of workers earning less than $35,000 to ensure that they build up a significant savings, too. Actually, I sort of copied this from, I think, the USA account that President Clinton proposed that says for low-income workers, let us start adding to their savings and let the magic of compound interest build up their accounts, so even an average income worker can retire with millionaire-type benefits.

All worker accounts would be owned by the worker and invested through pools supervised by the government, sort of like our Thrift Savings Account for all government employees and Members of Congress. That is how they save. Sort of like the regulations would be instituted to prevent people from taking undue risk. Workers have a choice of three safe indexed funds with more options after their balance reaches $2,500.

Accounts are voluntary, so you do not have to go into this system of investing part of your money in private accounts if you do not want to and you can stay with the traditional program. But what we can do because the actuaries have scored that the investments on these types of limited investments will make more than the 1.7 percent Social Security pays you, we can guarantee workers in their personally-owned accounts will have as much return on that portion of their retirement income as they would have on the fixed Social Security system. You still would get your Social Security benefits, but to the extent that your traditional Social Security benefits are going to be reduced proportionally by the 2.5 percent of your earnings that you put into this savings account, so you will end up getting both the return in investments from the savings account as well as the fixed payments from the traditional Social Security.

Government benefits would be offset based on the money deposited into their account, not on the money that you might earn from that account, and workers could expect to earn more from their account than from their traditional Social Security.

Here are some provisions that are interesting, Mr. Speaker. It is what I call fairness to women. To be politically correct, probably you would call it fairness to spouses. Actually I was told that there were more females that graduated from college last year than males, so maybe eventually the women will be the high-income workers. What I have said is for married couples, account contributions would be pooled and then divided equally between husband and wife. So if one spouse earns a lot more than the other spouse, you add the two incomes together, what they are allowed to invest in their personal retirement savings account, and you divide by two. So each spouse has the identical amount invested in their personal retirement account. It would increase surviving spouse benefits to 110 percent of the highest earning spouse.

One challenge that we have in the increased cost of Medicaid is people moving out of their homes. And now even with 100 percent of the higher spouse's earnings, when one spouse dies, and the projection is for the males to have about 3 years' shorter life span than the females, so you have a widow that is trying to get by on 100 percent. Often that is not enough to accommodate the fixed costs of staying in their own home. So in several ways in this bill, I try to encourage staying in their own homes instead of going into a nursing home. This is a bipartisan bill sponsored by both Democrats and Republicans. The way I do this is increasing the minimum to 110 percent instead of the existing 100 percent. And then stay-at-home mothers with kids under 5 would receive a retirement credit for a certain number of years.

If you are a mother staying home with your kids, then we will give you the high average earnings to fill in some of those years because you have to have 35 good years. So it seems reasonable for those mothers that are probably working as hard as their spouse, anyway, staying home with their kids, that you give them credit for those years that they are staying home with those kids under 5 years old. But I limit the number of kids and limit the number of years.

Here is the last sort of sheet that I have done. This does a couple of things. We have one of the lowest savings rates in the world right now. Where our savings rate used to be as high as 6 percent, now it is actually about 1 percent. This whole mood of buy now and pay later, the mood of this Congress, in fact, that tends to say, well, a little borrowing now might improve something later on, so we are going deeper and deeper in debt. Likewise in the unfunded liabilities, we make more promises. So we sort of tried to look at a system that is going to allow encouragement to increase savings. We increase contribution limits on IRAs and 401(k)s and pension plans. We include in our legislation a 33 percent tax credit for the purchase of long-term care insurance up to $1,000, $2,000 if you are a married couple, per year. Low-income seniors would be eligible for a

$1,000 tax credit for expenses related to living in their own home or if the seniors live with their kids or somebody else, that tax credit would be eligible for that particular family.

In conclusion, overspending is dangerous for the economy. It is dangerous for our kids and our grandkids. In fact, it makes us more susceptible to international pressures. It makes us vulnerable. If one were to guess, Mr. Speaker, how much of our deficit this year is being financed by foreign countries, foreign investments, what would you guess? Seventy percent. Foreign investment is picking up 70 percent of the money that we have to borrow this year for overspending.

Right now, foreign investments lend to the United States Government 33 percent of our debt in this country. A huge challenge. Our trade deficit of now over $500 billion means that some countries have decided that they would prefer to keep those dollars and invest them by buying our businesses, by buying our equities, by buying our Treasury bills rather than buying the products that we make in this country. China, of course, is a huge challenge. I just recently returned from China. China's trade deficit with the United States, our deficit, has gone up to $125 billion. That means China takes these $125 billion and buys part of our Treasury bills, buys some of our equities. That results in us being more vulnerable to trade negotiations. If they say, well, look, United States, you're not being fair with us, we might just have to pull our money out of your Treasury bills. With foreign investments borrowing 30 percent of our money, tremendously vulnerable, it would put us at a huge disadvantage. Not only is this overspending and overpromising a burden on our kids, it is a tremendous challenge to our future economy.

CONSOLIDATION IN MEDIA OWNERSHIP

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only independent in the House of Representatives, not a Democrat, not a Republican, I want to take this opportunity to share some ideas that many Americans may not get a chance to hear very often. One of the concerns and one of the most important issues that I think is facing this country is increased corporate control over the media and the fact that fewer and fewer large corporations control what we see, what we hear and what we read.

What concerns me about that is not just that, for example, the Disney Corporation has just announced that it will not distribute Michael Moore's new film, Fahrenheit 9/11. They will not distribute that as had been previously arranged, because it is apparently too critical of President Bush and that it also might endanger some tax breaks that the Disney Corporation gets in Florida through President Bush's brother, the governor, there. That concerns me. That is not my major concern.

And it is not just that recently, as I think most Americans know, Sinclair Broadcasting, a right-wing company, decided that it would not carry Ted Koppel and Nightline's sensitive and respectful tribute to the over 700 young men and women who have been killed in Iraq, because somehow Sinclair believed that that was too political, too antiwar. Apparently it is not appropriate for the American people to actually see the face of war and the men and women who have died in that war.

But that is not my major concern about corporate control over the media and it is not just that when we turn on commercial talk radio, what we hear almost always, and with few exceptions, is the fact that there are extreme right-wing voices out there who pound away at right-wing themes and despite the fact that our Nation is almost equally politically divided, for millions of Americans, their only option on talk radio is one right-wing extremist after another. That is a concern, but not my major concern.

My major concern when I talk about corporate control over the media is that while we get inundated every single day by stories of Michael Jackson or Kobe Bryant or Martha Stewart or Britney Spears or a host of other celebrities, what we do not hear about much in the media and what we do not hear much about on the floor of Congress is the reality of what is happening to the middle class of this country, what is happening to ordinary working people. That, in fact, is the most important issue that we should all be talking about. It is the most important issue that the media should be focusing on and that Congress should be discussing.

□ 1815

So let me talk a little bit about some of those issues today, not about Michael Jackson, not about Britney Spears, but about what is happening to the middle class of this country.

Mr. Speaker, let me be very blunt. The United States of America today is rapidly on its way to becoming three separate Nations, not one Nation, but three separate Nations. One part of that Nation is an increasingly wealthy elite composed of a small number of people with incredible wealth and economic and political power; a small number of people, tremendous wealth, tremendous power.

Then we have the second part of America, the largest part, which is the middle class, the vast majority of our people; and that middle class tragically is shrinking, getting smaller. It is a middle class where the average American worker is now working longer hours for lower wages; and that is what is happening to the middle class.

And then the third segment of our society are those people at the bottom, and that is a growing number of Americans who are living today in abject poverty, barely keeping their heads above water, barely paying the bills that they need in order to survive. And those are the three Americas: a handful of great wealth, great power; a shrinking middle class; and more and more people who are living in poverty.

Mr. Speaker, there has always been a wealthy elite in this country. That is not new, and there has always been in this country and in every country a gap between the rich and the poor; but the disparities in wealth and income that currently exist in this country have not been seen since the 1920s. In other words, instead of becoming a more egalitarian Nation with a growing and expanding middle class, we are becoming a Nation with by far the most unequal distribution of wealth and income in the industrialized world. In other words, we are moving in exactly the wrong direction.

Today, the wealthiest 1 percent of Americans own more wealth than the bottom 90 percent. The wealthiest 1 percent of Americans own more wealth than the bottom 90 percent. The CEOs of the largest corporations in America today earn more than 500 times what their employees are making. While workers are being squeezed, while workers are being forced to pay more and more for health insurance, while their pensions are being cut back and promises made to them being swept back under the rug, while retiree benefits are being cut, while workers' jobs in this country are being sent abroad, the CEOs of the largest corporations make out like bandits. Their allegiance is not to their employees; it is not to the American people. It is to their own bottom line.

I am not just talking about the crooks who ran Enron, WorldCom or Arthur Andersen, all of those companies. I am talking about the highly respected CEOs, like the retired head of General Electric, Jack Welch, who, when he retired in 2000, received $123 million in compensation, and $10 million a year in pension for the rest of his life; and he did that after throwing many, many thousands of American workers out on the streets as he moved his plants abroad.

And I am talking about people like Lou Gerstner, the former CEO of IBM, who received $366 million in compensation while slashing the pensions of his employees. And I am talking about Charles A. Heimbold, Jr., of Bristol-Myers Squibb, who received almost $75 million in 2001 while helping to make it impossible for many seniors in this country to pay the outrageously high prices that his company and other companies are charging for prescription drugs.

Mr. Speaker, today this Nation's 13,000 wealthiest families who constitute 1/100th of 1 percent of our population receive almost as much income as the bottom 20 million families in this country; 1/100th of 1 percent earn

almost as much income as the bottom 20 million families in the United States.

New data from the Congressional Budget Office show that the gap between the rich and the poor in terms of income more than doubled from 1979 to 2000. In other words, what we are seeing is movement in the wrong direction. The gap is so wide that the wealthiest 1 percent had more money to spend after taxes than the bottom 40 percent.

According to data from the Congressional Budget Office between 1973 and 2000, the average real income, inflation accounted for income of the bottom 90 percent of American taxpayers actually fell by 7 percent. Meanwhile, the income of the top 1 percent rose by 148 percent and the income of the top 1/100th of 1 percent rose by 599 percent. Middle class shrinking, people working longer hours for lower wages, the very, very wealthiest people in this country seeing huge increases in their income.

Mr. Speaker, in my view, growing income and wealth inequality is not what America is supposed to be about. A Nation in which so few have so much and so many have so little is not what America is supposed to be about.

Mr. Speaker, it is increasingly common to see people in our country in today's economy work not at just one job but at two jobs, and occasionally it is not uncommon to see American workers have three jobs. Is that what this global economy in which we were promised so much is supposed to be about?

When some of us were growing up, the expectation for the middle class was that one worker in a family could work 40 hours a week and earn enough income to pay the family's bills. One worker, 40 hours a week. Well, in my State of Vermont and all over this country, it is increasingly uncommon when that occurs. In my State and all over America, the vast majority of married couples have both husband and wife out in the workforce. Sometimes that is the way they want it to be, but more often than not it is the way it has to be because inadequate wages and inadequate income require two breadwinners to work incredibly long hours in order to pay the family's bills. And then with husband and wife out working, we wonder and we are surprised when kids do not get the attention that they need and when kids get into trouble. Well, we should not wonder too much as to why that happens.

Mr. Speaker, in terms of what is happening to the middle class, we have lost over 2.6 million private sector jobs in the last 3 years; and with 8.4 million workers unemployed, unemployment today is at 5.7 percent officially. In real truth, however, the unemployment numbers are much higher than that because there are a lot of unemployed and underemployed people who do not fall within the official unemployment statistics. These are the people who are working part-time because they cannot find full-time jobs, and those numbers are soaring. We have seen an increase of 300,000 part-time jobs just last month. And there are people who are not counted as part of the unemployment statistics because they have given up looking for work when they are located in high unemployment areas.

Furthermore, there are millions of people today who are counted as employed, but are working at jobs that are far below their educational levels and their skill levels; but they also count as part of those people who are employed.

Now, when we talk about unemployment and we talk about the economy, one of the more important points to be made is that since the beginning of the Bush administration we have lost 2.8 million manufacturing jobs in our country; 2.8 million manufacturing jobs. That is an issue that I want to spend a moment on because what is happening in manufacturing today is a disaster for this country and bodes very, very poorly for our future.

The bottom line is, and Congress must finally recognize this, that our trade policies are failing. They are failing. NAFTA has failed, our membership in the WTO has failed; and perhaps above all, permanent normal trade relations with China, PNTR with China, has failed. The time is now, and it is long overdue for the United States Congress to stand up to corporate America, to stand up to the President of the United States, to stand up to editorial writers all over this country, all of whom have told us year after year after year how wonderful unfettered free trade would be.

Well, they were wrong. The answer is in. They were wrong. These people told us that unfettered free trade would create new jobs. Instead, we have lost millions of jobs, and we have run up a record-breaking trade deficit. They told us that unfettered free trade would improve the standard of living of the middle class; they were wrong. Real wages have gone down or have stagnated for millions of American workers.

Let us be very clear. The decline of manufacturing is one of the reasons why our middle class is shrinking and why wages for middle-class workers are in decline. When we talk about the loss of almost 3 million private sector jobs in the last 3 years, we should appreciate that the vast majority of that job loss has taken place in manufacturing. Further, the collapse of manufacturing is one of the reasons that real inflation accounted for wages have declined.

Today, American workers in the private sector are earning 8 percent less than they were in 1973. Now, just think for a moment, just for one moment let us take a look at this rather incredible piece of information. Every American knows that in the last 30 years there has been an explosion in technology. We all know what computers have done. We know what e-mail has done; we know what faxes and cell phone and satellite communications have done. We know what robotics in factories has done. In other words, we are a much more productive Nation than we were 30 years ago, and almost every worker in our economy is producing more.

□ 1830

Given the fact that productivity is expanding and increasing, that technology is exploding, what common sense might suggest is that workers today would be working fewer hours and earning more money because of the increase in productivity. But the reality is exactly the opposite. Why is it that in 1973, the average American worker, in inflation accounted for wages, made $14.09 per hour, while in 1998, 15 years later, he or she made only $12.70 per hour, a significant decline in real wages? And that is, to my mind, one of the most important economic issues that we have to deal with, productivity going up, technology exploding, and yet the real wages for millions of American workers is declining and the middle class is shrinking.

Let us be honest and acknowledge that manufacturing in this country today is in a state of collapse. In the last 3 years, we have lost 16 percent of all manufacturing jobs, 16 percent in the last 3 years, and we are back to levels that were last seen in the 1950s, early 1950s. We only have 14.3 million manufacturing jobs.

And, Mr. Speaker, here is the tragedy. People would not be all that upset if when we lost manufacturing jobs, if the new jobs that were created were paying as much or more as the manufacturing jobs that we lost. But the fact of the matter is that when we are losing manufacturing jobs, we are losing jobs that pay in almost every instance a living wage. In Vermont manufacturing, for example, pays over $42,000 a year. That is a good wage and those jobs often have good benefits. And what is happening now is that the new jobs that are being created which are replacing the old jobs that we are losing are paying significantly lower wages with significantly lower benefits than the manufacturing jobs that we have lost.

According to a study by the Economic Policy Institute, the new jobs being created in America on average pay 21 percent less than the jobs we are losing. So despite what some politicians and what corporate leaders might tell us, the trend is not toward better-paying jobs. The trend is toward lower-paying jobs with fewer benefits.

When we talk about the economy not only for the current generation, but for our children and for our grandchildren, the key question that we should be asking is what kind of new jobs will be created in the future? Will these jobs be good paying? Will they be challenging jobs that a well-educated American population can jump into with enthusiasm? Are those the kinds of jobs that will be available for our kids and for our grandchildren, or is it,

in fact, going to be something very different? Because when we talk about the future of America, to a large degree that is what we are talking about. What kinds of new jobs will be created in the future?

In that regard, the Bureau of Labor Statistics every 2 years does an important study forecasting the top ten occupations that will have the largest job growth in a 10-year period. In this case, the Bureau's forecast which was released on February 11, 2004, covers the years 2002 through 2012, a 10-year period.

And let me quote from Business Week Magazine as to what the results of that study showed: ''According to a forecast released February 11 by the Federal Bureau of Labor Statistics, a large share of new jobs will be in occupations that don't require a lot of education and pay below average.'' And pay below average. Those are the jobs, the newly created jobs, that our children and our grandchildren will be looking forward to receiving, jobs that require minimal education and pay low wages. The fastest growing of all of those jobs will be for medical assistance, nursing aides, orderlies and attendants, jobs that require nothing more and ''moderate on-the-job training.''

So the key point here is that instead of creating an economy where future generations will be challenged with jobs that require good education, good skills, the new jobs that are being created will require high school degrees. They will be low wage. They will have minimal benefits. In fact, of the ten occupations pinpointed by the Bureau of Labor Statistics, seven of them require only a high school degree; two require college degrees; and one an associate's degree, a 2-year education in college.

And that is an issue, in my view, that we should be paying a great deal of attention to because, Mr. Speaker, it tells us that a profound lie is being perpetrated on the American people. It tells us that unless we fundamentally change our public policies and do that very quickly, the middle class will continue to shrink and the jobs being created for the coming generations will be, by and large, low-wage and unskilled work, and that, in my view, is not what we want the future of America to be.

Mr. Speaker, when we talk about the economy and when we talk about trade and manufacturing, let us remember that in the year 2003, the United States had a $500 billion trade deficit, $500 billion record-breaking trade deficit. In 2003, the trade deficit with China alone, one country, China, was over $120 billion and that number, trade deficit with China, is projected to increase in future years. In recent years that deficit has gone up and up and up. In 1990, it was $11.5 billion; in 2001, it was $83 billion; 2002, $103 billion; in 2003, it was $120 billion.

The National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years, and that means, of course, that we are importing more and more and the gap between what we are importing and what we are exporting is growing wider and wider.

Mr. Speaker, our disastrous trade policy is not only costing us millions of decent-paying jobs, it is squeezing wages. Many employers are making it very clear that if workers do not accept cuts in their health care coverage or do not take cuts in wages that they will be moving their operations to China, to Mexico, to India, or to other developing countries. Today, wage growth is the slowest in 40 years. Millions and millions of Americans are working incredibly long hours, and yet they are not making anything more than they made a year ago.

One of the sectors of our economy, and we do not talk about this too much, where people are being hurt the most is among young workers without a college education. Not everybody goes to college. For entry level workers without a college level education, the real wages that they have received dropped by over 28 percent from 1979 to 1997, which are the latest figures that I have seen. And the drop for women during that period was only 18 percent. And the reason for that is quite clear.

Twenty-five or 30 years ago, if someone did not go to college, and most people did not, what they would have been able to do is to go out and get a job in manufacturing, and millions of workers did just that. And with those wages and with those benefits, people without a college degree were able to enjoy a middle class life-style. They were able to take care in an adequate way for their kids. They were able to save up so that their kids could have a better life than they did.

But all of that is changing now, and when young people leave high school and do not go to college, the job opportunities for them are most often very limited. There are jobs available at McDonald's, at Wal-Mart, at service industry jobs like that, but unfortunately those jobs pay low wages and do not allow people to earn a middle class income.

Mr. Speaker, what is happening to our economy today can be best illustrated by the fact that not so many years ago, the largest employer in America was General Motors, and workers in General Motors earned and still earn a living wage somewhere around $26 an hour with very strong benefits and with a strong union to represent their needs. Today, in contrast, our largest employer, private employer, is Wal-Mart, and that is what has happened to the American economy. We have gone from a General Motors economy where people produce real products, earn good wages with good benefits, to a Wal-Mart economy where people earn low wages and minimal benefits.

Today Wal-Mart employees earn $8.23 an hour or $13,861 annual. These are wages, paid by the largest employer in America, that are below the poverty level. And that is what the American economy is about today. The largest employer in America, Wal-Mart, pays its workers below-poverty wages. In fact, many of these workers qualify for the Federal Food Stamp program, which means that Wal-Mart is being directly subsidized by U.S. taxpayers.

Obviously Wal-Mart is not the only company receiving welfare from the taxpayers of this country, but they are the largest. Wal-Mart has been sued by 27 States for not paying the overtime pay their workers are entitled to. And not so long ago, Federal agents raided their headquarters, and 60 of their stores across the country, arresting 300 illegal workers in 21 States. Wal-Mart is vehemently anti-union and will do everything that it can to make sure that workers in a Wal-Mart store do not have the rights to collectively bargain.

□ 1845

Mr. Speaker, a recent study indicated that for every Wal-Mart superstore that employed 200 workers, taxpayers were subsidizing their low-paid workers to the tune of $420,000 per year, which equates to about $2,100 per employee. In other words, we have the absurd situation that many of the employees at Wal-Mart need Federal help in order to keep their families alive, whether it is food stamps, whether it is health care for their children or for themselves, whether it is subsidized housing. So you have the taxpayers of this country pouring huge amounts of money into subsidizing Wal-Mart's employees.

Meanwhile, and what an irony this is, five out of the 10 wealthiest people in America are in the Walton family, the family that owns Wal-Mart. They are each worth, each one of the five, are worth $20 billion each, collectively $100 billion. And last year the Walton family of Wal-Mart saw an $8.5 billion increase in their wealth. So what you have is one of the richest families in America growing much richer. We are seeing Wal-Mart workers earning subsistence wages, and you are seeing the taxpayers of this country forced to subsidize those workers because they cannot earn a living wage in Wal-Mart.

What an outrage. One of the richest families in America sees a huge increase in their wealth, and they need Federal help in order to keep their workers alive. This is something that should not continue to go on.

That, Mr. Speaker, is what the transformation of the American economy is all about. We have gone from an economy where workers used to work producing real products, making middle-class wages with good benefits, to a Wal-Mart-style economy where our largest employer pays workers poverty wages with minimal benefits, and, in the process, has a huge turnover.

Incredibly, since 1989, 98 percent of the new jobs created in the United States have been in the service sector,

where on average workers earn substantially less than they do in manufacturing.

Mr. Speaker, before I talk about China and my great concerns about our current trade relations with China, let me say a few words about the North American Free Trade Agreement, NAFTA. That is an agreement, as you know, that the President wants to expand into a Free Trade Agreement for the Americas.

In 1994, the United States had a $2.4 billion trade surplus with Mexico. That was pre-NAFTA. Today, 10 years later, we have a $36 billion trade deficit with Mexico, one of the results of NAFTA. Through the end of 2002, the United States lost over 879,000 jobs as a result of NAFTA, jobs that formerly existed and were eliminated, as well as those created in other countries instead of here as a result of the growing U.S. trade deficit. Nearly 80 percent of those job losses were in manufacturing industries.

Now, some people, they think, well, if NAFTA was bad for the United States in terms of job loss, then it must have been good for our friends in Mexico and Mexican workers. Well, guess again. NAFTA has been a disaster for the poor and working people of Mexico.

Since 1994, when NAFTA went into existence, the number of people classified as poor or extremely poor has risen from 62 million to 69 million out of a population of 100 million. Since 1994, Mexico's agricultural sector has lost well over 1 million jobs, and NAFTA has played a major role in decimating rural employment on farms in Mexico.

Frankly, Mr. Speaker, in hindsight, it did not take a genius to predict that unfettered free trade with countries like China would be a disaster. In all honesty, if we check the CONGRESSIONAL RECORD, what is happening now in terms of trade and its impacts on American workers is precisely what many of us predicted would happen.

Why should we be surprised about what is happening? With educated, hard-working Chinese workers available at 20 cents an hour or 30 cents an hour or 40 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into the United States tariff-free, why would American multinational corporations not shut down their plants in this country and move to China? Why would they not?

Essentially, the trade agreement we established with China says to them, throw American workers out on the street. Go to China; hire cheap labor and bring your product back here. That is what many of us predicted over the years when the debate about most favored nation status with China was taking place; and that, of course, is precisely what has occurred.

Mr. Speaker, General Electric, as we all know, is one of the largest corporations in America. Here is what their CEO, a gentleman named Jeffrey Immelt, had to say about China at a GE investor meeting on December 6, 2002, a year and a half ago. This is Mr. Immelt, CEO of GE: ''When I am talking to GE managers, I talk China, China, China, China, China. You need to be there.'' This is what he is saying to GE plant managers.

Then he continues: ''I am a nut on China. Our sourcing from China is going to grow to $5 billion. We are building a tech center in China. Every discussion today has to center on China. The cost basis is extremely attractive.''

What Mr. Immelt is saying is, frankly, what almost every CEO of a major corporation in America is saying, and they are saying, see you, American workers. We are out of here. We do not have to pay you a living wage. We are going to China.

China, for CEOs of American corporations, is a wonderful, wonderful place to do business. Do they have to worry about democratic rights in China? Of course not. If workers stand up for their rights, they go to jail. If workers try to form a union, they go to jail. There are virtually no environmental protection regulations in China, a very polluted country. So for corporations like General Electric, China becomes a wonderful place to work, and that is why they are moving there as fast as they can.

Should anybody in this country be surprised that Motorola, another major corporation in America, eliminated almost 43,000 jobs in this country in 2001, while investing $3.4 billion in China? Who is shocked that General Electric has thrown hundreds of thousands of American workers out on the street, while investing billions in China? Boeing, another great American corporation, has laid off 135,000 American workers, while it has increased outsource design work to China, Russia, and Japan.

In the last 30 years, General Motors has shrunk their U.S. workforce by over 250,000. IBM has signed deals to train 100,000 software specialists in China over 3 years. Honeywell is going to China. Ethan Allen Furniture is going to China. And on and on it goes. In fact, the exception to the rule is that company that says, we are going to grow jobs in the United States of America.

In terms of General Motors, just a few months ago that company announced plans to increase by 20-fold, 20 times, the number of auto parts it buys from China and uses in the U.S., Europe, Mexico, elsewhere, a 20-fold increase. According to the Detroit Free Press, ''GM, the world's largest auto maker, will more than double the number of parts it buys in China for cars it makes there, going from $2.8 billion for Chinese parts to $6 billion annually.''

There are people who believe that that move might be the beginning of the end for auto manufacturing in the United States and all of those decent-paying jobs that exist there.

Mr. Speaker, one of the most distressing aspects of this entire discussion regarding our economy is the degree to which the Bush administration has sold out the needs of American workers. Let me quote from a recent report written by Mr. Gregory Mankiw, the President's Chief Economic Advisor. Here is the man who is the President's major adviser on economic issues. Here is what he says on page 25 of the report that he sent to Congress: ''When a good or service is produced at lower cost in another country, it makes sense to import it, rather than produce it domestically.''

In case you did not fully get it, let me read it again: ''When a good or service is produced at lower cost in another country, it makes sense to import it, rather than to produce it domestically.''

Let us think for a moment what Mr. Mankiw, the President's Chief Economic Adviser, has just told the workers of the United States. What he has said is that companies should throw you out on the street because they can produce cheaper in China and in other countries, where wages are a fraction of the price that they in the United States of America. That is what companies should do. That is what the President's Chief Economic Adviser is telling corporations: go abroad, if you can produce cheaper.

What is wrong with that? Well, what happens to the many millions of American workers who lose their jobs? Well, apparently the President's economic adviser and the President himself are not worried too much about that. They are more worried about corporate profits and the ability of companies to produce with workers who are paid 30 cents an hour.

Over the years, Mr. Speaker, advocates of unfettered free trade have tried to gloss over the bad news about the decline in factory employment by promising us that a new high-tech economy was in the making.

In other words, American workers, do not worry. Yes, it is true you are going to lose jobs. In auto manufacturing, in steel, in textiles, in footwear, in almost every industry, you are going to lose those blue collar jobs. But you do not have to worry about that, because there is a new high-tech economy that is being developed, an information technology. You do not have to work in those loud, noisy factories. You and your kids are going to be able to have those wonderful jobs, high-paying jobs in quiet offices, and all you have to do is learn how to master the computer and become an expert in information technology, and those great jobs will be there for you and your kids.

We have heard that mantra over and over and over again: yes, we lose blue collar; but we are going to gain high-paying white collar jobs. We do not have to worry about that old economy any more. We have got a new economy coming.

Well, I think that many Americans are beginning to catch on that the people who told us that are dead wrong in

terms of the future of this country; that in fact not only have we lost and we will continue to lose good-paying blue collar manufacturing jobs, we are now at the cusp of beginning to lose millions of even better-paying white collar information technology jobs.

In 2003, the estimate is that the United States lost 234,000 information technology jobs. Many of them ended up in India, which saw a gain of over 152,000 information technology jobs.

□ 1900

When Americans argue with the phone company as to whether or not they are being ripped off, more often than not, they are going to be talking to somebody in India. When you are trying to figure out how to get your computer working again, as often as not you are going to be talking to somebody not in New York, not in L.A., but in India.

One of the new areas where information technology jobs are leaving the United States is in tax preparation. Tax experts say that Indian Chartered Accountants, and that is India's equivalent to our CPA, certified professional accountants will prepare 150,000 to 200,000 returns this year, up to 20,0000 something returns in 2003. In other words, so long as there is a skilled worker behind a computer, and there clearly are skilled workers in India, China, the former Soviet Union countries, they are prepared and will and can do the work that Americans used to do at a fraction of the wages that Americans have earned.

Among many other companies moving high-tech jobs abroad is Microsoft, which is spending $750 million over the next 3 years on research and development, and outsourcing in China. Recently, Intel Corporation Chairman Andy Grove warned that the U.S. could lose the bulk of its information technology jobs to overseas competitors in the next decade, largely to India and China. In other words, Mr. Speaker, not only has our unfettered free trade cost us much of our textile industry, footwear industry, steel, tool and dye industry, electronics, furniture, as well as many, many other industries, it is now going to cost us, unless we change it, millions of high-tech jobs as well, and the future of our economy.

Lou Dobbs who, in my view, has done an excellent job on CNN talking about this issue, reported on a recent University of California at Berkeley study warning that as many as 14 million white collar jobs in the United States could be shipped overseas to India, China, and other countries, representing 11 percent of all U.S. employees. These jobs include over 2.8 million computer and math professionals with average salaries of over $60,000 a year, and over 2.1 million business and financial service support jobs with average annual salaries of over $52,000. And what the University of California at Berkeley study showed is that there is ''A ferocious new wave of outsourcing of white collar jobs'' which is sweeping across America. And we know why American companies will be going to India and elsewhere, because the wages are a fraction of what they are in this country.

In the U.S., a telephone operator earns $12.57 an hour; in India, less than a dollar an hour. A payroll clerk in the U.S. averages over $15 an hour, while in India, it is less than $2 an hour. An accountant in the U.S. makes over $23 an hour, while in India that wage is between $6 and $15 an hour.

Jobs most vulnerable to this new wave of outsourcing the researchers tell us include medical transcription services, stock market research for financial firms, customer service call centers, legal online database research, payroll and other back-office activities.

Mr. Speaker, last month, I held a town meeting in Montpelier, Vermont dealing with the issue of outsourcing, and we had many, many hundreds of workers who came to that meeting and a number of them were employed by National Life, an insurance company in Montpelier, and these workers felt betrayed, sold out by the fact that National Life had now outsourced a number of jobs from that company which were going to India. In fact, some of these workers were being asked to train their Indian counterparts.

Mr. Speaker, let me be very clear on this issue. The United States needs to have a strong and positive relationship with countries like China and India. I am not antiChinese; I have a lot of respect for the Chinese people. And I am not antiIndian; I have a lot of respect for the people of India. I am an internationalist. In fact, it is my view that not only the United States, but every other industrialized country on earth has a moral obligation to do everything that we can to address the terrible poverty that exists all over this world, where 1 billion people are living on less than a dollar a day, where children are dying of preventable diseases, where people do not have access to clean water, where people cannot get affordable prescription drugs and die of preventable diseases.

The United States has a moral obligation to work with those countries to improve their health care systems, their educational systems, their infrastructures, to do everything that we can to improve the standard of living of those people. But, Mr. Speaker, we do not have to destroy the middle class of this country and wipe out millions of decent-paying jobs to help poor people abroad. We can and should help poor people, but we do not have to destroy what is best in our economy.

Mr. Speaker, the issue here is whether we continue to be engaged in a race to the bottom where American wages and the quality of our jobs and our working conditions goes down, down, down, or whether we are asking poor people in the world to see their wages and working conditions go up, up, and up. And unfortunately, we are moving today in the wrong direction.

Mr. Speaker, by definition, a sensible and fair trade agreement works for both sides, not just for one. Trade is a good thing. It is a good thing when it benefits both parties. The New York Yankees do not engage in free trade by exchanging their top ballplayer for a third-string, minor leaguer. They do not say, hey, we are opening up our roster, you can take anybody you want, you give us anybody you want, because hey, that is what free trade is about. They trade for equal value. Every time we go shopping and every time we buy a product, we are trading money for a product, equal value. And that is what we have to do in terms of our overall trade policy.

Trade is good when it works for America and it works for the other country. It is not good when it throws American workers out on the street, when it lowers wages, and when the only beneficiaries of it are the CEOs of large corporations who make huge compensation packages, earn huge compensation packages at the expense of American workers.

Mr. Speaker, in order to address some of these problems, I have introduced two pieces of legislation that would move us forward in protecting the middle class of this country and the decent-paying jobs that we have. The first bill that I have introduced is H.R. 3228 which would repeal once and for all permanent Normal Trade Relations with China. It will acknowledge finally that our current trade policies with that country, with China are a failure and that we need a new beginning. I am happy to say that this tripartisan legislation has garnered well over 50 cosponsors, including 14 Republicans. So we are beginning to move forward in a tripartisan way to establish positive trade relations with China and not one that is costing us huge-paying jobs.

The second piece of legislation that I have introduced, H.R. 3888, will end corporate welfare for those corporations who are laying off American workers and moving to China and other low-wage countries.

Mr. Speaker, it is not acceptable to me that taxpayers of this country are providing tens of billions of dollars in corporate welfare to the same exact companies who are saying to American workers, bye-bye, we are off to China. That is an insult to our working people and an insult to the taxpayers of this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of May 3 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. BURNS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2315.—An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

ADJOURNMENT

Mr. SANDERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, May 10, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7973. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Special Purpose Shipping Regulations and Modification of Reporting Requirements [Docket No. FV04-956-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7974. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Increased Assessment Rate [Docket No. FV04-979-1 FR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7975. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2003-04 Crop Natural (Sun-Dried) Seedless Raisins [Docket No. FV04-989-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7976. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Decreased Assessment Rate [Docket No. FV04-981-1 FIR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7977. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Reporting Requirements [Docket No. FV04-925-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7978. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV04-916/917-02 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7979. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Order Amending Marketing Agreement and Order No. 929 [Docket Nos. AO-341-A6; FV02-929-1] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7980. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California; Order Regulating Handling [Docket Nos. AO-F&V-983-2; FV02-983-01] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7981. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Additions to Quarantined Areas [Docket No. 03-109-1] received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7982. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Infectious Salmon Anemia; Payment of Indemnity [Docket No. 01-126-2] (RIN: 0579-AB37) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7983. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions) [OPP-2003-0368; FRL-7335-4] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7984. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Geraniol; Exemption from the Requirement of a Tolerance [OPP-2004-0068; FRL-7351-1] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7985. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7986. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of Lieutenant General Dan K. McNeill, United States Army, to wear the insignia of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7987. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—HOME Investment Partnerships Program; American Dream Downpayment Initiative [Docket No. FR-4832-1-01] (RIN: 2501-AC93) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7988. A letter from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Foreign Bank Exemption From the Insider Lending Prohibition of Exchange Act Section 13(k) [Release No. 34-49616, International Series Release No. 1275; File No. S7-15-03] (RIN: 3235-AI81) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7989. A letter from the Deputy Secretary, Division of Corporattion Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Electronic Filing for Form ID [Release Nos. 33-8410, 34-49585, 35-27837, 39-2420, IC-26241; File No. S7-14-04] (RIN: 3235-AJ09) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7990. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Family Educational Rights and Privacy Act (RIN: 1855-AA00) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7991. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1 [OAR 2003-0079, FRL-7651-7] (RIN: 2060-AJ99) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7992. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Service's final rule—In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration [OPPT-2003-0006; FRL-7312-2] (RIN: 2070-AD42) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7993. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063-0048; FRL-7638-2] received April 22, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

7994. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Japan for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7995. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Australia for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7996. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a manufacturing license agreement for the export of defense articles or defense services to Japan (Transmittal No. DDTC 029-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to South Korea, Turkey, Spain, Saudi Arabia, and Chile (Transmittal No. DDTC 007-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 021-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7999. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Canada and the United Kingdom (Transmittal No. DDTC 022-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with the United Kingdom (Transmittal No. DDTC 013-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8001. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations based on the 2003 Missile Technology Control Regime Plenary Agreements [Docket No. 040414116-4116-01] (RIN: 0694-AD01) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8002. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Amendment to the Export Administration Regulations: Correction to ECCN 1C355 on the Commerce Control List [Docket No. 040206045-4045-01] (RIN: 0694-AC87) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8003. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision of Export and Reexport Restrictions on Libya [Docket No. 040422128-4128-01] (RIN: 0694-AD14) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8004. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Protective Equipment Export License Jurisdiction [Docket No. 040220063-4063-01] (RIN: 0694-AC64) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List [Public Notice Z] (RIN: 1400-ZA10) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8006. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8007. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8008. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8009. A letter from the Chairman, Election Assistance Commission, transmitting the Commission's FY 2003 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

8010. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, TN [Docket No. FAA-2003-16622; Airspace Docket No. 03-ASO-21] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8011. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Use of Section 106 Grant Funds to Achieve Environmental Results—received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8012. A letter from the Executive Vice President, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2003, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

8013. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1263-F] (RIN: 0938-AM84) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8014. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility [CMS-1262-F] (RIN: 0938-AM71) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8015. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Electing Mark to Market for Marketable Stock [TD 9123] (RIN: 1545-AY17) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8016. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—At-Risk Limitations; Interest Other Than That of a Creditor [TD 9124] (RIN: 1545-BA69) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8017. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments and Underpayments, Administrative Review Process, Claimant Representation, and Federal Administration of State Recognition Payments (RIN: 0960-AF72) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes (Rept. 108–481 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII. The Committee on Government Reform discharged from further consideration. H.R. 4060 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4060. Referral to the Committee on Government Reform extended for a period ending not later than May 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mr. FROST, Mr. PAUL, Mr. GONZALEZ, Mr. REYES, Mr. ORTIZ, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Mr. EDWARDS, Mr. STENHOLM, Mr. SANDLIN, Mr. DOGGETT, Mr. TURNER of Texas, Mr. CULBERSON, Mr. BRADY of Texas, Mr. HENSARLING, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. SMITH of Texas, Ms. GRANGER, Mr. THORNBERRY, Mr. DELAY, Mr. NEUGEBAUER, Mr. SESSIONS, Mr. BARTON of Texas, Mr. BONILLA, and Mr. BURGESS):

H.R. 4299. A bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''; to the Committee on Government Reform.

By Mr. ISSA (for himself, Mrs. BONO, and Mr. CALVERT):

H.R. 4300. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. BEREUTER, and Mr. OSBORNE):

H.R. 4301. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 4302. A bill to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect; to the Committee on Government Reform.

By Mr. BERMAN (for himself and Mr. KNOLLENBERG):

H.R. 4303. A bill to authorize the Secretary of State to make grants to American-sponsored schools in Arab and other predominantly Muslim countries to provide full or partial merit-based scholarships for children from lower- and middle-income families of such countries to attend such schools, and for other purposes; to the Committee on International Relations.

By Mr. BOSWELL (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MATSUI, Mr. RANGEL, Mr. DINGELL, Mr. BERRY, Mr. BROWN of Ohio, Mr. STARK, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. PALLONE, Mr. GREEN of Texas, Mr. DOGGETT, Mr. ALLEN, Mr. SANDLIN, Ms. SOLIS, Mr. FROST, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. ESHOO, Mr. KILDEE, Mr. WEINER, Mr. FARR, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. OLVER, Mr. NADLER, Mr. HINCHEY, Mr. TIERNEY, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. CLAY, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. JACKSON of Illinois, Mr. HONDA, Ms. WATSON, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. LOWEY, Ms. LOFGREN, and Ms. SLAUGHTER):

H.R. 4304. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate overpayments to health maintenance organizations and other private plans under part C of title XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 4305. A bill to amend title 18, United States Code, to increase protections for children from obscene material on the Internet; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. ANDREWS):

H.R. 4306. A bill to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself, Mr. DAVIS of Tennessee, Mr. COLE, Mr. BEAUPREZ, Mr. HOSTETTLER, Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. FEENEY, Mr. CHABOT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. JONES of North Carolina, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. KLINE, Mr. FRANKS of Arizona, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. DUNCAN, Mr. PEARCE, Mr. HASTINGS of Washington, Mr. CARTER, Mr. EHLERS, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. SENSENBRENNER, Ms. HART, Mr. DOOLITTLE, Mr. CANNON, Mr. TURNER of Ohio, Mr. BOYD, Mr. GOODE, Mr. MARIO DIAZ-BALART of Florida, Mr. SOUDER, Mr. QUINN, and Mr. GERLACH):

H.R. 4307. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for increasing employment; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. ACEVEDO-VILA):

H.R. 4308. A bill to ensure consultation with the governments of the territories of the United States with respect to trade policy and trade agreements; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 4309. A bill to amend the Clean Air Act to provide needed flexibility to States regarding the designation of certain counties as nonattainment areas for ozone under the 8-hour ozone standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAHOOD (for himself, Mr. EMANUEL, Mr. HINCHEY, Mr. JEFFERSON, Mr. LATOURETTE, Mr. MANZULLO, Mr. SHIMKUS, and Mrs. JONES of Ohio):

H.R. 4310. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Government Reform.

By Mr. MARKEY:

H.R. 4311. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. TURNER of Texas, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. CARDIN, Ms. SLAUGHTER, Mrs. LOWEY, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. ACEVEDO-VILA, Mr. STARK, and Mr. GREEN of Texas):

H.R. 4312. A bill to enhance aviation security; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. LINDA T. SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. KAPTUR, Mr. MCGOVERN, Ms. DELAURO, Mr. GRIJALVA, Mr. RUSH, and Ms. BALDWIN):

H.R. 4313. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4314. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. REHBERG:

H.R. 4315. A bill to prohibit the Secretary of the Army from releasing water from Fort Peck Dam if the water level of Fort Peck Lake is 20 feet or more below the reservoir's full pool, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Mr. ANDREWS, Mr. CONYERS, Ms. DELAURO, Mr. DEUTSCH, Mr. FILNER, Mr. FROST, Mr. HOEFFEL, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. NADLER, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, and Mr. VISCLOSKY):

H.R. 4316. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Texas (for himself, Mr. BARTON of Texas, Mr. BELL, Mr. BURGESS, Mr. CARTER, Mr. CULBERSON, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. PAUL, Mr. REYES, Mr. SANDLIN, Mr. STENHOLM, and Mr. DELAY):

H.R. 4317. A bill to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the ''Charles Wilson Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. WEINER:

H.R. 4318. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to widely distribute information describing their procedures for receiving and responding to complaints concerning harassment; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. PAYNE, Mr. BALLANCE, Mr. MCDERMOTT, Mr. RUPPERSBERGER, Mr. FROST, Mr. OWENS, Mr. DUNCAN, Mr. UPTON, Mr. WILSON of South Carolina, Mr. COX, Mr. CUNNINGHAM, Mr. EHLERS, Mr. SCOTT of Georgia, Mr. BAIRD, Mr. SPRATT, Mr. MEEKS of New York, Ms. PRYCE of Ohio, Mr. GIBBONS, Mr. ROGERS of Alabama, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. SIMMONS, Mr. HOSTETTLER, Mr. CRAMER, Mr. ISAKSON, and Mr. CAPUANO):

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. LEACH, Mr. FALEOMAVAEGA, and Mr. HYDE):

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Con. Res. 419. Concurrent resolution recognizing National Transportation Week and applauding the men and women who keep

America moving; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 629. A resolution impeaching Donald Rumsfeld, Secretary of Defense; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. KLINE, Ms. MCCOLLUM, Mr. OBERSTAR, Mr. PETERSON of Minnesota, and Mr. RAMSTAD):

H. Res. 630. A resolution commending the University of Minnesota Golden Gophers for winning the 2003-2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. STEARNS:

H. Res. 631. A resolution expressing the sense of the House of Representatives that there should be established an ''Electrical Safety Month''; to the Committee on Government Reform.

By Mr. TANCREDO (for himself, Mr. SMITH of New Jersey, Mr. RYAN of Ohio, and Ms. KAPTUR):

H. Res. 632. A resolution urging the Government of Romania to provide equitable, prompt, and fair restitution to the Romanian Greek Catholic Church, the Roman Catholic Church, the Evangelical Lutheran Church, the Unitarian Church, the Hungarian Reformed Church, the Jewish community, and other affected religious communities for property confiscated by the former Communist government in Romania; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 633. A resolution expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about hepatitis C; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 755 memorializing the Congress of the United States to consider creating a national preserve or other similar federal property to protect land and other natural resources in a continuous corridor of the Ocmulgee and Altamaha Rivers in central and south Georgia; to the Committee on Resources.

321. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Resolution No. 148 memorializing the Congress of the United States to authorize and appropriate funding to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa; to the Committee on Resources.

322. Also, a memorial of the Senate of the Commonwealth of Kentucky, relative to Senate Resolution No. 168 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

323. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 225 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

324. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 682 memorializing the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enchancement of quality health care for veterans in the Commonwealth of Pennsylvania; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public blls and resolutions as follows:

H.R. 25: Mr. BURTON of Indiana.

H.R. 141: Mr. SCHROCK.

H.R. 371: Mr. JACKSON of Illinois, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. FILNER, Mr. GORDON, and Mr. MCCOTTER.

H.R. 525: Mr. GILCHREST and Mr. PICKERING.

H.R. 548: Mr. KANJORSKI.

H.R. 623: Mr. PRICE of North Carolina.

H.R. 677: Mr. RUPPERSBERGER.

H.R. 687: Mrs. KELLY.

H.R. 713: Mr. ISAKSON.

H.R. 716: Mrs. MYRICK.

H.R. 757: Mr. THOMPSON of Mississippi.

H.R. 834: Mr. ROGERS of Alabama.

H.R. 857: Mr. LINCOLN DIAZ-BALART of Florida, Mr. COX, Mr. HYDE, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1022: Mr. OLVER.

H.R. 1057: Mr. DEUTSCH.

H.R. 1084: Mr. SHIMKUS.

H.R. 1227: Mr. EDWARDS.

H.R. 1231: Mr. KNOLLENBERG.

H.R. 1551: Mr. HOEFFEL and Mr. BRADY of Pennsylvania.

H.R. 1567: Mr. BONNER and Mr. BALLENGER.

H.R. 1910: Mr. RUPPERSBERGER and Mr. MEEKS of New York.

H.R. 1930: Ms. CARSON of Indiana and Ms. KILPATRICK.

H.R. 1935: Ms. LOFGREN and Mr. PALLONE.

H.R. 2085: Mr. HALL.

H.R. 2151: Ms. BALDWIN and Mr. ROSS.

H.R. 2198: Mr. TIERNEY, Mr. LANTOS, Mr. RANGEL, Mrs. JO ANN DAVIS of Virginia, and Mr. LYNCH.

H.R. 2295: Mr. COOPER.

H.R. 2305: Mr. SHAYS.

H.R. 2442: Mr. BECERRA, Ms. DELAURO, Mr. ISRAEL, and Mr. BOEHLERT.

H.R. 2735: Mr. BISHOP of Utah.

H.R. 2762: Mr. BRADLEY of New Hampshire.

H.R. 2890: Mr. BURR.

H.R. 2905: Mr. PLATTS.

H.R. 2933: Mr. KLINE.

H.R. 2959: Ms. BALDWIN, Mr. GIBBONS, Mr. THOMPSON of Mississippi, Ms. MAJETTE, Mr. GILCHREST, Mr. KIRK, Ms. DELAURO, Mr. SIMMONS, Mr. TANCREDO, Mr. SCHIFF, Mr. LUCAS of Kentucky, Mr. ALLEN, Mr. LEWIS of Kentucky, Mr. SANDERS, Ms. SCHAKOWSKY, and Mr. SIMPSON.

H.R. 3015: Mr. ENGEL.

H.R. 3035: Mr. FOLEY.

H.R. 3165: Mr. WELDON of Florida.

H.R. 3193: Mrs. CAPITO, Mr. POMBO, and Mr. CHANDLER.

H.R. 3204: Mr. BONILLA, Mr. BAIRD, Mr. CARDIN, Mrs. DAVIS of California, Ms. DEGETTE, Mr. FRANK of Massachusetts, Mr. LEVIN, Mrs. MCCARTHY of New York, and Mr. TANNER.

H.R. 3242: Ms. LOFGREN, Mr. ISAKSON, Mr. BURR, Mr. RUPPERSBERGER, Mr. WALDEN of Oregon, Mr. BOUCHER, and Mr. SHERWOOD.

H.R. 3337: Ms. WOOLSEY.

H.R. 3356: Mr. LEWIS of Kentucky.

H.R. 3458: Mr. PASTOR, Mr. HINOJOSA, and Mr. FRANK of Massachusetts.

H.R. 3476: Mr. CAPUANO.

H.R. 3615: Mr. BISHOP of Georgia, Mr. CONYERS, Mr. PASTOR, Mr. BAIRD, Mr. PALLONE, Ms. WOOLSEY, and Ms. CORRINE BROWN of Florida.

H.R. 3692: Mr. FROST, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. PASTOR, Mr. RUSH, Mr. TOWNS, Mr. WEXLER, Ms. LOFGREN, Ms. SLAUGHTER, Mr. WALSH, and Mr. LAHOOD.

H.R. 3736: Ms. HART and Mr. OSBORNE.

H.R. 3777: Mr. DAVIS of Tennessee.

H.R. 3800: Mr. GOODLATTE.

H.R. 3815: Ms. JACKSON-LEE of Texas and Mr. BISHOP of New York.

H.R. 3840: Ms. DUNN.

H.R. 3864: Mr. UDALL of Colorado.

H.R. 3921: Mr. GRIJALVA.

H.R. 3952: Mr. ROYCE, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. GILLMOR.

H.R. 3968: Mr. ALLEN.

H.R. 3981: Mr. ROGERS of Alabama.

H.R. 3988: Mr. BROWN of Ohio, Mr. DAVIS of Alabama, and Ms. LOFGREN.

H.R. 3990: Mr. ENGLISH and Mr. PETRI.

H.R. 4026: Mr. OSBORNE.

H.R. 4033: Mr. FORD.

H.R. 4035: Mr. RANGEL, Mr. STARK, Mr. BECERRA, Mr. SPRATT, Mr. BROWN of Ohio, Mr. CUMMINGS, Ms. SCHAKOWSKY, Ms. ROS-LEHTINEN, and Ms. LOFGREN.

H.R. 4039: Mr. WILSON of South Carolina.

H.R. 4052: Mr. ANDREWS and Mr. STUPAK.

H.R. 4056: Mr. MCINNIS.

H.R. 4057: Ms. HART.

H.R. 4064: Mr. NORWOOD, Mr. BEREUTER, Mr. MANZULLO, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. KLINE, and Mr. BRADY of Texas.

H.R. 4065: Mr. SIMMONS.

H.R. 4101: Mr. LEVIN and Ms. LEE.

H.R. 4102: Mr. HOLT, Mr. WU, Mr. CASE, and Mrs. DAVIS of California.

H.R. 4104: Mr. MOORE and Mr. TURNER of Texas.

H.R. 4107: Mr. OWENS, Mr. RANGEL, Mr. BALLANCE, Mr. CONYERS, Mr. TOWNS, Mr. LANTOS, Mr. MEEHAN, Mr. GRIJALVA, Mr. SIMMONS, Mr. SHERWOOD, Mr. ENGLISH, Mr. CARDIN, Mr. UDALL of Colorado, and Mr. GREENWOOD.

H.R. 4108: Mr. CUMMINGS, Mr. SULLIVAN, Mr. CARDIN, Mr. WAXMAN, Mr. MARKEY, Mr. GUTIERREZ, Mr. MCCOLLUM, Mr. MILLER of North Carolina, Mr. GORDON, Ms. LEE, Ms. HART, Mr. DAVIS of Alabama, and Mr. MEEKS of New York.

H.R. 4116: Mr. MILLER of North Carolina.

H.R. 4149: Mr. ESHOO and Mr. CUNNINGHAM.

H.R. 4150: Mr. FOLEY, Mr. PENCE, and Mr. BAKER.

H.R. 4188: Mr. MCKEON, Mr. BURR, Mr. SIMMONS, and Mr. FERGUSON.

H.R. 4192: Mr. BRADY of Pennsylvania, Mr. EVANS, Mr. CUMMINGS, Mr. RANGEL, and Mr. MENENDEZ.

H.R. 4203: Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. HAYES, Mr. MILLER of North Carolina, Mr. SOUDER, Mr. MYRICK, and Mr. GOODE.

H.R. 4205: Mr. DAVIS of Florida and Mr. SWEENEY.

H.R. 4207: Mr. GONZALEZ and Ms. BERKLEY.

H.R. 4210: Mr. TAYLOR of Mississippi.

H.R. 4217: Mr. SULLIVAN, Mr. RUPPERSBERGER, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. ROSS, Mr. TAUZIN, and Mr. CLYBURN.

H.R. 4263: Ms. WATERS, Mr. SCOTT of Georgia, Mr. BECERRA, Ms. ESHOO, Ms. MCCOLLUM, Mr. DICKS, Mr. SMITH of Washington, Mr. WATT, Ms. LOFGREN, Mr. PASCRELL, Ms. BORDALLO, Mr. MEEKS of New York, Mr. ENGEL, Mr. MCDERMOTT, Mr. PALLONE, and Mr. CASE.

H.R. 4279: Mr. RAMSTAD, Mr. BRADY of Texas, and Mr. HULSHOF.

H.R. 4280: Mr. SCOTT of Georgia.

H.R. 4281: Mrs. EMERSON.

H.R. 4282: Ms. BORDALLO.

H.R. 4290: Mr. CONYERS and Mr. SANDERS.

H.J. Res. 60: Mr. BRADLEY of New Hampshire.

H. Con. Res. 319: Mr. MCGOVERN, Mr. ENGEL, Mr. SHIMKUS, Mr. GRIJALVA, Mr. WEXLER, Ms. BERKLEY, Mr. CHABOT, Mr. CROWLEY, and Mr. BURTON of Indiana.

H. Con. Res. 363: Ms. HARRIS and Mr. WEXLER.

H. Con. Res. 371: Mr. WHITFIELD and Mr. MARSHALL.

H. Con. Res. 391: Mr. LANTOS, Mr. BAIRD, Mr. LARSON of Connecticut, Mr. MARKEY, Mr. SCHIFF, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 398: Mr. BAIRD.

H. Con. Res. 403: Mr. PRICE of North Carolina, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. WELDON of Florida, Mr. INSLEE, Mr. LIPINSKI, Mr. BURNS, Mr. GORDON, Mr. OSBORNE, and Mr. PASTOR.

H. Con. Res. 405: Mr. WOLF and Mr. FOLEY.

H. Con. Res. 409: Mr. POMBO.

H. Con. Res. 410: Mr. REHBERG.

H. Con. Res. 414: Mr. DELAY, Mr. GREENWOOD, Mrs. BLACKBURN, Mr. CARTER, Mr. FLAKE, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 567: Mr. LEVIN and Mr. HOEKSTRA.

H. Res. 575: Mrs. TAUSCHER.

H. Res. 577: Mr. ENGEL and Mr. HOEFFEL.

H. Res. 604: Mr. STENHOLM, Ms. SLAUGHTER, and Mrs. MILLER of Michigan.

H. Res. 615: Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. SAXTON, Mr. BURTON of Indiana, Mr. FOLEY, Mr. MCNULTY, Mr. SHERMAN, and Mr. OTTER.

H. Res. 616: Mr. MCNULTY, Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SHERMAN.

H. Res. 622: Mr. RAMSTAD.

H. Res. 626: Ms. PELOSI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. KING of Iowa.

PETITIONS, ETC.

Under clause 3 of rule XII,

80. The SPEAKER presented a petition of the Board of Supervisors, La Crosse County, Wisconsin, relative to Resolution No. 3-4104, memorializing the Congress of the United States to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois River system; which was referred jointly to the Committees on Resources and Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Robert E. Andrews and Richard E. Neal.

Petition 7, by Mr. BAIRD on House Resolution 572: Alcee L. Hastings and Steven R. Rothman.

Petition 8, by Mr. EDWARDS on House Resolution 584: Alcee L. Hastings, Stephanie Tubbs Jones, Carolyn C. Kilpatrick, Edward J. Markey, Richard E. Neal, Charles B. Rangel, Calvin M. Dooley, Luis V. Gutierrez, Peter Deutsch, Xavier Becerra, Loretta Sanchez, Steven R. Rothman, Maxine Waters, Nick J. Rahall II, John S. Tanner, Robert Wexler, Nita M. Lowey, Paul E. Kanjorski, Robert E. (Bud) Cramer, Jr., Alan B. Mollohan, Neil Abercrombie, Harold E. Ford, Jr., Norman D. Dicks, and Benjamin L. Cardin.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, MAY 6, 2004 No. 62

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, rollcall 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 nongovernmental 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 worlds'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 restricted, 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.

RISING 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. Needlessly 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 prevention, 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 intention 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.
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 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'';

(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)'';

(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 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);''; 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 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'';

(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 political 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 Iraq 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 government 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 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 straightforward 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 Kimmitt 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 ''Judeao-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 then 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 an 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 agreeing 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 specific 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 polices 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 Iraqi 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. Another $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 refuse to respond to questions 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 benefit 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 consponsor 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 President 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, because 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 accomplished 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 policymaking 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 regime. 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. CHAFEE). 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'athis 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 Coalition, 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 Baaths. 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 clear. 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

NOT VOTING—2

Kerry	Thomas

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 anyplace 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 citizens. 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 exhaustees. 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 redraft 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 appointed 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 Department 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 INOUYE 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 Festival 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, Lizabeth, 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, Sanford 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 comedian, 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. Deatrick, the pastor at St. Martha in Louisville, KY.

Father Deatrick 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 Deatrick served as chaplain at St. Xavier High School as well as Bellermine University where he also served as the Bellermine 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 Deatrick 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 Deatrick 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 knowlege 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 Eligility: 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. INOUYE):

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 predisaster 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. Moreoever, 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 allcargo 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 au thorized 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 Rep resentatives 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 Se curity 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. INOUYE):

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 INOUYE, 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 faraway 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);''; 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 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'';

(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.

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.

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
Phillippines	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. Alsup:									
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. Alsup:									
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

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 Wonnenberg:									
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

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 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

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 Jannuzi:									
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	Guarini		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
	Dollar				3,149.00				3,149.00
Senator Mike DeWine			2,470.00						2,470.00
William Duhnke			1,372.00						1,372.00
Senator Saxby Chambliss			2,331.00						2,331.00
James Barnett			1,300.00						1,300.00
	Dollar				4,194.21				4,194.21
Lindsey Fair			2,592.00						2,592.00
	Dollar				5,499.13				5,499.13
Brandon Milhorn			2,089.00						2,089.00
	Dollar				5,145.93				5,145.93

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			2,089.00						2,089.00
	Dollar				5,145.93				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 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.

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 provisos, 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 Government 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 observership 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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(A) attaining—

(i) 1 of the highest life expectancy levels in Asia; and

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(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

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(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 observership 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 84 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 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 Americas 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. Gibhart, 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 Claredon 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 concurrent 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 confidential 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 SENIOR.

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.

EXTENSIONS OF REMARKS

NATIONAL DAY TO PREVENT TEEN PREGNANCY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the National Day to Prevent Teen Pregnancy. We have much to celebrate as a country in respect to teen pregnancies and birth. Teen pregnancy, abortion and birth rates have all declined: the birth rate is down 31 percent from 1991–2002 and the teen pregnancy rate is down 28 percent from 1990–2000. While African American teens still have higher teen pregnancy rates than any other major racial/ethnic groups in the country, their rates are decreasing faster than the overall rates for teen pregnancy and birth in the United States. Between 1990 and 2000, the teen pregnancy rate among African American teens declined 31.5 percent.

There have been an exceptional number of organizations whose hard work and dedication through education and outreach services contributed to this decline. A few of those include our Community Health Center, the school health associations, the Ounce of Prevention Fund, and Planned Parenthood Federation of America.

Still, there is no room for complacency. Nearly half of our Nation's high school students have had sexual intercourse; the average age of first intercourse for boys and girls is 15 and almost 25 percent report having sex with four or more partners by 12th grade. 35 percent of girls still get pregnant by age 20 in this Nation—nearly 850,000 teen pregnancies annually. In Chicago alone, more than 7,500 babies are born to teen moms every year, 88 percent of which are out-of wedlock. The numbers of teens contracting sexually transmitted diseases are just as startling. Each year one—quarter of the estimated 12 million new cases of STD, other than HIV, in the United States occur among teenagers. Adolescents have one of the fastest increasing rates of HIV infection; an average of two young people are infected with HIV every hour of every day.

Abstinence education should be taught but not without more education explaining the risks of being sexually active. With the high percentage of adolescence having sexual intercourse and according to the Illinois Department of Public Health only 35 percent of males and females nationally use a condom during every act of sexual intercourse, we can not pretend or even wish that our young people are waiting to have sex. Education works—we have proof of that with the decline in teen pregnancies and births. We need to ensure that our young people are receiving a comprehensive sex education program to effectively teach and encourage teens to delay sexual activity. The Alan Guttmacher institute found that between 1988 and 1995, three-quarters of the decline in teen pregnancy was due to improved contraceptive use among sexually active teenagers with one quarter of the decrease due to increased abstinence.

Mr. Speaker, teen pregnancy is so closely linked to other critical social issues: child poverty, out of wedlock births, a well-trained and ready workforce, and a responsible fatherhood. Congress, communities, schools, parents, organizations and groups of faith should all join together in properly educating and demonstrating to our young people that adolescence is a time for education and growing up, not pregnancy and parenthood.

HONORING THE HISPANIC ORGANIZATION OF STUDENTS IN TECHNOLOGY/SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS AT NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic Organization of Students in Technology (HOST), the student chapter of the Society of Hispanic Professional Engineers (SHPE) at the New Jersey Institute of Technology (NJIT). They were honored at the HOST/SHPE Gala Banquet on Thursday, April 29, 2004, at Ibera Restaurant in Newark, New Jersey. This year's gala banquet featured New Jersey State Assemblyman Wilfredo Caraballo as the keynote speaker, as well as NJIT President Robert Ailtenkirch and Provost Joel Bloom.

The Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers represents a group of extremely talented and dedicated students who have shown amazing promise and success. Established in 1991, the objective of the HOST/SHPE was to create an organization to serve as a role model to the Hispanic community. Under the leadership of Student President Cynthia Camacho, HOST/SHPE has continued to excel as one of the premiere HOST organizations in the United States. With the second highest membership of a Society of Hispanic Professional Engineers student chapter nationwide, HOST/SHPE was the recipient of New Jersey Institute of Technology's Newark College of Engineering 2004 Outstanding Student Organization.

Cynthia Camacho has also been acknowledged for her outstanding leadership. At the SHPE Eastern Technical Career Conference in Washington, DC, she received the Pedro Ortiz Student Leadership Award. This award is presented to the student member who has displayed leadership qualities in activities within SHPE and their community. Ms. Camacho has served as a role model for her peers and youth, through her outstanding academic excellence and commitment to her community.

Carlomango Ontaneda, the SHPE chapter advisor at NJIT, has been an integral force in helping students achieve their goals at NJIT and beyond. For his dedication and tireless effort, Mr. Ontaneda was awarded the Society of Hispanic Professional Engineers National Technical Career Conference Educator of the Year Award.

Today, I ask my colleagues to join me in honoring the achievements of Cynthia Camacho, Mr. Ontaneda, and the talented students of the Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers at New Jersey Institute of Technology.

TRIBUTE TO STAFF SERGEANT BILLY JOE ORTON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, to die for one's country, while tragic, is the ultimate honor. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Today, I rise to honor Staff Sergeant Billy Joe Orton who was killed during his tour of duty in Taji, Iraq. He was 41 years old.

Staff Sergeant Orton dedicated his life to serving our Nation bravely. He served in Panama from November 1993 to November 1996; Egypt from October 2001 to August 2002, and was ordered to active duty for ''Iraqi Freedom'' on Oct. 12, 2003, with the 39th Infantry Brigade in Arkansas.

His dedication to his country was surpassed only by his love for his family, friends and community. The lives he touched were evident as more than 150 people recently gathered outside the Orton home where Staff Sergeant Orton lived with his wife, Margarita, and their three children. The crowd gathered carrying lit candles and a heavy heart as the community came together to share the grief with the Orton family.

Arkansans have always been proud of their tight-knit communities, but to see such an outpouring of support is proof of the magnetic personality Orton possessed.

Staff Sergeant Billy Orton fought honorably to establish freedom and democracy, and we are all struck by the enormity of this tragedy. We will remember Staff Sergeant Orton for his honor, his mettle and his bravery. On behalf of the Congress, I extend the utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

RECOGNIZING BRITTANY SANDERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Brittany Sanders of Kansas

City, Missouri. Ms. Sanders has been named one of the two top youth volunteers in Missouri for 2004 in the ninth annual Prudential Spirit of Community Awards. This is an extraordinary honor; more than 20,000 young people across the country were considered for recognition this year. The Prudential Spirit of Community Award was designed to emphasize the importance our Nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities.

Brittany was nominated by St. Charles. Borromeo Parish School in Oakview, Missouri. As a seventh grader at St. Charles Borromeo Parish School, she organized a youth service club in honor of her best friend who died from brain cancer. Brittany began with small projects on her own, donating her birthday and Christmas gifts to sick children, cleaning up her block, collecting canned goods for a food pantry, and volunteering. ''Kristin's Kids Club'' has grown from 10 to 400 members, and has undertaken a wide range of community service projects.

Brittany developed a newsletter and Web site to support the club's activities, and is now spending a lot of time and effort starting similar groups in other cities and States. She has raised thousands of dollars for a variety of causes, such as the poor children of Afghanistan.

Mr. Speaker, please join me in commending this exemplary young lady for her dedication to community. Brittany is an outstanding role model and an exceptionally fine asset to the Sixth District of Missouri. I am proud of her and wish her well in any future endeavor she chooses.

TRIBUTE TO ELVIN R. CALDWELL, SR.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEGETTE. Mr. Speaker, I rise to honor the extraordinary life of a distinguished public servant, Elvin R. Caldwell, Sr. This remarkable gentleman merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has moved our community forward and thereby, improved the lives of our people.

For Elvin Caldwell Sr., passion for social justice was not defined by the fanfare of public life. His passion was of lasting import. It was tempered by his calm bearing, firm resolve and a steady discipline which shaped civic accomplishments of immeasurable value to our community. Elvin Caldwell possessed the rare ability to transform the promise of equal justice and fair treatment into practicable reality and our lives have truly been enriched by his presence among us.

During his formative years in Denver, Caldwell knew both the racism and exclusion prevalent during the 1920's and 30's. At a young age, he participated in protest marches with his parents and the adversity he experienced forged a resolve and commitment to civil liberties that would sustain him through life's challenges. He recalled that ''Denver was a very prejudiced city at one time . . . I used to watch my father—no matter how tired he was—stand out there . . . [and] I realized that I had a debt to pay for what [he] fought to achieve.'' Elvin Caldwell Sr. made good on that commitment and built a legacy in which we take great pride.

He graduated from East High School in Denver and earned a track scholarship to the University of Colorado. Caldwell later married ''Frankie'' Harriett Webb and his marriage lasted for 60 years and produced four children. By 1950, he was a successful accountant and a member of the State legislature. He served three terms in the Colorado House of Representatives, but the barriers to passing progressive legislation proved to be considerable. In 1955, Caldwell chose to take on six primary opponents in a city council race and at the age of thirty-one, he became the first African American elected to the Denver City Council. He was elected council president five times and his tenure proved to be one that was defined by resourcefulness and statesmanship. Caldwell entered city government at a time when institutionalized discrimination was the norm. Qualified African American police officers couldn't climb through the ranks, there were no black judges, and the fire department was segregated—African Americans could only serve at one fire station. These deplorable conditions set in motion Caldwell's plan for change—to rid the civil service system of practices that either marginalized African American firefighters and police officers or excluded racial minorities from public service. City government needed to be opened up and Caldwell was up to the challenge.

Change did not come swiftly but the road to a more equitable society is never easy. He knew that change is unsettling and over the next decade, Caldwell's quiet persistence overcame obstacles and got things done. Even in the face of threats and militant confrontation by groups such as the Black Panthers, Caldwell remained courteous and unflappable. He once mused that ''On life's journey, it's better if you can resolve things in a calm, sensible manner . . . It may take longer, but you can usually get more done.''

Caldwell's leadership in city council created formal recruitment programs to bring more minorities into Denver's public safety departments and through his perseverance and skill, the State's first Fair Employment Practices Act was made law. He became a potent force in helping to revitalize the Five Points area and helped establish the Eastside Neighborhood Health Center as well as the Five Points Community Center.

His career on city council lasted twenty-five years and after seven terms, former Denver Mayor William McNichols appointed Caldwell Manager of Safety, making him the first African American to sit in a mayoral cabinet. He served on numerous community, State and national organizations including the Board of Directors of the National Association for the Advancement of Colored People. He is credited for opening doors for other African American leaders including former Mayor Wellington E. Webb and City Council President Elbra Wedgeworth. In 1990, the Denver City Council created the Elvin R. Caldwell Community Service Plaza and on April 26, 2003, the City and County of Denver named the Blair-Caldwell African American Research Library in recognition of his lifetime of service to our community.

Recently, his portrait was hung in the library to honor him as a modest and dignified public servant who left a powerful legacy of social progress. Truly, we are all diminished by the passing of this remarkable gentleman. Please join me in paying tribute to Elvin R. Caldwell, Sr. His life was rich in consequence and his deeds serve as an inspiration to us all. The values, leadership and commitment he exhibited during his life set the mark and compel us to continue the work that distinguishes us as a nation.

HONORING THE POLISH AMERICAN CONGRESS OHIO DIVISION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate their 55th anniversary—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

On May 18, 1949, in Cleveland, Ohio, the Ohio Division of The Polish American Congress was founded. The Polish American Congress is composed of individuals of Polish ancestry as well as Polish organizations. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of The Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage.

It is evident that the Polish American Congress has played a crucial role in the Polish Community, and in its many years of service has been an invaluable contribution to the City of Cleveland and beyond.

Mr. Speaker and Colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate fifty-five years of promotion and guardianship of the heritage, history and culture of their beloved Polish homeland—providing awareness and connection to every new generation born in America, and enriching the diverse fabric of our entire Cleveland community.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CITY OF SESSER, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the centennial of one of the oldest communities in my congressional district, Sesser, Illinois.

Sesser's beginnings have a close relationship to the coal mining industry in southern Illinois. T. C. Keller came to Sesser from Indiana

and began sinking a large mine shaft 647 feet deep, one and one-half miles southeast of town. Because of the sinking of the Keller mine and the extension of the Chicago, Burlington and Quincy Railroad into the rich coal fields of the region, Sesser was born. After it was discovered that a deep vein of coal lay under this area, the news traveled fast and people of many nationalities came to Sesser to work.

Two railroad officials, John C. Elliot and John Sesser, a surveyor from whom Sesser received its name, laid out the original plat which contained a square of sixteen blocks. This original plat ran from the railroad to the City Hall and two blocks north and two blocks south of Main Street (Franklin Ave). Sesser was later appointed by President Woodrow Wilson as a member of the Railway Labor Board in Washington D.C. in 1920. Later he served as a Vice-President of the Cuban Railway.

Homes and businesses sprang up fast. Most of the businesses were two story buildings with rooms above to handle the people coming to work in the mines in Sesser. In 1912, the Sesser City Board made contact with the Egyptian Light Company to furnish power and electric lights for the City. Sesser's first sidewalks were made from railroad ties with hitching racks along both sides of the street. In 1912, concrete sidewalks covered eight miles within Sesser.

Sesser's first high school began in 1919, the opera house, drug stores, hotel and restaurants were soon opened. Water and sewer systems were completed in 1914 and a dial system was installed in 1954. Sesser's City Hall was completed in 1967 and the Franklin County Housing Authority approved 30 rental units in Sesser in 1968. Two factories serviced the Sesser area, Sesser Concrete was built in 1946, making concrete blocks and other products and Lyn Gai Garment Company manufactured ladies apparel.

Sesser Sheltercare Home, a 60 bed health care facility, was opened in 1970. This facility is located on farm property previously owned by my mother and father-in-law, George and Eloise Cockrum. This facility was purchased and renamed Redwood Manor. Several rural county schools were in session at one time and now they are housed in one location.

Sesser today is a community of over 2000 and boasts hotels, restaurants and community churches. It remains a vital part of the economy of Franklin County and southern Illinois.

This year, Sesser celebrates its centennial and also commemorates the 49th year of the annual Sesser Homecoming, an event which draws people from throughout the region.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of the City of Sesser, Illinois on the occasion of its 100th Anniversary.

HONORING THE RETIREMENT OF REVEREND HARRY CRENSHAW

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. KAPTUR. Mr. Speaker, Jerusalem Baptist Church in Toledo, Ohio will bid a fond farewell to its revered patriarch, Reverend Harry Crenshaw. With the coming of spring, Reverend Crenshaw retires as pastor of the church after a lifetime of service to his flock and that of the larger Toledo community. Truly a community leader, long recognized as the voice of the church, Reverend Crenshaw has been a mainstay of the Jerusalem congregation and its neighborhood for decades. He is a man for others.

''Blessed is the may that walks not in the counsel of the ungodly, nor stands in the way of sinners, nor sits at the seat of the scornful. But his delight is in the Law of the Lord; and in His law does he meditate both day and night. And he shall be like a tree planted by the rivers of the water, that brings forth his fruit in his season; his leaf also shall not wither; and whatsoever he does shall prosper.'' (Psalms, 1:1–3)

Within the words of this passage lies Reverend Dr. Harry Crenshaw. A man of God, he lives the Word in thought and deed, and has imparted his love of that Word to generations. Through his strength and wisdom he has provided counsel to thousands. The esteem with which he is held is testament to his prominent role in the lifeblood of the community and the personal lives of the people to whom he ministers.

While no one can build a church alone, Jerusalem Baptist Church and its ministry, the Jerusalem Outreach Center, are attributable to the passion and perseverance of Reverend Dr. Crenshaw. His guidance and leadership have been a primary force in the growth of the church and its neighborhood mission, particularly its embrace of our youth. He has come to embody faith and hope for the next generation of our community.

Reverend Dr. Crenshaw has earned his rest as he takes his leave from the day-to-day operations of the Jerusalem congregation. Yet, his abiding goodness lives strong in each of us whose lives he has touched. We know he will remain involved in its activities for the church and its works are a part of him. Reverend Dr. Harry Crenshaw's soul will echo on in the buildings' walls and the congregation's hearts for many years to come. He came this far by faith with his beautiful wife, Frances, and he led us all to a more humane and compassionate community and world.

THANKING OUR TEACHERS MAY 2–8—TEACHER APPRECIATION WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, Albert Einstein once said that ''It is the supreme art of the teacher to awaken joy in creative expression and knowledge''. I rise today to thank our Nation's teachers for their exceptional work, compassion and dedication to our children everyday. Although May 4th was National Teacher's Day, this entire week, May 2–8 is Teacher Appreciation Week.

I think everyone can think back and remember that one teacher that touched their lives—whether it was the one that taught you to read, gave you the confidence to learn more, made you feel smart and knowledgeable or was the one solid, caring adult in a child's life. The origins of Teacher Day are not too defined. Around 1944 Arkansas teacher Mattye Whyte Woodridge began corresponding with political and education leaders about the need for a national day to honor teachers. Woodbridge wrote to Eleanor Roosevelt who in 1953 persuaded the 81st Congress to proclaim a National Teacher Day. It wasn't until March 1985, when National Education Association (NEA) and the National PTA established Teacher Appreciation Week as the first full week of May with the first Tuesday remaining as National Teacher's Day.

Teachers are true heroes in our communities, who through their dedication to children work millions of small miracles every day. Henry Brooks Adams, a historian and grandson of President John Quincy Adams once said that ''A teacher affects eternity; he can never tell where his influence stops.'' We must never forget to thank our teachers for their service to our society and for creating a better, smarter and hopefully kinder future generation.

HONORING JERSEY CITY HUDSON CITY LIONS CLUB

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Jersey City Hudson City Lions Club in celebration of its 50th anniversary. The Jersey City Hudson City Lions Club (JCHCLC) celebrated with a 50th Anniversary Ball held on Saturday, May 1, 2004, at Puccini's Restaurant in Jersey City, New Jersey.

Since 1954, the Jersey City Hudson City Lions Club has fulfilled the motto of the International Lions Club of ''We Serve,'' and has taken an active role in civic, cultural, and social events. With a membership of dedicated men and women, the JCHCLC has provided exceptional services for our community, promoting a better quality of life for the people it touches.

Working with local churches, hospitals, clinics, summer programs, shelters, and food banks, the Jersey City Hudson City Lions Club has given all its support in gathering necessary supplies and food to help those in need, taking tremendous pride in the positive difference it makes in the lives of the people in its community and around the world.

Jersey City Hudson City Lions Club is renowned for its sight-related programs. Working with St. Joseph's Home of the Blind, the JCHCLC has provided services, including guide dogs, walking canes, vocational training, summer camps, books on tape, spring barbeques and Christmas parties. They also provide vouchers for Lenscrafter, so that children, who would otherwise have no access, can purchase eyeglasses.

At the 50th Anniversary Ball, the Jersey City Hudson City Lions Club honored former JCHCLC President Frank Walsh (1973–1974), who was presented with the ''Lion of the Year Award'' for his outstanding leadership and dedicated service over the years to the JCHCLC.

Today, I ask my colleagues to join me in honoring the members and officers, past and present, of the Jersey City Hudson City Lions Club in recognition of their outstanding contributions and caring dedication to our community over the last 50 years.

TRIBUTE TO SPECIALIST KENNETH ALAN ''KENNY'' MELTON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to honor a true American hero. Specialist Kenneth Alan ''Kenny'' Melton was killed when the convoy he was riding in was hit by a roadside bomb and small fire by insurgents near Baghdad. Specialist Melton was 30 years old.

Specialist Melton joined the Army in 1992 and served in Iraq as a member of the Arkansas National Guard's 39th Infantry Brigade. He was following in the footsteps of his father and grandfather, who also served their country in the Army. His service is a testament to his dedication to the spirit of this nation and should be admired and respected.

Despite his notable dedication to his country, he was a husband and a father first. A son, a brother and a friend to the community, Specialist Melton was a very positive young man with an overwhelming sense of patriotism.

We can ask nothing greater from a human being than to anonymously fight to help people they may have never met. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Specialist Melton has the respect of those whose lives he touched, and, now, grieving family and friends who I offer my deepest sympathies.

Specialist Melton will be remembered for his honor, his mettle, his bravery and his commitment to his family, his God and his country. On behalf of the Congress, I extend my utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

RECOGNIZING CLAY/PLATTE DEVELOPMENT CORPORATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the members of the Clay/Platte Development Corporation who are meeting today to celebrate the past years' successes. They represent the kind of community leadership that is necessary for strong and thriving communities.

Established in 1982, in conjunction with the Clay County EDC, its mission is to provide economic development assistance to businesses in Platte and Clay counties. By proactively seeking businesses and providing them with much needed capital, the Clay/Platte Development Corporation is a cornerstone for business growth in the Northland.

Mr. Speaker, I ask you to join me in commending both the past and present members of the Clay/Platte Development Corporation. Their contributions to the people of Missouri's Sixth District are important and commendable.

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. DEGETTE. Mr. Speaker, I rise today to support House Concurrent Resolution 408, which congratulates the University of Denver for winning the 2004 NCAA Men's Hockey championship. DU's national title, its first since 1969, came against the top-ranked Maine Black Bears, in a nail-biter that stunned the collegiate hockey world.

The championship game on Saturday, April 10, 2004 was college hockey at its best. I watched as the Pioneers took an early lead with a goal by Gabe Gauthier in the first period. The rest of the game was a scoreless defensive struggle. Hockey fans from the Rocky Mountains to the New England coast held their breath during the excruciating final two minutes of the game. In a sequence only fitting for the nationally televised season finale, Maine secured a Power Play while trailing Denver 1–0 when the Pioneers were assessed with two penalties, giving the Black Bears a two-man advantage. In the final minute of play, Maine pulled its goaltender to add another attacker, putting Denver at a 6–3 disadvantage. The clock slowly ticked down to zero, and DU emerged victorious, led by an extraordinary 24-save performance by goaltender Adam Berkhoel, who was named the NCAA Tournament's Most Outstanding Player. His shutout was only the third in the history of the championship game.

It was a great way to end the season for the seven seniors on the Pioneer team. The class of 2004 won more games at the University of Denver than any since the 1973 graduating seniors. Head Coach Geoge Gwozecky is to be congratulated as well. He is the only person to ever win NCAA titles as a player, assistant coach, and head coach.

The Denver Post noted that the championship game between the University of Denver and the University of Maine was amazing because ''they proved that two mid-sized universities can excel in one of the country's mainstay sports.'' This year's champion Pioneers added a sixth hockey championship to the university's fine athletic record, which includes a record 17 Division I ski team championships, and two titles for the women's gymnastic program. Not only does the University of Denver excel in athletics, it is a prestigious academic institution as well. U.S. News and World Report recently ranked three DU graduate programs among the country's best.

The championship is especially poignant, because the University of Denver hockey program tragically lost one of its most famed alumni just before Christmas last year. Keith Magnuson, the captain of the last DU team to capture the national title 35 years ago, was killed in a car accident just four months ago. Still active with the University, Magnuson regularly attended hockey games, gave locker room speeches to the team, and even played in the school's homecoming game this season. Following his death, the team dedicated the season to his memory, but no one could have imagined the success the team has enjoyed.

Mr. Speaker, I was proud to sponsor this bill, which congratulates the University of Denver 2004 championship hockey team. I am happy to report that the entire Colorado congressional delegation cosponsored H. Con. Res. 408. I also wish to congratulate the Maine Black Bears for an excellent season, and a hard fought championship game. I look forward to a victory celebration for the Pioneers at the U.S. Capitol. I thank the Speaker for bringing this bill to the floor and urge my colleagues to support me in congratulating the University of Denver.

IN HONOR AND REMEMBRANCE OF ARTHUR NAPARSTEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Professor Arthur Naparstek—devoted family man, caring professor, friend and mentor, and internationally known visionary in the area of urban development.

The son of Polish immigrants, Professor Naparstek was born and raised in New York City. He graduated with a master's degree in social work from New York University, and a doctorate from Brandeis University's Florence Heiler School of Advanced Studies in Social Welfare Administration. Professor Naparstek's professional commitment to economic and social justice began in the early sixties, when he worked as the assistant to Richard G. Hatcher, the first African American mayor of Gary, Indiana. Later, Professor Naparstek joined the National Center for Urban Ethnic Affairs in Washington, DC, and worked closely with Congress to create legislation focused on empowering our most vulnerable citizens—our poor.

As professor and Dean of the Case Western Reserve University School of Applied Social Sciences, Mr. Naparstek taught by example and served as an inspiration and mentor to countless students and instructors throughout his tenure. His acclaimed urban redevelopment projects and individual empowerment programs were sought by the administrations of President Carter and President Clinton. As director of the Cleveland Foundation's Commission on Poverty during the early 1990's, Professor Naparstek was instrumental in creating the redevelopment plan for several of Cleveland's most fragile neighborhoods. Because of his vision and heart, the shroud of decline has been lifted from our neighborhoods, illuminating the promise of restoration and possibility along many of our city streets.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Professor Arthur C. Naparstek—an exceptional man, visionary, and leader whose life reflected accomplishment, caring and concern for others. I offer my deepest condolences to his beloved wife, Belleruth; his beloved children, Keila, Aaron, and Abe; and to his extended family and friends. His brilliant and flawless legacy—both personally and professionally will be remembered forever by family, friends and colleagues. Professor Naparstek's vision, heart and leadership will forever serve as a beacon of promise and hope throughout our community, and far beyond.

RECOGNIZING THE 150TH ANNIVERSARY OF THE CITY OF O'FALLON, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the Sesquicentennial of one of the oldest communities in my congressional district, O'Fallon, Illinois.

The City of O'Fallon, Illinois was named in honor of Colonel John O'Fallon. Colonel O'Fallon was a soldier, businessman, real estate owner and public minded citizen. His father, James O'Fallon was a physician who came to this country shortly before the Revolutionary War and served as a surgeon in George Washington's Army. After the war, he went to Louisville, Kentucky where he met and married Frances Clark, a sister of George Rogers Clark and William Clark, army officers, who became famous during the Corps of Discovery exploration of the Louisiana Territory in 1804 and for later development of the Mississippi Valley.

Colonel John O'Fallon's father died when he was a child and he was reared and educated by his mother and uncles. With his army background, he became a soldier. He fought in the War of 1812, where he rose to the rank of Captain. After the war ended, O'Fallon became assistant Indian Agent to his Uncle William Clark of the Lewis and Clark expedition. Later he became a contractor, buying and selling Army supplies. He invested his money and became involved with the expanding railroad industry across the nation. He promoted the Missouri Pacific railroad, as well as the Wabash and B&O railroads. His involvement with railroads and the purchase of lands led him to become the namesake of both O'Fallon, Illinois and O'Fallon, Missouri.

Colonel O'Fallon purchased lands in an area north of St. Louis which lead to the development of the community of O'Fallon Park, Missouri. Always civic-minded, Colonel O'Fallon gave generously to St. Louis University and Washington University and also formed an institute which became the forerunner of today's St. Louis High Schools and the City of St. Louis' public library.

O'Fallon, Illinois was originally platted from lands surrounding the train depot and water tank built for the operation of the B&O railroad. Town lots were platted by Ernest Tiedemann under the direction of Frederick A. Carpenter and Hugh O. Sheerbarth. On May 18, 1854 these lots were sold at a public auction. John and Sarah Distler had erected a log cabin on the site in 1851, but the first house in O'Fallon was built by Anderson Umbarger in 1855. The first post office was established in 1855. O'Fallon was incorporated as a village on January 27, 1874.

A newly replicated depot stands near the site of the beginnings of this community. O'Fallon's early growth was due to the large coal mining industry in the region.

O'Fallon was also home to major businesses like Willard Stove, Tiedeman Milling and the Independent Engineering Company. O'Fallon also had abundant agricultural land which supported large farming operations.

Today, O'Fallon is a community of over 20,000 people. It continues to grow because of its proximity to Scott Air Force Base and St. Louis. It sits astride I–64 and boasts three interchange exits where large commercial and retail developments are clustered. O'Fallon also is home to the O'Fallon Township High School, which is recognized as one of the top high schools in the region and the state of Illinois. The high school is also home to the Marching Panthers Band, which has won several national awards and is a regular participant in the Macy's Thanksgiving Day parade in New York City.

The City of O'Fallon continues the growth and development envisioned by Captain O'Fallon. The rail line he developed continues to run through the community delivering vital commerce and supplies to areas to the west.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of the City of O'Fallon on the occasion of its 150th Anniversary.

HONORING THE CAREER OF JAN McBRIDE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the achievements of a woman of our community as she prepares to retire from professional life. Jan McBride has spent a career in the service of health care delivery, and her imprimatur is throughout our region of Northwest Ohio.

Starting as a pediatric nurse, Jan McBride rose through the ranks of Toledo Hospital and its parent ProMedica Health System, and has been the President of Toledo Children's Hospital since 1998. A balance of compassion and business acumen has marked her tenure in the corporate structure. An engaging leader, Jan McBride has developed many people while moving the Toledo Hospital and ProMedica Health System forward.

Even while pursuing an extensive corporate schedule, Jan McBride has never neglected her civic responsibilities as a community citizen. She has gone ''above and beyond'' in her commitment to a variety of health, community, and business concerns, serving as an active officer of the Cystic Fibrosis Foundation's NW Ohio Chapter, the Hospital Council of NW Ohio, Junior Achievement of NW Ohio, the Juvenile Diabetes Foundation, Lucas County ARC (Association of Retarded Citizens), the National Youth Sports Program, the Neighborhood Health Association, Ohio Children's Hospital Association, Ronald McDonald House Charities, Rotary Club of Toledo, United Way of Greater Toledo, the University of Toledo Alumni Association, and the Zonta Club of Toledo. Her efforts have earned her awards of recognition including the Tribute to Women in Industry, Women in Communication, Alpha Omicron Pi Fraternity, and Juvenile Diabetes Foundation honoree.

For forty years, Jan McBride has given of herself to her career and the causes in which she believes. She leaves our community richer, stronger, healthier, and kinder. I know my colleagues join me in wishing Jan McBride well as she writes new chapters in her book of life. Onward!

CONGRATULATING ROBERT L. SATCHER—A MEMBER OF NASA'S 2004 ASTRONAUT CANDIDATE CLASS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate the eleven men and women of NASA's 2004 Astronaut Candidate Class. I especially want to congratulate one of the astronauts, Dr. Robert L. Satcher Jr., who is a constituent of mine, the 7th District of Illinois.

Dr. Robert L. Satcher, Jr., was born in Hampton, Virginia to Robert L. Sr. and Marian H. Satcher; in 1965 and currently lives in Oak Park, Illinois with his wife D'Juanna White. He received his Bachelors of Science in Chemical Engineering, Massachusetts Institute of Technology (MIT) in 1986. In 1993 and 1994 he received his Ph.D. in Chemical Engineering at MIT and his M.D. at Harvard University respectively. He is currently an Assistant Professor in the Department of Orthopaedic Surgery, Northwestern University, The Feinberg School of Medicine in Chicago, Illinois.

Today is a proud day for space in the 7th District of Illinois, the United States and the world. These eleven men and women represent the next generation of explorers; they are the ones who will lead us into the future of space exploration, of the Moon, Mars and beyond. They will serve as role models to teach and excite the future generation of explorers.

Mr. Speaker, once again I congratulate these men and women on their hard work, dedication and this great accomplishment and wish them luck as they embark on this journey.

HONORING WEST NEW YORK LEONES CUBANOS DE HUDSON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the West New York Leones Cubanos de Hudson in celebration of its 25th anniversary. The West New York Leones Cubanos de Hudson commemorated their 25th anniversary on Saturday, April 24, 2004, at the Landmark in East Rutherford, New Jersey.

West New York Leones Cubanos de Hudson is the largest Lions Club in the State of New Jersey, and the fourth largest in the United States. With a membership of 260 dedicated men and women, the West New York Lions Club has been able to take an active role in civic, cultural, and social events. A non-political and non-sectarian group, the Lions Club is renowned for its sight-related programs, providing services to the blind, including guide dogs, walking canes, and vocational training.

Since 1979, the West New York Leones Cubanos de Hudson has done an exceptional service for its community with the help of dedicated individuals. Working with local churches, hospitals, clinics, summer programs, shelters,

and food banks, the Lions Club has given all its support to promoting a better quality of life to the people it touches. It has also been heavily active in youth development. The Lions-Quest program provides youth with a sense of community, as well as tools and assistance for their success in the future.

With a diverse Hispanic community in West New York, the Lions Club has been active in helping in disaster relief and rebuilding efforts to many areas in the Caribbean and Central and South America impacted by natural disasters. It has been a force in gathering necessary supplies and food to help in times of need, and takes tremendous pride in the positive difference it makes in the lives of the people in its community and around the world.

Today, I ask my colleagues to join me in honoring the members and officers, past and present, of the West New York Leones Cubanos de Hudson in recognition of their outstanding contributions and caring dedication to our community over the last 25 years.

TRIBUTE TO STAFF SERGEANT STACEY CRAIG BRANDON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BERRY. Mr. Speaker, to die for one's country, while tragic, is the ultimate honor. To die for the freedom of others may not carry with it an adequate expression to illustrate the debt it generates. Today, I rise to honor Staff Sergeant Stacey Brandon who was killed during his tour of duty in Taji, Iraq. He was 35 years-old.

Staff Sergeant Brandon joined the National Guard in 1990 and when he was called to active duty for ''Iraqi Freedom'' on October 12, 2003, he answered the call and served his country with honor. His ability, intelligence and dedication quickly earned him a promotion to the rank of Staff Sergeant in February 2004.

Despite his notable dedication to his country, he was a husband and a father first. A son, a brother, a friend, an athlete and a light of optimism others were drawn to always. Along with the many lives he touched, Staff Sergeant Brandon carried God in his heart. He was a passionate singer of gospel music and he and his wife, April, joined the Hazen First Baptist Church upon their move to Hazen, Arkansas.

We can ask nothing greater from a human being than to anonymously fight to the end to help people they may have never met. Unfortunately for those left behind, this soldier has a name. He has the respect of those whose lives he touched, and, now, grieving family and friends who I offer my deepest sympathies and utmost respect.

Staff Sergeant Brandon will be remembered for his honor, his mettle, his bravery and his commitment to his family, his God and his country. On behalf of the Congress, I extend the utmost respect for a fine American, a loving father, husband and son, and the perfect model of a patriot.

FREEDOM FOR JORGE OLIVERA CASTILLO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Jorge Olivera Castillo, a political prisoner in totalitarian Cuba.

Mr. Olivera Castillo worked for 10 years as a national television editor. After being confronted on a daily basis with the blatantly false propaganda mandated by the tyrannical regime, he left his job to join other pro-democracy activists working for freedom and human rights for every Cuban citizen. Using his skills as a journalist, Mr. Olivera Castillo began to report on the brutal policies of the totalitarian regime. He later became the director of the Havana Press agency. Starting in 2001, Mr. Olivera Castillo's articles concerning the state of Cuba under totalitarian rule were published in Spain.

Because of Mr. Olivera Castillo's unrelenting commitment to writing the truth about the totalitarian regime, he has been constantly harassed by the dictator's thugs. According to Amnesty International, Mr. Olivera Castillo has been expelled from his house, arrested, and accused of ''counterrevolutionary'' activities by the tyrant Castro. During the brutal March 2003 crackdown on peaceful pro-democracy activists and independent journalists, Mr. Olivera Castillo was arrested. In a sham trial, Mr. Olivera Castillo was sentenced to 18 years in the totalitarian gulag because of his commitment to truth over propaganda.

Mr. Olivera Castillo is currently languishing in an infernal cell in the totalitarian gulag. Reporters Without Borders reports that Mr. Olivera Castillo is suffering from numerous medical problems, is confined with common prisoners, and is being forced to drink seriously polluted water. These depraved conditions are truly appalling. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Mr. Speaker, Mr. Olivera Castillo is suffering in a grotesque, inhumane, totalitarian gulag because he believes in freedom. My colleagues, we can no longer allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate freedom for Jorge Olivera Castillo and every prisoner of conscience in totalitarian Cuba.

NATIONAL DAY OF PRAYER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. TIAHRT. Mr. Speaker, today marks the 2004 National Day of Prayer—a day set aside by millions of people across this country to acknowledge God and give him thanks for all that is truly good. Once again, we are reminded of our need for him in the midst of turmoil and suffering around the world, and we recall our need to listen and hear from the Almighty.

Right now there are thousands of young men and women in uniform who are bravely serving this country in Iraq, Afghanistan and in other foreign countries. We ask God to protect them and grant them favor. We ask God to comfort their families and loved ones who eagerly await their return. Let us continue to pray for peace in these lands and for reconciliation among its people.

Throughout American history—from the earliest settlers to the Continental Congress, from General George Washington to President George W. Bush—the American people have called upon the Providence of God.

In 1775, the Continental Congress issued a proclamation setting aside a day of prayer. In 1952, Congress established an annual day of prayer, and then in 1988, the law was amended designating the National Day of Prayer as the first Thursday in May.

Our country has witnessed the benefits of national prayer and fasting in times past, and I hope citizens from all walks of life will humbly acknowledge God and seek his guidance, strength and resolve.

Let us remember to pray for our President, his Cabinet, military leaders, Members of Congress, Supreme Court Justices, State governors and local officials.

And may we, like our Founding Fathers, earnestly seek to know God's will for us and our country on this national day of prayer.

RECOGNIZING MR. CLYDE LEHMANN

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. GONZALEZ. Mr. Speaker, I rise on this day during Teacher Appreciation Week in recognition of a very special person, Clyde Lehmann. Mr. Lehmann has been selected to receive the 2004 Milken National Educator Award.

The Milken National Educator Award is a very prestigious award that acknowledges quality teachers, and highlights how they are required to ensure the academic success of America's students. It is bestowed upon K–12 teachers in recognition of demonstrated excellence in teaching. Awardees are chosen based upon their: Exceptional educational talent as evidenced by outstanding instructional practices in the classroom, school and profession; outstanding accomplishments and strong long-range potential for professional and policy leadership; and engaging and inspiring presence that motivates and impacts students, colleagues and the community.

Mr. Lehmann has certainly earned such an award. As a Latin teacher at Northside Health Careers High School, he uses creativity to keep his students interested in learning. He accomplishes this by using poetry, performance, song, and even travel to pique students' interest in his classes.

His unfaltering dedication to the achievement of his students is reflected in their impressive academic successes—a large number of Mr. Lehmann's students have earned gold and silver medals at National Latin competitions. He has demonstrated his interest in and passion for Latin through his teaching. This passion has seemingly been contagious—four of his former students have become Latin teachers.

Mr. Lehmann has demonstrated his devotion to Latin by engaging in related activities outside of the classroom. This teacher's devotion to his realm of study has led him to sponsor the Health Careers Latin Club which, with one hundred members, is one of the largest organizations on campus. Along with his wife, Mr. Lehmann has organized summer tours of ancient sites in Rome for his students. Additionally, he also has twice served as the president of the San Antonio Classical Society.

I am very proud of Mr. Lehmann and his professional accomplishments. Nothing is more important in one's life than education. I am pleased to acknowledge a man whose knowledge, commitment, drive, and enthusiasm have clearly been a meaningful, positive influence on his students' lives.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the continued success of our Nation's charter schools. I am extremely proud of the several Charter schools that reside in my district. Many may not fully understand the difference between a regular public school and a Charter school. In Chicago, the Charter schools are public schools, open to all children who reside in Chicago without academic admissions criteria. Each charter school has a unique mission and is operated by community organizations, universities, foundations and school teachers. While charter schools are funded by the Board of Education, they are not required to follow many board regulations. For example, they are free to set their own policies for curriculum, school hours and discipline. But charter schools are held accountable for high student academic achievement by the Board of Education

I would like to acknowledge and congratulate some of the great charter schools in my district:

The first arts-focused charter school in Chicago, the Charter School of the Chicago Children's Choir (CSCCC), integrate music throughout its interdisciplinary academic curriculum. Learning is project-oriented and emphasizes creativity. Students are able to sing in as many as 17 different languages. The late Rev. Christopher Moore founded the choir in 1956 with ''a dream that young people from diverse backgrounds could better understand each other, as well as learn about themselves, by learning to make beautiful music together.'' The choir that Moore started with a handful of kids in the First Unitarian Church of Chicago on the South Side has grown into a downtown-based, city-wide program that brings together nearly 3,000 children each year. Its groups have performed with the Chicago Symphony Orchestra, the Lyric Opera, at the White House, and around the world.

In 2000, community leaders working to improve educational opportunities in the West Side neighborhood of Lawndale created L.E.A.R.N., Lawndale Educational and Regional Network. They applied for a charter school and hired Nancy Dearhammer, an experienced charter school leader, to plan the curriculum and become executive director. L.E.A.R.N. will emphasize high academic standards through a 10:1 student-teacher ratio, a rigorous curriculum, year-round classes and parent involvement. L.E.A.R.N.'s year-round schedule is unusual: 9 weeks on followed by 2 weeks off, giving students a safe, positive environment all year. Parent involvement is key in the mission of the school with monthly parent teacher conversations, bimonthly parental satisfaction surveys, and strong encouragement to volunteer at the school to keep parents involved. L.E.A.R.N. is also fundraising to offer pre-school, adult education and community health services to Lawndale families.

A strong work ethic and solid commitment to education are the cornerstones of success at North Lawndale College Prep and the only requirements for admission. A rigorous community school for 350 students on Chicago's west side, North Lawndale Prep graduated its first class in June 2002. It is dedicated to developing, as opposed to merely recruiting, college-ready students from impoverished city neighborhoods. With high expectations, every student is expected to complete four years of English, social studies, and math, three years of science, and two years of foreign language. There are extra courses in reading for freshmen, writing for sophomores, and oral expression for juniors. At every level, students are expected to produce their best work consistently. In addition to athletics and after-school activities, North Lawndale Prep offers students a wide array of summer programs. These include outdoor adventure programs, an extensive orientation for freshmen, internships at Chicago businesses, and attendance at prestigious prep school and college summer programs. The summer programs expand the horizons of North Lawndale Prep students and prepare them for the challenges of college.

As demonstrated in these three examples, Charter schools provide excellence in education by delivering high-quality education and challenging our students to reach their potential. Charter schools have brought hope and the idea of success back to many poor, disadvantaged areas that felt abandoned by the education system. I commend the students for their hard work, dedication and success, the teachers for their love of education and commitment to the school and the students, and all parents for playing an active role in their child's education and more importantly their lives by letting that child know that you care and are interested in what they do every day.

TRIBUTE TO KAHUKU HIGH SCHOOL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. CASE. Mr. Speaker, I rise today to congratulate the incredible students of Kahuku High School for their great achievement in winning fourth place at the national finals of the We the People: The Citizen and the Constitution program held in Washington, D.C. from May 1–3, 2004. These outstanding students from my O'ahu's North Shore underwent months of intensive study and hard-won victories to win the right to represent Hawaii in the finals, where they competed against a class from every state in the country and demonstrated a remarkable understanding of the fundamental ideas and values of American constitutional government.

This is the first time in Hawaii's eight-year history at this rigorous competition that one of our schools has competed in the final ten. This is truly a wonderful accomplishment that our whole state is deeply proud of!

I commend Kahuku's great teacher, Sandra Cashman, for her unending commitment to her students and for producing generations of responsible citizens. Commendations are also in order to State Director of We the People Lyla Berg and District Coordinator Sharon Kaohi for their leadership in creating our leaders of tomorrow.

However, ultimately this competition is by and about our kids. So I would like to send my heartiest congratulations to Samuel Braden, Chelsey Bunker, Stacia Colton, Brian Craycraft, Tusiata Esera, Lacey Golonka, Evelyn Griffin, Reis Harney, Celesta Hubner, Azura Iversen-Keahi, Jeremy James, Natalie Kamauoha, Jennifer Kamiya, Tiffany Lee, Brook McArthur, Donna Ramos, Alicia Reidy, Leilani Relator, Aaron Rillamos, Austin Spring, Ian Tapu, Alexandra Thompson, Rachel Telleson, Seini Unga, and Jordan Williams. You have all made Hawaii proud. Aloha and best of wishes in your future endeavors.

NATIONAL DAY OF PRAYER

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. NEUGEBAUER. Mr. Speaker, I would submit this prayer for the RECORD for the National Day of Prayer.

Father, we come to you this day that we have set aside for prayer in this great nation. May we be a nation of prayer not just on this day, but every day.

We come today acknowledging you as the Creator of heaven and earth. We thank you that You have given us the privilege of living in this great land and have blessed it in a mighty way. Our prayer today is that we would indeed be ''One Nation under God''.

We pray for our President as he leads during these difficult days. Give him the wisdom and courage to make clear and decisive decisions. We pray for the men and women that are defending our world today from evil. We pray for their safety and their return to the family and loved ones that wait anxiously for their homecoming. May their families know your peace and comfort now as never before. Freedom and liberty do not come without a price. Many have gone before and paid a huge price for us to live in this great nation and to enjoy the freedoms we have today. Let us never forget their sacrifice and help us to be good stewards of the inheritance they have left us.

Finally, Father today more than ever our nation needs healing. The principles on which this nation was founded and which You ordained are under attack. The scriptures say, ''If my people, who are called by my name, will humble themselves and pray and seek my

face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.'' Our prayer today is that America would be a nation that daily seeks You and that our ways would be pleasing in your sight and that You would indeed heal our land.

We ask all these things in the name of your son Jesus. Amen.

HONORING PRESIDENT HARRY S TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SKELTON. Mr. Speaker, May 8, 2004, will mark the 120th anniversary of the birth of Harry S Truman in the town of Lamar, Missouri. He would go on to serve in the military in World War I and hold elected office as judge, United States senator, Vice President, and President of the United States. His is a story and a life that we can all learn from.

Harry Truman answered the call to duty in World War I. He helped organize the 2nd Regiment of Missouri Field Artillery. The regiment was called into Federal service, renamed the 129th Field Artillery, and sent to serve on the battlefields of France. Earning the confidence of his fellow soldiers, Truman rose quickly to the rank of captain and was given the command of the regiment's Battery D, a regiment that still exists today in the Missouri National Guard.

Truman entered elected office in 1922, successfully seeking the position of Jackson County Court judge. Following winning campaigns for presiding judge of the Jackson County Court in 1924 and 1930, Judge Truman sought and won the office of United States Senator for Missouri in 1934.

Senator Truman won reelection in 1940. In the Senate, he distinguished himself in the passage of the Civil Aeronautics Act of 1938, the Transportation Act of 1940, and as the chairman of the Senate Special Committee to Investigate the National Defense Program.

In July, 1944, the Democratic Party nominated Harry Truman to run for Vice President with President Franklin Roosevelt. With President Roosevelt's unexpected death, Harry Truman was sworn in as President only eighty-two days after taking the vice-presidential oath.

President Truman's first year saw some of the most significant events of the twentieth century. The death of Adolf Hitler and the end of the European front in World War II was soon followed by Truman's courageous decision to drop two atomic bombs on Japan, bringing a quick surrender and an end to the war. Truman's first year also saw the creation of the United Nations and the first steps into the century's next great struggle: the Cold War.

Truman tackled the Communist challenge with a singular determination. The Truman Doctrine enunciated the willingness of the United States to provide military assistance to countries determined to fight Communist forces. The North Atlantic Treaty Organization created a wall between the free nations of Western Europe and the communist forces of the Warsaw Pact. As President Truman sought to guarantee Western Europe's physical security, through the Marshall Plan he worked to secure the economies of America's European allies. In the ultimate show of his resolve to fight Communism on every front, President Truman responded with military force to an invasion of South Korea.

Following his years as President, Harry Truman returned to Independence, Missouri. He took to calling himself ''Mr. Citizen''. His daily walks became a popular local story that soon spread nationwide. After all of the extraordinary events he witnessed and in which he participated, Harry Truman desired no more than to return to a simple life.

Mr. Speaker, President Truman left us with the phrase, ''the buck stops here''. It is a philosophy of life that all Americans could learn from and is one reason why he has the respect of both Republicans and Democrats today. Harry Truman was a valuable leader and a great president. I know my fellow Members will join me on this day in remembering his important contributions to the United States of America.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 142, 143, 144, 145, and 146. Had I been present, I would have voted ''yea'' on rollcall votes 142, 144, and 146. I would have voted ''nay'' on rollcall votes 143 and 145.

TRIBUTE TO THE LATE CORINTHIAN NUTTER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MOORE. Mr. Speaker, as we approach the 50th anniversary of the Brown vs. Topeka, Kansas, Board of Education decision, I rise today to note the recent passing of a civil rights pioneer who resided in the Third Congressional District of Kansas.

Corinthian Nutter, an African-American teacher whose rejection of degrading conditions in her Kansas school during the 1940s led to an important role in our nation's desegregation struggle, died on February 11th at her home in Shawnee, Kansas, at the age of 97.

Nutter was an important witness in a 1949 lawsuit that helped open the courthouse doors for Brown v. Board of Education of Topeka, the landmark 1954 case in which the U.S. Supreme Court declared segregated schools unconstitutional. A Texas native, she was the only certified teacher at Walker Elementary School in Merriam, Kansas, in the late 1940s. Only black children attended Walker, where eight grades studied outdated textbooks in two classrooms in a run down school lacking indoor plumbing.

In 1947, administrators in school district No. 90, which included Merriam, built a new school with the proceeds of a $90,000 bond election. Unlike Walker, the white students-only South Park Elementary School had indoor plumbing, an auditorium and a cafeteria. It also had one teacher and one classroom for each of its eight grades, along with a music teacher and a kindergarten.

When the black parents of Walker Elementary School demanded that their children be admitted to the new school, the school district leadership refused, contending that enrollment was based on the attendance areas drawn for each school. A local NAACP chapter then aided the families in filing suit against the school system, while Nutter, who received only a small financial stipend from the NAACP for her work, taught 39 children whose parents withdrew them from Walker for the duration of the trial.

In 1949's Webb v. School District 90, the lawsuit filed on behalf of the 39 families, Nutter was the key witness, detailing the many inadequacies of the separate and unequal facility. ''I just told them the truth,'' Nutter said in an interview with the Kansas City Star in 2002. ''The school was dilapidated. We had no modern conveniences, had to go outside to go to the toilet. . . . Schools shouldn't be for color. They should be for the children.'' The NAACP's victory in this case paved the way for the Brown decision five years later.

After the Webb decision, Nutter moved to nearby Olathe, Kansas, where she taught and later became principal at Westview Elementary School, despite being the only African-American on the school's staff for decades. After retiring from education in 1972, Nutter received the YWCA of Greater Kansas City's first Racial Justice Award for 2003, was named to the Rosa Parks Wall of Tolerance, and was inducted into the Mid-America Education Hall of Fame at Kansas City, Kansas, Community College.

Mr. Speaker, I am placing in the CONGRESSIONAL RECORD two recent articles concerning Corinthian Nutter: an article from the Kansas City Call regarding her induction into the Mid-America Education Hall of Fame and her obituary from the Kansas City Star. I am pleased to have this opportunity to pay tribute to this important, yet unheralded, resident of the Third Congressional District of Kansas.

[From The Call, Oct. 17, 2003]

CIVIL RIGHTS LEADER CORINTHIAN NUTTER INTO EDUCATION HALL OF FAME

(By Alan Hoskins)

Corinthian Nutter knew at an early age she didn't want to follow in her mother's footsteps scrubbing floors.

But no one could ever foresee the profound effect she would have on the world of education and her deserved induction into the Mid-America Education Hall of Fame at Kansas City, KS, Community College November 1.

The third of five children born 96 years ago in Forney, Texas, Mrs. Nutter realized early that she wasn't going to get much of an education—particularly when she was held out of school when the cotton got ripe. Her mother, who scrubbed floors and took in white people's washing, never saw the inside of a school. Her father was the uneducated son of a slave who lived to 102.

''I could see I wasn't going to get much schooling,'' says Mrs. Nutter, who married at age 14 because ''nice girls didn't run away from home.'' When the marriage fell apart two years later, she fled Texas but not before taking a course in beauty school.

'' I wanted to get enough education to get me a good enough job to get others to do the

things I didn't want to do,'' says Mrs. Nutter. Moving to Kansas City at age 16, she got a job in a beauty shop and set out in pursuit of that education although it wasn't easy.

Segregation still prevailed so to earn a high school diploma, Mrs. Nutter would get on a bus in Kansas City, MO, and ride to the end of the bus line on Quindaro in Kansas City, KS, and then walk another mile or two to what then was Western university. She graduated from high school in 1936 and two years later finished Western's junior college program with a Kansas teaching certificate.

She began her career teaching in an all-black school with just one other teacher in Shawnee in 1938. After five years, she moved over to Walker Elementary, a run down two-room school for black children in Merriam.

In 1948, South Park Elementary school was opened at a cost of $90,000. With an auditorium, cafeteria, separate teachers and classrooms for each grade and indoor plumbing, it looked like a castle compared to Walker, which was without indoor plumbing. South Park's only shortcoming: it was open only to white students.

When one of the Walker parents, a domestic worker in the home of a woman named Esther Brown, told Mrs. Brown of the inequalities of the schools, Mrs. Brown became enraged and suggested they sue—which was just what happened after the formation of a local NAACP chapter that helped organize the parents and file suit against the school district.

To give even further substance to the suit, 39 of the 41 Walker families took their children out of school and Mrs. Nutter went with them. While the suit crept slowly through the judicial system, Mrs. Nutter continued to teach the children in private homes. The new NAACP branch paid her a small monthly stipend and parents sold cookies on weekends to help but Mrs. Nutter said she would have done it for nothing. ''It was the right thing to do,'' she said.

When the suit finally came to trial, she was a key witness in the watershed desegregation case, Webb vs. School District 90. ''I told them the truth,'' she said. ''The school was dilapidated. We had no modern conveniences, had to go outside to go to the toilet. If they were going to build a new school and the parents were paying taxes like everybody else, why couldn't their children go? Schools shouldn't be for a color. They should be for children.''

Triumph was finally achieved in 1949 and would pave the way for other legal challenges including the historical Brown vs. Topeka Board of Education in 1954. Now the home of the Philadelphia Baptist church, Walker Elementary still bears a historical marker that serves as the lone testament to its place in history.

After a year and a half earning a Bachelor of Science degree at Emporia State, Mrs. Nutter would return to the classroom but this time as principal in an all-black school in Olathe. When Olathe integrated a few years later, she became principal at the district's newest school, Westview, although for several years she was the only person—staff or children—of color. Returning to the classroom to teach sixth grade and then fifth grade, she retired from teaching at age 65 in 1972.

As the only black in the school, she received some resistance from parents but her teaching ethics earned her the love of her students and some of the same parents who originally questioned her later tried to get their children into her class.

The list of her former students is as impressive as it is long and often as not, the first person those former students look up when they get back in town is Mrs. Nutter. ''Many of them are grandparents but I still call them kids,'' she says.

During her 25 years of teaching, she would continue her education by taking summer classes at Emporia State and earned a Masters degree in 1956. ''I was always working towards something all those years,'' says Mrs. Nutter, who learned that she was only three hours and a dissertation from a Ph.D during Emporia State ceremonies honoring her last year.

Despite her advancing age, she's still active in several organizations including the Alpha Kappa Sorority, the Mu chapter of Beta Omega, NAACP and her lifelong church, Paseo Baptist. A proud member of the American Association of University Women, she continues to drive and refuses to walk with a cane because she said she's ''too modest'' to use one.

She's received countless awards including the YWCA of Greater Kansas City's first Racial Justice Award for 2003 and is featured prominently in an exhibit at the Johnson County Museum. A widow, her husband of 57 years passed away in 1998.

No story on Corinthian Nutter would be complete without that of her arrival in Kansas City at age 16. ''I was so ignorant when I got here,'' she recalls. ''I didn't know anyone so I called the YWCA at 19th and Paseo. They said they didn't keep girls but if I got a taxi and came over, they'd try to find me a room.''

During the next several years until she could get her own apartment, she lived in the home of Willie Mack Washington, his wife and mother. Washington was a drummer in Bennie Moten's famous orchestra and Mrs. Nutter soon became fast friends with Moten and a young player in his orchestra named William (Count) Basie.

''They took me into their family and I got to go to all the dances because I was with them,'' remembers Mrs. Nutter. ''Count Basie was the piano player and we had a ball. Later on, my house became a party house and everyone would come to my house. Everyone had a piano then, it was the first thing I bought. I wished I had a nickel for every time Court Basie played my piano.''

Looking back on her long career, Mrs. Nutter doesn't believe she ever did anything special. ''I appreciate people thinking about me. I always felt you should choose something that's best for you and do it right.''

As for scrubbing those floors like her mother? Never happened. ''I've never scrubbed a floor in my life,'' she proclaims proudly.

Open to the public, tickets for the gala dinner and induction festivities Nov. 1 are $55 and can be reserved by calling the Endowment Association at KCKCC (913–288–7632).

[From the Kansas City Star, Feb. 12, 2004]

CIVIL-RIGHTS LEADER NUTTER DIES AT 97

(By Finn Bullers)

Corinthian Nutter, a civil-rights pioneer who helped to desegregate Merriam schools years before the historic Brown v. Board of Education of Topeka ruling, died Wednesday night.

She was 97.

Humble and self-effacing, she was known to many friends, admirers and former pupils as simply ''Miss Nutter.''

She was the only certified teacher at Walker Elementary, Merriam's school for black children in the late 1940s. The building was old and lacked indoor plumbing, and the students made do with books and supplies discarded by other schools.

Things reached a tipping point when School District 90 constructed a new building, South Park Elementary, for white pupils nearby. Stung by the inequity between Walker and South Park, the African-American community in Merriam rallied together, forming an NAACP chapter and suing School District 90 in 1948.

When 39 of 41 families with pupils at Walker pulled their children out of school, Nutter joined the walkout.

Half a century later, one of the Walker pupils, Harvey Webb, recalled in a magazine interview, ''Had not someone like her said, 'I'm with you, let's do this, I'll hang in there with you and teach the kids to the best of my ability,' this might not have happened then.''

Nutter became a key witness in the case of Webb v. School District 90, and she said in the same magazine article: ''I just told them the truth. The school was dilapidated, we had no modern conveniences, had to go outside to go to the toilet. And if they were going to build a new school and the parents were paying taxes like everybody else, why couldn't their children go? Schools shouldn't be for a color. They should Stands at a be for children.''

With another teacher, Hazel McCray Weddington, Nutter continued to teach her pupils until the Kansas Supreme Court ruled in their favor in 1949.

More court challenges to desegregation followed the Walker victory, culminating in the landmark Brown decision in 1954.

Originally from Texas, Nutter was married at 14 and trained at a beauty shop. But after the marriage failed and a friend told her of the good times in Kansas City, she headed north, arriving in the 1920s at age 16.

She had little education, but she had intelligence and dreams of a life beyond domestic drudgery and manual labor.

Knowing nobody in town, Nutter turned to the YWCA, which placed her in an apartment with the family of Willie Mack Washington, the drummer in Bennie Moten's famous orchestra.

She would become fast friends with Moten and a young Count Basie, who played piano in Moten's band.

''I got a chance to go to all the dances and hear all the orchestras that came from out of town,'' she recalled. ''I got in free because I was with them. And after the dance, those musicians wouldn't want to go right home and go to bed. So our house was the party house.''

Despite the good times, she held fast to her dream of earning an education.

Even though she was older than most of the students, she eventually graduated from high school in 1936. Two years later, she completed a junior college program at Western University in Kansas City, Kan., earning her teaching certificate.

She began teaching, but also spent her summers attending Emporia State Teachers College in search of a bachelor's degree. It took her more than 10 years, but she received her bachelor's degree in education in 1950, not long after the South Park decision.

Eventually, she would earn a master's degree and do most of the work toward a doctorate. She became a life member of the American Association of University Women.

In 1941, she married Austin K. Nutter, and the marriage lasted until his death in 1998.

After the South Park case, Nutter spent many years as a sixth-grade teacher at Westview Elementary School in Olathe. She also served for a time as principal of the school.

She retired in 1972.

Looking back over her life and the role she played in the battle to desegregate schools, Nutter was humble about her role.

''I was just the teacher who could tell the tale,'' she said. ''I just don't think I've done anything outstanding.''

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H. Con. Res. 380, to acknowledge the great benefits and the importance of music in our Nation's schools.

We know music education helps young minds to develop creativity and expression of emotions. Studies show that early music training can enhance a child's ability to reason and think critically, that children exposed to music at a young age learn better in other subjects, and that children trained in music score significantly higher on reading tests than those who were not. Unfortunately, these programs are being cut from more and more schools with the majority of students attending public schools in inner city neighborhoods having virtually no access to music education, which places them at a disadvantage compared to their peers in other communities.

Although studies show the great outcomes of having music education, local budget cuts are depriving approximately 30,000,000 students of an education that includes music. It is not only at the local level that is forcing schools to abandon music education but the lack of federal funding as well. As our schools struggle to meet No Child Left Behind guidelines without full funding, provide education to all students without full funding for IDEA, schools are faced with making the decisions to cut music, art, after school activities or being labeled a failing school. We need to not only recognize the benefits and importance of music education, but embrace it, realize the need for it and other art education programs in all of our nation's schools and most importantly save music education from becoming extinct. Without music education so many of our great musicians that we admire today—would be doing something else. But the school music program was there for them and we need to have it there for the next generation of musicians.

COMMENDING DAVID LEESON AND CHERYL DIAZ MEYER OF DALLAS MORNING NEWS STAFF, WINNERS OF 2004 PULITZER PRIZE FOR BREAKING NEWS PHOTOGRAPH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to congratulate two great journalists, David Leeson and Cheryl Diaz Meyer of Dallas Morning News, who were recently awarded the 2004 Pulitzer Prize for Breaking News Photography.

We Texans saw blood spill, tears shed and conflict unfold in the trenches of Iraq through their camera lens.

Mr. Leeson, who was with the U.S. Army's Third Infantry Division for six weeks, captured an image of an Iraqi rolling out of a vehicle engulfed in flames, only to be shot by an American soldier; Ms. Meyer photographed a gripping scene of American troops risking their lives to save a wounded civilian.

The Pulitzer is Leeson's first. He had been a Pulitzer finalist three other times. The Iraq war is the 11th major conflict Leeson has covered. He has also produced work on the apartheid in South Africa, a portion of the Gulf War and flooding in Southeast Texas.

It was the first Pulitzer for Ms. Meyer also, a News photographer since 2000. In late 2001, she traveled to Afghanistan to photograph the war on terrorism and its effects to topple the oppressive Taliban regime. She has received numerous awards for her body of work there including the John Faber Award from the Overseas Press Club. In April 2002, Ms. Meyer traveled to the Philippines and Indonesia where she photographed Muslim and Christian extremism and the violence caused by religious hatred.

Mr. Speaker, I also congratulate the Dallas Morning News' entire staff for their seventh Pulitzer.

Mr. Leeson and Ms. Meyer, I commend you for this great accomplishment. Keep capturing those shots because they are worth a thousand words.

IN MEMORY OF CAPTAIN ARTHUR L. FELDER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor Captain Arthur L. Felder of Lewisville, AR, who died on April 24, 2004, fighting for his country in Taji, Iraq. Arthur ''Bo'' Felder, just 36 years old, was one of four soldiers killed during an attack on the base camp of the Arkansas's 39th Infantry Brigade. I wish to recognize his life and achievements.

Bo spent nearly two decades serving the Army and National Guard. During that time, he served in peacekeeping missions in Bosnia and Honduras. While not serving our country, children were Bo's passion, and he spent much of life involved with youth. He worked at Step One Alternative school in Little Rock, a school for kids with legal troubles, and served as a youth director at St. Luke Missionary Baptist Church in North Little Rock.

I am deeply saddened by the tragic loss of soldiers from Arkansas's 39th Brigade, who died while supporting Operation Iraqi Freedom. These brave Americans lost their lives while making the ultimate sacrifice to serve our country, and I will be forever grateful to them for their courageous spirit.

Bo gave his life to serve our country and will forever be remembered as a hero, a son, and a father. My deepest condolences go out to his son Jaelun, eight years old, his daughter Amari, four years old, his mother, Dr. Cheryl Stuart, his brothers, Robert Stuart and Littrelle Felder, and two sisters, Gwendolyn Gingery and Kelana Greer. I know Bo was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him and counted him as a friend. I will continue to keep Bo and his family in my thoughts and prayers.

RECOGNITION OF MR. ANDREW JACKSON HIGGINS

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. OSBORNE. Mr. Speaker, I rise today to honor the accomplishments of Mr. Andrew Jackson Higgins whom President Eisenhower once said is ''The man who won the war for us'', referring to his development and production of Patrol Torpedo (PT) boats that landed on the shores of many beaches during World War II.

Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, to John Gonigle and Anna Long (O'Conner) Higgins. His innovative mind showed itself at an early age, and by 12 years old, he was motivated to build his first craft in the basement of his home. The shallow water boats that floated along the Loup and Platte Rivers during his childhood inspired him.

His passion for boats did not stop in his childhood; Mr. Higgins organized Higgins Industries, Inc. in 1930, to build boats for his lumber business. He began designing boats because of navigation problems he encountered involving the moving of logs in shallow waterways. The structure of these shallow boats eventually led to the development of the PT boats and their capability to travel in shallow water.

He also created PT boats, which were also known as Higgins Boats. Higgins Boats, constructed of wood and steel, transported fully-armed troops, light tanks, field artillery, and other mechanized equipment essential to Allied versatile operations including the decisive D-Day attack at Normandy, France. He continued to design boats and eventually engineered over 20,000, including rocket-firing landing craft support boats, high-speed boats and various types of military landing craft.

Following the D-Day attack, thousands of lesser-known assaults employed Higgins Boats, which included landing on the beaches of Guadalcanal, Iwo Jima, Tarawa, Okinawa, Leyte, and Guam. Mr. Higgins not only specialized in landing craft such as PT boats, but also constructed freight supply ships and airborne lifeboats that could be dropped from B–17 Bombers.

The production of Higgins Boats enabled Mr. Higgins to establish four major assembly plants in New Orleans for mass construction of landing craft and other vessels vital to the Allied forces' conduct of World War II. He also trained over 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School.

Mr. Higgins had another great accomplishment during World War II that established a progressive social policy at Higgins Industries Inc. He employed a fully integrated assembly workforce of black and white men and women. His policy was equal pay for equal work, decades before integration and racial and gender equality became the law of our land.

In 1964, the former President Dwight D. Eisenhower said of Andrew Jackson Higgins, ''He is the man who won the war for us. If Mr. Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''

Mr. Higgins enriched the lives of everyone fortunate enough to have known him. Mr. Speaker, on behalf of the House of Representatives, we extend our deepest appreciation to Mr. Higgins' family and friends. Please join me in honoring Mr. Andrew Jackson Higgins, an exceptional individual who dedicated his life to the service of our country.

COMMENDING THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. BECERRA. Mr. Speaker, I rise to commend the Alameda Corridor Transportation Authority (ACTA). Earlier today, ACTA representatives formally presented the U.S. Department of Transportation with the final payments for a loan, including interest, which totals nearly $573 million. This final payment was made 28 years ahead of schedule.

Opened on time and within budget, the Alameda Corridor is a 20-mile rail expressway connecting dock terminals in the Ports of Los Angeles and Long Beach to transcontinental rail yards located in downtown Los Angeles. The project proceeds primarily along and adjacent to Alameda Street—with grade separations to safeguard local communities and pedestrian and vehicle traffic—through or bordering the cities of Vernon, Huntington Park, South Gate, Lynwood, Compton, Carson, Los Angeles, and the County of Los Angeles.

Much of the Corridor's success was made possible by an innovative federal loan, which deferred debt service repayments in the early years of the project and allowed for financing at reasonable interest rates through the bond market. In fact, this novel financing approach was the basis for the Transportation Infrastructure Financing and Innovation Act of 1998 (TIFIA), a national program to select projects for credit assistance.

The Alameda Corridor is a project of national significance as it facilitates the movement of commerce from around the world to the entire nation. The Ports of Los Angeles and Long Beach together handle more than 40 percent of the nation's imports by value. More than 2 million jobs nationwide are associated with trade through these ports. These workers, and this country, benefit from the Federal government's role in assuming the early project risk that made the Alameda Corridor possible.

Mr. Speaker, in closing, let me again congratulate the ACTA team for their management of the project and the early loan repayment completed today. The Alameda Corridor is a model project and has set a new standard for excellence. I look forward to working on future ''goods movement'' projects such as this that will benefit our region and the Nation.

IN RECOGNITION THE MOTHERS' CLUB OF PINE CREST SCHOOL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHAW. Mr. Speaker, I rise today to recognize the Mothers' Club of Pine Crest School in Fort Lauderdale, Florida. For 60 years, the Mothers' Club has been the lifeblood of Pine Crest School. The organization is comprised of over 450 mothers of current elementary-age students.

The Mothers' Club works diligently behind the scenes to ensure an optimal educational experience for Pine Crest's students. They promote community by organizing orientation programs which help acclimate new students and their parents to Pine Crest School. Every Pine Crest School event benefits from the support, involvement and assistance of the Mothers' Club. The Mothers' Club coordinates family barbecues, holiday gatherings and a festival of the arts.

The Mothers' Club always lovingly and willingly contributes to Pine Crest School, in any capacity necessary. This includes coordinating and chaperoning an annual field trip to Washington, D.C. These dedicated mothers volunteer in the classrooms and tutor students, assist in the library and implement a book share program, and serve lunch to students.

Mr. Speaker, the efforts of the Mothers' Club benefit not only Pine Crest School but also the greater South Florida community. These women coordinate various philanthropic endeavors to benefit local charities. Their hard work is noticed and appreciated throughout South Florida. In honor of their hard work for the last 60 years, I wish to recognize and commend the wonderful women of Pine Crest School's Mothers' Club for their dedicated service to children and elementary education.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today in support of House Resolution 605 to recognize the importance of generating awareness about autism, increasing research efforts into this terrible disorder, and improving support for those who suffer from autism and those who help care for the autistic. My 13 year old nephew Jack has autism, so I am part of an extended family working to raise a child with this disability. My family's ongoing experience has impressed upon me how critical it is for us, as a society, to give those with autism and their families the support they need to fight this devastating disease, and to commit the resources necessary to determine the cause of autism and to develop a cure for the millions of afflicted individuals.

Autism is not rare. Autism effects approximately 1 in every 166 children in the United States, making it one of the most common childhood medical disorders. In many cases, those with autism will never marry, they will never live independently, and more than half of them will never learn to speak. Families affected by autism are forced to bear an extraordinary burden. Parents, siblings and friends have to learn to try to communicate with and care for a child who may be incapable of either verbal or nonverbal communication or who may exhibit erratic behavior. The fact that autism is so common is proof that autism research is deserving of our nation's wholehearted support.

Funding for autism research at the National Institutes of Health has been increased from approximately $93 million in Fiscal Year 2003 to $96 million in Fiscal Year 2004, but we know that is not enough. Scientists continue to disagree on the cause or causes for the dramatic increase in the number of autism cases diagnosed in the United States. Only with increased research will we be able to understand autism, find better treatments and effective prevention methods, and hopefully, someday soon, develop a cure for this terrible disease.

I am pleased to be here today as a cosponsor of H. Res. 605. I applaud Representative TIERNEY for authoring this Resolution and working to bring attention and resources to an all too common, but devastating disorder. At its peak, there were 20,000 cases of polio each year. Today, less than 10 Americans contract polio annually. By working together and by never giving up, I know we can make autism just as rare. Thank you, Mr. Speaker.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. TERRY. Mr. President, I rise in strong support of H. Res. 605 to support National Autism Awareness Month; commend the parents and caregivers of autistic children; support aggressive research into autism; and recognize the importance of early intervention.

If you were to see nine-year-old Jacob Nolan Hirschfeld on the baseball diamond today you might be impressed with his skills in playing our national pastime. Since his middle name was inspired by the great pitcher Nolan Ryan, you might also think that his success on the field was destined. But Jacob's ability to play baseball, and to do everyday things such as attending school and playing with friends, were never guaranteed.

Jacob Hirschfeld has been diagnosed with autism.

Jake struggles with most of the issues common among the autistic. At four years of age he could only speak in one syllable words. He was scared of loud noises and bright lights. He had many of the compulsions that are common with these children, and was fearful of most people outside of his immediate family. Jacob's father, Mark Hirschfeld, has said ''our family was literally a prisoner to autism.''

Jake's diagnosis was devastating to his parents. But even more difficult was the fact that physicians, educators and other professionals had little understanding of this complex disorder and what could be done to help children like Jacob. Stereotypes abounded.

One physician told the Hirschfeld's that Jake had no better than a one in ten chance of living outside of institutional care. Jake's mother, Nancy, recalls that ''one preschool initially turned away our son because of their fear of autism, but once they began to see Jake as a person who had unique gifts as well as challenges they accepted him.''

Thankfully, the Hirschfeld family persevered and sought services to help their son. Their search led them to engage an intensive early intervention therapy called Applied Behavior Analysis, or ABA. This therapy has been available for over twenty years, and was recently featured on NBC Nightly News and ABC's Primetime Live. It is one of the treatments that can significantly reduce the symptoms of autism. Because the cause or causes of autism have yet to be identified, early intervention is the best course available for parents today.

Unfortunately, these services are not universally supported by public or private insurance, so families like the Hirschfeld's pay up to $60,000 per year to help their children. In the State of Nebraska, there are now organizations who offer these services, including the Families for Effective Autism Treatment, or FEAT. Although FEAT now serves over 20 families in Eastern Nebraska, countless other families nationwide cannot access this treatment because of its prohibitive cost.

But the tremendous investment can pay great dividends. Jacob Hirschfeld could once barely speak, but he was recently one of the stars in an Easter musical at his school. He was once scared of most people, but is now regularly seen riding his bike around the neighborhood, greeting neighbors and playing with friends. And yes, he plays a pretty decent game of baseball. Jake has come a long way, but he will continue to need services to help him along his journey, just as many autistic children in America need support and care.

Early intervention has also made a difference in the lives of Patrick and Jean McDermott, and their son, Grant, who was diagnosed with autism when he was 22 months old.

Grant's mother Jean said ''it was devastating to hear the words 'diagnosis of autism' as parents of this beautiful child. My husband and I wondered what his future would hold. After the initial shock, we started researching what we could do to give him a brighter future.''

The McDermott's also chose the ADA early intervention therapy. Therapists worked with Grant about 35 hours a week, teaching him basic and then more advanced skills. Grant is now in regular school with no aides, and will be going to kindergarten this Fall. His future is looking bright and the McDermott's believe he will live a full life, but it will always be a challenge having an autistic son until a cure can be found.

Autism now affects 1 out of every 166 children in the United States. Boys are four times more likely to have autism than girls. This developmental disorder robs individuals of their ability to communicate and interact with others. Some autistic children seem barely able to distinguish their parents from strangers.

The costs of caring for autistic individuals is high financially as well as emotionally. Nationwide, an estimated $90 billion is spent every year. Specialized treatment in developmental centers costs about $80,000 per child, and special education programs cost about $30,000 per autistic child. Services are needed to help reduce these burdens on families and society.

Mr. Speaker, there is a great need for increased public awareness about autism, and more aggressive research into this disorder to help American families like the Hirschfeld's and the McDermott's. I am proud to be a cosponsor of H. Res. 605, and urge my colleagues to join me in wholeheartedly voting for its passage today.

RESOLUTION EXPRESSING THE SENSE OF THE HOUSE THAT THERE IS A NEED FOR INCREASED EDUCATION AND AWARENESS ABOUT HEPATITIS C

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. UDALL of New Mexico. Mr. Speaker, May has been designated as Hepatitis Awareness month. In light of that, I rise today to highlight one type of Hepatitis that is an important health issue facing our country—the Hepatitis C virus. Hepatitis C is now the most common bloodborne infection in the United States infecting an estimated 2.7 million Americans and more than 32,000 in my home State of New Mexico alone. Further exacerbating the situation is the fact that it is estimated that less than 5 percent of individuals with Hepatitis C are receiving treatment. These statistics alone underscore the critical need to increase education and awareness about this virus. Today I am introducing a resolution that calls for exactly that.

Mr. Speaker, in addition to the figures I mentioned above, it is also worth noting that approximately 80 percent of those infected with Hepatitis C develop chronic liver disease with an increased risk for development of cirrhosis and liver cancer. In fact, in the United States Hepatitis C is estimated to be the cause of 40 percent to 60 percent of cases of chronic liver disease and 8,000 to 10,000 deaths annually.

One population in our society for whom Hepatitis C is a particular concern is our veterans. A study released in July 2003 measured the prevalence of Hepatitis C in a sample of veterans treated in a homeless veterans program in Massachusetts over a five-year period. The study found an overall prevalence rate of HCV infection of 44 percent, a rate more than 10 times higher than the national rate for men age 20–59. According to the study, adjusting for age, significant risk factors in the sample included a history of substance abuse and service during the Vietnam era. However, this is by no means the only at-risk population.

Native Americans are another segment of our population who are experiencing the destructive effects of the Hepatitis C virus. Although Native Americans experience infection rates on average with other populations, because of other obstacles to accessing care and accessing quality care, they are experiencing much higher death rates and years of life lost as a result of chronic liver disease.

Mr. Speaker, these are but two examples of specific demographic groups dealing with the realities of the Hepatitis C virus. But as indicated by the number of Americans infected with this virus it is clearly a much more widespread concern. As a nation we must begin confronting the rising human and economic costs of this virus. And we in Congress must begin confronting the policy choices we need to make to stem these costs. Passing this resolution will be an important step in this process.

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. MCDERMOTT. Mr. Speaker, I abhor nuclear weapons and would like nothing better than to see the world free of these weapons. I believe that Iran is a nation that we cannot trust. I also believe the House Concurrent Resolution rushed through Congress by the Republicans with little debate and even less clarity in intent is wrong, and I cannot support it.

The wording of the Iran Resolution reminds me of the blank check the President got for Iraq. Here's what I mean. The relevant portion of Section 2 of the Iran Resolution says: ''. . . to use all appropriate means to deter, dissuade and prevent Iran from acquiring nuclear weapons. . . .'' We must not make the same mistake twice. We need to deal with Iran. We need to deal with nuclear weapons programs, but this is not the way to do it.

REMARKS BY THE HONORABLE DAVE OBEY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise to submit the humble, humorous and insightful remarks of my dear friend and Dean of the Wisconsin Congressional Delegation, the Honorable DAVE OBEY. The gentleman was the honored guest recently at the University of Wisconsin-Madison's Department of Political Science as it celebrated its Centennial. I was given a copy of his remarks and was captivated. Written with his characteristic no nonsense Wisconsin affect, this wonderful speech is a treasure to be shared. To that end, I submit it for the CONGRESSIONAL RECORD.

I came to Madison in 1958—after two years at the UW-Marathon County Center in Wausau—to get a poly-sci degree.

Arthur Henderson, my high school history teacher, who had worked with the great William Hesseltine, told me that I should seek out Ralph Huitt as my faculty advisor and take as many courses from him as possible if I wanted to understand how government and politics really worked. That's exactly what I did.

I had many other fabulous professors: Leon Epstein, Bernie Cohen, Fred von der Mehden, David Fellman, John Armstrong, Henry Hart, to name a few.

And in the history and econ departments, people like: Selig Perlman, Michael Petrovich, George Mosse, David Granick.

It's amazing to me how much of what they taught me has had direct relevance in my later life. I treasure what I learned here—in and out of class—and I treasure the memories.

I attended here at the same time as Bill Steiger, who later was my Republican opposite image in Congress and one of the finest politicians I have ever known. Bill was elected to the State Assembly in 1960; I followed him in 1962. He was elected to Congress in 1966; I followed 27 months later. But in the late 1950s, we were both still here and had two classes together.

One was Constitutional law with Dave Fellman. For those of you who do not know Fellman, his style was much like the law professor played by John Housman in the TV series ''Paper Chase''—dry and acerbic.

Steiger was ''Big Man on Campus.'' His father, Carl Steiger, was President of the Board of Regents, and Bill was well known and active in everything. On the first day of class, Steiger walked into Fellman's class about 5 minutes late. Chagrined, he walked gingerly to his seat. Fellman paused, peered at Steiger over his glasses, and said icily, ''Please pardon me, Mr. Steiger. Ordinarily we would have an usher escort you to your seat. Unfortunately, our carnations have not yet arrived.'' Bill turned blood red. No one in that class was late after that.

I remember in 1960 the first time I met Jack Kennedy. Kennedy and Hubert Humphrey were running against each other in the Wisconsin presidential primary. I was running Humphrey's campaign on campus.

One evening I was chairing a meeting in the student union. We knew Jackie Kennedy was upstairs at a fashion show, but we didn't know that Jack was with her. Halfway through our meeting, the door to our room opened and Kennedy poked his head in. ''I understand this is a meeting of the Young Democrats he said.'' ''Not quite,'' I responded, ''this is a meeting of the Humphrey for President club.'' ''Well, do you mind if I come in and say hello?'' he asked. ''Of course not,'' I responded. Kennedy came in, shook hands around the table, wished us luck but not too much, and moved on.

That same year I met Jackie Robinson and wound up wanting to strangle him. Gaylord Nelson, the new Governor, called me one afternoon. Nelson was officially neutral, but personally favored Humphrey over Kennedy. When he called me, he said, ''Dave, Jackie Robinson is coming to town to endorse Hubert. Get a room at the union, build a crowd, and you can introduce us.''

We had a huge crowd for him. I emceed the meeting and introduced Gaylord, who introduced Robinson. Robinson gave a ringing endorsement of Humphrey and then opened up to questions. The first question from the press was, ''Mr. Robinson, you have endorsed Senator Humphrey, but what if he loses to Senator Kennedy in the primary?'' Robinson said, ''Why then I'll endorse Nixon.'' The crowd gasped and the press ran for the phones to call their papers. What was supposed to be a good day for Humphrey turned into an even better one for Nixon.

As you know, Kennedy did win the nomination and squared off against Nixon. The last week of the election it was announced that Nixon's plane would touch down for an early Saturday morning rally at Truax field on the way to California. Bill Whitford, Tom Eckerle, and I decided we wanted to crash the rally. We went down to GOP headquarters and wheedled a bunch of Nixon Lodge signs (Nixon's running mate that year was Henry Cabot Lodge). We cut Lodge's name off the bottom of the sign, moved it to the top, added the letters ''D-1-S'' in front of Lodge's name so the signs read ''Dislodge Nixon'' and sounded a small dissent at the rally the next morning.

After the election we needed the help of the faculty to get one of our friends out of trouble. In 1961 the Republican Leadership in the Legislature called upon Governor Nelson to fire his Secretary, Esther Kaplan, after she had circulated a petition calling for the abolition of the House Un-American Activities Committee. The Republican Leadership introduced a resolution praising HUAC and held a Nelson bashing hearing on it in the State Assembly Chambers. My friend, Dave Sheridan, was so angered by the resolution that he put on his ROTC uniform, walked down to the Capitol, and testified against the resolution.

''I know that you are claiming that anyone opposed to HUAC is either a traitor or a communist dupe,'' Sheridan said. ''I'm wearing this uniform to demonstrate that while I may be a dupe, I'm certainly no traitor.'' The Republican Leadership was enraged and moved to have Sheridan thrown out of the ROTC program because he had worn his uniform to testify—in violation of Army rules.

A number of Dave's friends on the faculty went to Ralph Huitt and several others to get some advice on how to save Sheridan's hide. Huitt (or someone else on the faculty) called Carlisle Runge a UW law professor who had been named a high Pentagon post by Kennedy, and got Sheridan off with a reprimand. Years later it was to be my great pleasure to cast a vote that disbanded HUAC.

And there were some other pleasures. In his course on legislation, Huitt scheduled a Mock Senate, role playing exercise one weekend in the State Assembly Chambers at the Capitol. Each student was assigned to play an individual, real life U.S. Senator. Fittingly, Bill Steiger was assigned to play Everett Dirksen, the Republican Floor Leader. I was assigned to play Senator William Fullbright. It was my task to try to push a foreign aid bill through the Senate. I had no idea that 25 years later I would Chair the Foreign Operations Appropriations Subcommittee, which had the responsibility to handle all foreign aid appropriations.

And there were so many other links in the chain.

A large part of that Foreign Operations Committee responsibility would be to shape development aid to the Third World, the region that was the focus of Fred von der Mehden's and Henry Hart's courses on Third World politics.

Another strong focus for the committee was the Middle East. Next to the Soviet Union, my main regional interest in Congress has been the Middle East. That interest was first triggered by series of debates that two faculty members at the UW-Marathon County Center, Dr. Sam Weiner and Dr. Bob Najem, had conducted after the 1956 Mid-East war.

Of course, I knew nothing of those future linkages then. Certainly, in graduate school under John Armstrong where I focused on Russian area studies and expected to wind up teaching Russian government somewhere, I had no idea that 30 years later I would be partnering with Indiana Congressman Lee Hamilton to shepherd through Congress aid packages for Russia and Eastern Europe after Gorbachev allowed the Soviet block to crumble, virtually without a shot.

I'm grateful for all those memories and for the substantive grounding the University gave me to prepare me for my congressional responsibilities. But the grounding I received from the University was not just because of the courses I took. It was also because of the spirit, the philosophy, the progressive mindset that defined the University and set it off as something special in the American experience.

You simply cannot live in Wisconsin and go to the University of Wisconsin without recognizing the centrality of the La Follette progressive tradition that is at the heart of Wisconsin history, and the linkage the University has with that tradition.

The greatest public servant Wisconsin ever produced was Robert La Follette. Before La Follette led his Progressive revolution, Wisconsin's politics was owned lock, stock, and barrel by the railroads, the mining companies, and the timber interests. Government was geared to promote the welfare of those engaged in the production of wealth. The interest of the working class was an after thought. La Follette changed all that—aided and abetted by the University. La Follette changed the focus of Wisconsin government from enriching the few at the expense of the many to enriching the few by enriching the many. In short, he was Hubert Humphrey before Hubert Humphrey.

The original Wisconsin practitioner of the art of ''Percolate Up'' rather than ''Trickle Down'' economics, La Follette's mission and passion was to keep the big boys honest in order to include everybody in the circle of prosperity and progress. He was the Andrew Jackson of his time and place.

He understood that America is a capitalist economy, but it is also more than just an economy; it is democracy. And as a democracy, it is supposed to stand for the greatest good for the greatest number, even as it respects the rights of the individual.

He understood that capitalism works through market forces that cannot be repealed, but that democracy is not just ''Of, By, and For the Markets.'' It is designed to be ''Of, By and For the People!'' He believed that Darwin's law of the survival of the fittest might be good enough for the animal world, but not good enough for the world of man. He wanted balanced capitalism, not a new feudalism in disguise. And he intended to use the tools of government to achieve it. And he used the resources of the University to help him in his task.

Helped by scholars, such as Frederick Jackson Turner, Richard Ely, and John R. Commons, he began the process by writing legislation to loosen the stranglehold of the railroads on Wisconsin's farmers and economy. What La Follette began, before he moved to the U.S. Senate, reached its zenith under Governor Francis McGovern.

The legendary Charles McCarthy, a University product, created Wisconsin's pioneering Legislative Reference Bureau. He and more than 40 other University figures were at the center of pioneering progressive achievements—

Achievements like: The nation's first workers' compensation program, workers' safety legislation, a State Industrial Commission, limits on the hours of work for women and children, forest protection legislation, the nation's first progressive income tax, and so many others.

In his autobiography La Follette explained his passion for economic justice and the role the University played in nurturing and furthering it. In that autobiography, a Follette wrote the following. ''I shall never forget the speech I heard the old Chief Justice of Wisconsin, Edward G. Ryan, make to the graduating class at Madison in June of 1883 just before I entered the University,'' La Follette said:

''There is looming up a new and dark power . . . the enterprises of the country are aggregating vast corporate combinations of unexampled capital, boldly marching not for economic conquest only, but for political power. For the first time really in our politics money is taking the field as an organized power . . . The question will arise in

your day . . . which shall rule—wealth or man; which shall lead—money or intellect; who shall fill public stations—education and patriotic free men or the feudal serfs of corporate capital?''

La Follette then goes on to say that that speech kindled in him the spirit he carried throughout his public service. As La Follette described it, ''It grew out of the intellectual awakening . . . the very center and inspiration point of which in Wisconsin was then, and has been ever since, the University at Madison. It is difficult indeed to overestimate the part which the University has played in the Wisconsin revolution,'' La Follette said. ''For myself,'' he said, ''I owe what I am and what I have done largely to the inspiration I received while there. It was not so much the actual courses of study which I pursued; it was rather the spirit of the institution—a high spirit of earnest endeavor, a spirit of fresh interest in new things, and beyond all else, a sense that somehow the state and the University were intimately related and that they should be of mutual service.''

La Follette's attachment to the University was understandable and fitting. He was the first graduate of the University to become Governor. The legendary Charles Van Hise was a member of that same graduating class—the first person to obtain a PhD from the University, he was later effectively appointed University President by La Follette.

And I must say that it was that same sense of the spirit of the institution, so intimately connected to Wisconsin's progressive traditions, which sparked my passion for public service.

What I learned here that inspired me is that while La Follette and other Progressive Reformers like George Norris and Theodore Roosevelt were regarded as secular men, they really were at the moral core of a movement that had deep roots in the Jewish Prophetic Tradition and the Christian Social Gospel, which implied that there were certain norms of decency that must be the objectives of political choices in a democracy.

That tradition was rooted in the belief that politics must be more than merely transactional. It must be more principled than ''who gets what.'' That it could and should be, as Bill Moyers has said, transformational—that it must try to ''even the starting gate so that people who are equal in humanity but not in resources have a reasonable opportunity to pursue a full and decent life.''

The Wisconsin tradition dictates that political leadership must challenge people to see beyond their own self-interests and prerogatives. That is why whenever anyone comes into my office asking me to do something, I first ask them to read aloud a sign hanging on the wall which asks, ''What do you want me to do for someone besides yourself that is more important than whatever it is you want me to do for you?'' If you cannot answer that question you are failing the ultimate test of good citizenship in a democracy.

For the past 40 years, in the Legislature and the Congress, I have tried to pursue that special Wisconsin vision of the role of government in shaping a more just society. Wisconsin has so often in its history been informed by a special sense of commonwealth—of using our common wealth to invest in efforts to spread the blessings of society more broadly.

I wish I could say that we are still following that special calling today, but we have drifted away in so many ways. Over much of the last three decades we have seen the country retreat from those ideals. Anna Quindlen has written that ''America is a country that now sits atop the precarious latticework of myth. It is the myth that work provides sufficient rewards, that working people can support their families. It's a myth that has become so divorced from reality that it might as well begin with the words ''Once upon a time.'' Why does Quindlen say that? Because one out of every four American workers makes less than $8.70 an hour—poverty level for a family of four.

La Follette and the past greats of the University would be stunned to see that in one generation America has gone from being the industrial society with the smallest gap between rich and poor to the one with the largest.

They would be astounded to see that the safety net, which they fought so hard to construct, has not been nearly strong enough for large portions of our population.

They would be appalled that the number of Americans without health insurance has grown by 4 million people in less than a decade.

They would see shame in the fact that the most well off 1 percent of America's families enjoy control over 33 percent of the nation's wealth while the bottom 50 percent struggle to maintain 2.8 percent of the nation's wealth.

They would be dismayed to see how little heed has been paid to the warning of Adam Smith, the founding high priest of capitalism, that without fair rules of the game to keep markets honest that capitalism could be misaligned into a system that provided insufficient protection for the legitimate interests of workers and consumers alike.

They would find it unbelievable that the percentage of American workers who belong to unions has contracted rather than expanded over the last half century.

They would be outraged that the ownership of news outlets is much more heavily concentrated today than it was in their era.

They would not be surprised, but they would be repelled by a tax system that provides greater rewards for accumulated wealth than it does for work.

And most of all, La Follette himself would be disheartened by the growing financial barriers to opportunity that are encountered by the children of so many working families who seek to attend this very University.

La Follette himself is Wisconsin's most distinguished example of how crucial it can be to eliminate financial barriers to higher education. In his autobiography, La Follette made the following observation:

''My single term at the University law school had been rendered possible only through the consideration of the faculty in making an extraordinary exception in my case and permitting me to enter without paying the usual matriculation fee. I had no money . . .''

How little we have learned, despite all the blather uttered by both political parties about how much we have expanded opportunity for higher education. UW Chancellor John Wiley observed in a speech last November that the median family income in Wisconsin is a little over $45,000, but the median family income for this year's new freshman at Madison is $90,000.'' Think about that for a moment. As Wiley pointed out, ''The distribution of brains, talent, ambition, and creativity is independent of family income. We will ignore that fact and freeze out the children of average and low income families at our peril.''

Now tie that to another fact. Pell Grants, the principal student aid program for low income students, now pay for only one-half of the cost of instruction that they paid for in 1976. I feel acutely about this because I'm the Ranking Democrat on the Appropriations Committee and the Subcommittee that funds all education programs. Next, add in another fact. More than half of all college graduates graduate with debts above $15,000.

If La Follette were planning to go to law school today, he couldn't afford it. How many La Follettes or Gaylord Nelsons or Bill Steigers are we today passing over?

What would he and the University greats of old say about a government which, when struggling with a $500 billion deficit, a huge Social Security deficit, record long-term unemployment, and 44 million people without health insurance, decides that the number one priority in the budget next year is to provide a $155,000 tax cut to someone making a million dollars while we short fund elementary and secondary education by $9 billion and continue to tolerate a two-tier system for access to higher education or quality health care.

We all love this country. In spite of all its short comings, this is a great country. But shame on us for allowing such an outcome. We must do better.

I thank the University—and you should, too—for its tradition of producing graduates and citizens who are never satisfied, for it's tradition of saying ''We can do better!'' For the sake of the kind of country we want America to be, let's all do our part to live up to that tradition.

Now, I'm sure that some of you may strongly disagree with the thrust of what I have said today. That's o.k. As Will Rogers observed, ''If two people agree on everything, one of them is unnecessary.'' That difference would probably be rooted in the fact that we follow different philosophers. Some of you may follow Plato or Aristotle or even Ayn Rand, God Forbid. But my favorite philosopher is Arch the Cockroach.

Archy was a character invented by a writer by the name of Don Marquis in the 1920s. He was supposedly a poet who had died and had come back to life in a body of a cockroach. He lived in a newspaperman's office and every night would crawl out of the woodwork, climb onto the typewriter, dive head first on the keys, and leave little messages which would appear in the newspaper the next day. He had a thought for every occasion. One of the things he said was this:

''did you ever
notice that when
a politician
does get an idea
he usually
gets it all wrong''

But my favorite was this:

''im too small
to feel great pride
and as the pompous world
goes by
i see things from
the under side''

Like Archy, I try to see life from the underside. I make no apology. I learned it here!

PAYING TRIBUTE TO COL. LORRIS WILLIAM MOOMAW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise today to pay tribute to the life and memory of Colonel Lorris ''Bill'' Moomaw who recently passed away. Bill was a true American hero and patriot, and a beloved friend and colleague to many in his community. In his years spent in the armed forces, Bill embodied the ideals of integrity

and courage that we, as Americans, have come to expect from our military personnel. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Bill lived an immensely rich and full life, always holding firm to his beliefs in serving his community and country. In 1935, he graduated from flying school at Randolph Field, Texas, and began flying commercial flights until the onset of World War II. During the war, Bill flew numerous transport missions, serving as the Operations officer of the first regularly scheduled Military Air Transport runs. In 1945, he served as Operations officer for a dangerous and important transport operation between India and China known as ''The Hump,'' and his unit received over nine hundred citations, and became the only non-combat unit to receive a Presidential unit citation. As the war ended, he was assigned to finding and removing American POW's from South East Asia, Singapore, and Indonesia, frequently flying into unsecured areas occupied with hostile forces.

At the end of the war, Bill was offered and accepted a regular commission and was transferred to Washington where he served as military aide and pilot to the first two Secretaries of the Air Force. His flights included piloting such dignitaries as Presidents Roosevelt, Truman, Eisenhower and Johnson, and taking Bob Hope and other Hollywood celebrities on Christmas trips to entertain our troops.

Mr. Speaker, we are all at a great loss because of Colonel Lorris Moomaw's passing, but can be comforted in knowing his service to our nation helped secure the freedoms we enjoy today. I am honored to pay tribute to the life and memory of Colonel Lorris William Moomaw before this body of Congress and this nation. My thoughts are with his loved ones during this difficult time of bereavement.

HONORING ADELE GILMORE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to honor a woman who will be missed by all who knew her. It brings me great sadness to report that Adele Gilmore of Sunrise, Florida, passed away on April 27th, at the age of 86. Ms. Gilmore championed her community through her deep conviction to philanthropic endeavors and public service. Her tremendous strength of character will be remembered by her friends, family, and colleagues.

Hardworking and driven, Ms. Gilmore was a former vice president of Nathan's Famous restaurant. She was hired to work at Nathan's by Murray Handwerker, the son of Nathan's founder Nathan Handwerker.

Ms. Gilmore founded the Nob Hill Chapter of the City of Hope, a research organization aimed at finding cures for cancer, AIDS, and other life-threatening diseases. Ms. Gilmore got involved in the City of Hope after losing her son, Mark, to AIDS. The Nob Hill Chapter of City of Hope has raised over $2 million since 1987, and Ms. Gilmore's efforts at the group's annual Christmas gift wrapping drive at the Sawgrass Mills Mall helped generate that success.

Ms. Gilmore was also an active member of the Broward Democratic Executive Committee, as well as an officer and director of the Sunrise Regular Democratic Club. In addition, she found time to become involved in the political campaigns of former President Bill Clinton and former Vice President Al Gore.

Mr. Speaker, Adele Gilmore was both well-loved and widely respected by all those blessed to have known her. She is survived by her sister Evelyn, her sons David and Peter, her grandchildren Joshua, Benjamin, Maghan, and Fir, and one great-grandchild. Today we celebrate Adele's life, which serves as a wonderful example to all who follow in her footsteps.

RECOGNITION OF CAPTAIN JOHN TIPTON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Captain John Tipton who was recently killed in Iraq.

Capt. Tipton, 32, a 1989 Granite City High School graduate, died this past Sunday in an explosion during combat in the Al Anbar Province in Iraq. The province, west of Baghdad, is where Camp Fallujah is located and is one of the most hostile regions in Iraq. Capt. Tipton was commander of Headquarters Company, 1st Battalion, 16th Infantry, 1st Brigade, 1st Infantry Division out of Fort Riley. He was stationed at Fort Riley, Kansas with his wife, Susie Tipton, of Collinsville, and their two children, Austin, 4, and Kaitlyn, 2.

I am proud of the service Capt. Tipton has given to our country and the service he and others provide on a daily basis. Not enough can be said about the sacrifice and dedication these men and women display while serving in Iraq. It is troops like Capt. Tipton, those risking their lives everyday, that ensure our freedom here at home and to others throughout the rest of the world. I salute him and my heart felt condolences go out to his family and all the troops continually fighting to ensure freedom and democracy.

UNIVERSITY OF HOUSTON PROGRAM TO PREVENT OBESITY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have an epidemic of obesity in America, threatening to become the single most pressing public health issue before us within one year. I would like to commend the outstanding work being done at the University of Houston in my district, where they have recently created the Institute for Obesity Prevention and Urban Fitness.

According to the Centers for Disease Control and Prevention, in 2000, 31 percent of U.S. adults aged 20 years and older—nearly 59 million people—were obese. And the problem is getting steadily worse. In 2003 obesity was responsible for 16.6 percent of preventable deaths in America, preceded only by tobacco which is responsible for about 430,000 deaths a year. Recent research suggests that obesity will become the leading cause of death by 2005, claiming more than 500,000 lives.

In addition to the enormous human toll, the National Institute of Diabetes and Digestive and Kidney Disease estimates that the economic burden of those being overweight or obese in the United States totals approximately $117 billion a year.

Realizing the serious need to address this nationwide epidemic, the Department of Health and Human Performance in the University of Houston's College of Education has begun development of the Institute for Obesity Prevention and Urban Fitness. The center will conduct clinical research, educational programs, and outreach to serve the UH student body and the demographically diverse underserved community surrounding the UH campus. In partnership with the Biomedical Engineering Group at the University of Houston, the institute will search for biomarkers to predict obesity risk and treatment outcomes. This unique, new institute gives the University of Houston a leading role in national obesity research.

I commend the University of Houston for creating a center whose studies will provide a model for the nation and whose research will benefit millions of Americans in the midst of a health crisis.

HONORING MR. STEWART UDALL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise to honor Mr. Stewart Udall who has served our country in many ways—for six years as a Member of the House of Representatives, nine years as Secretary of Interior, and countless years as an environmental activist, scholar, historian, and citizen of the outdoors. However, it is for a unique contribution to the preservation of our natural resources that I am here today; as Secretary of the Interior in 1962, Stewart Udall was instrumental in the creation of Point Reyes National Seashore in my district in Marin County, California.

Point Reyes National Seashore is truly a treasure for the nation. Conceived as a park in the 1930s, the hard work of dedicated people finally made the Seashore a reality during Stewart Udall's tenure. The park is enjoyed by over 2.5 million visitors annually and ranks among the top twenty most-visited National Parks in the country. Comprising over 71,000 acres of estuaries, beaches, coastal grasslands, salt marshes, and coniferous forests, Point Reyes National Seashore is home to 45% of North American avian species, 18% of California's plant species, and hundreds of migrating whales.

Its rich cultural history, dating back 5000 years to Miwok settlements, includes the landing of Sir Francis Drake in 1579 and the development of early 19th century Mexican land grants which are the precursors of modern ranches in the pastoral zones. The Seashore today successfully balances the needs of visitors and ranchers with the preservation of ecosystems and historical sites.

Upon his appointment as Secretary of the Interior by President John F. Kennedy, Stewart Udall exhibited the visionary leadership that preserved the natural and cultural heritage of Point Reyes National Seashore as well as other important seashores and lakeshores in the National Park System. He declared that ''few areas in government leave a more abiding and visible mark on our land and our individual future than what is done or not done by the Department of Interior. Our success will be measured by the scars of neglect that are removed and the creative programs we realize in improving this great land of ours.''

As an Arizona native, Secretary Udall brought to the Kennedy and Johnson administrations a unique understanding of the value of the ecosystems of the western United States. His Cabinet career resulted in The Wilderness Bill, The Wild and Scenic Rivers Act, the Land and Water Conservation Fund, and the creation of four new national parks, six national monuments, eight seashores and lakeshores, nine recreation areas, twenty historic sites, and 56 wildlife refuges.

Continuing his exploration of Western issues, Secretary Udall has documented the history of much of the region in several books, most recently, The Forgotten Founders: Rethinking the History of the Old West. This book brings to life the stories of actual people who settled the land, dispelling the myth of the predominance of handsome, six-gun-toting cowboys.

Mr. Speaker, Stewart Udall's vision, dedication, and leadership exemplify the best in public service. In his own words, ''In the long run the best politics is a job well done.''

RECOGNIZING THE LIFE AND LEGACY OF NEIL KENNETH BURRASTON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the life and legacy of Mr. Neil Burraston, a Principal Consultant in the California State Legislature who recently passed away.

For more than 30 years, Burraston helped advance the political careers of countless California legislators by providing them with invaluable advice and unmatched policymaking expertise. More importantly, the numerous policies he helped draft on workers compensation, have improved the lives of millions of working families in California.

After a stellar administrative career in the New York State Legislature, Neil began his career with the California State Legislature in 1972 as an Administrative Analyst in both the Legislative Analyst's Office and the Joint Legislative Budget Committee. His mastery of state government policy-making was recognized by his colleagues in 1984, when he was promoted to Senior Consultant for the Senate Committee on Industrial Relations and later to Principal Consultant in 1993. When I was Chair of the Senate Industrial Relations Committee in the late 1990s, Burraston's expertise and advice helped me to make informed decisions about issues before the committee.

A near-fatal illness provided Burraston with renewed insight into the value and purpose of life and the impact one can have on others outside the family. As an active member in his community, he advocated to end alcohol abuse among families and vulnerable children. As President of the National Council on Alcoholism, he helped organize the National Association of Adult Children of Alcoholics and sponsored youth support groups for young people who wished to live a life free of alcohol abuse.

Born in Payson, Utah on 1938, Burraston earned his bachelor's and master's degree in political studies from Brigham Young University. A devout Mormon and an active member of the Church of Jesus Christ of Latter-day Saints, Burraston suffered a heart attack while serving on a Latter-day Saint mission and died on February 28, 2004, in San Antonio, Texas. He leaves behind his loving wife, Amanda, five children, 16 grandchildren and two siblings.

Neil Burraston will always be known for his contributions to the State of California, its Legislature, and its people. His work will always be a model for other consultants and legislators to learn and emulate. Although we will miss Neil dearly, his life and legacy will live in our hearts forever.

PAYING TRIBUTE TO MIKE BLOSS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. MCINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of a selfless servant from my district. Mike Bloss, a native of Winter Park, Colorado, was recently killed while serving our country in Iraq as a contract security specialist. A beloved figure in his community, Mike dedicated his efforts to teaching students with disabilities how to ski and mountain bike. As his family and community mourn his passing, I believe it appropriate to bring his contributions to his community, state, and country to the attention of this body of Congress and this nation.

Mike was a retired Welsh special forces officer who began as a volunteer at the National Sports Center for the Disabled in Winter Park. As he gained more experience through various instruction certification programs, he turned the volunteering opportunity into a seasonal job. Mike was a fond employee of the organization who demonstrated great understanding for the needs of skiers with disabilities, having suffered a foot injury himself from a fall he took while he was in the military. As an additional source of income and for the chance of an adventure, Mike took on contract jobs with a Virginia firm that specialized in high-risk private security.

Mr. Speaker, Mike Bloss was a dedicated man who selflessly served his community and country, and I am honored to recognize his sacrifice before this body of Congress and this nation. His lifetime of service is an incredible model for America's youth. My thoughts and prayers go out to his family during this difficult time of bereavement.

IN RECOGNITION OF MICHAEL BESCHLOSS, 2004 RECIPIENT OF THE HARRY S TRUMAN AWARD FOR PUBLIC SERVICE

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in recognition of Michael R. Beschloss, who is receiving the 2004 Harry S Truman Award for Public Service from the City of Independence at the Truman Presidential Museum and Library on May 7, 2004. After President Truman's death on December 26, 1972, the City of Independence established this award to honor an outstanding individual who possesses the qualities of Harry S Truman. Since 1974, the annual award has honored individuals who have demonstrated ''dedication, industry, ability, honesty and integrity'' in their significant contributions to our country.

This year's recipient is the award winning historian and highly acclaimed author, Michael Beschloss. Last year, Beschloss generously agreed to be the keynote speaker for the Truman Presidential Library and Museum ''Wild About Harry'' fundraiser. Mr. Beschloss received rave reviews, as he captivated the audience with his humor and knowledge of presidential history. In his presentation, Mr. Beschloss said, ''There is library so much on the cutting edge of what a library should do than the Truman Library.'' Mr. Beschloss's participation was the laudable attraction that generated the funds to ensure the expansion of educational programs and exhibits at the Truman Library. With seven books to his credit, Newsweek has called him ''the nation's leading Presidential historian,'' and he has found a number of venues to pursue his career. As a respected author, essayist, editor, and television commentator, he continually lends an insightful eye to his informative and authoritative commentary and analysis of current and historic events in American culture. Beschloss has taken us behind the scenes in his research of many of the presidents since Roosevelt.

Like President Harry S Truman, Michael Beschloss found common ground in the belief that men are driven by history. President Truman stated, ''It takes men to make history, or there would be no history. History does not make the man.'' Michael Beschloss has traditionally examined the inner workings of the presidency and political events throughout his publications and media appearances. His research has led him to explore presidential decision making and pinpoint administrative paradigm shifts in his analysis of new directions and he has explained their impact on domestic and foreign affairs.

President Truman said, ''My debt to history is one which cannot be calculated. I know of no other motivation which so accounts for my awakening interest as a young lad in the principles of leadership and government.'' Michael Beschloss has examined the principles and actions of our nation's leaders and his writing is distinguished with analysis and illumination of the political process. For the past twenty years, he has articulated the deeper layers of thought and action that color the American political process, and he has earned the status as one of the most trusted experts on Presidents and the election process.

It was Mr. Beschloss's senior honors thesis at Williams College that launched his writing career. The writing project evolved into his first book, Kennedy and Roosevelt: The Uneasy Alliance, published in 1980. May Day: Eisenhower, Khrushchev and the U–2 Affair followed in 1986. The Crisis Years: Kennedy and Khrushchev, 1960–1963, published in 1991, won the Ambassador Book Prize. In 1993, Mr. Beschloss co-wrote At the Highest Levels: The Inside Story of the End of the Cold War. He has written two volumes of a trilogy on the Lyndon B. Johnson presidency, published in 1997 and 2001: Taking Charge and Reaching for Glory. Both are based on President Johnson's secret White House tapes and have been received with high praise. Research at the Truman Presidential Museum and Library provided material for his seventh book, a best seller, The Conquerors: Roosevelt, Truman and the Destruction of Hitler's Germany, 1941–1945. His insights into the influences on presidential staff debates throughout the war, including what to do with Germany at war's end, have received critical acclaim.

In addition to his best selling book career, Michael Beschloss is a trustee of the White House Historical Association, the National Archives Foundation, the Thomas Jefferson Foundation, the Urban Institute, and the University of Virginia's Miller Center of Public Affairs. He has cultivated his talent and expertise through his experiences at Williams College and Harvard University, his service on the staff of the Smithsonian from 1982–1986, as a Senior Associate at Oxford University, 1986–87, and as a Senior Fellow at the Annenberg Foundation, 1988–96. Mr. Beschloss can be seen on PBS's The News Hour and is a consultant to ABC News.

It is with great pleasure that I congratulate Michael Beschloss on his distinguished career and his many contributions to greater understanding of American culture through his research and analysis. I am proud that the City of Independence has selected him for recognition this year. He is most deserving of this honor. He shares President Truman's belief that an understanding of history is essential to leadership in world affairs. Mr. Speaker, please join me in warm congratulations to Michael R. Beschloss, this year's recipient of the 2004 Harry S Truman Award for Public Service, in recognition of his outstanding contribution to the evaluation and preservation of history. I applaud his contribution to the Truman Library and Museum and to our world.

REGARDING CO-SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31st.

Last night the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional co-sponsors to a bill once the committee report has been filed, I was not able to formally add seven Members of Congress as co-sponsors of this legislation.

I ask that the RECORD show that Mr. INSLEE of Washington, Mr. SOUDER of Indiana, Mr. OSBORNE of Nebraska, Mr. DAVIS of Illinois, Ms. MAJETTE of Georgia, Mr. UDALL of New Mexico, and Mr. HUNTER of California are in support of my bill and should be considered by this body as cosponsors of H.R. 4061.

CONGRATULATING CHRIS MAZZINO AS TEACHER OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to honor teacher Chris Mazzino as he is awarded the Milken Family Foundation's National Educator Award.

I ask that my colleagues pay tribute to this English teacher from West Scranton High School as he receives this tremendous recognition from the Milken Foundation during Teacher Appreciation Week.

Teachers are our nation's unsung heroes. The number of young lives touched by teachers is countless, and Mr. Mazzino exemplifies the best in his profession by encouraging his students to achieve far beyond the reach of what they thought possible. Mr. Mazzino's creative writing class published a book entitled ''26 Odd: Creative Works by Creative Writers.''

In addition, Mr. Mazzino diligently works with students throughout the entire school to help increase their scores on Pennsylvania's state accountability test. As a result of Mr. Mazzino's efforts, West Scranton High School's reading and writing test scores have improved significantly.

Mr. Mazzino also demonstrated his dedication by revamping the entire summer reading program at the West Scranton. I am proud to recognize the fact that Mr. Mazzino is the 37th teacher from our state to receive this award.

Mr. Speaker, it is an honor and a privilege to represent a teacher who has dedicated his life to today's young people, who will indeed have a brighter future because of Mr. Mazzino.

RECOGNITION OF GARY WESTON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Gary Weston, who was recently killed in Kosovo.

Gary Weston was an employee of DynCorp International, which was serving with the United Nations as international police officers. Gary and other members were fired upon by a Jordanian police officer for unknown reason. Two fellow workers were killed in the resulting firefight. Gary was flown to a hospital after receiving several gunshots. He later died from complications of the gunshot wounds, his wife Nina Weston was there by her husband's side.

Gary Weston was 52 years old and lived in Vienna, Illinois. Not enough can be said about the great sacrifice this man made for his country, the ultimate sacrifice. He is survived by wife, Nina Weston; his mother, Christine Weston of Metropolis; a son, Richard N. Weston of Granite City; two daughters, Rachel A. Weston of Honolulu, Hawaii and Elizabeth E. Weston of Vienna; five grandchildren, Trey, Derek, Heather, Dalton and Parker; two brothers, Ben and wife Jan Weston of Vienna and Ed and wife Susan Weston of Cape Girardeau; a sister, Melinda and husband Ron White of Austin, Texas; and his mother-in-law, Marilyn Whiteside of Vienna. My thoughts and prayers go out to his families and loved ones. Gary Weston gave his life in an effort to improve the lives of others. This sacrifice should never be forgotten.

RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution that will raise awareness of autism, one of the most mysterious, and challenging mental conditions that affects the American people. Autism affects 1 in 166 children today, and is thus the third most common developmental disability. Autism comes in a wide spectrum of intensities, ranging from mild personality quirks, to profound communication difficulties, to self-destructive behaviors, to utter dependence on care-givers.

This nation spends $90 million per year caring for people with autism. The Centers for Disease Control and Prevention have estimated that as many as 1.5 million Americans have some form of autism, and the prevalence is skyrocketing. Based on statistics from the U.S. Department of Education and other government agencies, autism is growing at a rate of 10–17 percent per year. At these rates, the prevalence of autism in our country alone could reach 4 million in the next decade.

The cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year. The cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year. But the greatest burden of caring for the autistic falls on families of those with autism.

It is hard to even imagine what it would be like to be autistic or to care for an autistic family member. To give a bit of insight, I would like to share a personal story of one of my staff members, who has a 26-year-old autistic daughter named ''Amy.'' Despite the fact that Amy is an adult, she is not able to use language to communicate her needs. She cannot communicate even simple messages such as that she has a stomach ache or that her room is too cold, and she gets extremely upset when she needs to communicate and is not able to do it.

This staffer shared a story that he said would probably sound familiar to any person who has lived with autistic individuals. Amy woke my staffer and his wife in the middle of the night one night with screams of rage and frustration. When they rushed into her bedroom, she took them to her bedroom window

and made frantic noises. They stood by helplessly for a long time, watching her distress, until they thought to look down at the deck below Amy's window. The floor mat on the deck had blown out of place. My staffer went out to the deck with a hammer and nails and nailed the mat to the floor of the deck so that it would stay where it was supposed to be. As he hammered the nails, he could hear Amy's happy laughter.

When he got back to bed, Amy was quiet. Her world was in order again.

It takes years to learn the needs of a child like Amy and how to care for her. Parents and siblings of those with autism, and teachers and social workers, do heroic work every day just to help the autistic lead more comfortable, though not normal, lives. They deserve our recognition and they deserve our support.

We need to recognize the importance of helping Amy and the many other autistic individuals in our country. We have to support programs for increased research and improved training and support to make their lives better. In the past, we have made bold statements, pledging federal support for the autistic, but we have not fulfilled those pledges.

For example, the Individuals with Disabilities Act (IDEA) of 1990 ensures a free and appropriate public education to children with diagnosed learning deficits. The 1991 version of the law extends these services to developmentally delayed preschoolers. IDEA calls for 40% of the funding for educating special education students to be provided by the federal government. To date, Congress appropriates less than 20 percent, or less than one half that was promised.

It is time to fulfill our promise to the autistic, their families, and our schools. I strongly support this resolution that will help raise awareness of autism, and encourage this Congress and this nation to help take care of those who need us.

PAYING TRIBUTE TO KELLY ALLMON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to recognize Kelly Allmon for her selfless dedication to the community of Cortez, Colorado, and congratulate her on being recognized by the Cortez Chamber of Commerce as their Citizen of the Year. The award is presented to an individual who has shown an outstanding commitment to the Cortez community, and Kelly could not be a more worthy recipient. It is a privilege to pay tribute to Kelly for her well-deserved award, and her ongoing efforts to better her community today.

In 2001, Kelly implemented the Retail Enhancement Program in Cortez, which works together with the Cortez Chamber of Commerce to market local businesses. During her tenure as director, the program has developed marketing campaigns such as the ''Cortez Cash'' program, and creating a community slogan, ''Cortez: Genuine to the Core.'' In addition, the program works to provide workshops and seminars for local businesses. Kelly's hard work and dedication seem to be paying off, as Cortez has seen a marked increase in sales tax revenue over the last year.

Mr. Speaker, I am honored to pay tribute to Kelly Allmon before this body of Congress and this nation for the recognition she received as the Cortez Chamber of Commerce's Citizen of the Year. Her efforts to strengthen the business community in Cortez are truly remarkable, and her award is a well-deserved testament to her tireless efforts. I sincerely thank Kelly for her service, and wish her the best in her future endeavors.

HONORING ROBERT HENRY OF SANTA ROSA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Robert Henry of Santa Rosa, California, who is retiring as the General Counsel for School and College Legal Services of California, a Joint Powers Authority which serves school and community college district clients throughout California.

Bob is widely recognized as one of the most experienced and accomplished education attorneys in the state. A frequent presenter at law school conferences and school organizations, he demonstrates in-depth knowledge of all aspects of the Education Code. He has argued school cases before state and federal trial, appellate, and supreme courts. Several times Bob successfully defended positions that others were afraid to take because he believed it was right. He has taken such cases to both the California Supreme Court and the Federal Court of Appeals and won. His courage and skill have saved the school districts untold dollars that were used to educate our children.

After graduating from U.C. Berkeley (Boalt Hall) Law School in 1971, Bob served as an attorney for the California State University, then as General Counsel of the Coast Community College District and Los Angeles Community College District. He began the development of School and College Legal Services of California in 1984.

Mr. Speaker, Mr. Henry is the embodiment of all that is good about the legal profession. He has a profound respect for the law and a sense of mission to use it to insure the best results possible for students. I am proud to acknowledge the work of a man who understands that our nation's children are our future and deserve all that we can do to secure the best education for them.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4931–S5027

Measures Introduced: Four bills and five resolutions were introduced, as follows: S. 2390–2393, S.J. Res. 37, S. Res. 353–355, and S. Con. Res. 104.

Pages S4996–97

Measures Reported:

S. 1423, 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, with amendments. (S. Rept. No. 108–259)

Page S4996

Measures Passed:

Condemning Sudan: Senate agreed to 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, after agreeing to the committee amendment in the nature of a substitute, and the amendment to the preamble.

Pages S4931–36

Family Opportunity Act: Senate passed 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S4946–51

Grassley Amendment No. 3119, in the nature of a substitute. **Pages S4949–51**

Taiwan: Senate passed S. 2092, to address the participation of Taiwan in the World Health Organization, after agreeing to the committee amendment in the nature of a substitute. **Pages S5021–22**

Brown v. Board of Education Anniversary: Committee on the Judiciary was discharged from further consideration of 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, and the resolution was then agreed to. **Pages S5022–23**

Brown v. Board of Education Anniversary: Committee on the Judiciary was discharged from further consideration of 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, and the resolution was then agreed to. **Pages S5023–25**

Record Production Authority: Senate agreed to S. Res. 355, to authorize the production of records by the Committee on Commerce, Science, and Transportation. **Page S5025**

Motherhood: Committee on the Judiciary was discharged from further consideration of S. Res. 348, to protect, promote, and celebrate motherhood, and the resolution was then agreed to. **Page S5025**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Additional Protocol to Investment Treaty with Romania Treaty Doc. 108–13.

Additional Protocol Amending Investment Treaty with Bulgaria Treaty Doc. 108–15.

Investment Protocol with Estonia Treaty Doc. 108–17.

Additional Investment Protocol with the Czech Republic Treaty Doc. 108–18.

Additional Investment Protocol with the Slovak Republic Treaty Doc. 108–19.

Additional Investment Protocol with Latvia Treaty Doc. 108–20.

Additional Investment Protocol with Lithuania Treaty Doc. 108–21.

Additional Protocol Concerning Business and Economic Relations with Poland Treaty Doc. 108–22.

Pages S5020–21

Nominations Confirmed: Senate confirmed the following nominations:

By 95 yeas 3 nays (Vote No. EX. 85), John D. Negroponte, of New York, to be Ambassador to Iraq. **Pages S4951–80**

Scott H. DeLisi, of Minnesota, to be Ambassador to the State of Eritrea.

Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire.

Craig A. Kelly, of California, to be Ambassador to the Republic of Chile.

Thomas Bolling Robertson, of Virginia, to be Ambassador to the Republic of Slovenia.

Marc McGowan Wall, of Virginia, to be Ambassador to the Republic of Chad.

John Campbell, of Virginia, to be Ambassador to the Federal Republic of Nigeria.

Michael Christian Polt, of Tennessee, to be Ambassador to Serbia and Montenegro.

John M. Ordway, of California, to be Ambassador to the Republic of Kazakhstan.

Thomas Neil Hull III, of New Hampshire, to be Ambassador to the Republic of Sierra Leone.

Roger A. Meece, of Washington, to be Ambassador 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, to be Ambassador to the United Arab Emirates.

Thomas Charles Krajeski, of Virginia, to be Ambassador to the Republic of Yemen.

Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Korea.

Michael W. Marine, of Vermont, to be Ambassador to the Socialist Republic of Vietnam.

Jeffrey D. Feltman, of Ohio, to be Ambassador to the Republic of Lebanon.

Patricia M. Haslach, of Oregon, to be Ambassador to the Lao People's Democratic Republic.

Richard LeBaron, of Virginia, to be Ambassador to the State of Kuwait.

David Michael Satterfield, of Virginia, to be Ambassador to the Hashemite Kingdom of Jordan.

Pages S5020, S5026–27

Nominations Received: Senate received the following nominations:

Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to the Kingdom of Thailand.

John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia.

John D. Rood, of Florida, to be Ambassador to the Commonwealth of The Bahamas.

2 Air Force nominations in the rank of general.

6 Marine Corps nominations in the rank of general.

8 Navy nominations in the rank of admiral.

Page S5026

Nominations Withdrawn: Senate received notification of withdrawal of 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.

Page S5027

Messages From the House: **Page S4994**

Measures Referred: **Pages S4994–95**

Measures Read First Time: **Page S4995**

Executive Communications: **Pages S4995–96**

Petitions and Memorials: **Page S4996**

Additional Cosponsors: **Pages S4997–98**

Statements on Introduced Bills/Resolutions: **Pages S4998–S5004**

Additional Statements: **Pages S4992–94**

Amendments Submitted: **Pages S5004–07**

Authority for Committees to Meet: **Pages S5008–09**

Privilege of the Floor: **Page S5009**

Record Votes: One record vote was taken today. (Total—85) **Page S4980**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:09 p.m., until 9:30 a.m., on Friday, May 7, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S5025–26.)

Committee Meetings

(Committees not listed did not meet)

ENERGY PRODUCTION: BIOMASS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine new opportunities for agriculture, focusing on the use of biomass, which is any living matter that can be converted into usable energy through biological or chemical processes, and encompasses feedstocks such as agricultural crops and their residues, animal wastes, wood, wood residues and grasses, and municipal wastes use in energy production, after receiving testimony from former Representative Thomas Ewing, on

behalf of the Biomass Research and Development Technical Advisory Committee; Mark E. Rey, Under Secretary of Agriculture for Natural Resources and Environment; David Garman, Acting Under Secretary of Energy for Energy, Science and Environment, and Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; R. James Woolsey, McLean, Virginia, former Director of Central Intelligence; C. Boyden Gray, Energy Future Coalition, Washington, D.C.; Mark E. Zappi, Mississippi State University Dave C. Swalm School of Chemical Engineering, Mississippi State; Tom L. Richard, Iowa State University, Ames; Lee R. Lynd, Dartmouth College Thayer School of Engineering, Hanover, New Hampshire; and Samuel B. McLaughlin, University of Tennessee Oak Ridge National Laboratory, Oak Ridge.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following bills:

H.R. 3104, to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom;

An original bill entitled ''National Defense Authorization Act for Fiscal Year 2005'';

An original bill entitled ''Department of Defense Authorization Act for Fiscal Year 2005'';

An original bill entitled ''Military Construction Authorization Act for Fiscal Year 2005''; and

An original bill entitled ''Department of Energy National Security Act for Fiscal Year 2005''.

Also, committee received a report from the Select Committee on Intelligence on the proposed Intelligence Authorization Act for Fiscal Year 2005.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security.

CLIMATE CHANGE

Committee on Commerce, Science, and Transportation: Committee held a hearing to examine impacts of climate change and states' actions, focusing on public health, forests, heatwaves, geological records, recent changes in the ocean, temperatures, sea ice and glacial ice, and ecological responses, receiving testimony from Ken Colburn, Northeast States for Coordinated Air Use Management, and Paul R. Epstein, Harvard Medical School Center for Health and the Global Environment, both of Boston, Massachusetts; William B. Curry, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; William R. Fraser, Polar Oceans Research Group, Sheridan, Montana; and Philip Mote, University of Washington, Seattle.

Hearing recessed subject to call.

CARFA ACT

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine S. 1668, to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, after receiving testimony from Senator Brownback; former Representative Dick Armey, on behalf of Citizens for a Sound Economy; Clay Johnson III, Deputy Director for Management, Office of Management and Budget; and Paul Weinstein, Jr., Progressive Policy Institute, Washington, D.C.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Jonathan W. Dudas, of Virginia, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, after the nominee, who was introduced by Representative Hyde, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Measures Introduced: 20 public bills, H.R. 4299–4318; and 8 resolutions, H. Con. Res. 417–419 and H. Res. 629–633, were introduced.

Pages H2726–28

Additional Cosponsors: **Pages H2728–29**

Reports Filed: Reports were filed today as follows:

H.R. 4060, to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps (H. Rept. 108–481, Pt. 1). **Page H2726**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fossella to act as Speaker pro tempore for today. **Page H2659**

Chaplain: The prayer was offered today by Rev. Joseph V. Brennan, Pastor, St. Linus Church in Norwalk, California. **Page H2659**

Point of Order: The Chair ruled that words uttered by a Member during a one-minutes speech were not unparliamentary and the point of order was overruled. **Page H2661**

Coast Guard and Maritime Transportation Act of 2003—Motion to go to Conference: The House disagreed to the Senate amendments to H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and agreed to a conference.

Pages H2663–66

Agreed to the Filner motion to instruct conferees on the bill to insist on the language contained in section 415 of the House bill that requires foreign-flag vessels to have their vessel security plans approved by the United States Coast Guard before entering a port in the United States, by a yea-and-nay vote of 395 yeas to 19 nays, Roll No. 148.

Pages H2663–66, H2679

Appointed as conferees: from the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Representatives Young (AK), Coble, Duncan, Hoekstra, LoBiondo, Simmons, Mario Diaz-Balart (FL), Oberstar, Filner, Bishop (NY), and Lampson. **Page H2716**

For consideration of the House bill and Senate amendments, and modifications committed to conference: Representatives Cox and Thompson (MS).

Page H2716

Iraqi Prisoner Resolution: The House agreed to H. Res. 627, deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniformed Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, by a recorded vote of 365 ayes to 50 noes, Roll No. 150. **Pages H2680–98**

A point of order was sustained against the Hoyer motion to recommit the resolution back to the Committee on Armed Services with instructions.

Pages H2696–97

H. Res. 628, the rule providing for consideration of the measure was agreed to by a voice vote, after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 201 nays, Roll No. 147.

Pages H2666–78

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, May 5:

Sense of the House regarding the Lao People's Democratic Republic: H. Res. 402, expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic, by a ⅔ yea-and-nay vote of 408 yeas to 1 nays and 1 voting ''present'', Roll No. 149;

Pages H2679–80

Sense of Congress regarding the detention of Dr. Wang Bingzhang by the Government of the People's Republic of China: H. Con. Res. 326, 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, by a ⅔ yea-and-nay vote of 399 yeas with none voting ''nay'', Roll No. 151; and

Pages H2698–99

Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons: H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, by a ⅔ yea-and-nay vote of 376 yeas to 3 nays and 14 voting ''present'', Roll No. 152. **Page H2699**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon on Monday, May 10; and further that when it adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 11 for Morning Hour debate. **Page H2701**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 12. **Page H2701**

Senate Message: Message received from the Senate today appears on page H2659.

Senate Referral: S.J. Res. 34 was held at the desk.

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2678, H2679, H2679–80, H2697–98, H2698, and H2699. There were no quorum calls.

Adjournment: The House met at 10 a.m and adjourned at 7:10 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on the National Foreign Intelligence Program Budget. Testimony was heard from George J. Tenet, Director, CIA.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Readiness approved for full Committee action H.R. 4200, National Defense Authorization Act for Fiscal Year 2005.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action H.R. 4200, National Defense Authorization Act for Fiscal Year 2005.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces approved for full Committee action H.R. 4200, National Defense Authorization Act for Fiscal Year 2005.

ONLINE PORNOGRAPHY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Online Pornography: Closing the Doors on Pervasive Smut.'' Testimony was heard from J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; Kevin Lourdeau, Deputy Assistant Director, Cyber Division, FBI, Department of Justice; Linda D. Koontz, Director, Information Management Issues, GAO; and public witnesses.

PROTECTING CHILDREN ONLINE

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''The 'Dot Kids' Internet Domain: Protecting Children Online.'' Testimony was heard from Michael D. Gallagher, Acting Assistant Secretary, Communications and Information, National Telecommunications and Information Administration, Department of Commerce; and public witnesses.

OVERSIGHT—EXPORT-IMPORT BANK

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held an oversight hearing entitled ''Oversight of the Export-Import Bank of the United States.'' Testimony was heard from Philip Merrill, President and Chairman, Export-Import Bank of the United States.

MISCELLANEOUS MEASURES; SECURITY CLEARANCE BACKLOG

Committee on Government Reform: Ordered reported the following measures: H.R. 4259, Department of Homeland Security Financial Accountability Act; H.R. 4176, To designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building;'' H. Con. Res. 295, Congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; H. Res. 613, Recognizing and honoring the tenth anniversary of Vietnam Human Rights Day; H. Res. 622, Supporting the goals and ideals of Peace Officers Memorial Day; and H.R. 3740, To designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building.''

The Committee also held a hearing entitled ''What's the Hold Up: A Review of Security Clearance Backlog and Reciprocity Issues Plaguing Today's Government and Private Sector Workforce.'' Testimony was heard from Gregory C. Wilshusen, Acting Director, Defense Capabilities and Management, GAO; Stephen C. Benowitz, Associate Director, Division for Human Resources Products and Services, OPM; Heather Anderson, Acting Director, Security, Office of the Under Secretary for Intelligence, Department of Defense; and public witnesses.

AUTISM SPECTRUM DISORDERS

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled ''Autism Spectrum Disorders: An Update on Federal

Government Initiatives and Revolutionary New Treatment of Neurodevelopmental Diseases.'' Testimony was heard from Troy Justesen, Assistant Secretary (Acting), Office of Special Education and Rehabilitative Services, Department of Education; and public witnesses.

RESOLUTION CONDEMNING SUDAN GOVERNMENT FOR ATTACKS AGAINST CIVILIANS; CRISIS IN DARFUR

Committee on International Relations: Favorably considered and adopted a motion urging the chairman to request that H. Con. Res. 403, as amended, Condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan, be considered on the Suspension Calendar.

The Committee also held a hearing on The Crisis in Darfur: A New Front in Sudan's Bloody War. Testimony was heard from the following officials of the Department of State: Charles R. Snyder, Acting Assistant Secretary, Bureau of African Affairs; and Roger P. Winter, Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, AID; and public witnesses.

SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2004

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action the Satellite Home Viewer Extension and Reauthorization Act of 2004.

FEDERAL LANDS RECREATION ENHANCEMENT ACT

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on H.R. 3283, Federal Lands Recreation Enhancement Act. Testimony was heard from Representative Regula; Lynn Scarlett, Assistant Secretary, Policy, Management and Budget, Department of the Interior; Tom Thompson, Deputy Chief, National Forest System, Forest Service, USDA; Barry T. Hill, Director, Natural Resources and Environment, GAO; and public witnesses.

BENEFITS OF TAX INCENTIVES FOR PRODUCERS OF RENEWABLE FUELS

Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled ''The Benefits of Tax Incentives for Producers of Renewable Fuels and Its Impact on Small Businesses and Farmers.'' Testimony was heard from Representative Hulshof; and public witnesses.

MARITIME TRANSPORTATION AMENDMENTS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on H.R. 4251, Maritime Transportation Amendments of 2004. Testimony was heard from RADM John E. Crowley, USCG, Judge Advocate General, U.S. Coast Guard, Department of Homeland Security.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following: H.R. 4020, State Veterans' Homes Nurse Recruitment Act of 2004; H.R. 4231, Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004; H.R. 3849, Military Sexual Trauma Counseling Act of 2004; H.R. 4248, Homeless Veterans Assistance Reauthorization Act of 2004; and a measure to reform the qualifications and selection requirements for the position of the Under Secretary for Health. Testimony was heard from Gordon H. Mansfield, Deputy Secretary, Department of Veterans Affairs; Linda S. Schwarz, Commissioner, Department of Veterans Affairs, State of Connecticut; representatives of veterans organizations; and public witnesses.

BRIEFING—IRAQI PRISONER ISSUES/ABU GHRAIB

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Iraqi Prisoner Issues/Abu Ghraib. The Committee was briefed by departmental witnesses.

BRIEFING ON GLOBAL INTELLIGENCE DATA

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

PROGRESS IN ADDRESSING MANAGEMENT CHALLENGES AT HOMELAND SECURITY DEPARTMENT

Select Committee on Homeland Security: Held a hearing entitled ''Progress in Addressing Management Challenges at the Department of Homeland Security.'' Testimony was heard from James M. Loy, Deputy Secretary, Department of Homeland Security.

COMMITTEE MEETINGS FOR FRIDAY, MAY 7, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine allegations of mistreatment of Iraqi prisoners, 11:45 a.m., SD–106.

House

Committee on Armed Services, hearing on the ongoing investigation into the abuse of prisoners within the Central Command area of responsibility, 3 p.m., 2118 Rayburn.

Joint Meetings

Joint Economic Committee: to hold a hearing to examine the employment situation for April, 9:30 a.m., 1334 LHOB.

Next Meeting of the SENATE

9:30 a.m., Friday, May 7

Senate Chamber

Program for Friday: The Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, May 10

House Chamber

Program for Monday: The House will meet in pro forma session.

Extensions of Remarks, as inserted in this issue

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