

the President from outside the Government and by the Senate.

The board will have the authority to obtain the information they need to determine whether the Government is violating civil liberties. If someone outside the Government refuses to provide this information, the board would have the power to issue a subpoena to obtain it.

This is common sense. An investigative body must have the power to get the information it needs to conduct an investigation.

It is also common. Countless Federal commissions and boards have subpoena authority. I will name just a few: The National Labor Relations Board, the Equal Employment Opportunity Commission, the Federal Trade Commission, and the Federal Energy Regulatory Commission. The Privacy and Civil Liberties Oversight Board, which has such an important role, should have the same power that so many other Government boards and commissions have.

The Privacy and Civil Liberties Oversight Board will be required to share information about its work with the public. This is a good thing. There should be transparency in Government. The American people have a right to know what their Government is doing.

As Commissioners Gorton and Ben-Veniste told the House Government Reform Committee, "Such a Board should be transparent, making regular reports to Congress and the American public."

Of course, at the same time, we have to protect national security. This bill does that. It requires that information will only be shared with the public, and I quote, "in a manner consistent with the protection of classified information and applicable law."

I want to thank Senator COLLINS and Senator LIEBERMAN for working with me on the structure of the Privacy and Civil Liberties Oversight Board. I offered several amendments to strengthen the Board. Senator COLLINS and Senator LIEBERMAN accepted these amendments, and I thank them for that.

As a result of these amendments: the chairman of the board and the board's executive director will now be full-time. It would very difficult for a part-time Board to function effectively.

Terms for board members will be fixed at 6 years so the President will not be able to fire board members who provide advice the White House doesn't like.

Board members will be required to have expertise in civil liberties and privacy issues.

No more than three of the five board members will be from the same political party, which will ensure the board is bipartisan and independent.

The board will be able to meet upon the call the majority of the board and a majority of the board will constitute a quorum. This will protect the board from being dominated by a chair who is too close to the President.

Board members will be required to testify before Congress if called to do so. This will prevent any administration from trying to shield the disclosure of information by claiming executive privilege for the board.

The board will be required to file semiannual unclassified reports with the appropriate Congressional committees. Therefore, Congress will be fully informed on the board's important work.

In reviewing a government power, the board will be required to consider whether the need for such power is balanced with the need to protect privacy and civil liberties; whether there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and whether there are adequate guidelines and oversight to properly confine its use.

This standard of review will provide the board to follow guidelines recommended by the 9/11 Commission as it reviews government power. As the 9/11 Commission said, the board should "ensure that liberty concerns are appropriately considered," and "the burden of proof for retaining a particular governmental power should be on the executive."

These changes will make a strong board even stronger. The Privacy and Civil Liberties Oversight Board will ensure that, as we fight the war on terrorism, we will respect the precious liberties that are the foundation of our society.

COMMENDING DR. JIM MARKS

Mr. BROWNBACK. Mr. President, I would like to make a few remarks commending Dr. Jim Marks, who will be leaving the Department of Health and Human Services in December.

Dr. Marks has directed the National Center for Chronic Disease Prevention and Health Promotion within the Centers for Disease Control and Prevention since 1995. During Dr. Marks' tenure, the CDC has had a significant impact on the lives of all Americans through programs to prevent and promote cancer's earliest detection. Under Dr. Marks' direction and with the support of Congress, the Division of Cancer Prevention and Control has grown from approximately \$123 million to over \$313 million. This growth has afforded CDC the ability to provide national leadership in the cancer prevention and control. Dr. Marks was instrumental in leading efforts to partner with States, territories, tribal organizations as well as national, State and local partners to monitor cancer trends; conduct research and evaluate cancer prevention and control activities; apply scientific advances and develop strong cancer control programs; and to educate public health professionals and the public about cancer prevention and control.

Some specific accomplishments during Dr. Marks' tenure include: the total number of woman ever served by

the National Breast and Cervical Cancer Early Detection Program NBCCEDP, reached 1.9 million in 2003. Under Dr. Marks' guidance, the NBCCEDP has helped uninsured and underinsured women gain access to lifesaving screening and diagnostic testing programs for the early detection of breast and cervical cancer. To date, the program has: provided over 4.6 million screening examinations; diagnosed 17,009 breast cancers; 61,474 precancerous cervical lesions; and 1,157 cervical cancers.

Expansion of the National Program of Cancer Registries (NPCR) to cover 96 percent of the Nation's population. The cancer information gathered by the NPCR serve a key role in determining cancer patterns among various populations; monitoring cancer trends over time; guiding State planning and evaluation of cancer control programs; assisting States in setting priorities for the allocation of resources; and, advancing clinical, epidemiologic, and health services research. The data gathered through the NPCR coupled with information from the National Cancer Institute and the North American Association of Central Cancer Registries was combined to produce official Federal statistics on cancer incidence in the report entitled, U.S. Cancer Statistics: 2000 Incidence.

Development and expansion of the National Comprehensive Cancer Control Program to 61 programs in States, territories and tribes. CDC support permits the respective health agencies to establish broad-based Comprehensive Cancer Control, CCC, coalitions, assess the burden of cancer, determine priorities for cancer prevention and control, and develop and implement CCC plans.

Development of A National Action Plan or Cancer Survivorship: Advancing Public Health Strategies, 2003 in collaboration with the Lance Armstrong Foundation and national experts in cancer survivorship and public health. The action plan charts a course for how the public health community can more effectively and comprehensively address cancer survivorship and focus on improving the quality of life for survivors.

Dr. Marks' leadership and direction in CDC's cancer control and prevention efforts helped Americans lead more productive and healthier lives.

TAIWAN'S NATIONAL DAY

Mr. SMITH. Mr. President, I rise today to pay tribute to the President and the people of Taiwan on the occasion of Taiwan's National Day on October 10.

Despite the lack of formal diplomatic relations between the United States and Taiwan over the last 25 years, the relationship between the two countries has continued to flourish in terms of economics, politics, security, culture and education, science and technology, and human rights. Most important, we share with Taiwan the core values of

democracy and freedom. In the past two decades, Taiwan has truly emerged as a model democracy. Taiwan's economy currently ranks as the 16th largest in the world. As Secretary of State Colin Powell stated, "Taiwan has become a resilient economy, a vibrant democracy and a generous contributor to the international community." I hope that we will continue to help Taiwan proceed on the path toward further democratization and peaceful relations with its neighbors.

The President of Taiwan, Chen Shui-bian, is a dedicated and strong leader for the people of Taiwan. In his May 20 inaugural address to his people, he reiterated his commitment to maintaining peace and stability in the Taiwan Strait, which is vital to the political development and economic prosperity in the Asia-Pacific region as a whole.

In closing, I wish to congratulate President Chen, the Taiwan Ambassador, Dr. David Lee, and the people of Taiwan on their National Day and wish them every success in the years to come.

DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS

Mr. DURBIN. Mr. President, I rise to speak about, section 514 of the National Intelligence Reform Act of 2004 which deals with the detention and humane treatment of captured terrorists.

Section 514 was added to the bill as a result of an amendment offered by Senator MCCAIN and Senator LIEBERMAN. I commend them for their leadership on this issue, which is so important to our country, and to our ability to fight an effective war on terrorism.

The 9/11 Commission correctly concluded that the Iraqi prisoner abuse scandal has negatively affected our ability to combat the terrorist threat. The Commission wrote, "Allegations that the United States abused prisoners in its custody make it harder to build the diplomatic, political, and military alliances the government will need [to fight the war on terrorism]."

As a result, the Commission recommended, "The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists." In order to develop a coalition policy on the humane treatment of captured terrorists, the U.S. government must have its own policy that ensures the humane treatment of captured terrorists. That is what section 514 would require.

It will reaffirm a very important, long-standing position of our Nation: that the United States will not engage in torture or cruel, inhuman or degrading treatment. This is a standard that is embodied in the U.S. Constitution and in numerous international agreements which the United States has ratified.

Section 514 will require the Defense Secretary and the National Intel-

ligence Director, NID, issue policies to ensure compliance with this standard and to provide these policies to Congress.

The Defense Secretary and the NID will also be required to report to Congress on any suspected violations of the prohibition on torture or cruel, inhuman or degrading treatment.

Section 514 specifically provides that this information should be provided to Congress only in a manner and form that would protect national security.

Section 514 is very similar to an amendment that I offered to this year's Defense Authorization bill. My amendment, which was cosponsored by Senators MCCAIN, LEVIN, SPECTER, FEINSTEIN, LEAHY, and KENNEDY, was adopted by the Senate by a unanimous voice vote.

When I offered this amendment, it was supported by a broad coalition of organizations and individuals, including human rights organizations like Human Rights Watch, religious institutions like the Catholic Church and the Episcopal Church, and military officers.

Retired RADM John Hutson was the Judge Advocate General, the top lawyer in the Navy. In a letter in support of the amendment, he wrote:

It is absolutely necessary that the United States maintain the high ground in this area and that Congress take a firm stand on the issue. . . . It is critical that we remain steadfast in our absolute opposition to torture and [cruel, inhuman or degrading treatment].

Former Republican Congressman Pete Peterson, who was a POW in Vietnam for 6½ years, wrote in support of the amendment:

From my 6½ years of captivity in Vietnam, I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival. . . . This is one reason the United States has led the world in upholding treaties governing the status and care of enemy prisoners: because these standards also protect us. . . . We need absolute clarity that America will continue to set the gold standard in the treatment of prisoners in wartime.

As we fight the war on terrorism, we must adhere to the ideals that made our country great. Torture is inconsistent with the principles of liberty and the rule of law that underpin our Constitution.

Any erosion in these standards would endanger American servicemen and women who might be captured by our adversaries. It would also create anti-American sentiment at a time when we need the support and assistance of other countries in the war on terrorism.

The U.S. Army fully recognizes these practical downsides. The Army Field Manual on Intelligence Interrogation states:

Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.

As the great American patriot Thomas Paine said: "He that would make his own liberty secure must guard even his enemy from oppression."

CALIFORNIA DESERT PROTECTION ACT

Mrs. FEINSTEIN. Mr. President, ten years ago this fall, President Bill Clinton signed the California Desert Protection Act into law, preserving 7.7 million acres of stunning landscape for generations to come.

With the passage of this legislation, the largest parks and wilderness bill to impact the lower 48 States was enacted, thereby establishing Joshua Tree National Park, Death Valley National Park and the Mojave National Preserve.

Protecting these beautiful lands stands as one of my proudest legislative accomplishments to this day.

The California Desert is home to remarkable archaeology, beauty and wildlife—some of the last remaining dinosaur tracks, Native American petroglyphs, abundant spring wildflowers, and threatened species including the bighorn sheep and the desert tortoise, an animal known to live for as many as 100 years.

And each of the parks created by the act has its own unique beauty. Joshua Tree, encompassing parts of both the Mojave Desert and the Colorado Desert, contains magnificent rock formations and forests which blanket the high country throughout the park. The abundant yellow creosote bushes of the eastern side of the park are mirrored by the rugged Joshua Trees to the west.

The Death Valley landscape, marked by a diverse range of salt playas, alpine forests, and jagged rocks, is a land of extremes—one of the hottest, driest, and lowest places on Earth. At Dante's View, a visitor may look down into Badwater, the lowest place in the western hemisphere and, on a clear day, look west to Mt. Whitney, the highest point in the lower 48 States.

Mojave National Preserve, with its granite, limestone, and metamorphic rocks, has a remarkable geological diversity, as well as the largest Joshua Tree forest in the world. Many of the preserve's peaks are a vivid pink at the top, the result of a volcanic explosion more than 18 million years ago in Arizona that sent deposits flying through the air and flowing across the land to the Mojave Desert.

The California Desert Protection Act ensured that these lands would be preserved for years to come. In total, the act raised the protection level for 9 million acres of parks and wilderness.

Since 2000 the wilderness area has been expanded even further with the purchase of nearly 600,000 acres of land primarily in and around the Mojave National Preserve. The transaction, the largest conservation acquisition of private lands in U.S. history, combined Federal Land and Water Conservation