



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, THURSDAY, JUNE 24, 2004

No. 89

## Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable CHRISTOPHER S. BOND, a Senator from the State of Missouri.

### PRAYER

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

Let us pray.

Lord, You are good. You chase our enemies into dark places and restrain those who plot against Your providence. No matter how strong evil may seem, O Lord, it is doomed because of Your power.

Strengthen our Nation. Snap the chains that bind it to anything that is not noble and true. Inspire our Senators with Your invincible presence. Help them to look to the hill from whence comes celestial help. Remind them that they are never alone, for You have promised to be with us until time is transformed into eternity.

Help us to remember that neither life nor death, angels nor principalities, powers nor problems, heights nor depths, past nor future, demons nor darkness can separate us from Your wondrous love. Empower us to so live that generations to come will call us blessed. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER S. BOND led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC., June 24, 2004.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER S. BOND, a Senator from the State of Missouri, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, this morning I again congratulate Chairman WARNER and Senator LEVIN for their efforts throughout the Defense authorization bill. We were able to pass that bill last night. Looking at my notes, we had approximately 175 amendments disposed of over the course of 16 days of consideration and 31 rollcall votes. A lot of hard work, a lot of good negotiation, brought a very good bill, as reflected in the ultimate vote. I do want to thank both the managers who got us through the bill. That was the authorization.

Now we have a Defense appropriations bill ahead of us. Chairman STEVENS is prepared to begin that legislation, and we expect to finish that bill prior to the recess. We will be consulting further with the Democratic leadership, and hopefully we will have that scheduled shortly.

Immediately this morning we will be proceeding to executive session for the consideration of the nomination of one of our former colleagues, Jack Danforth, to be U.S. Ambassador to the United Nations.

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Madam President, as in executive session, I ask unanimous consent that there be 1 hour of debate equally divided between the chairman and ranking member or designees, and that following that time, the Senate proceed to a vote on the nomination; provided further that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Nevada is recognized.

### JUDICIAL NOMINATIONS

Mr. REID. Madam President, it is my understanding the two leaders do not expect a recorded vote on that.

Mr. FRIST. That is correct. The nomination will not require a rollcall vote, and at the conclusion of the debate, Senator Danforth will be confirmed by voice vote.

In addition, we have the remaining judicial nominations to dispose of. There are four that will be scheduled for votes with no debate necessary. There are two we will lock in for votes following 1 hour of debate, and I expect to ask that consent momentarily. There is also one further nomination that will require a longer debate period, and we are consulting with Members as to whether to schedule that debate and vote.

In addition to these nominations, there are a number of ambassadorships we hope to consider prior to adjourning, although we do not anticipate rollcall votes on these.

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



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There are other issues, including Burma sanctions, that we will likely address over the course of the day and tomorrow.

Finally, I would reiterate the need to finish the Defense appropriations measure. It is a priority for completion, and we need to work together to get that bill passed before the July 4 recess. We have spent 4 weeks on the Defense authorization where Senators have debated the issues and had ample opportunity to bring issues to the floor on defense and debate those. Thus, we should be able to proceed expeditiously on the Defense appropriations bill. It is now time to make sure we have the appropriate resources to support our troops, and we will continue to move forward.

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UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that at a time determined by the majority leader, with the concurrence of the Democratic leader, the Senate proceed to executive session for the consideration of Executive Calendar No. 591, the nomination of Diane Sykes to be a U.S. Circuit Judge for the Seventh Circuit. I further ask unanimous consent that there be 60 minutes of debate equally divided in the usual form and that following that debate, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; provided further that immediately following that vote, the Senate proceed to a vote on the confirmation of Executive Calendar No. 604, Peter Hall to be U.S. Circuit Judge for the Second Circuit, again with no intervening action or debate. I finally ask consent that following these votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

Mr. FRIST. I yield the floor.

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RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN C. DANFORTH TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

NOMINATION OF JOHN C. DANFORTH TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session for consideration en bloc of the following nominations which the clerk will report.

The assistant legislative clerk read the nomination of John C. Danforth, of Missouri, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations; John C. Danforth of Missouri, to be Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided on the nomination.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, on behalf of the manager of the nomination, the Senator from Indiana, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BOND. Madam President, it is a privilege to rise today to commend to this body the confirmation of an individual whom I have had the honor of calling a colleague for over 30 years, and someone Members of this body have known for a long time. That is our good friend, former Senator John C. Danforth. There was something very delicious about the fact that the clerk noted he will become Ambassador Extraordinary and Plenipotentiary. That kind of sums it up.

Jack Danforth is an outstanding individual who will be having great responsibilities serving the United States as Ambassador at the United Nations.

Most of us who are familiar with Jack know of his many accomplishments and attributes. But there is one quality that always comes to mind when you ask people what do you know about or what do you think about when

you think of Jack Danforth? The people who have worked with him and have had an opportunity to watch him would say one word: integrity. This is a man of great integrity, as well as dedication and compassion, and even a dry sense of humor, when appropriate.

Senator Danforth was born in St. Louis County and graduated from St. Louis Country Day High School. He graduated from Princeton University in 1958, and then Yale University Law School and Divinity School in 1963. He was admitted to practice in New York in 1963, and that same year he was ordained as part of the clergy of the Episcopal Church. As we all recently saw, he participated in the services honoring our late, great President Ronald Reagan.

I have been to many services conducted by Rev. John C. Danforth. One that particularly affected this body was the memorial service for our late colleague, John Heinz, the Senator from Pennsylvania. I can tell you, when we went to Pittsburgh for those services, there were many very deeply hurt and troubled Senators. There is not much one would think could be said, but Jack Danforth was able to bring us together and give us hope and help lighten the burden of that loss.

In addition, obviously, to being a clergyman, Jack began his political career in 1969, serving as Attorney General of Missouri, using his legal background. I had the privilege to serve as an assistant attorney general under him and was grateful for the opportunity to be there, to learn the high standards he set and demanded not only for himself but for everybody who worked for him.

In the Senate, to which he was elected in 1976, he served as chairman of the Committee on Commerce, Science and Transportation. He served on the Finance Committee and undertook many important responsibilities. He was a leader in the passage of the civil rights legislation that was enacted by the Congress. He went back to Missouri to resume the practice of law in St. Louis. Really, I think he went back to spend more time with his wonderful wife Sally, who is a tremendous friend to many of us who have a chance to know her, and his grandchildren, and also to watch Cardinal baseball.

Jack was called upon by President Bush to broker peace in the civil war in Sudan that had claimed some 2 million lives. He worked tirelessly and committed himself to improving the lives of others. He demonstrated once again to the U.S.—and this time to the world—his ability to understand and simplify complex political problems.

About 2 weeks ago, he called me at my home in Missouri and said: The President asked me to take on another assignment. I said: Jack, I hope it is not as dangerous an assignment as Sudan. He said: No, he asked me to be representative to the United Nations. I said: I think that may be less dangerous, I am not sure. We certainly hope it will be.

But I told him I could not think of someone who is better able to serve the United States. When our reputation and status in the world is being questioned—I happen to think unfairly and incorrectly—it is a matter of fact that we need a man of Jack Danforth's fairness and integrity to represent us in the U.N., to reach out to other nations. He will know when to assert our Nation's sovereignty and how to do so with a spirit of humbleness and cooperation, as he has shown me. I ask this body to confirm him unanimously.

I suggest the absence of a quorum and ask that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Madam President, I yield myself as much time as I may require for this statement from the time allocated to our side.

Madam President, today the Senate will have the opportunity to consider many nominations for diplomatic posts of some very talented Americans who have made themselves available for public service—some as a career, and others for temporary periods—and who have come before the Senate Foreign Relations Committee in formal hearings, and whom the committee has sent to the floor for action by the Senate. It is my hope these nominations will be acted upon favorably today.

It is important to our country that these ambassadors and representatives to various other international organizations be in place as rapidly as possible. In an often-changing and sometimes dangerous world, we need that leadership. Our committee has tried to act in an expeditious manner to provide a fair degree of certainty to Senators, and a confidence level that these are good nominees who will represent our country well.

Prominent among those whom we recommend today is our former colleague, Senator John Danforth of Missouri. It is a great pleasure for me to address the nomination of Senator Danforth before the Senate now in this specific debate on his nomination. As a result of his three distinguished terms as a Senator from Missouri, he is well known to many Members of the Senate and to the Committee on Foreign Relations. It turns out that eight of us served with Senator Danforth in this body. We were able to identify ourselves during the hearing.

I had the privilege of coming into the Senate with Senator Danforth after the election of 1976, sworn in early in January, and had the pleasure of serving with him throughout the 18 years of his tenure.

After entering with Senator Danforth, as did Senator PAUL SARBANES of

Maryland and Senator ORRIN HATCH of Utah, in what was a large class of Senators—eight Democrats and eight Republicans coming in as new Senators from the election of 1976—those of us who had the privilege of serving with him can certainly attest to his integrity, his intellect, his sound judgment, and his good humor.

President Bush has made a very wise choice, in my judgment, for an extremely important position. The Committee on Foreign Relations signaled its agreement by voting him out of committee unanimously last Tuesday.

I will mention parenthetically that in a meeting at the White House this morning, President Bush asked specifically for consideration for the leadership on the part of those of us on both sides of the aisle to make certain we are represented at the United Nations as our now-Ambassador to the United Nations, Ambassador Negroponce, goes on to these very important responsibilities in setting up the new embassy in Iraq.

The job before Senator Danforth is a daunting one that will require all of his talents and his experience. As the Security Council vote 2 weeks ago on Iraq demonstrated, critical decisions are being made at the United Nations that have a huge impact on the outcome in Iraq, on the welfare of our troops there, and on peace in the world.

Success in Iraq is unlikely to be achieved without the active cooperation of many other nations, reinforced by the international legitimacy that can be secured and underlined at the United Nations.

Beyond Iraq, that same week, the United Nations Security Council met to discuss sanctions on Liberia, the peacekeeping mission in Cyprus, and weapons of mass destruction generally. Other United Nations bodies addressed in that same week issues as divergent as women's rights, the need for greater access to potable water in this world, efforts to expand freedom of expression, and the role that primary education plays in childhood development. The United Nations remains the focal point of our multilateral diplomacy on so many fronts.

Being U.S. Ambassador to the United Nations requires one not only to deal with policies and politics in New York, it requires one to manage these same issues back here in Washington where many in Congress are sometimes skeptical of the United Nations procedures.

Our U.N. Ambassador must be able to explain to Congress why it is important to pay our dues and to pay them on time, and why peacekeeping operations can benefit the United States. Every U.N. peacekeeper in the Congo, Haiti, and East Timor allows U.S. troops to focus on our missions in Iraq, Afghanistan, and elsewhere.

At the same time, our Ambassador must be a forceful spokesperson for greater efficiency and transparency at the United Nations and an intolerance of corruption at the United Nations.

The recent revelations regarding the Oil-for-Food Program remind us that close oversight must be part of our role at the U.N.

Senator Danforth's years of experience in Washington ensure that he will keep Congress informed about U.S. policies at the U.N. His talents as a bridgebuilder and a communicator will serve him well as he seeks to articulate both to the world and to the Congress the nuances of his work in New York.

Since leaving the Senate, Senator John Danforth has continued his commitment to public service. From 1999 to 2001, he headed the independent inquiry into the Branch Davidian standoff at Waco, TX. Since September of 2001, he has served as President Bush's special envoy for peace in troubled Sudan where he has devoted his time and his talents to reducing the suffering in that troubled nation.

In this capacity, he has made seven trips to Sudan and other nations in the region. This experience will be particularly useful when the United Nations Security Council begins debate on whether to send peacekeepers to try to maintain the fragile peace framework signed in Nairobi on June 5. We wish him success in this endeavor and pray this framework evolves into a formal peace agreement that finally ends the civil war that has resulted in more than 2 million deaths and over 4 million displaced persons.

The United States and the United Nations must work together in Sudan, Iraq, Haiti, Afghanistan, and many other trouble spots throughout the world. American credibility in the world, progress in the war on terrorism, and our relationships with our allies will be greatly affected by what can be accomplished at the United Nations in the coming months and years.

Senator Danforth is eminently qualified to meet these and other challenges. We recognize the deep personal commitment necessary to undertake this difficult assignment. We are grateful that a leader of his stature is willing to step forward. I recommend Senator John Danforth to the full Senate and ask my colleagues to send him on his way to New York with a unanimous vote.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I wish to join my colleague, the chairman of the full committee, today in support of the nomination of an old friend, Jack Danforth, to be Ambassador to the United Nations. As many of us, I have known Jack for a lot of years, and I have an inordinately high regard for him. The one point I continue to marvel at, but I am not at all surprised at, is that he keeps answering the call. Every tough job he is asked to do—in or out of government—he steps up to the plate and he does it. I think having Jack Danforth at the United Nations is going to be a very positive thing.

People say we should have professional diplomats. Jack Danforth is a professional diplomat. Jack Danforth is the ultimate professional diplomat. Jack Danforth knows how people think. From his years as an ordained minister, as a Senator, and an attorney general of his State, he knows how people think and feel and move. But, Madam President, do you know what I like best about Jack Danforth going to the United Nations? He will be absolutely straight—absolutely straight.

I have an incredibly high regard for Ambassador Negroponte, for whom I voted to become Ambassador to Iraq, probably the toughest job in the bag these days. This is not meant as a reflection on Ambassador Negroponte. But Jack Danforth has the stature to go to the President and say: Mr. President, I disagree; I think you should not. Or “I would recommend the following.” He has the stature, just because of who Jack Danforth is—just because he knows. There are some men and women who just possess it. He possesses it. He has the stature. We know the expression, “command presence.” Jack Danforth has command presence. What makes me feel good is the President is going to get unvarnished advice from Jack. Jack is a team player. Jack is a supporter of the President. Jack feels strongly that the President’s mission is correct. But Jack will also, if he disagrees, not hesitate one minute to, in my view, privately tell the President. I think every President is best served when he has women and men around him with the conviction to tell the President honestly what they think.

When you walk into that White House, when you walk into that Oval Office, it is an intimidating place if you do not walk in with your shoulders back, your head up, and understand what your responsibility is. That is the quality in Jack that I am excited about in his going to the United Nations.

He also has stature, in my view, to turn to the French or Chinese or British Ambassadors, for example, and privately say: Look, cut this stuff this is what we have to get done. This is how we should try to work this.

I think stature matters in this job—at this moment, at this time, and in this administration. I think Jack Danforth has always stepped up to the critical moments in recent history. As the June 30 deadline for transfer of sovereignty in Iraq occurs very shortly, Iraq is one of many urgent issues on the United Nations agenda. There are many others: Sudan, Afghanistan, Haiti, just to name three.

The administration seems to have finally discovered the virtue of the United Nations. That sounds like a bit of a snide remark for me to stand here and say that the administration “finally discovered.” But literally, I say “finally,” because this administration ran for office and came to office expressing verbally, in writing and in their actions—it would be extreme to

say “disdain” but not a particularly high regard for the United Nations. However, since then, the President has honored the United Nations by going to it and making clear America’s position on the most urgent issues of the day.

Now the administration is back in the United Nations with both feet and is trying to rally international support in a way that, quite frankly, I hoped and wished we had done a year ago, or longer.

The reason I mention this is not to highlight when the administration should or should not have done it. I mention returning to the United Nations because it coincides with Jack Danforth being at the helm there. I think that his being there is good for this country. The administration, in its successful and unanimous vote on Security Council Resolution 1546 on June 11, moved in a direction in which it had been hesitant to move, in my view, before. That is good news because we have squandered a number of meaningful opportunities to share the burden in Iraq. I hope we do not miss any more. I know Senator Danforth’s leadership can make a real difference on that front.

Last weekend, Senator LINDSEY GRAHAM of South Carolina, Senator DASCHLE, the Democratic leader from South Dakota, and I traveled to Iraq, Kuwait, and Jordan. The trip confirmed to me that turning over sovereignty on June 30 in Iraq is a starting point. It is not a turning point in the transition to self-government. I remain absolutely convinced that we can still get this right in Iraq and that we have to try because of the profound stakes we have in a successful transition. There is so much to lose if it fails.

We have to start leveling with the American people about what is and what is not happening on June 30. We are handing over sovereignty, but we are not handing over capacity. That is not a criticism. It is not as if we should be in a position to be able to hand over capacity. I think we could have been in a position to hand over much more, but it is not a criticism.

By “capacity,” I mean the ability of the Iraqis to provide security for themselves, to defend their borders, to defeat insurgency, to deliver services, to run a government, and to begin to set a foundation for economic success. What is so frustrating is that because of a series of very wrong judgments, we lost at least a year in effectively building that capacity. As a result, we have made an inherently difficult mission even harder.

If there is anyplace where humility is in order, it is in suggesting how we should proceed in Iraq. I remember when the distinguished chairman, Senator HAGEL, and I visited Iraq last August and we sat with Ambassador Bremer. My friend may remember my looking at Ambassador Bremer in the only room in that whole facility that had air-conditioning and saying: Mr. Ambassador, I want to make it clear to

you I think if the Lord Almighty came down and sat in the middle of this conference table and gave you the precise answer to the next 20 critical decisions you have to make, we still only have a 65-percent chance of getting this right.

Nobody has ever done this before. The Ottomans could not get it done. The Persians could not get it done. The Brits could not get it done. And they are not even dealing with what the country is today. Iraq is a polyglot made up of essentially what was left over in the region of three groups of noble people.

The fact is, this is a hard job by any standard. The central question is what we can do between June 30 when the sovereignty is handed over, and December of 2005 when a constitutionally elected Iraqi government is supposed to be seated. What can we do in that interim to help build that government that will be seated in December 2005? What can we do to help build the capacity for it to stand on its own? I think this should not be the sole responsibility of the United States.

The international community, through a unanimous vote on Security Council Resolution 1546, made clear that Iraq is the world’s problem. All of the Security Council voted in favor of that. They voted for elements of the whole. One of the elements, for example, just to note parenthetically, says that there will be provided a brigade, 4,000 troops, to protect the U.N. when they go back in. What was not stated is who will provide the troops.

There are many other elements that the unanimous resolution laid out in the Security Council. The Permanent Five, and other members of the Security Council signed on. They did not just sign on saying the United States can stay. They signed on saying that Iraq is the world’s responsibility.

The reason I go into this is to describe that it is going to take a man of Jack Danforth’s stature—while we are working it from State, while Negroponte is working it from Baghdad, while the President is working from the White House—to work out the problem of how we get the world’s major powers, Iraq’s neighbors, and leading international institutions such as NATO, to pick up empowering the Iraqis to govern.

In a nutshell, I believe we are going to have to, and Senator Danforth is going to have to play a part in getting other nations to help us train and equip Iraqi security services—including the police and the army—commit to defeat the insurgency, and provide security for Iraqi elections, which is going to require a surge of forces, not a reduction of forces. They should not all be U.S. military forces. The rest of the world has to get in on the deal, preferably with NATO and other foreign troops.

We need civil affairs experts from our allies, and more special forces and intelligence assets from America. We

have to provide, as called for in UN Security Council Resolution 1546, a special brigade, ideally from NATO, to protect the U.N. mission in Iraq, whose presence is critical for successful elections.

I know the Presiding Officer knows this but maybe not all of our colleagues have not focused on this: Thousands of polling places are going to have to open up. There are going to be U.N. people going into villages and going into towns throughout Iraq, over the next 6 months, to set up for the first election. That is going to be dangerous business. You have Zarqawi and others announcing that they are going to try to kill not only the interim government, but anybody who participates in making this work. So we need to assist the U.N. in doing its job—which is essential for our ultimate exit strategy—which is to support a secure Iraqi government—secure within its borders, not a threat to its neighbors, and not harboring weapons of mass destruction or terrorists.

How do we get from here to there? Jack, Senator Danforth, is going to have his hands full. We have to deploy an army of technical experts, primarily from other countries, to help Iraq run its government, and deliver essential services like electricity, water, and sanitation. By the way, I am not just talking about the major projects. The Russians pulled back from what seemed to them a pretty good contract, a contract to go out there and build electrical power capacity. Their folks were getting shot and killed, so they pulled back.

But there are thousands of little projects that are going to determine whether we succeed or fail in Iraq. One of the most impressive commanders I have met, and I spent a couple of hours with him in a briefing—is the Commander of the First Cavalry, an incredibly proud unit.

He said to all of us: Senators, look, I leave my tanks back in America. My tank drivers are now infantrymen. My infantrymen I had associated with this are now engineers.

On his big screen during this briefing he showed us Humvees. He has Sadr City as his responsibility. He showed Humvees going through sewage literally up to their hubcaps.

There is a company out in California that has done a remarkable job. It has created overlays for a number of things, such as utilities, that you would think were disparate and had nothing to do with one another. The overlays show where the greatest physical needs are, in terms of pollution and water problems, for example. Then the company overlaid, on top of that grid, a diagram of where the most fighters are coming from, and where the most terror is coming from.

This commander of the First Cavalry said: Take a look. In the places where we have gone in and done relatively small projects, such as getting potable water to homes, I don't have people

coming out of and killing my guys and women. He said, Do you know what I need? I need a better mix of troops—not better troops but a better mix of troops and capability. He said there is about \$450 million worth of projects that he has agreed and laid on, in Sadr City.

This is a commander who can shoot straight and kill. This is a serious guy. He said: You help me clean up the sewer, I will clean up Sadr City and I will get us peace in that area.

We have a lot of needs. The U.N. resolution, in my view, signs on the international community. Now it is time for them to sign up to take on some of these responsibilities.

The other thing we have to do, in which Senator Danforth is going to have to play a major part, is insist that other countries follow through on their financial pledges for more assistance, and demand that they provide significant debt relief. As a matter of fact, as my colleague brought up in a very important meeting this morning, we have to get money in there quickly. We can't wait to begin these major projects. We voted for about \$18 billion for Iraq to rebuild it. We have spent a pittance of that. It has not been spent. None of it has happened. Less than a half billion dollars, less than \$500 million of the \$18 billion we appropriated, has been spent on projects. That is tragic. That is not particularly good management, in my view.

Furthermore, Senator Danforth will have to bring other Security Council members together to develop a viable U.N. strategy for dealing with this great tragedy that is occurring in western Sudan. If our U.N. Ambassador doesn't take the lead in the Security Council then, in my view, little is going to happen.

Senator Danforth was called to get involved, and he did a brilliant job in negotiating the north/south crisis in the Sudan. Over the past several years he has worked very hard as a special envoy to support the peace process between the Government of Khartoum and the Sudanese People's Liberation Movement.

With the signing of the last three protocols on May 26, that peace process is on the verge of a success and it is truly a significant achievement for the President and for Senator Danforth. But the impact of that agreement has almost completely been undermined by the horrific attacks on the civilians in Darfur by the Government of Sudan and its allied militias. These attacks have precipitated what the U.N. and U.S. officials call the worst humanitarian crisis in the world today.

We have already witnessed ethnic cleansing on a massive scale. Already as many as 30,000 people have been killed. Mr. Natsios, the administrator of the Agency for International Development, stated 3 weeks ago: "Under optimal conditions, we could see as many as 320,000 people die" in Darfur by the end of the year as a result of this violence, disease, and famine.

The U.N. factfinding team:

... identified ... massive human rights violations in Darfur, perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity.

I believe it is genocide.

The violations reported by the U.N. include the targeting of civilians during military strikes, the widespread rape of women and girls, destruction of homes, food stores, livestock, crops ... the razing of villages, forced displacements, and disappearances.

The administration has responded with humanitarian aid and raised the issue of Darfur repeatedly in Khartoum, and the President told us this morning at breakfast that he raised it at the G-8 meeting as well. The U.N. sent teams out to investigate. These are all important steps, but they are not enough. The international community must condemn Khartoum's actions unequivocally. It must insist that Khartoum stop attacks on civilians by government troops and militia, and provide unfettered access to Darfur for humanitarian workers.

I will soon introduce legislation that our U.N. Representative, I hope, will push for in a U.N. Security Council resolution which reimposes sanctions on Khartoum if the attacks in Darfur do not stop. This action may not resolve the situation, but it will help. Senator Danforth knows more about this crisis than I do, and do most of us in this place. I hope he will pursue such a resolution as one of his first actions as Ambassador to the United Nations.

Congress has to do its part. The United States should bring real money to the table to respond to the crisis, rather than empty promises that the money is on the way. I am working on an amendment to the Defense Department appropriations bill that would provide money for Darfur which Mr. Natsios pledged earlier this month the United States will provide. But bilateral action by the United States is not enough. We need our international partners to assist in pursuing Khartoum to stop the terror campaign in Darfur.

There are many other pressing issues facing the United Nations in New York. We have a lot of diplomatic work to do to repair relations. We have a new team at the top in Jack Danforth and, assuming she is also confirmed, his deputy, Anne Patterson. But I think the President has chosen very well.

By himself, Jack Danforth cannot repair relations between the United States and other nations at the U.N. But he said in the confirmation hearing that the reason he finally took the job that he initially didn't want to take is that he saw that as his mission, the single most important thing he could do. A recognition as to how important that belief is, is in and of itself an important message to be sent around the world.

Jack Danforth is the right person at the right moment to help repair the

breach, if the administration is committed to do so. And I am confident with Jack's leadership they will be able to do so.

In closing, I would like to extend my gratitude to Jack Danforth for agreeing to take on this difficult assignment. I thank his wife Sally for supporting him. I know I speak for all of my colleagues on this side of the aisle and, I suspect, although I wouldn't presume, the entire Senate. I speak for all of us when I say, Thank you, Godspeed, count on us. I know you can count on the chairman of this committee, Senator LUGAR, and me to do all we can to help you make your mission at the United Nations workable and doable.

I yield the floor.

Mr. LUGAR. Madam President, I would like to yield time to the distinguished Senator from Missouri, Senator TALENT. I yield as much time as he might require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, I thank my friend from Indiana. I certainly want to associate myself with the remarks made on this floor on behalf of Senator Danforth. I know they have been uniformly, without exception, complimentary to him—not in a typical way we as matter of gesture may compliment public figures, but these were remarks by people who knew and who have known and who have worked with Jack Danforth for years and years and know him to be a tremendous public servant of deep integrity, thoughtfulness, and courage.

I am proud to say that he hails from the great State of Missouri. President Bush has simply selected a great man for this post. When he called me and told me about it, I told him I was thrilled. I could not think of a more qualified person to represent the United States at the United Nations.

Like most of us who have been around politics and government, I have known Senator Danforth and his wife Sally for many years. He served his country and the people of Missouri with dignity and distinction. It is appropriate to take a moment to place on the RECORD again his background and his credentials.

He served two terms as the attorney general of Missouri; three terms in the U.S. Senate; handled, as Senator BIDEN said, the difficult task of trying to bring peace to the Sudan, the difficult and delicate task of investigating the tragedy that occurred at Waco and emerged from that job, which could very easily have led to censure and disapproval from this town because it was a very controversial type investigation, with plaudits from everyone who recognized the thoroughness, the effectiveness, and the fairness of that investigation.

He knows the importance of bipartisanship. We have seen that from the comments on this floor today. Most recently the Nation appreciated his eloquence and his thoughtfulness as he

said goodbye to President Reagan during his memorial service.

He is, in short, a considerate man with character, diligence, and whose abilities qualify him to represent our Nation. The Senate will support him unanimously and without opposition.

As Senator BIDEN said, he is going to have a very difficult job. The United Nations is not an easy place. We are engaged in a war on terrorism. I want to say that, in my judgment, the United Nations has never really come to grips with the danger we are fighting. That will certainly be one of Senator Danforth's tasks.

One of the reasons this transnational movement of thugs we are now confronting grew to be as powerful as it became is because of the neglect of the international community and the United Nations. Policies of appeasement do not work with this group of people. I am not certain the United Nations realizes that.

I harken back to the end 2002 and the speech Prime Minister Blair gave to the Parliament, which I had an opportunity to watch, about negotiations within the United Nations about trying to deal with the threat against representative freedom by Saddam Hussein. Prime Minister Blair made the point then that after years and years and years of negotiations of containment, of watching him violate the obligations he had made after we defeated him in 1991, after a long record of aggression toward his neighbors, the use of weapons of mass destruction, deception, and the United States and Great Britain asked for one more resolution demanding that he show he had disarmed, with a threat of force if he failed to comply. That was blocked in the United Nations to which Jack Danforth is going to be an Ambassador.

The United Nations is, in my judgment, important in reconstructing Iraq. But it is important that the United Nations understand the threat we are confronting.

After Saddam was removed and the United Nations came to assist with humanitarian reconstruction, their headquarters was attacked by the terrorists. It was a terrible tragedy. While on one level you can understand it, on another level it was unfortunate that they lowered the flag and left. But that is what the United Nations did. The terrorists took that as a sign of weakness.

Senator Danforth is going to represent us in an organization which is highly bureaucratic, which is troubled by its own Food-for-Oil scandal, and whose resolve in the face of terrorism has been questionable in the past. I know he will do a great job of representing American interests. I believe he can help us draw close again to our traditional allies. He is the kind of person who knows how to be gracious and courageous at the same time.

I wish him well. He certainly has my support. I know the Senate will support him unanimously as well.

I yield the floor.

Mr. JEFFORDS. Mr. President, it is with a deep sense of honor and privilege that I speak today in support of the nomination of one of our former colleagues, John C. Danforth, to serve as the U.S. Ambassador to the United Nations.

While I served in the Congress for many years with Jack Danforth, our friendship was forged long before we arrived in Washington. Dating back to the late 1960s, he and I served our respective States as attorneys general: no small task given the turbulent times in which we were living. Jack and I, along with a few of our other attorneys general whose names are familiar—Slade Gorton and Warren Rudman—banded together to find common solutions to problems that our States were facing. Whether it was the threat of rampant development or the upsurge in illegal drug use, these problems had the potential to overwhelm our individual States. However, by working together through the National Association of Attorneys General, we made it through those tough times and I believe our States were better served for those relationships we forged.

Little did we know back then that years later, we would all be representing our States in this great Chamber, which Senator Danforth did with distinction from 1976 to 1995. I remember working with Jack Danforth on the Civil Rights Act of 1991, where his leadership was vital to passing that very important legislation. Through the course of a summer of seemingly endless meetings, discussions and negotiations with leaders of the contending factions, Jack Danforth was able to bring together support for a bill that guaranteed equal opportunity in the work place for all Americans. I stood with Senator Danforth through the entire process in 1991, and to this day remain awed by his ability to seek compromise, work in a bipartisan fashion and find common ground.

I was sad when Jack left the Senate, but his departure did not bring an end to his hard work. In a move that I believe speaks volumes about his character, he was selected by Attorney General Janet Reno to head the investigation of the FBI's role in the Waco, TX, tragedy. And in what was undoubtedly one of his toughest assignments, Jack was named Envoy for Peace in Sudan by President George Bush in September 2001.

All of his life experience leaves Senator Danforth amply qualified to represent our country in the United Nations, whose role in the world is so critical right now.

But perhaps there is one more item on his resume that should be mentioned. As we all witnessed at the recent funeral of President Ronald Reagan, Jack is also an Episcopal minister.

As I sat in the National Cathedral and listened to the Reverend Danforth deliver the homily on that day, I remembered what great admiration I had

for his work in the Senate, and realized how I missed his company.

He gave us all comfort that day, and the words he spoke about the late President could be said for Jack Danforth as well. I quote: "He was not consumed by himself."

I believe Jack Danforth has demonstrated that he is a man of great diplomatic skill who has always put the needs of his nation first. He is well suited to be our ambassador to the United Nations.

Thank you.

Mr. WARNER. I rise today in support of the nomination of former Senator James Danforth to be U.S. Ambassador to the United Nations. I can think of no person better qualified to fill this critical position during the war on terrorism.

Senator Danforth is a true statesman, and is one of my closest friends over my 26 years of service in this Chamber. During this time in the Senate, our friend was a valued colleague and an even more valuable servant of the people of Missouri. He was first elected in 1976, 2 years before I came to the Senate, and served 18 years in this body. The fact that he was elected to three consecutive 6-year terms from the "Show Me" State of Missouri illustrates his remarkable wisdom and his ability to listen to his constituents in deciding important issues of the day.

After leaving the Senate, our colleague remained in service to his country, chairing a committee that reviewed the Federal response to the Branch Davidian activity in Waco, TX. More recently, Senator Danforth served as special envoy to the Sudan—an area of the world experiencing a particularly difficult and tragic humanitarian situation. In this capacity, he continued to demonstrate the compassion and goodwill that we became so familiar with in this body.

Senator Danforth left the Senate to answer a calling to the Episcopal priesthood. Even while he served among us in the Senate, our colleague volunteered on occasion as a pastor at the National Cathedral, where my own uncle served as rector in St. Albans Parish nearly three-quarters of a century ago. I was baptized and confirmed there on the Cathedral close, and was married at a chapel of that Cathedral just this past year. Senator Danforth and I not only were close friends; we shared a special bond of affection for that great Cathedral, which played such an important role in both of our lives.

And most recently, our good friend did such a magnificent job officiating in that same Cathedral at the funeral of President Ronald Reagan. Hearing our colleague's voice at that historic and difficult occasion gave comfort to each of us who were humbled to attend that ceremony. He did us proud: and we expected no less.

Now our dear colleague opens the next chapter of his exemplary career in public service. In these most difficult

of times, when our relations with our allies are so critical to our fight against a new enemy, I am confident that our good friend will carry himself with the same distinction—the same wisdom and thoughtfulness—that he demonstrated, over the years, next to us, in this very Chamber. Mr. President, each of us, as Americans, is fortunate that our colleague will once again be by our side in this critical public role.

I wish our dear friend all the best in his important new post.

Mr. LUGAR. Madam President, I am advised there are no other Senators here wishing to speak on the nominations. I am authorized to yield back time on both sides of the aisle.

The PRESIDING OFFICER. All time is yielded.

The question is, Will the Senate advise and consent to the nominations of John C. Danforth to be Representative of the United States of America to the General Assembly, to be Representative with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Representative to the Security Council of the United Nations, en bloc?

The nominations were confirmed, en bloc.

Mr. LUGAR. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I thank the Chair.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. LUGAR. Madam 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. JEFFORDS. 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. JEFFORDS. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes as in morning business.

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

#### NOMINATION OF PETER W. HALL

Mr. JEFFORDS. Mr. President, in a few minutes, we will be considering the nomination of my good friend, Peter W. Hall, for a seat on the U.S. Second Circuit Court of Appeals.

Peter will come to the Second Circuit with an extensive and wide knowledge of the law. In addition, this nomination comes with the strong support of a large bipartisan group of Vermonters.

Jim Douglas, the Governor of Vermont, offered Peter's name to the President as the nominee for this seat, and both Senator LEAHY and I support his nomination.

My constituents also believe Peter will be an outstanding judge on the Second Circuit Court of Appeals.

Vermont has been proud to provide to the Second Circuit Court of Appeals a line of excellent judges to serve on that bench. That is a prestigious bench. I have the utmost faith that Peter will continue this line of excellence during his service.

I am a bit melancholy, though, as Peter will be filling the seat opened by the passing of my close friend, the late Fred Parker. Judge Parker left some big shoes to fill, both literally and figuratively, but Peter is the ideal candidate to accomplish this task.

Peter will bring a proper judicial temperament, strong values, and an exceptional judgment to the Second Circuit Court of Appeals. I believe these all come naturally to Peter through his upbringing in Vermont. I know Peter will serve in the Vermont tradition of prudence and fairness.

I recommend that my colleagues support his nomination.

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. 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.

#### NOMINATION OF JACK DANFORTH AND THE CRISIS IN SUDAN

Mr. FRIST. Mr. President, I know we will be moving to other business in a few minutes. We have completed voting on Senator Danforth's nomination, but I wanted to come to the floor and speak to that nomination.

Senator Danforth has had a long and distinguished career in the Senate, and he has served this Nation capably, ably, and nobly since the time of that service. In particular, as has been mentioned over the course of the morning, he has served as President Bush's envoy to Sudan and has worked tirelessly to bring peace to that war-torn nation.

I focus on the Sudan because it is a country on a continent that means a lot to me personally. I was in the Sudan in September. I was there the year before that and the year before that and the year before that. I have been to Sudan many times and spent most of my time in the south of Sudan, a war-torn nation with 2 million people who have died and 5 million people displaced by an ongoing, still long-term civil war. I say "ongoing still," and I say that with the qualification that because of Senator Danforth's commitment, his noble service, we are much

further along that road to having a long, established peace as we look to the future.

It has not been an easy mission. Senator Danforth, in spite of it not being an easy mission, has made huge progress. We are much closer to ending that terrible conflict of the civil war that has been ongoing now for over two decades than we were before Senator Danforth became involved.

On June 11, the United Nations Security Council endorsed the peace process and committed to taking those steps outlined to assist the parties in implementing a final comprehensive peace package once the agreement itself is reached, and that is real progress.

During my trips to Sudan, I had the opportunity to not go as a U.S. Senator—in fact, I have never been in the country as an official U.S. Senator—but as part of a medical mission group where I have had the opportunity to interact with the Sudanese people from many different tribes in the south of Sudan.

I have had the opportunity and the blessing—blessing for me because of the understanding it gives me—to have treated patients with war injuries. In fact, even in late August, early September of this year, I treated a patient who suffered a gunshot wound to the upper part of his leg. I treated that injury. And the time before that, I treated a patient who stepped on a landmine. There are still landmines throughout southern Sudan. We are making real progress on that issue.

But today, as the Sudan works toward a settlement, with the progress that has been made, we face a growing humanitarian emergency that was not thought about a year ago at all, and even today we are struggling to put the spotlight on and the purpose on—and it is not entirely a separate issue, but it is a separate issue from the traditional thought about civil war: north versus south, black versus white, or Muslim versus Christian, all the ways people have thought about a civil war in the past. This crisis is a relatively new one. It is the direct result of the actions taken by the government in Khartoum and their proxies, the government-supported militias against the Fur, Zaghawa, and the Masaalit peoples of Darfur. Members of this body have spoken to this issue over the last several days. We need to speak a lot more about this crisis.

Government-sponsored militias systematically attack African Muslim villages but leave Arab Muslim villages untouched. Government planes—and these planes are Antinov planes. I do not know how many there are, but they are government-sponsored, government-owned planes that historically have bombed indiscriminately in the south. In fact, they have bombed the very church and hospital in southern Sudan where I go each year.

These same planes seem to be bombing indiscriminately in this Darfur region, and these are government-owned

planes. Crops are burned and wells are being poisoned, irrigation systems destroyed, houses are burned, and then the earth is left scorched and barren, and the population is being decimated.

There is an estimated population of about 6.5 million people in Sudan, and as many as 2.2 million people have been directly affected by this crisis. More than 1 million people have become displaced.

That is such a dry word. What does “displaced” mean? It means they had a home, and they had to leave that home and struggle to make their way in other regions, not having their occupation, their job, their land they tilled before. This is 1 million people.

Mr. President, 158,000 people have fled to neighboring Chad, and more than 30,000 have lost their lives.

The World Health Organization recently reported an alarming reemergence of polio in Darfur, a disease that has not been seen in years. Should polio get a foothold there this autumn, the polio high season will see thousands of children who could be struck, and that means struck with paralysis or even worse.

At this point in time, we need to make sure—and it is our responsibility—that Khartoum understands there cannot be peace in the south at the same time they have an ongoing war—many people have used the word “genocide”—in the west, which is where the Darfur region is. War anywhere in Sudan will lead to war everywhere.

Khartoum agreed to a cease-fire on April 11. The cease-fire was renewed on May 22. This agreement committed Khartoum to disbanding the Jingaweit militias.

The agreement included a protocol binding Khartoum to allow humanitarian access. Jingaweit militias continue to ravage the countryside while aid workers are turned away. Until we get aid workers in to deliver aid, to shine the spotlight, to report back on the travesty, I see no end to this problem, and that is where the international community must step up.

Khartoum claims to have lifted travel restrictions but, at the same time, Khartoum still places obstacles to the delivery of aid. That aid, I am convinced, will flow if those channels are opened.

Khartoum places difficulties on obtaining visas for relief personnel. Khartoum restricts the movement of relief workers within Darfur. Khartoum places obstacles to clearing relief supplies through customs. Khartoum interferes with relief workers seeking to protect civilians from harm.

Khartoum's actions simply cannot be tolerated. Khartoum's actions will not be tolerated. The United States must respond. The world community must respond. We should continue to pressure Khartoum to see that the government will find itself increasingly isolated in the world community if it continues to block the delivery of aid and

relief, and that is food and health care supplies.

This administration has been working tirelessly over the last year to deliver aid to those in dire need in Darfur. Two more relief flights landed in Nyala last Saturday and Sunday, and a third flight was scheduled to land yesterday.

Since February of last year, USAID has done other things. It has dispatched plastic sheeting to build shelters for more than 160,000 people. It has provided 117,000 blankets, 2 water purification systems. The administration has provided 87,000 metric tons of food. The administration has devoted considerable resources and committed a great deal of political capital to assisting the southern Sudanese.

President Bush has played an active role in the peace process. We have engaged the United Nations and will continue to do so, to pressure Khartoum into ending its support for the militias in Darfur, to assist in the delivery of aid, and to rally the international community to come to Sudan's assistance. It is our responsibility. We must do it.

In closing, I do commend Senator Danforth for all of his work to help the people of Sudan. It has been tireless. It has been bold. He has done a superb job in the Senate and in all of his years of public service, especially in Sudan. I am delighted he has accepted and that we have approved his position at the United Nations. He is a great friend to us in the Senate and a great friend to the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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.

#### DEFENSE APPROPRIATIONS

Mr. STEVENS. Mr. President, I am happy that the two leaders are in the Chamber because I wish to make an announcement to the Senate.

Previously, I had stated I did not think it would be possible for me to make the commitment that when the Defense appropriations bill goes to conference this year it would not come back with the provisions in the House-passed bill pertaining to the debt ceiling. I have had a series of conversations through the evening last night and this morning and I now believe I can commit that when we come back from this conference we will not bring back a bill that contains the provisions that were in the House-passed bill pertaining to the debt ceiling issues that we must face sometime this year.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished chairman of

the Appropriations Committee for his statement and for the assurances that he is now prepared to give the Senate. He more than anyone—and I want to acknowledge as well our ranking member of the Appropriations Committee and the subcommittee for their extraordinary efforts to move this appropriations process along. They, more than anybody, understand how critical it is that we move these appropriations bills forward. The debt limit would have been extremely counterproductive and would have prevented us from completing our work.

With the assurances given by the manager and our chairman, I am prepared to commit to him that we will do all we can to finish our work on this bill today. I believe we can finish it today. I would anticipate some amendments, but there is no reason why, given what he has just committed in terms of the conference, that we cannot finish this today and look forward to other bills as soon as we come back after the Fourth of July recess.

I thank him for that commitment and pledge my support and partnership in working with him and our ranking member today to complete our work on time.

Mr. STEVENS. Mr. President, does the Senator from West Virginia wish to be recognized? I will be happy to yield to him.

Mr. BYRD. Yes. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. First of all, he is my friend and nothing as far as I am concerned will ever mar that friendship, but I have to say that my blood boiled last Monday evening when I learned that the House Republican leadership, with the support of Senate Republican leaders, I believe, had decided to put a placeholder amendment into the Defense appropriations bill that could be used in conference to increase the \$7.4 trillion statutory debt limit perhaps to a level of \$8.1 trillion, the level needed for 2005. That placeholder language meant that the House and the Senate conferees would be free to slip in language to increase the statutory debt limit by an untold amount, maybe \$690 billion, maybe more, without either body of Congress ever having to vote in public on the matter.

This is a tough vote. I can understand how the Republican leadership in the House, the Senate, and downtown, the White House, would like to see that limit slipped into this bill in conference.

Again, the chairman of this committee has steadfastly shown great knowledge and great determination in his efforts to bring forth to the Senate for its consideration all 13 appropriations bills. That has been tough for him. I thank him for his commitment with respect to the Defense appropriations bill and the conference report which will be coming along. I thank him for that. He is a legislator in the true sense of the word.

Also, in 2002, when I was chairman of the Appropriations Committee, the House Republican leaders tried this same trick on the fiscal year 2002 supplemental appropriations bill. I refused. I steadfastly refused to include such language in the conference report. Instead, the Senate took up, debated, and passed a freestanding bill to increase the debt limit. The House then voted to approve the measure with a one-vote margin. That is the responsible way to increase the debt limit. We owe this to the American public. We should not cloak the debt increase in the camouflage uniform of a Defense appropriations bill.

So I thank Senator FRIST and Senator STEVENS for making a commitment today that the Defense appropriations conference report will not include an increase in the statutory debt limit. The Senate should vote on this issue on a freestanding bill.

I would like to ask the distinguished chairman of the Appropriations Committee—I had hoped the leader would be here so I could ask him—is he making a commitment and is the leader making a commitment that when the Senate considers the debt limit increase it will be on a freestanding bill and that it will not come to the Senate on any other appropriations conference report or in any other unrelated conference report? Can the committee chairman make that commitment?

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. GRAMHAM of South Carolina). The Senator from West Virginia has the floor.

Mr. STEVENS. I will be back to answer that when I get the floor.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will respond to my friend from West Virginia by saying the so-called Gephardt rule is not within the control of this Senator, nor the leaders. If the House chooses to take up the Gephardt rule and use it as it was used several times before, including, I believe, by Senator Mitchell when he was the leader, then that will be an issue that others will have to pursue. I am not in a position to make that commitment, and I do not think the leader is in a position to make that commitment.

I do want to proceed with the bill and I would hope my friend would accept that as being the position we are in now. I am in the position to make the commitment I have made with regard to this bill. I hope we can proceed on this bill.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. STEVENS. I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 594, H.R. 4613, the Defense Appropriations Committee bill.

The PRESIDING OFFICER (Mr. GRAMHAM of South Carolina). Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I shall not unduly delay the distinguished chairman, let me also thank our ranking member of that subcommittee, Mr. INOUE. I thank again Senator STEVENS. He has been a great chairman of that committee, and he has always been fair with me. So once this bill is brought up before the Senate—and it will be up before the Senate very soon, within the next few minutes—I shall do everything I can to help to get action on this bill today.

But let me say to the Senate and to the Senate leaders and to the Republican leaders in the House, this matter of extending and increasing the debt limit is a matter which should be brought before the American people. It should be debated; it should be voted upon. I shall do my best to see to it, if it is on any appropriations bill or any other bill, that we get a freestanding vote, and we are going to try to debate this issue. The American people are entitled to hear the debate on this bill.

When I came to the Congress almost 52 years ago, they did not sneak the debt limit into an appropriations bill as the attempt might have been made here but for the good judgment of Senator STEVENS and Senator FRIST. They didn't sneak it into the bill. The Republicans controlled the House when I first came to the House of Representatives. They didn't do a thing like that. They laid everything on the table and they debated it. I hope we will get back to that point of debating the debt limit so the House Republicans will not be let off the hook. They have a responsibility to the American people to lay it on the table and to debate it.

I thank the distinguished Senator from Alaska, the chairman of the Appropriations Committee, for yielding to me. I do not object. I remove my reservation.

Mr. STEVENS. I thank the Senator and renew my request.

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

The clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

Mr. STEVENS. I ask unanimous consent all after the enacting clause be stricken, the text of Calendar No. 593, S. 2559, the Senate committee-reported bill, be inserted in the RECORD in lieu thereof, and that bill, as amended, be considered as original text for the purpose of further amendment, provided no points of order be waived by reason of this agreement.

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

Mr. STEVENS. Mr. President, I just filed this report. It is the report that

previously was intended to accompany the Senate bill. I ask it now be labeled as accompanying the House bill as amended by the previous motion.

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, but I say this so the Republican leadership in the House, in particular, understands that sneaking the debt limit in an appropriations bill is not going to get by.

I thank the Senator. I no longer reserve.

Mr. STEVENS. I am happy to yield to the Senator from Nevada.

Mr. REID. Mr. President, through the Chair to the distinguished chairman of the committee, we have come so far in the last 12 hours. It would not have happened but for the Senator from Alaska and his advocacy, which is unparalleled. His advocacy is in a category all its own. The working relationship that the Senator has with Senator INOUE, of course, is legend. We look forward to doing what the Democratic leader said and finish this bill today.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to present this report and this bill to the Senate today. It reflects the bipartisan approach that my cochairman, Senator INOUE, and I have always maintained regarding the Department of Defense. It is a pleasure to work with him and other members of the committee. I thank our distinguished ranking member and former chairman, the Senator from West Virginia, for his cooperation in helping us to get to the point we are now.

This bill was reported out of our full Appropriations Committee on June 22 by a unanimous vote of 29 members. No member voted against it. As we debate this bill today there are thousands of men and women in uniform deployed and serving our country in over 120 countries and throughout these United States. Their bravery and dedication to our country is extraordinary. Their sacrifices must not go unrecognized. They must be recognized here today.

Each year, the Department of Defense faces the critical challenge of balancing the cost of maintaining high levels of readiness, being ready to respond to the call wherever and whenever it is necessary to defend the interests of this country. The costs associated with simultaneously and adequately investing in transforming our Department of Defense to be ready to meet the threats of tomorrow are also concomitant with this critical challenge of balancing the costs of maintaining high levels of readiness.

I believe the bill Senator INOUE and I present today reflects a prudent balance among these challenges. It recommends \$416.2 billion in budget authority for the Department of Defense, including \$25 billion of contingent emergency funding for costs associated with operations in Iraq, Afghanistan, and the war on terror. This amount is

\$1.7 billion below the President's amended fiscal year 2005 request but, in our judgment, meets the Defense Subcommittee's allocation for both budget authority and outlays.

The measure we present is consistent with both the objectives of the administration and the Senate National Defense authorization bill for 2005, which we passed last evening.

We sought to recommend a balanced approach, and we do recommend a balanced bill to the Senate. We believe it addresses the key requirements for readiness, quality of life, and transformation of our total force. It honors the commitment we have to our Armed Forces. It helps ensure that they will continue to have first-rate training, modernized equipment and quality infrastructure, and maintain their quality of life. It fully funds key readiness programs critical to the global war on terrorism. It makes continued progress in supporting our military personnel and their families.

Key initiatives included in this bill are these: First, an average military pay increase of 3.5 percent and full funding for benefit and medical programs; additional funding to pay for the increase of 20,000 to our Army end strength and TRICARE for Guard and Reserves. Both of these initiatives were included in the Senate version of the 2005 Defense authorization bill, and this bill funds both programs: For the Army, \$3 billion for their ongoing transformation initiative, the future combat system, and the Stryker Brigade combat teams; for the Navy, \$10.2 billion for shipbuilding, providing additional funding for the DD(X) destroyer and the Marine Corps' amphibious assault ship, LHA(R); for the Air Force, full funding for the acquisition of 14 C-17 aircraft and 24 F-22 Raptor aircraft; \$10.2 billion is included for missile defense programs.

In light of the contributions of the Guard and Reserve, this bill adds \$500 million in nondesignated equipment funding for modernization shortfall.

Again, I thank my cochairman Senator INOUE for support, and for the support of the whole committee and the invaluable counsel we have received on this bill.

I yield for any statements he may wish to make.

I point out the contingent reserve in this bill funds a 5-month period. We fully anticipate there will be a supplemental again next year. We are talking about the last quarter of this calendar year which is the first quarter of fiscal year 2005 and an additional month beyond that after we are back in session and ready to receive the supplemental for that, if necessary.

Mr. President, we have a conflict because of Senator INOUE's noon event, which I wish to also attend. It is my hope we will be back on the floor and start considering amendments at 2 p.m. today.

Does the Senator wish to comment?

Mr. INOUE. Mr. President, I fully support the measure before us. I would

like to say how proud I am to serve with my colleague from Alaska.

Once again, he has demonstrated to all of us his extraordinary legislative skill in pressing his case. I can assure my colleagues in the Senate, as I assure my chairman, that I will do my very best to see that his decision is carried out.

This bill provides \$383.8 billion in new discretionary budget authority, consistent with the subcommittee's target, and another \$25 billion in emergency budget authority to cover a portion of the anticipated costs for the ongoing wars in Iraq and Afghanistan.

The bill provides the necessary funds to support our men and women in uniform and their families—to include our Guard and Reserves. It recommends funding for a 3.5 percent pay raise for all service members and a 20,000 increase in army end strength as authorized by the Senate.

The bill supports the critical modernization programs requested by the Defense Department including the Navy's DDX Destroyer, the Army's Stryker vehicles and the Air Force's F-22 fighter. It scales back those programs that DoD is trying to advance before the technology is mature and those that are experiencing delays or technical problems.

The bill increases spending on research and development by nearly \$1 billion with significant growth in medical programs, particularly those that directly impact warfighters in the current conflict. These include increased spending on amputee care, new technology bandages, and leishmaniasis.

Health care programs are fully funded in this measure. In addition, the committee recommends increases for Walter Reed, Madigan, Tripler, and other military hospitals and research facilities.

The Committee has made a significant effort to see that this bill is consistent with the decisions which have been made by the Senate on the Defense authorization bill. Many of my colleagues' amendments that have been adopted on the floor receive funding in this bill, such as the end strength increase which I already addressed. The committee has also included enhanced Guard and Reserve benefits as authorized and other proposals approved by the Senate.

This bill provides the support essential for the coming year and also provides \$25 billion which DoD will require to cover its costs next fall and winter for its on-going efforts in Iraq and Afghanistan. I am pleased to report to the Senate that the committee has very carefully earmarked the funding for Iraq and Afghanistan to direct funding for the priorities of the military departments. We have also restricted the authorities sought by the administration to ensure proper congressional oversight of executive actions.

In recent years, the executive Branch has often argued that, as Commander

in Chief, the President has almost unlimited powers in the conduct of day-to-day defense matters. It is clear that the Constitution provided the Congress the power of the purse. In drafting this measure the Committee has safeguarded its responsibilities and expects that the Defense Department will recognize the constitutional authority of the Congress to determine how funding will be utilized in executing this budget. We fully expect that the Defense Department will only fund activities that have been approved by the Congress, and in no case will funding be used to support programs which have been rejected by the legislative branch.

I am pleased to have worked with my good friend, our Chairman, Senator STEVENS on crafting this legislation. It is a very good bill and I would encourage all my colleagues to support it.

Mr. STEVENS. Mr. President, does the Senator wish the floor?

Mr. LEAHY. Mr. President, I will not take the floor if the Senator from Alaska has more to say. I was going to speak about one of the nominations which is coming up this afternoon.

Mr. STEVENS. Mr. President, it is my understanding there will be other matters considered.

I ask unanimous consent that our bill be set aside until the hour of 2 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Alaska and the distinguished Senator from Hawaii.

I am going to shortly speak for about 20 minutes on one of these nominees. First, if I might, I am going to ask that we go into a quorum call. It will be a matter of a minute or two. When we come out of the quorum call, I ask unanimous consent that I be recognized to speak regarding the nomination of Peter Hall.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

#### NOMINATION OF PETER HALL

Mr. LEAHY. Mr. President, we have heated debates, and we have times when we are happy and times when we are not here in the Senate. Today is a happy day. I am pleased that later I will be able to cast my vote in favor of Peter Hall for confirmation to the U.S. Court of Appeals for the Second Circuit. I know this will be a nomination that will be strongly supported on both sides of the aisle.

Mr. Hall is going to fill the Green Mountain State's seat on the U.S. Court of Appeals for the Second Circuit. He currently serves as the U.S. Attorney. He was nominated by President Bush. He has strong support not only of Governor Douglas but the entire Vermont delegation. I commend both the Republican and Democratic leadership for working out an accommodation that makes it possible to vote on his nomination.

By tradition, there is a Vermont seat on the Second Circuit. It is currently vacant. The reason it is vacant is because of the sudden and tragic death of the last judge to hold the seat, the late Fred Parker. Judge Parker was appointed to the U.S. District Court for Vermont in 1990 by the first President Bush. That was done on the strong recommendation of Senator JEFFORDS and with my support. He was a well-known Republican in Vermont, and he served as the deputy attorney general for the State of Vermont.

After distinguished service on the District Court bench, he was appointed by President Clinton to the Second Circuit with the strong support of Senator JEFFORDS. President Clinton knew that Fred Parker was a well-known Republican, but he also knew of his qualifications and of the high esteem in which he was held in Vermont, and so he nominated Judge Parker to the Second Circuit, and he was confirmed by the Senate.

I mention that because over the years Senator JEFFORDS and I—and before that Senator Stafford of Vermont and I—have tried to keep partisan politics out of the Judiciary. If you look at the quality of the people we recommended, you will see we have actually been quite successful in doing that. Fred Parker was such an example. He was a good man, a good lawyer, and a good judge. We were in Georgetown Law School together. I knew him from that time. He was in the Marine Corps. I knew him from then until his untimely death last year. I knew him to be a man of integrity and intelligence. He served the courts and the people of Vermont with dedication and fairness, and we miss him.

Peter Hall has big shoes to fill, but both from what everyone knows about him and from what I know personally in having worked with him, he is completely up to the job. He did have a couple strikes against him. He had the nerve to be born in one of those Southern States, Connecticut. He went all the way even further south to North Carolina for college, and then he attended law school in New York. But we decided to forgive him for those missteps in his career because he came to his senses as soon as he graduated from law school, and then he moved to Vermont. He has been there long enough to be considered a Vermonter.

He clerked for the well-respected Judge Albert Coffrin of the U.S. District Court for the District of Vermont.

We are a small State. When I first started practicing law, it was in Judge

Coffrin's law firm, before he became a member of the bench. He was a good friend. His widow still lives in Vermont. He was without a doubt one of the most respected and one of the best trial judges we have had.

Peter Hall, showing the wisdom he has demonstrated, stayed in Vermont from that day forth. His career and the exemplary way he served the U.S. Government in the law are admirable.

After he completed his clerkship with Judge Coffrin, he joined the U.S. attorney's office in Vermont. He was a Federal prosecutor the next 18 years. He rose to the position of first assistant, later being named U.S. Attorney. During those years, he has gained invaluable trial experience so beneficial for any judge. He learned about Federal criminal law.

I was a prosecutor, so of course I always have a soft spot for someone who served as a prosecutor.

His resume is not limited to Government service. In 1986, he began a 15-year career in the private practice of law, focusing on civil practice, with a particular emphasis on mediation, showing a talent for that. He also used his time during that period to serve the bar. He provided ethics training to Vermont State prosecutors. He held the office of president of the Vermont Bar Association, and in that office as former prosecutor, advocated for funding for public defenders for equal access to justice.

In the best sense of those who make the best judges, he found time for pro bono work, getting involved in the Vermont family court system. He served as guardian ad litem for children caught up in disputes between their parents.

In 2001, President Bush nominated Peter Hall to be the U.S. Attorney for Vermont. His record in that office is one all prosecutors should hope to have, a tough but a fair prosecutor. I supported Peter's nomination to the U.S. Attorney's office. I support him now.

Lest there be any question, let us have no misunderstanding about Peter's party affiliation: He is a Republican through and through. From 1986 to 1993 he was variously a member of the town of Chittenden, Rutland County, and State of Vermont Republican committees and a member of the National Republican Party. He has helped run statewide Republican campaigns, and was an elected Republican official for 5 years, holding one of the most important offices a citizen in Vermont can hold, a member of the Select Board of the Town of Chittenden. Incidentally, Chittenden is named after the first Governor of Vermont, Thomas Chittenden. He was recommended to the President by Vermont's Republican Governor. Governor Douglas noted in his letter of support to this nomination, that Peter is "a dedicated public servant, a strong leader and will be an asset to the Second Circuit."

I ask consent the Governor's letter be printed in the RECORD.

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

STATE OF VERMONT,  
OFFICE OF THE GOVERNOR,  
March 10, 2004.

Hon. ORRIN G. HATCH,  
Chairman,  
Hon. PATRICK J. LEAHY,  
Ranking Democratic Member, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATORS: I am writing to express my strongest support for U.S. Attorney Peter Hall for appointment to the U.S. Court of Appeals, 2nd Circuit.

Peter's record of service of the people of Vermont is exemplary. As U.S. Attorney, he has been a strong and effective leader in Vermont's anti-terrorism effort. Peter has been a principal organizer in promoting "Operation Safe Commerce," an international initiative aimed to track and monitor cargo shipments that could be susceptible to terrorist attacks.

In addition, Peter has been an active leader in promoting the President's "Project Safe Neighborhoods" initiative designed to make our streets safer by taking guns out of the hands of convicted felons.

I unequivocally support Peter for the judgeship. He is a dedicated public servant, a strong leader, and will be an asset to the 2nd Circuit.

Sincerely,

JAMES H. DOUGLAS,  
Governor.

Mr. LEAHY. Equally clear, however, is Peter's commitment to the law, to fair judging, to leaving any partisan label or interest at the courthouse door. Unless somebody knew his background, they would have no idea whether he is Republican or Democrat. He is a committed officer of the court, totally fair to both sides. In fact, he is the type of nominee every President should send up. I wish we would see more like him. He is universally respected. He has proven himself over long years of Federal service and private practice to be a straight-shooting, fairminded person. Any litigant in a Federal courtroom can be confident they will get a fair hearing and a fair shake from him, no matter what their political affiliation is or whether they have any. I am pleased—I am more than pleased, I am proud—to support his confirmation.

One example of the fairness and lack of bias litigants in the Second Circuit can expect is seen in his answers to one of the questions I asked him at his nomination hearing before the Judiciary Committee. I asked him what his practice would be if a case came to the Second Circuit, a case that had been in the U.S. Attorney's office when he was there, even if he had not been the attorney handling the case. His answer, which I commend to all nominees, is a model of fairness, and was also a model of simplicity. He told me he would recuse himself from any case that had been before his office while he was there. No ifs, ands, or buts. That is one of the reasons why the Senate Judiciary Committee, which sometimes can be divided on issues, voted unanimously to support his nomination.

His qualifications, experience, and support across the political spectrum make him the kind of consensus nomi-

nee that proves when there is thoughtful consideration and collaboration, this process works as it should. That is why I will be pleased to vote to confirm him today.

Actually, an interesting sidebar on this, when he is confirmed to the Second Circuit, President George W. Bush will call his father, former President George Herbert Walker Bush, and say, I beat your record for judicial confirmations. During the 4 full years of the 41st President's administration, former President Bush managed to have 192 judicial nominees confirmed by the Senate. With today's vote, the Senate will have confirmed, even before the year is over, 193 of President George W. Bush's judicial nominations. That allows him to say he has had more judges confirmed with bipartisan cooperation by the Senate than President Reagan did in his first term of office, or his father did, or President Clinton in his last term of office.

I mention these statistics being of interest.

I am one lifelong Vermonter who is very proud of another Vermonter, Peter Hall. This is one of those things in our very special little State that will bring everybody together across the political spectrum. We have tried not to tell Peter he does have to spend some time in New York City each month because the Second Circuit sits there, but I think he will be able to work a great deal of his time in Vermont. Like me, that is one of the best of all possible worlds. You can be home on weekends.

I understand from the leadership we will vote on this and another judicial nomination later this afternoon.

Although I know the Presiding Officer is hanging on every word I might be saying, 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF DIANE S. SYKES TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. HATCH. Mr. President, I ask that the Senate now proceed in executive session to consider Executive Calendar Nos. 591 and 604 as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. There are 60 minutes evenly divided for debate on this nomination.

Mr. HATCH. I do not intend to take all of our time, and I hope the other side will not take all of its time.

I rise to support the nomination of Justice Diane S. Sykes to the Seventh Circuit Court of Appeals, and to urge my colleagues to support her. There is no doubt that she is well prepared to join the Federal bench. A graduate of Marquette University School of Law, Justice Sykes served as a law clerk to the Honorable Terrence T. Evans in the Eastern District of Wisconsin. As a litigator in private practice, she specialized in civil litigation in State and Federal court.

Justice Sykes will bring almost 12 years of judicial experience to the Seventh Circuit. Since 1999, when she was appointed by Governor Tommy Thompson to fill a mid-term vacancy, she has served on the Wisconsin Supreme Court. She won election for a ten-year term on the court in 2000 with 65 percent of the vote. Judge Sykes appealed to so many of her State's voters because she is a careful, qualified jurist and not an activist.

Before coming to the Wisconsin Supreme Court, Justice Sykes served as a trial judge on the Milwaukee County Circuit Court, winning election to a 6-year term in 1992. Prior to her service as a State judge, Justice Sykes practiced commercial litigation for 7 years at one of Wisconsin's most prestigious law firms. She also clerked for Judge Evans, district judge for the Eastern District of Wisconsin after her graduation from Marquette University Law School.

Not surprisingly, the ABA rated her well-qualified for appointment to the Seventh Circuit. She has also received broad support, including that of both Wisconsin Senators.

Despite her strong credentials and the level of support she enjoys, there continues to be some misinformation and distortions regarding her record. First, of course, is the suspicion by some that she might be pro-life and thus presumptively unqualified for service on the Federal bench. Opponents cite one 1993 case on which she ruled while she served as a county judge in Milwaukee. She was then accused of declaring admiration for pro-life protestors and issuing jury instructions favorable to those protestors.

The Milwaukee newspaper that printed these accusations issued a formal retraction and apology less than a month later. The apology noted, among other things, that the language of Justice Sykes' jury instruction was specifically recommended for use by the Wisconsin Criminal Jury Instructions Committee, and was used by judges throughout the State. The apology further noted that Justice Sykes sentenced the protestors to 2/3 of the maximum sentence permitted by law. The record is clear that Justice Sykes, during sentencing, stated "whether you

like it or not, [an abortion clinic] is a legal, legitimate business, and it has the same right to be free from interference of this sort as any other business."

Justice Sykes also clarified, in answers to written questions that "my favorable comment about the goal [those] defendants sought to achieve was a reference to their underlying goal of reducing the number of abortions, as is clear from the following statement from my sentencing remarks: 'I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal.' My sentencing remarks also reflect extensive consideration of the seriousness of the offense and criticism of the defendants' conduct and tactics. . . [A]nd the 60-day jail sentence I imposed, at two-thirds of the maximum, could not be characterized as unduly lenient or a 'validation' of the defendants' beliefs."

I hope it is not the argument of those who are concerned about Judge Sykes that any judge who at any time suggests that fewer abortions is a desirable goal is disqualified from the Federal judiciary.

I know also that some Senators are concerned about some of Justice Sykes' other answers to post-hearing written questions. A careful reading of her answers will show that Justice Sykes answered her written questions as completely and accurately as the Wisconsin Code of Judicial Conduct allows. Specifically, Wisconsin Supreme Court Rule 60.06(3) prohibits sitting judges from engaging in extra-judicial commentary with respect to particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct regarding particular cases or legal issues. As her answers point out quite eloquently, "there is a range of opinion in the legal community regarding the scope of so-called 'commitments' clauses in judicial ethics codes. To the extent that [others] disagree, I must keep my own counsel and abide by my interpretation of the obligations of my oath, the duties of my office, and the requirements of the Code, which are binding on me."

In those same written questions Justice Sykes was asked whether she believed that the Supreme Court's decisions in *Roe* and *Griswold* constituted "judicial activism", whether they were "unprincipled" and whether they were consistent with "strict constructionist" philosophy.

Justice Sykes avoided criticizing these cases out of a good faith belief that to do so would violate her ethical obligations under Wisconsin law. Her answers followed the same path as at least four of President Clinton's Circuit Court nominees who refused to give their personal views or criticize Supreme Court precedent on various issues, precisely because those issues might come before them as sitting judges.

Justice Sykes did state as follows: "I can unequivocally state, however, that I believe that *Roe* and *Miranda* are the law of the land, and if I am confirmed to the Seventh Circuit, I would be duty bound to follow and would follow these and all other precedents of the United States Supreme Court." She further stated that she believes "that *Roe* and *Griswold* constitute binding precedent," which she would follow "without hesitation" if confirmed to the Seventh Circuit.

Justice Sykes has also been labeled as pro-prosecution and anti-Miranda, implying that she would not be a fair judge. Contrary to the misrepresentations of her opponents, she has often ruled in favor of criminal defendants in Fourth Amendment and other cases involving questions of constitutional criminal law, siding against government actors many times. Justice Sykes' real record shows that she reaches outcomes by applying the law to the facts, as she should.

For example, in the *State v. Knapp* case, Justice Sykes agreed with the majority in a case involving a custodial interrogation that the statements made by a suspect in custody were not in compliance with the dictates of *Miranda* and could not be used by the prosecution against him. In the *State v. Church* case, she overturned an increased sentence of an individual convicted of criminal assault, concluding that the increased sentence was presumptively vindictive, in violation of the defendant's right to due process, and that the presumption was not overcome by adequate, objective new factors in the record justifying the increase.

Also, in the *State v. Schwarz* case Justice Sykes ruled in favor of a probationer in a Fifth Amendment case because his probationary officer during offender treatment compelled him as a condition of probation to admit to the crime of which he was convicted. She specifically held that a probationer cannot be compelled to admit to the crime of conviction before the time for a direct appeal has expired or an appeal has been denied because the Fifth Amendment privilege extends to those already convicted, whether in prison or on probation.

There is another argument against Justice Sykes which I have heard, regarding her dissent in *State v. Carlson*, which needs to be set straight. She stands accused of improperly finding harmless error in a trial court's seating of a non-English speaking juror in a criminal case. At first blush this does seem like harmful, not harmless, error. Again, a careful reading of her response to this issue illuminates the truth of this matter. She clarified that there was significant evidence in the trial court record that the juror in question did understand English. He had lived in the country for 20 years and passed a citizenship test. He held a driver's license and a fishing license. He was employed as a factory worker, where pre-

sumably he had to comply with various State and Federal safety procedures, and he had previously testified, without an interpreter, at a post-conviction hearing. Justice Sykes stated, properly, that "when there is competing evidence, it is the job of the trial court—not the appellate court—to evaluate and weigh it, and make findings of fact. . . . Under well-established rules of appellate review, factual findings of the trial court are reviewed deferentially, and are not disturbed unless clearly erroneous, that is, factually unsupported. . . . The majority in *Carlson* disregarded this deferential standard of review and substituted its own view of the facts for that of the trial court; it was this failure to follow the applicable legal standard that I objected to in my dissent."

I thought we all wanted judges who understand their role and not pursue an activist agenda. I think we should be pleased that a nominee to a Federal appellate court properly understands her appellate role. It is quite unfortunate that some would misrepresent Justice Sykes' principled dissent in this case as evidence of activist tendencies. It is precisely the opposite. It demonstrates restraint and respect for her role as an appellate judge.

Justice Sykes' record represents the antithesis of the activism that I have heard all of my colleagues say they do not want to see from judges nominated to our Federal courts. The Senate should be in the business of approving judges who have demonstrated that they respect the judicial role and will not substitute their own policy preferences for those expressed by the legislature. Judge Sykes' record in this regard is impeccable, and I will be pleased to vote with Senators KOHL and FEINGOLD to confirm her to the Seventh Circuit. I urge my colleagues to vote with us.

**THE PRESIDING OFFICER.** The Senator from Wisconsin is recognized.

**MR. KOHL.** Mr. President, it is my pleasure to rise today in support of the nomination of Wisconsin Supreme Court Justice Diane Sykes to the Federal judiciary. She has been nominated to fill one of the Wisconsin seats on the Seventh Circuit Court of Appeals to replace retiring Judge John Coffey.

Justice Sykes brings an impressive background to this important position. She is a lifelong resident of Wisconsin. She was born in Milwaukee, attended Marquette University Law school, clerked for Federal Judge Terry Evans in Milwaukee, and practiced law for a top Wisconsin law firm. Justice Sykes left private practice in 1992 to serve as a Milwaukee County circuit judge, a position she held until 1999. She was then appointed to the Wisconsin Supreme Court in 1999, and she won reelection to a 10-year term in the year 2000. She is to be commended for her devotion to public service and praised for her qualifications for the Seventh Circuit Court of Appeals.

We are not the only ones to recognize her abilities. A bipartisan Wisconsin

Federal Nominating Commission, which has been screening judicial candidates for Wisconsin Senators of both parties for 25 years, selected Justice Sykes and three others from an impressive list of applicants for this position. All four finalists were well qualified and all deserved to have their names forwarded to the President for his selection. Wisconsin's process should be a model because it finds qualified applicants and takes much of the politics out of judicial selection.

The American Bar Association agrees with our evaluations as well. A substantial majority of the committee rated her "well qualified."

It is worth discussing, if only briefly, that some have expressed opposition to Justice Sykes' nomination. We will likely hear some of that dissent during that debate today. The primary argument against her is she was not totally forthcoming in her answers to questions asked during her hearing. We do not find that argument compelling. Rather, she would not have received the support of our bipartisan nominating commission without answering their questions. Further, she would not have received my endorsement had she not answered in a forthright and direct manner the questions we asked of her during our interview with Justice Sykes.

Justice Sykes has earned a reputation as a fine lawyer and as a distinguished jurist during her career in Wisconsin. Lawyers throughout the State, regardless of their political persuasion, echo this sentiment.

We expect Justice Sykes to not only be a credit to Wisconsin, but also to administer fair justice for all who come before her. We look forward to her confirmation today, and to her taking a seat on the Seventh Circuit Court of Appeals.

Mr. FEINGOLD. Mr. President, for 25 years, the bipartisan Wisconsin Federal Nominating Commission has been recommending high-quality candidates for Federal judgeships in our State. First created in 1979 by Senators William Proxmire and Gaylord Nelson, the Commission is an independent panel selected by Wisconsin elected officials and the State Bar of Wisconsin to review applications for Federal District Court and Court of Appeals vacancies in Wisconsin, as well as U.S. attorney vacancies. The composition of the Commission assures that selections for these important positions will be made based on merit, not politics. Senator KOHL and I have worked hard to maintain and strengthen the Commission throughout our time in the Senate, and I am very proud that it has survived for the past quarter century, under Presidents and Wisconsin Senators from both political parties.

I am pleased to put the spotlight on the Commission today, on the occasion of the floor vote on Justice Diane Sykes, who is the latest product of this bipartisan process. I am pleased that Justice Sykes' nomination has pro-

ceeded swiftly, thanks to the collaborative nature of the Commission process. Despite some initial resistance, the Bush administration agreed to have candidates for this Seventh Circuit vacancy go through the Commission process. Under the joint leadership of Dean Joseph Kearny of the Marquette University Law School and Professor Frank Turkheimer of the University of Wisconsin Law School, the Commission worked extremely hard under a very tight deadline. It recommended four qualified candidates, including Justice Sykes. Senator KOHL and I, working with Representative SENSENBRENNER, the senior Republican officeholder in the State, decided to forward all four names to the White House, and the President selected Justice Sykes from the four.

I met with Justice Sykes late last summer after the Commission had recommended her along with the other three candidates. I had a chance to question her about her background, her qualifications, and her judicial philosophy. There are a number of topics on which we do not see eye to eye, but I believe Justice Sykes is well qualified to fill this seat on the Seventh Circuit. In particular, I have great respect for her commitment to public service. Talented young lawyers have many more remunerative options that they can pursue. She has been a judge in our State since 1992.

I have always maintained that with cooperation and consultation between the President and home State Senators, the judicial nomination process can be far less contentious and, frankly, far less frustrating, than it has been over the past several years. Recognizing that ideological differences are inevitable in this process as control in the Senate and in the White House change hands, it would serve those who choose and confirm Federal judicial nominees well to follow the example of the Wisconsin Federal Nominating Commission.

Mr. President, it is my hope that the work of the Wisconsin Federal Nominating Commission, the nomination of Justice Sykes, and her smooth confirmation will send a signal to the White House, to my colleagues on both sides of the aisle, and to the country, that we can, in fact, work together in a bipartisan way to fill judicial vacancies. I urge my colleagues to support this nomination.

Mr. LEAHY. Mr. President, today we are turning to the nomination of Justice Diane Sykes to a seat on the U.S. Court of Appeals for the Seventh Circuit. She has been nominated to a seat which is actually not even vacant yet. Justice Sykes is nominated to replace Judge John Coffey, who has not yet retired. Her confirmation vote today shows how fast the administration is moving to pack the courts, including future vacancies, with its ideological nominees.

Justice Sykes comes before us with the support of my colleagues, Senator

KOHL and Senator FEINGOLD—two Senators whose opinions I value very much. She also comes before us with a 12-year judicial record—both at the trial court level and with the Supreme Court of her home State of Wisconsin. I have looked closely at her record and although I greatly value the opinion of my colleagues from the State of Wisconsin, I have made my own judgment regarding her fitness for this important lifetime appointment.

After reviewing Justice Sykes' written record, I was disturbed by the clear patterns that emerged. I worry that, if confirmed, Justice Sykes will continue to be an activist judge for a lifetime on the Federal bench. For this reason I voted against her nomination in committee and will oppose her confirmation today.

I share Justice Sykes' own concerns, which she described to the Federalist Society last year in a speech she delivered about the "politicization of the judiciary." As Members of the Senate we must ensure that we confirm nominees who will be impartial arbiters of justice. With today's vote we have confirmed 192 of this President's judicial nominations. These nominees have been from a variety of backgrounds. A significant percentage of them had been very active in the Republican Party and in ideological groups such as the Federalist Society. I voted to confirm nominees when I am confident that as judges they would be able to shed their historical advocacy and act impartially once they take their oath of office.

Unfortunately, Justice Sykes' record on the State court bench demonstrates that she has had difficulty separating her personal views from her judicial decisions. In civil cases, she consistently rules against workers and injured plaintiffs in favor of big business. In criminal cases, she routinely rules against the rights of criminal defendants in favor of broad rights for the Government.

Justice Sykes has repeatedly taken a very narrow approach to interpreting the fourth amendment, upholding broad exceptions to allow warrantless police searches. She continuously questions *Miranda*—a bedrock precedent of constitutional law. For example, Justice Sykes was the lone dissenter from the Wisconsin Supreme Court's decision to exclude evidence gained as the result of an interrogation that clearly violated a defendant's *Miranda* rights. Her rulings have jeopardized other constitutional rights of criminal defendants, as well. In one case, in a decision that was later reversed, Judge Sykes ruled that a lawyer's advice to a defendant to lie on the witness stand was not sufficient to conclude that the defendant was deprived of his right to effective counsel. Justice Sykes was also the lone dissenter on the Wisconsin Supreme Court arguing that a defendant had no right to a new trial when one of the jurors did not speak or understand English. Justice Sykes' pattern of

going to great lengths to reduce the protections for criminal defendants enshrined in our Constitution is greatly disturbing.

In addition to what I was able to learn from her judicial record, I was equally disappointed by her testimony before the Judiciary Committee. Our distinguished colleague from Illinois, Senator DURBIN, submitted thoughtful questions to Justice Sykes following her hearing. She refused to answer many of his questions, including whether she believed that Roe and Griswold were "unprincipled decisions" or were "consistent with strict constructionism," whether the existence of the right to privacy was a "feat of judicial activism," and whether the Warren court went too far in creating individual rights. Her reason for not answering those questions was that she was precluded by Wisconsin's code of judicial conduct. However, that code only prohibits a judge from commenting on "particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct in office regarding particular cases or legal issues." Her blanket refusals to respond to questions by members of the Judiciary Committee are unacceptable.

I am seriously concerned about the type of Federal judge Justice Sykes would be if confirmed and I vote against her nomination to the Seventh Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. We are prepared to yield the remainder of our time and I believe the remainder of the time for the other side of the aisle, except for 20 minutes which should be reserved for Senator DURBIN on both nominees.

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

Mr. HATCH. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, in a short period of time, we are going to consider the nomination of Diane S. Sykes to be U.S. Circuit Judge for the Seventh Circuit.

I take this opportunity on the floor of the Senate to express specifically why I will vote against this nomination.

This is my home circuit, the Seventh Circuit, which includes Illinois, Wisconsin, and Indiana, so I believe I have a special responsibility to bring extra scrutiny to this nomination. I acknowledge that Judge Sykes has the support of her home State Senators, and I do not take that support lightly. Senators FEINGOLD and KOHL have

worked hard to establish a bipartisan nominating commission in Wisconsin, both for district and circuit court nominations, and I know they have a special obligation to support the nominee who is the product of that process.

I was initially inclined to defer to my Wisconsin colleagues and support the nomination, but after taking a close look at Justice Sykes' background and many of her answers to my questions, I now regret to say I have serious doubts about her fitness for a lifetime appointment to the bench.

Let me be specific. First, let me address Justice Sykes track record regarding the criminally accused. As a member of the Wisconsin Supreme Court, Justice Sykes has not always treated criminal defendants fairly. We expect those who are guilty of crimes to be treated fairly and firmly. We understand the presumption of innocence and we understand that those who have committed terrible crimes must pay a price.

Listen to what Justice Sykes has said about her own judicial temperament. When she ran for reelection to the supreme court in Wisconsin in the year 2000, the Milwaukee Journal Sentinel said the following about Justice Sykes:

In her five years on the felony bench, Sykes developed a reputation as one of the heaviest sentencing judges in Milwaukee County in recent memory.

Then the Wisconsin State Journal, Justice Sykes admitted:

I have a reputation as a hanging judge, that's true.

I ask my colleagues, do these statements sound like the judicious statements of a person seeking a lifetime appointment to a position where she will be asked repeatedly by those who are presumed innocent to be treated fairly?

During her 2000 campaign for the Wisconsin Supreme Court, Justice Sykes ran radio ads stating that she was such a tough sentencer that defense lawyers tried to avoid her court. She also told a reporter that in light of her tough sentences, a wing of the Wisconsin maximum security prison was informally named after her.

Do these sound like temperate statements by a person who will be asked to honor the presumption of innocence and treat all persons in her court fairly?

Let me mention a specific case which troubles me greatly in which Justice Sykes anticriminal defendant bias reared its ugly head. In the case of State v. Carlson, the Wisconsin Supreme Court ruled 6 to 1 to overturn a conviction and permit a new trial—not to exonerate a defendant but to permit a new trial—because one of the jurors in this criminal case did not speak or understand English. Justice Sykes was the lone dissenting vote. The juror in this case, whose native language was Lao, received a questionnaire which asked if he could understand the English language well enough to serve

on the jury. The juror checked the box "no." He did not understand English well enough to serve on a jury. Under Wisconsin law, the clerk was required at that point to strike the juror from the jury pool. The trial judge, nevertheless, allowed that juror who did not understand the English language to remain on the jury and the defendant was convicted.

Justice Sykes, seeking a lifetime appointment to the second highest Federal court in the land, was the only member of the Wisconsin Supreme Court to vote to uphold the conviction, and concluded this was a harmless error, that a juror could sit in judgment in a criminal trial incapable of understanding the language being spoken in the courtroom. She was the only Wisconsin Supreme Court justice to conclude that such a juror was no obstacle to justice.

Would any one of us in the Senate or any of us following this debate want our fate decided by a juror who could not even understand the words spoken in our defense?

In another case in which she was the trial judge, State v. Fritz, Judge Sykes denied the defendant's ineffective assistance of counsel claim when the defendant's own attorney advised him to lie on the witness stand. Judge Sykes was unanimously reversed. The court of appeals wrote the overwhelming weight of authority is to the contrary; indeed, the sixth amendment of the Constitution is one such authority.

Let me speak to another concern about Justice Sykes. I have great concern about her candor. I believe she made misleading statements to the Senate about a 1993 case in which she was the trial court judge. The case involved the prosecution of two abortion clinic protesters who shut down a Milwaukee clinic by welding their legs to the front of a car parked at the clinic entrance. It took blowtorches and firefighters to remove them.

These defendants had a long history of anti-abortion activity. One had been arrested 80 times in abortion protests; another, 20 times. The defendants had injunctions against them for their protests. As the Milwaukee Journal Sentinel reported just this week, they had companion cases in front of Judge Sykes for other anti-abortion crimes they had committed. One of the defendants had appeared before her six times in one of those cases. They were leaders, well known in Milwaukee's anti-abortion community, at a time when that city was one of the Nation's hubs for that activity.

In a statement submitted to Judge Sykes just days before the sentencing, one of the defendants equated abortion with the Holocaust and slavery. He called abortion clinics "death camps." He called doctors "hired killers." At the sentencing hearing, Judge Sykes praised these defendants. She told them:

I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct.

She also said:

As far as your character and history and background, obviously, you possess fine characters. I agree with everything that's been said on that basis. It's a unique case in that respect, that you have otherwise been exemplary citizens. Your motivations were pure.

I asked Justice Sykes in writing why she heaped this praise on the defendants, given the fact they had been arrested 100 times for anti-abortion protests. She responded that she was unaware of their arrest records and that, in any event, there was no evidence in the record of a history of arrests in connection with their protest activity.

I ask unanimous consent to have printed in the RECORD a copy of my written questions to Justice Sykes and her written answers.

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

9. You were the trial judge in a 1993 case involving two anti-abortion activists, Michael Scott and Jack Lightner, who were convicted of blocking a door to a Milwaukee abortion clinic. The protesters blocked the doorway by binding their legs with welded pipes to the front of a car; they were removed by firefighters with blowtorches. You sentenced the protesters to 60 days in prison with work-release privileges but not before praising their motives. You told the defendants: "I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct." You also stated: "As far as your character and history and background, obviously you possess fine characters" and are "exemplary citizens." And you told the defendants, "Your motivations were pure."

A. There are 3 factors that you considered in sentencing: (1) the nature of the offense, (2) the character, history, and background of the defendants, and (3) the interests of the community. With respect to the second factor, you stated that the defendants had "fine characters" and were "exemplary citizens." According to press reports, one of the defendants in this case had been arrested 80 times in abortion protests, and the other had been arrested 20 times. Why did you believe that they possessed "fine characters" and were "exemplary citizens"?

Answer: It is axiomatic under Wisconsin law that defendants have a right to be sentenced upon facts that are of record. *McCleary v. State*, 49 Wis. 2d 263, 277, 182 N.W.2d 512 (1971). The press reports referenced in your question, and the arrests which the question attributes to the press reports, were not facts of record in the case; I was, to the best of my recollection, unaware of these reports. Even if I had been aware of the press reports, it would have been legally improper for me to consider them as they were outside the record in the case.

The case in question was a 1993 misdemeanor disorderly conduct prosecution of two individuals arising out of an abortion clinic protest. Most disorderly conduct prosecutions in Milwaukee County involve acts of domestic violence, bar fights, and the like, and defendants in misdemeanor court are often recidivists with recent criminal records for offenses such as battery, theft, prostitution, drunk driving, and so forth. At sentencing in this case, the prosecutor took the unusual step of standing silent, choosing not to make a sentence recommendation. The defense attorneys and the defendants urged a sentence of community service.

Judges are required under Wisconsin sentencing law to take into account mitigating and aggravating factors regarding the gravity of the offense, the character and background of the offender, and the interests of the community. *McCleary*, 49 Wis. 2d at 276. At the sentencing in this case, the facts of record about the defendants' backgrounds demonstrated that they were atypical misdemeanor defendants: they were generally law-abiding, educated, employed individuals with stable families, no drug or alcohol problems, and no rehabilitative needs. Although one defendant had a couple of extremely old, minor convictions from the mid-1970s and a more recent disorderly conduct fine, this conduct was so remote and/or inconsequential as to not be relevant to that defendant's current status before the court. While both defendants admitted to active, continued involvement in anti-abortion protests, this was the first criminal conviction of this type for both defendants, and there was no evidence in the record of a history of arrests in connection with their protest activity. As I noted in my sentencing remarks, the offense was not committed out of any sort of self-interest, the defendants were not violent, assaultive or threatening, and they did not resist arrest in the case. Accordingly, none of the usual criminal motivations or sentence aggravating factors was present.

As a result, both defendants stood before the court, based upon the facts of record, as exemplary citizens with fine characters, which I was required to note as a mitigating factor separate and apart from the seriously disruptive and disorderly conduct they engaged in at the abortion clinic. I took substantial note of the seriousness of the offense during my sentencing remarks, including the following: "the community has a right to expect that the public order and that legitimate businesses will not be disrupted and interfered with in a way that rises to criminal dimensions, and this would be true even where the people who are engaging in this kind of conduct are exercising their free speech rights and free assembly rights and are in pursuit of goals that are not in and of themselves illegal." And further: "The community obviously . . . has a strong interest in deterring this type of conduct both by you and by others." And further: "What especially concerns me about this case is . . . your willingness and expressed intention to go beyond mere peaceful picketing to clinic blockades and other types of more dramatic methods to stop abortions from taking place, and these methods over time have the potential to cause the community even more serious harm, and to the extent that it can, my sentence has to protect the community at least for an interim period from these kind of tactics."

The options for sentencing in the case included community service, a fine, probation—or up to 90 days in jail. Based upon a balance of the mitigating and aggravating factors, I sentenced the defendants to 60 days in jail, which represented two-thirds of the potential maximum jail sentence for this crime.

B. Please explain what you mean when you told the defendants that you had a great deal of respect for "the ultimate goals you sought to achieve by this conduct."

Answer: The evidence in the case established that the goal the defendants sought to achieve by their protest was reduction of the number of abortions in our community. As I noted in my sentencing remarks: "I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal." It was that ultimate goal that I respected.

C. The Milwaukee Journal Sentinel wrote that you gave the defendants in this case

"unusual leeway to argue that the social value of their protest outweighed their violation of the law." However, during your campaign for the Wisconsin Supreme Court, you stated that you were "a firm believer in personal responsibility and individual accountability, and I'm well known that that." Why, in the case involving abortion protesters, did you give "unusual leeway" to the defendants?

Answer: There was nothing "unusual" about my handling of the case, as later admitted by The Milwaukee Journal. The newspaper properly corrected the record in a retraction dated April 8, 1993, in which the editors noted that applicable law and a well-accepted jury instruction allowed the jury to take into consideration any social value or contribution to the public interest of the defendants' conduct in determining whether it constituted disorderly conduct. I have attached a copy of that retraction. The jury instruction is based upon Wisconsin case law involving disorderly conduct prosecutions in the context of political protests. See WI Jury Instructions—Criminal, 1900, n.4. The abortion protester case, therefore, was unusual only in the sense that there are not very many disorderly conduct prosecutions arising out of political protests. My handling of the case did not, therefore, represent "unusual leeway" to the defendants in this context.

Mr. DURBIN. Mr. President, while it is true that there was no mention of the 100 arrests in the record of the case, this fact was well known because the Milwaukee Journal ran a story about this the day the defendants were convicted.

As to her claim there was no evidence in the record of the defendant's arrest history, that is just wrong. I reviewed the record of the case and it tells a totally different story than what Justice Sykes told the Senate. There are at least four different references in the record to the defendant's arrest history.

For example, the defendant's sentencing statement said:

I have been in jail before for similar activities to the one in question before you today.

Another example, a statement by the assistant district attorney at the sentencing hearing. The prosecutor said:

Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations.

The prosecutor noted that:

[defendant Michael] Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal hearing.

Now, when I asked Justice Sykes in her follow-up written questions to explain the discrepancies between her earlier statements and the actual record in court, she dissembled. She said her definition of "history of arrests" did not include arrests that stem from civil violations nor arrests that occurred during the pendency of the case.

These distinctions by Justice Sykes are completely artificial. An arrest is an arrest. But rather than admit she made a mistake in her initial answer, she persisted in her contradictory and confusing portrayal of the case.

I ask unanimous consent to have printed in the RECORD a copy of my follow-up written questions to Justice Sykes and her written answers.

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

ADDITIONAL QUESTIONS OF SENATOR RICHARD J. DURBIN TO JUSTICE DIANE SYKES, NOMINEE FOR THE SEVENTH CIRCUIT COURT OF APPEALS—APRIL 5, 2004

1. You were the presiding judge in a 1993 abortion case involving the conviction of two anti-abortion activists, Michael Skott and Jack Lightner, who were convicted of disorderly conduct for cementing their legs to a car in order to block the door to a Milwaukee abortion clinic.

In a previous question I posed to you, I asked why you called the defendants convicted in this case "fine characters" and "exemplary citizens" at their February 9, 1993 sentencing in light of the fact that one defendant had been arrested 80 times in abortion protests and the other 20 times. Although a January 22, 1993 Milwaukee Journal article about the defendants' conviction reported that Mr. Skott had been arrested 80 times in abortion protests and his co-defendant Jack Lightner had been arrested 20 times, you have stated that you were unaware of the press reports. You also stated that, in any event, "there was no evidence in the record of a history of arrests in connection with their protest activity."

However, a sentencing statement filed with the Court on February 4, 1993 by one of the defendants, Michael Skott, indicates otherwise. Mr. Skott wrote: "Now it is your job as an elected representative of this county to sentence me, Judge Skyes. I have been in jail before for similar activities to the one in question before you today." At the sentencing hearing, held on February 9, 1993, you stated: "I have reviewed carefully the sentencing statement by Mr. Skott."

Additionally, the Assistant District Attorney stated at the sentencing hearing: "Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations." The prosecutor also stated that "Mr. Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal charging under the same—purview of the same issue," and "I understand and I know that he [Skott] has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments."

A. How do you reconcile your statement that "there was no evidence in the record of a history of arrests in connection with their protest activity" with Mr. Skott's statement that "I have been in jail before for similar activities to the one in question before you today"?

See below.

B. How do you reconcile your statement that "there was no evidence in the record of a history of arrests in connection with their protest activity" with the Assistant District Attorney's statement that "Here there is no evidence that these defendants have made any effort to conform their conduct to the requirements of law. Instead, both have been charged since this case has been pending with additional criminal violations"?

See below.

C. How do you reconcile your statement that "there was no evidence in the record of a history of arrests in connection with their protest activity" with the Assistant District

Attorney's statement that "Mr. Skott has also engaged in conduct which has precipitated his arrest and subsequent criminal charging under the same—purview of the same issue"?

See below.

D. How do you reconcile your statement that "there was no evidence in the record of a history of arrests in connection with their protest activity" with the Assistant District Attorney's statement that "I understand and I know that he [Skott] has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments"?

#### ANSWER

In misdemeanor sentencing hearings in Milwaukee County Circuit Court during this time period, the prosecutor would typically advise the court of a defendant's prior criminal history as a part of the State's sentencing argument and recommendation. Unlike today, there were no computers on the bench and judges relied upon the prosecutor to present evidence of a defendant's prior criminal record at sentencing. Newspaper articles are outside the record and therefore not a proper source of sentencing information. A prior criminal record is an aggravating factor for sentencing purposes, and the lack of a prior criminal record is generally considered to be a mitigating factor. As I indicated in my earlier responses, the prosecutor in this case took the unusual step of standing silent at sentencing, making no record of the defendants' history in this regard and making no sentencing recommendation on behalf of the State.

After the defense attorneys made their sentencing arguments, the prosecutor belatedly requested an opportunity to address the court, which was granted. She stated, "I can inform the court I have no knowledge of Mr. Skott having any prior criminal conviction. I may be incorrect. I understand and know that he has been many times found guilty in municipal court and has on occasion served time in the House of Correction for his failure to pay fines on commitments. However, I am not aware of any criminal convictions. I see he's shaking his head no, so that's a correct statement." The prosecutor then noted that the other defendant, Mr. Lightner, had been convicted of two offenses nearly twenty years before (which, as I indicated in my earlier responses, was too remote and insignificant to the conduct before the court to have much bearing upon sentencing), and had more recently been fined for disorderly conduct (circumstances unspecified.) The prosecutor did not mention any history of municipal citations for protest activity on the part of Mr. Lightner. In his written sentencing statement Mr. Skott indicated only very generally that he had been in jail for his protest activities; as indicated above, he confirmed that the case before the court constituted his first criminal conviction.

I concluded from this very generalized record information that Mr. Skott's prior protest activity had generated only municipal citations rather than criminal arrests and charges. Municipal court in Milwaukee handles only local ordinance matters—traffic tickets and citations for ordinance violations punishable by civil forfeiture—not state crimes. Municipal violations are non-criminal and do not ordinarily involve arrests. Rather, they usually involve the issuance of a ticket or citation, which requires the defendant's appearance in municipal court or payment of a forfeiture in lieu of appearing in court. Occasionally, when a municipal forfeiture is imposed and remains unpaid, the defaulting defendant may be or-

dered to serve a few days in jail on a "commitment" for nonpayment of the forfeiture. The matter remains civil in nature. Accordingly, having been found guilty in municipal court and having served time in jail on municipal "commitments" does not equate in our system to having a history of arrests or criminal convictions. As I have previously noted, the arrest histories mentioned in the newspaper article were not part of the sentencing record before the court.

The prosecutor in this case also made a generalized statement about a new charge that apparently had been issued against the defendants for protest-related conduct that occurred after the case then before the court had been charged. I did not construe this as a constituting a history of arrests, although the record reflects that I certainly took it into consideration for sentencing purposes, together with the information about the municipal court matters and the other relevant facts in the record. In my sentencing remarks I noted that the defendants "obviously have a history of this kind of behavior . . . and I need to take that into consideration." I also stated that "rehabilitation in the conventional sense in this case is unlikely to occur. I suppose it is possible that you would learn a lesson from this case and not continue in these activities if you view the trial as I do, and that is as a rejection by the community of these kinds of tactics." I concluded that "[b]ased on the record, however, and based on what I've heard of your intentions, I don't have a great deal of confidence that you will take that message to heart, and my sentence has to reflect that fact." As I indicated in my earlier responses, I imposed a sentence of 60 days in jail, two-thirds of the available maximum. In light of the record evidence regarding the seriousness of the offense, the defendants' character and backgrounds, and the interests of the community, this sentence was neither too harsh nor unduly lenient.

The trial and sentencing hearing in this case took place more than 11 years ago. My responses to these and your earlier questions are based primarily on my review of the pertinent parts of the case file, most notably the transcript of the sentencing hearing, a copy of which is enclosed. I have a generalized independent recollection of this case, but have relied on the enclosed transcript for the details, and have attempted to place those details in the context of the law and general sentencing practices in Wisconsin.

2. In his sentencing statement, Mr. Skott equated abortion with the Holocaust and slavery, and he called abortion clinics "death camps" where "a hired killer contracts out to end what has been labeled a problem." At the sentencing hearing, you told Mr. Skott and his co-defendant that "obviously you possess fine characters," "you have otherwise been exemplary citizens," "your motivations were pure," and "I do respect you a great deal for having the courage of your convictions and for the ultimate goals that you sought to achieve by this conduct." Can you understand why some people would view your favorable comments about the defendants as a validation of their beliefs?

#### ANSWER

I do not believe that my sentencing remarks, when read in their entirety and not out of context, could be considered a "validation" of the defendants' beliefs or rhetoric. My more favorable remarks about the defendants' "motivations," "courage of conviction" and "character" were not directed at the validity of their beliefs, but, rather, represented the legally-required evaluation of the defendants' character and motivations to determine whether any of the usual aggravating criminal motivations or background

factors were present in the case. Also, my favorable comment about the goal the defendants sought to achieve was a reference to their underlying goal of reducing the number of abortions, as is clear from the following statement from my sentencing remarks: "I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal." My sentencing remarks also reflect extensive consideration of the seriousness of the offense and criticism of the defendants' conduct and tactics, as I have previously discussed. My sentencing remarks were fair and even-handed, and the 60-day jail sentence I imposed, at two-thirds of the maximum, could not be characterized as unduly lenient or a "validation" of the defendants' beliefs.

Mr. DURBIN. In light of Justice Sykes' statements in the case, I have serious concerns about whether she recognizes the fundamental right of privacy and about her ability to rule fairly in cases involving constitutionally protected rights to privacy.

But let me be clear. My opposition to this nominee is not because I am pro-choice on the abortion record and Justice Sykes may be pro-life. I and my Democratic colleagues have voted for over 95 percent of President Bush's nominees—191 judges as of today. It is likely that the vast majority of them were pro-life on the abortion issue.

Deborah Cook, now a judge on the U.S. Court of Appeals for the Sixth Circuit, was endorsed by the Ohio Right to Life organization. Lavenski Smith, a judge on the Eighth Circuit, sought to make all abortions in Arkansas illegal except to save the life of the mother. Michael Fisher, now on the Third Circuit, advocated that abortion is wrong and should be illegal even in cases of rape and incest. I voted for all three of these pro-life nominees.

I voted for James Browning, a judge we recently confirmed to the district court in New Mexico. Judge Browning had spoken at pro-life rallies and called the pro-choice position "the tyranny of the majority over the minority." He called on people who are pro-choice to "make the choice of life, not holocaust." Despite his passionate feelings, I voted to confirm him.

Why? Because unlike Justice Sykes, these judicial nominees—all of them I have mentioned, who do not share my views on this important issue—were honest and candid and open in their dealings with the committee. I think that is the bottom line. Even if I disagree with the nominee's point of view, I expect them to be honest and candid.

I have appointed in the district courts of Illinois men and women who do not share my views on critical issues. But I do not ask that of them. I do not come to any nominee with a litmus test, nor do I come to Justice Sykes with such a test.

I am also disappointed that Justice Sykes chose not to answer some basic questions I asked about some fundamental constitutional rights. Instead, she tried to hide behind the Wisconsin Code of Judicial Conduct.

Justice Sykes' refusal to answer my questions is in stark contrast to an

Ohio Supreme Court justice whom the Senate confirmed with my vote last year: Sixth Circuit nominee Deborah Cook.

I asked both nominees the exact same questions: whether they thought *Roe v. Wade* and *Miranda v. Arizona*—two landmark Supreme Court cases—were consistent with strict constructionism. I have asked this question over and over. Justice Cook answered my question with painful but direct honesty. This is what Justice Cook said:

If strict constructionism means that rights do not exist unless explicitly mentioned in the Constitution, then the cases you mention likely would not be consistent with that label.

That is a candid answer. I am certain it is an answer Justice Cook knew I did not agree with personally, but she was honest, and I respected her for it.

When Senator DEWINE of Ohio came to me and said, "I believe she is a good and fair person," I said: "I will give her the benefit of the doubt. I will support her nomination because of her candor and honesty."

Now, contrast that with the answer I received from Justice Sykes to the exact same question. She said:

This question requests a critique of certain United States Supreme Court cases that I am or will be required to interpret and apply as a judge in individual cases before the court. The Wisconsin Code of Judicial Conduct prohibits judges from engaging in extrajudicial commentary with respect to particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct in office regarding particular cases or legal issues.

This is a major-league evasion. If judicial nominees could each hide behind the local code of ethics in their State and say they could not even tell us where they stand on landmark Supreme Court decisions, such as *Miranda* and *Roe v. Wade*, and whether these decisions are consistent with a certain judicial philosophy, then the Senate Judiciary Committee should turn out its lights and the Senate should walk away from any role in advising and consenting to judicial nominees. But that is not what I swore to uphold when I took the oath of office to serve in the Senate.

What Justice Sykes sent to me in response to that question was evasion with a capital "E," and I do not believe the Senate should accept such responses.

Justice Sykes' refusal to answer my questions was not only evasive but erroneous. I contacted Steven Lubet, an expert on judicial ethics and a law professor at Northwestern University Law School in Chicago. I showed him Justice Sykes' responses to my questions, and he wrote a letter stating that the Wisconsin Code of Judicial Conduct does not prevent Justice Sykes from answering my questions.

So this is my conclusion, having considered these three elements: first, that Justice Sykes has taken pride in the

fact that she is known as a hanging judge and is extreme in her sentencing procedures; second, that she was not open and honest with me in the sentencing of a case which involved people who were well known to be serial, at least, arrestees, if not criminals, because of their conduct; and, third, that she would not answer the most basic questions about her judicial philosophy, which I think goes to the core of our responsibility in the Senate Judiciary Committee.

Time and again, Justice Sykes has demonstrated she does not possess the qualities necessary to inspire the confidence we should expect from a Federal judge. She has been nominated to serve for the rest of her natural life on the second highest court in America. I do not believe she can provide the good judgment, candor, or fairmindedness that we must demand of each person seeking such an important appointment. I will vote "no" on this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

(The remarks of Mr. ALEXANDER and Ms. LANDRIEU pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ALEXANDER). The Senate will return to legislative session.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005—Continued

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate the Defense appropriations bill.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3490

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BAUCUS, proposes an amendment numbered 3490.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside an amount for a grant to Rocky Mountain College, Montana, for the purchase of aircraft for support of aviation training)

On page 112, between lines 13 and 14, insert the following:

SEC. 8021. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", \$880,000 shall be available to the Secretary of the Air Force for a grant to Rocky Mountain College, Montana, for the purchase of three Piper aircraft, and an aircraft simulator, for support of aviation training.

Mr. STEVENS. Mr. President, this amendment has been agreed to on both sides. There may be allocated up to \$880,000 for a specific project the Senator is interested in. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3490) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3491

Mr. STEVENS. Mr. President, I send an amendment to the desk for Mr. CORZINE and ask that it be considered. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CORZINE, proposes an amendment numbered 3491.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Navy", \$4,000,000 for Aviation Data Management and Control System, Block II)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of the Act under the heading "Research, Development, Test, and Evaluation, Navy", up to \$4,000,000 may be available for Aviation Data Management and Control System, Block II.

Mr. STEVENS. This amendment is for Senator CORZINE, who is seeking an earmark for up to \$4 million for a specific project. It has been agreed upon. I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3491) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3492

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senators

KENNEDY, KERRY, SCHUMER, and CLINTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON, proposes an amendment numbered 3492.

The amendment is as follows:

On page 118, insert the following new section on line 5:

"SEC. 9006. In addition to amounts otherwise made available in this Act, \$50,000,000, is made available upon enactment for 'Office of Justice Programs—State and Local Law Enforcement Assistance' for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, to remain available until September 30, 2005: *Provided*, That from funds provided in this section the Office of Justice Programs shall make grants in the amount of \$25,000,000 to the City of Boston, Massachusetts; and \$25,000,000 to the City of New York, New York: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress."

Mr. STEVENS. Mr. President, this is an amendment, on an emergency basis, to add \$25 million for the security at each of the party conventions in Boston and New York. It is consistent with past policy, and we have agreed to accept this amendment on an emergency basis. I ask for consideration of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3492) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Ohio has an amendment to offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 3493

Mr. DEWINE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 3493.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriate funds for the crisis in Darfur and Chad)

On page 118, between lines 4 and 5, insert the following:

TITLE X  
BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE  
PRESIDENT  
UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT  
INTERNATIONAL DISASTER AND FAMINE  
ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$70,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$25,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

Mr. DEWINE. Mr. President, Monday, I came to the floor to outline what we needed to see accomplished in Darfur, Sudan, where tens of thousands have died, hundreds of thousands are currently in peril, and millions more have lost their homes and their livelihoods. My last speech focused on what the government of Sudan needed to do. Today I want to focus on what we need to do, what the U.S. Government and the American people need to do.

Today, I am offering an amendment to the fiscal year 2005 Department of Defense appropriations bill, together with Senators LEAHY, BROWNBACK, ALEXANDER, FRIST, and MCCAIN. This critical amendment will provide \$95 million in emergency funding to help address the current crisis in Darfur and eastern Chad. The House included the same \$95 million in their bill this past Tuesday, and I hope we will do the same.

Specifically, the amendment would add \$70 million to USAID's International Disaster and Famine Assistance programs in Darfur, as well as \$25

million to the Department of State for refugee assistance in eastern Chad. This type of crisis is exactly why we created these accounts. Now we need to use them.

Mr. President, we simply need to do this. Ten years ago, we failed to act when close to a million people were slaughtered in Rwanda. We cannot go back now and change that, much as we would like to. But we can do something different today. What is occurring today is genocide. Hundreds of thousands of people are dying, and we can prevent it. To ignore this crisis would be a tragic mistake. To deny this funding would be to deny children the right to live and people the right to survive. We are not responsible for the genocide, but we will be responsible if we do not do something today to prevent these people, these children, men and women, from dying.

Many times, we come to the floor and talk about emergencies. Sometimes the word is almost debased. But if ever there was an emergency, this truly is an emergency. This truly is a crisis.

If this situation weren't so serious, we could wait and offer this amendment to another bill. Members of the Senate, time does not allow us to do that. Time is not on our side. Using this bill as the vehicle will make the emergency funding available as soon as we pass it, and it is signed into law. That is why we must act on this bill.

Every major humanitarian organization in the world has recognized Darfur as the worst humanitarian crisis in the world today. But a quote by the U.N. World Food Program Deputy Director in Chad captures it best:

There will be a tragedy if nothing happens. I don't think any of the children under the age of 5 will make it [if nothing happens], and the pregnant women, too. For those who are under 5, there is no chance. They will simply die from starvation.

The U.S. Agency for International Development is also increasing their mortality figures, their estimates. They now say their original estimate that at least 350,000 people could die of disease and malnutrition over the next 9 months is conservative. That is because the violence that started all of this has not stopped, and because the conditions those individuals are facing are getting worse with the oncoming rains. Hundreds of thousands are now in shantytowns around the regional capitals or in refugee camps in eastern Chad. The conditions are quickly deteriorating because aid groups simply cannot accommodate the large numbers. The United States is currently meeting about 25 percent of the food needs. But that means that 75 percent of the food needs are not being met; 75 percent of the people face starvation.

Malnutrition and disease are our biggest enemies in a crisis such as this. The polio epidemic hitting Africa has spread to Darfur, and only 50 percent of the children are immunized. The race against the clock is well underway and we need to make sure that USAID and

the State Department have the money they need to respond, and respond now. I have no doubt in my mind that the long-term needs in Darfur and eastern Chad exceed what this amendment calls for, but for now at least this will allow our aid agencies to begin to meet their immediate needs this year. The children cannot wait and, therefore, we cannot delay these funds any longer.

That is why I join my colleagues and ask my colleagues to join me in pressing, also, for a U.N. security resolution authorizing peacekeeping troops to monitor the cease-fire in Darfur and ensure, by force if necessary, that humanitarian aid is not obstructed. According to the U.S. Ambassador to Sudan, there is no evidence yet that the Government of Sudan is serious about addressing the militias which have caused so much of this problem. If the Government of Sudan refuses to address the ethnic cleansing that we have seen, then we should make sure the United States will.

Senator DURBIN and I have a letter that we are now circulating that we will send to Secretary Powell. This letter addresses this issue, and I invite my colleagues to sign this letter.

Finally, I want to alert my colleagues to another crisis that is beginning to emerge in Africa. We do not have time today to speak in detail about it, but we should watch for this crisis because we will have to address this crisis as well, and the world needs to address this crisis, and that is the crisis in the Congo.

Militant groups who escaped from Rwanda after the genocide there are now destabilizing the Congo. Mr. President, 3.3 million people are without humanitarian aid.

If we do not pay attention to the Congo, then the Congo is, in a short period of time, going to also look like Darfur, and we will have failed again and the world will have failed again.

The world must pay attention. We must learn to stop these events before they become crises. That is why our response to Darfur today in this amendment is so important. We need to set the precedent that we failed to set in Rwanda: that the U.S. Government will be watching for ethnic cleansing and genocide, and no matter where it is found, we will respond, and those responsible will be held accountable.

We simply cannot tolerate crimes against humanity, and we must speak out. If we fail in this effort, we doom not only the people of Darfur but the victims of future conflicts as well. We need to make "never again" a promise of the U.S. Government that is enforced by our actions. I, therefore, urge my colleagues to support this amendment and continue to call attention to what is happening in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleague from Ohio in supporting this amendment that will put

forward \$95 million in emergency aid to the Sudan. I thank him for bringing this forward. I thank the Chair for holding a hearing on this recently to highlight what is taking place. He outlined what is occurring. This is happening before our very eyes.

I associate myself with my colleague's statement that we need to say to people around the world that when genocide occurs, we will respond. There will be consequences on governments that conduct genocide in their nations.

What we are seeing taking place today is something on a massive scale before our very eyes. We had satellite photographs appearing today. We see vast sections of communities wiped out, burned out. We see militias going in, backed by the government, burning communities, poisoning wells, putting dead animals down in the bottom of wells so they are not usable.

This is a marginal region in the first place, where, if you push people out of their homes and away from their encampments, it is difficult to survive. We now have by estimates about 1 million people on the move in this region. We have, by estimates, the capacity to feed 300,000 people, with 1 million people on the move. One can see that if the situation does not improve, we are going to have a large group of people who are not going to get fed, housed, and are vulnerable. Many will die. Many will perish. We are going into the rainy season in this region.

There are a couple of items we need to do. No. 1, we need to get this aid passed. I thank the chairman for allowing us to bring up this amendment, and I urge my colleagues to adopt it. We need to get the international community engaged with the international observers, the African Union, the United Nations, with observers and peacekeepers in this region. We need to force the Sudanese Government to stop their sponsorship of the Jingawit. This is the Arab militia that is going into the region and burning communities and attacking communities with machine guns.

We need to stop the Sudanese Government from using helicopter gunships for aerial bombardments, from going into these communities and driving people out, killing them with bombings or by military attacks. We need to speak very clearly and then act decisively.

Time is of the essence. We need to act now for us to be able to save the lives in this region that are so vulnerable and will be lost if we do not act.

I applaud the Secretary of State for announcing today that he will be traveling next week to the Darfur region in the Sudan. Congressman WOLF and I will be traveling there shortly as well to view this situation and to put pressure on the Sudanese Government to stop this and to put pressure on the international community to effectively respond.

We can act, and we can stop this if we act now. Mother Teresa, when she

came to this country and people were asking her what can they do to help the poor, to help those in trouble, responded by saying: We all have our Calcuttas. There are things each of us can do. We all have our Calcuttas.

Here is a situation to which we can respond. We can do something. We need to adopt this amendment. We need to put pressure on the international body and the Sudanese Government, and we can save lives by doing so. I urge the adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of this important amendment.

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

Mr. DURBIN. Mr. President, I particularly wish to thank my colleague, Senator DEWINE from Ohio, for his leadership, Senator BROWNBACK from Kansas, and the Presiding Officer, Senator ALEXANDER, for their leadership on this amendment.

In my hometown of Springfield, IL, my wife and I live next door to this family—we have lived in the neighborhood for over 25 years—and one of the young women in that family, after serving several years in the U.S. Air Force, left to work for the World Food Program, and then work for USAID. As we speak, she is in Sudan trying to bring necessary relief in this horrible situation.

It is in Robin May's honor that I am happy to add my name as a cosponsor to this important amendment.

I also acknowledge with gratitude the helpfulness of Senator STEVENS and Senator INOUE in allowing us to offer this amendment.

If one reads the history of the last 10 years, one will be struck by the fact that at least in the situation of Rwanda, if not in other times, we in the United States turned a blind eye to genocide, to the massive killing of innocent people. We are not going to let that happen in the Sudan and Chad.

This commitment of funds, though modest in relation to the problems, shows that the United States is willing to step up and try to show leadership with the rest of the world in helping these poor innocent victims.

We are constantly defining ourselves to the world. Those definitions come out many times in photographs that are not complimentary and sometimes in photographs that are. I hope the world, in viewing this small but important effort, will understand that America does care, and cares for those who are suffering in the most remote regions of the world and in Africa, of course.

I am happy to add my name as a cosponsor to this amendment. I hope it is adopted with overwhelming support.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Ohio and the

Senator from Illinois for their remarks. The Senator from Kansas has spent a great deal of time in Africa and has been a good teacher to the rest of us on this subject. The majority leader, Senator FRIST, has visited the Sudan many times. All of us are deeply concerned about what is happening in Darfur. Just at the time when we were starting to celebrate the beginning of a solution to a north-south conflict which has gone on for years and years, suddenly we are hit, literally in the face, with this terrible genocide in the western part of Sudan.

It is important to this body that we show that in the midst of all of the other things that are going on in the world that we recognize this situation.

We recognize the importance of it. We recognize that by our speaking out, by our actions, by visits by representatives of our administration, and by the Congress, we can make a difference in this genocide.

As the Senator from Ohio remarked, we all look back 10 years to a time in Rwanda when we were thinking that we cannot be a policeman everywhere in the world, we cannot deal with every problem, but at the same time that problem ballooned to such a massive size we are all embarrassed about the fact that as a country we did not do more.

That does not always mean we send troops into a country. It does not always mean we send ships nearby a country. But it does mean there are a number of things we can do, and with this bipartisan act today in the midst of perhaps the most important bill we have to discuss, which is the proper support for the men and women who are fighting to defend our country, we are taking a few minutes to say there is a terrible event happening in the western part of Sudan that could stop immediately if the Government in Khartoum would stop it. We ask them to do it in a bipartisan way and we further ask the United Nations, which in this case has more of a capacity than we do, to influence that government and to get busy and do its job. That is what we are asking today. The amendment of the Senator from Ohio appropriates \$95 million to help in that effort.

Last week I chaired a hearing of the Senate Foreign Relations Committee on the situation in Sudan. The alarm could not have been sounded more loudly. I chaired that hearing because I am chairman of the African Affairs Subcommittee. One of our witnesses, John Prendergast of the International Crisis Group, told the committee the first phase of the genocide in Darfur is already complete. The Government of Sudan, largely through its Janjaweed militia, has pursued an active campaign of ethnic cleansing. Over 30,000—maybe 50,000—have already been killed by direct attacks on villages in Darfur. They have leveled hundreds of villages. Other Senators have spoken of the details, but that is what is happening.

So now the second phase of the genocide is underway. The Government of Sudan and its militias are forcing the starvation and death of hundreds of thousands of people. As the Senator from Kansas explained, these are people living on the margin. When they are moved away from their huts, when dead animals or dead people are thrown down their wells, they have very little ability to survive. As the rainy season comes, it makes it worse.

On top of that, the Government of Sudan, in addition to tolerating the killing of these people, is putting obstacles in the way of our efforts and the efforts of others in the world to provide food and aid to people who are starving and dying. It is an unconscionable set of actions by that government.

When we think of Sudan, we usually think of a conflict between a Muslim and Arab government, and an African and Christian insurgency. That is not the case here. This is Muslim against Muslim, but still Arab against African. Ethnicity, not religion, is the primary factor.

Another of our witnesses, Julie Flint of Human Rights Watch, was there writing a report this spring, travelling by horse and camel through the area. She talked about refugees who fled to neighboring Chad, about 200,000 of them, family members being raped and killed in front of loved ones. She said the region is now largely empty. Where villages were, only rubble remains. The Sudanese Government claims the Janjaweed forces in Darfur are acting on their own and the government wants to stop them. The evidence suggests otherwise.

Our administration has been a strong voice in this case, but the international community has failed to respond. The U.N. Human Rights Commission, which is supposed to confront flagrant abuses of human rights, especially when they occur on such a mass scale, failed to adopt a U.S. resolution condemning the atrocities. That body has become a travesty, condoning the very activity it was intended to prevent.

The Bush administration, this Government, has had remarkable success in the peace process between the north and the south. We are proud of that. Protocols addressing all the major outstanding issues in that process were signed in May. Senator Danforth, who was the President's special envoy, has been a real leader. Other nations have joined in that effort: Great Britain, Norway, Kenya.

Some of our friends are concerned if we confront the government in Khartoum, Sudan, too directly about the atrocities in the west, Darfur, that will jeopardize any prospect for lasting peace in southern Sudan. They may be right. But if hundreds of thousands of lives are the price of peace in southern Sudan, the price is too high.

So the amendment of the Senator from Ohio, which I am glad to cosponsor, will enable the United States to

step up to this crisis quickly, providing relief to those in need.

Other nations are also contributing. I hope they will join the United States in condemning the actions of the Sudanese government in the U.N. Security Council and demand full humanitarian access to Darfur now. I congratulate the Senator from Ohio on this amendment. I am proud to support it.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to lend my strong support to the amendment offered by the Senator from Ohio. I would also like to recognize the leadership that the Senator from Kansas, Mr. BROWNBACK, and the Senator from Wisconsin, Mr. FEINGOLD, have shown on the issue of Sudan throughout the years.

This amendment mirrors efforts in the House of Representatives appropriations bill to add \$95 million to address the humanitarian crisis in Darfur, Sudan and across the border in Chad.

It is a good start and I commend the chairman and ranking member of the Defense Subcommittee for accepting this amendment. However, it is only a start, and a modest one at that.

We should be providing at least double this amount to address what is the worst humanitarian crisis that exists in the world today. I hope that by the time we conclude debate on this bill the Senate will have agreed to additional funds for Sudan.

The Senate needs to act. The situation is abysmal. The situation is horrendous. The situation is intolerable.

Sudanese military forces and government-backed militia forces have left tens of thousands dead, over a million displaced, and hundreds of thousands at immediate, urgent risk. USAID has warned that without full humanitarian access, 350,000 displaced civilians may die or hunger and disease in the coming months.

The massacres and widespread rapes, the destruction of villages, mosques and farms—all of this violence and horror have given rise to a second, even more costly wave of suffering, as civilians are left with no capacity to sustain themselves as the rainy season approaches.

On top of this, the Sudan-Chad border is heavily patrolled to keep some of the most vulnerable civilians from fleeing to refugee camps in eastern Chad.

What is happening is appalling, it is an affront to all humanity, to all faiths, and we cannot stand by and simply watch this unfold.

The Sudanese government claims to have granted humanitarian access to Darfur. This is a sham. The government of Sudan has done virtually everything it can to prevent the international community from effectively addressing the crisis in Darfur. The government has stalled and delayed permission to travel, prevented the use of vehicles and radios in certain areas, and looked the other way as militias have attacked and threatened humanitarian workers.

Hundreds of thousands of people are at risk. We have a responsibility to act to address this terrible situation. I urge my colleges to support the DeWine amendment and I will be looking for ways to do more to help the catastrophe unfolding in Sudan.

Mrs. FEINSTEIN. Mr. President, I rise to express my support for the amendment introduced by Senator DEWINE to provide humanitarian assistance for the refugees in Darfur, Sudan. Of all the places on Earth, where killing and deaths are rampant, Darfur, Sudan leads the list.

The DeWine amendment will provide \$95 million to respond to the crisis, including \$70 million for International Disaster and Famine Assistance and \$25 million for Migration and Refugee Assistance.

In response to attacks by rebel groups in the Western region of Darfur, Arab militias, known as Jangaweed, armed and aided by the government of Sudan, launched a brutal campaign of ethnic cleansing against non-Arab residents, including murder, rape, forced displacement, and looting. Over 30,000 have been killed and more than 2 million displaced.

The situation is dire. While the United Nations Security Council recently endorsed the peace process to end Africa's longest running civil war, USAID Administrator Andrew Natsios estimated that 300,000 refugees from Darfur may perish due to a lack of basic food and medicine. He added that that number could reach as high as one million.

Secretary of State Colin Powell has stated that the Administration is currently studying whether or not the rampage in Darfur can legally be defined as "genocide".

Whatever the legal conclusion—and in this Senator's mind the killings most certainly can be characterized as genocide—the United States and the international community have a moral obligation to provide assistance to the refugees and compel the government of Sudan to put a stop to the death squads.

It is past time for the U.N. Security Council to pass a resolution authorizing a robust monitoring and peace-keeping force and demanding that the government of Sudan disarm the Jangaweed and allow humanitarian assistance to reach the refugees.

Sadly, it appears that debate over such a resolution could take weeks and put countless lives at risk. Inaction will also threaten the peace process that so many people, including the new U.S. Ambassador to the United Nations, John Danforth, have worked so long to put in place.

While the Security Council waits, the U.S. Senate can act now. Earlier this month, Mr. Natsios pledged an additional \$188.5 million in emergency assistance to address the humanitarian crisis in Darfur. While this amendment does not match that amount, it is a start and it will give the refugees some hope.

Ten years ago the world remained silent and stood by as the genocide unfolded in Rwanda. In the wake of hundreds of thousands of deaths, we committed ourselves to not make the same mistake twice.

The situation in Darfur is now testing the United States and the international community's will to fulfill that pledge. We must not fail those who are now facing displacement, starvation, and death. We must rise to the occasion.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that this amendment be temporarily set aside so I can send to the desk an amendment which has been agreed to.

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

AMENDMENT NO. 3497

Mr. STEVENS. I send an amendment to the desk for the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEAHY, proposes an amendment numbered 3497.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside an amount for procurement of aircrew bladder relief (ABRD) kits)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "Other Procurement, Air Force", up to \$2,000,000 may be used for aircrew bladder relief device (ABRD) kits.

Mr. STEVENS. I ask for adoption of the amendment. This is an amendment earmarking specific funds for a specific project for our crews.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3497) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. STEVENS. I ask unanimous consent Senator DOLE be added as a co-sponsor to amendment No. 3493.

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

Mr. STEVENS. Mr. President, I urge Senators to come present their amendments.

We will be pleased to yield the floor to the distinguished Senator from South Dakota, the Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me again compliment our two managers. We want to encourage Senators to come over and offer their amendments. I hope over the course of the next couple of hours we can dispose of whatever pending amendments there are.

Mr. President, I understand the pending legislation is an amendment offered by the Senator from Ohio regarding Sudan.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Mr. President, the history of the world's response to genocide is one of long memory and poor eyesight.

Each of us have, at one time or another, looked back upon the terrible history of the Holocaust and made a commitment, in public or in our hearts, not to stay silent should the first signs of a potential genocide come into view.

Every one of President Bush's six immediate predecessors gave voice to this common commitment. And yet each saw during their tenure a genocide somewhere in the world.

In the last quarter of the twentieth century, 1.7 million Cambodians were murdered by the Khmer Rouge; 100,000 Kurds were massacred by Saddam Hussein; 200,000 Bosnia Muslims were killed by Serb militia; and 800,000 Rwandan Tutsis and moderate Hutus were killed at the hands of Hutu mobs in just 100 days.

As these dangers gathered, and the cry for help went out to the world, the world stood by, each time.

Our failure has not been one of moral understanding. Our failure, simply, has been one of moral courage.

Today, a tragedy of all too familiar dimensions appears to be gathering in the Darfur region of Western Sudan.

Armed and protected by the Sudanese military, ethnic Arab militiamen have brought a plague of terror down on the African residents of Darfur.

Villages have been razed, crops destroyed, and cattle slaughtered. Women have been raped and enslaved.

More than 15,000 Sudanese men, women, and children have been killed, and a million more have been driven from their homes in fear.

As they torch villages, the Arab militia have been heard to shout, "We will not allow blacks here. . . . This land is only for Arabs."

On May 6, the Senate passed a resolution condemning the Sudanese government's complicity in the terrorizing of the civilian population of Darfur and warning of a potential crisis.

Since then, however, no real progress has been made either to stop the bloodshed or to bring sufficient aid to the refugees.

Humanitarian assistance has not been allowed to reach all of those in need.

Meanwhile, the annual rainy season is now beginning, making transportation more difficult, and making the health of the vulnerable even more precarious.

Most ominously, the people of Darfur are about to miss their planting season, raising the specter of a famine of epic proportions and rendering otherwise productive men and women dependent for at least another year.

Already, USAID predicts 320,000 have been effectively sentenced to death. Unless action is taken, 1 million Sudanese men, women, and children will die this year alone.

I repeat, 1 million people face death in Sudan.

Let's also be clear on this point. Most of these deaths are preventable, but only if the world chooses to act.

Genocide is a crime against humanity. And all humanity shares a common responsibility to respond.

Our revulsion at genocide joins all people, in all cultures throughout the world. Unilateral action in this sense would not be sufficient.

There are few clearer cases for the need to rally the world. America has both the opportunity and the obligation to unite the world community in trying to prevent yet another genocide.

My friends from Ohio and Vermont, Senators DEWINE and LEAHY, are urging us to take the first important step in stopping this gathering storm. This additional assistance will help thousands of people avert hunger.

But we also must ensure that we do everything possible to end this crisis.

The most effective tool against a potential disaster in Sudan is the United Nations.

The Bush administration must equip our new ambassador to the United Nations with the authority and support required to provide effective leadership on Sudan.

The administration should take the following steps in order to make sure that Senator Danforth is able to mobilize international action on Darfur:

First, the Administration must insist that Khartoum provide complete, unrestricted access for all humanitarian operations and aid workers.

Second, we must demand that the Sudanese government take verifiable steps to ensure that the militia forces are restrained, by allowing for the unrestricted movement and operations of observers deployed by the African Union.

In addition, the Sudanese government must stop providing arms and logistical support to the Janjaweed militia.

Third, we should require that Khartoum initiate, with U.N., African Union, and regional support and involvement, a dialogue with political, rebel, and civil society representatives in Darfur in order to achieve a long-term resolution of the political crisis

and agreement on a plan for disarming militia forces and rebels.

Fourth, the administration should invest Senator Danforth with the authority to start work immediately on a Security Council resolution including each of these steps and establishing verifiable benchmarks for compliance.

In the event of noncompliance, we must call for Security Council sanctions, including freezing the assets and restricting the travel of Sudanese government officials.

In order to be effective, however, it is vital, that these sanctions be multilateral and the world community share fully in their implementation.

Fifth, Senator Danforth should also be empowered to put Khartoum on notice, in the strongest terms, that international support for implementation of the North-South peace agreement does not represent endorsement of Khartoum's actions in Darfur.

The agreements reached between warring parties in the North and South of Sudan, which could not have been accomplished without the leadership of Senator Danforth and the administration, are nonetheless just the first steps to bringing stability and peace to the entire country.

In no way does the Sudanese government's commitment to end hostilities with rebels in the South justify or compensate for its active support for Janjaweed militia in Darfur.

Sixth, in order to clarify Senator Danforth's authority, the State Department should make its final determination on whether the crisis in Darfur meets the legal definition of genocide.

Testimony from the victims in Darfur make it very clear that it does.

In order to remove any ambiguity or ambivalence from America's moral leadership, the State Department should make its determination quickly, so that we can bring together an appropriate response from the world community.

Finally, Senator Danforth should be empowered to initiate discussions within the Security Council on planning for an intervention force, if this should be required to ensure that lives are saved and a genocide prevented.

Consideration should be given to non-U.S. troops including from Europe and Africa; the Security Council should consult with the African Union.

The main point here is that the planning must be done now—even if the decision is delayed—both to make clear to Khartoum that the international community is serious and to be ready if it is necessary to intervene.

The history of genocide teaches us that this crisis needs to be addressed on several different levels.

First, on the humanitarian level, we need to provide immediate aid to refugees and to the internally displaced.

Second, we must insist on full accountability for all perpetrators of crimes against humanity.

In order to keep Sudan from spiraling downward into a cycle of retributive

violence, all those responsible must be brought to justice.

Finally, a long-term resolution demands that the world focus on bringing about a political solution to the instability and violence of Sudan.

President Bush has spoken with force and eloquence on the need to match American action to American words and values.

Never is that more important than in the case of genocide when the lives of hundreds of thousands hang in the balance.

President Bush, like his predecessors, understands the moral imperative to take action to stop genocide.

Speaking after a tour of the Holocaust Museum in 2001, President Bush reaffirmed "America's commitment to the memory of 6 million who died in the Holocaust [and] our commitment to averting future tragedies."

The future has arrived. A tragedy stands at the world's doorstep. These words are engraved upon the conscience of the world: Never Again.

In the months ahead, we will learn what they mean to us.

Mr. STEVENS. Mr. President, I ask that amendment No. 3493, which is the Sudan amendment, be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3493) was agreed to.

Mr. STEVENS. The Senator from Virginia has an amendment, and I understand the Senator from South Dakota, the distinguished minority leader, wishes to have a discussion.

The PRESIDING OFFICER. The Senator from Virginia.

TRICARE

Mr. WARNER. Mr. President, I am available for the colloquy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from South Carolina is not on the Senate floor, but I do not think he would mind, given the fact—

Mr. WARNER. Mr. President, he spoke to me about it, and I expressed a willingness to indicate to both colleagues that the Senate bill contains a provision coauthored by my two distinguished colleagues on a subject that is of great importance to the men and women of our military. And it is the intention of the Senator from Virginia, as a conferee, to support the Senate positions as we proceed through the resolution of such differences as the House and the Senate may have.

Mr. DASCHLE. Mr. President, I appreciate the statement of support offered by the distinguished chairman of the Armed Services Committee. It had been our intention to offer an amendment to provide full 12-month funding, on this particular bill, for reservists' TRICARE.

I thank the distinguished chairman of the committee and our remarkable ranking member for their efforts and the acknowledgment of the need to ad-

dress health care concerns among members of our Guard and Reserve. They have done so in this bill in a way that allows Guard members and reservists to obtain this health care coverage for 5 months, up until that time next year when we expect a supplemental to be brought again before the Senate, which would then afford us an opportunity to review the current program and extend it for the balance of the year. It would be in consultation with Senator GRAHAM.

We have concluded that a far better and more productive and long-lasting approach would be to complete our work in the bill where it belongs, the Defense authorization bill, the legislation we completed just last night, thanks to the able leadership of Chairman WARNER.

Our concern, of course, has been that even though TRICARE for reservists enjoyed the support of more than 70 Members, there may not be the degree of support in conference that will be required to sustain the Senate position. So it is our hope that will happen. The chairman's acknowledgment of his interest in protecting the Senate position is appreciated, and we will work with him to see that we are successful in that effort in committee.

Mr. WARNER. Mr. President, as always and customary with the distinguished Senator from South Dakota, you have spoken to the situation factually. Historically, that is the way we have dealt with those matters in the Senate. I appreciate you respect my position as a conferee. I cannot make ironclad commitments, other than I have always gone into a conference to try to support the position as taken by this collective body in its decision-making process.

Mr. President, I thank my colleague, Mr. DASCHLE. Mr. President, I again thank the chairman. Simply stated, it is our expectation that we will succeed in conference this year. This issue has overwhelming bipartisan support not only in the Senate but the House as well. And, obviously, it will keep coming back year after year unless we do resolve it. It would be my hope this would be the year we do so successfully.

So, again, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3498

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. WARNER, proposes an amendment numbered 3498.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase amounts for certain Navy shipbuilding and conversion programs, projects, and activities; and to provide an offset)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated by title III under the heading "SHIPBUILDING AND CONVERSION, NAVY"—

(1) the amount provided under that heading specifically for the Carrier Replacement Program (AP) is hereby increased by \$140,900,000;

(2) the amount provided under that heading specifically for CVN Refuelings (AP) is hereby increased by \$110,000,000; and

(3) the total amount provided under that heading is hereby increased by \$250,900,000.

(b) The amount of the reduction provided in section 8062(a) is hereby increased by \$250,900,000.

Mr. STEVENS. Mr. President, I state to the Senate that this amendment has been cleared on both sides, and it is revenue neutral, as I understand it.

Mr. WARNER. Mr. President, I thank the distinguished managers of the bill. I appreciate that. This is a matter that is of great importance to the U.S. Navy. I am happy to do it.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator ALLEN of Virginia be added as a cosponsor to the amendment.

Mr. WARNER. Mr. President, I join in that request.

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

Mr. STEVENS. Mr. President, has the amendment been adopted?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3498) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3499

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator ROBERTS and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3499.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Air Force", \$6,000,000 for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", up to \$6,000,000 may be available for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program.

Mr. STEVENS. Mr. President, this amendment would make available up

to \$6 million for a program that the Senator seeks to have considered. I urge its adoption. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3499) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3500

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator SANTORUM and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3500.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Operation and Maintenance, Defense-Wide", \$5,000,000 for Department of Defense Education Activity for the upgrading of security at Department of Defense dependents schools)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

Mr. STEVENS. Mr. President, this amendment on behalf of the Senator from Pennsylvania would make available up to \$5 million for a project the Senator supports. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3500) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3501

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Pennsylvania, Mr. SANTORUM, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3501.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Army", \$3,000,000 for Medical Advanced Technology for the Intravenous Membrane Oxygenator)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

Mr. STEVENS. Mr. President, this amendment would make available up to \$3 million for another project that the Senator from Pennsylvania supports. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3501) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that we have several Senators who have indicated they have amendments. I urge they come to the floor. We have business to conduct today following completion of this bill. We do hope we can complete this bill as early as possible. We do urge that Senators come to the floor.

Mr. President, I believe our distinguished colleague from West Virginia is here to offer an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished friend, the chairman of the Committee on Appropriations.

## AMENDMENT NO. 3502

Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3502.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on budgeting and funding of ongoing military operations overseas)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, last year, the Senate overwhelmingly approved an amendment that I offered to urge the President to budget for ongoing

military operations. Mr. President, 81 Senators agreed that the administration should include in its budget request, which is sent to Congress in February each year, an estimate of the funds needed to support our troops in Iraq and Afghanistan.

The sense-of-the-Senate amendment that I authored was included in the fiscal year 2004 Defense Appropriations Act, as signed into law by the President on September 30, 2003. But there was no request for funds for our troops deployed overseas in the budget that came to Congress on February 2, 2004. That budget was stone-cold silent about our troops in Iraq and in Afghanistan.

It was as if the White House had no plan for how to pay our troops overseas, or how to pay for their fuel and ammunition. We sometimes hear Korea described as the forgotten war, but the President's budget forgot about the wars ongoing in Iraq and Afghanistan.

Senators on both sides of the aisle realized the folly of ignoring the massive costs of the wars in Iraq and Afghanistan. In an act of fiscal responsibility, the chairman of the Senate Budget Committee included in his mark of the fiscal year 2005 budget resolution an additional \$30 billion reserve fund for the costs of the wars. The House of Representatives went even further by including a \$50 billion reserve fund in its version of the budget resolution. Again, these funds were not requested by the President, but Congress decided to include them for the sake of fiscal sanity.

The Defense appropriations bill before the Senate today includes \$25 billion to pay for our troops in Iraq and Afghanistan. The White House requested these funds literally at the last minute. The Armed Services Committee had completed its markup of the Defense authorization bill the week before the administration submitted its request for these moneys. Talk about hiding the ball, the administration stiff-arms Congress by not making any budget estimate for Iraq and Afghanistan until after the markup of the Defense authorization bill is completed.

Does anyone think this \$25 billion will cover the cost of the wars for the next 12 months? Not a chance, Mr. President. According to the Department of Defense, the cost of operations in Iraq now averages \$4 billion per month. The cost of operations in Afghanistan is up to \$900 million-plus per month. At that rate of spending, the President's \$25 billion reserve fund will not even last half a year.

Talk about short-changing our troops.

That is why, for better or worse, the White House is planning on springing a supplemental budget request of \$50 billion or more on Congress and the American taxpayer sometime next year.

Tragically, all of these funds are being financed by deficit spending.

Since the administration refuses to send Congress an estimate of how much the wars in Iraq and Afghanistan will cost, much less any plan for how to pay for those costs, each last-minute emergency request for funds that the President sends to Congress sends our country deeper into red ink.

Congress has already devoted \$122 billion to Iraq, and every single dollar of that amount is going to have to be paid off by the sweat and toil of our children and grandchildren for decades to come, because it is the taxes the future generations will pay that will be used to finance the deficit spending of today. What kind of wars are we running when we saddle our children, and their children yet to be born, with the responsibility of paying for them?

I have heard all of the tired excuses about why the administration does not want to estimate the cost of the wars in Iraq and Afghanistan. I wish I had a nickel for every time I have heard someone say that the cost of the war is "unknowable."

For example, on July 9, 2003, at a hearing of the Armed Services Committee, I asked Secretary Rumsfeld for an estimate of how much is being spent in Iraq and Afghanistan. His response? "I would not want to venture a guess and be wrong." I wouldn't accept that answer. I told Secretary Rumsfeld to go call the Pentagon and find out. That's exactly what he did, and he finally reported back that we were spending \$4.8 billion in Iraq and Afghanistan every month.

That's why I just don't buy it when the administration says it has no idea what it might cost to finance ongoing military operations. It is an open secret that the Defense Department is well able to produce an estimate of the cost of its operations. The only problem is that Congress has been continually stiff-armed in our attempts to learn about those estimates.

I have also heard time and again that the United States never budgets for the cost of wars in advance. That is just not true. The Congressional Research Service does state that "since 1990, Congress generally has funded combat operations with supplemental appropriations." However, the Congressional Research Service also concludes that as military operations become more predictable, such as in peacekeeping operations, Congress begins to fund those operations by a combination of regular budget appropriations and supplemental appropriations and, eventually, by regular appropriations alone.

Aside from the last decade, there is a long history of Presidents requesting funds in regular appropriations bills for ongoing military operations. CRS has reported that President Roosevelt requested regular appropriations for the conduct of World War II in fiscal years 1943, 1944, 1945, and 1946. Presidents Johnson and Nixon received funding for the Vietnam War in every Defense Appropriations Act from fiscal year 1966 through 1973. In fact, there were no

supplemental appropriations bills for the Vietnam War after 1969.

Even in more modern times, ongoing military operations in Bosnia, Kosovo, and the patrol of the no-fly zones over Iraq were made part of the regular budget and appropriations process. The amendment that I offer to urge the President to budget for the wars in Iraq and Afghanistan isn't a break with how our government pays for wars. My amendment says that the President should stick with historical precedent and fiscal responsibility in budgeting for the wars that we are now in.

The amendment that I offer today is precisely the same amendment that I offered to last year's Defense Appropriations bill, which was supported by 81 Senators. The amendment simply states the sense of the Senate that the President should request funds for ongoing military operations in his regular budget request, and that such funds should be appropriated in regular accounts.

The administration's practice for paying for the ongoing wars in Iraq and Afghanistan must change. This week, Deputy Defense Secretary Wolfowitz acknowledged to a House committee that our troops could be in Iraq for years to come. If that is true—and I hope that it is not—now is the time for Congress to get serious about making the President figure out a budget plan for paying for the massive cost of a long-term military presence in Iraq.

The alternative is to continue with the current administration policy: more last minute spending requests, more reports that our troops are running out of money, and more deficit spending. This is a recipe for a fiscal disaster. Current White House policy on paying for the war perpetuates an ongoing budgetary crisis for our troops overseas: rather than planing for their needs, we force our troops to bounce from one stop-gap spending measure to another. This is just plain wrong.

Congress should not allow itself to be streamrolled. It should not allow the President to send up an emergency supplemental, and then demand immediate action by the Congress. That is now mistakes are made. Last year, the President failed to request sufficient funds for body armor for our troops. Last year, the President failed to request sufficient funds for armor for Humvees. Last year, the President failed to request sufficient funds for locating and destroying conventional weapons in Iraq. Now all Americans know what tragic mistakes those were. Congress must insist on receiving a detailed budget request for the wars in Iraq and Afghanistan so that mistakes like those are not repeated.

The Byrd amendment tells the President that he should budget for the wars in Iraq and Afghanistan. This is a simple, common-sense approach that promotes fiscal responsibility. The Senate already endorsed this approach last year in an overwhelming vote, and I urge my colleagues to support my amendment again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we would be pleased to recommend the adoption of the amendment offered by Senator BYRD. I believe, if he would permit, we would be willing to adopt it on a voice vote. It was adopted last year, the same amendment, as the Senator said, by a substantial number of Senators. We see no reason not to support the amendment this year. If the Senator wishes to offer it, we would be pleased to have it.

Mr. BYRD. Mr. President, I thank my distinguished friend. I really wish to have a rollcall vote on this amendment. It was a very popular amendment last year. I thank the distinguished chairman for his willingness to proceed on a voice vote.

Mr. STEVENS. We would be happy to have a vote, but could we agree to a later time? There are a series of Senators in committee meetings right now, and they asked not to be disturbed for at least another half hour.

Mr. BYRD. Yes.

Mr. STEVENS. Could we ask for the yeas and nays and have a time agreed upon between yourself and the two managers of the bill?

Mr. BYRD. That would be very satisfactory.

Mr. STEVENS. I ask unanimous consent that it be in order to request the yeas and nays on this amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The yeas and nays are ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators BIDEN, CORZINE, and FEINGOLD be added as original cosponsors of amendment No. 3493.

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

Mr. STEVENS. Mr. President, for Members of the Senate, we are very close to the end of the amendments that we know of, and we would probably be proceeding to third reading after the Byrd amendment, unless Members come forward and offer their amendments.

AMENDMENT NO. 3503

Mr. STEVENS. Mr. President, I have an amendment from the two Senators from Mississippi, Senators LOTT and COCHRAN. I ask that it be presented to the Senate.

The PRESIDING OFFICER. The clerk will report.

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT and Mr. COCHRAN, proposes an amendment No. 3503.

The amendment is as follows:

(Purpose: To express the sense of Congress on the expansion of the Global Hawk Maritime Demonstration Program to include forward deployed forces of the Navy and the Marine Corps in the United States Central Command area of operations)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) the Global Hawk Maritime Demonstration Program should be expanded to include the participation of forward deployed forces of the Navy and the Marine Corps in the area of responsibility of the Commander of the United States Central Command; and

(2) the Secretary of the Navy should compile the lessons learned in the conduct of the demonstration program specifically in that area of responsibility and incorporate those lessons into the ongoing activities of the demonstration program for the development of concepts of operations.

Mr. STEVENS. Mr. President, it is a sense of the Senate concerning the Global Hawk.

Mr. INOUE. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3503) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3504

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED of Rhode Island, proposes an amendment numbered 3504.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$3,000,000 to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE))

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be available to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE).

Mr. STEVENS. Mr. President, this would make available up to \$3 million for a project Senator REED supports. We have cleared it and ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3504) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3505

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BAYH, proposes an amendment numbered 3505.

The amendment is as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$21,900,000 may be used for M1A2 Tank Transmission Maintenance.

Mr. STEVENS. Mr. President, this amendment would make available up to \$21.9 million for a project the Senator supports. We have cleared the amendment. I ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3505) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3506

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED, proposes an amendment numbered 3506.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$2,000,000 to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$2,000,000 may be available to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center.

Mr. HATCH. Mr. President, I would like to compliment my friend, Senator STEVENS. He has been a tireless advocate for our Nation's military and has ensured that our service members receive the highest quality training possible. Senator STEVENS has also not forgotten that it is the families of our service members who play a vital role in supporting our troops and Congress has a important responsibility to lighten this heavy load. Therefore, I rise to ask the Senator's thoughts about the Navy's determination to revolutionize its training and leadership program curriculum.

Mr. STEVENS. I thank my colleague for his kind words. Improving the already-high quality of training is one of the Committee's highest priorities and, of course, this includes the Navy's training and leadership programs. As the Navy seeks to determine the best system in order to facilitate this modernization, the Committee encourages

the service to evaluate thoroughly the potential effectiveness of a 'character-based, principle-centered program' designed to teach personnel how to efficiently focus and execute key priorities.

Mr. HATCH. I thank the Senator. I also hoped the Senator might share his thoughts on how we might better support our service members families?

Mr. STEVENS. The Committee continues to express concern about the plight of Army families who must deal with extended deployments of a spouse or a parent. These continued deployments place a significant burden on the modern military family. I hope it will reassure the Senator, who is concerned about military families, as am I, that the Committee encourages the Department of the Army to evaluate different training programs which can assist families in this critical time of need.

Mr. HATCH. I thank my friend, the distinguished Chairman.

Mr. STEVENS. Mr. President, this amendment would make available up to \$2 million for a project the Senator supports. We have cleared the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3506) was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that Senator INOUE and I have cleared the amendments presented to us. We have rejected several. We ask that Members come to the Senate floor and indicate if they intend to pursue the amendments they have suggested they might raise. We are currently clearing with leadership the time of 4 o'clock for the time Senator BYRD's amendment will come back.

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. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3507

Mr. STEVENS. Mr. President, I send to the desk an amendment sponsored by Senators BIDEN, LUGAR, INOUE, and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. BIDEN, Mr. LUGAR, and Mr. INOUE, proposes an amendment numbered 3507.

The amendment is as follows:

(Purpose: To provide certain authorities related to the transfer of defense articles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State,

any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

SEC. 8122. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking “for fiscal year 2003” and inserting “for each of fiscal years 2004 and 2005”; and

(2) in subparagraph (B), by striking “for fiscal year 2003” and inserting “for a fiscal year”.

Mr. STEVENS. Mr. President, this amendment pertains to the drawdown authority of the State of Israel for defense stocks, and it is a technical amendment that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3507) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Again, we have disposed now of all of the amendments brought to the attention of the committee on both sides.

We will have a vote, we believe, at 4 o'clock. We will announce that soon. I urge Senators to notify us if they intend to offer any amendments to the bill. If not, we will move to third reading following the Byrd amendment.

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. 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, after further consultation, I ask unanimous consent that the vote on the Byrd amendment occur at 4 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. 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. 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 ask unanimous consent that there be no second-degree amendments in order to Senator BYRD's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

#### MEASUREMENT AND SIGNATURES INTELLIGENCE RESEARCH PROGRAM

Mr. BINGAMAN. I would like to engage the ranking member, Senator INOUE, in a colloquy regarding the Measurement and Signatures Intelligence Research Program. Is the Senator aware of this program and how critical it is to the development of our next generation of MASINT sensors?

Mr. INOUE. Yes, I believe that the program is important to future innovations for the MASINT community.

Mr. BINGAMAN. Would the Senator also agree that the MASINT Research Program has been a great success in bringing together some of the best thinking on this issue in Government, the private sector and our Nation's leading colleges and universities?

Mr. INOUE. Yes, I would.

Mr. BINGAMAN. Finally, wouldn't you agree that the valuable work that the Measurement and Signatures Intelligence Research Program has done should be continued in Fiscal Year 2005 by retaining the funding level included in the House of Representatives' Defense Appropriations bill?

Mr. INOUE. I would agree with the Senator from New Mexico, and I commend him for his hard work in support of this program.

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. 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.

#### AMENDMENT NO. 3516

Mr. STEVENS. I have an amendment on behalf of Senator MIKULSKI and Senator SARBANES. I send it to the desk

and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. MIKULSKI, for herself and Mr. SARBANES, proposes an amendment numbered 3516.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for “Research, Development, Test, and Evaluation, Air Force”, \$7,000,000 for AN/APG-68(V)10 radar development for F-16 aircraft)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) AVAILABILITY OF AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE, FOR RADAR DEVELOPMENT.—Of The amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test, and Evaluation, Air Force”, \$7,000,000 may be available for AN/APG-68(V)10 radar development for F-16 aircraft.

(b) CONSTRUCTION OF AMOUNT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. STEVENS. This makes available funds available for a stated amount on a project the Senator supports. We have cleared the amendment and ask for its immediate adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3516) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3517

Mr. STEVENS. I send an amendment to the desk on behalf of Senator BILL NELSON and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NELSON of Florida, proposes an amendment numbered 3517.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the appropriate place in the bill insert the following:

Of the amount appropriated in title IV under the heading “OPERATIONAL TEST AND EVALUATION, DEFENSE” up to \$5,000,000 may be made available for the Joint Test and Training Rapid Advanced Capabilities (JTTRAC) Program.”

Mr. STEVENS. This amendment provides up to \$5 million for a project the Senator supports. It has been cleared by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3517) was agreed to.

AMENDMENT NO. 3518

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SHELBY, proposes an amendment numbered 3518.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Public Law 108-199 is amended in Division F, title I, section 110(g) by striking "Of the" and inserting "Prior to distributing"; striking "each" every time it appears and inserting "the"; striking "project" every time it appears and inserting "projects".

(b) The limitation under the heading "Federal-aid highways (Limitation on Obligations) (Highway Trust Fund)" in Public Law 108-199 is increased by such sums as may be necessary to ensure that each State receives an amount of obligation authority equal to what each State would have received under section 110(a)(6) of Public Law 108-199 but for the amendment made to section 110(g) of Public Law 108-199 by subsection (a) of this section: *Provided*, That such additional authority shall remain available during fiscal years 2004 and 2005.

Mr. STEVENS. This is a technical amendment to clarify the availability of funds in the 2004 appropriations bill. It has been cleared on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3518) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT 3502

Mr. STEVENS. The hour of 4 has arrived. The yeas and nays have been ordered on the Byrd amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. This is a sense of the Senate amendment that the Senator offered on the bill last year that was adopted by the Senate, and the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—89

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	

NAYS—9

Bunning	Enzi	Santorum
Cornyn	Inhofe	Sessions
Dole	Kyl	Thomas

NOT VOTING—2

Kerry	Lugar
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The amendment (No. 3502) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. AKAKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. In a few minutes we will have a series of amendments which have been cleared and we may have one more amendment that is coming. That is all we know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). 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, the Republican manager, the chairman of the committee, suggested that I move forward with my amendment, which will not take long at all. I can do this in less than 5 minutes.

AMENDMENT NO. 3520

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3520.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

TITLE X  
BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE  
PRESIDENT  
UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT  
INTERNATIONAL DISASTER AND FAMINE  
ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$188,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. Mr. President, I know it is getting late in this process, and I will try to make this as quick as possible. There has already been a significant amount of discussion on this floor, in this town, and actually, quite frankly, this morning in the meetings some of us had with the President of the United States on the situation in Darfur in the Sudan.

I want to begin by saying I respect the effort made by my friend, Senator DEWINE. I understand the managers are going to accept a proposal for \$90 million or thereabouts to deal with this problem. There are already as many as 30,000 dead. Mr. President, 1.2 million people have been chased from their homes, and 200,000 refugees have fled to Chad. The civilians have been bombed from planes and helicopters by the Government of Sudan. And there are continued reports of systematic rape, murder, and torture by the Sudanese Government as well as by allied militia troops.

Now, the U.N. High Commissioner for Human Rights issued a report in which the U.N. investigators indicate they believe that crimes against humanity have been committed in Darfur.

Secretary of State Colin Powell has said that the State Department is contemplating whether Khartoum is engaged in the genocide. I think when they, in fact, finish they will conclude clearly that it is.

The Agency for International Development and its leader, Andrew Natsios, as well as U.N. officials, have said that what has happened in Darfur is the "worst humanitarian crisis in the world today."

They point out that under the best circumstances—not the worst, the best circumstances—according to Mr. Natsios, 320,000 people will die. That is the best they hope for. If everything turns around, there are going to be 320,000 dead. And he made that public statement on June 3. He said "more resources are desperately needed."

Now, to have to respond in a manner that is commensurate with the suffering seems to me to be our obligation. The President of the United

States said he brought this to the attention of the G-8. We had this discussion this morning in the Cabinet Room, and he, quite frankly, indicated that he was not getting the kind of response that was warranted. Some of us suggested—and I was not one because others spoke first—that this is of an urgent need, and we have to lead.

Now, I know that my friend from Ohio has called our attention to this and, in fact, has gotten roughly \$90 million appropriated or agreed to. But the fact is, Mr. Natsios pledged, in Geneva, in the first week in June, that the United States would come up with \$188 million. That is the pledge this administration made in Geneva in June.

Now, the reason I bother to mention that is, the President pointed out this morning that the G-8 nations and the rest of the world do not seem seized with the same sense of urgency as we are, and that we have to lead.

If we have announced we are going to do \$188 million, and we are trying to get the rest of the world in on the deal, and then we come out of here with less than half of that, it seems to me it undercuts the very point that is trying to be made by the President of the United States.

Now, I am not speaking for the President and implying that he is for or against this \$188 million. I do not know. I assume he must have been for it or the head of his AID, under his administration, would not have pledged \$188 million.

Now, this is \$188 million as emergency money in this fiscal year. Most of the money Natsios pledged was 2005 money that has yet to be appropriated. In other words, he pledged money he does not have and may not get for quite some time for what he calls the "worst humanitarian crisis in the world today," where, if things go well, 320,000 will die.

The House bill gives less than half the money, only \$70 million. I understand that—again, I am not being critical of my friend from Ohio, but as he said to me, he got what he could. That is good. It is better than nothing.

But keep in mind, the \$188 million pledge was made, according to AID officials, in advance of the U.N.—in advance of the U.N.—issuing the revised numbers about how many people will be affected. Those numbers have increased.

So the House bill provides less than half of what might be an inadequate pledge to begin with.

I was asked not to offer this amendment because we give about half. Apparently that is going to be agreed to by the managers. But the Senate has the power to do a lot more than that. So let's give the administration what it said it will need to provide an emergency response in Darfur. If we do not, make no mistake about it, no one else is going to step to the plate.

Mr. LEAHY. Will the Senator yield for a request?

Mr. BIDEN. I would be happy to.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be added as a cosponsor. This is a good amendment.

Mr. BIDEN. Mr. President, I ask unanimous consent that my friend from Vermont, Senator LEAHY, be added as a cosponsor of my amendment.

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

Mr. BIDEN. Mr. President, I might add, this is an unusual position to be in. I do not usually come to the floor on matters and try to lead an initiative on which I am not the guy who has done the most work. I have not done the most work on it. There are others, including Senator LEAHY and others, who have been out in front on this issue. But I do not want to see us go through this wrap-up without us actually facing up to the facts.

Let's know what we are doing. Mr. President, \$90 million is better than nothing, but it is not the \$188 million, which is probably too little anyway, that we already pledged. I am worried about the impact that will have on the rest of the world as we try to generate support because we need support.

Now, look, our former colleague, Senator Danforth, who we just confirmed today, played a leading role in the Sudan in helping settle one of the real difficult issues, which was the north-south problem. Now we have an east-west problem.

The fact is, he got the international community to step up and come forward in order to deal with this incredibly humanitarian crisis. It seems to me that notwithstanding the fact Mr. Natsios was forced to make the pledge for money to get the first piece done, the north-south piece, it is not going to inspire any contributions from our partners and donor communities. The Congress has to provide these emergency funds. This money will not stop the attacks. It will not do all we need to do. But it will give essential assistance to the victims of Khartoum's atrocities.

How many times have we stood around this floor, those who have been here for the better part of the last decade, and lamented our failure to act in the last catastrophic African crisis with the Hutus and the Tutsis? How many times have we talked about it? Bill Clinton writes about it: We wish we had done more. President Bush talks about it.

Let's not do this. Let's not step back. Let's not be here 5 years from now, 10 years from now saying: If we only had acted.

Again, I urge my colleagues to support this amendment. At the appropriate time, I will ask for the yeas and nays. The chairman of the committee indicated he had a very important commitment that required him to be off the floor but wanted me to make my statement and get it moved on. I will not engage in anymore debate on this issue.

At the appropriate time, when the chairman or whoever is going to re-

spond to this amendment makes that response, I am ready for a vote.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). 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.

#### AMENDMENT NO. 3520, AS MODIFIED

Mr. BIDEN. Mr. President, I am going to send a modification to the desk in a moment. I will take 60 seconds to explain it. My staff had drafted the amendment for \$188 million, which was a pledge by Mr. Natsios, before Mr. DEWINE's \$90 million was accepted. So I am not asking for \$188 million on top of that. The amendment I am sending to the desk asks for an additional \$118 million above the 90 which, in fact, apparently the committee has already accepted.

So I send a modification to the desk and ask unanimous consent that the amendment be so modified to say \$118 million instead of \$188 million.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

TITLE X  
BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE  
PRESIDENT  
UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT  
INTERNATIONAL DISASTER AND FAMINE  
ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$118,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. I thank the Chair 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. AKAKA. 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. AKAKA. Mr. President, I ask that I be permitted 15 minutes to speak as in morning business.

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

(The remarks of Mr. AKAKA are printed in today's RECORD under "Morning Business.")

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that this amendment be temporarily set aside so I can take care of some amendments we are prepared to offer. We will come right back to this amendment.

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

## AMENDMENT NO. 3522

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator DODD, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DODD, for himself, and Mr. LIEBERMAN, proposes an amendment numbered 3522.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, \$10,000,000 for the Broad Area Unmanned Responsive Resupply Operations aircraft program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

Mr. STEVENS. Mr. President, this is an amendment that provides up to \$5 million for a program the Senator supports. I ask for its adoption.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, the amendment is agreed to.

The amendment (No. 3522) was agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3523

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NICKLES, proposes an amendment numbered 3523.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for "Research, Development, Test, and Evaluation, Navy", \$2,000,000 for Handheld Breath Diagnostics)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$2,000,000 may be used for Handheld Breath Diagnostics.

Mr. STEVENS. Mr. President, this amendment provides up to \$2 million for a program supported by the Senator. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3523) was agreed to.

## AMENDMENT NO. 3524

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. LANDRIEU, proposes an amendment numbered 3524.

The amendment is as follows:

(Purpose: To set aside an amount for the Joint Logistics Information System program for the automated scheduling tool)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,800,000 may be used for the Joint Logistics Information System program for the automated scheduling tool.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$1.5 million of funds under the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the agreement is agreed to.

The amendment (No. 3524) was agreed to.

## AMENDMENT NO. 3525

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator BUNNING and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUNNING, proposes an amendment numbered 3525.

The amendment is as follows:

(Purpose: To set aside an amount for the Anti-Sniper Infrared Targeting System)

At the end of Title VIII, insert the following:

SEC. . Of the amount appropriated in Title IV under the heading "Research, Development, Test and Evaluation, Navy", up to \$4,000,000 may be used for the Anti-Sniper Infrared Targeting System.

Mr. STEVENS. Mr. President, this amendment provides up to \$4 million in funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3526

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3526.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, \$3,500,000 for Laser Peening for Army helicopters)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for End Item Industrial Preparedness Activities, up to \$3,500,000 may be available for Laser Peening for Army helicopters.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill for projects supported by the current occupant in the chair, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3526) was agreed to.

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

## AMENDMENT NO. 3527

Mr. STEVENS. Mr. President, I send to the desk another amendment on behalf of the Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3527.

The amendment is as follows:

(To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, \$2,000,000 for All Composite Military Vehicles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$2,000,000 may be available for Composites for Unmanned Air Vehicles.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$2 million from funds available under the bill, and I ask for its consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3528

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BOXER, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. BOXER, proposes an amendment numbered 3528.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, \$4,500,000 for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$4,500,000 may be available for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$4.5 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3528) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3529

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BURNS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3529.

The amendment is as follows:

On page 161 of the Senate report:

"Of the funds available in Research, Development, Test and Evaluation, Navy, up to \$3 million may be made available for the 'Mobile On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center'."

Mr. STEVENS. Mr. President, this amendment earmarks up to \$3 million in funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3529) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3530

Mr. STEVENS. Mr. President, I send another amendment on behalf of Senator BURNS to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3530.

The amendment is as follows:

On page 147 of the Senate report:

"Of the funds available in Research, Development, Test and Evaluation, Army, up to \$2 million may be made available for 'Care of Battlefield Wounds'."

Mr. STEVENS. Mr. President, this amendment earmarks \$2 million for research concerning battlefield wounds from funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3530) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3531

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Kansas, Mr. ROBERTS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3531.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Army," \$3,000,000 for the United States Army Intelligence and Security Command's Information Dominance Center)

At the appropriate place in the bill, insert the following:

SEC. . Of the amount appropriated or otherwise made available by title \_\_\_ of this Act under the heading "Research, Development, Test, and Evaluation, Army," up to \$3,000,000 may be available to establish redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command's Intelligence Dominance Center.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill up to \$3 million for the project the Senator supports. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3531) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3532

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3532.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Subterranean Target Identification Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for electronic warfare technology, up to \$2,000,000 may be made available for the Subterranean Target Identification Program.

Mr. STEVENS. Mr. President, this amendment earmarks \$2 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3532) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3533

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3533.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Program for Intelligence Validation)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for Defense Research Sciences, up to \$2,000,000 may be made available for the Program for Intelligence Validation.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$2 million from research funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3533) was agreed to.

AMENDMENT NO. 3534

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3534.

The amendment is as follows:

(Purpose: To express the sense of Congress on the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds throughout a whole area of the Department. It does not provide additional funds. It specifies where the funds should be allocated, and we believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The amendment (No. 3534) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3535

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3535.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Versatile, Advanced Affordable Turbine Engine)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" and available for aerospace propulsion and technology, up to \$3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds for the turbine engine from funds available in the bill. We believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3535) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3536

Mr. STEVENS. I send an amendment to the desk on behalf of Senator TALENT and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. TALENT, proposes an amendment numbered 3536.

The amendment is as follows:

Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, \$5,000,000 for X-43C development

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$5,000,000 may be available for X-43C development.

Mr. STEVENS. This earmarks up to \$5 million for research and development. We believe it is a proper amendment, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3536) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3537

Mr. STEVENS. I send an amendment to the desk on behalf of Senator PRYOR and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. PRYOR, for himself, Mrs. DOLE, and Mrs. LINCOLN, proposes an amendment numbered 3537.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, \$5,000,000 for medical equipment and combat casualty care technologies)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for medical equipment and combat casualty care technologies.

Mr. STEVENS. This amendment earmarks up to \$5 million in the bill. It is acceptable to the managers of the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3537) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3538

Mr. STEVENS. I send an amendment to the desk on behalf of Senator SUNUNU and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SUNUNU, proposes an amendment numbered 3538.

The amendment is as follows:

At the appropriate place, insert the following:

Of the funds appropriated, up to \$2,000,000 may be available for the Advanced Composite Radome Project.

Mr. STEVENS. This amendment earmarks up to \$2 million for a Radome project, and we are prepared to accept the amendment. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3538) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3539

Mr. STEVENS. I send to the desk an amendment on behalf of Senator LEVIN pertaining to Wurtsmith Air Force Base.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEVIN, proposes an amendment No. 3539.

The amendment is as follows:

(Purpose: To authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Notwithstanding any other provision of law, the Secretary of the Air Force may, using funds available to the Air Force, demolish or provide for the demolition of any facilities or other improvements on real property at the former Wurtsmith Air Force Base.

Mr. STEVENS. This directs that funds available to the Department be used for certain proposals on that Air Force base. We have examined it, and we are prepared to recommend the adoption of that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3539) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3540

Mr. STEVENS. I send to the desk an amendment on behalf of Senator CONRAD and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CONRAD, proposes an amendment numbered 3540.

The amendment is as follows:

(Purpose: To set aside an amount for F-16 Theater Airborne Reconnaissance System upgrades)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$7,000,000 may be available for F-16 Theater Airborne Reconnaissance System upgrades.

Mr. STEVENS. This earmark up to \$7 million for a project the Senator supports from funds available within the bill. It does not increase funds. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3540) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be added as an original cosponsor of amendment 3490.

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

AMENDMENT NO. 3541

Mr. STEVENS. I send an amendment to the desk on behalf of Senator KOHL, which relates to authorizing the reprogramming of funds available to the Secretary for industrial technical services and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, and Mr. REED, proposes an amendment numbered 3541.

The amendment is as follows:

(Purpose: To ensure the availability of sufficient fiscal year 2004 funding for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108-199) to matters in title II of such Act under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" (118 Stat. 69), in the account under the heading "INDUSTRIAL TECHNOLOGY SERVICES", the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of \$218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3541) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3520, AS MODIFIED

Mr. STEVENS. Mr. President, with the exception of two items we may re-

ceive, that is the last of the amendments that have been called to our attention. I would inquire whether it would be in order for the managers of the respective sides of the aisle to return to the Biden amendment now and ask for a vote on the Biden amendment.

Is there any impediment to having a vote now, may I inquire of staff?

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Is the amendment now pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Today, the Senate approved \$70 million for disaster assistance and \$25 million for refugee assistance, a total of \$95 million to Sudan. This is an amount the House approved and the level the State Department informed our staff was necessary to carry the much needed food and other support for Darfur through spring of next year. This is the amount they efficiently execute and use in this year. In the spring, the State Department, with USAID and the U.N., will reassess the situation and determine if additional emergency funds are requested.

We have already declared an emergency for Sudan for \$95 million. If we approved Senator BIDEN's amendment, this will be above the \$188 million that State and USAID have already pledged for the 2005 funds. These funds will be allocated in the 2005 Foreign Operations bill, not this bill. In other words, we have added \$95 million for disaster assistance from this Defense appropriations bill on an emergency basis to the Sudan. There already are requests before our Appropriations Committee under the Foreign Operations bill, a request for \$188 million, which will come before the Senate in due course.

It is my request to our colleagues to stand by the \$95 million we have added to the disaster assistance and refugee assistance provisions of our basic funding for the State Department. We have added to it already in the Defense bill. We approved that today. That is the amount that is in the House bill, and I do not believe we should go beyond the emergency level we have already agreed to, which was supported by both of our leaders.

I point out further that the U.N. appeal for Darfur for 2004 has led to \$307 million as of June 3 of this year. That is now being revised upward to an estimated \$349 million available. Excluding the U.S. Government, other donors pledged \$134 million in Geneva. The U.S. Government pledge was for the remainder of fiscal year 2004 and 2005, and we have already exceeded that pledge. There is \$245 million pledged from all the above donors, in addition to the contribution of the United States.

We have an enormous program going on on behalf of our Government. We have added \$95 million to the \$188 million. We are already ahead of the rest

of the world, and we think we should not go further on this bill. If there are further emergency funds that are necessary, they should be added to the foreign assistance bill or the State Department bill when those bills come before the Senate but not to the Defense bill. This Defense bill is already amended at the request of both the majority leader and minority leader, the Senator from Ohio, and many others, to add \$95 million. It is my position that we should not go further at this time. We should wait for the consideration of the other bills as far as additional emergency funds, if they are needed.

These funds cannot be needed before we will consider the supplemental after the first of 2005. Besides that, we still have to consider the 2005 regular bill for both State-Justice-Commerce and the foreign assistance bill. This is no place for this item. It is not an emergency to go beyond \$95 million.

Does the Senator from Hawaii wish to make any statement?

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I wish to associate myself with the statement of the Senator from Alaska.

Mr. STEVENS. Mr. President, I move to table the Biden amendment, and I ask that we have a time for other Senators to become aware of the fact that we will have a vote. I ask unanimous consent that the vote commence at 5:30.

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

Mr. STEVENS. I ask unanimous consent that it be in order at this time for me to have the yeas and nays on my motion to table this amendment.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. 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.

AMENDMENT NO. 3542

Mr. STEVENS. Mr. President, I have been informed there is another amendment that has been cleared. This is an amendment on behalf of Senator DEWINE, pertaining to a report on mental health services available to the armed services. I ask this amendment be considered at this time.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEWINE, proposes an amendment numbered 3542.

The amendment is as follows:

(Purpose: To require reports on mental health services available to members of the Armed Forces of the United States and their dependents)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on mental health services available to members of the Armed Forces and their dependents.

(2) The report required under paragraph (1) shall include the following:

(A) A comprehensive review of mental health services that are available—

(i) to members of the Armed Forces who are deployed in combat theaters;

(ii) to members of the Armed Forces at any facilities in the United States; and

(iii) to dependents of members of the Armed Forces during and after deployment of members overseas.

(B) Data on the average number of service days since September 11, 2001, on which members of the Armed Forces were absent or excused from duty for mental health reasons.

(C) A description of the current procedures for reducing the negative perceptions among members of the Armed Services that are often associated with mental health counseling.

(D) A description of—

(i) the mental health services available to members of the Armed Forces, including members of the reserve components, and their dependents; and

(ii) the barriers to access to such services.

(E) An analysis of the extent to which the Secretary of the Army has implemented the recommendations on mental health services that were made by the Mental Health Advisory Team of the Army on March 25, 2004.

(F) A plan for actions that the Secretary determines appropriate for improving the delivery of appropriate mental health services to members of the Armed Forces and their dependents.

(b) Not later than 360 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) the actions taken to implement the plan submitted under subsection (a)(2)(F); and

(2) the reasons why actions in the plan have not been completed, if any.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3542) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask no second-degree amendments be in order to the Biden amendment.

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

AMENDMENT NO. 3543

Mr. STEVENS. Mr. President, I have another amendment. It is on behalf of Senator FEINSTEIN. I ask unanimous consent that the pending amendment be set aside temporarily so we might consider Senator FEINSTEIN's amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. FEINSTEIN, proposes an amendment numbered 3543.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$5,000,000 for support of the TIGER pathogen detection system)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$5,000,000 may be available for support of the TIGER pathogen detection system.

Mr. STEVENS. This pertains to the earmarking of funds for pathogen research. We support that amendment and ask that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3544

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I send to the desk a technical amendment on behalf of Senator BYRON DORGAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. DORGAN, proposes an amendment numbered 3544.

The amendment is as follows:

(Purpose: To provide funds for the North Dakota State School of Science, Bismarck State College, and Minot State University)

At the appropriate place, insert the following:

SEC. \_\_\_\_ FUNDING FOR NORTH DAKOTA STATE SCHOOL OF SCIENCE, BISMARCK STATE COLLEGE, AND MINOT STATE UNIVERSITY.

(a) RESCISSION.—There is rescinded an amount equal to \$795,280 from the amount appropriated to carry out part B of title VII of the Higher Education Act of 1965, in title III of division E of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3). This amount shall reduce the funds available for the projects specified in the statement of the managers on the Conference Report 108-401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3).

(b) DISREGARD AMOUNT.—In the statement of the managers on the Conference Report 108-401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3), in the matter in title III of division E, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education", the provision specifying \$800,000 for Wahpeton State School of Science and North Dakota State University to recruit, retain and train pharmacy technicians shall be disregarded.

(c) APPROPRIATION.—There is appropriated an amount equal to \$795,280 to the Department of Labor, Employment and Training Administration for "Training and Employment Services," available for obligation for the period from July 1, 2004, through June 30, 2005, of which—

(1) \$200,000 shall be made available to the North Dakota State School of Science to recruit, retain, and train pharmacy technicians;

(2) \$297,640 shall be made available to Bismarck State College for training and education related to its electric power plant technologies curriculum; and

(3) \$297,640 shall be made available for Minot State University for the Job Corps Fellowship Training Program.

Mr. INOUE. Mr. President, this is to correct certain errors that were in the original bill.

Mr. STEVENS. I am familiar with this amendment. We are prepared to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3544) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3545

Mr. INOUE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 3545.

The amendment is as follows:

(Purpose: To set aside an amount for small business development and transition)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,500,000 may be used for small business development and transition.

Mr. INOUE. This amendment is to earmark some of the \$2.5 million for research and development for the Department of Defense. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3545) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. 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 ask unanimous consent that following the vote on the Biden amendment, no further business other than a colloquy or colloquies that I have to offer for the RECORD be in order, and that the Senate immediately go to third reading and final passage of this bill.

Mr. REID. Mr. President, I ask the chairman's request be modified: Or whatever the two managers agree on? Because there may be something.

Mr. STEVENS. Very well, I will amend that request: Unless there are other matters offered based on unanimous consent approved by both managers, that we immediately go to third reading and final passage of the bill following the Biden amendment.

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

Mr. STEVENS. I ask it be in order to get the yeas and nays on passage of the bill.

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

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum for 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The 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. It has been requested I ask this vote commence immediately. I ask unanimous consent that we start the vote on the Biden amendment. This is a motion to table the Biden amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—53

Alexander	Cornyn	Inhofe
Allard	Craig	Inouye
Allen	Crapo	Kyl
Baucus	Dole	Lott
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Byrd	Graham (SC)	Roberts
Campbell	Grassley	Santorum
Chafee	Gregg	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Smith
Coleman	Hollings	Snowe
Collins	Hutchison	

Stevens	Talent	Voinovich
Sununu	Thomas	Warner

NAYS—45

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham (FL)	Nelson (NE)
Cantwell	Harkin	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Specter
DeWine	Leahy	Stabenow
Dodd	Levin	Wyden

NOT VOTING—2

Kerry

Lugar

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

#### CHANGE OF VOTE

Mrs. FEINSTEIN. Mr. President, I beg the indulgence of the Chair. If I may, on rollcall No. 148, I voted "aye". It was my intention to vote "nay". Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be removed as a cosponsor of amendment No. 3490.

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

Mr. STEVENS. Mr. President, I have a list of the members of the subcommittee staff for the Defense Appropriations Subcommittee who have worked so hard on this bill. So often, Senator INOUE and I as the cochairmen of the committee get credit for what is done, but I think we have the hardest working staff in the Congress. They have done an admirable job, and we have a fair and balanced bipartisan bill. I ask unanimous consent that the list of their names be printed in the RECORD.

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

#### DEFENSE SUBCOMMITTEE STAFF

Charlie Houy, Betsy Schmid, Nicole Diresta, Kraig Siracuse, Tom Hawkins, Alycia Farrell, Lesley Kalan, Jennifer Chartrand, Brian Wilson, Brian Potts, Kate Kaufer, Mazie Mattson, Janelle Treon, Steve Wacakaski, Bob Henke, and Sid Ashworth.

#### FUNDING EMBASSY-BAGHDAD OPERATIONS

Mr. HAGEL. I understand the State Department expects to fund the Embassy-Baghdad operations using emergency spending in Fiscal Year 2005. It

is also my understanding that Senate Appropriations Committee agrees with the State Department on this issue.

The House version of the Fiscal Year 2005 Defense Appropriations bill includes \$665 million in emergency spending for the Department of State to fund Embassy-Baghdad operations, IT costs, logistical support, and security requirements. Chairman STEVENS and Senator GREGG, and I understand that the Senate Defense Appropriations Committee will accept the House position on funding Embassy-Baghdad operations, IT costs, logistical support, and security requirements during the upcoming conference. I appreciate the support from Chairman STEVENS and Senator GREGG on this matter.

Mr. STEVENS. I agree with the Senator from Nebraska. The State Department has traditionally administered the funds necessary for embassy operations. Although the Senate bill does not allocate the funds to the State Department, we will do our most to support the House language in conference on this matter to ensure the State Department retains the authority to obligate the subject funds.

Mr. GREGG. I agree with Chairman STEVENS. We will do our most to support the House language. We are both aware of the significant funding needs the State Department is facing in the construction of a U.S. Embassy in Baghdad. I hope the Secretary of State will act expeditiously to address this funding need.

#### RAPID EQUIPPING FORCE

Mr. COCHRAN. Mr. President, I commend the chairman and the committee staff for their outstanding work in bringing this legislation to the Senate for consideration.

Mr. STEVENS. I thank the Senator for his kind comments.

Mr. COCHRAN. I note that the committee included funding in the Defense Appropriations bill to address the threat of Improvised Explosive Devices, IEDs, in the Iraq theater. Specifically, I am referring to the inclusion in Title IX of the bill which appropriates \$25,000,000 for a force protection initiative using the Rapid Equipping Force concept.

Mr. STEVENS. The Senator is correct.

Mr. COCHRAN. It is my understanding that the money is to be used to help our deployed soldiers fight the current IED threat that we hear so much about in the war in Iraq.

Mr. STEVENS. That is the purpose of the appropriation.

Mr. COCHRAN. Would this money also be used to address the force protection issues of counter-fire and detection techniques that exist in the technology base, such as sensor technologies that have demonstrated real-time detection, classification and location of enemy fire?

Mr. STEVENS. The Senator's understanding is correct. These funds are also envisioned to be used for these types of force protection initiatives.

Mr. COCHRAN. I thank the Senator for his clarification of this issue.

M1A2 SEP TANK MODERNIZATION

Mr. SPECTER. Mr. President, I would like to take this opportunity to thank Chairman STEVENS for his leadership in ensuring the rapid modernization of our land combat forces both in the FY 2005 Defense Appropriations bill as well as the Contingent Emergency Reserve Fund. I would also like to take a moment to address the urgent need to fund continued modernization of the M1 Abrams main battle tank fleet.

It is encouraging that this Committee has taken a leadership role in resourcing the modernization of the Army's armored forces with the M1A2 SEP tank, the most modern battle tank in the world. As proven in its deployment to Iraq, the M1A2 SEP is designed for decisive combat and net-centric warfare; indeed, it represents a revolution in armored warfare. Is the Chairman aware of the capabilities afforded by the M1A2 SEP tank?

Mr. STEVENS. I am aware of the M1A2 SEP and its capabilities.

Mr. SPECTER. We have encouraged the Army to pure fleet its first-to-fight armored units with M1A2 SEP tanks primarily to ensure overwhelming lethality and survivability but also to reduce the logistics burden on our soldiers. However, it has come to my attention that the Army does not intend to pure fleet its armored forces with M1A2 SEP tanks. In fact, under the Army's current plan, the 3rd Infantry Division—which spearheaded Operation Iraqi Freedom—will continue to cope with M1A1 tanks that were produced 20 years ago. Is the Chairman aware of this fact?

Mr. STEVENS. I am.

Mr. SPECTER. I thank the Senator. I would also point out that 3rd Infantry Division is the first division to transform to a new force structure the Army calls modularity and also is likely to be called upon to return to Iraq within the next year. It strikes me as ironic that the Army's premier armored unit lacks the combat punch and network capability of the rest of the Army's major armored forces. Finally, there is the issue of the tank industrial base. In the next few months, the last Abrams Upgrade tank will roll off the produc-

tion line, representing the end of significant tank work in this country. In late 2006, the last M1A2 SEP Retrofit tank—a less complex upgrade—will be produced for the 3rd Armored Cavalry Regiment. Absent funding in FY 2005 for continued tank production, the U.S. tank industrial base will cease to exist. We ignore the implications of this action at our own peril.

Mr. President, I urge the Chairman to consider the modernization of the 3rd Infantry Division with M1A2 SEP tanks.

FUTURE TACTICAL TRUCK SYSTEM

Mr. LEVIN. Mr. President, today we have before us S. 2559, the Fiscal Year 2005 Defense Appropriation bill. Included in this bill is important funding for a variety of tactical wheeled vehicle programs including the Future Tactical Truck System, FTTS. FTTS is an important program supported by the Army's National Automotive Center that will develop technologies that can increase the range, durability and survivability of our military tactical wheeled vehicle fleet. These advances will ensure that as the Army transforms itself it will have a technologically advanced tactical wheeled vehicle fleet that can best meet our Nation's security needs. I would ask my good friend, the Chairman of the Senate Appropriations Committee, if he is aware of this important program?

Mr. STEVENS. Mr. President, I join my good friend from Michigan in his support for this program and the National Automotive Center. I understand the Army and the Office of the Secretary of Defense have confirmed that the FTTS program is on track and possesses a transition pathway that will enable the insertion of new technologies into the Army's tactical wheeled vehicle fleet. These technologies will enable the Army to field a lighter, more mobile and more effective fighting force.

Mr. LEVIN. I thank my friend from Alaska, and agree with his characterization. I believe that this program is making important technical advances that will greatly benefit the Army. I am particularly appreciative of the committee's recommendation to increase the investment in the Army's Heavy Tactical Vehicles program, in

order to support the transition of these types of technologies into Army systems, consistent with the Army's Tactical Wheeled Vehicle Strategy. However, I am concerned that the bill we are considering this program by \$5 million. Such a cut would undermine this program and hinder efforts to further develop revolutionary technologies while defining the future scope of this program.

Mr. STEVENS. I concur with the Senator from Michigan. This is an important program, and I support investing in the FTTS science and technology efforts at the National Automotive Center at the level requested by the President. I assure him that I will work in conference to fund this program at the President's Budget request.

Mr. LEVIN. I thank the distinguished Chairman for this support.

Mr. NICKLES. Mr. President, the Department of Defense appropriations bill for FY 2005, S. 2259, as reported by the Senate Committee on Appropriations, provides \$384.012 billion in budget authority and \$401.785 billion in outlays in FY 2005 for the Department of Defense. Of these totals, \$239 million is for mandatory programs in FY 2005.

Additionally, the bill provides \$7.158 billion in budget authority and \$7.054 billion in outlays in FY 2005, which are designated as emergency requirements.

The bill further provides \$25 billion in budget authority in FY 2004, which is also designated as an emergency requirement. This budget authority generated \$18.798 billion in outlays in FY 2005.

The bill provides total discretionary budget authority in FY 2005, including emergencies, of \$390.931 billion. This amount is \$1.684 billion less than the President's request and equal to the 302(b) allocation adopted by the House of Representatives.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget committee scoring of the bill be printed in the RECORD.

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

S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2005, \$ millions]

	General purpose	Mandatory	Total
Senate-reported bill: <sup>1</sup>			
Budget authority .....	383,773	239	384,012
Outlays .....	401,546	239	401,785
House 302(b) allocation: <sup>2</sup>			
Budget authority .....	390,931	239	391,170
Outlays .....	415,987	239	416,226
2004 enacted:			
Budget authority .....	431,218	226	431,444
Outlays .....	423,935	226	424,161
President's request:			
Budget authority .....	392,615	239	392,854
Outlays .....	418,639	239	418,878
Senate-Reported bill compared to:			
House 302(b) allocation:			
Budget authority .....	-7,158	0	-7,158
Outlays .....	-14,441	0	-14,441
2004 enacted:			
Budget authority .....	-47,445	13	-47,432

## S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(Fiscal year 2005, \$ millions)

	General purpose	Mandatory	Total
Outlays .....	-22,389	13	-22,376
President's request:			
Budget authority .....	-8,842	0	-8,842
Outlays .....	-17,093	0	-17,093

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

<sup>1</sup>In addition to the amounts shown above, the bill includes \$18.798 billion in emergency outlays in 2005 flowing from the \$25 billion supplemental for 2004 (Title IX). The bill contains other emergencies for 2005 totaling \$7.158 billion in budget authority and \$7.054 billion in outlays. Including all emergencies, the bill totals \$416.170 billion in budget authority and \$427.657 billion in outlays in 2004 and 2005.

<sup>2</sup>This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Mrs. BOXER. Mr. President, breast cancer is the second leading cause of cancer death in the United States today, and about 40,000 women will die from the disease this year. It is important that we maintain funding in 2005 for the Department of Defense's Breast Cancer Peer Reviewed Research Program.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Breast Cancer Research Program. This is a program, I should add, in which 90 percent of the funds go directly to research.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year 66 Senators signed a letter to appropriators urging the continuation of the DOD Breast Cancer Peer Reviewed Research Program earmark at a funding level of \$150 million for FY '05.

Mr. President, as we proceed to conference on the Department of Defense Appropriations bill, I urge my colleagues to maintain this level of funding for breast cancer research.

Mr. JOHNSON. Mr. President, I rise today to bring attention to an important program that could be facing fiscal shortfalls if we do not make necessary corrections. I am referring to my support for the Department of Defense Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a \$150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

The American Cancer Society estimates that in 2004 there will be 668,470 women diagnosed with cancer. Of this overall estimate of cases, 32 percent will be breast cancer. The 2004 estimated deaths from breast cancer will be 15 percent. These statistics only re-emphasize the importance of cancer research, and our continued need to fund efforts that will ultimately eliminate the number of deaths from breast cancer.

Department of Defense Peer-Reviewed Breast Cancer Research Program is a one-of-a-kind research program that uses an innovative grants structure which brings scientists and consumers together to make key policy decisions about breast cancer research.

Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Peer Reviewed Breast Cancer Research Program. New approaches and innovations in research, such as these, are the keys to finding a cure.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. I applaud this type of fiscal efficiency and hope that more research programs will be able to learn from the structure of this program.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed a letter addressed to the Senate Appropriations Committee urging the continuation of the DOD Breast Cancer Peer Review Research Program earmark with level funding of \$150 million for FY '05.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and reduces the total funding available to all.

As written, the Senate bill seriously threatens the integrity of the DOD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

Mr. President, we cannot afford to cut any cancer research programs, especially when the President's budget is

planning to only increase the National Institutes of Health by \$728 million, and increase the National Cancer Institute budget by only \$100 million, which both fall short of previous years' requests. In addition the President's budget cuts funding to the Centers for Disease Control and Prevention by \$408 million. This proves troublesome for CDC programs, such as the National Breast and Cervical Cancer Early Detection Program which assists in funding State programs that help uninsured women undergo screenings for breast and cervical cancer. These inadequate funding requests fall drastically short of what the Institutes and CDC need in order to carry out their cancer research and assistance. This only reiterates why we must preserve critical programs such as the Department of Defense Peer-Reviewed Breast Cancer Research Program. I therefore call upon conferees to support the language passed in the House version of the Fiscal Year 2005 Department of Defense Appropriations Act.

Mr. HARKIN. Mr. President, I rise today in support of the Department of Defense, DOD, Peer Reviewed Breast Cancer Research Program. Almost 12 years ago, when I looked into the issue of breast cancer research, I discovered that barely \$90 million in Federal funds was spent on breast cancer research. So I joined with Senator Alfonse D'Amato, R-NY, on legislation to dedicate specific money from the DOD budget for breast cancer research. The legislation passed and overnight it doubled Federal funding for breast cancer research. Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens both the existing funding and the current structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and then reduces the total funding available. This will inevitably lead to a major cut in funding for this important program.

The DOD Peer Reviewed Breast Cancer Research Program has been an unqualified success in providing innovative approaches to breast cancer prevention, detection and treatment. Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go.

More than 258,000 women are expected to be diagnosed with breast cancer and another 40,000 deaths are likely to result from this deadly cancer. Now is not the time to jeopardize a successful program that is critical to winning the battle against breast cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I plan to work to preserve the current structure and funding for this critical breast cancer research program. I urge my colleagues to support the language passed in the House and support a \$150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

Mr. CORZINE. Mr. President, I support the Department of Defense, DoD, Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a \$150 million earmark for the DoD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

This one-of-a-kind research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DoD Breast Cancer Research Program.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. This kind of efficiency and prudence in spending is unheard of in other federally funded research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators signed the letter addressed to appropriators urging the continuation of the DoD Breast Cancer Peer Review Research Program earmark with level funding of \$150 million for fiscal year 2005.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally Directed Cancer Research Programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rath-

er than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill seriously threatens the integrity of the DoD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

We should ensure that all of the DoD's cancer research programs are fully funded. These programs play a critical role in the development of treatments and potential cures for cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this critical program for breast cancer research.

Mr. SCHUMER. Mr. President, I rise today in support of the tradition of line-item funding for cancer research programs in the Department of Defense, DOD, appropriations bill. This practice has been abandoned in the fiscal year 2005 legislation before us now, and I fear that this could do great damage to the advances in cancer treatment that our scientists are working so hard to achieve every day.

The DOD Peer-Reviewed Research Programs provide funding for critical, life-saving research on breast cancer, prostate cancer, and ovarian cancer. Each of these is a devastating illness that challenges hundreds of thousands of new patients and their families every year. The Peer-Reviewed Research Programs are essential to bringing these families hope and new opportunities in cancer treatments.

The prostate cancer research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about prostate cancer research. Since its inception 8 years ago, this far-reaching, influential program has literally changed the way prostate cancer research is done. It has become a model that other research programs have sought to replicate.

In recent years, the DOD breast cancer program funded groundbreaking research, such as the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD breast cancer research program.

Like its counterparts for prostate cancer and breast cancer, the Ovarian Cancer Research Project fosters collaborative efforts and long-term institutional commitments to ovarian cancer research focusing on prevention and early detection, which are key to

the development of a sustained commitment to ovarian cancer research.

Not only am I deeply disturbed by the cuts to these programs in the Senate bill, but it is my belief that given the Department of Defense's proven track record in conducting effective, efficient research to combat cancers and find new cures, the Department's efforts should instead be expanded to include desperately-needed research on other forms of the disease, including kidney cancer.

For a disease that has received very little research funding to date, kidney cancer affects a surprisingly large number of people. In 2003, 36,000 new cases were diagnosed, an increase of 12 percent over the previous year, while more than 12,000 individuals died of the disease. Supplementing current kidney cancer research funding with additional money from the Department of Defense would be a significant step toward providing meaningful treatments for kidney cancer patients.

My colleagues on both sides of the aisle have shown broad support for these programs in the past, urging the Senate to continue its support of each individual program. Many of us signed letters requesting that each program continue to receive at least the same amount of funding it received last year, which would have been consistent with the bill passed earlier this week by the House of Representatives.

The House language is not ideal. It funds each of the three Peer-Reviewed Research Programs at last year's levels, ignoring inflation and the increased cost of research. However, the House provision is far superior to a Senate version that forces cancer research programs to compete for a decreased amount of funding.

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve the integrity of each of these critical Peer-Reviewed Research Programs.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, as ranking democrat on the Committee on Small Business and Entrepreneurship, I want to discuss two amendments that were included in the Defense Department Fiscal Year 2005 authorization bill, which passed yesterday. These amendments will ensure that small businesses are included in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. Before I discuss these amendments, however, I would like to thank the committee's chair, Senator OLYMPIA SNOWE, for her leadership, and for working hand-in-hand with me on these amendments that are vital to ensuring that small businesses continue to have a voice in the Federal procurement arena.

The Department of Defense is the largest purchaser of goods and services

in the Federal Government. As a result, they are the driving force behind Federal agencies' ability to meet the Government-wide small business contracting goal of 23 percent. The Defense Authorization Act of 2004 included a provision requiring the administrator of the Office of Federal Procurement Policy, OFPP, to establish an advisory panel to review the laws and regulations regarding the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines, and the use of Government-wide acquisition contracts, also known as GWACS.

Many small businesses have contacted my office regarding the negative impact these GWACS have been having on their ability to compete for Federal contracts. They are concerned that GWACS are being disproportionately awarded to larger firms, denying small business their fair share of contracts. The amendment, offered by Senators SNOWE, COLEMAN and myself, expands the authority of the advisory panel to include a report on the impact these tools have on small business concerns. It also allows the panel to offer recommendations regarding laws, regulations and policies they believe would afford small businesses increased opportunities to participate in the Federal procurement arena.

With respect to the second amendment, I want to commend Senator BYRD for taking the initiative to develop an amendment to ensure that small businesses have a voice with respect to Federal Government work on the future of the national technology and industrial base.

The DoD Authorization bill includes a provision establishing a Commission on the Future of the National Technology and Industrial Base. The duties of this 12-member, Presidentially-appointed commission include studying the issues associated with the future of the national technology and industrial base in the global economy. This study is particularly important with respect to the effect of our national technology and industrial base on United States national security and for assessing the future ability of meeting the objectives outlined in the bill. This amendment adds a provision to the study that will require that the role of small business concerns in strengthening the national technology and industrial base is incorporated in the report, due no later than March 1, 2007.

Small businesses have proved time and time again that they can provide the goods and services needed by the Federal Government, often more efficiently and more cost effectively than their large competitors. Unfortunately, they are consistently treated as an afterthought or completely ignored when the Federal Government considers procurement policies outside of the Small Business Administration. While the SBA is essential for providing access to capital, training and counseling, and for assistance in gain-

ing access to the Federal marketplace, the vast majority of contracts for goods and services come from other agencies, such as the Department of Defense.

Small businesses should be provided the greatest opportunity to compete. When our national defense is in the process of regeneration and transitioning into a military of the future, as it is now, small businesses should be tapped to maximize the innovation, cost savings and efficiency they can contribute to the effort. Small businesses are critical to maintaining and strengthening the overall economy of the Nation and are the cornerstone of the Government's policy of ensuring a diverse supplier base. They should be included when the Government is developing industrial policy and considered in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. These amendments do just that. Again, I thank Senators SNOWE and BYRD for their leadership and my colleagues for their support for this Nation's small businesses. I would also like to thank Chairman WARNER and my colleague on the Senate Committee on Small Business and Entrepreneurship, Senator LEVIN, the Ranking Member of the Senate Committee on Armed Services for working closely with us and for making these amendments a part of this legislation. ●

Mr. BOND. Mr. President, it is well recognized that mail sent from families and loved ones to U.S. forces based overseas has a tangible effect on troop morale. Concomitantly, mail that is delayed unnecessarily undermines morale and furthermore endangers the ability of absentee military voters to have their votes counted. Additionally, voting assistance programs that are ineffective undermine the ability of the absentee military voter to cast a vote. In an effort to improve these respective programs I have encouraged the Department of Defense to evaluate the effectiveness of the Military Postal Service Agency and the Voting Assistance Program to determine if these programs are sufficient in scope to resolve the problems that have been identified repeatedly in past reports and audits.

Mr. McCAIN. Mr. President, late last night, after several weeks of floor debate, the Senate completed action on the Defense Authorization Act. Both that legislation and the pending measure, S. 2559, the Defense Appropriations Act for Fiscal Year 2005, will enable us to make great strides towards providing our men and women in uniform with the equipment, benefits, and programs they need to carry out their critical missions. I would like to applaud the efforts of both committees to ensure that these brave men and women are provided for.

Even though it passed just last night, the Appropriations Committee worked to provide funding levels that are generally commensurate with the authorization bill. This is very important,

and it will enable us to continue to meet our obligations to support service members in the fight against terror. The bill includes many critical funding provisions to which I lend strong support, such as the funding to increase Army end strength by 20,000 soldiers.

Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

With Americans deployed across the globe fighting terror, and with looming budget deficits at home, the Senate faces some tough choices. We must find a way to maintain our fiscal responsibility while fully providing for our military needs. The costs that go along with the conflicts in Afghanistan and Iraq demand now, more than ever, a new fiscal sanity in approaching our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our Federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks significantly burden American taxpayers.

Not surprisingly, along with the growth in deficit spending over the past few years, there also has been a significant growth in earmarks and pork barrel spending. In fact, according to information compiled by the Congressional Research Service, the total number of earmarks has grown from 4,126 in Fiscal Year 1994 to 14,040 in FY 2004. That's an increase of 240 percent in 10 years. In dollar terms, the earmarking has risen from \$26.6 billion to \$47.9 billion over the same period.

Mr. President, based on the calculations of my office, the Fiscal Year 2002 Defense Appropriations Act contained \$3.7 billion in pork. The conference report to the Fiscal Year 2003 Defense Appropriations Act contained \$8.1 billion in pork, while the Senate version included \$5.2 billion. The Fiscal Year 2004 Senate-passed Defense Appropriations Act contained well over \$4 billion of pork. This year \$6.9 billion was added in the bill and the report, a number which is much greater than last year's Senate version of the legislation. This is real money. Every year, countless important military and domestic programs go unfunded or underfunded. I find it hard to understand why we find the money to pay for member add ons, but then have to battle to fund important programs such as AmeriCorps.

Projects that appear on the Defense Appropriations Member Add-ons List are items that are requested by Senators but were not included in the President's budget request. They did not appear on the Joint Chiefs' Unfunded Priority List, and they were not authorized in the Defense Authorization bill. These criteria have been useful in ferreting out programs of questionable merit, and in determining the relative priority of projects requested by members for strictly parochial reasons, often at the expense of the readiness of our armed forces. But, the fact remains that throughout the years in which I have been identifying these add-ons, no offsets have been provided for any project. In a time when some of our soldiers and sailors still receive food stamps, or live in inadequate housing, we somehow found a way to provide over \$4 billion in unnecessary spending to the Defense Appropriations bill. For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's Budget Request. That list totaled nearly \$18 billion for fiscal year 2005. We should provide additional funding for defense for items and programs which the Joint Chiefs need, not for programs that are important because of the state that they come from or because of the seniority of the Member of Congress.

Mr. President, this is an election year and, once again, the members of the Appropriations Committee are touting their earmarks on their websites and in their press releases. One committee member listed \$102.6 million in earmarks spread over 16 different projects, while another member lauds funding for the Lewis and Clark Bicentennial. What is missing from these releases is the story about the authorized programs that will not receive full funding because there is not enough money to go around. Wouldn't it be more responsible to spend this money on pay raises or other important morale boosters instead of on parochial interests?

Earlier this week, I spoke at length on the Boeing 767 Tanker Lease Program so I will not take up much more of the Senate's time again now, except to say, that the amendment that was passed by the Senate in the National Defense Authorization Act for Fiscal Year 2005 is critical because Congressional guidance is needed. The Air Force's conduct on its Tanker Lease Program has, to date, been unacceptable. With regards to the Boeing 767 Tanker Lease Program, the Department of Defense and the Air Force leadership have obfuscated, delayed, and withheld information from Congress and the taxpayers.

Equally as unacceptable, the Appropriations Committee added \$110 million in this report in—a table, under the heading "Tanker Replacement, Advance Procurement." There was no money for the tanker program in the President's defense budget submitted

to Congress in February. The Senate Armed Services Committee did not authorize any funding for tanker recapitalization for fiscal year 2005. The Chief Staff of the Air Force, General John P. Jumper, USAF, did not request advance procurement for tanker replacement in his "Fiscal Year 2005 Unfunded Priority List," which he submitted to Congress in March 2005. The reason is simple—tanker replacement money is not needed NOW.

This latest procurement earmark is disturbingly similar to the \$30 billion line item included in the Fiscal Year 2002 Defense Appropriations Act which gave rise to this entire controversy to begin with. The Air Force's proposal to acquire 100 Boeing KC-767A tankers was flawed from the beginning. Everything, including a complete investigation of possible Air Force misconduct, should be done to assure that this doesn't happen again.

Aspects of that deal, ranging from how the original proposal passed through Congress to the improper conduct of senior executives at the Boeing Company, have been exhaustively reviewed and fundamentally criticized by the Senate Committee on Armed Services; the Senate Committee on Commerce, Science and Transportation; the Department of Justice; the Defense Department's Office of the Inspector General; the Defense Science Board; the Congressional Budget Office; the General Accounting Office; the Congressional Research Service; the Office of Management and Budget; the Defense Department's Office of Programs, Analysis and Evaluation; the Institute for Defense Analyses; the Industrial College of the Armed Forces, National Defense University and others. Notably, White House Chief of Staff Andy Card and former Defense Department Comptroller General Dov Zakheim have also weighed in with serious concerns about various aspects of the tanker program.

Critically, the Defense Science Board task force found "there is no compelling material or financial reason to initiate a replacement program prior to the completion of the Analysis of Alternatives, AoA, and the Mobility Capabilities Study, MCS." Moreover, the task force observed that the Air Force overstated both the amount of corrosion throughout the KC-135 fleet and the KC-135's operation and support cost growth. It also found that the KC-135E can fly to 2040. In other words, the 'dominating rationale' cited by the Air Force to Congress for having taxpayers pay billions of dollars more for leasing Boeing's KC-767A tankers than they would for buying them outright, has been conclusively shown to be without merit. The Air Force's representations on this issue remains a matter of continuing investigative concern. The likelihood that the analysis of alternatives, AoA, and mobility capabilities study, MCS, if done properly, will recommend an acquisition method for these tankers now known to be wholly unsuitable here, is probably minimal.

So, the Secretary's decision appears fatal to at least the lease component of the proposal.

Now what matters is that the AOA and MCS are conducted properly and objectively, and a new validated capabilities document, ORD, is completed that reflects, for the first time, the requirements of the warfighter. The Air Force's conduct to date in this matter has been egregious. The participation of the Air Force's FFRDC in the AOA is problematic. RAND has recently been receiving as much as \$50 million per year from the Air Force and apparently prejudged the AOA in a recent report. Therefore, both should be disqualified from the process. The process going forward will remain an issue of continuing interest to me.

The bottom line here is this. The amendment adopted in the Fiscal Year 2005 National Defense Authorization Act will do much to inject needed sunlight on a program whose development has been largely insulated from public scrutiny. The tanker amendment attempts to make sure that any effort by the Air Force to replace its fleet of tankers is done responsibly. We should expect no less from the Air Force.

Some of the egregious examples of Defense pork for FY 2005, either in the bill or in the accompanying report, include:

Section 8063 of the General Provisions. The text states that, "each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills." I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

As previously mentioned, \$1.8 million, for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

\$120 million for the Advanced Procurement of F-15s. The Air Force has decided to procure the F-22 to replace the F-15. Yet this earmark keeps the F-15 production line open, so I question the necessity of the F-22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

\$1 million for the Center for Political Logic Devices. I am the first one who would pay for logic if we could insert some into our political process, but this earmark won't do it.

\$11 million for the Chameleon Miniaturized Wireless System. Chameleons change colors, but one thing does not change is the unrequested provisions in this bill.

\$2 million for the Air Battle Captain program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

\$6 million for the LISA inspector. Who is this Lisa, and why does it cost \$6 million to inspect her?

\$4 million dollars for Project Albert. Hey Hey Hey. Seems like Albert could get pretty fat off all the pork in this bill.

\$4 million for Hibernation Genomics. Looking around the Senate, I see a few tired people, so maybe we a little hibernation is in order. But I'd prefer not to pay \$4 million for it.

\$5.5 million for the C-135 Improved Waste Removal System. We need to improve the way we remove waste from this bill.

\$700,000 for the United States Army Reserve Citizen Soldier Memorial Park.

Mr. President, I use humor in describing these earmarks, but the damage they do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' perennial favorite projects include:

\$5 million for the Smart Truck. This provision, which directly lines the pockets of the auto industry in Detroit, is not exactly smart.

\$10 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

\$8.0 million for the New England Manufacturing Supply Chain. This is above and beyond the \$14 million earmarked for them over the last two years.

\$9 million for the Medical Free Electron Laser. The electrons might be free, but the laser sure isn't. This project was developed by the scientists at Vanderbilt University in Tennessee. The budget justification used by the DoD in previous years spelled out the plan to have this program funded through NIH by FY2003. Why hasn't this happened yet?

\$44 million for the Maui Space Surveillance System. Arizona is home to the Lowell Observatory. Why should we

provide \$44 million to Maui, when there are many observatories in the United States, such as Lowell, that offer many of the same benefits as the Maui site?

\$1 million for the Brown Tree Snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. I'm sure the snakes are annoying—maybe even frightening to children and adults alike, but this funding does not belong in the Defense Appropriations Act.

Mr. President, there are many earmarks that funnel dollars to worthy programs, such as breast cancer research, but there is no compelling national defense reason for these items to be on this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others. Some examples of these inappropriate earmarks include:

\$200 million for Peer Reviewed Cancer Research Program.

\$50 million Peer Reviewed Medical Research Program.

\$25 million for Hawaii Federal Health Care Network.

\$2.5 million for the Alaska Federal Health Care Network.

\$5 million for Pacific Island Health Care Referral.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

Mr. President, I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers \$5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a do-

mestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DoD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DoD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. These exports also increase our influence over recipient country actions, and, in a worse case scenario, allow the U.S. to terminate them. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. We had a floor debate on this a few days ago during consideration of the Defense Authorization Act. There is no justification for including these provisions in the Appropriations Act.

Finally, one of the more egregious "Buy America" provisions in this legislation is a section in which we dictate that we must buy only American seafood. While this provision has been included in a previous year's funding, I must ask: What is the compelling Department of Defense need to protect the American seafood industry? Why is an entire industry singled out for protection?

Mr. President, this bill spends money on Lewis and Clark and funnels cash to a center on "political logic devices." It protects the mooring chain industry and ensures that we only buy American seafood. If there is any food that should be mentioned in this bill, Mr. President, it is that Other White Meat. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to pay Project Albert.

I wish it were not necessary for me to come to the Senate floor with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

#### ARMY END STRENGTH AND FY05 DOD APPROPRIATIONS

Mr. REED. Mr. President, last week, the Senate by a vote of 94 to 3, passed the Reed-Hagel-McCain amendment to increase the Army's end strength by 20,000.

This overwhelming vote was an acknowledgment that the administration has consistently underestimated and tried to avoid publicly admitting the real number of troops needed to win the peace in Iraq. That amendment was one step to bring our Iraq policy in line with the realities of Iraq.

However, the Defense authorization bill and the Defense appropriations bill before us today both continue to sidestep the budgetary realities of our military involvement in Iraq. Just 2 days ago, Deputy Defense Secretary Wolfowitz testified that "it's entirely possible" that U.S. troops could be stationed in Iraq for years.

If a long-term deployment of U.S. troops is "entirely possible", then the administration and Congress have a duty to properly budget for it.

When we know we are adding more troops and we know that we have significant commitments in Iraq, Afghanistan, Korea, Colombia, and elsewhere, we should put those costs into the annual Defense appropriations bill, not a supplemental appropriations bill or a contingency fund as the administration calls it.

By making these known costs subject to supplemental appropriations, we not only pretend that these costs are not long term, we also create an ongoing budget problem for the Army. This situation is all the more shocking when one considers the consistent claims from both sides of the aisle that we will provide our military with whatever it needs to win the war in Iraq and Afghanistan. Indeed, since the Iraq war began, the Army has had to continuously cobble together the resources to pay for more troops out of its regular budget. So instead of replacing or repairing destroyed equipment, buying HUMVEEs or body armor, or fulfilling other obligations, the Army has had to eat its seed corn.

It is true that the Army has also gotten supplemental funds on occasion to pay for additional soldiers, but only after it has exhausted all of the reprogramming options I just mentioned.

In the short run, reprogramming and supplemental appropriations are an option, but Iraq, Afghanistan and Korea are not options. They are real, and the pressure on the Army's budget is real. Unless, we increase the size of the Army's regularly appropriated budget to include the costs of the Army's real personnel levels, I fear that the Army will continue to delay needed expenditures, put off necessary investments, all so the administration can attempt to minimize the costs of the war on terror.

I want to be clear, this is not the fault of the Appropriations Committee. It has done its job well and has continually worked to make the Army whole. But, the committee and the bill before us are constrained by the administration's inflexibility and demands that known, long-term costs must be hidden in contingency reserve accounts and other budgetary maneuvers.

It would be my desire to increase the size of the Army's personnel budget by moving the \$2 billion in supplemental funds for this very purpose into the Army's annual fiscal year 2005 appropriation. I believe it would be more appropriate to take the \$2 billion we know we'll spend out of the supplemental section of this bill and put it into the Army's regular budget just like all of the Army's other long term costs.

In deference to the chairman and ranking member and the fact that such a proposal would likely require waiving the Budget Act as well as the Senate's endorsement of my amendment and Senator LEVIN's amendment that calls on the administration to put the true costs of Army end strength in its fiscal year 2006 budget request, I did not offer this amendment.

However, if the administration persists in trying to sweep these costs under the rug, Congress must act to include these funds in the regular budget of the Army.

I am also concerned that this year's bill has consolidated the Peer Reviewed Cancer Research Program under a single line item. While the peer review programs are united in their goal of improving detection, treatment and hopefully one day, prevention of deadly diseases such as leukemia, prostate, ovarian and breast cancer, they are each unique in their design, focus and stage of development. However, there is a valid concern that placing these programs under a single line item may inevitably pit them against one another. The fledgling Ovarian Cancer Research Program, which was only established in 1997 and has been level funded at \$10 million per year, will be competing with the much larger breast cancer program that has been in operation for over 12 years and is funded at a healthy \$150 million.

I hope that I and other Senators can work with the Chairman and ranking member to find a way to protect the critical and specific health research on cancer that the Department of Defense has been able to support in the past.

Mr. ALLEN. Mr. President, I rise today in support of the Department of Defense—DOD—Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a \$150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for Fiscal Year 2005.

This one-of-a-kind research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a par-

ticularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Peer Reviewed Breast Cancer Research Program.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. This kind of efficiency and prudence in spending is unheard of in other federally funded research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed the letter addressed to appropriators urging the continuation of the Department of Defense Breast Cancer Peer Review Research Program earmark with level funding of \$150 million for fiscal year 2005.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for Fiscal Year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the Congressionally Directed Cancer Research Programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill seriously threatens the integrity of the Department of Defense breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

I have heard the success stories that have manifested as a result of research that has come out of this program. I regularly meet with women and men alike, from my Commonwealth of Virginia, who commend the positive and innovative advances that this program produces. Just last month, I met with the Virginia Breast Cancer Foundation. Let me tell you, I believe Virginia is a model for other States on many issues, but I must say that the Virginia Breast Cancer Foundation is a leader in its advocacy for this issue.

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this important program for breast cancer research. I understand that we are fighting a war on

terror, but many individuals on our home front are fighting for their lives. I yield the floor.

Mr. STEVENS. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. We have already ordered the yeas and nays. This is final passage, Mr. President.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been previously ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—98

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Sessions
Chambliss	Hutchison	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kohl	Sununu
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voivovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	

NOT VOTING—2

Kerry Lugar

The bill (H.R. 4613), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of my good friend and co-chair-

man, I thank the Senate for coming together so quickly behind this enormous bill. This is the largest Defense appropriations bill in history, but it takes into account the needs of our men and women in uniform throughout the world. As I said, some 120 different countries have our men and women in uniform. It takes care of the great problems for those men and women in harm's way.

We thank all of our colleagues for their support and for their confidence in this bill. I again thank the staff.

I am overawed by the fact that it is a unanimous vote on this unanimous bill. I think it is a symbol to the country that we are willing to come together in times of crisis.

Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair then appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate Chairman STEVENS and the ranking member of the Senate Defense Appropriations Subcommittee on the passage of the bill. It is my understanding this is one of the fastest, if not the fastest, Defense appropriations bills ever considered in the Senate. I thank them. I will have more to say a little bit later tonight about this.

#### RENEWAL OF IMPORT RESTRICTIONS IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. J. Res. 39, the Burma import restrictions bill. I further ask unanimous consent that the statutory time limit be yielded back, and the joint resolution be read a third time and placed back on the Senate calendar. I further ask unanimous consent that the Senate then proceed to the immediate consideration of H. J. Res. 97, the House Burma resolution, and that all time be yielded back, and the Senate proceed to a vote on the resolution, with no intervening action or debate.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What do these resolutions do?

Mr. MCCONNELL. Mr. President, last year, the Senate passed a resolution imposing sanctions on the thug regime that has been running Burma for the

last 25 years. It comes up for annual renewal, much like the most-favored-nation procedure we used to apply to China. This is that resolution renewing the sanctions for another year.

Mr. BYRD. I thank the Senator. I thought there was another resolution the Senator mentioned.

Mr. REID. We are going to do that one next.

Mr. BYRD. That was all, Mr. President, this one resolution?

Mr. MCCONNELL. I am sorry, I did not hear.

Mr. BYRD. The Burma resolution, is that the only resolution to which the Senator referred?

Mr. MCCONNELL. Yes, the only resolution.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the distinguished Senator from Kentucky modify his request to allow for a 10-minute vote rather than the normal 15 minutes?

Mr. MCCONNELL. That is perfectly acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be a 10-minute vote on this resolution.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 39) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution will be returned to the calendar.

The clerk will report H. J. Res. 97.

The assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Mr. FEINGOLD. Mr. President, I am pleased to support S.J. Res. 39, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. I am a cosponsor of this resolution, and I believe that these sanctions must be renewed.

The resolution states that the State Peace and Development Council, SPDC, the military junta of Burma, has failed to make substantial progress toward implementing a democratic government and that import sanctions and other restrictions against the SPDC must remain in force until "Burma embarks on an irreversible path of reconciliation that includes the full and unfettered participation of the National League for Democracy and ethnic minorities in the country."

The situation in Burma remains disturbing. The military junta in Burma continues to commit egregious human

rights abuses against its population. Human rights organizations have documented the systematic rape of Shan women on a massive scale by Burmese military forces and the recruitment of children, as young as 11, into the Burmese national army. Torture, extra judicial executions, forced labor and widespread political repression all characterize the Burmese political landscape. Aung San Suu Kyi, leader of the National League for Democracy, NLD, and other senior NLD members remain under house arrest. Approximately 1,300 political activists, including elected members of parliament, languish in Burmese prisons, as punishment for their nonviolent pursuit of democracy.

Despite the SPDC's announcement of a new political initiative, a "roadmap" to democracy, they continue to break their promises of political reform. On May 17, 2003, the junta opened a constitutional convention that the junta promoted as being a first step toward democracy and democratic elections. The NLD boycotted this convention, after the junta refused to free Aung San Suu Kyi. The SPDC's continuation of the convention without the key political parties of the NLD and the United Nationalities Alliance, a group of ethnic parties that participated in the 1990 elections, demonstrates the emptiness of the SPDC's commitments to reform.

The military junta not only creates hardship for the Burmese people, but threatens stability in the region and beyond. Reports have emerged that Burma and North Korea have reestablished military and trade links after a termination of diplomatic relations in 1983. The U.S. State Department accused North Korea of seeking to sell surface to surface missiles to Burma's government and reported that Washington was aware that the Burmese regime is interested in acquiring a nuclear research reactor.

In addition, Burma continues to be a primary source of narcotics in Asia, as one of the world's largest trafficker of methamphetamine and second largest producer of opium. In their International Narcotics Strategy report for 2003, the U.S. State Department reported that major Wa traffickers, of the ethnic Wa group in northeastern Shan State, continue to operate with apparent impunity. In addition, in the Annual Presidential Determinations of Major Illicit Drug-Producing and Drug-Transit Countries for 2003, the President designated Burma as having "failed demonstrably" to make substantial counter-narcotics efforts. According to U.S. State Department, the government of Burma continued to be deficient in dismantling drug organizations, attacking drug-related corruption and addressing money-laundering issues. Officials in China, Thailand and India have expressed serious concerns about illicit drugs flooding into their countries from Burma and the increase of drug addiction among their youth.

Human trafficking in Burma is also of enormous concern. In the State Department's Trafficking in Persons report for 2004, Burma was placed in Tier 3, a category for those countries which are not in compliance with the minimum standards of the Trafficking Victims Protection Reauthorization Act of 2003 and are not making significant efforts to bring themselves into compliance. According to the State Department, not only is Burma a source country for persons trafficked for forced labor and sexual exploitation, but government officials and the military are complicit in trafficking. Human Rights Watch states, "recruiters for Burma's army frequently apprehend boys at train and bus stations, markets and other public places, threatening them with jail if they refuse to join the army. . . . After brutal training, child soldiers are deployed into units, where some are forced to fight against ethnic armed opposition groups."

Adding to regional instability, over 1.6 million person have fled Burma due to persecution and violence. In addition, it is estimated that there are between 600,000 and 1 million internally displaced persons within the country.

The United States and its international partners, including the United Nations, ASEAN and the European Union must persist in their demands for political reform in Burma. The renewal of these sanctions sends a powerful message to Burma that the United States is not satisfied with their facade of democratization. I also strongly urge the European Union to strengthen their existing sanctions on Burma. The SPDC must take immediate steps to release Aung Sang Suu Kyi and other political prisoners and to create a broad-based democratic government that respects human rights and the rule of law.

Mr. MCCAIN. Mr. President, I commend Senators MCCONNELL and FEINSTEIN for their efforts to renew sanctions contained in last year's Burmese Freedom and Democracy Act. I am proud to be an original cosponsor.

The world's democracies have a common moral obligation to promote human rights. In few places is the lack of freedom and justice more appalling than in Burma, a country in which a band of thugs, led by General Than Shwe, controls the population through violence and terror. The Burmese regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Last year, the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then, the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament.

Aung San Suu Kyi remains a captive. Because she stands for democracy, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at

the hands of the regime. The junta fears Aung San Suu Kyi because of what she represents—peace, freedom, and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shines brightly for the millions of Burmese who hunger for freedom, and for those of us outside Burma who seek justice for its people. She recently celebrated her 50th birthday, under house arrest.

Last month, the National League for Democracy courageously boycotted the junta's so-called "National Convention." The government portrayed this sham convention as the first step in a "roadmap to democracy," but it is clear that it is intended to blunt international pressure, rather than as a serious step in a democratic process. No "roadmap to democracy" will have any credibility so long as Aung Suu Kyi remains in confinement.

The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less.

In recognition of this, last year the Congress overwhelmingly passed the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

For this reason I stand in support of the joint resolution that will renew the import restrictions contained in last year's legislation—sanctions that are supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities. I note, however, that while the American people have spoken with one voice in support of freedom in Burma, it is past time that the leaders of other nations do the same. No other country has yet implemented U.S.-style economic sanctions. The Europeans should reject half measures and join the United States in targeted sanctions against the military regime. China, Thailand, India, and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationship with the western democracies.

The picture today in Burma is tragically clear. So long as a band of thugs rules Burma, its people will never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward. With our action today, we will support this spirit.

Mr. BAUCUS. Mr. President, I speak about Burma and U.S. sanctions policy. Last year, thugs working for the illegitimate Burmese government attacked opposition leader Aung San Suu Kyi and her supporters with clubs and sharpened sticks, killing as many as 70 pro-democracy activists.

The government then held Suu Kyi in what it cynically called "protective custody." Those events prompted international outrage and led the United States to pass the Burmese Freedom and Democracy Act of 2003.

That Act banned all imports to the United States from Burma. Chairman GRASSLEY and I worked hard to ensure that these sanctions would be effective—and that Congress would continue to play a key role in their implementation.

I did not want Congress to impose trade sanctions on Burma without any opportunity to review the policy and revise it if it wasn't working. So the act requires that Congress debate and vote on whether to renew the import ban every year. That is why we are here today.

What has the import ban accomplished? In 2002, the last full year without a ban, Burma exported \$356 million to the United States, mainly in garments and apparel products.

Since the U.S. blocked all imports from Burma, more than 100 garment and apparel factories have closed, throwing 50,000 to 60,000 people, mainly young women, out of work.

And according to the State Department, many of these young women, lacking jobs and opportunities are, in desperation, quote, "turning to work in the sex industry or being forced or duped into prostitution by traffickers."

On the other hand, Burma's military rulers are doing just fine. The State Department notes that "the military leaders personal power and wealth have little connection to the well-being of the country. The country's economic and military elite derives its greatest earning power from the trade of natural resources with neighboring states and countries in the region."

I have long been critical of unilateral sanctions. They almost never work. They may be an effective expression of our rage, but as a rule, they do not destabilize oppressive regimes, and they often hurt the unfortunate people they are intended to help.

The ban on imports from Burma is no exception to this rule. Multilateral sanctions can be effective. That's why I insisted that the act require the administration to work toward making the sanctions multilateral. But to date, no country in the world has joined the United States in banning imports from Burma—not one.

Now, let me emphasize that Burma's government is despicable by any measure. Security forces commit murder, use rape as a weapon of war against ethnic minorities, and utilize forced labor. Democracy activists are arrested and dissent punished. Conscription of child soldiers is widespread.

There is no dispute that Burma's actions require a response. The question is whether unilateral trade sanctions are the proper response.

This is not an easy question. I hope that my colleagues have thought hard about the consequences. I hope they have made an honest assessment of the merits of maintaining the import ban.

We cannot forget that the votes we cast have real consequences. Those thousands of young women being forced into prostitution should serve as a harsh reminder.

After struggling with the issue for some time, I decided to support renewing the import ban for another year.

On balance, I believe we should allow the administration more time to try to convince other countries to join in sanctioning the outlaw regime in Burma. But I would urge the administration to make this more of a priority. Their efforts so far have produced little result.

If I am to find any consolation in this state of affairs, it comes from the fact that Congress has a say in whether the trade sanctions on Burma continue. We have retained our Constitutional authority over international commerce.

This is consolation to me because it is hard to evaluate any unilateral sanctions program without looking back on our failed sanctions against Cuba.

Since 1960, when the Cuban embargo was first put in place, the United States has pursued a unilateral policy of driving the Castro regime out of power. Even as the rest of the Soviet bloc collapsed, the Castro regime has retained its control on the Cuban island.

The U.S. embargo has failed. In fact, it is obvious to me that the embargo actually shelters Castro, and has directly contributed to the strength of his regime.

But the unilateral embargo has remained in place for more than forty years. Had Congress originally required an annual vote on the Cuban embargo, as we have now done with the Burma sanctions, the embargo would have been eliminated long ago.

Instead, the Cuban sanctions were created without any end in sight, without any exit strategy, without any plan for its removal. So, here we are, thirteen years beyond the fall of the Soviet Union, with the last vestige of the Cold War alive and well 90 miles from our shores.

That's why Senators ROBERTS, ENZI and I have introduced legislation to give Congress a voice on Cuba sanctions. This legislation mirrors the legislation on Burma that we are discussing today.

It would allow sanctions against Cuba to continue—but would require both Houses of Congress to vote annually to renew the sanctions. Absent such a vote, the sanctions would end.

This is a reasonable approach to Cuba, and to sanctions more generally. Of course, that's also why this legislation won't pass this year. The Adminis-

tration and Congressional leadership are well aware that Cuba sanctions would not survive a Senate vote.

In fact, last year, overwhelming majorities in the Senate and House voted to suspend enforcement of the travel ban. Everyone here remembers that those votes were ignored by the leadership in both chambers, and the travel ban remained in place.

I hope that Congress can learn from the mistakes we have made—and are still making—in Cuba. I hope that Congress will work toward a more responsible sanctions regime. I stand ready to work with my colleagues to make that happen.

Let me close by thanking Senators MCCONNELL, FEINSTEIN, and GRASSLEY for their work on the Burma legislation. Senators MCCONNELL and FEINSTEIN have been tireless advocates for democracy in Burma. They deserve to be commended.

I would also like to acknowledge some of the staff who have worked hard on this issue—Paul Grove, Michael Schiffer, Everett Eissenstat, and Stephen Schaeffer.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague from Kentucky, Senator MCCONNELL, in support of the joint resolution renewing the sanctions against Burma. The House has overwhelmingly and in a bipartisan manner passed this resolution, and I urge the Senate to do likewise.

Last year, following the brazen attack against the motorcade of Nobel Peace Prize winner and National League of Democracy leader Aung San Suu Kyi, the United States took a firm stand on the side of human rights and democracy for the Burmese people by passing the Burmese Freedom and Democracy Act and imposing a complete ban on Burmese imports.

One year later, Suu Ky remains under house arrest and the military junta, the State Peace and Development Council (SPDC), has failed to make "substantial and measurable progress" towards a true dialogue on national reconciliation and recognition of the results of the 1990 parliamentary elections, decisively won by the NLD.

As a result, the Senate has no choice but to support renewing the sanctions for another year.

Let me be clear. I do not believe sanctions are a panacea for every foreign policy dispute we have with another country.

I have long supported the reform of our sanctions policy, and, in my view, Congress should have the opportunity to revisit sanctions imposed on other countries on a case-by-case basis and in a timely fashion.

I am cosponsor of Senator BAUCUS's legislation to allow Congress to vote up or down on the sanctions imposed on Cuba for that very reason.

It seems clear to me that 40 years later, those sanctions have not achieved our foreign policy goals. Yet, under different circumstances and conditions, sanctions can be effective.

Burma, in my view, is such a case. One year is not a sufficient period of time to judge the effectiveness of the sanctions, and there is reason to believe that the international community is coming together to put additional pressure on the military regime.

I was disappointed that the European Union and the Association of Southeast Asian Nations (ASEAN) did not follow the United States' lead last year and impose tough sanctions on the military junta.

Nevertheless, the EU, for one, is beginning to realize that engagement with Rangoon has failed to achieve the desired results.

Last week, the EU refused to include Burma in two lower-level meetings with ASEAN representatives and, in response to ASEAN's demand that all of its members be allowed to attend, the EU canceled the meetings.

Supporters of freedom and democracy in Burma should welcome this move and continue to urge our allies to put additional pressure on the military regime.

There is also some positive movement within ASEAN itself, including Malaysia, the country that sponsored Burma's entry into the Association and has supported "non-interference" in domestic affairs of other members.

Earlier this month, a group of Malaysian parliamentarians—from the government and the opposition—formed a committee to press for democracy in Burma. The group called on the SPDC to immediately and unconditionally release all political prisoners and restore democratic government.

The parliamentary group stated: "The caucus also calls upon the (Burma) government to respect ASEAN and international opinion and return to the mainstream of responsible international norms and behavior."

Of course, we would all like to see ASEAN, the EU, and others to take additional steps to put pressure on Rangoon to respect human rights and restore democracy. But we must continue to take the lead.

I believe that by passing this resolution and renewing the sanctions on imports from Burma for another year, we will enhance our leadership in this area and rally the international community to our cause. Now is not the time to weaken our resolve.

Some may argue that the sanctions do no harm to the members of the military junta and instead place additional hardships on the Burmese people.

The military junta itself cynically suggested that the reason why human trafficking is a rampant problem in Burma—as cited in the latest State Department report—is due to the desperate economic conditions caused by the sanctions imposed by the United States.

Let us not forget that for over 15 years the military junta has brutalized its won citizens, engaged in numerous human rights abuses including rape, forced labor, and human trafficking of

young boys and girls, and run the Burmese economy into the ground.

And the consequences of the regime's repressive rule extend far beyond its borders. As Senator McCONNELL and I pointed out in an op-ed that appeared in the Wall Street Journal, the spread of narcotics, HIV/AIDS, and refugees across the region can be traced back to Rangoon.

As South African Archbishop Desmond Tutu stated earlier this year: "To dismantle apartheid [in South Africa] took not only commitment, faith, and hard work, but also intense international pressure and sanctions. In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic gestures and cut the lifelines to Burma's military regime through well-implemented sanctions."

We cannot say for certain these sanctions will work. But we can be certain that if we do nothing and allow these sanctions to expire, the military junta will strengthen its grip on power and the day of Suu Kyi's release from house arrest and the re-birth of democracy in Burma will be put off further into the future.

We simply cannot afford to make that mistake and turn our backs on those who are looking to us for hope and inspiration.

I urge my colleagues to renew their support for freedom and democracy, Suu Kyi and the Burmese people and support this resolution.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—96

Akaka	Carper	Dorgan
Alexander	Chafee	Durbin
Allard	Chambliss	Edwards
Allen	Clinton	Ensign
Baucus	Cochran	Feingold
Bayh	Coleman	Feinstein
Bennett	Collins	Fitzgerald
Biden	Conrad	Frist
Bingaman	Cornyn	Graham (FL)
Bond	Corzine	Graham (SC)
Boxer	Craig	Grassley
Breaux	Crapo	Gregg
Brownback	Daschle	Hagel
Bunning	Dayton	Harkin
Burns	DeWine	Hatch
Byrd	Dodd	Hollings
Campbell	Dole	Hutchison
Cantwell	Domenici	Inhofe

McConnell	Schumer
Mikulski	Sessions
Miller	Shelby
Murkowski	Smith
Murray	Snowe
Nelson (FL)	Specter
Nelson (NE)	Stabenow
Nickles	Stevens
Pryor	Sununu
Reed	Talent
Reid	Thomas
Rockefeller	Voivovich
Santorum	Warner
Sarbanes	Wyden

NAYS—1

Enzi

NOT VOTING—3

Kerry Lugar Roberts

The joint resolution (H.J. Res. 97) was passed.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 393, which is at the desk; provided further that the Senate proceed immediately to a vote on the adoption of the resolution with no intervening action or debate. I further ask unanimous consent that following the vote, the preamble be agreed to and the motion to reconsider be laid upon the table. I further ask unanimous consent that following that vote the Senate proceed to executive session to the votes on the two previously debated judges; provided further that following those votes the Senate proceed to a vote on the confirmation of Executive Calendar No. 637, William D. Benton to be U.S. circuit court judge for the Eighth Circuit.

I further ask unanimous consent that following the votes the Senate proceed en bloc to the following nominations on the Executive Calendar: No. 433, No. 638, and No. 639.

I further ask unanimous consent that the nominations then be considered and confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

Mr. REID. Mr. President, will the Senator modify his request so all of these votes will be 10-minute votes?

Mr. McCONNELL. I so modify my request.

Mr. BYRD. Mr. President, reserving the right to object—I probably won't object—will the Senator identify the first resolution to which he alluded?

Mr. McCONNELL. Will the Chair identify the resolution?

MIDDLE EAST PEACE PROCESS

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 393) expressing the sense of the Senate in support of United States policy in the Middle East peace process.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I remove my reservation.

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

Mr. REID. 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 on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—95

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carper	Harkin	Sarbanes
Chafee	Hatch	Schumer
Chambliss	Hollings	Sessions
Clinton	Hutchison	Shelby
Cochran	Inhofe	Smith
Coleman	Inouye	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Voivovich
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	

NAYS—3

Byrd Jeffords Sununu

NOT VOTING—2

Kerry Lugar

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas the Road Map, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas, on April 14, 2004, President Bush welcomed the plan of Israeli Prime Minister

Ariel Sharon to remove certain military installations and all settlements from Gaza, and certain military installations and settlements from the West Bank;

Whereas under the Road Map, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, all Palestinian institutions, organizations, and individuals must end incitement against Israel, the Palestinian leadership must act decisively against terror (including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure), and Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister;

Whereas Prime Minister Sharon noted Israel's responsibilities under the Road Map include limitations on the growth of settlements, removal of unauthorized outposts, and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism;

Whereas there likely will be no security for Israelis or Palestinians until they and all states join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to Israel's security, and well-being as a Jewish State, including secure, recognized, and defensible borders, and to preserving and strengthening Israel's capability to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including to take actions against terrorist organizations that threaten Israel's citizens;

Whereas, after Israel withdraws from Gaza and parts of the West Bank, existing arrangements regarding control of airspace, territorial waters, and land passages relating to the West Bank and Gaza are planned to continue;

Whereas, as part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with United Nations Security Council Resolutions 242 and 338;

Whereas, in light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas Israeli Prime Minister Ariel Sharon has stated: "the barrier being erected by Israel is a security rather than political barrier, is temporary rather than permanent, and should therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinian communities";

Whereas an agreed just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel;

Whereas the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future;

Whereas the United States will join with others in the international community to assist in fostering the development of Palestinian democratic political institutions and new leadership committed to those institu-

tions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

*Resolved*, That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map;

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

Mr. CHAFEE. Mr. President, in the world of diplomacy, some things are better left unsaid. For that reason, I would have preferred that President Bush not send the April 14, 2004 letter to Prime Minister Sharon.

Nevertheless, I gave my qualified support to S. Res. 393 because Israeli withdrawal from Gaza has the potential to jumpstart the Israeli-Palestinian peace process. There have been too many missed opportunities already. It would be a shame to miss another one.

My vote for S. Res. 393 is subject to two understandings. First, Prime Minister Sharon's disengagement plan should not be a substitute for bilateral negotiations between Israel and the Palestinians; and second, all final status issues should be mutually agreed upon by both parties.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, after the following judge vote, we are scheduled to consider another five additional judges this evening. Of the ones after this one—looking at those five—the next two are circuit judges, to be followed by three district judges.

It has been cleared on this side to have voice votes on all of those five judges.

I ask the ranking member of the Judiciary Committee if we could, out of consideration of the many different schedules tonight, voice vote the remaining nominations after the next rollcall vote.

Mr. LEAHY. Well, Mr. President, in response to my friend from Tennessee, normally I would say: Have rollcall votes. I also know with the Defense authorization bill we had some very late night schedules. This is pushing up against the Fourth of July recess. I think the Senator from Tennessee, the Senator from South Dakota, and the respective whips have the hardest jobs

in the world trying to please everybody.

I will tell my friend from Tennessee, if that would make his life easier, I would be happy to accommodate him.

Mr. FRIST. Mr. President, I very much appreciate that.

On behalf of our colleagues, I thank the Senator.

Mr. LEAHY. I say to the majority leader, he has made a few other people happy.

Mr. President, is it my understanding on the first one there is a rollcall vote?

The PRESIDING OFFICER. No rollcall vote has yet been ordered.

EXECUTIVE SESSION

NOMINATION OF DIANE S. SYKES TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of colleagues, after this vote, the next vote will be after the recess on July 6, sometime after 2:15 p.m.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 152 Ex.]

YEAS—70

Alexander	Crapo	Lott
Allard	DeWine	McCain
Allen	Dodd	McConnell
Bayh	Dole	Miller
Bennett	Domenici	Murkowski
Biden	Dorgan	Nelson (NE)
Bingaman	Ensign	Pryor
Bond	Enzi	Roberts
Breaux	Feingold	Rockefeller
Brownback	Fitzgerald	Santorum
Bunning	Frist	Schumer
Burns	Graham (FL)	Sessions
Byrd	Graham (SC)	Shelby
Campbell	Grassley	Smith
Cantwell	Gregg	Snowe
Carper	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hollings	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Kohl	Voinovich
Conrad	Kyl	Warner
Cornyn	Landrieu	
Craig	Lincoln	

NAYS—27

Akaka	Feinstein	Lieberman
Baucus	Harkin	Mikulski
Boxer	Inouye	Murray
Clinton	Jeffords	Nelson (FL)
Corzine	Johnson	Reed
Daschle	Kennedy	Reid
Dayton	Lautenberg	Sarbanes
Durbin	Leahy	Stabenow
Edwards	Levin	Wyden

NOT VOTING—3

Kerry	Lugar	Nickles
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The nomination was confirmed.

NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

ORDERS FOR FRIDAY, JUNE 25, 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, June 25. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of 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 for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will be in morning business throughout the day. There will be no rollcall votes during tomorrow's session. The next rollcall vote will be on July 6. I will have more to say about the schedule for July during tomorrow's session.

We expect we will be in for a brief period tomorrow. We hope to clear the remaining legislative business prior to the recess. We are also attempting to clear a number of important ambassadorships prior to the Fourth of July break.

Once again, I thank all of our colleagues for their patience over the last few days as we made real progress and as we wrapped up our work on two very important measures.

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 9:06 p.m., adjourned until Friday, June 25, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 2004:

DEPARTMENT OF DEFENSE

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE HERSHELLE S. CHALLENGER, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CATHY M. MACFARLANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DIANE LENEGHAN TOMB, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DENNIS C. SHEA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALBERTO FAUSTINO TREVINO, RESIGNED, TO

WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALPHONSO R. JACKSON, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MICHAEL P. JACKSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF THE INTERIOR

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE WILLIAM GERRY MYERS III, RESIGNED, WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA MORRISON COMBS, TO WHICH HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANN R. KLEE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROBERT E. FABRICANT, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

ADAM MARC LINDEMANN, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005, VICE CHRISTOPHER D. COURSEN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007, VICE CECIL JAMES BANKS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL MUSEUM AND LIBRARY SERVICES  
BOARD

BEVERLY ALLEN, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008, VICE BETH WALKUP, TERM EXPIRED.

GAIL DALY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (NEW POSITION)

DONALD LESLIE, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006. (NEW POSITION)

AMY OWEN, OF UTAH, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (NEW POSITION)

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005. (NEW POSITION)

RENE SWARTZ, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (NEW POSITION)

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004. (NEW POSITION)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES PAROLE COMMISSION

DEBORAH ANN SPAGNOLI, OF CALIFORNIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JOHN R. SIMPSON, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

*To be brigadier general*

COL. MICHAEL B. CATES, 0000

*In the Navy*

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

BRIAN S ADAMS, 0000  
JAMES A AIKEN, 0000  
BRIAN ALBRO, 0000  
NATHAN J ALLEN, 0000  
ANTHONY L ALLOU III, 0000  
RICHARD E ALSOP, 0000  
JEFFREY M ALVES, 0000  
ERIC L ANDALLS, 0000  
MARK S ANDERSEN, 0000  
EDWARD L ANDERSON, 0000  
GREGORY L ANDERSON, 0000  
JOSEPH C ANDREATTI, 0000  
ANTHONY J ANGLIN, 0000  
DOMINIC A ANTONELLI, 0000  
LOUIS W ARNY IV, 0000  
MONTY G ASHLIMAN JR., 0000  
MICHAEL G BADORF, 0000  
REGINALD BAKER, 0000  
TIMOTHY C BARKDOLL, 0000  
ERIC S BARKER, 0000  
CHRISTOPHER K BARNES, 0000  
DONALD A BASDEN, 0000  
KENNETH D BATES, 0000  
KENNETH R BECKER, 0000  
MARK D BEHNING, 0000  
JOSEPH E BELL, 0000  
BASILIO D BENA, 0000  
JON G BENAVENTE, 0000  
RAYMOND J BENEDICT, 0000  
PAUL T BENNETT, 0000  
SHAWN M BENTLEY, 0000  
PETER D BERARDI, 0000  
LEIF E BERGEY, 0000  
BRODERICK V BERKHOUT, 0000  
VICTOR P BINDI III, 0000  
JOHN G BISCHERI, 0000  
CRAIG R BLAKELY, 0000  
JOHN H BLALOCK JR., 0000  
ROBERT W BODYAKE, 0000  
BOBBY C BOLT, 0000  
RICK D BONEAT, 0000  
BARTEL J BOOGERD III, 0000  
JAMES E BOSWELL, 0000  
DENNIS R BRYER, 0000  
STEVEN J BRACKETT, 0000  
DANIEL M BRINTZINGHOFFER, 0000  
RYAN K BROOKHART, 0000  
CHAD D BROWN, 0000  
WOODS R BROWN II, 0000  
PUTNAM H BROWNE, 0000  
MARK C BRUNGTON, 0000  
DANIEL C BRUNK, 0000  
DANIEL W BRYAN II, 0000  
MICHAEL L BRYANT, 0000  
ROBERT H BUCKINGHAM, 0000  
WILLIAM A BULIS, 0000

ANDREW D BURDEN, 0000  
CARL A BURKINS, 0000  
EDWIN J BURNS, 0000  
ANGELO D BURSTON, 0000  
DERRICK J BUSSE, 0000  
TIMOTHY P CALLAHAM, 0000  
MICHAEL S CAMPBELL, 0000  
FRANCIS J CAMPION, 0000  
TIMOTHY D CARR, 0000  
CLINTON A CARROLL, 0000  
GUY N CARUSO, 0000  
THOMAS G CRAWLEY, 0000  
ROBERT J CEPEK, 0000  
THOMAS CHABY, 0000  
ELEFTHERIOS N CHAPAS, 0000  
ANNE L CHAPMAN, 0000  
WILLIAM E CHASE III, 0000  
RICHARD J CHEESEMAN, 0000  
BYRON G CHEW, 0000  
WILLIAM C CHINWORTH, 0000  
HEEDONG CHOI, 0000  
JOHN J CHOI, 0000  
JAMES L CHRISTIE, 0000  
CRAIG A CLAPPERPTON, 0000  
ROBERT J CLARK, 0000  
DAVID D CLEMENT JR., 0000  
HEATHER E COLE, 0000  
DANIEL M COLMAN, 0000  
WILLIAM M COMBES, 0000  
DESMOND M CONNOLLY, 0000  
JOHN P CONSIDINE, 0000  
JAMES M CONWAY, 0000  
WILLIAM C COOKE, 0000  
CHARLES R CORDON, 0000  
CHRISTOPHER M CORGNATI, 0000  
MICHAEL R COUGHLIN, 0000  
PETER T COURTNEY, 0000  
MICHAEL J COX, 0000  
GREGORY J COZAD, 0000  
MARK A CREASEY, 0000  
DENNIS R CREWS, 0000  
SPENCER J CRISPELL, 0000  
WAYNE A CROSS, 0000  
ROGER L CURRY JR., 0000  
DONALD E J CZARAPATA, 0000  
JEFFREY J CZARAWKO, 0000  
MICHAEL R DARGEL, 0000  
CARL P DAVIS, 0000  
CHRISTOPHER J DENNIS, 0000  
TIMOTHY A DERNBACH, 0000  
ANTHONY T DESMET, 0000  
EDWARD W DEVINNEY II, 0000  
STEVEN L DIAL, 0000  
NICHOLAS J DIENNA, 0000  
DUKE E DIETZ, 0000  
KAMRAN A DIL, 0000  
KEVIN L DIPPERY, 0000  
THOMAS C DISY, 0000  
DAVID J DITALLLO, 0000  
THAD J DOBERT, 0000  
WILLIAM A DODGE JR., 0000  
LEONARD C DOLLAGA, 0000  
JOHN H DONEY IV, 0000  
JOHN M DONOVAN, 0000  
ALAN D DORRBECKER, 0000  
MICHAEL R DOUGLASS, 0000  
EUGENE J DOYLE, 0000  
STEVEN E DRADZNSKI, 0000  
JEFFREY B DRINKARD, 0000  
TIMOTHY D DRY, 0000  
CHRISTOPHER D DRYDEN, 0000  
JAMES A DUFFORD, 0000  
CHARLES H DUNAVANT JR., 0000  
KENNETH E DURBIN, 0000  
DANIEL P DUSEK, 0000  
JOHN A DUVAL III, 0000  
THOMAS A EBBERHARD, 0000  
DOUGLAS L EDSON, 0000  
MARK A EDWARDS, 0000  
PAUL F EICH, 0000  
EMILSON M ESPIRITU, 0000  
JAMES M ESQUIVEL, 0000  
ERIK O ETZ, 0000  
STEVEN T EVERARD, 0000  
WILLIAM L EWALD, 0000  
FREDERICK L FACYSON, 0000  
GERARD R FEAGLES, 0000  
RODOLFO FERNANDEZ, 0000  
SCOTT W FEVER, 0000  
KORY R FIERSTINE, 0000  
JACQUELINE R FINCH, 0000  
WILLIAM D FINCH, 0000  
ERIK R FINO, 0000  
HEIDI A FLEMING, 0000  
MATTHEW G FLEMING, 0000  
ERIAN P FORT, 0000  
GEORGE F FRANZ, 0000  
BRYAN P FRATELLO, 0000  
FREDERICK P FREELAND JR., 0000  
RICHARD A FRETZ, 0000  
WALLACE J GABER JR., 0000  
GEOFFREY S GAGE, 0000  
PETER G GALLUCH, 0000  
EDWARD M GALVIN, 0000  
TIMOTHY L GAMACHE, 0000  
ROBERT T GARRETTSON, 0000  
BRIAN M GARRISON, 0000  
DOMINIC G GAUDIN, 0000  
JASON L GEIGER, 0000  
KENDALL GENNICK, 0000  
ARTHUR GIBB III, 0000  
RYCE M GIBSON, 0000  
JAMES F GIBSON JR., 0000  
MARK S GILBERT, 0000  
CHARLES R GILLUM JR., 0000  
DAVID T GLENISTER, 0000  
WALTER H GLENN JR., 0000

CHARLES P GOOD, 0000  
RICHARD A GOODWIN, 0000  
CHRISTOPHER L GORDON, 0000  
DANA R GORDON, 0000  
ROBERT M GORDON, 0000  
BRIAN J GOSKOWICZ, 0000  
OBRA L GRAY, 0000  
RANDALL K GREEN, 0000  
DEMETRIES A GRIMES, 0000  
JEFFREY M GRIMES, 0000  
CORNELIUS M GUINAN, 0000  
FRANCIS R GUTIERREZ JR., 0000  
CARLOS S GUZMAN, 0000  
ANDREW J GWYER, 0000  
DAVID W HAAS, 0000  
RICHARD J J HABERLIN, 0000  
HENRY J HAIGLER, 0000  
TIMOTHY L HALL, 0000  
JOHN H HALTOM, 0000  
RANDALL C HARDY, 0000  
JOSEPH M HART, 0000  
MICHAEL T HART, 0000  
BRUCE W HAY JR., 0000  
CHARLES J HERBERT, 0000  
JEFFREY W HICKOX, 0000  
ROBERT R HILL JR., 0000  
ANSEL L HILLS, 0000  
KARL E HINES, 0000  
LYLE E HOAG, 0000  
ROBERT I HOAR JR., 0000  
SHAUN D HOLLENBAUGH, 0000  
CRAIG A HOLTSLANDER, 0000  
JAMES B HOSKINS, 0000  
KEITH W HOSKINS, 0000  
WILLIAM J HOUSTON, 0000  
HUGH W HOWARD III, 0000  
JAMES E HOWE JR., 0000  
BRIAN A HOYT, 0000  
JOHN R HOYT, 0000  
JOSEPH W HUFFAKER, 0000  
DAVID C HUGHES, 0000  
ADAM L HUNT, 0000  
MICHAEL A HURNI, 0000  
DEREK S KHEHARA, 0000  
EDWARD J IOCCO, 0000  
TIMOTHY E ISEMINGER, 0000  
MARK D JACKSON, 0000  
MARK T JACKSON, 0000  
TROY S JACKSON, 0000  
JAMES W JENKS, 0000  
MICHAEL H JOHANSSON, 0000  
ALLEN T JOHNSON JR., 0000  
KEVIN B JOHNSON, 0000  
FRANK C JONES, 0000  
JAMES M JOYNER IV, 0000  
MICHAEL JUNGE, 0000  
FREDERICK W KACHER, 0000  
EDWIN D KAISER, 0000  
MARY A KARAYAKYLAR, 0000  
KYLE G KARSTENS, 0000  
ROBERT D KATZ, 0000  
ROBERT O KEEVE JR., 0000  
STANAMMAD M F KHAN, 0000  
KEITH A KIMBERLY, 0000  
BRIAN R KIPLER, 0000  
JAMES A KIRK, 0000  
CHRISTOPHER F KLINE, 0000  
KEITH A KNUXTEN, 0000  
MATTHEW A KOSNAR, 0000  
MICHAEL A KOSTIUK, 0000  
JEFFREY R KRUSLING, 0000  
ROBERT J KUNKA, 0000  
MICHAEL H KUTYBA, 0000  
BRANT J KYLER, 0000  
JAMES M LANDAS, 0000  
CHRISTOPHER J LANDIS, 0000  
JON E LAZAR, 0000  
MICHAEL J LEHMAN, 0000  
CURTIS G LENDERMAN, 0000  
DEREK J LENNEY, 0000  
DARRYL J LENHARDT, 0000  
KEVIN P LENOX, 0000  
TIMOTHY G LEONARD, 0000  
BRADLEY J LEONHARDT, 0000  
MICHAEL LESCHINSKY, 0000  
GLEN S LEVERETTE, 0000  
JAMES A LEWIS, 0000  
JEFFREY M LEWIS, 0000  
LLEWELLYN D LEWIS, 0000  
MICHAEL D LEWIS, 0000  
TODD A LEWIS, 0000  
WARREN N LIPSCOMB III, 0000  
KENNETH S LONG, 0000  
FREDRICK P LUCHTMAN, 0000  
TERRENCE MACK, 0000  
JOHN D MACFARLAVISH, 0000  
CHARLES W MALONE, 0000  
SHAWN P MALONE, 0000  
NATHAN M MANTZ, 0000  
NATHAN M MARTIN, 0000  
MARK M MARTY, 0000  
KENNETH M MASSON, 0000  
KENT R MATHES, 0000  
GARY L MATHIS, 0000  
DONALD G MAY, 0000  
CHRISTOPHER M MCCARTHY, 0000  
MICHAEL A MCCARTNEY, 0000  
JEFFREY W MCCAULEY, 0000  
RICHARD C MCCORMACK, 0000  
RUSSELL S MCCORMACK, 0000  
ALLEN H MCCOY, 0000  
DAVID M MCFARLAND, 0000  
JAMES P MCGRATH III, 0000  
JOHN P MCGRATH, 0000  
MICHAEL D MCKENNA, 0000  
WILLIAM C MCKINNEY, 0000  
VAN P MCLAWHORN, 0000

JOSEPH E MCMAHON, 0000  
 MICHAEL M MCMILLAN JR., 0000  
 THOMAS E MCNERNEY III, 0000  
 GREGORY A MCWHERTER, 0000  
 TYLER L MEADOR, 0000  
 KURT C MERKLING JR., 0000  
 MICHAEL D MICHEL, 0000  
 JIMMIE L MILLER, 0000  
 WILLIAM G MILLER, 0000  
 WILLIAM K MIMS, 0000  
 DALE R MINICH, 0000  
 CHRISTOPHER C MISNER, 0000  
 REY R MOLINA, 0000  
 THOMAS J MONROE, 0000  
 KEITH G MOORE, 0000  
 MICHAEL R MOORE, 0000  
 SCOTT D MORAN, 0000  
 KEVIN R MORRISON, 0000  
 ROBERT K MORRISON III, 0000  
 BRIAN C MOUM, 0000  
 PATRICK T MOYNIHAN, 0000  
 JOSEPH P NAMAN, 0000  
 MICHAEL D NASH, 0000  
 PATRICK T NASH, 0000  
 DAVID A NELSEN, 0000  
 PAUL V NEUZIL, 0000  
 CLARK A NICHOLS III, 0000  
 MICHAEL K NORTIER, 0000  
 DAVID E NOSAL, 0000  
 MARK J OBERLEY, 0000  
 SEAN P OBRIEN, 0000  
 RICHARD F OCONNELL, 0000  
 KLAS W OHMAN, 0000  
 HAL S OKEY, 0000  
 EDWARD C OLSHAW, 0000  
 SCOTT E ORGAN, 0000  
 PAUL J OROURKE, 0000  
 JAMIE R OTTO, 0000  
 JOB V OVERSTREET, 0000  
 DAVID M PADULA, 0000  
 GREGORY J PARKER, 0000  
 SCOTT A PARVIN, 0000  
 LAURENCE M PATRICK, 0000  
 MICHAEL D PATTERSON, 0000  
 BRUCE L PECK JR., 0000  
 MARK E PELTON, 0000  
 WILLIAM P PENNINGTON, 0000  
 JOHN A PESTOVIC JR., 0000  
 AARON S PETERS, 0000  
 MICHAEL C PETERSON, 0000  
 JESSICA PFEFFERKORN, 0000  
 TUNG X PHAM, 0000  
 CLIFTON T PHILLIPS, 0000  
 CURTIS K M PHILLIPS, 0000  
 PETER C PHILLIPS, 0000  
 ERIC R PHIPPS, 0000  
 DAVID A PIERSON, 0000  
 PHILLIP W POLIQUIN, 0000  
 MALCOLM H POTTS, 0000  
 MATTHEW S PREGMON, 0000  
 MARK A PROKOPIUS, 0000  
 KEVIN J PROTZMAN, 0000  
 MARK D PYLE, 0000  
 ANDREW C QUIETT, 0000  
 GERARD F QUINLAN, 0000  
 HERBERT R RACE JR., 0000  
 JAMES R RAIMONDO, 0000  
 THOMAS A RAINVILLE, 0000  
 CHRISTOPHER P RAMSDEN, 0000  
 EUGENE R RATHGEBER, 0000  
 DEAN T RAWLS, 0000  
 DOUGLAS E RECKAMP, 0000  
 CARL S REED, 0000  
 LEONARD E REED, 0000  
 PHILIP N REGIER, 0000  
 JAMES J REICH, 0000  
 CURT A RENSHAW, 0000  
 JAY S RICHARDS, 0000  
 TIMOTHY P RICHARDT, 0000  
 JOHN D RICHMOND, 0000  
 JOHN D RICKARDS JR., 0000  
 TIMOTHY E RIEGLE, 0000  
 EDWARD J ROTH, 0000  
 MICHAEL S RYAN, 0000  
 STEPHEN P RYAN, 0000  
 JOHN A SAGER, 0000  
 CHRISTOPHER M SAINDON, 0000  
 DOUGLAS A SAMPSON, 0000  
 BENNIE SANCHEZ, 0000  
 MATTHEW R SANDBERG, 0000  
 JOHN P SANFORD, 0000  
 CARLOS A SARDIELLO, 0000  
 LOUIS J SCHAGER JR., 0000  
 CRAIG T SCHAUPNER, 0000  
 MICHAEL C SCHROEDER, 0000  
 THEODORE H SCHROEDER, 0000  
 FRANK J SCHULLER JR., 0000  
 THOMAS S SCHUMACHER, 0000  
 JEFFREY R SCHWARZ, 0000  
 MARK C SCOTT, 0000  
 SHARI L SCOTT, 0000  
 JAMES K SELKIRK JR., 0000  
 SHAWN R SHAW, 0000  
 DONDI M SHEEHY, 0000  
 BRIAN K SHIPMAN, 0000  
 TODD M SIDDALL, 0000  
 JONATHAN T SKARDA, 0000  
 CALVIN D SLOCUM, 0000  
 ROBERT E SMITH, 0000  
 WESLEY A SMITH, 0000  
 PAUL S SNODGRASS, 0000  
 CHARLES C SPARKS II, 0000  
 PAUL C SPEDERO JR., 0000  
 JOHN M SPERDELOZZI, 0000  
 KENNETH R SPURLOCK, 0000  
 BRETTON C STAFFORD, 0000  
 CHRISTOPHER M STAMPER, 0000

ROBERT E STANDLEY, 0000  
 DOUGLAS H STANFORD, 0000  
 ROBERT M STELTENPOHL, 0000  
 MICHAEL J STEVENS, 0000  
 JAMES G STONEMAN, 0000  
 MARK R STOOFS, 0000  
 KIRK A STORK, 0000  
 HAROLD W STOUT, 0000  
 SHELBY STRATTON, 0000  
 RICHARD W STRAYER, 0000  
 CHRISTOPHER E SUND, 0000  
 SCOTT B SWENSON, 0000  
 DEREK L TEACHOUT, 0000  
 BRIAN T TEETS, 0000  
 THOMAS R TENNANT, 0000  
 KENT F THOMPSON, 0000  
 RICHARD W THOMPSON, 0000  
 TODD L TINSLEY, 0000  
 CLARK O TROYER, 0000  
 MARK A TRULUCK, 0000  
 DAVID M TRZECIAKIEWICZ, 0000  
 JOHN R TUCKER, 0000  
 ROGER R ULLMAN II, 0000  
 MONTE L ULMER, 0000  
 JOHN L VALADEZ, 0000  
 MICHAEL S VARNEY, 0000  
 PETER G VASELY, 0000  
 DOUGLAS C VERISSIMO, 0000  
 CHARLES H VICKERS, 0000  
 LAWRENCE S VINCENT, 0000  
 JOHN F WADE, 0000  
 DOUGLAS H WALKER, 0000  
 DAVID E WARD, 0000  
 JEFFREY A WARD, 0000  
 JOHN M WARD, 0000  
 DENNIS J WARREN, 0000  
 TODD M WATKINS, 0000  
 TIMOTHY R WEBER, 0000  
 VICTOR K WEBER, 0000  
 WILLIAM A WEEEDON, 0000  
 ROBERT D WEISSENFELS, 0000  
 DANIEL A WELLS, 0000  
 KEVIN R WESLEY, 0000  
 MATTHEW G WESTFALL, 0000  
 JEFFREY D WESTON, 0000  
 EDWARD J WETZEL, 0000  
 CRAIG M WEVLEY, 0000  
 CHRISTOPHER K WHEELER, 0000  
 ERIC S WIESE, 0000  
 DONALD L WILBURN JR., 0000  
 ROBERT J WILLIAMS, 0000  
 CURTIS S WILMOT, 0000  
 WILLIAM P WOOD, 0000  
 HAROLD T WORKMAN, 0000  
 DANIEL C WORRA, 0000  
 JR D M WRIGHT, 0000  
 STEFAN D XAUDARO JR., 0000  
 THEODORE A ZOBEL, 0000  
 JOHN M ZUZICH, 0000

## CONFIRMATIONS

Executive nominations confirmed by  
 the Senate June 24, 2004:

### DEPARTMENT OF STATE

JOHN C. DANFORTH, OF MISSOURI, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOHN C. DANFORTH, OF MISSOURI, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

DORA L. IRIZARRY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

DIANE S. SYKES, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

PETER W. HALL, OF VERMONT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

WILLIAM DUANE BENTON, OF MISSOURI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

GEORGE P. SCHIAVELLI, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT BRYAN HARWELL, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

### 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 general

LT. GEN. PAUL V. HESTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. HENRY A. OBERING III

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

#### To be lieutenant general

MAJ. GEN. JOHN A. BRADLEY

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. JEFFREY B. KOHLER

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

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. MICHAEL W. WOOLEY

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

LT. GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major general

BRIG. GEN. CHARLES B. GREEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be brigadier general

COL. MELISSA A. RANK  
 COL. THOMAS W. TRAVIS

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

LT. GEN. RICHARD A. CODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

GEORGE W. CASEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

#### To be lieutenant general

MAJ. GEN. CARL A. STROCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

LT. GEN. COLBY M. BROADWATER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

LT. GEN. JOSEPH R. INGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. RUSSEL L. HONORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF, ARMY NURSE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069:

*To be major general*

COL. GALE S. POLLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. GEORGE W. WEIGHTMAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COLONEL JAMES G. CHAMPION

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. FRANK R. CARLINI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. CARLA G. HAWLEY-BOWLAND

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DOUGLAS A. PRITT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. THOMAS T. GALKOWSKI

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*

LT. GEN. HENRY P. OSMAN

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*

LT. GEN. JAMES T. CONWAY

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. JOHN F. SATTLER

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 major general*

BRIG. GEN. ROBERT C. DICKERSON, JR.  
BRIG. GEN. TIMOTHY F. GHOUMLEY  
BRIG. GEN. SAMUEL T. HELLAND  
BRIG. GEN. RICHARD S. KRAMLICH  
BRIG. GEN. RICHARD F. NATONSKI

IN THE NAVY

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 admiral*

ADM. MICHAEL G. MULLEN

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.

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

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

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

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. JAMES M. ZORTMAN

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. JAMES G. STAVRIDIS

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. JOHN G. MORGAN, JR.

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. RONALD A. ROUTE

THE FOLLOWING NAMED OFFICERS 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) JOHN M. MATECZUN  
REAR ADM. (LH) DENNIS D. WOOFTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) WILLIAM V. ALFORD, JR.  
REAR ADM. (LH) JAMES E. BEEBE  
REAR ADM. (LH) STEPHEN S. OSWALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) PAUL V. SHEBALIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) THOMAS L. ANDREWS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) LEWIS S. LIBBY III  
REAR ADM. (LH) ELIZABETH M. MORRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. KAREN A. FLAHERTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. MARSHALL E. CUSIC, JR.

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. CAROL I. B. TURNER

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. THOMAS R. CULLISON

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. JEFFREY A. WIERINGA

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. DAVID J. DORSETT

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. WAYNE G. SHEAR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. SHARON H. REDPATH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. JAMES A. BARNETT, JR.  
CAPT. WENDI B. CARPENTER  
CAPT. JEFFREY A. LEMMONS  
CAPT. ROBIN M. WATTERS

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. ADAM M. ROBINSON, JR.

AIR FORCE NOMINATIONS BEGINNING EDWARD ACEVEDO AND ENDING SCOTT J. ZOBRIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING MARK L. ALLRED AND ENDING BARRON D. YOUNKER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING BRENDA R. BULLARD AND ENDING THOMAS E. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATION OF RICHARD B. GOODWIN, AIR FORCE NOMINATIONS BEGINNING JEFFREY P. BOWSER AND ENDING GREGORY W. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING BRADLEY D. BARTELS AND ENDING WILLIAM L. STALLINGS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING CHARLES J. LAW AND ENDING DAVID A. WEAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

AIR FORCE NOMINATIONS BEGINNING LOZANO NOEMI ALGARIN AND ENDING BARBARA L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATIONS BEGINNING CHRISTIAN F. ACHLEITHNER AND ENDING RICHARD J. WINDHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

ARMY NOMINATIONS BEGINNING KEVIN C. ABBOTT AND ENDING MARK G. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

ARMY NOMINATIONS BEGINNING LARRY P. ADAMSTHOMPSON AND ENDING TIMOTHY N. WILLOUGHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2004.

ARMY NOMINATIONS BEGINNING GERALD V. HOWARD AND ENDING DAVID L. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2004.

ARMY NOMINATION OF JOHN J. SEBASTYAN, ARMY NOMINATION OF ELIZABETH J. BARNSDALE, ARMY NOMINATIONS BEGINNING PAUL GONZALEZ AND ENDING JAMES F. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2004.

ARMY NOMINATIONS BEGINNING RICHARD J. GALLANT AND ENDING ERIC R. GLADMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

ARMY NOMINATION OF RANDALL W. COWELL, ARMY NOMINATION OF JAMES C. JOHNSON, ARMY NOMINATIONS BEGINNING SHANNON D. BECKETT AND ENDING LEONARD A. CROMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

ARMY NOMINATION OF DAVID P. FERRIS.

ARMY NOMINATIONS BEGINNING DONALD W. MYERS AND ENDING TERRY W. SWAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATIONS BEGINNING EDWARD L. ALEXSONSHK AND ENDING EDWARD M. ZOELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

ARMY NOMINATION OF SCOTT R. SHERRETZ.

ARMY NOMINATION OF ROBERT F. SETLIK.

ARMY NOMINATION OF PAUL R. DISNEY, JR.

ARMY NOMINATION OF ERIC R. RHODES.

ARMY NOMINATIONS BEGINNING EDWIN E. AHL AND ENDING MARK A. ZERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

ARMY NOMINATION OF ROBERT J. BLOK.

MARINE CORPS NOMINATION OF SCOTT P. HANEY.

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN.

MARINE CORPS NOMINATION OF MICHELLE A. RAKERS.

NAVY NOMINATION OF JAMES K. COLTON.

NAVY NOMINATIONS BEGINNING KEVIN S. LERETTE AND ENDING KATHLEEN M. LINDENMAYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING VICTOR M. BECK AND ENDING ELIZABETH A. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING EDMUND F. CATALDO III AND ENDING GARY S. PETTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING ELIZABETH A. CARLOS AND ENDING PHILIP C. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING PAUL L. ALBIN AND ENDING MARK E. SVENNINGSSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JOHN L. BARTLEY AND ENDING JOSEPH A. SCHMIDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RICHARD A. COLONNA AND ENDING TIMOTHY J. WERRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JOHN M. BURNS AND ENDING ROGER W. TURNER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING DAN D. ASHCRAFT AND ENDING JOHN E. VASTARDIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RODMAN P. ABBOTT AND ENDING STEVEN YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING JAMES S. BAILEY AND ENDING JEFFREY B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATIONS BEGINNING RICHARD S. MORGAN AND ENDING TERRY L. M. SWINNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2004.

NAVY NOMINATION OF SUSAN C. FARRAR.

NAVY NOMINATIONS BEGINNING WILLIAM J. ALDERSON AND ENDING HAROLD E. PITTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING AARON L. BOWMAN AND ENDING MAUDE E. YOUNG, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING THOMAS J. BROVARONE AND ENDING MARK R. WHITNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING KENT R. AITCHESON AND ENDING KEVIN S. ZUMBAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING RICHARD L. ARCHIE AND ENDING FRED C. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING THOMAS H. BOND, JR. AND ENDING PAMELA J. WYNFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING KENNETH R. CAMPITELLI AND ENDING TIMOTHY S. MATTHEWS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING JEFFREY J. BURTCHE AND ENDING JAN E. TIGHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING EDWIN J. BURDICK AND ENDING STEPHEN K. TIBBITTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING ANDREW BROWN III AND ENDING JONATHAN W. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATIONS BEGINNING JERRY R. ANDERSON AND ENDING JAMES E. KNAPP, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2004.

NAVY NOMINATION OF JOSEPH P. COSTELLO.

NAVY NOMINATIONS BEGINNING RALPH W. COREY III AND ENDING EDWARD S. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2004.

NAVY NOMINATIONS BEGINNING TOBIAS J. BACANER AND ENDING SCOTT W. ZACKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING CHARLENE M. AULD AND ENDING SCOTT M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING DON C. B. ALBIA AND ENDING GREGG W. ZIEMKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING BRENDA C. BAKER AND ENDING MAUREEN J. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL J. ARNOLD AND ENDING DANA S. WEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING STEPHEN S. BELL AND ENDING JAMES A. WORCESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING WILLIAM D. DEVINE AND ENDING PAUL R. WRIGLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING EDWARD L. AUSTIN AND ENDING DAVID H. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING CARLA C. BLAIR AND ENDING CYNTHIA M. WOMBLE, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING NORA A. BURGHARDT AND ENDING CRAIG J. WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING TERRY S. BARRETT AND ENDING DEAN A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING DANIELLE M. BARRETT AND ENDING MICHAEL L. THRALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL D. BOSLEY AND ENDING KEVIN D. ZIOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING WILLIAM H. ANDERSON AND ENDING FRANK D. WHITWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING THOMAS W. ARMSTRONG AND ENDING RICHARD A. THIEL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING JOSEPH R. BRENNER, JR. AND ENDING GREG A. ULSES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING TODD S. BOCKWOLDT AND ENDING FORREST YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATIONS BEGINNING STEVEN W. ANTCLIFF AND ENDING MARK W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2004.

NAVY NOMINATION OF RICHARD L. CURBELLO.

NAVY NOMINATIONS BEGINNING LOUIS E. GIORDANO AND ENDING ROBERT A. LITTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING JAMES O. CRAVENS AND ENDING RONALD J. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING STEPHEN W. BAILEY AND ENDING GARY F. WOERZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING JOSEPH J. ALBANESE AND ENDING STEVEN L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING BENJAMIN M. ABALOS AND ENDING GLENN T. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING PATRICK S. AGNEW AND ENDING DOUGLAS R. TOOTHMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING MARK J. BELTON AND ENDING ROBERT E. TOLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING CIVITA M. ALLARD AND ENDING ANN N. TESCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATIONS BEGINNING RICHARD D. BAERTLEIN AND ENDING JEFFREY G. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2004.

NAVY NOMINATION OF CARLOS VARONA.