

held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion at its headquarters in the village of Potocari north of Srebrenica but many of these individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or murdered;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily murdered and buried the captives in mass graves;

Whereas approximately 20 percent of Srebrenica's total population at the time—at least 7,000 and perhaps thousands more—was murdered;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the assault on Srebrenica and prevented the subsequent massacre, including the lengthy report issued by the Government of the Netherlands on April 10, 2002, entitled "Srebrenica, a 'safe' area—Reconstruction, background, consequences and analyses of the fall of a safe area";

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group";

Whereas, on May 25, 1993, the United Nations Security Council adopted Security Council Resolution 827, establishing the world's first international war crimes tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas numerous members of the Bosnian Serb forces and political leaders at various levels of responsibility have been indicted for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide,

and complicity in genocide associated with the massacre at Srebrenica, some of whom have been tried and sentenced while others, including Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression and ethnic cleansing, to negotiate and help ensure the full implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled at Dayton, Ohio, November 21, 1995, and done at Paris December 14, 1995, including cooperation with the International Criminal Tribunal for the former Yugoslavia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the thousands of innocent people murdered at Srebrenica in Bosnia and Herzegovina in July 1995, along with all individuals who were victimized during the conflict and genocide in Bosnia and Herzegovina from 1992 to 1995, should be solemnly remembered and honored;

(2) the policies of aggression and ethnic cleansing as implemented by Serb forces in Bosnia and Herzegovina from 1992 to 1995 meet the terms defining the crime of genocide in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951;

(3) foreign nationals, including United States citizens, who have risked, and in some cases lost, their lives in Bosnia and Herzegovina while working toward peace should be solemnly remembered and honored;

(4) the United Nations and its member states should accept their share of responsibility for allowing the Srebrenica massacre and genocide to occur in Bosnia and Herzegovina from 1992 to 1995 by failing to take sufficient, decisive, and timely action, and the United Nations and its member states should constantly seek to ensure that this failure is not repeated in future crises and conflicts;

(5) it is in the national interest of the United States that those individuals who are responsible for war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions committed in Bosnia and Herzegovina should be held accountable for their actions;

(6) all persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) should be apprehended and transferred to The Hague without further delay, and all countries should meet their obligations to cooperate fully with the ICTY at all times; and

(7) the United States should continue to support—

(A) the independence and territorial integrity of Bosnia and Herzegovina;

(B) peace and stability in southeastern Europe as a whole; and

(C) the right of all people living in southeastern Europe, regardless of national, racial, ethnic or religious background—

(i) to return to their homes and enjoy the benefits of democratic institutions, the rule of law, and economic opportunity; and

(ii) to know the fate of missing relatives and friends.

Mr. SMITH: Mr. President, I rise today to mark a solemn anniversary. Ten years ago this July, thousands of Bosnian Muslims sought safety from the brutal ethnic cleansing campaign conducted by Bosnian Serb forces in the small town of Srebrenica. This was supposed to be a "Safe Area," a space

designated and protected by the United Nations as a place of refuge. Instead, it became the site of the worst case of genocide in Europe since World War II.

I am pleased to submit a resolution today, along with my colleague Senator BIDEN, which recognizes this somber anniversary. The resolution also reiterates our support for the need to bring to justice those who perpetrated this crime against humanity.

In June 1995, after three years of war, the Bosnian Serbs launched a brutal attack against the Muslim enclave of Srebrenica. In what was an incomprehensible and fatal error, United Nations Protection Force (UNPROFOR) had collected weapons from the Bosnian Muslims in return for its designation of Srebrenica as a safe area. This rendered the population even more vulnerable to the Bosnian Serb assault.

The presence of the U.N. soldiers and the confiscation of the Muslims' arms was supposed to deter a Bosnian Serb attack by removing any semblance of provocation. But the Bosnian Serbs struck anyway and the UNPROFOR troops were unable to assist the Muslim population they had placed at such disadvantage.

The Bosnian Serbs easily overtook the city, deporting women, children, and the elderly in buses. Bosniak men older than 16 were rounded up and held at collection points in northeastern Bosnia. Here they were summarily murdered and buried in mass graves.

At least 7,000 Bosnian Muslims, 20 percent of Srebrenica's total population at the time, were murdered. A similar enclave at Zepa, allegedly protected by the United Nations force, fell to the Serb onslaught two weeks later.

After learning of the genocide committed by the Nazis during the second World War, the world made a promise: We said "never again." Yet 50 years later on the European continent, men and boys were murdered solely because they were Muslim.

So as we look back and remember a decade later, we must learn from the mistakes that were made at Srebrenica. We should ensure that those responsible are held accountable for their actions. We should continue to support the independence and territorial integrity of Bosnia and Herzegovina and peace and stability in southeastern Europe as a whole. We should support the right of all people living in the region, regardless of national, racial, ethnic or religious background, to return to their homes and enjoy the benefits of democratic institutions, the rule of law, and economic opportunity. We should encourage all efforts to determine the fate of all those still missing.

And finally, we should solemnly remember and honor all those that were victims of the massacre at Srebrenica.

AMENDMENTS SUBMITTED AND PROPOSED

SA 597. Mrs. CLINTON submitted an amendment intended to be proposed by her

to the bill H.R. 3, Reserved; which was ordered to lie on the table.

SA 598. Mr. LIEBERMAN (for himself, Mr. DODD, Mr. LAUTENBERG, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 599. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 600. Mr. TALENT (for himself and Mr. DODD) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 601. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 602. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 603. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 604. Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 605. Mr. INHOFE proposed an amendment to the bill H.R. 3, supra.

TEXT OF AMENDMENTS

SA 597. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

On page 401, strike lines 3 through 13 and insert the following:

(e) SELECTION CRITERIA.—The Secretary shall only select projects for corridors that—

(1) have significant levels or increases in truck and traffic volume relating to international freight movement;

(2) connect to at least 1 international terminus or inland port; and

(3)(A) traverse at least 3 States; or

(B) are identified by section 115(c) of the Intermodal Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat 2032).

SA 598. Mr. LIEBERMAN (for himself, Mr. DODD, Mr. LAUTENBERG, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

In section 120(a)(1) of title 23, United States Code (as amended by section 1301), insert “a bridge project or” before “a project to add”.

In section 144 of title 23, United States Code (as amended by section 1807(a)(9)), strike subsection (r) and insert the following:

“(r) FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under section 120(d).

“(2) INTERSTATE SYSTEM.—The Federal share of the cost of a project on the Interstate System payable from funds made available to carry out this section shall be the share applicable under section 120(a).”.

SA 599. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

In section 510(a)(4)(D) of title 23, United States Code (as amended by section 2101(a)), strike clause (i) and insert the following:

“(i) Southwest Bridge Research Center, comprising New Mexico State University and the Oklahoma Transportation Center.”.

SA 600. Mr. TALENT (for himself and Mr. DODD) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

At the end of subtitle H of title I, add the following:

SEC. 18. NOTICE REGARDING PARTICIPATION OF SMALL BUSINESS CONCERNS.

The Secretary of Transportation shall notify each State or political subdivision of a State to which the Secretary of Transportation awards a grant or other Federal funds of the criteria for participation by a small business concern in any program or project that is funded, in whole or in part, by the Federal Government under section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 567g).

SA 601. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 13 and all that follows through page 81, line 8, and insert the following:

(b) NATIONAL SURFACE TRANSPORTATION POLICY STUDY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the “Next Generation National Surface Transportation Policy Study Commission” (referred to in this section as the “Commission”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 12 members, of whom—

(i) 1 member shall be the Secretary, who shall serve as Chairperson;

(ii) 3 members shall be appointed by the President;

(iii) 2 members shall be appointed by the Speaker of the House of Representatives;

(iv) 2 members shall be appointed by the minority leader of the House of Representatives;

(v) 2 members shall be appointed by the majority leader of the Senate; and

(vi) 2 members shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under paragraph (1)—

(i) shall include individuals representing State and local governments, metropolitan planning organizations, transportation-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental transportation activities; and

(ii) shall be balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(C) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of establishment of the Commission.

(D) TERMS.—A member shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(F) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(G) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(H) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(I) VICE CHAIRPERSON.—The Commission shall select a Vice Chairperson from among the members of the Commission.

(3) DUTIES.—

(A) IN GENERAL.—The Commission shall—

(i) conduct a complete and comprehensive investigation and study of—

(I) the current condition and future needs of the surface transportation system; and

(II) a comprehensive study of alternatives to replace or to supplement the fuel tax as the principal revenue source to support the Highway Trust Fund and suggest new or alternative sources of revenue to fund the needs of the surface transportation system over at least the next 30 years;

(B) develop a conceptual plan, with alternative approaches, for the future to ensure that the surface transportation system will continue to serve the needs of the United States, including specific recommendations regarding design and operational standards, Federal policies, and legislative changes;

(C) consult with the Secretary and the Secretary of the Treasury in conducting the study to ensure that the views of the Secretaries concerning essential attributes of Highway Trust Fund revenue alternatives are considered;

(D) consult with representatives of State departments of transportation and metropolitan planning organizations and other key interested stakeholders in conducting the study to ensure that—

(i) the views of the stakeholders on alternative revenue sources to support State transportation improvement programs are considered; and

(ii) any recommended Federal financing strategy takes into account State financial requirements; and

(E) based on the study, make specific recommendations regarding—

(i) actions that should be taken to develop alternative revenue sources to support the Highway Trust Fund; and

(ii) the time frame for taking those actions.

(4) RELATED WORK.—To the maximum extent practicable, the study shall build on related work that has been completed by—

(A) the Secretary of Transportation;

(B) the Secretary of Energy;

(C) the Transportation Research Board, including the findings, conclusions, and recommendations of the recent study conducted by the Transportation Research Board on alternatives to the fuel tax to support highway program financing; and

(D) other entities and persons.

(5) SURFACE TRANSPORTATION NEEDS.—With respect to surface transportation needs, the investigation and study shall specifically address—

(A) the current condition and performance of the Interstate System (including the physical condition of bridges and pavements and operational characteristics and performance), relying primarily on existing data sources;

(B) the future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year time periods;

(C) the expected demographics and business uses that impact the surface transportation system;

(D) the expected use of the surface transportation system, including the effects of