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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Gary Zola, Jacob Rader Marcus Center, Cincinnati, OH.

PRAYER

The guest Chaplain offered the following prayer:

Eternal One, Rock of all ages, help us to hear the voices of our forebears that still linger in the silent places of this historic Chamber of debate and decision. Let us draw devotional inspiration this morning from the life of Rabbi Isaac Mayer Wise, founder of the Hebrew Union College, who led this Senate in prayer 135 years ago to this very week. May one brief moment from the life of this famed American clergyman renew in us a commitment to the core of righteous living.

For we have been taught that once, when this rabbi took ill amidst a class and was compelled to descend from his teaching platform, a young, eager student jumped up, grabbed his arm, and said: ''May I help you down, Doctor?''

In response to this question, the rabbi uttered words that remind us anew of what is good and what God does require of us all: ''Never help a person down,'' the rabbi told his student. ''Try always to help people up.''

In this year, marking 350 years of Jewish life in America, we offer up our prayerful and reverential gratitude to the source of life for implanting within our hearts the vision of our noble Republic, ever striving to help people up.

O may all who labor in this House—and in every house—be inspired anew by the prophet Micah's exhortation, a charge that the father of this Nation deeply cherished and repeatedly cited: Do justly, love mercy, and walk humbly with thy God.

Fervently we pray that the vision we hallow will animate all of us to live ''with malice toward none, with charity for all . . . [so we can finish] the work we are in.''

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 26, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU 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, today, following the leader time, we will resume debate on the nomination of John Bolton to be ambassador to the Security Council of the United Nations. The debate will be divided until the cloture vote which is scheduled for 6 o'clock tonight. If we are able to invoke cloture at 6, then we would immediately vote up or down on the nomination of John Bolton. We will also receive from the House a short-term extension of the highway bill. We will need to pass that measure before we finish our work for the week as well. We hope to finish our business this evening, and if so, we would not be in session on Friday. That implies a full day today, a lot of discussion and cooperation among our colleagues to accomplish that. We will be making further announcements regarding our schedule when we return at the close of business today.

Finally, I ask unanimous consent that at 5:30, Senator STEVENS be recognized for up to 10 minutes, to be followed by the Democratic leader for 10 minutes, to be followed by the majority leader for up to 10 minutes.

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

RECOGNITION OF THE MINORITY LEADER

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

ORDER OF BUSINESS

Mr. REID. Mr. President, so we have an orderly process on our side, I would ask unanimous consent that of the time that has been allotted this side, Senator BOXER be given 45 minutes; Senator DODD, 60 minutes; Senator SARBANES, 15 minutes; Senator VOINOVICH, 30 minutes; Senator KERRY, 30 minutes; Senator FEINGOLD, 20 minutes; Senator NELSON of Florida, 10 minutes; Senator OBAMA, 15 minutes; Senator REID, 15 minutes; and Senator BIDEN to control the remaining time for 15 minutes. I am quite certain that the staff has worked it out so our time

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

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is equal to what Senator LUGAR controls on his side. If there is any difference in the numbers, he and Senator DODD can adjust it accordingly.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN ROBERT BOLTON TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session for the consideration of Calendar No. 103, which the clerk will report.

The legislative clerk read the nomination of John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. will be equally divided between the chairman and ranking member of the Foreign Relations Committee, of which 1 hour will be reserved under the control of the Senator from Ohio, Mr. VOINOVICH, and with the exceptions just noted by consent.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I will yield shortly to distinguished colleagues who have sought an opportunity to speak for the first time on the nomination of John Bolton. I had the privilege of addressing the Senate yesterday for over 50 minutes in which I attempted to outline all of the best reasons for John Bolton's confirmation, which I hope will occur today. I believe he will be an outstanding representative of our country, a very able diplomat to the United Nations.

During the course of my comments—now reflected, because they were delivered yesterday, in the CONGRESSIONAL RECORD today—we attempted to go through each of the case histories of interviews completed by the Senate Foreign Relations Committee in response to the questions or allegations made about the nominee. Affirmatively, I have tried to point out the tens of very able Americans who have endorsed John Bolton, including a large number of former Secretaries of State, Defense, National Security Directors, and, most importantly, people who have worked with him at the United Nations, at USAID.

I ask Members to reference the specifics of my speech yesterday, if there are questions with regard to the work done by the able staff on both sides of the Senate Foreign Relations Committee, to make certain that each of the arguments that has been presented has been met and fairly argued.

During the entirety of the debate yesterday, the arguments that were made were not new ones. They may be important ones, and perhaps they will be reargued today. But I ask Members to think constructively now about the President of the United States, his desire for reform of the United Nations, and his desire to have John Bolton there at the United Nations to work in that capacity for reform of an institution that the United States wishes to see much stronger, more able, and certainly a valuable part of American diplomacy and national security policy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I listen to my distinguished chairman, and I wonder who he is actually talking about when he says there is so much support for John Bolton. There has been an unprecedented outcry of Republicans and Democrats against this nomination.

I ask unanimous consent to print in the RECORD the votes on U.S. ambassadors at the United Nations since 1945.

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

VOTES ON U.S. AMBASSADORS TO THE UN

Edward R. Stettinius, Jr. (1945–1946): Voice Vote

Warren R. Austin (1947–1953): Unanimous Consent

Henry Cabot Lodge, Jr. (1953–1960): Unanimous Consent

James J. Wadsworth (1960–1961): Unanimous Consent

Adlai E. Stevenson (1961–1965): Unanimous Consent

Arthur J. Goldberg (1965–1968): Unanimous Consent

George W. Ball (1968–1968): Unanimous Consent

James Russell Wiggins (1968–1969): Unanimous Consent

Charles W. Yost (1969–1971): Unanimous Consent

George Bush (1971–1973): Unanimous Consent

John A. Scali (1973–1975): Unanimous Consent

Daniel P. Moynihan (1975–1976): Unanimous Consent

William W. Scranton (1976–1977): Unanimous Consent

Andrew J. Young (1977–1979) 89–3 :

Donald F. McHenry (1979–1981) 83–0 :

Jeane J. Kirkpatrick (1981–1985) 81–0 :

Vernon A. Walters (1985–1989): Voice Vote

Thomas R. Pickering (1989–1992) 99–0 :

Edward Joseph Perkins (1992–1993): Unanimous Consent

Madeleine K. Albright (1993–1997): Unanimous Consent

Bill Richardson 100–0 (1997–1998):

Richard Holbrooke (1999–2001) 81–16 :

John D. Negroponte (2001–2004): Voice Vote

John C. Danforth (2004–2005): Voice Vote

Mrs. BOXER. What this will show for the record is that starting in 1945, we have had voice votes and unanimous consent votes on almost all of these nominees. There were few exceptions. Andrew Young got the post 89 to 2; Donald McHenry, 83 to nothing—so they had votes—Jeane Kirkpatrick, 81 to nothing. The largest ''no'' vote was Richard Holbrooke, who had 16 against him. Bill Richardson was 100 to nothing; John Negroponte, voice vote; Danforth, voice vote.

I am putting this in the RECORD because when you listen to my friends who are supporting John Bolton, you would think that this is just a run-of-the-mill type appointment, that it is usual to have this kind of firestorm. Nothing could be further from the truth. This nomination is a diversion from the consensus candidates that we have had in the past. Since my chairman talked about all the support John Bolton has, I ask unanimous consent to print in the RECORD in a letter dated May 9, 2005.

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

Updated May 9, 2005.

Hon. RICHARD G. LUGAR,
Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

Hon. JOSEPH R. BIDEN,
Ranking Member, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR AND SENATOR BIDEN: We have noted with appreciation the moves of President Bush at the beginning of his second term to improve U.S. relations with the countries of the European Union and of the United Nations. Maintaining these ties and the willingness of those countries to cooperate with the United States is essential to U.S. security.

It is for this reason that we write you to express our concern over the nomination of John R. Bolton to be permanent representative of the United States at the United Nations. We urge you to reject that nomination.

By virtue of service in the State Department, USAID and Justice Departments, John Bolton has the professional background needed for this position. But his past activities and statements indicate conclusively that he is the wrong man for this position at a time when the U.N. is entering a critically important phase of modernization, seeking to promote economic development and democratic reforms and searching for ways to cope better with proliferation crises and a spurt of natural disasters and internal conflicts.

John Bolton has an exceptional record of opposition to efforts to enhance U.S. security through arms control. He led a campaign against ratification of the Comprehensive Nuclear Test Ban Treaty. Today, the administration is pressing for development of new types of nuclear weapons. John Bolton blocked more extensive international agreement to limit sales of small arms, the main killer in internal wars. He led the fight to continue U.S. refusal to participate in the Ottawa Landmine Treaty. Today, the U.S. has joined Russia and China in insisting on the right to continue to deploy antipersonnel landmines. John Bolton crafted the U.S. withdrawal from the joint efforts of 40 countries to formulate a verification system for the Biological Weapons Convention and blocked continuation of these efforts in a period of increasing concern over potential terrorist use of these weapons and of terrorist access to the stocks of countries covertly producing these weapons. John Bolton's unsubstantiated claims that Cuba and Syria

are working on biological weapons further discredited the effect of U.S. warnings and U.S. intelligence on weapons of mass destruction.

John Bolton led the successful campaign for U.S. withdrawal from the treaty limiting missile defenses (ABM Treaty). The effects of this action included elimination of the sole treaty barrier to the weaponization of space. In the face of decades of votes in the U.N. General Assembly calling for negotiation of a treaty to block deployment of weapons in space, he has blocked negotiation in the Geneva Conference on Disarmament of a treaty on this subject. The administration has repeatedly proposed programs calling for weapon deployment in space.

As chief negotiator of the 2002 Moscow Treaty on withdrawing U.S. and Russian nuclear weapons from field deployment, John Bolton structured a treaty without its own verification regime, without required progress reports from both sides, without the requirement to destroy warheads withdrawn from deployment, and without provision for negotiating continued reductions. Under his guidance, the State Department repudiated important consensus agreements reached in the year 2000 Review Conference of the Nonproliferation Treaty and has even blocked the formulation of an agenda for the next review conference to be held in May 2005.

Under John Bolton as Under Secretary for Arms Control and International Security, the State Department has continued to fail to resolve the impasse with Russia about the legal liability of U.S. personnel working with Russia on the security of the huge arsenal of nuclear, chemical and biological weapons of the former Soviet Union and has failed to accelerate measures aimed at the safety and security of this huge arsenal from theft, illegal sale and terrorist access.

John Bolton's insistence that the U.N. is valuable only when it directly serves the United States, and that the most effective Security Council would be one where the U.S. is the only permanent member, will not help him to negotiate with representatives of the remaining 96 percent of humanity at a time when the U.N. is actively considering enlargement of the Security Council and steps to deal more effectively with failed states and to enhance the U.N.'s peacekeeping capability.

John Bolton's work as a paid researcher for Taiwan, his idea that the U.S. should treat Taiwan as a sovereign state, and that it is fantasy to believe that China might respond with armed force to the secession of Taiwan do not attest to the balanced judgment of a possible U.S. permanent representative on the Security Council. China is emerging as a major world power and the Taiwan issue is becoming more acute.

At a time when the U.N. is struggling to get an adequate grip on the genocidal killing in Darfur, Sudan, Mr. Bolton's skepticism about U.N. peacekeeping, about paying the U.N. dues that fund peacekeeping, and his leadership of the opposition to the International Criminal Court, originally proposed by the U.S. itself in order to prosecute human rights offenders, will all make it difficult for the U.S. to play an effective leadership role at a time when the U.N. itself and many member states are moving to improve U.N. capacity to deal with international problems.

Given these past actions and statements, John R. Bolton cannot be an effective promoter of the U.S. national interest at the U.N. We urge you to oppose his nomination.

Sincerely,

The Hon. Terrell E. Arnold, Former Deputy Director, Office of Counterterrorism, U.S. Department of State (Reagan), Former U.S. Consul General, Sao Paulo, Brazil (Carter).

Ambassador (ret.) Harry G. Barnes, Jr., Former U.S. ambassador to Romania, Chile, and India (Nixon, Ford, Reagan).

Ambassador (ret.) Robert L. Barry, Former U.S. ambassador to Bulgaria and Indonesia (Reagan, Clinton), Former Deputy Assistant Secretary of State for International Organization Affairs (Carter), Former Deputy Assistant Secretary of State for European Affairs (Carter).

Ambassador Josiah H. Beeman, Former U.S. ambassador to New Zealand and Western Samoa (Clinton).

Ambassador (ret.) Maurice M. Bernbaum, Former U.S. ambassador to Ecuador and Venezuela (Eisenhower, Johnson).

Ambassador (ret.) Jack R. Binns, Former U.S. ambassador to Honduras (Carter, Reagan).

Ambassador (ret.) Richard J. Bloomfield, Former U.S. ambassador to Ecuador and Portugal (Ford, Carter, Reagan).

Ambassador (ret.) Peter Bridges, Former U.S. ambassador to Somalia (Reagan).

Ambassador George Bruno, Former U.S. ambassador to Belize (Clinton).

Ambassador (ret.) Edward Brynn, Former U.S. ambassador to Burkina Faso and Ghana (G.H.W. Bush, Clinton), Former Principal Deputy Assistant Secretary of State, Bureau of African Affairs (Clinton).

Ambassador George Bunn, Former member of U.S. delegation to the Non-Proliferation Treaty (NPT) negotiations (Johhson), Former U.S. ambassador to the Geneva Disarmament Conference (UN) (Johnson).

Ambassador (ret.) A. Peter Burleigh, Former Deputy Assistant Secretary of State for the Near East and South Asia (Reagan), Former Deputy Assistant Secretary of State for Intelligence and Research (G.H.W. Bush), Former Ambassador and Coordinator for Counter-Terrorism, Department of State (G.H.W. Bush), Former Ambassador to Sri Lanka and the Maldives (Clinton), Former Deputy Assistant Secretary of State for Personnel (Clinton), Former U.S. Deputy Permanent Representative to the UN and Acting Permanent Representative to the UN (Clinton).

Ambassador (ret.) Patricia M. Byrne, Former Deputy U.S. Permanent Representative to the UN Security Council (Reagan), Former U.S. ambassador to Mali and Burma (Carter, Reagan).

Ambassador (ret.) James Cheek, Former U.S. ambassador to Sudan and Argentina (G.H.W. Bush, Clinton).

Ambassador (ret.) Paul M. Cleveland, Former U.S. ambassador to New Zealand and Western Samoa and Malaysia (Reagan, G.H.W. Bush), Former U.S. representative to the Korean Energy Development Organization (Clinton).

Ambassador (ret.) Carleton S. Coon, Former U.S. ambassador to Nepal (Reagan).

Ambassador (ret.) Jane Coon, Former U.S. ambassador to Bangladesh (Reagan).

Ambassador (ret.) James F. Creagan, Former U.S. ambassador to Honduras (Clinton), Former U.S. Consul General, Sao Paulo, Brazil (G.H.W. Bush).

Ambassador (ret.) T. Frank Crigler, Former U.S. ambassador to Rwanda and Somalia (Ford, Reagan).

Ambassador (ret.) John H. Crimmins, Former U.S. ambassador to the Dominican Republic and Brazil (Johnson, Nixon, Ford).

Ambassador (ret.) Richard T. Davies (signed before he passed away on March 30, 2005), Former U.S. ambassador to Poland (Nixon, Ford, Carter).

Ambassador (ret.) John Gunther Dean, Former Deputy for CORDS, Military Region 1, Vietnam (Nixon), Former U.S. ambassador to Cambodia, Denmark, Lebanon, Thailand, India (Nixon, Ford, Carter, Reagan).

Ambassador (ret.) Jonathan Dean, Former U.S. representative to the Mutual and Balanced Force Reduction Talks, Vienna (Carter).

Ambassador (ret.) Willard A. DePree, Former U.S. ambassador to Mozambique and Bangladesh (Ford, Reagan, G.H.W. Bush).

Ambassador (ret.) Robert S. Dillon, Former U.S. ambassador to Lebanon (Reagan), Former Deputy Commissioner General of the UN Relief and Works Agency for Palestine Refugees (UNRWA) (Reagan).

Ambassador (ret.) Donald B. Easum, Former U.S. ambassador to Nigeria and Upper Volta (Burkina Faso) (Nixon, Ford, Carter), Former Assistant Secretary of State for African Affairs (Nixon, Ford).

Ambassador (ret.) William B. Edmondson, Former U.S. ambassador to South Africa (Carter).

Ambassador (ret.) Nancy H. Ely-Raphel, Former U.S. ambassador to Slovenia (Clinton).

Ambassador (ret.) James Bruce Engle, Former U.S. ambassador to Dahomey (Nixon, Ford).

Ambassador (ret.) Richard K. Fox, Former U.S. ambassador to Trinidad and Tobago (Carter).

Ambassador (ret.) Lincoln Gordon, Former U.S. ambassador to Brazil (Kennedy, Johnson), Former Assistant Secretary of State for Inter-American Affairs (Johnson).

Ambassador (ret.) Robert Grey, Jr., Former U.S. representative to the Conference on Disarmament, Geneva (Clinton).

Ambassador (ret.) Holsey Gates Handyside, Former U.S. ambassador to Mauritania (Ford, Carter).

Ambassador (ret.) William C. Harrop, Former ambassador to Israel, Kenya, and Zaire (Reagan, G.H.W. Bush, Clinton), Former Inspector General, U.S. Department of State (Nixon).

Ambassador (ret.) Samuel F. Hart, Former U.S. ambassador to Ecuador (Reagan).

Ambassador (ret.) Arthur A. Hartman, Former U.S. ambassador to France and the Soviet Union (Carter, Reagan), Former Assistant Secretary of State for European Affairs (Nixon).

Ambassador Ulric Haynes, Jr., Former U.S. ambassador to Algeria (Carter).

Ambassador Gerald B. Helman, Former U.S. ambassador to the United Nations, Geneva (Carter).

Ambassador (ret.) Robert T. Hennemeyer, Former U.S. ambassador to Gambia (Reagan).

Ambassador (ret.) H. Kenneth Hill, Former U.S. ambassador to Bulgaria (G.H.W. Bush).

Ambassador (ret.) John L. Hirsch, Former U.S. ambassador to Sierra Leone (Clinton).

Ambassador (ret.) Lewis Hoffacker, Former U.S. ambassador to Cameroon and Equatorial Guinea (Nixon).

Ambassador (ret.) H. Allen Holmes, Former U.S. ambassador to Portugal (Reagan), Former Assistant Secretary of State for Political-Military Affairs (Reagan), Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (Clinton).

The Hon. Thomas L. Hughes, Former Director, Bureau of Intelligence and Research (INR), Department of State (Kennedy, Johnson).

Ambassador (ret.) Dennis Jett, Former U.S. ambassador to Mozambique and Peru (Clinton).

Ambassador James A. Joseph, Former U.S. ambassador to South Africa (Clinton).

Ambassador (ret.) Philip M. Kaiser, Former U.S. ambassador to Senegal, Mauritania, Hungary, Austria (Kennedy, Carter).

Ambassador (ret.) Robert V. Keeley, Former U.S. Ambassador to Mauritius, Zimbabwe, and Greece (Ford; Carter, Reagan), Former Deputy Assistant Secretary of State for African Affairs (Carter).

Spurgeon M. Keeny, Jr., Former Deputy Director, U.S. Arms Control and Disarmament Agency (ACDA) (Carter).

Ambassador (ret.) Andrew I. Killgore, Former U.S. ambassador to Qatar (Carter).

Ambassador Henry L. Kimelman, Former U.S. ambassador to Haiti (Carter).

Ambassador (ret.) Roger Kirk, Former U.S. ambassador to Somalia and Romania (Nixon, Ford, Reagan).

Ambassador (ret.) Dennis H. Kux, Former U.S. ambassador to Ivory Coast (Reagan).

Ambassador (ret.) James F. Leonard, Former Deputy U.S. Permanent Representative to the United Nations (Ford, Carter).

Ambassador (ret.) Samuel W. Lewis, Former Assistant Secretary of State for International Organization Affairs (Ford), Former Director of Policy Planning, State Department (Clinton), Former ambassador to Israel (Carter, Reagan).

Ambassador (ret.) Princeton N. Lyman, Former Assistant Secretary of State for International Organization Affairs (Clinton), Director, Bureau of Refugee Programs, U.S. Department of State (G.H.W. Bush), Former U.S. ambassador to South Africa and Nigeria (Reagan, G.H.W. Bush, Clinton).

Ambassador (ret.) David L. Mack, Former U.S. ambassador to the United Arab Emirates (Reagan, G.H.W. Bush).

Ambassador (ret.) Richard Cavins Matheron, Former U.S. ambassador to Swaziland (Carter, Reagan).

Ambassador (ret.) Charles E. Marthinsen, Former U.S. ambassador to Qatar (Carter, Reagan).

Jack Mendelsohn, Deputy Assistant Director of the Strategic Programs Bureau, Arms Control and Disarmament Agency (ACDA) (Reagan), Senior ACDA representative on U.S. START delegation (Reagan).

Ambassador Carol Moseley-Braun, Former U.S. ambassador to New Zealand and Samoa (Clinton).

Ambassador (ret.) Ambler H. Moss Jr., Former U.S. ambassador to Panama (Carter, Reagan), Former Member, U.S.-Panama Consultative Committee (Carter, Reagan, Clinton).

Ambassador (ret.) Leonardo Neher, Former U.S. ambassador to Burkina Faso (Reagan).

Ambassador (ret.) David D. Newsom, Former U.S. ambassador to Libya, Indonesia, the Philippines (Johnson, Nixon, Carter), Former Assistant Secretary of State for African Affairs (Nixon), Former Undersecretary of State for Political Affairs (Carter).

Ambassador (ret.) Donald R. Norland, Former U.S. ambassador to the Netherlands, Botswana, Lesotho and Swaziland, and Chad (Johnson, Ford, Carter).

Ambassador (ret.) David Passage, Former U.S. ambassador to Botswana (G.H.W. Bush).

Ambassador (ret.) Edward L. Peck, Former U.S. ambassador to Iraq and Mauritania (Carter, Reagan).

Ambassador (ret.) Jack R. Perry, Former U.S. ambassador to Bulgaria (Carter).

Ambassador (ret.) Christopher H. Phillips, Former Deputy U.S. Permanent Representative to the U.N. (Nixon), Former U.S. ambassador to Brunei (G.H.W. Bush).

Ambassador (ret.) Sol Polansky, Former U.S. ambassador to Bulgaria (Reagan, G.H.W. Bush).

Ambassador Stanley R. Resor, Former Secretary of the Army (Johnson, Nixon), Former U.S. representative to the Mutual and Balanced Force Reduction Talks, Vienna (Nixon, Ford, Carter).

Ambassador Nicholas A. Rey, Former U.S. ambassador to Poland (Clinton).

John B. Rhinelander, Deputy Legal Adviser, U.S. Department of State (Nixon), Legal adviser to the U.S. Strategic Arms Limitation Delegation (SALT I) (Nixon).

Ambassador (ret.) Stuart W. Rockwell, Former U.S. ambassador to Morocco (Nixon).

Ambassador James R. Sasser, Former U.S. ambassador to the People's Republic of China (Clinton).

Ambassador (ret.) Cynthia P. Schneider, Former U.S. ambassador to The Netherlands (Clinton).

Ambassador (ret.) Talcott W. Seelye, Former U.S. ambassador to Tunisia and Syria (Nixon, Ford, Carter).

The Hon. John Shattuck, Former Assistant Secretary of State for Democracy, Human Rights and Labor (Clinton), Former Chairman, Secretary of State's Advisory Committee on Religious Freedom Abroad (Clinton) Former U.S. ambassador to the Czech Republic (Clinton).

Ambassador (ret.) Thomas W. Simons, Jr., Former Deputy Assistant Secretary of State for European and Canadian Affairs (Reagan), Former U.S. ambassador to Pakistan and Poland (G.H.W. Bush, Clinton).

Ambassador Richard Sklar, Former U.S. ambassador to the United Nations for Management and Reform (Clinton).

Ambassador Robert Solwin Smith, Former U.S. ambassador to Ivory Coast (Nixon, Ford) Former Deputy and Acting Assistant Secretary of State for Africa (Nixon) Former Deputy Permanent Delegate to UNESCO (Truman, Eisenhower).

Ambassador (ret.) Carl Spielvogel, Former U.S. ambassador to the Slovak Republic (Clinton).

Ambassador (ret.) Monteagle Stearns, Former U.S. ambassador to Greece and Ivory Coast (Ford, Carter, Reagan), Former Vice President, National Defense University (Carter).

Ambassador (ret.) Andrew L. Steigman, Former Ambassador to Gabon, Sao Tome and Principe (Ford).

Ambassador (ret.) Michael Sterner Former, U.S. ambassador to the United Arab Emirates (Nixon, Ford), Former Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Carter).

Ambassador (ret.) John Todd Stewart Former, U.S. ambassador to Moldova (Clinton).

Ambassador (ret.) Richard W. Teare, Former U.S. ambassador to Papua New Guinea, Solomon Islands and Vanuatu (Clinton).

Ambassador (ret.) Harry E. T. Thayer, Former U.S. ambassador to Singapore (Carter, Reagan).

The Hon. Hans N. Tuch, Career Minister, U.S. Foreign Service, USIA.

Ambassador (ret.) Theresa A. Tull, Former, U.S. ambassador to Guyana and Brunei (Reagan, G.H.W. Bush, Clinton).

Ambassador William J. vanden Heuvel, Former Deputy U.S. Permanent Representative to the United Nations (Carter), Former U.S. representative to the United Nations, Geneva (Carter).

Ambassador (ret.) Christopher van Hollen, Former Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Nixon), Former U.S. ambassador to Sri Lanka (Nixon, Ford).

Ambassador (ret.) Richard N. Viets, Former U.S. ambassador to Tanzania and Jordan (Carter, Reagan).

Ambassador (ret.) Frederick Vreeland, Former U.S. ambassador to Morocco (G.H.W. Bush), Former Deputy Assistant Secretary of State for the Near East (G.H.W. Bush).

Ambassador (ret.) Lannon Walker, Former Principal Deputy Assistant Secretary of State for African Affairs (Carter, Reagan), Former U.S. ambassador to Senegal, Nigeria, and Ivory Coast (Reagan, G.H.W Bush, Clinton).

Ambassador (ret.) Alexander F. Watson, Former U.S. ambassador to Peru (Reagan) Former Deputy Permanent Representative to the United Nations (G.H.W. Bush), Former Assistant Secretary of State for Western Hemisphere Affairs (Clinton).

Ambassador (ret.) Melissa F. Wells, Former U.S. ambassador to Guinea Bissau and Cape Verde, Mozambique, Zaire, Estonia (Ford, Reagan, Carter, Clinton), Former U.S. representative to the United Nations Economic and Social Council (ECOSOC) (Carter).

Ambassador (ret.) Thomas G. Weston, Former Special Coordinator for Cyprus (Clinton, G.W. Bush), Former Deputy Assistant Secretary of State for European and Canadian Affairs (Clinton).

Ambassador (ret.) Robert E. White, Former U.S. ambassador to Paraguay and El Salvador (Carter), Former Deputy U.S. Permanent Representative to the Organization of American States (Ford).

Ambassador (ret.) James M. Wilson, Jr., Former Deputy Assistant Secretary of State, East Asia and Pacific Affairs (Nixon), Coordinator for Human Rights and Humanitarian Affairs, Department of State (Ford).

Ambassador (ret.) W. Howard Wriggins, Former U.S. ambassador to Sri Lanka (Carter).

Ambassador (ret.) Kenneth S. Yalowitz, Former U.S. ambassador to Belarus and Georgia (Clinton).

Mr. President, this is a letter going to the Honorable RICHARD LUGAR, the Honorable JOSEPH BIDEN, our chair and ranking member. It is an unprecedented letter:

> We write to express our concern over the nomination of John R. Bolton to be Permanent Representative of the U.S. at the United Nations, and we urge you to reject that nomination.

This is from 102 very distinguished Americans who have served their country under both Republican and Democratic Presidents. I am going to read off some of the names for the record: The Honorable Terrell Arnold, who worked under Ronald Reagan and Jimmy Carter; Ambassador, retired, Harry Barnes, who worked under Nixon, Ford, and Reagan; Ambassador Robert Barry, who served under Reagan, Clinton, and Carter; Ambassador Josiah Beeman, who served under Clinton; Ambassador Maurice Bernbaum, who served under Eisenhower and Johnson; Ambassador Jack Binns, who served Carter and Reagan; Ambassador Richard Bloomfield, who served under Ford, Carter, and Reagan; Ambassador Peter Bridges, who served under Reagan; Ambassador George Bruno, who served under Bill Clinton; Ambassador Edward Brynn, who served under George H.W. Bush and Bill Clinton.

I could go on and on, but I think placing this in the RECORD for my colleagues to see will undermine the comments that are made about how much support this particular nominee has. That is simply glossing over the record. That is what is happening in this debate—glossing over the record by my friends, who are saying: Oh, what is the problem? So he is a bully, so he tries to fire people, so we have all these letters—and it goes on. Their ultimate point is that he is just what we need at the United Nations.

I come out very differently. This is just what we don't need at the United Nations. We have a credibility problem in the world right now, and we need someone to walk in there, such as John Danforth walked in there, with credibility. I don't think we should be considering the nomination today. I made

that clear when I put a hold on the nomination. I lifted that hold because, clearly, colleagues believed they wanted to begin debate and, with due deference, I lifted the hold.

The fact is, we don't have the information we have requested from the State Department and from the administration. You may think, well, maybe there is so much information out there, what more could there be on John Bolton? Well, I answer it this way. I have colleagues on both sides of the aisle coming up to me and saying: Do you have any more? Do you have a smoking gun on John Bolton? What else is out there? We heard what is out there. Do you have a smoking gun? The answer I give them is we not only have found several smoking guns but several bodies who were there to tell what happened to them. We found the victims. They are out there. They were saved only because there were folks who served higher than John Bolton, who said to him: You are wrong, you are bullying people, you are twisting their words, you are exerting politics in what should be clearly an independent intelligence function. And because of that, John Bolton was saved from himself. But we have the smoking guns and the victims, which we will talk about. But our colleagues want more information.

Well, there are three big pieces of information out that we have not received. One is of deepest concern to our ranking member, JOE BIDEN, who has done an excellent job. Frankly, he and his staff and all of our staffs have done an extraordinary job. One piece of information deals with Mr. Bolton's interest in finding out intelligence matters that were revealed on some intercepts. We think it is very important because we don't know who was the target of Mr. Bolton's interest in the 10 times when he requested to see these intercepts.

It is a very important matter because, from what you can tell from the information we have so far, Mr. Bolton had a very clear agenda in his work at the State Department. What that agenda appears to be, from what we know, is hyping up the threat from various countries. We already know what a hyped-up threat can do. We have lost 1,600-plus of our beautiful soldiers in Iraq because of a hyped-up threat. There are more than 12,000 wounded. So when we are discussing John Bolton and his proclivity to try to exaggerate and twist intelligence information, this is not some theoretical dispute about whether he has an ideology, or whatever. That is not the question. The question is: Could his action have resulted in perhaps another conflict, or certainly more tension? The fact is, it could have—if he wasn't stopped by the higher ups. And now we hear that the higher ups are saying to Senators: Don't worry, we will control him at the U.N.

Mr. President, I don't want someone to have to be controlled at the United Nations. John Danforth didn't have to be controlled. Mr. Negroponte didn't have to be controlled. Jean Kirkpatrick didn't have to be controlled. Daniel Patrick Moynihan didn't have to be controlled. Bill Richardson didn't have to be controlled. They knew what the policy of the United States of America was. They respected independent intelligence analysts. They never tried to twist information to fit their preconceived notions of what the world should look like. That is why this information is important.

There are two other areas that we are interested in, also, dealing with a speech that Mr. Bolton prepared on Syria. Somehow we cannot get the draft of that speech. We think that is important. There is another area we have asked for, which is that one of Mr. Bolton's assistants who works with him has private clients, and we have asked to see the list of those private clients. We have not been able to get that either. So out of due respect for the United States Senate and for each of us as Senators, we are not an arm of the executive branch. We are a proud independent branch of Government. It gets you back to the whole issue of checks and balances.

We have every right to see this information. If John Bolton can see these intercepts, why can't JOE BIDEN see them, who is our ranking member on the Foreign Affairs Committee, and someone whom everybody respects around here as being very cautious and careful? And there is not one scintilla of evidence that JOE BIDEN ever did something to undermine any administration's foreign policy. He bends over backward the other way. So that is a reason we should not be having this vote right now. We need to have more time to work on the administration to get this information—these intercepts, the speech, and the conflict of interest of the gentleman who now works for Mr. Bolton, Matthew Friedman. Mr. Friedman's former clients, as best we can tell, included the Government of Nigeria and also Fernando Marcos. We don't know who else is there. We would like to put an end to the speculation that someone is working in a top position for Mr. Bolton who has outside clients, which could pose conflicts of interest.

There was a report in the Washington Post that got our attention on the front page some weeks ago, which said Condi Rice gave a message to the top staff not to cooperate with the Congress. Immediately I wrote to her. I got a letter back from her assistant. I wrote her a letter and she sent me back a letter from her assistant that said: We are cooperating. That report was false. We are going to turn over everything.

I ask Senators on both sides: Don't you have pride in what you do? Don't you feel good about what you do? Don't you believe that being a Senator deserves some respect? Don't you believe you deserve to have information? Well, if you do, you should not vote to proceed with this nomination at this time, just based on the fact that we have not gotten the information.

I think we are continuing to see the arrogance of power from this administration and a disregard for the checks and balances. We don't need a ruler in the White House; we need a government. We don't need someone who will rule us; we need someone who will govern with us. That is what this is about—a lack of respect for members of the committee.

Beyond that, as I said, we do have a lot of smoking guns on this nominee, and we do have the victims of his actions. I will spend some time talking about that. It will be repetitive because each colleague has seen the information. You heard the very emotional testimony of Senator VOINOVICH, who feels so strongly about this, and he has laid it out in his fashion. Senator BIDEN has laid it out, as have others. I will lay it out in my fashion.

Politicizing intelligence. What does that mean? It means that you have a political agenda, you try to use intelligence by cherry-picking it or twisting it to make your point. It is dangerous. It is exceedingly dangerous. There was a report in a British newspaper that had documentation from someone in the military in Britain who said, in fact, that is what happened in Iraq. We don't know that right now because we have not had that particular investigation. We only know that we made big mistakes on the intelligence front. But we didn't look at it saying: Did people in the office cherry-pick? Did they politicize intelligence? We don't know the answer. That is what the British documents say. We don't know that here. We were supposed to look at it, and I hope we will because history deserves an answer and so do the families of our soldiers who are dead.

Politicizing intelligence is dangerous for our country. And now we think about probably one of the first assignments our U.N. ambassador may well have, which is to convince the U.N. Security Council about the threats posed by other nations, such as Iran and North Korea. I don't see Mr. Bolton having credibility, given his record of politicizing intelligence to be able to convince other countries that there is a problem. Maybe Secretary Rice will have to come over there. Maybe the President will have to speak to the U.N. instead. Would it not be good to have someone at the U.N. who had credibility walking in, such as Senator Danforth had? Would that not be important? Mr. Bolton won't have the credibility because he has a record of trying to remove intelligence analysts who disagreed with him, and he also attempted to exaggerate intelligence to fit his views.

So this issue of using political pressure and the power of your position to twist the arms of independent intelligence analysts is, I believe, the most serious issue concerning John Bolton

because we know this could lead to unjustified war, and we should not promote someone who has a history of exaggerating threats, or at least trying to exaggerate threats that are not supported by intelligence.

When you hear me make this comment, you might say: Well, Senator BOXER, you are a strong Democrat. Who else supports this view that politicizing intelligence is what John Bolton did? How about the former Assistant Secretary of State for Intelligence and Research, Carl Ford, who testified that Bolton's berating of analyst Christian Westermann had a ''chilling effect''—his words—a chilling effect within that agency and that analysts in INR—that is the intelligence research arm of the State Department—were very negatively affected by the incident. So we have John Bolton trying to get rid of Christian Westermann, by everyone's account a very honorable, bright intelligence officer doing his work, and it negatively affected, according to Carl Ford—by the way, Carl Ford describes himself as a conservative Republican. What did he say? He said his hero is DICK CHENEY. Here we have a self-described conservative Republican, and his hero is DICK CHENEY. He says John Bolton had a chilling effect within the intelligence agency, and John Bolton negatively affected that whole operation there.

Mr. Ford said further the only reason, at the end of the day, that political pressure did not work on Mr. Westermann was because, thankfully, he said, the analyst was strong enough to say no to Bolton.

I want to say on the floor of the Senate to Mr. Westermann I have never met him, I do not know him, I do not know his politics—I want to say to him: Thank you for the courage that you displayed in the face of a bully in such a high-level position.

By the way, one of the things Senator DODD did, and I thought he did it brilliantly, was to point out that Bolton reached down, way down to Mr. Westermann. That was not someone he worked with, that was a peer. He reached down to this individual who had never, in his whole career, had a negative thing said about him, and tried to twist his arm to get the intelligence he wanted, and when he could not do it, tried to get him fired. That is just the first one. So we have the smoking gun with the testimony of Carl Ford, and then we have the victim, Mr. Westermann.

Mr. Bolton did not stop there. We refer to this gentleman as Mr. Smith because he is in the CIA. He is the national intelligence officer for Latin America. Bolton attempted to have him removed from his position because he disagreed with the views that Bolton expressed about Cuba in a speech saying that the views Mr. Bolton wanted to express in his speech did not reflect the intelligence community's assessment. This incident shows how far Mr. Bolton would go to pressure the intelligence community.

Mr. Bolton worked in the State Department. He reached way down to get Mr. Westermann fired. But then he goes to a completely different agency, over which he does not even have any influence—or should not have—and he tried to ruin the career of an analyst he had never even met.

It is one thing to challenge intelligence analysts to say: You know, my information is thus and so, and you don't seem to reflect it in your thinking. Let's talk about it. That is fine. We do that all the time in debate. I know when I am preparing for a talk such as this on the floor of the Senate, I will have my staff come in and say: I don't see it that way. Why do you see it that way? And you try to figure out what is the right thing to say, the right thing to do, and the thing on which you will not be challenged. But Mr. Bolton threatens retribution when the intelligence does not conform to his views. That is a disaster to promote someone such as that.

Robert Hutchings, former chairman of the National Intelligence Council, describes the risk of politicizing intelligence this way:

> I think every judgment ought to be challenged and questioned. But . . . when it goes beyond that to a search for a pretty clearly defined preformed set of judgments, then it turns into politicization. And . . . even when it is successfully resisted . . . it creates a climate of intimidation and a culture of conformity that is damaging . . .

What does he mean by that? This is a man who is an expert in intelligence. Conformity is dangerous because it means there is no discussion, no debate about what the truth is, where we are going. We need to have diverse voices. But at the end of the day, people have to understand that when they are speaking for the United States of America, they must speak the truth, as we know it at the time, based on the information we know.

First, we have politicizing intelligence, which is a disaster. Then we have a pattern of retribution against lower level employees, which I believe leads to paralysis in the workplace. When you have a circumstance where Colin Powell had to come over to talk to these intelligence analysts and tell them, Don't worry, we are with you, keep doing your job, do not be intimidated, that is an extraordinary circumstance, and that is what happened in the case of Mr. Bolton. He had so harmed the morale of the intelligence agents, as Mr. Ford, a conservative Republican testified, that Colin Powell had to take time out to go over and speak to these analysts.

This is not a question of partisan politics. This nominee has as many Republicans opposed to him as he does Democrats, and maybe even more.

So we have the politicizing of intelligence which is very dangerous for our people, and we have retribution against lower level employees. When Mr. Bolton was asked about this, he brushed it off: Oh, I didn't really, didn't matter—I am paraphrasing—I shrugged it off, just got it off my chest. Yet he sought to remove Christian Westermann for disagreeing with him over intelligence in Cuba. Not once and shrug it off, not twice and shrug it off, but the record shows three times over a 5-month period he went after Mr. Westermann.

This is confirmed by Carl Ford, the former Assistant Secretary for the INR—that is the State Department intelligence division—Thomas Fingar, former Deputy Assistant Secretary for INR; and Fred Fleitz, Chief of Staff to John Bolton; Neil Silver, an INR office manager; and Larry Wilkerson, former Chief of Staff to Colin Powell.

Bolton said to the committee: No, it was nothing, it was no biggie, I got it off my chest, I shrugged it off, I did not do anything. Carl Ford, Thomas Fingar, Fred Fleitz, Neil Silver, and Larry Wilkerson—most of those people from the Bush administration—said: No, he tried to remove Mr. Westermann three times over a 5-month period. And Mr. Bolton sought to remove Mr. Smith over at the CIA, over whom Mr. Bolton had no authority whatsoever. We know that Bolton and his staff discussed the removal of this person over several months, and Bolton personally went out to CIA headquarters to seek Mr. Smith's removal.

Let me say that again. We have retribution against independent intelligence analysts, three times in 5 months against Westermann, and Mr. Bolton went all the way out to the CIA to get rid of Mr. Smith. Who confirms this? John McLaughlin, Deputy Director of the CIA, Stu Cohen, former acting chairman of the National Intelligence Council, and Alan Foley, Director of the CIA Weapons Intelligence Nonproliferation and Arms Control.

We have not only the smoking gun, but the two victims. Now we have another person. Bolton also wrongly accused Rexon Ryu—a highly regarded midlevel State Department officer—of withholding a document from him. Eight months after the incident, Bolton denied Ryu a significant new assignment working on the G8 summit. This is confirmed by John Wolf, former Assistant Secretary of State for Nonproliferation.

Of all the people you want to promote, it would not be somebody who people in his own party say tried to politicize intelligence, tried to dish out retribution on independent intelligence analysts and because someone did not give him a piece of paper, he denied him a very important new assignment.

Then, in 1994, we have a bizarre report of Bolton allegedly chasing a woman through a hotel lobby in Moscow, pounding on her door, falsely telling her colleagues she was under criminal investigation. How do we know that? There is a contemporaneous account provided by a colleague of this woman who said, yes, she called him during that whole time and told him everything that happened.

In addition to these examples, we have learned that Mr. Bolton tried to have a State Department lawyer removed from a case involving sanctions and tried to have two unnamed State Department officers removed over policy differences.

So there is a clear pattern of politicizing intelligence, which is dangerous for this country, and seeking retribution against lower level employees. You know what I find very significant is that the reason John Bolton failed in every one of his efforts, no matter how hard he tried—and we have the records, he tried—is because another official stepped in to stop John Bolton from his abusive behavior. One time it was Assistant Secretary Ford who prevented the retribution from taking place, again, a conservative Republican. In another instance, the Deputy Director of the CIA John McLaughlin, under this President George Bush, had to step in when an analyst's job was threatened. Even Secretary Armitage, who was the Assistant Secretary to Colin Powell, was forced to intervene to prevent Bolton from removing a State Department lawyer from a particular case.

Who is going to prevent Mr. Bolton from handing out this type of retribution when he is in New York managing 150 Americans? Secretary Rice has told Senator VOINOVICH that Mr. Bolton would be closely supervised as U.N. Ambassador. How embarrassing is that? How embarrassing is that, a U.N. Ambassador who has to be closely supervised by the Secretary of State. She is going to make sure he does not step out of line. She has other things to do.

I want to quote Senator VOINOVICH in the Foreign Relations Committee when he said:

> Why in the world would you want to send someone to the U.N. that has to be supervised?

We have a circumstance here, and I want to say to Senator VOINOVICH what courage he has to step out on this and what credibility he has. I have watched Senator VOINOVICH, and I never remember him speaking out against a Presidential appointee ever. This is a momentous and difficult thing to do for Senator VOINOVICH. But this leads me to my third reason to oppose the Bolton nomination—not only politicizing intelligence, not only seeking retribution, but unprecedented opposition from both parties. I put into the RECORD already a list of 102 former ambassadors who oppose this nominee, most of whom worked in the Reagan administration, some in the Ford administration, the Carter administration, the George H.W. Bush administration. But let's hear what some of the Republicans have said about Mr. Bolton. Here are the comments of Carl Ford, self-described conservative Republican, former Assistant Secretary of State for their Intelligence Division within State:

> He is a quintessential kiss up, kick down sort of guy. There are a lot of them around . . . But the fact is he stands out, that he's got a bigger kick and it gets bigger and stronger the further down the bureaucracy he is kicking.

And here is a quote from Lawrence Wilkerson, the former Chief of Staff to Secretary of State Colin Powell, who, as we all know, was the Secretary of State in George Bush's first term. This is really unprecedented, to get these kinds of quotes from people who served under Republican administrations about the Republican nomination.

> My objections to . . . him being our Ambassador at the U.N. stems from two basic things. One, I think he is a lousy leader. And there are 100 to 150 people up there that have to be led . . . Second, I differ from a lot of people in Washington both friend and foe of Under Secretary Bolton as to his quote 'brilliance' unquote. I didn't see it. I saw a man who counted beans . . . and had no willingness—and, in many cases no capacity—to understand the other things that were happening around those beans. And that's a recipe for problems at the United Nations.

This is Elizabeth Jones, former Assistant Secretary for European and Eurasian Foreign Affairs:

> I don't know if he's incapable of negotiation but he's unwilling.

And here we want someone at the U.N. to reform the U.N., to straighten out the U.N., to change it for the better, and you are sending someone who is shown, as she says, as being unwilling to negotiate and maybe even incapable of it.

John Wolf, former Assistant Secretary of State for Nonproliferation, October 2001 to July 2004—so this is very recent—says:

> I believe it would be fair to say that some of the officers within my bureau complained that they felt undue pressure to conform to the views of Under Secretary Bolton versus the views they thought they could support.

John McLaughlin, former Deputy Director of the CIA for a while. He was Acting Director before they put Mr. Goss in place.

> It is perfectly all right for a policy maker to express disagreement with an NIO or an analyst, and it's perfectly all right for them to challenge such an individual vigorously, challenge their work vigorously. But I think it's different to then request because of the disagreement that the person be transferred . . . Therefore [I] had a strong negative reaction to the suggestion about moving him.

And he was talking about Mr. Smith, the intelligence analyst who Mr. Bolton tried to get removed from his portfolio. I have told you about the letters the committee has received. The committee never asked for these letters. A letter with more than 100 former diplomats who oppose the nomination. In the letter that I put in—I didn't read the letter to you. I will just read it now in part. This letter is signed by people who served the Nixon, Ford, Reagan, and George H.W. Bush administrations.

> [John Bolton's] past activities and statements indicate conclusively that he is the wrong man for this position at a time when the U.N. is entering a critically important phase of modernization, seeking to promote economic development and democratic reforms and searching for ways to cope better with proliferation crises and spurt of natural disasters and internal conflicts.

I talked about how unprecedented this opposition is to such a post. Since 1945, the Senate has confirmed 24 nominees to serve as U.N. ambassador. Of these 24, only 2 received any opposition and nothing of the level of opposition we see to John Bolton. The people who received some opposing views were Andrew Young and Richard Holbrooke. That was about pretty much it on the list as I saw it.

Let me see if there is anybody else.

That is it. All the rest, unanimous consent or everybody voted for them.

Unprecedented, polarizing, divisive, and partisan appointment.

Now, there is a fourth reason I oppose this nomination, and I hope my colleagues will consider this. John Bolton holds views on the U.N. and international law that shatter his credibility in the world. You want to send someone over there who doesn't have to be babysat by Condoleezza Rice. You don't want to send someone over there who doesn't tell the truth. You want to send someone over there you do trust and who comes to the job with credibility.

I ask you this, my colleagues: Mr. Bolton in a speech—and I have seen the actual film—said:

> There is no United Nations.

''There is no United Nations.'' We are going to send someone to the United Nations who says there is no United Nations. He also said:

> If the U.N. Secretariate building in New York lost 10 floors, it wouldn't make a bit of difference

Now, what kind of credibility does he have walking onto the floor of the—even if he is babysat by Condi Rice, who says she is going to watch over him—what kind of credibility does this man have? He has this record of politicizing intelligence. He has this record of retribution. He has the most unprecedented opposition of anyone.

I see the Senator from Connecticut has come, and I thank him, Senator DODD, for working so hard on this. It is not easy. Senator DODD rarely steps out like this on a Presidential appointment. It is extraordinary. And when we look at the votes of all the U.N. ambassadors since 1945, only twice did we even have anybody get a few ''no'' votes. It is unprecedented. It is unprecedented. And there are all these reasons for it.

If you really want to reform the U.N., which we all do, we should not be sending John Bolton. He simply does not have the credibility to do it. He doesn't have the credibility to convince wavering countries to be on our side. He has been inaccurately compared to Jeane Kirkpatrick. If you look at some of the U.N. ambassador's, former U.N. Ambassador Jeane Kirkpatrick's comments, she talked about the following. She said:

> U.N. votes matter because they affect widely held views about perceptions of

power, about effectiveness, and about legitimacy.

What did John Bolton say. He said:

Many Republicans in Congress and perhaps the majority not only don't care about losing a General Assembly vote, but they actually see it as a make my day outcome.

How does this bring John Bolton credibility?

I wish to take a moment to just ask my friend from Connecticut if he is prepared to speak at this time because if so, I would wind down.

Mr. DODD. Mr. President, I say to the distinguished Senator from California, I came over to hear my colleague's remarks. I appreciate her courtesy.

Mrs. BOXER. I thank the Senator.

I have how many minutes remaining?

The PRESIDING OFFICER. The Senator from California has 3 minutes remaining.

Mrs. BOXER. I ask unanimous consent to have an additional 5 minutes. I will close down in 3 minutes.

So we have reason after reason after reason here. Senator VOINOVICH laid out the record. He read from the record. I am going to close with something I hope every single Member of this Senate will listen to. John Bolton did not tell the truth to the committee. I am going to repeat that. John Bolton did not tell the truth to the Foreign Relations Committee. He said he shrugged off the issue. He shrugged off the issue with these people he tried to fire. He said he just dropped by the CIA on his way home from work. He said he didn't try to dish out retribution or try to fire anybody at all. He said a lot of things that weren't true to our committee. And that is very serious. He wasn't truthful with us. He didn't give us honest accounts. He didn't tell us the truth about how he tried on many occasions to fire these analysts. And if nothing else I have said matters about the retribution, about the twisting of arms to get intelligence to build up a phony case against other countries, if the fact that he said there was no United Nations doesn't move you, or if that 10 stories were gone it wouldn't matter, if you don't care anything about that, I think you ought to care about telling the truth before a committee of the Senate. And we have had chapter and verse. We have it cold here.

For all those reasons, I hope we will not vote for John Bolton. And if we do not get the information Senators BIDEN and DODD are pushing so hard for, we should delay this until we see that information because it is a matter of right and wrong. It is right for us to get that information. It is wrong for the administration to withhold it. We are a separate but equal branch with the White House.

I thank my colleagues. I know this was a long statement, but this is a very important issue. And it is not just one reason against John Bolton; there are about six. I hope I have laid them out.

I thank you very much, Mr. President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I ask would ask the time in the quorum be divided equally between both sides.

The PRESIDING OFFICER. The Chair would note that has been requested. It is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to speak on the nomination of John Bolton. The question for me is, in a position of exceptional importance to the United States and our Government, that of representative to the world body—the United Nations, is John Bolton the kind of person who can best represent the interests of the United States? Is John Bolton the kind of personality who can negotiate and talk and establish personal relationships with the representatives of the other nations of the world as we try to carry forward the agenda of the United States? To those two questions, the answer is clearly no.

There are examples of former representatives to the United Nations, nominated by Republican Presidents—such as Ambassador Negroponte, such as a former Senator and former Ambassador John Danforth—who embody the type of person you would want representing our country before the United Nations.

This position is particularly critical to our country at this time because two of the greatest threats to the interests of the United States are North Korea and Iran, and their pursuit of nuclear weapons.

Clearly we have an interest in preventing both countries from possessing the bomb, even though it looks as though North Korea already does. We ought to be making sure that at the end of the day North Korea does not have weapons of mass destruction that they can proliferate all over the world, particularly into the hands of terrorists.

The same with Iran. There is no evidence that Iran has a bomb now, but clearly the evidence is there that Iran is trying to achieve that. We need a representative in the United Nations who can help us work with other nations, particularly European nations, with regard to Iran. Also, we must focus on the nations in the region of North Korea, so, at the end of the day these two countries do not have nuclear weapons. This is in the clear interests not only of the United States, but it is in the clear interests of the world. Otherwise, you raise the possibility of nuclear weapons or nuclear materials getting into the hands of terrorists. And once that happens, Katie bar the door, we would have a whole new and extreme threat to the interests of the civilized world.

Is John Bolton the person who we think can establish those personal relationships within the United Nations? The relationships that we will need in order to get Europe to help us with Iran, and in order to get help with North Korea. I think that answer is clearly no.

The stakes are high. That is why I speak with passion. That is why I have spoken with passion as a member of the Senate Foreign Relations Committee.

But there is more. The ''more'' is simple. Should John Bolton be promoted based on his performance in his existing job as arms control negotiator? Should he be promoted? I think the answer is clearly no because John Bolton has not done a good job. Look at those two nations I just mentioned, North Korea and Iran. Have we gotten anywhere in our arms control negotiations with regard to those two countries in the last 4 years when he was Under Secretary for Arms Control? The answer to that is no.

Why should we be promoting an individual who has not done his job well into a position of even higher visibility—I will not say of greater importance—of higher visibility as a representative of our country? It is clear to me that we should not.

If we didn't have this deal here about supporting the President's nominations, do you think if Senators on that side of the aisle voted their conscience, they would support this nomination? I think the answer is clearly no. Senator VOINOVICH has had the courage to stand up and call it as he sees it. I do not know Mr. Bolton, but I have observed him and I have observed his demeanor and I have looked at his record. I think his record is one that does not suggest we elevate him to this position of extreme prominence in the representation of the interests of the United States before the United Nations, particularly at this delicate time when we need our best representative at the United Nations. I think at the end of the day it is clear he should not be our representative at the United Nations. Therefore, I am going to vote no on the nomination of John Bolton.

I yield the floor.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the time since Senator NELSON of Florida yielded the floor be charged against Republican-controlled time.

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

Mr. ENSIGN. Mr. President, I rise in support of the nomination of John Bolton to be U.S. ambassador to the United Nations. The President has made an inspired choice.

Mr. Bolton has the necessary experience, the knowledge of the U.N. system and the confidence of the President to be a successful advocate of U.S. policy at the United Nations.

As Undersecretary of State for Arms Control and International Security, Mr. Bolton has taken a tough line

against the tyrants and the despots who wish to harm us.

He has stood up to Iran and North Korea, refusing to appease their nuclear ambitions.

Mr. Bolton is candid about his disdain for rogue regimes. He's not going to be dancing with Kim Jong Il—he called him a tyrannical dictator. That is fine with me. He has also been candid about the weaknesses of the United Nations. That is fine with me too.

The United States has sent forceful, blunt-speaking ambassadors to the United Nations before like Jeane Kirkpatrick and Daniel Patrick Moynihan, and the United States has been better for it.

Senator Moynihan called the U.N. ''a dangerous place'' for American interests.

That is why it is necessary to send Mr. Bolton to the U.N.—to make sure that American interests are advanced.

He is outspoken, but he also is a skilled diplomat, who knows how to work with friends and allies, and has a proven track record of success in building coalitions to support vital objectives.

It was John Bolton who led the effort to create the Proliferation Security Initiative—a multinational coalition of nations, working together in unprecedented ways to stop the transport of dangerous weapons and materials at sea, on land and in the air. Some 60 nations are now supporting this effort.

When he was Assistant Secretary of International Organization Affairs, with the United Nations as part of his portfolio, he was the one responsible for the repeal of the odious 1975 ''Zionism is Racism'' resolution that was passed in the United Nations.

At a time when the United Nations continues to be plagued by scandal and mismanagement, the United States needs a strong presence to reform that body.

Just look at the scandals the UN is facing on oil-for-food, sexual abuse, theft, and sexual harassment:

We now know that Saddam Hussein, corrupt U.N. officials, and corrupt well-connected countries were the real benefactors of the Oil-for-Food Program.

They skimmed their illegal gain from illegal oil shipments, financial transactions, kickbacks, and surcharges and allowed Saddam Hussein to build up his armed forces and live in the lap of luxury while his people starved.

There have been allegations of sexual abuse in peacekeeping operations by U.N. personnel going back at least ten years, most recently in the Congo where 150 allegations of rape, pedophilia, and prostitution are being investigated.

The theft of $3.8 million by an employee of the World Meteorological Organization led to the revelation that Mohammed Hassan apparently cashed an undetermined number of checks for his own enrichment, but his colleagues chose not to speak out.

There was a recent whitewash by the Secretary General of sexual harassment by two senior U.N. officials, the High Commissioner for Refugees and the United Nation's top oversight official.

This list of current scandals does not even begin to touch on broader issues such as the proper role of the United Nations and the need for fiscal responsibility and austerity. There has been a 42 percent increase in the U.N. regular budget over the past 10 years. The United Nations is supposed to have a zero nominal growth budget.

Those funds support programs with questionable value. We are all painfully aware that the United Nations has a Commission on Human Rights which includes notorious human rights abusers such as Sudan, China, Cuba, Saudi Arabia, and Zimbabwe.

The United Nations is imploding under the weight of its own scandals. And these scandals are helping to unveil the cronyism that is corroding the U.N. system. The U.N. is in desperate need of reform—and in desperate need of a reformer like John Bolton. Perhaps most importantly, John Bolton is a strong believer in sovereignty.

The principle of state sovereignty is what undergirds the entire international system.

Yet today we see respect for state sovereignty eroding all around us. We see it in the International Criminal Court's claim of authority to try the citizens of countries that have not consented to ICC jurisdiction. We see it in the U.N. false claim to have sole authority to permit the use of force.

These trends are dangerous, not only because the erosion of sovereignty is a threat to freedom, but because the erosion of respect for state sovereignty absolves states of their sovereign responsibilities to deal with problems within their borders.

It gives states an excuse to punt problems to supra-national bodies, like the UN and the ICC, instead of taking responsibility for problems that originate within their border from poor national governance. In the war on terror, every state needs to meet its sovereign responsibilities. As sovereignty has eroded, terrorists have taken advantage of these trends. John Bolton has the fortitude to stand up for what is right, fight the good fight, and prevail.

Secretary Rice called John Bolton a tough-minded diplomat. That's exactly what the U.S. needs at the U.N.—-and exactly what the U.N. needs from the U.S.

Let me conclude by reinforcing why this body should support John Bolton's nomination. The U.S. does not need a U.N. representative for the world. We need a U.S. representative to the world. We need someone who has the interests of our country first and foremost in his mind as he represents us at the U.N.

There are many anti-U.S. forces at the U.N. Appeasement has never worked in dealing with aggressors. And it will not work for our country at the U.N.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I say to my friend, the junior Senator from Nevada, he is right on target as he always is. The Senator is right: The policy of appeasement is what we have been watching for a long time. I have often said an appeaser is a guy who feeds his friends to the alligators hoping they eat him last.

Hiram Mann said:

No man survives when freedom fails,
The best men rot in filthy jails,
And those who cry appease, appease
Are hanged by those they tried to please.

John Bolton is not that appeaser. I am so much in support of this man. I have been listening to the criticisms, and I cannot figure who they are talking about. My feelings about John Bolton can be summed up by the former Governor of Massachusetts, William Weld. He is not someone I very often quote, very often agree with, but William Weld said:

He's strong medicine, all right, but sometimes strong medicine is needed, such as it is at the United Nations today.

I think he is actually very correct in that. My colleagues know I have many concerns about the United Nations and about Kofi Annan. I have been quite outspoken and a critic of his and the United Nations in general. It seems every day we hear new reasons to express outrage about the performance of the United Nations.

There are clearly abundant problems in the United Nations, particularly related to the Iraqi Oil for Food Program. We are not talking about thousands of dollars; we are talking about millions of dollars. We are talking about dollars with ties to the actual family of Kofi Annan.

Do not get me wrong, the United Nations should be a tremendous force for good in the world by providing a place for countries to cooperate and pursue and achieve the original missions of the U.N. founders: to promote freedom, peace, respect for human rights.

Unfortunately, it has been a disaster. I have grave concerns about the means that have been employed, reportedly, to achieve those ends.

The U.N. peacekeeping missions have been questionable. In addition, these operations rely heavily on the use of U.S. troops and funding in a way that threatens our military readiness and unfairly taxes our resources.

Other serious concerns are questions about the focus of the United Nations on its inefficient structure and massive bureaucracy which wastes American taxpayer dollars. This is significant because the United Nations operates by collection of assessments and dues. Each member of the United Nations is required to pay a certain percentage of the organization's budget based on their size and based on their ability to pay. I never quite understood the formula.

Since January of 2001, the United States was assessed 22 percent of the regular budget of the United Nations even though all nations, regardless of size, get the same vote in the General Assembly. This leads to the situation where the United States is forced to both subsidize the United Nations and go along with many of the decisions that are against our national interests.

As Americans, we should have no problem leading the way on the global stage on issues of peace, human dignity, and liberty, but the U.N.'s action in recent years has made it clear that the organization has lost its moorings. Unless things change for the better, we will want to reevaluate our support.

In addition to financial matters, there are several other areas in which the U.N. has shown itself to be badly in need of reform. I mentioned the oil-for-food scandal. We know about that. That has received a lot of attention—not enough but a lot of attention.

One of the elements of the oil-for-food scandal has not gotten as much attention, and that is what Saddam Hussein's regime was doing with the money they got by skimming from oil contracts negotiated under the program. As we learned from Charles Duelfer's Iraqi Survey Group report:

> The ISG has been investigating Iraq's procurement process, sources of finance, the involvement of foreign firms, and the specific types of goods that were sought, Iraq utilized a complex and well developed procurement system hidden by an effective denial and deception strategy. By the late 1990s, Iraq, in contravention of U.N. sanctions, pursued the procurement of military goods and technical expertise for military capabilities . . .
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> . . . Money also was obtained from kickback payments made on contracts set up through the U.N.'s Oil for Food Program. Iraq derived several billion dollars between 1999 and 2003 from oil smuggling and kickbacks. One senior regime official estimated Iraq earned $4 billion from illicit oil sales from 1999 to 2002. By levying a surcharge on Oil for Food contracts, Iraq earned billions more during the same period.
>
> . . . this was revenue outside U.N. control and provided resources the regime could spend without restriction . . .
>
> . . . Iraq imported banned military weapons, technology, and dual-use goods through Oil for Food contracts. Companies in several countries were involved in these efforts. Direct roles by government officials are also clearly established.

If this is the kind of program the U.N. runs, I don't know how anyone can get away with saying it does not need serious reform.

Another outrageous abuse of U.N. authority took place in the Democrat Republic of Congo. The U.N.'s own watchdog department, the Office of Internal Oversight Services, investigated alleged abuse by the U.N. peacekeeping forces in the northeastern Congolese town of Bunia and found a pattern of sexual exploitation of women and children which it said was continuing at the time of the report. U.N. peacekeepers working in the Democrat Republic of Congo sexually abused girls as young as 13. I have been to both Congos many time, and I have watched these things going on.

The other day I was in the Congo and I saw a fleet of cars, about 400 cars. I asked what they were. They had the U.N. symbol. They were cars that were going to take the peacekeeping people to remote areas of Africa.

I suggest for the reading of anyone who is interested in that part of the country, ''King Leopold's Ghost.'' It tells what has happened in that country. I cannot help but believe that many of these U.N. peacekeepers are continuing to abuse these people, as we have seen in the past.

I have spoken many times on this floor about the redundant and counterproductive bureaucracy that has been built up, layer upon layer, providing cushy jobs with no accountability and little, if any, transparency. And I have also noted in the past the exorbitant cost of the renovation of the U.N. headquarters, for which American taxpayers are again footing the bill, we think. These issues, and others like them, remain unresolved and will continue to undermine the U.N.'s legitimacy around the world.

There are so many things we hear about over and over again, about the abuse of power of these peacekeepers going in, but I would like to share with you a personal experience. About 3 weeks ago, I was in Uganda, and in northern Uganda, on the southern Sudan border, there is a terrorist group there that has been operating for 30 years, with the same individual. They will go in and raid these camps, take these kids out—I am talking about 12-year-old kids—and arm them with guns, teach them to fight, and then send them back home to murder their parents. And if they don't do it, they cut their hands off.

Now, this is going on today. I saw it. I was there. Where is the United Nations? They are not there. They are not doing anything. I often wonder what they are doing. But something has to happen to change all of that.

That is where this nominee comes in. After reviewing John Bolton's credentials, I cannot tell you how strongly I endorse him. He has served as Under Secretary of State, is extremely qualified to hold the position of ambassador to the United Nations, and has an impressive record as an accomplished lawyer, diplomat, and scholar.

My colleagues have extolled Mr. Bolton's successes as a reformer in this Chamber before. He has a reputation of toughness, reliability, honor, and, yes, tenacity. Because of these very reasons, I believe Mr. Bolton will be extremely effective in this position and will best represent President Bush and the United States at the United Nations.

I have often watched the United Nations and have wondered sometimes, who is on our side? I can assure you, with John Bolton there, you are going to have someone on our side.

We have already spent a great deal of time discussing the Democrats' obstructionism this week, so I will only say a few words about that now. The various political ploys used to hold up Mr. Bolton's nomination were frustrating and ridiculous, and were based on nothing more than personal dislike, attacks on this administration's policy, and a misguided and irresponsible vision for the United Nations.

Now, I have heard criticism that John Bolton should not be confirmed because he has opposed the U.N. activities and he has said negative things about the United Nations. That is all the more reason we should confirm him in this position. I often think how they say: Well, he doesn't like the United Nations. Why should we send him as our representative? That is exactly the kind of person who needs to be there to effect some changes. It is like saying, if you have a prison, that you need to have a convict running the prison. No, you do not. You need to have somebody who is wanting to come up with some reforms. So we need somebody who will reform the mess that is up there.

There are a lot of us who have said for a long period of time that we ought to just get out, just give up, that the United Nations is not looking after our best interests. I think with John Bolton there that will change. He has a proven record of success. He will do a great job. It is broke. He can fix it. We need to confirm his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to join my colleague from Oklahoma and other colleagues who have risen today to support the nomination of John Bolton to be our U.N. ambassador.

The United Nations is a unique institution, obviously. It is an institution which has gone through its good times and some bad times. Many of us, on our side of the aisle especially, have been critical of the United Nations over the years for different activities, whether they have been policy driven or, in some cases, just the operations aspects of the United Nations. But I think, at least for my part, I agree that it is an extremely important institution, that it represents an attempt by the community of nations across the world to find a forum where they can interact and, hopefully, reach conclusions which are constructive to mankind generally and especially address issues which cannot and should not be addressed by nation states individually, such as issues involving large expansions of disease, issues involving the treatment of children around the world, issues involving the questions of war.

It is important we have a forum where nations can come together and try to work together and, if they disagree, at least have the disagreements be more transparent and, therefore, the ability, hopefully, to reach agreements, and at least have the capacity to temper those disagreements, which is more probable of occurring as a result of transparency.

It is an institution which, by its very nature, is going to have difficulty reaching consensus and moving forward on extremely complex issues and issues which are intensely felt because of the fact that it represents such a diverse collection of the world, almost the entire world, for all intents and purposes, nation states which all have different purposes and interests.

But it is a very important forum, and it is something that we, as a country, clearly were one of the originators of in San Francisco after the war. It actually is the outgrowth of Woodrow Wilson's concepts with the League of Nations. We have helped it evolve and grow, and we have basically underwritten it. The American taxpayers, for better or worse, pay approximately 25 percent of all the costs the U.N. incurs, whether they are operational costs or peacekeeping costs. That number varies between those two accounts, but the number is very significant.

I used to chair the appropriating committee which had jurisdiction over those funds, and it was frustrating at times to send the money because I felt their actions in a number of areas, to be kind, maybe involved a bit of mismanagement, to be kind, and in other areas were just misguided but were part of the whole.

As a participating member state, we have an obligation to support the institution and to try to correct it from within. How do you correct it from within? I think this administration has made a very aggressive effort to try to make the U.N. more accountable, first in the area of operations, in the area of just the basic management of the institution, reducing the amount of patronage, reducing the amount of misallocation of funds. This administration has focused aggressively on that. And secondly, this administration has made a very aggressive effort in the area of initiating policy, policy which may impact how we deal with AIDS in Africa, how we deal with the health care problems across the world, and the pandemics that are coming at us, regrettably, and how we deal, obviously, with peacekeeping initiatives in a variety of different pressure points around the world, especially in the Middle East and in Africa and, of course, in the Balkans to some degree.

So we have, as a Government—and this Government specifically, the Government under President George Bush—aggressively pursued policies to try to focus the U.N. on trying to be a better managed place and being an institution which better, more effectively reflects policies of democracy and liberty. That has been our basic theme in trying to work within the U.N. structure.

John Bolton brings to the table the expertise necessary to continue that initiative. He may be rough around the edges on occasion. There is no question about that. But there is also nothing wrong with that. If being rough around the edges on occasion is a detriment, a personality trait which people should not have, then I guess there are a lot of us here who should not be in the Senate.

The fact is, you have to be aggressive and you have to be willing to assert your view and the views that you are projecting as a representative of this country if you are going to be effective in making a case for this Nation. John Bolton will accomplish that in the U.N., in my opinion. In fact, it is his type of personality in the sense of his willingness to aggressively advocate a position which is consistent with our promotion, as a nation, of liberty, democracy, and honesty within the management of the U.N. ''Honesty'' may be too strong a word, but at least more efficiency within the management of the U.N. That will be the greatest strength that he brings to the table there. People will understand clearly where America is coming from, and it is important they understand that. And the American taxpayer will know that we, within the hallways of the U.N., will have someone who is going to advocate for efficient and effective use of those tax dollars we are sending there. That is our right, I believe, as taxpayers, to ask for that type of leadership within the U.N.

So John Bolton, in my opinion, with his broad expertise in foreign policy and with his commitment to promoting this administration's commitment to the promotion of liberty and the promotion of democracy across the globe, and to fighting terrorism, is the right person for this job. I regret he has been held up. And it appears Members of the other side intend to try to filibuster his appointment.

A President should have, just as a matter of policy, a person in the position at the U.N. who is of his choosing. This is the right of a President, to send a person to the U.N. who the President feels most effectively will advocate the policies of the administration because it is, after all, the President who has the primary responsibility of promoting foreign policy within our Government structure. It is not the responsibility of the Congress, although there are a lot of folks in this body who appear to think they are Secretary of State. The fact is, the Constitution does not provide that portfolio to the Congress, it provides it to the President and the President's appointees to Cabinet-level positions, which the U.N. ambassador position represents.

So it seems highly inappropriate that we should be holding up his nomination unless someone can show definitively that he does not have the personal integrity or the personal honesty to serve in the position. If individuals disagree with his ability or his capacity to carry out the job, that is not really our call, unless that disagreement is a function of honesty, integrity relative to the individual's qualifications, because in this instance it is the President's right to pick the individual he thinks can carry out the job most effectively, and the President has picked John Bolton.

I have not heard anything from anybody that calls into question John Bolton's integrity or honesty. I heard a lot of people who expressed frustration about maybe how he manages individuals, but that clearly is not the criteria for rejecting a nominee to a Cabinet-level position. If it were, there would have been a lot of nominees rejected under every President who has ever nominated individuals because all of us have warts, and many of those people who have been nominated to Cabinet positions clearly had a number of warts.

So I do think it is inappropriate to pursue a filibuster in this instance. To have a policy disagreement with the President as to the way he approaches the U.N., that may be appropriate. That policy disagreement can be debated, but it should not ensue or lead logically to a filibuster of an individual who has a nomination to the position because it is, after all, the President's right to choose individuals to serve at his Cabinet-level positions. Those individuals should be confirmed in a timely manner so that the President has the capacity to pursue foreign policy initiatives and the leadership of this Nation on the issues of foreign policy with a full complement, a full team of individuals to support his initiatives.

I do hope we will move forward to a final vote on Mr. Bolton this afternoon. People who feel he is the wrong choice—and they may have policy differences with the President on how we are pursuing liberty and democracy across the globe—can vote against him on that basis, but at least give him a vote, and give him a vote promptly.

Mr. President, I yield the floor.

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

Mr. DODD. Mr. President, I rise to speak on the nomination of John Bolton to be the U.S. Representative to the United Nations.

Let me begin, briefly, by stating what this nomination and debate is not about. It is not about reform at the United Nations. There is not a single Member of this body who I know of who does not agree with the notion that we ought to be doing everything we can to make the United Nations a stronger institution, a more meaningful one, in today's world, where more direct actions can be taken where problems exist around the world to make it more efficient, to function better. All of us agree with that, and all of us agree that whoever assumes this position as ambassador from the United States to the U.N. ought to play a critical role in that effort. That is not in question here. That is not a matter of debate.

What is also not a matter of debate is the style of the particular nominee in question. I think all of us in this city certainly respect the fact that some people's style is a little more brusque than others, can be a little more blunt

than others. I do not know of anyone, certainly on this side of the aisle—or that side, for that matter—who disagrees with a nominee because they do not particularly like their style, although they may have been particularly rough on some employees. We may not applaud it. We may not like it. We may think it is unwise and bad management style. But almost nobody in this Chamber on either side has objections to this nominee solely because of the question of reform at the United Nations or whether Mr. Bolton's style is objectionable or not.

My objection to this nomination focuses on one single issue. Members will have to decide for themselves whether they think this issue is of such importance that it would disqualify Mr. Bolton from the position he has now been nominated to or allow him to go forward.

The facts are no longer in debate. It is often said in this Chamber, you are entitled to your own opinion, but you are not entitled to your own facts. The facts are overwhelming in terms of the allegation that Mr. Bolton, whatever his motivations may have been—and I suspect I know what they were—decided that because he disagreed with some intelligence analysts, he wanted them removed from their jobs.

I have never objected, nor would I—in fact, I agree with my colleague from Michigan who spoke so eloquently, that, in fact, there ought to be more debate between policy centers and intelligence analysts. What was missing during the debate on Iraq, as to the issue of weapons of mass destruction, was the absence of debate between policymakers and intelligence analysts. None of us, that I know of, disagree with the notion that there ought to be more debate. Where policy setters disagree with intelligence analysis, they ought to express that objection and tell people they think it is wrong. But if you go beyond just disagreeing, if you go beyond forceful debate, if you reach down and decide you are going to remove or try to remove an intelligence analyst from their position because you don't like what they are saying to you, that then crosses a line.

I don't care whether it is a Democratic administration or a Republican one. If this body, by a vote of confirmation says to a person who seeks the position of ambassador to the United Nations, that even though you have tried to fire intelligence analysts because you disagreed with their analysis, then I think we send a dreadful signal at the very time in the world that our credibility on intelligence is in question.

We all know that to be the case, regrettably. We have been through a dreadful period where intelligence was very wrong in assuming there were weapons of mass destruction in Iraq. So the issue for this Senator is, did Mr. Bolton do this or not? And if he did, why are we even considering this nomination? Because anyone, regardless of the administration, their political persuasion or ideology, who tries to fire people, not debate, not disagree with them, not reprimand some higher official because he disagrees with what they are saying, but to reach down and fire an analyst at the CIA or the Department of State because you don't like what they were telling you, in my view, crosses a line.

This body has an obligation to the American public to stand up and say: We will not tolerate that.

This is far more important than Mr. Bolton. It is far more important even than this President or this Congress.

The issue goes far beyond any individuals. It goes to the heart of whether we are going to have credible intelligence which we, as Members of Congress, can believe, and our allies around the world, and from those we seek to find support on various foreign policies who will understand the purposes for which we are seeking their support. That is what I worry about more than anything else.

Yesterday I spoke on the floor about the availability of information. The reason I had requested, and that we have an expedited version of a cloture motion, doesn't have to do with whether or not Mr. Bolton should have an up or down vote. I want to have an up or down vote on Mr. Bolton. But I also believe this body has a right to information.

When the chairman of the Intelligence Committee and the vice chairman of the Intelligence Committee are deprived the opportunity to read the names on the intelligence intercepts, the names Mr. Bolton could see, that his staff could see, but that the chairman of the Intelligence Committee and the ranking member, the chairman and ranking member of the Foreign Relations Committee are deprived the opportunity to see, then we are not getting the information we ought to have in order to make an intelligent decision.

The only vehicle I have available to me is to say, I am going to insist upon a 60-vote criteria unless you give us the information. It is 11:20. I am still waiting. There is no reason for us to have to have a cloture vote this afternoon. Instead, we can have a simple up-or-down vote on Mr. Bolton at 6 o'clock tonight, if in the next hour or two the administration would release those names to the chairman and ranking member of the Intelligence Committee, and the chairman and ranking member of the Foreign Relations Committee, and the information Senator BIDEN is seeking regarding the matter of the supposed weapons of mass destruction in Syria. There are not a lot of documents. It wouldn't take much time. But if we can't get those documents, if we are not being allowed to see the very things the nominee had a right to see, then I don't think we are being treated as a coequal branch of Government that has a right, through the appropriate means, with the appropriate members. I am not suggesting every member of the committees should see these names, but that the appropriate people we have designated historically have access to that kind of information for a nomination such as the one before us.

I am still hopeful that will happen. I am not so naive as to be unaware of what we have just been through in the debate about filibusters on Federal judges. I would not have brought up this nomination right now in the wake of that. I thought we were going to deal with Federal judges, not the nominee to the United Nations. But the majority, as is its right, sets the agenda. They have asked this Congress, this Senate to debate the issue of Mr. Bolton.

I am put in the position of saying: I guess after all of this you can do what you want and deny us that information. I would hope some of my Republican friends, despite the fact they are going to vote for Mr. Bolton, would vote with us on the cloture motion. I took some interest in the fact that even on the House Republican side, the difficulty that major committees of the Congress, both the House and the Senate, are having in getting information from this administration is growing. If we don't at some point stand up for our rights as a constitutionally designated coequal branch of Government, then this administration will receive the message that we don't care about this and that we can deny this Congress anything we want and they will do nothing about it.

So aside from how you feel about Mr. Bolton, yes or no, it is important for this institution to stand up for its rights and to demand this information as we have a right to.

I am hopeful we can still get the information and not have to go through a cloture vote at 6 o'clock this evening.

Let me get back to the subject matter of Mr. Bolton himself. The reasons for my concern are primarily focused on one issue. That is, of course, whether Mr. Bolton tried to fire people within the CIA and the State Department because he did not like the analysis they were giving him.

What is extraordinary about this nomination, first and foremost, is the number of people on whom we have relied, considering their status, who oppose this nomination. I would like to read the names. I am not suggesting all of these people are opposed to Mr. Bolton, but the basis upon which we have determined that Mr. Bolton tried to fire two intelligence analysts relied primarily on the names on this particular chart. I want to read the names and the positions they hold. It was these individuals, more than anything else, who made a significant difference in our conclusions that Mr. Bolton had, in fact, tried to fire these individuals.

John McLaughlin was the Deputy Director of the Central Intelligence Agency.

These individuals are either presently members of the Bush administration, this President, or were formerly members of the Bush administration.

Larry Wilkerson was chief of staff to Secretary Colin Powell; Robert Hutchings, Chairman of the National Intelligence Council. The dates of their service are here. They are all dates that run roughly 2002, 2003, up to the present time, or just a month or so ago.

Stuart Cohen, Acting Chairman of the National Intelligence Council; Alan Foley, head of the CIA's Office of Weapons, Intelligence, Nonproliferation, and Arms Control; Jamie Miscik, Deputy Director of Intelligence at the CIA; Thomas Hubbard, United States Ambassador to South Korea, a Bush appointee; John Wolf, Assistant Secretary of State for Nonproliferation; Tom Fingar, Assistant Secretary of State for Intelligence and Research; Christian Westermann, analyst for the State Department's Bureau of Intelligence and Research; Neil Silver, Office Director, Bureau of Intelligence and Research; INR supervisor, we don't use his name here, the immediate supervisor of Mr. Westermann; Fred Fleitz, acting chief of staff of John Bolton; Wil Taft, Department of State legal advisor; and a Department of State attorney whose name we are not using as well in the office of legal advisor.

These are 15 individuals either presently serving in the Bush administration or having previously served. It is on them that we relied. It is their damning statements that confirm without any question that Mr. Bolton essentially tried to have these intelligence analysts fired. They also provided other damaging information.

I have been a member of the Senate Foreign Relations Committee for 24 years. Those who have served with me know it is rare, indeed, for this member to get up and object to a Presidential nomination, particularly one that is not a lifetime appointment. In fact, as my colleagues who have served with me for some time know, I have been one of only a handful who have supported nominees of Republican administrations. I was one of two Democrats who supported John Tower when he was nominated to be Secretary of Defense under President Bush's father. I supported John Ashcroft in the first administration of the current President Bush, one of only a handful of Democrats who did that.

I tried to recall an instance when I have taken such a strong objection to another nominee in 24 years. I can't recall one that has gone this far. I have had my objections to others, but they usually didn't reach this particular point. So it is uncomfortable for me to come to the floor to engage, over almost the last 2 months, in this nomination. But when you add the names of 102 former ambassadors, 15 present or former members of the Bush administration, these are not Democrats, these are not some left-wing organizations that are out there objecting to John Bolton. These are serious people who do a serious job, many of them career officials who have served our country with great distinction over the years. These individuals are the ones on whom we relied to draw their conclusion.

I am going to share with my colleagues their statements, not mine, not the names of some Democrats who might have some political motivation but, rather, people who care about our country, care about the United Nations, believe it needs reform, believe we need a strong person there to engage in that kind of reform, but believe John Bolton is not the person who ought to be receiving the nomination.

The committee did an extensive review of all the allegations related to this nominee. Committee staff, on a bipartisan basis, conducted more than 30 interviews of individuals with knowledge of the nominee. There was excellent cooperation on the part of most of those staff we sought to interview. I believe the work of this Senate has been assisted by these individuals who courageously came forward to answer questions and provide information that in many cases they would rather not have done. These individuals did not want to speak ill of another Republican or a former colleague. But they acted as dutiful citizens, patriots, and cooperated with the committee's efforts to fully explore matters related to the nomination of John Bolton. Regardless of how this Senate disposes of this nomination, these individuals have done a service to our country. We should honor them for doing so, for having the courage to come forward and to be honest when asked questions about this nominee.

Mr. Bolton's behavior clearly troubled a number of people who have worked directly with him over the last number of years.

Former Assistant Secretary of State Carl Ford, a self-proclaimed conservative Republican, described Mr. Bolton as ''the quintessential kiss-up, kick-down sort of guy.'' He also labeled Mr. Bolton a ''serial abuser.''

We did not hear from any people disabusing the committee of that view. That he has an abusive management style is problematic, but as I said at the outset, that would not be justification for voting against Mr. Bolton to be the ambassador to the United Nations. This is not about style. It is not about reform of the U.N. It is about whether this individual tried to fire intelligence analysts in his position as Under Secretary of State.

However, when Mr. Bolton harnesses that management style of his, as he has over the last 4 years, to affect intelligence judgments or to stifle the consideration of alternative policy opinions, then I think he has crossed the line over what is acceptable behavior. Why? Because those actions go directly to the heart of the integrity of U.S. intelligence and the firewall that must exist between policy and intelligence to ensure the integrity of that intelligence. Again, I emphasize, this is not about a disagreement. It is not about a policymaker disagreeing with an intelligence analyst.

Intelligence analysts do not speak ex cathedra. They are not sitting there coming to conclusions that we ought not to question. That is legitimate. In fact, we need more questioning. The issue is whether one ought to go beyond questioning and decide to remove someone because you disagree with their conclusions.

When this committee convened last month to consider the matter, we had irrefutable evidence—this is not conjecture—and this body has to decide whether you are going to send this man forward in the face of irrefutable evidence that on 5 different occasions over the past 48 months, Mr. Bolton tried to have 2 intelligence analysts removed from their jobs—one at the State Department and one at the CIA—because these individuals would not clear the language Mr. Bolton wanted to use, which was not supported by available intelligence.

I emphasize another point that needs to be made. When Mr. Bolton speaks as John Bolton, he can say whatever he wants. But when he gets up and says, ''I am speaking on behalf of the United States,'' then there is a different standard. When you speak on behalf of our country, you cannot just say anything you want. You have to rely on the best intelligence we have. You may disagree with that and you can fight over it, but in the final analysis you cannot offer your own opinions when you are expressing them as the U.S. views. You can say John Bolton believes this. If Mr. Bolton wants to speak to the Heritage Foundation and say, ''I believe the following,'' I may think he is profoundly wrong, but I would fight with my life for John Bolton to be able to say it. That is first amendment rights.

It is when Mr. Bolton gets up and says, ''I am speaking on behalf of the United States of America and I want to say the following,'' and then he absolutely contradicts what is being concluded by the intelligence analysts here, at that point, it seems to me he has a higher responsibility than he has shown.

Carl Ford's testimony was a watershed for me. Never in my 24 years as a Senator have I ever witnessed one high-ranking, former administration official testify as vociferously and as strongly as Mr. Ford did against a colleague. That is exactly what he did last month. Carl Ford made it clear why he did so. He believed Mr. Bolton's actions caused a chill among his intelligence analysts—so much so that the Secretary of State, Colin Powell, had to buck up the employees to assure them that they should not succumb to political pressure.

Because we have talked a lot about this, I used this chart in the Foreign

Relations Committee. I realize from a distance it looks like a lot of spaghetti. What it amounts to is the chart of the positions of the State Department, beginning with the Secretary of State, Deputy Secretary of State, Chief of State, Executive Secretary, and the various Under Secretary positions here. The third one is Mr. Bolton, Under Secretary for Arms Control and International Security Affairs. That is his responsibility, this group right here. He was in charge of the people who worked in this particular column.

Where did that intelligence analyst work? He worked down here. You have to go way down to the Assistant Secretary for Intelligence and Research, Carl Ford, who was head of the INR. This intelligence analyst was down here; that is where Mr. Westermann worked. He was not directly in Mr. Bolton's line of command, but in a separate division. He is a GS–14 at this level.

You need to understand what happened here. This was a case where Mr. Bolton doesn't get ahold of Mr. Ford and say: I have a problem with your intelligence analyst because I disagree with what he said. I think he is wrong and I want to argue about it.

Mr. Bolton reaches down out of his line and drags this guy up to his office and begins to berate him for the job he has done. That is objectionable to me, and outrageous. If it ended there, that is dreadful behavior and nobody ought to do that without clearing what you want to say with the people who are responsible for that individual's work. If it ended there, maybe I would just vote against the nominee and I would not make the case on that basis alone. It is what happens afterward. It is not just berating. There is no doubt that there would be chill in the Department if an Under Secretary of State dragged an intelligence analyst to his office and word goes out. As we all know, in institutions the word flies around immediately. One of our fellow workers has been dragged up to the Under Secretary's office and screamed at because he didn't like his conclusions. That is why Colin Powell, the guy at the top, had to go down to these offices—down here on the chart—and explain to them that they did the right thing. You, Mr. Westermann, did the right thing. You are not supposed to succumb to political pressure. You tell people what they think they need to hear, and if they don't like it and disagree with you, that is one thing. But you did the right thing. It was wrong by implication, because why would the Secretary of State go down here and bring these analysts together and remind them that they had done their job if he felt Mr. Westermann being dragged up to Mr. Bolton's office was not wrong? That is why the Secretary of State did that. He went down there to tell those people not to worry about this, do your jobs. I think the Secretary was worried that the word would go out to these analysts that if you don't want to get in trouble, start to agree with Mr. Bolton when he disagrees with you; that is the easy thing to do. If he tells the analyst you ought to say the following, you better say that. If you do, you won't be brought up to his office and bellowed at. That is dangerous and that is one of the reasons we have such concern about this nomination.

As I said, this was the conclusion of Secretary Powell, according to Mr. Wilkerson, his chief of staff. Mr. Wilkerson, who was the chief of staff of Secretary Powell, testified before the staff of the Foreign Relations Committee the following: Secretary Powell ''went down into the bowels of the building and talked to people about not being inhibited by, or in any way fearful of, people on the seventh floor, or leadership in general, questioning their analyses or their statements or whatever.''

Mr. Bolton had a very selective recollection about his interactions and intentions with respect to intelligence analysts at the State Department and the CIA during his appearance before the committee.

Mr. Bolton told the committee:

> I didn't seek to have these people fired. I didn't seek to have discipline imposed on them. I said, ''I've lost trust in them.'' And are there other portfolios they could follow. It wasn't anything to me that I followed at great length. I made my point and moved on.

Committee staff interviews and review of State and CIA documents paint a very different picture indeed. What is that picture?

First, with respect to Mr. Westermann. Six months after this event I have described on the chart with—this run-in occurred, Mr. Bolton was still seeking to have Mr. Westermann removed from his job as the biological weapons expert analyst at the Intelligence and Research Division of the State Department.

Mr. Bolton's recollection about what he did with respect to the CIA analyst was likewise clouded on April 11. As to the so-called ''Mr. Smith,'' as we called him to protect identity, Mr. Bolton said:

> I had one part of one conversation with one person one time on ''Mr. Smith,'' and that was it. I let it go.

We now know that much more than that occurred. Let me lay it out for you.

In addition to a meeting with the Acting Chairman of the National Intelligence Council, we now know from e-mails that Mr. Bolton considered raising the matter directly with the Director of the CIA, George Tenet. We know as well that he continued to conspire with former Assistant Secretary of State Otto Reich and his office for a period of 4 months after he first ''lost confidence'' in ''Mr. Smith'' to have him removed from his job.

Also under consideration by Mr. Reich and Bolton were other punitive measures—we know this now—such as denial of country clearance for Mr. Smith's official travel throughout Latin America, banning him from all meetings held in their bureaus. And the ultimate act of pettiness—consider revoking his State Department building pass.

I am not making this stuff up. He said he had ''one part of one conversation with one person one time, and I let it go.''

Hardly. The facts are overwhelming here regarding what he tried to do both at the State Department and the CIA.

We have also learned that other intelligence analysts were having difficulties with Mr. Bolton's office.

Jami Miscik, Deputy Director for Intelligence, 2002 to 2005, in the Bush administration, told the committee staff that Mr. Bolton had a reputation for being difficult to deal with. She noted that ''interaction between policymakers and the intelligence community usually goes more smoothly than it often did . . . in the cases with Mr. Bolton . . . It is rare that . . . a single policymaker is known for having . . . pretty regularly contentious kinds of issues in this regard.''

We know as well that expert intelligence officials disapproved of and resisted Mr. Bolton's efforts to ''cherry-pick'' intelligence for ideological purposes.

Dean Hutchings, Chairman of the National Intelligence Council, 2003 to 2005, described the ''cherry-picking'' problem in the context of what Mr. Bolton wanted the Intelligence Committee to bless with respect to Syria's weapons of mass destruction capabilities:

> Mr. Bolton took isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a sort of cherry picking of little factoids and little isolated bits that were drawn out to present the starkest possible case.

We also know that Deputy Secretary Armitage didn't trust Mr. Bolton's judgments when it came to making public speeches. We have heard this from others, such as GEORGE VOINOVICH, as well as CARL LEVIN, as well as BARBARA BOXER and others, who have spoken on this matter.

Mr. Wilkerson, Secretary Powell's chief of staff, told the committee:

> There were problems on a number of occasions with Under Secretary Bolton's proposed remarks. . . . The Deputy, Mr. Armitage, made a decision and communicated that decision to me, that John Bolton would not give any testimony, nor would he give any speech, that wasn't cleared first by Rich Armitage.

With all of the other duties Deputy Secretary Armitage had in managing the Department in Secretary Powell's absence, he also felt he had to babysit Mr. Bolton because the normal clearance procedures established by the Department didn't work with Mr. Bolton. Yet, this body is now being asked to vote to send Mr. Bolton to New York, where he will be unsupervised on a daily basis. Lord only knows the kind of problems that can ensue with Mr. Bolton, given his past performance.

Individuals under Bolton's direct line of authority also took issue with the

rigidity of his views. John Wolf, former Assistant Secretary of State for Nonproliferation and a career diplomat, told committee staff that Mr. Bolton ''tended to hold onto his own views strongly and . . . he tended not to be enthusiastic about alternative views. And he did not encourage us to provide our views to the Secretary.''

Again, I am not arguing about someone's style here. But when you have 125 employees at the U.N. and the only things you want to hear are the things you agree with, that is a management style that is dangerous for a person who is going to work with all of the nations we have to build relationships with in the U.N. We all do this as Senators. We know when a staff member gets up and wants to tell us an alternative view, it is uncomfortable. We would like them to agree with us. We also know how vitally important it is as Senators that people in our offices who have the willingness to stand up and know when they do, they are not going to be threatened with their jobs, or considered for removal because they are telling us something we don't want to hear. We understand the value of that. Mr. Bolton doesn't. That is dangerous.

Mr. Wolf said:

> Some of the officers within the nonproliferation bureau complained that they felt undue pressure to conform to the views of the Under Secretary, versus the views that they thought they could support.

That is a dangerous statement, that we have somebody who is about to take on a position who would make others feel they were unfit or are being pressured to conform their views.

All of these matters I have just mentioned cause me grave concern about this nomination. But what troubled me the most were the devastating comments made by Secretary Powell's chief of staff, Mr. Wilkerson, an individual who on a day-to-day basis was in a position to know what was going on in the Department and what foreign policy challenges the Secretary of State was attempting to manage.

This is what he has to say about Mr. Bolton's single-minded preoccupation with sanctioning every Chinese entity he could find which might have violated nonproliferation standards:

> Are we actually stopping China's proliferation through sanctions that was dangerous to our interests? Or are we doing it, and ignoring problems that cry out for cures, diplomatic? The one time I had a conversation with John about this, I asked him, ''How do you go beyond sanctions, John? War?'' Mr. Bolton replied, ''It is not my business.''

Mr. Wilkerson also explained to our committee staff why he believes Mr. Bolton is ill suited for the U.N. position. I am quoting Mr. Wilkerson, Secretary Powell's chief of staff. This is not some liberal left-leaning Senator or Congressman or columnist talking about Mr. Bolton. This is the former chief of staff of a Republican Secretary of State under George Bush—this President's administration:

> One, I think he's a lousy leader. And there are 100 to 150 people up there at the United Nations that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there—

Speaking about Mr. Bolton—

> you'll see the proof of the pudding in a year.
>
> Second, I differ with a lot of people in Washington, as to his brilliance. I didn't see it. I saw a man who counted beans . . . had no willingness—and in many cases no capacity to understand other things that were happening around those beans. And that is just a recipe for problems at the United Nations.

These are very serious conclusions from an individual who was a loyal and trusted member of Secretary Powell's team, and they go to the heart of whether Mr. Bolton has the capacity to carry out his duties at the United Nations. This is not about whether we like the nominee's views on the United Nations, arms control, or Cuba. He is entitled to his personal views about any of those matters, and he should not be disqualified from any office because he has them. But for the interests of the United States to be served at the United Nations, there has to be a balance between ideology and pragmatism.

The individual on the spot in New York will be called upon, from time to time, to strike that balance. He also must have the credibility to make the best case for the United States before that international body. These things are at the heart of effective diplomacy.

Ambassador Negroponte was able to strike that balance between ideology and pragmatism and have the credibility to make the case of the United States before the U. N. Security Council. Senator John Danforth, a former colleague, was able to do so as well.

Based on what we have learned about Mr. Bolton in recent days, I seriously doubt he is willing or able to strike that balance, and I now know, given his penchant for stretching intelligence and pressuring analysts, that his credibility will be challenged by other U.N. members.

Our colleagues brush aside this problem by saying Mr. Bolton will be getting his instructions from Secretary Rice. Mr. President, that is just not realistic at all. Much of the guidance that is developed for our U.N. ambassadors is developed cooperatively between Washington and New York. What gets said at the United Nations by a representative is, in large measure, shaped by our reporting from our mission in New York. I feel Mr. Bolton will be incapable of making the kind of judgments that move the diplomatic process forward.

We all know these are difficult times. Our responsibilities in Iraq and Afghanistan are significant and costly. Other challenges to international peace and stability loom large on the horizon—Iran, North Korea, the Middle East. The humanitarian crises in Africa and Asia cry out for attention. The United States cannot solve these problems all by ourselves. We know that. We need tremendous international assistance and cooperation to address them, and the logical focal point for addressing that international support is the United Nations. It makes sense.

But international support will not be automatically forthcoming and will require, as we all know, U.S. leadership at the U.N. to build the case for such cooperation. That U.S. leadership must necessarily be embodied in the individual who serves as our ambassador to the United Nations is obvious.

Based on what I know today about Mr. Bolton, I believe he is incapable of demonstrating that kind of leadership. The ambassador to the United Nations is a very important position. The individual who assumes that position is necessarily the face of our country before the world.

For all the reasons I have cited—Mr. Bolton's management style, his attack on the intelligence community, his tunnel vision, his lack of diplomatic temperament—I do not believe he is our man to be the face at the United Nations.

But of all those reasons, I come back to the one I made at the outset. It is not about style, it is not about reform at the United Nations, it is not about Mr. Bolton's views on a variety of subject matters. Our colleagues have to make a decision. We now know, categorically, without any question whatsoever, that this nominee tried to fire intelligence analysts at the Central Intelligence Agency and the Department of State. That evidence comes from his own colleagues, from people with whom he has served, not from outside groups or members of this body.

The decision for our colleagues today is whether or not we promote someone who has done that and what message it sends to the analyst community, what message it sends to our allies, and what message it sends to our adversaries, for that matter, around the globe. That this individual who engaged in such reprehensible behavior, in my view, should be given the position of U.N. ambassador to represent the United States at this critical hour, I think is a massive mistake.

Again, I am still hopeful that in the remaining hours of this debate, the administration will see fit to provide the additional information for which we have asked for almost 2 months. I regret deeply having to ask my colleagues to vote on a cloture motion. I have said, if cloture is invoked, we will vote immediately on Mr. Bolton. If it is not invoked, it will layover, and we will continue to try to get the information.

I have no desire to filibuster this nomination. I do have a desire to see the Senate stand up for its rights when it seeks information—information the nominee had access to but the chairmen and ranking members of the Intelligence Committee and Foreign Relations Committee were denied. That is a precedent we need not make with this decision.

My hope is our colleagues will support the opposition on the cloture motion and, if we get a vote on Mr. Bolton today, we reject this nominee. There are many qualified, blunt, forceful people who can assume this job who embrace the President's view on foreign policy and who will do a very good job at the United Nations. John Bolton is not that individual.

Mr. President, I yield the floor.

Mr. SARBANES. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield.

Mr. SARBANES. Mr. President, I commend the very able Senator from Connecticut both for his statement and for the letter that he and the ranking member of the committee, Senator BIDEN, sent to a number of us about the necessity of trying to get these materials which we have sought.

Clearly the Congress needs this information in order to do its job. The position of the Senator from Connecticut on the cloture motion, as I understand it, is that we ought not to invoke cloture and move to a vote on Bolton until the material is provided. If the material is made available and we are in a position to make judgments, then I take it we can move forward in the normal course of the debate toward a final vote on Bolton's nomination; is that correct?

Mr. DODD. Mr. President, in response to my friend and colleague from Maryland, that is exactly the point.

Mr. SARBANES. That strikes me as an eminently reasonable position. It needs to be made clear that there is material the executive branch is refusing to make available to the Senate, and which we need in order to be adequately informed in carrying out our responsibilities of advising and consenting on this nomination.

Mr. DODD. Mr. President, if I may respond to my colleague from Maryland, I was going to recite to him—because I think some of my colleagues may think this Senator from Connecticut has raised this issue in the last 24 hours as a delaying tactic—I want to point out to my colleagues the chronology which begins actually on April 11—approaching 2 months ago. Then there were subsequent requests on April 14, April 22, April 29, May 4, May 18, as well as even as late, as of course, we all know, yesterday.

I want to make it clear that from very early on, we tried to get this information. I emphasize, again, these are names Mr. Bolton has seen, his staff has seen, and we are not asking every Member see, only the ranking members and the chairmen of the Intelligence Committee and the Foreign Relations Committee, to let them know whether or not the names coincide with the names of people we have run across in our examination of Mr. Bolton to be a nominee to the U.N.

The chairman of the Intelligence Committee will tell you they had an interview with General Hayden and he showed them some documents. But in his letter to our colleagues last evening, the chairman of the Intelligence Committee very honestly pointed out that the names of the 19 individuals in the 10 intercepts he sought are redacted. The only pertinent information is those names and the motivation Mr. Bolton had in seeking that information.

The heart of the request—even the Intelligence Committee chairman cannot see it. Yet Mr. Bolton could see it, his staff could see it. But the chairman of the Senate Intelligence Committee is not allowed to see it. Every Senator ought to be outraged about that. If we let them get away with it here, they will get away with it every single day hereafter. Either we stand up for our rights as a Senate, as a coequal branch of Government, or we do not.

Mr. SARBANES. Will the Senator from Connecticut yield?

Mr. DODD. Yes, I yield.

Mr. SARBANES. It is not every single day hereafter for this administration; it becomes a precedent for every administration. And I suggest to all Members of the Senate that they may find themselves, down the road at some point, seeking information they think is relevant and having it denied to them by the executive branch, citing the refusal to provide the information in the Bolton case as a precedent for the action they are taking.

Mr. DODD. Again, the Senator from Maryland is absolutely correct. These issues come back and come around and the word spreads: You can get away with this. It is not just this administration. The Senator is correct. Future administrations will use this as an example of why they do not have to comply with the request because previous Congresses allowed this information to be kept secret when Senate committees were seeking it.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 19 minutes.

Mr. DODD. I ask unanimous consent that the remaining time I have be divided between the Senator from Maryland and the Senator from Massachusetts. The Senator from Rhode Island, Mr. REED, also asked for time. I had 60 minutes, and want to give up some time.

Mr. MARTINEZ. If I can make an inquiry.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. My understanding is the Senator from Arizona was going to be recognized during this timeframe for his remarks.

Mr. DODD. I have a little less than 20 minutes remaining. What I want to do is give the 20 minutes I have left to my colleagues to use. Mr. President, I make that request, that the time remaining be divided between the Senator from Maryland and the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered. The remaining time is divided between the Senator from Maryland and the Senator from Massachusetts.

Mr. DODD. And Senator REED from Rhode Island also seeks some of that time. Just Senator REED and Senator KENNEDY. The Senator Maryland has time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland.

Mr. SARBANES. Mr. President, first, I commend the very able Senator from Connecticut not only for his statement on the floor, but the very reasoned and judicious way he has proceeded in considering this nomination.

I join with those who think the refusal to provide the information constitutes a sufficient basis not to invoke cloture while we continue to press the administration to provide the information the Senate needs in order to do its job.

I spoke yesterday with the distinguished Ranking Member of the committee, Senator BIDEN, on the floor about this issue, and I have done so again here today with my friend, the Senator from Connecticut. I strongly urge my colleagues to take that position because it is a very important question of the role the Senate should play, and whether we really are an independent branch of the Government that will act to carry out our responsibilities.

Let me now address the substance of the Bolton nomination. In the 60 years since the founding of the United Nations, a number of extraordinarily distinguished men and women have been chosen to represent us in that body as the U.S. ambassador: Warren Austin, Henry Cabot Lodge, Jr., James Wadsworth, Adlai Stevenson, Arthur Goldberg, George W. Ball, James Russell Wiggins, Charles Yost, George Bush, John Scali, Daniel P. Moynihan, William Scranton, Andrew Young, Donald McHenry, Jeane Kirkpatrick, Vernon Walters, Thomas Pickering, Edward Joseph Perkins, Madeleine Albright, Bill Richardson, Richard Holbrooke, John Negroponte, and John Danforth.

The fact that at least 17 of them, spanning 8 administrations—Republican and Democratic—have been elevated to serve on the President's Cabinet demonstrates the critical importance in which this position historically has been held.

The fact that we proudly remember so many of these names, after the passage of a number of years, underscores both the visibility of the U.N. ambassador and the statesmanship that the position requires. On a daily basis, our ambassador to the U.N. speaks to the entire world on behalf of the United States.

The comments our ambassador makes and the relationships he or she cultivates make the difference between a United States that is respected as a leader in the world, setting an example of American values and principles, and a United States that is ignored and misunderstood.

In today's world, this difference affects the lives of millions at home and abroad. The United Nations is not a tool to be used ''when it suits our interest and when we can get others to go along,'' as Mr. Bolton has suggested but is, rather, an essential and ongoing forum for the advancement of U.S. foreign policy and the protection of U.S. national security interests.

The U.N. makes decisions that affect war and peace. It helps to determine whether the United States will have international support and allies or will be forced to undertake difficult missions on its own in the face of broad opposition across the globe. Skillful work at the U.N. enables us to have burden sharing, both in terms of the commitment of human resources and the commitment of financial sources.

The United Nations offers us an opportunity to make our case to the world, to demonstrate international leadership, and to build multilateral cooperation. As Secretary General Annan commented in a recent speech, the U.N. ''is not just a building in Manhattan, or a piece of international machinery. It embodies a conviction on the part of people everywhere that we live on a small planet, and that our safety, our prosperity, our rights—indeed, our freedoms—are indivisible.'' For this reason, our representatives at the United Nations must be men and women of exceptional wisdom and credibility, who can listen and persuade, whose counsel and leadership other nations will seek and rely upon.

Despite the need for a U.N. ambassador who recognizes and can make the most of the U.N.'s potential and promise, we have before us now a nominee to be our ambassador to the U.N., who over a number of years has demonstrated outright hostility toward the United Nations as an institution and toward the fundamental legitimacy of international law. Mr. Bolton has argued repeatedly that the United States has no legal obligation to pay its dues to the United Nations and that treaties are nothing more than ''political commitments''.

He called the Law of the Sea Treaty, which has been endorsed by our military and submitted by President Bush as an urgent priority for Senate advice and consent, ''an illegitimate method of forcing fundamental policy changes on the United States outside the customary political process.'' He is quoted as saying:

> It is a big mistake for us to grant any validity to international law even when it may seem in our short term interest to do so—because, over the long-term, the goal of those who think that international law really means anything are those who want to constrict the United States.

To send someone as our ambassador to the United Nations who does not demonstrate a basic respect for the institution and its legal foundations is a disservice to our national interests. This has nothing to do with whether reforms are needed at the U.N. or whether we should more closely monitor its activities. Many of us are committed to doing both of those things. It is a very basic question of one's mindset about the United States, about the United Nations and about international law. If other nations believe that the U.S. is not out to reform the United Nations but to undercut it, then they are likely not to be receptive to any of our criticisms or recommendations.

Secondly, it is clear that Mr. Bolton does not have the diplomatic skills or, indeed, the demeanor to represent our country effectively at the U.N. There are certainly moments when the situation may call for bluntness, when abandoning diplomatic niceties can convey the urgency of a particular issue or position. However, Mr. Bolton has shown a propensity for making extreme and provocative statements that have caused unnecessary conflict and confrontation. It is not an occasional outburst that might, on occasion, be justified by the situation but, regrettably, a routine way of doing business.

Does it help us in trying to shape the direction in which the U.N. is to move when Mr. Bolton says that the Security Council should have one permanent member, the United States, ''because that is the real reflection of the distribution of power in the world''?

Does anyone think that Mr. Bolton's assertion that ''if the U.N. Secretariat building in New York lost 10 stories, it wouldn't make a bit of difference'' will help us in persuading other countries to support U.N. reform efforts?

These are not isolated misstatements or slips of the tongue but, rather, his customary and consistent approach to dealing with others who disagree with him. Even given the opportunity to demonstrate a less confrontational approach, he has repeatedly declined to do so. Mr. Bolton, time and again, has shown himself singularly lacking in the willingness to hear, to consider, and to respect opposing points of view.

Contrast that attitude with these comments made by Ambassador Moynihan and Ambassador Kirkpatrick when they were nominated for this position. Ambassador Moynihan, in his confirmation hearing before the committee, said:

> A certain principled statement of views on both sides can be useful: it requires that we respect what others think and try to understand what they think and ask that they do the same in return. . . . Things where we disagree are marginal compared with where we do agree. And yet it is so easy to grow estranged at the first problem, the first question is how to get away from a confrontation system back to the quest for understanding and agreement in a situation where this is wholly possible and entirely necessary.

Similarly, Ambassador Kirkpatrick, in her confirmation hearing before the committee, said:

> I do not think that one should ever seek confrontation. What I have every intention and hope of doing is to operate in a low key, quiet, persuasive and consensus-building way.

This nomination came out of the committee without recommendation. There was a 9-to-9 divided vote. By contrast, all of the previous nominees to be U.N. ambassador were brought to the floor by very strong committee votes and approved on the floor by very strong votes—most of them unanimous, none of them really close.

In addition to Mr. Bolton's extreme policy views and his confrontational demeanor, there is the issue of his professional conduct. There is ample evidence that he has attempted to politicize intelligence in a way that I believe has harmed our Nation's diplomacy.

Mr. Bolton sought the transfer of two intelligence analysts with whom he disagreed on substantive matters. He repeatedly attempted to stretch the facts to back his own ideological predisposition. He created such a climate of intimidation in the State Department that the Secretary of State found it necessary to set up a special meeting with the Intelligence and Research Bureau in order to directly reassure the analysts.

To make matters worse, Mr. Bolton told the committee that he had not tried to have analysts punished or disciplined, and he denied that he sought retribution against them. He said, ''I shrugged my shoulders, and I moved on,'' when his attempts to have them reassigned were rebuffed.

And yet we have learned from extensive interviews with numerous administration officials that he did try to have the analysts removed from their positions, that he did seek to punish people for disagreeing with him, and he did persist in his efforts for many months after, as he says, he shrugged his shoulders and moved on.

That he was ultimately unsuccessful in his efforts does not speak for Mr. Bolton. What it speaks to is the steadiness and determination of those professionals who withstood his demands, who refused to bend to the inordinate pressure he was applying.

Given this conduct, when he goes before the United Nations to make a statement about evidence of nuclear weapons production or a terrorist plot or whatever it may be, what credibility will he have, knowing that he sought repeatedly to punish intelligence analysts who delivered contradictory information; knowing that he is sort of a man who, as Robert Hutchings, the former chairman of the National Intelligence Council, put it, ''took isolated facts and made much of them to build a case than I thought the intelligence warranted. It was a sort of cherry picking of little factoids and little isolated bits were drawn out to present the starkest possible case''?

We need a credible spokesman at the United Nations, and Mr. Bolton's conduct casts serious doubt on his ability to be one.

Moreover, Mr. Bolton's poor administrative and management skills, in my view, raise serious questions as to whether he can exercise a senior leadership role. The testimony of Carl

Ford, Assistant Secretary of State for Intelligence and Research, was especially powerful on this point. Mr. Ford told the committee:

In my experience, throughout my time in the executive branch, I've really never seen someone so abusive to such a subordinate person.

He said he could think of no one else who comes even close to John Bolton in terms of the way that he abuses his power and authority with ''little'' people.

Secretary Powell's Chief of Staff, Larry Wilkerson, described to the committee staff the kinds of problems he had on a daily basis in dealing with Bolton.

Assistant secretaries, principal deputy assistant secretaries, acting assistant secretaries coming into my office and telling me, ''Can I sit down?''

''Sure, sit down. What's the problem?''

''I've got to leave.''

''What's the problem?''

''Bolton.''

When asked if he got similar complaints about other Under Secretaries, he replied:

On one occasion, on one particular individual. The rest were all about Undersecretary Bolton.

In summarizing this experience Wilkerson stated, ''I think he's a lousy leader. And there are 100 to 150 people up there''—meaning at the U.S. mission to the U.N.—''that have to be led. They have to be led well, and they have to be led properly.''

Being ambassador to the United Nations is not just a representational job; it is also a management job. There are 125 full-time, permanent State Department employees working there at our mission alongside numerous detailees from other agencies and departments. The ambassador has supervisory responsibility over all these people. Most are career civil servants, and they are there to represent the policies of the President and to serve the interests of the Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. I ask unanimous consent to proceed for 2 minutes to conclude the statement.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. What are they going to do up there in New York if John Bolton repeats the kind of abusive behavior that led people in the State Department, under incredible pressure, to seek the support and counsel of their assistant secretaries? There will be no one in New York to shield them from the wrath and vindictiveness of John Bolton.

Mr. President, unfortunately, it seems to have become, for some, a favorite pastime to assault the United Nations. They blame it for failing to resolve many of the problems that have occurred in the world. But I think we have to acknowledge that the U.N. has a role to play in preventing conflict and promoting cooperation. Skillful U.S. leadership at the United Nations can enhance our national interest in a very significant way, and part of that skilled leadership is to send an ambassador who has credibility and the wisdom necessary to carry out his responsibilities.

This nominee falls far short of that standard. Mr. President, 102 retired diplomats have taken the extraordinary step of sending a letter urging the Senate to reject the nomination.

Finally, let me say just this word about the witnesses who came forward to the committee to testify about Mr. Bolton's past conduct. These people, in effect, volunteered themselves to give what they thought would be an accurate view of Mr. Bolton's behavior. It took a lot of courage for people like Mr. Ford, Mr. Wilkerson, Mr. Hutchings, Ambassador Hubbard, and others to come forward. I am very concerned they may pay a price for this brave action, and I very deeply regret if this should turn out to be the case. I think their motive in coming forward was to promote the national interests of our country. In that sense, I think they are true patriots. They have nothing to gain by opposing the nomination.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. In fact, they have much to lose.

Mr. President, this nomination ought to be defeated. I urge my colleagues to join me in opposing it. We can do better, and, for the sake of our country, we must do better.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to ask if we could get a unanimous consent request here. The Senator from Arizona, my colleague from Arizona, I believe is next. How long does he wish?

Mr. KYL. I would like to speak for 10 minutes.

Mr. MCCAIN. The Senator from Massachusetts?

Mr. KENNEDY. Nine minutes.

Mr. MCCAIN. I ask unanimous consent that the Senator from Arizona be recognized for 10 minutes, the Senator from Massachusetts for 10 minutes, and me for 10 minutes following that.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, may I ask that Senator OBAMA be recognized subsequent to that?

Mr. MCCAIN. Fine.

The PRESIDING OFFICER. Is there objection?

Mr. MARTINEZ. Mr. President, I would like to be recognized as well in the ensuing sequence. My understanding is it has been going back and forth between the sides. The Senator from Connecticut spoke, and then the Senator from Maryland spoke. That caused us to have a little bit of a scheduling issue, so I would like to continue on that schedule and then allow myself to be recognized.

Mr. MCCAIN. I ask that the Senator from Florida be recognized following Senator OBAMA.

The PRESIDING OFFICER. The request before the Chair is Senator KYL for 10 minutes, Senator KENNEDY for 10 minutes, Senator MCCAIN for 10 minutes, Senator OBAMA for 15 minutes, and the Senator from Florida for 15 minutes.

Is there any objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida is recognized.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2566, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2566) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Mr. MARTINEZ. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 2566) was read the third time and passed.

NOMINATION OF JOHN ROBERT BOLTON TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS—Continued

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

Mr. KYL. Mr. President, I rise in very strong support of John Bolton to be our next ambassador to the United Nations. I have known Mr. Bolton for a long time. He is a great individual, a great representative of the United States, and, most importantly, the person the President wants to represent the United States at the United Nations. It is the responsibility of the Senate to act on his nomination because the President has requested us to do so.

Mr. Bolton has successfully championed a number of multilateral initiatives during the time he has been working for the Bush administration. He is committed to the success of the United Nations and sees it as an important component of our diplomacy and is a strong voice for U.N. reform.

I am concerned that a lot of debate has shifted to matters that have nothing to do with his qualifications and some of which attempt to assassinate his character. There is no question he

is qualified for the job. In fact, Mr. Bolton has been confirmed by this body on four separate occasions previously. Most of the Members objecting to him now have voted for him in the past. They did so based upon his substantive views, not any allegations about his conduct.

A lot of it has to do with the fact that there is opposition to President Bush's policy in different regards, and Mr. Bolton's nomination is a surrogate, in effect, for a debate about that policy. We can have a debate about the President's foreign policy, but we should not hold up the nomination of a man with the qualifications of John Bolton for a position we need to fill in the process of having that debate.

Moreover, I am concerned about some of the charges that have been made about him. One of the allegations—the Senator from Connecticut was speaking about this—has to do with some requests Mr. Bolton made which have been examined by the Intelligence Committee. Mr. Bolton's job at the State Department is to deal with this kind of information, and what the Intelligence Committee did in response to the request of the chairman of the Foreign Relations Committee was to look into the matter. Here is the response, on May 25, just quoting two paragraphs from the letter of the chairman of the Senate Intelligence Committee. He said:

> After completing an examination of these issues I found no evidence that there was anything improper about any aspect of Mr. Bolton's requests for minimized identities of U.S. persons. I further found no violation of procedures, directives, regulations or law by Mr. Bolton. Moreover, I am not aware that anyone involved in handling these requests had any concerns regarding these requests at any point in the process.

The chairman of the Intelligence Committee also said:

> Committee staff interviewed INR analysts and NSA officials responsible for processing requests for the identities of U.S. persons contained in signals intelligence products. None of the individuals interviewed indicated there was anything improper or inappropriate about Mr. Bolton's requests. We also were briefed by General Michael Hayden, former Director of the NSA and the current Principal Deputy Director of National Intelligence. He also stated that Under Secretary Bolton's requests were not only appropriate, but routine. In fact, INR records indicate that since May 2001, INR submitted 489 other requests for minimized identities.

Ten, by the way, had been requested by Mr. Bolton.

So what Mr. Bolton did was routine and proper. There was nothing improper about it. As the chairman of the committee noted, they found absolutely nothing that would suggest anything improper in Mr. Bolton's activities. This is all a smokescreen. There is nothing there.

The last point on this matter had to do with the fact that the Senate, it is alleged, should have access to all of these names. This has nothing to do with Mr. Bolton's qualifications to be the U.S. Representative at the United Nations. But there is some feeling that until Senators have access to these names, we should not act on the Bolton nomination.

Talk about a non sequitur, the Senate routinely does not have access to these names. They are highly classified. They get into the sources and methods of our intelligence. It is appropriate for certain people in the administration to gain access to the names, which is why, as is noted, there were 489 requests for those names by people within the administration—10 of which came from Mr. Bolton. There was nothing wrong with that.

As to whether Senators want access to these names, if that is something we need to take up with the intelligence community, the Intelligence Committee is entirely capable of doing that, but it has nothing to do with Mr. Bolton's qualifications to serve and our need to act on his nomination.

I suggest we cut through all of this smokescreen and get to the question of whether John Bolton is qualified to serve in the position the President would like to have him serve. That is the real question.

Let me note a couple of other things I am aware of that he has done in his position of Under Secretary of State for Arms Control and International Security.

Probably the most significant and, frankly, one of the most significant achievements of the State Department itself in the last 4 years was John Bolton's initiative to develop the President's Proliferation Initiative. Over 60 countries are now participating in that initiative, and it is, frankly, one of the key reasons we disarmed Libya with its nuclear program.

John Bolton has played a key role in the implementation—creation and implementation—of the G–8 Global Partnership Against the Proliferation of WMD and WMD Materials. Under that program, we have doubled the size of the nonproliferation effort in the former Soviet Union by committing our G–8 partners to match our dollars with programs under the so-called Nunn-Lugar CTR effort.

He was instrumental in concluding U.N. Security Council Resolution 1540, which for the first time identifies proliferation of weapons of mass destruction as a threat to international peace and security—a resolution, by the way, that was adopted unanimously.

He has been a big advocate of U.N. reform. For example, while serving as Assistant Secretary of State for International Organizations, he detailed his concept of a ''Unitary U.N.'' that sought to ensure management and budget reforms across the U.N. system, and that is something that is sorely needed. Almost everybody acknowledges that the U.N. needs this kind of reform today.

John Bolton is the guy who has worked tirelessly on this effort, including, by the way, the payment of arrearages in U.N. assessments that were created during the 1980s. In that same capacity, he led the effort to repeal perhaps the most heinous resolution in U.N. history, the resolution equating Zionism with racism. He also served as a member of the Commission on Religious Freedom.

He has been there. He has fought on behalf of the United States. He has been an effective diplomat. Yes, he is a tough guy. People have noted that. Do we want a weak Representative at the United Nations? Especially today? I don't think so. President Bush is the person who has talked to all of these diplomats and Presidents and representatives of countries around the world. He has a good feel of what it takes at the United Nations now. None of us has the President's experience in knowing all these world leaders. The President has thought about this and said, knowing all these people, the way they act, how we use diplomacy at United Nations: I think the best guy to represent the United States at this point in time is my man John Bolton. He is the man I want to send there.

We ought to acknowledge that the President knows a little bit about foreign policy and foreign affairs, having worked with all these people, and probably has a pretty good idea of what it takes to get our country's interests represented well at the United Nations. John Bolton is the man he wants us to confirm in that position.

There are a variety of other things Mr. Bolton has worked on with respect to U.N. reform and efforts to reform the International Atomic Energy Agency and a variety of other items.

I will conclude by noting that we all appreciate the fact that the United Nations needs reform, and John Bolton is a person who can accomplish that reform. He has accomplished a great deal in the matter that is primarily of importance to us these days—the proliferation of weapons of mass destruction and the war on terror. I believe all the charges made against him have been answered, of course—they have been answered in spades—but we ought to move beyond all that smokescreen and get back to the central point, which is John Bolton is the man the President wants at the United Nations, he has been confirmed by this body four times before, there is no question about his qualifications and his desire, and the Senate needs to uphold the great tradition of this body by acting on—debating, certainly, but acting on the President's nominees and confirming John Bolton by 7 o'clock tonight.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, would the Chair remind me when I have 2 minutes left, please.

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Mr. President, it is premature for this nomination even to be brought up before the Senate until we have the opportunity to see all the obviously relevant information on Mr. Bolton's record.

I want to congratulate our friends and colleagues, Senator BIDEN, Senator DODD, Senator KERRY, Senator SARBANES, and the other members of the committee, for the outstanding job they have done on this nomination.

The obvious conclusion from the administration's stonewalling is that the documents being withheld from the Senate contain nothing to support the nomination and will only make it even clearer that Mr. Bolton is the wrong choice for this extremely important position.

The United Nations is the world's preeminent diplomatic body. We need a representative there who is a strong and effective leader, who believes in diplomacy, and who has a proven record of using diplomacy to advance America's foreign policy and national security objectives.

Now more than ever, America needs to put our best face forward to the international community. We can—and should—do far better than John Bolton.

Jeane Kirkpatrick, who served as the U.S. ambassador to the United Nations under President Reagan, has spoken of the need to approach the job of U.N. ambassador in a ''low key, quiet, persuasive and consensus-building way.'' As she says:

> John Bolton may do diplomatic jobs for the U.S. government, but John is not a diplomat.

In fact, John Bolton is more a bully than a diplomat. His confirmation hearings suggest that on many occasions he twisted the intelligence to fit his views and wrongly pressured analysts to produce intelligence conclusions at odds with the facts. He continually sought to exaggerate the intelligence about Cuba's possible biological weapons activities and support for terrorism. He continually sought to exaggerate Syria's nuclear activities beyond what the intelligence analysts regarded as accurate. Rather than accept the analysis produced by the intelligence community, Mr. Bolton insisted on advancing his own views and retaliated against those who disagreed with him. He should be held accountable for this behavior, not rewarded and promoted.

The lessons of the Iraq war are abundantly clear. We need to make decisions based on facts and sound analysis of intelligence.

We need to encourage intelligence analysts to ''speak truth to power'' when intelligence is in danger of being distorted, manipulated, or misrepresented. We can't demand the results we want and try to fire people who refuse to go along. But that's precisely what Mr. Bolton repeatedly tried to do.

He tried to fire Christian Westermann a State Department intelligence analyst in the Bureau of Intelligence and Research, who disputed the misleading language that Bolton tried to use about Cuba and biological weapons.

In another incident, the National Intelligence Officer for Latin America had said that a speech by Mr. Bolton on Cuba did not accurately reflect the assessment of the intelligence community. So what did John Bolton do? He personally went to the CIA to try to have him fired.

Mr. Bolton's contempt for anyone with opposing views was not limited to intelligence officers who disagreed with him.

When two State Department officers in the nonproliferation Bureau disagreed over policy, he sought their removal.

He accused Rexon Ryu, a career civil servant, of intentionally withholding a cable on the U.N. inspection process in Iraq from his office. Nine months later, John Bolton denied Mr. Ryu a significant new assignment as the point person for the Nonproliferation Bureau for the upcoming G–8 summit.

In the case of a State Department lawyer, Mr. Bolton tried to remove him from a legal case on China sanctions, based on a misunderstanding of a position the lawyer had taken.

These are not isolated incidents of disgruntled employees. They represent a clear and troubling pattern of a bully who repeatedly tried to silence opposition by attempting to intimidate analysts and subordinates into conforming to his views.

Sadly, his view is not one that envisions a great and important role for the United Nations. On the contrary, Mr. Bolton has shown nothing but disdain for the United Nations. He has continued to articulate a vision of a go-it-alone foreign policy.

Speaking to the World Federalist Association in February 2004, he said:

> There is no such thing as the United Nations. . . There is an international community, that occasionally can be led by the only real power left in the world and that is the United States, when it suits our interest and when we can get others to go along.

He said:

> The Secretariat building in New York has 38 stories. If you lost 10 stories today, it wouldn't make a bit of difference.

These are not the views of a person who is supposed to represent America's diplomatic interests in the international community. These are not the views of an individual who, as the Administration argues, is well suited to reform the United Nations.

These views are likely to make Mr. Bolton less effective, not more effective, pursuing our interests at the United Nations. We can't expect the support of other nations on issues that matter to the United States, if we show nothing but contempt for other nations.

In fact, on one highly important issue where diplomacy is desperately needed—North Korea—Mr. Bolton has been consistently wrong.

The nuclear threat from North Korea continues to grow. North Korea is already the greatest proliferator of ballistic missiles. Desperate, and strapped for cash, the threat is very real that North Korea could be a source of nuclear material for Al Qaeda terrorists.

We agreed to the Six-Party Talks, but have not effectively engaged the North Koreans. At Mr. Bolton's urging, our policy's been AWOL so far.

The results may be deadly. When President Bush came to office, North Korea's plutonium program was inactive. Its nuclear rods were under seal.

Then the President called North Korea part of his Axis of Evil. As we prepared for war with Iraq over nuclar weapons that did not exist, we learned that North Korea had begun a secret uranium enrichment program. When we confronted North Korea, but then refused to negotiate with it, North Korea expelled the international inspectors and began producing plutonium for nuclear weapons. On the eve of war with Iraq, North Korea pulled out of the Nuclear Nonproliferation Treaty.

At the beginning of the Bush administration, North Korea was already thought to have two nuclear weapons. They are now believed to have up to eight such weapons—and possible more—and they may well be preparing for a nuclear test.

One of our worst national nightmares is nuclear material or even nuclear weapons in the hands of al Qaeda, with North Korea as their supplier.

The person guiding President Bush's policy on North Korea was John Bolton. His policy's been a failure, yet the administration now wants to promote him to be our Ambassador to the U.N.

Mr. Bolton was not able to advance effective diplomacy as Under Secretary for Arms Control and International Security Affairs, and there is no reason to believe he can advance America's interests at the U.N.

The challenges facing America are serious—terrorism, war, ethnic conflict, ancient and modern rivalries, disease and poverty, human rights—all these are still the pressing daily realities—for peoples throughout the world.

The need for a strong United Nations as an effective international organization and a strong U.S. Ambassador to advance our interests is clear and compelling.

As Franklin Roosevelt said about America in 1945:

> We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of nations far away . . . . We have learned to be citizens of the world, members of the human community. It is not a Republican or Democratic or American community. It is a world community.

In the age of instant global communication, trade zones that span hemispheres, transnational criminal gangs, international terrorism, and the prospect of nuclear devastation—the need of nations to work together is greater than ever. The challenges we face today are too complex, too immense, and too pervasive for the United States or any nation to face alone.

The United Nations is the one and only organization through which the nations of the world can link their

unique strengths in a realistic hope of building a peaceful future for all humanity.

We need a representative at the United Nations who supports that vision and is committed to that future for us all. John Bolton is not the person for that job, and I urge my colleagues to vote against him.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to speak again in support of John Bolton's confirmation as U.S. ambassador to the United Nations. When I spoke in April in favor of Mr. Bolton, I highlighted a number of his qualities, including that he is smart, experienced, hard working, talented, and he knows the United Nations. In view of these and other impressive qualifications, the Senate has confirmed him four times in the past.

It is worth repeating several times: The Senate has done its work and confirmed him four times in the past.

In his current job as Under Secretary of State for Arms Control and International Security, he has compiled a record of accomplishment. For example, next week marks the second anniversary of the Proliferation Security Initiative, a multilateral effort to stop trafficking of weapons of mass destruction and their components. John Bolton spearheaded this program since its inception, and today more than 60 countries support it. This success alone should disprove the argument that Mr. Bolton is somehow an arch unilateralist, bent on subverting collective international action.

The PSI is not his only multilateral success. He has also helped to construct the G–8's global partnership to secure dangerous technologies and materials. He led the negotiations leading to the Treaty of Moscow which dramatically reduced the size of deployed nuclear arsenals in the United States and Russia, and in his previous post as Assistant Secretary for International Organizations he led the successful drive to repeal the U.N. resolution equating Zionism with racism.

A lot has been made in recent weeks about Mr. Bolton's personal disposition in dealing with colleagues. Let's be frank: He is not a career diplomat either by profession or temperament, but then, the role of ambassador to the U.N. has always required something special. A look back at some of the personalities who have held this job—from Adlai Stevenson to Daniel Patrick Moynihan, from Jeane Kirkpatrick to Richard Holbrooke—shows that directness and forcefulness are assets, not hindrances, to effectiveness at the U.N.

We all know Mr. Bolton is perhaps not the world's most beloved manager nor one to keep his temper entirely under wraps. Perhaps I have a certain bias in that direction and an extra special sympathy because I am well known to my colleagues as always calm and never engaged in any controversial issues nor activities.

But seriously, I ask my colleagues, I ask seriously, is this unique to Mr. Bolton? If a temper and an unorthodox management style were disqualifiers from Government service, would that disqualify a lot of people, including maybe one or two in this body?

But the fact is, it is worth wondering not whether Mr. Bolton is a mild, gentle diplomat—we know he is not—but, rather, whether he is a representative we need at the United Nations. We need an ambassador who knows the U.N. We need an ambassador who is willing to shake up an organization that requires serious reform. Is there anyone in this Senate who does not believe the United Nations needs serious reform, an organization that has countries such as Sudan on its Human Rights Commission or whose General Assembly equates Zionism with racism?

We all know about the oil-for-food scandal that is unfolding now. We know there have been several calls for reform. One of my friends, Brent Scowcroft, served on a panel that was named by the Secretary General. And Kofi Annan has presented his own serious plan to implement these recommendations because the United Nations needs reform.

Why do I care so much? I care for a broad variety of reasons, including the fact that my taxpayer dollars support some 20 percent of the United Nations operations. The United Nations needs reform. The United Nations has failed in peacekeeping operations throughout the world. Some of the scandals concerning peacekeeping activities, of rape in the Congo, have got to be changed. The United Nations needs the presence of a tough, hard, dedicated individual who has been already confirmed in various posts four times by this Senate.

Elections have consequences. One consequence of President Bush's reelection is he has a right to appoint officials of his choice. I stress this because the President nominates. It is not my choice, or any other Senator's, but the President's choice. When President Clinton was elected, I didn't share the policy views of some of the officials he nominated, but I voted to confirm them, thinking that the President has a right to put into place the team he believes will serve him best.

The Foreign Relations Committee has spent weeks investigating Mr. Bolton's background. In his recent report on behalf of the committee majority, Senator LUGAR, one of the most respected individuals in this Nation, determined ''the end result of all this is that Secretary Bolton emerged looking better than when it began.'' Chairman LUGAR ultimately concluded that Mr. Bolton is a highly qualified nominee. I agree.

In the last 48 hours or so I have noticed a change in the temperature around this body. I am very pleased about it. We realized it is time to move ahead with the people's business. It is time we started addressing seriously the energy crisis in this country. It is time we got together, along with the President, in coming together to save Social Security. It is time we move forward with the Defense authorization bill and help the men and women who are defending this Nation and sacrificing as we speak.

I strongly urge my friends on the other side of the aisle, we are going to have a cloture vote this evening. After that, let's vote up or down. For my colleagues who disagree and do not want Mr. Bolton there, I respect their views. But let's go ahead and give him an up-or-down vote before we go into recess for a week. Let him go. If the Senate in its wisdom approves of his nomination, let's go ahead and let him get to work rather than wait a week or 10 days or more. We have been at this for weeks. Let's move on to other things.

If we asked our constituents, What would you like us to do, take up the Defense authorization bill? Take up an energy bill? Try to work on this deficit problem that is mortgaging their futures? Sit down and negotiate a bipartisan agreement on Social Security? Those would be their priorities. Let's move ahead tonight, have the cloture vote, have a vote on Mr. Bolton, and move forward and plan for when we come back from the recess, addressing the issues that are important to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, let me begin my statement today by outlining what I think this debate is not about.

I do not believe this debate is about Mr. Bolton being rude on occasion. This debate is not about Mr. Bolton being blunt. The debate is not about Mr. Bolton occasionally losing his temper.

As the distinguished Senator from Arizona just noted, if this is the criteria, many of us in the U.S. Senate would not be qualified to serve in a position that requires confirmation. Almost all of us lose our cool from time to time and say things we come to regret later. Let me add, I don't think this debate is about whether Mr. Bolton is an intelligent man.

These are not the issues at the heart of the strong bipartisan objections that have been voiced on this nomination.

The crux of the objections is very specific, very credible allegations that Mr. Bolton sought to shade intelligence and sideline career intelligence analysts who did not agree with his policy views. This is the core of the bipartisan objections to this nomination.

Over and over again, we heard from a range of career officials and Bush administration appointees that Mr. Bolton sought to massage intelligence to fit an ideological bias. Let me emphasize, these are objections coming forward from Bush appointees.

In addition, we have 102 former ambassadors and senior diplomats who oppose Bolton—from the Nixon administration, the Ford administration, and

that bastion of fuzzy-headed liberalism, the Reagan administration.

In an environment where reliable intelligence is one of the best tools we have to keep us safe, we must heed the lessons from the Iraq war: Intelligence must never be shaped to fit policy views. Dissent within the intelligence community should not be muzzled or suppressed; it should be respected and encouraged.

The United States Senate should be sending a clear, unequivocal statement to our intelligence officers: We want you to play it straight and call it like you see it—even if it is something we do not want to hear.

I am afraid that by voting to confirm Mr. Bolton, we will fail to send that critical message.

Now, I believe the President is entitled to the benefit of the doubt when appointing senior members of his team. To that end, I have supported a number of the President's choices for top foreign policy positions, including Secretary Rice; Robert Zoellick, to be her deputy; and Nick Burns, to fill the third-ranking position at the State Department.

I think we should provide some deference to the President. The executive branch is primarily responsible for the day-to-day operations of our foreign policy.

At the same time, the Constitution gives the Senate the power to advise and to consent. This is a responsibility I take very seriously.

And so, because of Mr. Bolton's consistent breach of the line between practicing politics and analyzing intelligence—that is pivotal to our national security—I intend to vote ''no'' on the nomination of John Bolton to be our representative to the United Nations.

I agree with much of what my colleagues have said about the problems with Mr. Bolton's qualifications to serve in this position. But I would like to focus on one issue that I believe has not been covered in great detail—Mr. Bolton's performance in his current job.

It has been suggested we should overlook the troubling aspects of Mr. Bolton's record—the fact that he appears to have attempted to manipulate intelligence data; the fact he does not appear to have been entirely forthcoming before the Foreign Relations Committee; and the fact we still cannot get basic information from the State Department on his nomination—for one reason: because Mr. Bolton is so competent for the job. I have heard this argument repeatedly from the other side of the aisle.

I am baffled by this reasoning. I am stupefied by the suggestion that Mr. Bolton is such an excellent choice for the job, so uniquely qualified for this job, that we should just ignore all of these other problems.

When I look at the record of Mr. Bolton during the last 4 years as the top arms control and nonproliferation official at the State Department, I am not impressed. Let's look at his track record.

On North Korea, the approach that has been advocated by both Mr. Bolton and this administration has simply not worked. Under Mr. Bolton's watch, there are no longer international inspectors and cameras at any site in North Korea. The North Koreans have withdrawn from the Non-Proliferation Treaty. We now believe North Korea has developed material for six to eight nuclear weapons.

When North Korea has one or two nuclear weapons, the situation is critical. They can test one weapon, and hold one weapon. When it has six to eight, the situation is terminal. North Korea can now test a weapon, hold a couple, and sell the rest. And we know that North Korea will do virtually anything for the money.

Another area Mr. Bolton was responsible for is the Non-Proliferation Treaty, a critical tool for helping to prevent the spread of nuclear weapons to rogue states, which could ultimately fall into the hands of terrorist organizations.

President Bush recognized the importance of the NPT and pledged to strengthen this treaty in a 2004 speech at the National Defense University. A week later, Mr. Bolton promised to do the same.

What has happened since? Virtually nothing. The administration has made very little progress on this issue, and the Non-Proliferation Treaty review conference currently underway is not going well.

An article from MSNBC reports:

> The United States has been losing control of the conference's agenda this week to Iran and other countries, a potentially serious setback to U.S. efforts to isolate Tehran.

Where has Mr. Bolton been throughout this process?

According to the same article:

> [S]ince last fall Bolton, Mr. Bush's embattled nominee to be America's ambassador to the United Nations, has aggressively lobbied for a senior job in the second Bush administration. During that time Mr. Bolton did almost no diplomatic groundwork for the NPT conference . . . officials say. Everyone knew the conference was coming, and that it would be contentious, says a former senior Bush official, but Bolton stopped all diplomacy on this six months ago.

In other words, Mr. Bolton was more interested in lobbying for the U.N. job than doing the tough groundwork necessary for a successful review conference.

Let's turn to Iran—another issue on which Mr. Bolton should have been working to formulate a coherent, workable administration strategy. Instead, the administration's policy has been all over the map. In a hearing before the Foreign Relations Committee last week, a senior State Department official described the latest iteration of the Administration's policy as a ''patient policy.''

I would say the policy has been less about patience and more about paralysis—a dangerous situation for a nation such as Iran that is developing nuclear weapons, is a state sponsor of terrorism, and is meddling in Iraq.

Perhaps this paralysis and incoherence is best illustrated by the fact that since 2001, the administration has tried—to my knowledge, without success—to formulate a Presidential Directive on Iran. As the top non-proliferation official at the State Department, Mr. Bolton should have been doing more to shape a workable policy instead of letting it drift dangerously along for the last 4 years.

Mr. President, I know my time is running short, so let me conclude with a couple of simple points.

Two examples are frequently cited by Mr. Bolton and his supporters as evidence of his success and competence in his current position: Libya and the Proliferation Security Initiative. During his confirmation hearings, Mr. Bolton touted these successes over and over again.

Now, I agree with Mr. Bolton that we have made important progress on these issues. But reports suggest that the Libya deal was struck in spite of Mr. Bolton, not because of him. In fact, Mr. Bolton was sidelined from the negotiations by the White House. And, the British Government specifically asked that Mr. Bolton not play a role in this process.

I quote from an MSNBC article that specifically addresses this issue:

> Bolton, for instance, often takes and is given credit for the administration's Proliferation Security Initiative, an agreement to interdict suspected WMD shipments on the high seas, and the deal to dismantle Libya's nuclear program, a deal that Bolton, by the way, had sought to block. But [a] former senior Bush official . . . says that, in fact, Bolton's successor, Robert Joseph deserves most of the credit for these achievements. This official adds that it was Joseph who was in charge of counterproliferation at the NSC [and] who had to pitch in when Bolton fumbled preparations for the NPT conference as well.

Now, here is my point: If there was clear evidence that Mr. Bolton is a terrific diplomat, maybe I could understand how some in the Senate could overlook what I consider to be a mountain of evidence concerning his misuse of intelligence and say: You know what, this guy is such a capable administrator and diplomat, we need him to reform the United Nations.

I would still believe that the misuse of intelligence, in and of itself, disqualifies Mr. Bolton from the job, but at least I could understand why some people would draw such a conclusion.

But the record indicates that in his current job he has not had much success, which leads me to ask: Why is it we are so confident this is the person who is going to lead reform in the United Nations?

The distinguished Senator from Arizona is exactly right, we need reform in the United Nations. It is inexcusable some of the things that go on up there.

But as a consequence of Mr. Bolton's diminished credibility and stature, I

think he is exactly the opposite of what we need at the United Nations. Countries such as Zimbabwe and Burma, and others that do not want to see reform take place at the UN, are going to be able to dismiss our efforts at reform by saying: Mr. Bolton is a U.N. basher, someone who is ideologically opposed to the existence of the U.N.—thereby using Mr. Bolton's own words and lack of credibility as a shield to prevent the very reforms that need to take place.

Moreover, I have yet to hear a comprehensive plan from Mr. Bolton or the administration for U.N. reform.

So let me close by saying this: When the Foreign Relations Committee considered Mr. Bolton's nomination, I invoked the memory of Adlai Stevenson, a great citizen of the State of Illinois. Stevenson had the credibility, the temperament, and the diplomatic skill to guide the United States through some of the worst, most difficult times at the United Nations—especially the Cuban missile crisis.

During this crisis, we were able to isolate the Soviets because of the stature and integrity of our permanent representative to the United Nations.

Given the issues that have surfaced surrounding Mr. Bolton's nomination, I simply ask my colleagues this: If a crisis were to occur with North Korea or Iran, are we sure the integrity and credibility of Mr. Bolton would command the respect of the rest of the world? Would Mr. Bolton, like Adlai Stevenson, be able to convince the world that our intelligence and our policies are right and true? Would Mr. Bolton be able to isolate our enemies and build a coalition that would ultimately make our troops safer and our mission easier?

I believe the answer is no. There are some wonderful, capable, tough, conservative, reform-minded Republican diplomats who are well qualified for this task and would easily be confirmed by the Senate. Mr. Bolton is not one of them.

I would urge that the other side of the aisle seriously consider their position on this nomination. I hope we can muster the votes to send this nomination back to the President. Let's start afresh. I know we can do better.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BURR). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to strongly support the nomination of John Bolton to be the United States next permanent representative to the United Nations. I do so because I believe this is a man of great integrity who has dedicated himself to serve this Nation in various different posts over the course of his life.

I want to try hard not to repeat a lot of what has been said already because it is, I know, at times repetitious. But I do believe it is important we recognize and know this gentleman has been previously confirmed by the Senate in four prior Presidential appointments, and three of those in the area of diplomacy.

I am intrigued by the comments of the Senator from Illinois about Mr. Bolton's diminished stature. It appears that now we are going to find him unqualified by what has transpired over the last 60 days to this good man, as his record has been trashed repeatedly, oftentimes with scant or little evidence.

So let me say I believe this is a good man who has earned the right and has been chosen by the President of the United States to represent our Nation at this very important post.

The Senator from Arizona spoke about elections having consequences. The fact is, President Bush not only has made this choice but has made a choice of someone who he believes is the right person to lead our efforts at this time at the United Nations.

Mr. Bolton is someone who has sometimes been called blunt speaking. At the same time, our President at times has irked people because of the directness of his language, because of the fact that sometimes he calls a spade a spade. I do recall, as a member of his Cabinet, sitting in a joint session of the Congress when a great deal of talk was generated about him speaking about an ''axis of evil.'' The President has chosen this direct man to be at the United Nations, and at a time when we need direct talk. There is a great tradition at the United Nations of people who have been plain spoken.

I have had the pleasure and honor of knowing Ambassador Jeane Kirkpatrick. No one has ever suggested that Ambassador Kirkpatrick was shy, retiring or unclear about her views. I also had the honor of knowing someone who was ambassador to the United Nations, Vernon Walters. I know Vernon Walters embarked on many diplomatic missions, usually to set the record straight with some foreign leader, usually to tell him bluntly what needed to be done or said. If there is any doubt about that, there is a wonderful book he wrote about his life called ''Silent Missions'' that provides good evidence.

We hold up Adlai Stevenson as someone who should be emulated. The fact is, Ambassador Stevenson, who was a wonderful public servant as well, at times used rather blunt language. I can remember as a child being glued to the TV set during the missile crisis with Cuba and the Soviet Union, and Adlai Stevenson demanding: Don't wait for the translation. He was prepared to use blunt language. It is in our national interest, at times, to have direct, blunt-speaking people, particularly at a place like the United Nations.

We have heard, in the course of the debate, that Mr. Bolton should not be qualified for this job because he spoke of the fact that out of the 38 stories at the U.N. building, perhaps 10 could be done away with. Who here does not, in a serious way, believe that the United Nations bureaucracy could use some streamlining? More interesting than that, Mr. Bolton has been speaking about this for over a decade. He wrote some very interesting articles, which I took the time to read, about United Nations reform, about streamlining that bureaucracy, about better budgetary management. Sadly, although his writings are 8 or 10 years old, even longer, little has been done to move the ball forward, to change that stymied bureaucracy that continues not to use taxpayer dollars appropriately and who has engaged in some condemnable practices in recent days.

One of the charges I find most unfair—and its repetition does not add to its credibility—is the charge that Mr. Bolton has politicized intelligence, has massaged intelligence, has not used intelligence adequately. There is no evidence, for those of us who sat in the Foreign Relations Committee meetings and heard the evidence of those who spoke, that Mr. Bolton ever massaged intelligence. There is evidence that Mr. Bolton acted swiftly to try to explain to those who worked for him how they should approach the clearance of his speeches. And he did react strongly to those who tried to go around him and attempted to impact or influence that which would be clear for him to say.

It is, in fact, at times difficult to study intelligence and analyze it in a way that gives it clear and complete clarity. So what do we do? We have intelligence analysts. We have human beings who are, similar to historians and journalists and all of us in life, given to the proclivities of their own bias, their own life experience, their own political views. Through that filter, comes the intelligence which comes not in a clear package but as a mosaic, something that comes in bits and pieces and dribs and drabs. Out of that, we have to make a whole cloth. We have to create a judgment. That is where judgment comes in.

Those who are in politically appointed positions have the responsibility to challenge the professionals in the intelligence community as they seek to put together the ultimate judgments about what the pieces of information tell them concerning the truth of that intelligence.

In that instance, at times, maybe Mr. Bolton has had differences, but in every single instance that could be overturned—and believe me, his record has been combed carefully—there was never a time when Mr. Bolton went outside that which was approved and that which was cleared.

It is important to me that the record be clear about Mr. Bolton's statements on the issue of bioweapons capabilities by Cuba. In his speech at the Heritage Foundation, which has caused so much controversy and interest, he used the very same language that 3 months earlier one of his accusers, Carl Ford, had used before a Senatorial committee. That language, which stands to this day, reads:

The United States believes that Cuba has at least a limited developmental offensive biological warfare research and development

effort. Cuba has provided dual use bio-technology to rogue states. We're concerned that such technology could support [bioweapons] programs in those states. We call on Cuba to cease all [bioweapons] applicable cooperation with rogue states and to fully comply with all its obligations under the Biological Weapons Convention.

I believe those are responsible remarks. I believe those are timely remarks. I believe those are remarks that are intended to make the world safer and to make America safer from terrorism by bioweapons. Sharing bioweapons technology with rogue states is not a good thing. The fact that Mr. Bolton would dare to call their hand on it is not a bad thing. We should be grateful to Mr. Bolton for his directness, for his bluntness, for his willingness to take on this issue and speak about it clearly.

It has also been said that Mr. Bolton may not have done a good job at his last assignment. I repeat, again, that this is the fourth time the Senate, after a Presidential appointment, has sought to confirm Mr. Bolton, most recently as Under Secretary of State for Arms Control and International Security.

A number of states around the world pose great danger and concern. We spoke about Cuba. It is one of those. But there is also Iran. As to Iran, on Under Secretary Bolton's watch, Iran's formerly covert nuclear program has been exposed and has been described in detail in seven public reports by the IAEA director general. The IAEA board of directors has adopted six resolutions calling on Iran to suspend its nuclear fuels cycle activities and fully cooperate with IAEA inspections.

The EU—particularly UK, France, and Germany—the United States, and Russia are working closely to suspend and reverse Iran's nuclear program and to develop a complete absence of any further nuclear testing by them. Today we had some encouraging news. We hope we can build on that. That is a success that, in no small measure, is due to Mr. Bolton's work.

In addition, we have talked about North Korea. I find it terribly interesting that the irrational behavior of the North Korean Government, which we all know to be irrational and unconventional, would be laid at the feet of this nominee. North Korea has had nuclear aspirations for decades. And it began an active effort to acquire nuclear weapons years before the Bush administration came into office, years before Mr. Bolton was in the position he holds. The 1994 agreed framework was doomed to fail and was only a short-term Band-Aid to the resolution of this problem. It was akin to looking down a soda straw and at a plutonium facility and ignoring the fact that North Korea began cheating, almost as the ink was drying, by embarking on a covert uranium enrichment program. The Bush administration changed tracks. The Bush administration took a different policy approach.

I understand there may be some on the other side of the aisle who disagree with that policy approach, and much has been said about that. In fact, in the Presidential debate, there was discussion of this very issue. Again, elections have consequences. President Bush's approach to proceeding with the six-party approach to negotiations with North Korea is what is continuing today.

We cannot blame Mr. Bolton for those instances where foreign policy issues have not gone as we wished and then refuse to give him credit for those that have been successful. That is the height of unfairness and the height of hypocrisy.

In Libya, our policies have met with success. Negotiations on Libya's weapons of mass destruction dismantling effort were conducted at a senior level by the CIA and White House negotiators. Mr. Bolton was not a part of that process, as often is the case for diplomats. I can recall a distinguished ambassador to the United Nations, Adlai Stevenson, when President Kennedy received information, with photographs by our reconnaissance airplanes, that there were offensive missiles hidden in Cuba, Adlai Stevenson did not have that information. We know now, from the books that have been written about that, he was highly offended that he was not included in or given that information until later when it had been made public. The fact is, sometimes diplomacy has to be conducted in serious and closed circles. Mr. Bolton successfully oversaw WMD dismantling and removal from Libya.

In addition, I believe there have been a number of other unfair accusations about Mr. Bolton's conduct in terms of his relationship with subordinates.

The fact is, some of these allegations have been found to be completely devoid of any merit. In fact, the majority report on the Melody Townsel case—one of those that was so sensational, that caused the Foreign Relations Committee to defer consideration of his nomination until 3 weeks later—the investigation on page 315 of the report says:

The investigation was not able to establish conclusively that the alleged events even occurred.

The fact is that, along with many of these other allegations that have really nothing to do with the qualifications and competence of Mr. Bolton, has been found to be either without merit or with very little merit.

Mr. President, in conclusion, it is time that we move forward with this good man's nomination. I find it, as a fairly new Member of the Senate, a little disturbing and disappointing how easily and with little hard evidence a person's reputation can be tarnished. The fact is, there have been bits and pieces that were either exaggerated or simply not found to have merit that have been now utilized to try to derail this good man's nomination.

I look forward to Mr. Bolton's service at the U.N. I think he will be a good and effective reformer in an institution that is in desperate need of reform and an institution where he has taken the time, over the history of his work, to talk about those issues of reform—management reform and budgetary reform.

Our Nation contributes a very sizable percentage of the U.N. budget. It is our taxpayer dollars that are being wasted at the U.N. and that are oftentimes not only not serving our national interests but are, in fact, harming our national interests.

We have a person with Mr. Bolton's experience, and it has been suggested that he is someone who is simply not going to be effective at the U.N., and he is not going to be effective because it keeps being repeated that he will not be effective there.

Mr. Bolton has a strong record of accomplishment. I point to the repeal of the Zionism as racism resolution, on which Mr. Bolton led the effort that was so important in establishing a dynamic paradigm so the Middle Eastern peace process could move forward, so that fundamental fairness toward Israel could also prevail at the U.N., a place that has been so incredibly harsh on Israel and its right to exist.

I am delighted and it is with great pleasure that I support the nomination of John Bolton to be the next Permanent Representative at the U.N.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to speak in opposition to the nomination of John Bolton to be ambassador to the United Nations.

There are two issues at stake. First is an issue of whether this Senate will receive critical information so that we can deliberate carefully and thoroughly about Mr. Bolton's nomination. So far, the State Department, as my colleagues, Senators DODD and BIDEN, pointed out, failed to provide information under the theory that they get to decide what we should know when we are casting a vote as important as ambassador to the United Nations. It is a novel theory, but it holds no water. If we allow this to go on, it will make the Senate irrelevant when it comes to major decisions about nominations and major decisions about the future policy of the country.

The second issue is the qualifications of Mr. Bolton to be ambassador to the United Nations. For me, this is not a particularly hard vote. I opposed Mr. Bolton's nomination to be Assistant Secretary for Arms Control. That was based upon my review of his record, his statements, and his commitment to arms control and counterproliferation. Frankly, I think over the last several years—the record is mixed, but in large part it suggests that his duties there certainly don't warrant a promotion to be ambassador to the U.N.

He was instrumental in establishing the Proliferation Security Initiative, which is a potentially useful framework, but as CRS pointed out:

Without greater resources, legal authority or technical tools for interdiction, the success of PSI may rest on a political commitment of like-minded states to follow through.

In a sense, after all of the initial hype, there does not appear to be the followthrough necessary to make this work. That was on Mr. Bolton's watch.

He also negotiated the 2002 Moscow Treaty, but this is an interesting arms control treaty. It has no verification regime. There is no requirement for either side to make adjustments in the status of nuclear weapons until the last day of the treaty, which is years from now. It has no provisions for continuing negotiations. Again, more style than substance, more press release than real progress.

Secretary Rice has indicated that Mr. Bolton was involved in negotiations which led to a significant breakthrough—the renunciation of nuclear weapons by the Government of Libya. However, if you listen to British officials participating in the negotiations, they requested that the White House take Mr. Bolton off the negotiating team because he was undermining their potential for success.

While Mr. Bolton was an Under Secretary for State for Arms Control, the United States withdrew from the ABM Treaty, becoming the first nation since World War II to withdraw from a major international security agreement.

Mr. Bolton also blocked efforts to add a verification clause to the Bioweapons Convention, blocked negotiations in the Geneva Conference on Disarmament with respect to the weaponization of space, and worked to weaken a treaty on small arms trafficking.

That is not the record of somebody who is an Arms Control Under Secretary committed to ending proliferation. If you look at North Korea, when he took over, they had, at most, two nuclear weapons. Now, North Korea may have as many as eight—four times the peril and danger. That is not a record that compels a promotion.

I think this is a situation in which other factors have come into play—assertions and allegations that he has pushed the envelope with respect to intelligence, about threats from Syria and other countries. Again, this is not a record that deserves promotion, a record of someone who is in a challenging world and is able to make a major, positive difference with respect to arms control, and it reflects the administration's disdain for the process of arms control and counterproliferation.

Now Mr. Bolton has been nominated to be ambassador to the U.N. And once again, Mr. Bolton is reflecting the administration—this time their disdain for the U.N. I believe that is wrong.

We should have recognized, after our experience in Iraq, that we cannot go it alone. As unpleasant as international organizations can be sometimes, as inefficient and unworkable as they are at times, in the long run we are better when we ally with other nations than striking out alone. Mr. Bolton has a different view of the U.N.

In 1994, he stated:

There is no such thing as the United Nations. . . .If the U.N. Secretariat Building in New York lost 10 stories, it wouldn't make a bit of difference.

That is a narrowed-minded view and not historical. The U.N. has made a difference.

Repeatedly, Mr. Bolton talked about his disdain for the U.N. In 1998, he was responding to the ramifications of not paying U.N. dues. In his words:

Not only do I not care about losing the General Assembly vote, but actually see it as a ''make my day'' outcome.

That is not the kind of cavalier attitude that will bode him well as ambassador to the United Nations, where he becomes one of the chief diplomats in our diplomatic arsenal, if you will.

In an article in the New York Times, Elizabeth Jones stated:

I don't know if he's incapable of negotiation, but he's unwilling.

Ms. Jones believed that:

''The fundamental problem,'' if Mr. Bolton were to become U.N. ambassador, would be a reluctance on his part to make the kinds of minor, symbolic concessions necessary to build consensus among other governments and maintain the American position.

In another view by Jeane Kirkpatrick, former U.S. ambassador to the U.N. and referred to by my colleague from Florida, she stated:

John Bolton may do diplomatic jobs in the U.S. Government, but John is not a diplomat.

Frankly, the role of ambassador requires a diplomat, not someone who is an intellectual bully, not someone who is there to make a point and not to make progress, not someone there to send a message, to deride the work of his colleagues at the U.N.

So I think we have a responsibility on two fronts: First, to assert rather strongly that we are relevant to this process, that we need information, and that executive agencies do not decide what information we need. And second, Mr. Bolton's record to date, his statements to date, his attitude to date suggest he will not be an effective ambassador to the United Nations. As a result, I urge that his nomination be opposed.

Mr. President, I yield back my time. 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. ALLEN. 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. ALLEN. Mr. President, I rise to offer to my colleagues my strong and unequivocal support for John Bolton and his nomination to be our United States representative to the United Nations.

John Bolton was picked by the President. A President ought to be able to bring people into his administration, men and women, who share the values, the aspirations, the goals, of that administration. This President also represents the views of most Americans who believe the United Nations needs reforming. We need to bring someone into that position to get those reforms done.

I believe very strongly John Bolton is exceptionally well-qualified for this task. This is a time of change, a time of improvement that is necessary for the United Nations.

During the protracted committee process, we saw all sorts of sensationalized charges and outright fabrications against John Bolton. His nomination nonetheless, has finally reached the Senate where I am sure my colleagues will see the wisdom in confirming John Bolton. This debate provides an opportunity to have a full discussion on John Bolton and his qualifications to serve as Ambassador to the United Nations.

What has been lost in this entire debate from the very beginning as they are off on tangents, detours, and all sorts of allegations. What is being missed—and what I hope my colleagues and the American people will focus on—is the dire need for change in the United Nations. The need for accountability, the need for scrutiny, the need for reform.

In testimony before the Foreign Relations Committee and in interviews conducted by the committee staff, there is almost no mention, or discussion, of what needs to be done to reform the United Nations. John Bolton is a man with the skill, wisdom, principles, and the right person to unflinchingly lead those changes as our representative.

Much of the debate during the committee consideration and some of the things that have been said in the Senate has been focused on the sensibilities of some who are apparently easily offended. There is a fascination with speech crafting. For example, there is concern over what Mr. Bolton said at a speech to the Heritage Foundation concerning Cuba's biological weapons program and how that might be shared with rogue nations.

The reality is, and I will quote this for the record so if anyone wants to see what was actually said that created this controversy. What was actually said is the following by John Bolton at the Heritage Foundation in the speech ''Beyond the Axis of Evil,'' May 6, 2002:

Here is what we now know. The United States believes that Cuba has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support biological weapons programs in those states. We call on Cuba to cease all biological weapons applicable cooperation with rogue states and to fully comply with all of its obligations under the Biological Weapons Convention.

Well, one of the people, a very cheerful fellow, Carl Ford, complained about the sensibilities of some staff person. Here is what he said in testimony to the Foreign Relations Committee. He said:

> The United States believes that Cuba has at least a limited developmental offensive biological warfare research and development effort. Cuba has provided dual use bio-technology to rogue states. We are concerned that such technology could support biological weapons programs in those states. We call on Cuba to cease all biological weapons applicable cooperation with rogue states and to fully comply with all its obligations under the Biological Weapons Convention.

Mr. President, I see you are squinting and trying to probably figure out: Well, what is the difference? There is no difference. It is the same in the speech as was the testimony from Mr. FORD in the Foreign Relations Committee. Then, we hear from folks talking about: Oh, people were upset because of all of this concern on how this speech was constructed. Well, here is the reality. The whole process was one in which the person who was clearing this language did some things that were inappropriate. An e-mail from Thomas Fingar to Thomas Bolton stated the following:

> I looked at what my guy sent to the IC and that won't happen again . . . Choice of the phrase ''does not concur'' was entirely inappropriate . . . we have no role whatsoever in determining how you or any policymaker says what you want to say beyond suggesting alternatives that we think might be cleared more readily than what has been drafted if time was of the essence and the drafter asked for such advice.

The bottom line, he ends it:

> We screwed it up, but for base reasons. It won't happen again.

So John Bolton had a reason to be concerned about how some things went around through the loops and so forth. The reality is, as many individuals, our colleagues, fellow Senators, particularly on the Foreign Relations Committee—in recent months, once John Bolton had been nominated for this position—were talking about how he was rude maybe, or irascible with some staff, or concerned about this, that, or the other. Things that have supposedly come up in recent years, of course, each and every one of these allegations have been refuted and the truth has come forth.

The reality is that when John Bolton was proposed and nominated to be Under Secretary of State, back in 2001, Senators BIDEN, BOXER, KERRY, DODD, and SARBANES—all of them—voted against John Bolton. That was even before they knew about these tangential issues.

Now, I would prefer, when looking at the United Nations, we would be, as a country, united in making sure we pursue the abuse and anti-Americanism that pervades the United Nations. Rather than get off on these tangential and unfounded charges, I am much more concerned about the United Nations being used as a front for dictatorships and terrorists, as well as being a waste of the taxpayers' money.

Over the last year, we have witnessed scandal after scandal in the United Nations. Unfortunately, these are not issues that can be addressed by a few marginal changes. These are issues that have shaken the credibility of the United Nations and caused many citizens in the United States, and people around the world, to really wonder whether the U.N. has any relevance in the future or has a redeeming role in world affairs.

Now, the United Nations was founded on:

> faith in fundamental human rights, in the dignity and worth of the human person.

While the United Nations performs a number of admirable endeavors, it is also beholden to tyrants, dictators, and repressive regimes in certain circumstances. Not considering the scandals, this is an organization that has allowed some of the world's worst violators of human rights to chair its Commission on Human Rights. Just when the United States has made a commitment to the spread of freedom and justice throughout the world, it is difficult for Americans—I know in Virginia, in North Carolina, and elsewhere around this country—to see the United Nations as anything other than wasting their tax dollars. When a country such as Libya is chairing the Human Rights Commission. Sudan is on the Human Rights Commission, and within the last several weeks, Zimbabwe has been made a member of the Commission. This is certainly not an indication that the Secretary General's call for reform of the Commission on Human Rights is at all being heeded.

Now, as public servants and stewards of the American taxpayers' dollars, we need to make sure the revenues we allocate are being put to good use. The United States and the people of this country, the taxpayers, every single year, are providing $2 billion to the United Nations. We will provide over 22 percent of the U.N.'s regular budget in 2005.

I believe all Americans want reforms enacted that would prevent future abuses in programs like the Oil-for-Food Program, where Saddam Hussein and his thugs skimmed off $20 billion. I think we also, as Americans, want to hold accountable U.N. peacekeepers who commit crimes against children. We have an obligation to work with like-minded reformers in the U.N. to make sure policies are implemented to prevent similar abuses in the future.

Now, reform is absolutely necessary in the United Nations. The United Nations is in a crisis, and the United States has a strong interest in seeing it emerge as a credible and relevant institution once again. The U.N. Security Council and International Atomic Energy Agency, otherwise known as IAEA, are needed forums for discussing the proliferation of nuclear weapons and the actions that need to be taken, not just by the United States but with our European and other allies around the world, to make sure that rogue nations do not acquire those nuclear weapons.

We have seen in recent years that the United Nations can provide an important role in helping the spread of democracy. They can be helpful in rebuilding societies that are emerging from decades of tyranny and repression.

The United Nations has a role to play in the future of global affairs and security, but it can only do so if it takes serious steps to reform the extraordinary corruption and ineptitude that has plagued it in recent years.

Now, John Bolton comes to this nomination with a broad and deep knowledge of international affairs. From his early days as General Counsel at the U.S. Agency for International Development during the Ronald Reagan administration, to his most recent post as Under Secretary of State for Arms Control and International Affairs, Mr. Bolton has spent a great deal of time working on advancing the interests of the United States and our foreign policy.

Some have wrongly criticized John Bolton as a rigid unilateralist who is incapable of building consensus with allies. However, his years of service prove otherwise.

On counterproliferation, Mr. Bolton's efforts gave life and actual meaning to President Bush's Proliferation Security Initiative. Under John Bolton's leadership, a dangerous gap in counterproliferation enforcement on the seas has been filled by international cooperation and information sharing. Sixty countries were brought together. That is not working alone. He understands, if we are going to interdict weapons of mass destruction, biological weapons, nuclear or otherwise, we do need the support of other countries.

In addition, Mr. Bolton helped create the Global Partnership at the G–8 summit in Alberta, Canada, in 2002. This partnership doubled the size of the nonproliferation effort in the former Soviet Union by committing our G–8 partners to match the United States' $1 billion per year Cooperative Threat Reduction or Nunn-Lugar program.

He also played a central role in negotiating the Treaty of Moscow, which will reduce operationally deployed nuclear weapons by two-thirds.

Elimination of North Korea's nuclear threat still requires much hard work, but it is clear that the half century stalemate that has allowed the North Koreans to steal or develop nuclear arms technology is over. Growing pressure is on that dictatorship, and John Bolton's role at the State Department in creating it are being confirmed by the torrent of personal invective directed at him from the North Korean Government.

While our Ambassador there might have had his sensibilities offended by John Bolton calling the North Korean regime a ''repressive dictatorship,''

which seems to be accurate, as well as saying it is a ''hellish nightmare'' for people to have to live in. North Korea, which I might not have used the first word, but it is certainly a nightmare, it seems to me to be very accurate description.

Of course, some have criticized John Bolton for doing that. And gosh, the North Koreans called him ''human scum.'' I am going to stand with John Bolton in his characterization of North Korea. In fact, they say of John Bolton: Oh, this was not helpful for him to be calling North Korea or characterizing it as it is.

He helped break a long international silence, while there are some who think, when you are dealing with a repressive dictatorship, the best thing to do is just be quiet, calm them down, try to coordinate them into a corner, pet them, don't get them agitated, and maybe they will just change on their own. Maybe there are those who think you can have editorials in newspapers and that is going to matter to tyrants and dictatorships. They don't care about public opinion. They don't care about human rights. All they care about is power and staying in power.

So John Bolton, in my view, performed a valuable service in breaking this long international silence about the suffering of the people in North Korea. For too long, savage conditions, condemned by food aid workers, and glimpsed by visitors to the North, received very little, very scant world attention. By magnifying the human dimension of the North Korean problem, his work may hasten the day when these abhorrent human rights violations in North Korea will end. The reality for North Korea is that we need the Chinese. The South Koreans, the Japanese, and the Russians are all very important but as a practical matter the ones who really prop up that regime is the Government of the People's Republic of China.

When people are allowed to escape from North Korea, what happens? They get to some embassy in China and they get sent back to North Korea. Guess what happens? They get tortured and in some cases they get killed. We need to make sure that if somebody can get out of that regime—just as if someone could have gotten out of East Germany or Czechoslovakia or Hungary or Poland; if they somehow could get out of those countries and escape to Austria, to West Germany, to the Netherlands, to Denmark, we certainly would not say: Go on back in there and let the East German police take care of you or let the Soviet puppets in the Eastern Bloc take care of you.

So, I think John Bolton has done a great job in pointing out the human rights violations in North Korea. Some may also not agree with his forthright critique of the United Nations and its failings. I think Mr. Bolton has clearly placed a great deal of thought into his views, and he can work with the United Nations' bureaucracy. But he is not going to be a lapdog. He is not going to get seduced by niceties. He is going to say: This is what needs to be done.

As Assistant Secretary of State for International Organizations—and this is, indeed, working with the United Nations—John Bolton—and you can read what Secretary of State Lawrence Eagleburger wrote—led the effort to have the United Nations change its odious resolution that equated Zionism with racism. Now, to get the United Nations to say that they ever did something wrong and to repeal it—similar to anything that even happens here, to say we did something wrong and to repeal some law—takes some negotiation. John Bolton was able to get the United Nations to repeal that odious resolution.

It is a clear, a very clear—example of his ability to stand by principle, stand for what is right, and also to work cooperatively with other countries in the United Nations.

So in my view, John Bolton has the knowledge and experience to effectively represent the United States at the United Nations and to negotiate the changes that need to be made to ensure its relevancy and its credibility in the future. All of us want a United Nations that is with us, working to advance free and just societies and human rights around the world. We do not want them squandering, wasting money, propping up repressive regimes, being a front for terrorist regimes. We need the United Nations to remember what its charter is.

Now, unfortunately, the committee was forced to spend a majority of its nomination hearing and subsequent meetings on tangents, exploring wild claims, and not addressing the issues that face the United States at the United Nations. Nor has the debate been much about John Bolton's qualifications to serve as our representative.

Most of those who have complained and made charges against John Bolton never had any intention of considering the merits of his nomination in the first place. When considered, as I said earlier, for his current position, all of these—Senators BIDEN, SARBANES, DODD, BOXER, and KERRY—voted against him. We have had many unsubstantiated claims and rumors and exaggerated innuendo. I do see the Senator from Wisconsin, who did vote for him the other time, so it does not apply to Senator FEINGOLD. I hope the Senator recognizes I did not list his name. I think, as people look at these overly hyped charges, they have been refuted. They do not have any bearing on John Bolton's ability to serve as our ambassador to the United Nations.

A President should have the prerogative to select the men and women—unless there is some extraordinary, proven infirmity or criminal violation—he determines to advance and lead his initiatives and also to keep the promises he made to the American people. President Bush has nominated John Bolton to advance our foreign policy and goals at the United Nations.

Let me conclude with these final thoughts. In 1945, when it reported the U.N. Charter to the Senate for ratification, the Senate Foreign Relations Committee wrote that:

> . . . neither this Charter nor any other document or formula that might be devised can prevent war. . . . The establishment of the United Nations will at best be a beginning toward the creation of those conditions of stability throughout the world which will foster peace and security.

As we know, the United Nations has fallen short of these expectations. But a better, more accountable United Nations may better serve our interests much more reliably.

Thus, the Bolton nomination offers the Senate an opportunity to again play a historic role in bringing sensible reform to the United Nations. It is worth the effort. John Bolton is the right person to advocate our principles, and he will not be easily seduced by empty, meaningless, courteous pontifications of international bureaucracies.

John Bolton will bring much needed reform and accountability to the United Nations, that is in dire need of such to regain its credibility. He will be a watchdog, and that is what I think the taxpayers of this country want. He is going to be a strong diplomat, a man of vision, and an integral part of an administration team that has proven its readiness to foster positive change throughout the world.

The Senate, at 6 o'clock this evening, I hope, will take action—take action, and very positive action. There will be some differences, but let's recognize that this is a historic time, a time for change in the United Nations, a time for reform. And these reforms will be positive. Our taxpayers will support these changes.

I think freedom-loving countries and people who are not yet tasting that sweet nectar of liberty will also appreciate these changes. The billions of dollars going to the United Nations will be used for positive, constructive change in implementing and fostering the construction of those pillars that are so essential for a just and free society: The freedom of religion, freedom of expression, private ownership of property, and the rule of law. Those are the principles we need to address, and we are, as a country, in advancing the United Nations, consistent with its Charter, which ought to be a strong ally, not an impediment, in those efforts.

I hope we will work with John Bolton and the United Nations to bring forth this reform, improve the credibility and, in fact, the effectiveness of the United States and the United Nations, to advance freedom and justice for people throughout the world.

I thank you for your attention, Mr. President, and I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to oppose the confirmation of John

Bolton to be the next U.S. ambassador to the United Nations. I do not take this decision lightly. As the Senator from Virginia just pointed out, when Mr. Bolton's nomination was first announced, my vote was by no means a foregone conclusion. In fact, in 2001, when the Senate Foreign Relations Committee considered the nomination of Mr. Bolton to be the Under Secretary of State for Arms Control and International Security, I parted company from my Democratic colleagues on the committee to vote in favor of his nomination both in committee and on the floor.

I did so because I generally believed, as the Senator from Virginia said, that the President has the right to choose executive branch nominees who share his overall world view, even when I do not share that world view. Barring serious ethical lapses or a clear lack of appropriate qualifications for a given job, I tend to give the President a great deal of latitude in making these appointments.

But after examining the record, I have concluded that Mr. Bolton is fundamentally unsuited for the job to which he has been nominated. His blatant hostility toward the institution at which he would serve and his history of pursuing his personal policy agenda while holding public office lead me to question whether Mr. Bolton's appointment as our ambassador to the United Nations would serve the interests of the United States.

I share the views of many who are insisting on reform at the U.N. The U.N. must become more effective and more accountable and, as stewards of the American taxpayers' dollars, we must insist on this point. But Mr. Bolton's record suggests that his personal animosity toward the United Nations is so great that he cannot effectively lead the charge for reforms that can make this vital, but deeply flawed, institution stronger and more effective.

He seems to view the U.N. as an instrument to be used when it suits only our immediate interests but one best ignored or even undermined the rest of the time. His failure to grasp the give and take required for effective multilateralism makes him a real obstacle to any hope of pursuing vital long-term U.S. interests and increasing burden sharing and marshaling a global force strong enough to defeat the terrorist networks that seek to do us harm.

Mr. Bolton's record also reveals many instances of intemperance and rash decisionmaking. At least two senior intelligence officials told committee staff that Bolton's draft testimony prepared for a House hearing on Syria in 2003 went well beyond what the intelligence community would clear or could clear. This wasn't a case in which State Department intelligence analysts alone had concerns about Bolton's proposed language. The CIA, the Department of Energy, and the Defense Intelligence Agency all objected. According to interviews conducted by the committee staff, Bolton's office pushed back, resisting the intelligence community's efforts to alter problematic provisions. Bolton was determined to be such a loose cannon that the Deputy Secretary of State instituted an extraordinary policy to address the problem, requiring all of Mr. Bolton's public presentations to be cleared by Larry Wilkerson, Secretary Powell's Chief of Staff, or Deputy Secretary Armitage himself.

Regrettably, I do not have confidence that his personal agenda would always, as it must be, subordinated to that of the Secretary of State who, in testimony before this committee in her first days in office, has placed such a premium on restoring frayed diplomatic ties.

In addition, information that came to light during the Senate Foreign Relation Committee's consideration of this nomination indicates that John Bolton has sought to punish intelligence analysts whose assessments did not support what Mr. Bolton wanted to say or wished to say. After all that has happened to our country's reputation and credibility in recent years, we cannot afford to tolerate, let alone promote, a policymaker who seeks to silence dissent from the intelligence community. What the committee found was not that Mr. Bolton made careless remarks in the heat of a tough bureaucratic dispute; the evidence shows that over a period of many months, Mr. Bolton repeatedly sought the removal of a respected intelligence analyst at the State Department who had raised concerns about language Mr. Bolton wished to use publicly, in the course of the standard clearance process, a process that is there to protect against misleading or inaccurate public characterizations of important security issues. And Mr. Bolton repeatedly sought the removal of the National Intelligence Officer for Latin America, again pursuing this vendetta for months, not heated minutes, and going so far as to consider blocking country clearance for Mr. Smith to travel abroad. In both cases, the offense that so incensed Mr. Bolton appears to be that the analysts did their jobs—they presented the facts as they saw them, and declined to keep silent when the facts did not support what Mr. Bolton wished to say. And in both cases, senior officials with decades of experience in government who were involved in these episodes told committee staff that Bolton's actions—his attempts to retaliate against these analysts—were absolutely extraordinary.

In addition to these disturbing incidents, other interviews conducted by committee staff revealed a broader pattern of attempting to simply cut those who disagreed with his policy views, or those who he believed disagreed with his policy views, out of the policy-making process entirely. John Wolf, the former Assistant Secretary of State for Non-Proliferation, told committee staff that Bolton attempted to retaliate against at least two public servants in the non-proliferation bureau because of differences in their policy views. Mr. Bolton tried to remove a State Department attorney from a case relating to a sanctions issue because of perceived policy disagreements—the record suggests that Mr. Bolton actually misunderstood where the lawyer in question stood—and went so far as to suggest that he would not work with the State Department's entire legal bureau on the matter from that point on—a declaration quickly negated by Deputy Secretary Armitage, who felt compelled to remind Bolton that as a State Department official, he would indeed be working with the State Department's lawyers. This kind of tunnel-vision, everyone-else-out-of-the-room approach was summed up by Secretary of State Powell's Chief of Staff Larry Wilkerson, who told the committee staff, ''when people ignore diplomacy that is aimed at dealing with [North Korea's nuclear weapons development] in order to push their pet rocks in other areas, it bothers me, as a diplomat, and as a citizen of this country.'' When asked specifically if he thought that Mr. Bolton had done that, Wilkerson said, ''Absolutely.'' Mr. Wilkerson ended his interview with the committee with the following:

> I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our ambassador at the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there, you'll see the proof of the pudding in a year. Second, I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, ''brilliance''. I didn't see it. I saw a man who counted beans, who said, ''98 today, 99 tomorrow, 100 the next day,'' and had no willingness—and, in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations. And that's the only reason that I said anything.

Some have suggested that, because Mr. Bolton did not succeed in his attempts to end the careers of analysts whose dissenting views angered him, and because he did not succeed in his attempts to manipulate the government's processes to shut out voices of disagreement, caution, or dissent, there is no problem here. I cannot believe that any of my colleagues actually believes that is true—not after all that we have learned about the vital importance of dissent in the intelligence community from the 9/11 Commission, the Silberman-Robb Commission, and numerous other investigations into the major intelligence failures that have gravely harmed our credibility and our security over the past years. Why would we choose to promote to a position of prominence and trust an individual who has repeatedly tried to suppress inconvenient

analysis? As the former Chairman of the National Intelligence Council told the committee staff, politicization ''even when it's successfully resisted, it doesn't mean that there hasn't been an effect, because it creates a climate of intimidation and a culture of conformity that is damaging.'' Carl Ford told this committee about his concerns of a ''chilling effect'' that Bolton's actions with regard to Mr. Westermann could have on all of the analysts in the department's intelligence analysis bureau. And Mr. Westermann told the committee staff that in the wake of his run in with Mr. Bolton, ''I was concerned that I had to spend time thinking about how I was approaching issues so that I didn't step on a landmine.'' Attempting to undermine important clearance processes, attempting to run roughshod over the safeguards in place to protect U.S. credibility, is an awfully big problem, whether or not the attempt was successful. It is, in my view, a disqualifying problem.

Finally, Mr. President, I urge my colleagues to examine the record of the Foreign Relations Committee's consideration of this nomination. It raises very serious concerns regarding Mr. Bolton's understanding of his obligations to be forthcoming with this committee. Several of Mr. Bolton's answers to Senators' questions were misleading at best, and several were quite blatantly non-responsive. A number of these instances relate to Mr. Bolton's efforts to retaliate against intelligence analysts, and these are detailed in the minority report on this nominee. But others relate to more general foreign policy issues. The Bush administration's first Ambassador to South Korea, Tom Hubbard, was so troubled by Mr. Bolton's misleading characterization of Mr. Hubbard's role in approving a controversial speech that Mr. Bolton gave in Seoul that he felt obligated to contact the committee to correct the record.

In light of the evidence this committee has seen in recent weeks, most of us can probably agree that if Mr. Bolton does end up being our next Ambassador to the UN, extremely careful oversight will be required. But our oversight responsibilities depend, in many instances, on the executive branch officials who come before us understanding that they have a constitutional obligation to be forthcoming with Congress. The record that he has amassed during this confirmation process gives me no confidence that Mr. Bolton intends to adhere to this obligation.

Mr. Bolton's nomination raises fundamental questions regarding both credibility and accountability. The credibility of our representation at the UN, the credibility of intelligence, the credibility of the oversight process are at stake. And the question of whether or not this committee will hold officials who seek to suppress dissent accountable for their actions is before us today as well.

I deeply appreciate the extraordinary courage of the many people who came forward to share with the Foreign Relations Committee their own concerns about Mr. Bolton's fitness for the UN post or to correct inaccuracies in the record—in some cases at real risk to their own careers. I am grateful for their efforts, and deeply appreciate their honesty. I hope that my colleagues will consider their words carefully. Their statements came at a price to them, and they should not be ignored.

In contrast to these admirable public servants—many of whom, by the way, I would likely disagree with on any number of important policy issues—the administration has failed to be forthcoming in this process. Mr. President, I share the concerns that have been expressed by some of my colleagues on the Committee regarding the administration's failure to respond satisfactorily to requests for documents and information relating to this confirmation. The administration declined to produce requested documents and information, apparently because they do not believe the requested information is relevant. Quite frankly, that is not for the administration to determine. Not only does the administration's rationale fail to respect the Congress as a co-equal branch of Government, it also speaks of bad faith and contempt for the role of Congress in the confirmation process.

Finally, Mr. President, during the committee's consideration of this nomination, Senator SARBANES reminded all of us of the history of the position of the United States Ambassador to the United Nations. He listed the names of all 24 public servants who have held the office. Twenty-two of those twenty four were confirmed by unanimous consent, or with unanimous votes, or with voice votes. One was confirmed by a vote of 89 to 3. The most controversial Ambassador in our history was confirmed by a vote of 81–16. We have been represented by some very direct, opinionated, colorful characters at the United Nations. But we have never sent a figure so polarizing, or one with credibility so tattered, as the nominee before us today. John Bolton does not have the support of a single Democrat on the Senate Foreign Relations Committee. He does not have the support of a majority of that committee. I do not understand why the administration is insisting upon thrusting such a troubled nominee into such a sensitive and important post. From achieving real reform of the UN to rebuilding US credibility to creating a solid global coalition to combat terrorism, the stakes at the UN are as high as they have ever been. If the President had chosen a public servant of impeccable judgment, the committee and the Senate would have rallied around that selection, eager to work in partnership with a nominee capable of, and committed to, mending frayed relationships, encouraging real burden-sharing, and nurturing a strong international coalition to fight terrorism and the proliferation of weapons of mass destruction. John Bolton is not that nominee. I urge my colleagues to reject this nomination, and let us work together to quickly confirm a different nominee—one who represents the President's views but also has the skills, the record, and the confidence of the Senate required to be an effective ambassador. We can do, and we should do, much better than John Bolton.

I yield the floor.

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

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

Mr. ALEXANDER. Mr. President, I would like to say a few words about the nomination of John Bolton. The Presiding Officer is a member of the Foreign Relations Committee, and we spent a good deal of time listening to testimony on the President's nomination of Mr. Bolton to be Permanent Representative at the United Nations.

On the face of it, he is as well qualified for this position as any person who has ever been nominated for the position. He has a distinguished background, confirmed by this body, I believe, four times, 4 years ago as Under Secretary of State for Arms Control and International Security. He was Assistant Secretary for International Organizations under the first President Bush, for whom I served. He was assistant to Attorney General of the Department of Justice in the late 1980s. That would be during the Reagan administration. That is a big job. I believe he was the Assistant Attorney General for the Civil Division of the U.S. Department of Justice. He was Assistant Administrator for Program Policy Coordination for USAID in 1982 and 1983. He was general counsel for the U.S. Agency for International Development.

He has the kind of academic record all of us would like to have: summa cum laude from Yale, a JDL from Yale Law School.

He comes from an enormously distinguished background. As has often been pointed out on this floor and in committee hearings, he has some solid accomplishments, including leading the American efforts to repeal the resolution at the United Nations which equated Zionism with racism and his work with the liberation of Kuwait in 1991 through the U.N. Security Council. When former U.S. Secretary of State Jim Baker was asked to help the United Nations in its work in western Sahara, Secretary Baker, who is known for choosing exceptionally talented people to work with him, asked John

Bolton to work with him in the western Sahara in the 1990s pro bono. He designed the current administration's proliferation security initiative under which more than 60 nations now share intelligence and take action to stop the transfer of dangerous weapons.

So I was not one bit surprised when Mr. Bolton made an impressive appearance before the Foreign Relations Committee on the first day of our testimony. He demonstrated command of the issues facing the United Nations. He got a lot of intense questioning, as he should from Senators, for such an important position. The questioning lasted for more than 7 hours. He was calm and collected. He answered the questions with great skill and accuracy, I thought, and he focused on the need for reform of the United Nations.

He brought with him for that testimony strong support of former Secretaries of State Jim Baker, Larry Eagleberger, Al Hague, Henry Kissinger, George Shultz, and endorsements from more than 50 former ambassadors. I was with one of those ambassadors a few weeks ago, a man very well known in this body, a former Senator and majority leader, Howard Baker. Howard Baker has just returned from 4 years as Ambassador to Japan. He did a tremendous job there, as everyone expected him to, but he remarked to me privately and said I was free to say it publicly—in fact, he volunteered the information—about how he had dealt with Secretary Bolton during those 4 years in Tokyo, these last 4 years, from time to time, and how impressed he was with him and how much he enjoyed working with him. He liked him. He said he spoke frankly, and Senator Baker said he thought John Bolton would make a good ambassador to the United Nations.

The second day of hearings that the Presiding Officer and I were privileged to be a part of was a little different. I was, frankly, disappointed by what I heard. One of the witnesses was called forward, the former Assistant Secretary for Intelligence and Research, and he presented evidence about how John Bolton had, in his words, chewed out intelligence analysts in the State Department.

Mr. Ford was mad about that. He didn't like the fact that Mr. Bolton had chewed out people on down the line and he came to us and told us so. He was a convincing witness. He was believable because he didn't overstate his case and the information he gave us was information I would rather not have known about the next ambassador to the United Nations. I am sure Mr. Bolton was disappointed, perhaps even embarrassed to hear it.

But Mr. Ford did not say, in the case that we were talking about, that Mr. Bolton was misusing or compromising intelligence. In fact, Mr. Ford himself said, ''In this particular case''—the one Mr. Ford was led to complain about, ''there wasn't politicization of the intelligence.'' Mr. Ford was very clear on that point in his testimony to the committee.

In other interviews conducted by our Foreign Relations Committee staff since that time, another issue was raised about a disagreement about intelligence. One of Mr. Bolton's subordinates who was on detail from the CIA sent a report to the Deputy Secretary of State for review and was unhappy that another bureau had put a memo on top of that report that said the report was incorrect. That certainly sounds like a lot of inside baseball to people outside of Washington, and it sounds like a simple disagreement to me, a disagreement over intelligence that is quite common, from what even Mr. Ford said. In this case, there is no evidence Mr. Bolton was even aware of the dispute. So, again, no evidence of politicization of intelligence. Rather, it appeared that different staff members were arguing for their own point of view, which should not surprise anyone around here.

There have been a variety of other charges and suggestions. Mr. Bolton has had the pleasure that many Presidential nominees had. I was once a Presidential nominee and went through a confirmation process when the Senate was in the hands of the Democrats. So they made sure that everything about me was pretty well known and explained. They took time to do it. I was as polite and happy as I could be. No one enjoys all of that, but it serves its purpose, and it served its purpose with Mr. Bolton as well.

In the end, it is my judgment, after attending the hearings, reading the testimony, conferring with others who have known Mr. Bolton over time, that only one charge against John Bolton appears to have any substance. John Bolton has been rude to staff members who are below him in the bureaucracy. As I said, I imagine he is embarrassed by that. I didn't like to hear it. Perhaps he deserves to be embarrassed by those charges and perhaps he has even learned a lesson. But what I heard hasn't changed my vote, even though it might change Mr. Bolton's ways of dealing with people with whom he works.

How significant is such a charge, that he was rude to people in the bureaucracy? As has been mentioned by many others in this body, if that were the standard for remaining in the Senate we would all have a hard time getting a quorum. There are regularly occasions when busy Senators eager to make their own point are brusque—with staff members, even shout at colleagues. In fact, the shouting was so loud in one business meeting of our Foreign Relations Committee by some of the Senators I could barely hear the charges against Mr. Bolton.

That is not attractive. I do not endorse it. It has even caused me to think back about times that I may have become angry or brusque or impatient or startled in dealing with a staff member or another person, and I have always regretted it when I have and it has made me redouble my efforts to make sure I swallow my pride more quickly and think about what I say and not do that anymore. It is not good conduct. It is not good business. But just how significant is this?

Here is what former Secretary of State Larry Eagleburger had to say about it a couple of weeks ago in the Washington Post. This deserves special attention.

Larry Eagleburger was Secretary of State for the first President Bush. But, in a way, he was more than that. Larry Eagleburger had 27 years in the Foreign Service. We hear a lot of times that a football player is a football player's player, or a man is a man's man, or a woman is a woman's woman. Larry Eagleburger is a Foreign Service Officer's Secretary of State. He had and has enormous respect from those men and women who put their lives on the line daily around the world and in the United States in support of our diplomacy, our foreign policy, and our country.

Here is what Larry Eagleburger had to say about John Bolton in an op-ed in the Washington Post:

> ''As to the charge that Bolton has been tough on superordinates,'' Secretary Eagleburger said, ''I can say that only in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge, nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism but it hardly merits a vote against confirmation when balanced against his many accomplishments.''

That is Larry Eagleburger, the Foreign Service officer's Secretary of State.

Where Larry Eagleburger comes down is where I come down. I believe the benefit of hearing Mr. Ford's testimony may prove to be a little bit of a lesson to Mr. Bolton, and a reminder to the rest of us, us Senators, of how unattractive it is to shout at an associate or unnecessarily dress down a staff member.

I agree with Secretary Eagleburger. John Bolton has a distinguished background and record. He has dedicated himself to improving our country's foreign policy. His action toward subordinates might have been inappropriate. Perhaps he has learned a lesson. But it doesn't cause me to change my vote. I am glad to support him.

This is a critical time for the United Nations. Even the Secretary General acknowledges it is in need of reform. Billions of dollars filtered from the U.N. coffers to Saddam Hussein's pockets in the oil-for-food scandal. Top human rights abusers such as Sudan and Zimbabwe sit on the Human Rights Commission. United Nations peacekeepers in Africa have been found to rape and pillage.

The United Nations has many important roles in the world. I am glad we have them. I want it to work. The President is right in his thinking that we need to take action to help the United Nations reform itself and that a frank-talking, experienced diplomat named John Bolton is an excellent candidate for that commission.

I am pleased to support this nomination. I hope my colleagues will do the same.

Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

NATURAL GAS PRICES

Mr. ALEXANDER. Mr. President, I take a few minutes to speak about natural gas prices, the prices at the pump, blue-collar workers, farmers, and homeowners.

The reason I do that is because the Senate Energy Committee earlier today did a good piece of work that I hope the American people understand.

By a virtually unanimous vote, 21 to 1, the committee, after 5 months of work, reported to this body what I hope will be called the Clean Energy Act of 2005.

I suppose people outside of the Senate get tired of hearing Senators compliment one another, but I do that today because this would not have happened had it not been for the leadership of Chairman PETE DOMENICI, the Republican chairman of the Senate Energy and Natural Resources Committee, and the ranking Democrat, JEFF BINGAMAN.

We tried to do this in the last session of Congress in the Energy and Natural Resources Committee. We were not able to pass an energy bill to give this country a comprehensive energy policy. Senator DOMENICI deliberately set out to do things different in this session of Congress. He sat down with Senator BINGAMAN and the Democratic staff and pledged to work with them, to share everything with them. Senator DOMENICI visited every member of the committee, Republican and Democrat. We worked together on a variety of major hearings and roundtables. The coal roundtable lasted 3 or 4 hours; one on natural gas lasted 3 or 4 hours. He encouraged a variety of committee members to become involved.

On the Subcommittee on Energy, which I chair, he encouraged me to go ahead and, working with Senator TIM JOHNSON of South Dakota from across the aisle, we came up with a Natural Gas Price Reduction Act of 2005 into which we put ideas to bring down the $7 natural gas price we have today, which is the highest natural gas price in the world. Senator DOMENICI and Senator BINGAMAN did their best to come up with aggressive ideas.

Sometimes when Members set out to compromise and work together, we end up with nothing because the easiest way to compromise is to do nothing. We can all agree on doing nothing and then we will not have a bold bill. But we are almost fortunate this did not pass last year because this is a more urgent time. The natural gas prices are $7, the highest in the industrial world. We have gone from the lowest in the industrial world to the highest in the industrial world. Prices at the pump are high. We have a million blue-collar manufacturing jobs in the chemical industry alone that will go overseas if we do not find some way to deal with this.

September 11 was a big surprise to our country. Our next big surprise is going to be to our pocketbooks if we do not figure out how to deal with the price of energy. We must figure out how to have a low-cost, adequate, reliable supply of clean energy that is increasingly produced in the United States of America and not overseas. That is our goal.

What is exceptional about this bill, in my view, is that it attacks the problem in a much more comprehensive way than other versions of the bill have. It begins with aggressive conservation. For example, the appliance efficiency standards, which are in this year's bill, are about double the effectiveness of those that were in last year's bill. What does that mean? It simply means that by some estimates these standards could save at peak demand the equivalent of 45 500-megawatt powerplants. If we save building 45 gas powerplants, we decrease the building of natural gas and we tend to lower the price.

There are a good many other examples of aggressive conservation. The second thing the bill does is to begin to change the way we produce electricity. This country produces about 25 percent of all the energy in the world. We use it here. We have 5 to 6 percent of the American people and we produce 25 percent of the energy. Where does that electricity come from? It comes primarily from what we call nonrenewables. It comes from, first, coal; natural gas, second; and nuclear, third. That is 91 percent of it. Now, another 7 percent comes from dams from hydropower and about 2 percent comes from renewable power, which is windmills, solar, biomass, and geothermal.

If we are in competition with China and India for jobs, and an important part of every farm, every manufacturing plant, every home, is the provision of reliable, low-cost, adequate supply of energy, as a practical matter for the next 20 years, most of that will have to come from nuclear power, from coal, and from gas and conservation. That is where it has to come.

Of course, we want to do more with other kinds of energy. For example, I hope the tax committee, when it reports its part of this bill, does something about solar power. We have a renewable tax credit in the law today that does not do much for solar. It encourages powerplants that produce electricity from sun. We almost don't have any of those. What we use solar for is, we put shingles on roofs. We need to give incentives to individual owners to do more of that. That's why I proposed an investment tax credit so individual owners can take advantage of it.

We can do more research and development in biomass and more research and development in geothermal. Even if we do all that we can do for the so-called renewable energies, in the next 20 years—and there is some disagreement about this—in my view, we will still be producing about 95 percent of our power—certainly not less than 90 percent of our power—from nuclear power, from coal, from gas, and hydro.

Now, how many more dams are going to be built in the United States? It is limited. In fact, this bill addresses relicensing of hydro dams. There are a good number of those in Oregon where the Presiding Officer comes from. By the year 2018, according to the National Hydropower Association, there will be 30,000 MW of hydropower plants that need to be relicensed. That's half of the hydropower in the United States. This landmark, bipartisan agreement on hydro relicensing is both urgent and meaningful.

So if one puts all of that aside, if we want to compete for our jobs with people from around the world and if the price of energy is a big part of it, what do we have to do? Nuclear, coal and gas.

Over the last 10 years, almost all of the new powerplants in America that make electricity have been built from natural gas. Now, how wise is that? Here we are with $7 a unit natural gas, the highest price in the industrialized world, our chemical companies, our blue-collar companies using this, some of them as a raw material—Dow Chemical estimates that 40 percent of the cost of its production is energy. Now, if in other parts of the world natural gas is significantly lower, we will have a problem. We will have jobs moving from here to there.

We do not want to make all of our power from natural gas. We do it because we know how to do it and because it is clean. That leaves us with two sources of what we call base load energy, the two things that we must find a way to use and use in a clean way if we want to have a low-cost supply of American-produced energy. One of those is nuclear, and one of those is coal.

Nuclear power is a technology that we invented in the United States, the peaceful uses of the atom. We figured out how to do that in the 1950s. One of the remarkable technological stories in the United States is our Navy and its nuclear-powered vessels. I suppose it is a classified matter exactly how many we have, but we have dozens of them. Some of them have small reactors. Some of them have a couple of big reactors on them.

Since the 1950s, there has never been one single nuclear reactor accident in the U.S. Navy, not one. They are underwater. When they are above water,

they dock at ports all around the United States, and we use them. In our country today, 20 percent of all of our electricity and 70 percent of our carbon-free electricity is produced by nuclear energy. Yet we have not built a nuclear powerplant in the United States since the 1970s, not one new one. How wise is that?

Other countries in the world are. Eighty percent of France's electricity is now produced by nuclear power. Japan, ravaged by nuclear weapons in World War II, relies on nuclear power. They build one or two new plants a year.

We are in competition to keep jobs here. We want clean power. We increasingly want carbon-free power. If 70 percent of our carbon-free electricity is nuclear, then what is keeping us from going ahead? This bill will help us move ahead because it makes it easier for investors to build nuclear powerplants that are safe.

Senator DOMENICI has come up with an imaginative loan guarantee program that would help launch an entire new generation of nuclear powerplants. Senator CRAIG, Senator DOMENICI, and Senator BINGAMAN have come up with a program that will be based in Idaho for advanced research on how we build lower cost, more effective nuclear powerplants for our country. There is a growing consensus, especially as the Kyoto Treaty and the need to be concerned about global warming persuades more and more people of the importance of capturing carbon, that nuclear power for the next 15 or 20 years is the only logical first step to having a low-cost, adequate, reliable supply of American-produced clean energy. Britain recently has been coming to the same conclusion that nuclear is a necessity for a carbon-free emissions future.

What is the other step? The other step is coal. We instinctively think coal is dirty and it is a source of a lot of problems because of the pollution it causes.

I live 2 miles away from the Great Smoky Mountains National Park. It is the most polluted national park in America. The Knoxville area where I live is one of the most polluted parts of our country. Why is that? There is too much sulphur, too much nitrogen, and too much mercury in the air. Much of that comes from coal-fired powerplants, not just from the Tennessee Valley Authority, which has a number of them in the area, but from all over America. The wind blows the air in, and it backs up against the Great Smoky Mountains, which are the highest mountains in the East, and we breathe the dirty air. So any energy bill has to be a clean energy bill so we can solve our air pollution problems.

There is an even larger issue with coal-fired powerplants. India and China, with their huge economies, a couple of billion more people, are going to be building hundreds of powerplants in the next few years. The conventional coal plant is what many of those plants will be. If India, China, Malaysia, Brazil, and the rest of the world build only conventional coal plants, it will not matter very much what our clean air policies are in the United States because they will produce so many pollutants around the world that when the wind blows them around the world and over the air in the United States, we will suffer from that. So if we solve the problem of how to burn coal in a clean way, then the rest of the world is likely to pick up our innovation and solve their problem because they do not want to have polluted air, either.

So how do we do that? Well, there seems to be a way to do it. We call it coal gasification. There are several technologies. I like to call it clean coal gas because that makes it a little easier to talk about.

The New York Times business section had an excellent article on this on Sunday that Senator DOMENICI gave to all of us. It talked about this idea of taking coal, turning it into gas, and then burning the gas. That solves a great amount of the pollution. It solves the sulphur, the nitrogen, and the mercury part of the pollution, but it does not solve the carbon part.

Then what we need to try to do is to advance the technology of capturing and sequestering the carbon—in other words, getting rid of the carbon. If we are ever able to do that, we could burn coal as cleanly as we can burn gas, capture the carbon and put it in the ground, and we would never have to worry about the Kyoto Treaty. We would never have to worry about the McCain-Lieberman bill or the Carper-Chafee-Gregg-Alexander bill or caps on carbon because we would not be producing carbon. We would be producing it and recapturing it. Nuclear power is free of it, and clean coal gasification with carbon sequestration captures it and gets rid of it.

The other thing is that we are the Saudi Arabia of coal. We have a 500-year supply of it. So if we can move ahead with nuclear and clean coal gas, we can lower the price of natural gas, and we can have more American-produced energy.

So this legislation begins with aggressive conservation. As I said, the appliance efficiency standards alone would save the building of forty-five 500-megawatt gas plants, but then it begins to change the way we make electricity by research and development in advanced nuclear technology, by the loan guarantee support which could be for nuclear plants of that kind. It also has loan guarantees that I hope would help launch a half dozen coal gasification powerplants and a half dozen coal gasification plants at industrial sites. It also has research and development support for carbon sequestration and for other technologies that hold promise.

We still have some issues to work on. We began with what we could agree on, worked 5 months on it under the leadership of Senators DOMENICI and BINGAMAN, and reserved a few issues to the floor. Senator DOMENICI announced that we will be coming to the Senate floor shortly after the recess, in a completely different spirit than last year, with all of us hoping to get a result. We will then put that bill with the House bill and present to this country a clean energy act of 2005 that will lower natural gas prices, begin to produce more American energy at home, include more aggressive conservation, change the way we make electricity, and focus especially on advanced technologies for nuclear, coal gasification, and the supply of gas.

In the short term, we are going to have to bring more gas in from around the world in liquefied natural gas. I'm pleased that the committee adopted the ideas I and Senator JOHNSON had on LNG siting in the energy bill.

There is one other area I want to mention without dwelling on it too much. One of the things I hope happens as we debate this bill is that it doesn't change from a national energy policy into a national windmill policy. I say that because one of the issues we have pushed out to be debated on the floor is something called a renewable portfolio standard, renewable energy. That all sounds very good. The proposal was, let's make 10 percent of all of our electricity by the year 2025 from renewable energies. That sounds good, too.

The problem is, I don't think it will work because all we are talking about is geothermal—that is hot water from the ground—solar, which our incentives today don't help much, and biomass, which is burning wood chips and other such technologies. According to a Department of Energy analysis, even if we had such a requirement of all our electric companies that they produce 10 percent of their energy from renewable fuels, they couldn't do it. They could only get to 5 percent due to the way the Bingaman price caps are structured. So what utilities would do realistically is buy credits in a complicated scheme which would then raise the price of our electricity. We should be in the business of lowering energy prices, not raising them for nothing.

The other concern I have is that a renewable portfolio standard is really a wind standard because geothermal and solar and biomass will only increase it a tiny bit. This information I have is from an analysis that the Energy Information Agency did on Bingman's bill shows clearly that the impact of a Bingaman RPS is growing windpower. The only way to go forward is with windmills. So the effect of continuing the current policy is to take this country from about 6,700 windmills to 40, 60, 80,000, depending on estimates that you believe. My point is not to make a big discussion about the windmills themselves. I don't like to see them. I think most people don't. The Governor of Kansas has put a moratorium on some windmills, as has the Governor of New Jersey, and so have communities in

many parts of America, such as Vermont and Wisconsin. I asked the Tennessee Valley Authority to put a 2-year moratorium on new wind power on Tennessee until we could assess the damage it might cause to our tourism industry and to our electric rates and to our view of the mountains.

People think of windmills and think those are nice. Grandma had one on her farm. It was by the well. My grandparents did. But these aren't your grandmother's windmills.

We have the second largest football stadium in the United States in Knoxville, TN. We call it Neyland Stadium. One hundred seven thousand people can sit there, and it has sky boxes that go up as high as you can see. Just one of these windmills would fit into Neyland Stadium. The rotor blades would extend from the 10-yard line to the 10-yard line. The top of the windmill would go twice as high as the sky boxes or more. And on a clear night you could see the red lights 25 miles away. There are significant problems with this power. It only works 25 to 40 percent of the time. You don't get rid of any nuclear or coal plants when you have the windmills because you still need the power. You can't store the energy for your lights or your computer and all the things you use electricity for going all the time. So there are many problems.

But here is the biggest problem, the one I want to mention today. I will just leave it for the members of the Finance Committee upon which the Presiding Officer serves and others. This Energy bill will have three parts to it. It will have some things from the Energy Committee which we have finished today. It will have a contribution from the Finance Committee, which will come in June, and it will have a contribution from the Environment and Public Works Committee, which will also come in June. We will put all those parts together.

We are told that this whole bill, when it is put together, can't cost, our Budget Committee says, more than $11 billion. The President hopes we won't spend more than $8 billion. But the production tax credit in the current policy provides $3.9 billion over 5 years, almost all of which will go to windmills unless we change the policy.

In other words, if we have $11 billion to spend and we spend $3 billion on ethanol or renewable fuel, we will only have $8 billion left to spend on everything else, and nearly 3.5 to 4 of it will go for windmills. That is what I mean by a national windmill policy.

My hope is that my colleagues will take a fresh look at our tax credit for renewable fuels and make sure that we use it wisely because that is a lot of money to create the largest amount of carbon-free clean energy.

Here are some of the suggestions for better use: For example, $1.5 billion for consumer incentives for 300,000 hybrid and advanced diesel vehicles. That would give 300,000 Americans a $2,000 deduction to purchase a hybrid car or an advanced diesel vehicle. Those operate about 40 percent more efficiently than conventional cars. That saves a lot of energy. For $750 million, we could give manufacturing incentives for building those hybrid cars and advanced vehicles in the United States. Unfortunately, as it stands now, we aren't doing that. They would all be built overseas because most of the good hybrid technology has been invented overseas and is being rented to the United States. That would be 39,000 jobs in the United States.

I have with me a copy of the National Commission on Energy Policy which recommends both of these ideas, the $2,000 tax deduction and the incentive for manufacturing of hybrid cars. That would be a wise way to spend money for clean carbon-free energy.

There are many more good ideas: $2 billion in tax incentives for energy-efficient appliances and buildings, suggested by Senators SNOWE and FEINSTEIN. Senator JOHNSON and I had suggested $2 billion for tax incentives to commercialize coal gasification for powerplants and $300 million to make more effective support of another renewable energy, solar energy, which has basically no support the way our laws are written today.

The National Commission on Energy Policy has several other recommendations: Build in tax incentives to commercialize carbon capture and geologic sequestration in a wide array of industries. As soon as we figure out how to capture carbon, we can use coal gasification in a big way to reduce dependence on foreign energy and to lower the cost of natural gas.

They also recommend $2 billion in tax incentives for nuclear deployment, $1.5 billion for biodiesel and nonpetroleum low-carbon fuels. I have suggested those in the order in which I like them.

I am not a member of the Finance Committee so I won't have a chance to be a part of that discussion in that committee. My point is simply that if we have $8 billion to spend or $11 billion to spend, we may have already spent a couple of billion in what we are doing with renewable fuel, then we have a lot more good ways to spend money in support of carbon-free energy than we have money for. I respectfully suggest that if we are spending most of $3.7 billion over the next 5 years as a national windmill policy and not a national energy policy, that ought to be reasonably adjusted.

Let me not emphasize the disputes that we have yet to come. I am here today to say, particularly, after a time in the Senate when people who watch us must wonder if we are speaking to each other, the answer is, yes, we are. We have been meeting for 5 months on this Energy bill. We have been working together, as Senator BINGAMAN said today. I don't remember a party-line vote in the 5 months. We had some close votes, but it wasn't Republican versus Democrat. It was just different ones of us with different opinions. And there must have been half the committee there today when Senators DOMENICI and BINGAMAN announced the results at a press conference.

So I honor them for their leadership. I think the American people are proud of DOMENICI and BINGAMAN as Senators. New Mexico ought to be proud. It has both of them from the same State. Even though we have CAFE standards still to debate, MTBE still to debate, we have some final work to do on how do we site terminals for liquefied natural gas, further increasing the supply of natural gas, and we will be debating the so-called renewable portfolio standard for how many windmills we should have—all that will be sometime in June. That is what we are supposed to do as Senators.

That is why we are here, to take both sides of this issue and see if we can come to a good result. So far, I think we have.

Mr. President, I ask unanimous consent to have printed in the RECORD following my speech the article on coal gasification from the New York Times business section on Sunday; a letter I wrote to the directors of the Tennessee Valley Authority, asking them to put a 2-year moratorium on wind power until we had an opportunity—we in Congress and local officials—to consider the effect of these large wind farms on our tourism industry, on our view of the mountains, on our gas prices; and finally, an article from the Guardian Unlimited, which is an interesting discussion of what is going on in Great Britain, as they consider how to meet the Kyoto standard for carbon-free electricity production, and how many of the people who formerly had favored large windmills are concluding they don't want them destroying the rural areas of Britain, and they are looking at nuclear power in a fresh way which, as I mentioned, is the way we in the United States today produce 70 percent of our carbon-free electricity.

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

[From the New York Times, May 22, 2005]

DIRTY SECRET: COAL PLANTS COULD BE MUCH CLEANER

(By Kenneth J. Stier)

Almost a decade ago, Tampa Electric opened an innovative power plant that turned coal, the most abundant but the dirtiest fossil fuel, into a relatively clean gas, which it burns to generate electricity. Not only did the plant emit significantly less pollution than a conventional coal-fired power plant, but it was also 10 percent more efficient.

Hazel R. O'Leary, the secretary of energy at the time, went to the plant, situated between Tampa and Orlando, and praised it for ushering in a ''new era for clean energy from coal.'' Federal officials still refer to the plant's ''integrated gasification combined cycle'' process as a ''core technology'' for the future, especially because of its ability—eventually—to all but eliminate the greenhouse gases linked to global warming.

Since that plant opened, however, not a single similar plant bas been built in the

United States. Abundant supplies of natural gas—a bit cleaner and, until recently, a lot cheaper—stood in the way.

But even now, with gas prices following oil prices into the stratosphere and power companies turning back to coal, most new plants—about nine out of 10 on the drawing board—will not use integrated gasification combined-cycle technology.

The reason is fairly simple. A plant with the low-pollution, high-efficiency technology demonstrated at the Tampa Electric plant is about 20 percent more expensive to build than a conventional plant that burns pulverized coal. This complicates financing, especially in deregulated markets, while elsewhere utilities must persuade regulators to set aside their customary standard of requiring utilities to use their lowest-cost alternatives. (A federal grant of $143 million covered about a fourth of the construction cost of the Tampa Electric plant, which was originally a demonstration project.)

The technology's main long-term advantage—the ability to control greenhouse gas emissions—is not winning over many utilities because the country does not yet regulate those gases.

That could be a problem for future national policy, critics say, because the plants being planned today will have a lifetime of a half-century or more. ''It's a very frightening specter that we are going to essentially lock down our carbon emissions for the next 50 years before we have another chance to think about it again,'' said Jason S. Grumet, the executive director of the National Commission on Energy Policy.

The commission, an independent, bipartisan advisory body, has recommended that the federal government spend an additional $4 billion over 10 years to speed the power industry's acceptance of the technology. In a recent report, the commission concluded that ''the future of coal and the success of greenhouse gas mitigation policies may well hinge to a large extent on whether this technology can be successfully commercialized and deployed over the next 20 years.''

Mr. Grumet was more succinct. Integrated gasification combined cycle technology, combined with the sequestration of carbon stripped out in the process, ''is as close to a silver bullet as you're ever going to see,'' he said.

Until Congress regulates carbon emissions—a move that many in the industry consider inevitable, but unlikely soon—gasification technology will catch on only as its costs gradually come down. Edward Lowe, general manager of gasification for GE Energy, a division of General Electric that works with Bechtel to build integrated gasification combined-cycle plants, said that would happen as more plants were built. The premium should disappear entirely after the first dozen or so are completed, he added.

Even now, Mr. Lowe said, the technology offers operational cost savings that offset some of the higher constructIon costs. And if Congress eventually does limit carbon emissions, as many utility executives say they expect it to do, the technology's operational advantages could make it a bargain.

James E. Rogers, the chief executive of Cinergy, a heavily coal-dependent Midwestern utility, is one of the technology's biggest industry supporters. ''I'm making a bet on gasification,'' he said, because he assumes a carbon-constrained world is inevitable. ''I don't see any other way forward,'' he said.

The operating savings of such plants start with more efficient combustion: they make use of at least 15 percent more of the energy released by burning coal than conventional plants do, so less fuel is needed. The plants also need about 40 percent less water than conventional coal plants, a significant consideration in arid Western states.

But for some people, including Mr. Rogers and other utility leaders who anticipate stricter pollution limits, the primary virtue of integrated gasification combined-cycle plants is their ability to chemically strip pollutants from gasified coal more efficiently and cost-effectively, before it is burned, rather than trying to filter it out of exhaust.

Proponents say that half of coal's pollutants—including sulfur dioxide and nitrogen oxides, which contribute to acid rain and smog—can be chemically stripped out before combustion. So can about 95 percent of the mercury in coal, at about a tenth the cost of trying to scrub it from exhaust gases racing up a smokestack.

The biggest long-term draw for gasification technology is its ability to capture carbon before combustion. If greenhouse-gas limits are enacted, that job will be much harder and more expensive to do with conventional coal-fired plants. Mr. Lowe, the G.E. executive, estimated that capturing carbon would add about 25 percent to the cost of electricity from a combined-cycle plant burning gasified coal, but that it would add 70 percent to the price of power from conventional plants.

Gasification technology, although new to the power sector, has been widely used in the chemical industry for decades, and the general manager of the gasification plant run by Tampa Electric, Mark Hornick, said it was not difficult to train his employees to run the plant. Tampa Electric is the principal subsidiary of TECO Energy of Tampa.

Disposing of the carbon dioxide gas stripped out in the process, however, is another matter. Government laboratories have experimented with dissolving the gas in saline aquifers or pumping it into geologic formations under the sea. The petroleum industry has long injected carbon dioxide into oil fields to help push more crude to the surface.

Refining and commercializing these techniques is a significant part of a $35 billion package of clean energy incentives that the National Commission on Energy Policy is recommending. The Senate considered some of those ideas in a big energy policy bill last week, but it is doubtful whether Congress will approve the funds to enact them because they are tied to regulating big carbon emissions for the first time, something that many industry leaders and sympathetic lawmakers oppose.

Still, the energy bill may have some incentives for industry to adopt gasification technology, and the Department of Energy will continue related efforts. These include FutureGen, a $950 million project to demonstrate gasification's full potential—not just for power plants but as a source of low-carbon liquid fuels for cars and trucks as well, and, further out, as a source of hydrogen fuel.

Regardless of the politics of carbon caps, the Energy Department has made it clear that it intends to push the development of integrated gasification combined-cycle technology. Last month, for example, Mark Maddox, a deputy assistant secretary, said at an industry gathering that the technology ''is needed in the mix—needed now.''

Some industry leaders are skeptical, to say the least. ''We would not want to put all of our eggs in one basket as far as a single technology is concerned,'' said William Fang, deputy counsel for the Edison Electric Institute, a trade association whose members, shareholder-owned utilities, account for three-quarters of the country's generating capacity.

Besides, he added, many of his members think that mandatory carbon controls, in place in much of the world since the Kyoto Protocol came into force in February, can be kept at bay in the United States—possibly indefinitely.

It's a risky strategy—for industry and for the climate. ''Coal-fired plants are big targets,'' said Judi Greenwald of the Pew Center on Global Climate Change, ''and if we do get serious about climate change, they are going to be on the list of things to do quite early.''

U.S. SENATE,
Washington, DC, May 23, 2005.

Hon. SKILA HARRIS,
Tennessee Valley Authority, Knoxville, TN.
Hon. BILL BAXTER,
Tennessee Valley Authority, Knoxville, TN.

DEAR SKILA AND BILL: Recently Sen. John Warner of Virginia and I introduced the ''Environmentally Responsible Windpower Act'' which would:

1. Stop federal subsidies for giant windmills near highly scenic areas, such as the Great Smokies and Grand Canyon, and

2. Give communities a 120-day opportunity to have some say in whether and where these huge machines will be located in their communities and neighborhoods.

Today I am writing to ask that TVA place a two-year moratorium on construction of new wind farms—either by TVA or on TVA-controlled land—until the new TVA board, Congress and local officials can evaluate the impact of these massive structures on our electric rates, our view of the mountains and our tourism industry. The governors of Kansas and New Jersey have recently imposed similar moratoria. Local moratoria have been adopted in parts of Vermont and Wisconsin.

The idea of windmills conjures up pleasant images—of Holland and tulips, of rural America with windmill blades slowly turning, pumping water at the farm well. My grandparents had such a windmill at their well pump.

But these are not your grandmother's windmills.

Most new windmills are about 300 feet high—as tall as a football field is long or as tall as the Statue of Liberty. Their rotor blades are wider than the wingspan of a 747 jumbo jet and turn at up to 100 miles per hour. Each tower costs more than $1 million to erect, and, once constructed, the towers will be around for a long time. For example, TVA's new 18-windmill farm on Buffalo Mountain is a 20-year contract.

Only one of these giant windmills could fit into UT's Neyland stadium. It would rise more than twice as high as the highest skybox, its rotor blades would stretch almost from 10-yard line to 10-yard line, and on a clear night its flashing red lights could be seen for 20 miles—the distance from Knoxville to Maryville. Usually these windmills are grouped in windfarms of 20 or more.

Our country needs a national clean energy policy, not a national windmill policy. TVA is a national leader in producing clean energy through nuclear and hydroelectric power. A moratorium on windmills would give Tennesseans two years to stop and think about the wisdom and cost of building hundreds of 100-yard tall structures across our most scenic ridges.

Here are some of the facts I have gathered so far:

There are 6,700 windmills in the United States today; by 2025, that number could grow to somewhere between 40,000 and 100,000, according to varying estimates.

Even if only a few hundred of those windmills are built in Tennessee, most will be built on top of mountain ridges according to Senate testimony by Kerry W. Bowers, Technology Manager of Southern Company. That could damage our tourism industry.

These giant windmills are being built primarily because of a huge federal taxpayer subsidy, about $3 billion over the next five years if present policies continue. Without these federal tax breaks, American Wind Energy Association statistics suggest that three out of four windmills would not be built across the country because they aren't cost-effective producers of power.

Once those tax credits expire, TVA ratepayers would likely have to pick up most of the tab for the higher cost of the power.

These windmills may be huge, but they don't produce much power. It would take at least 1,300 windmills—covering the land mass of almost one and one half times the city of Knoxville—to produce as much power as TVA's new Brown's Ferry nuclear plant.

Because they only work when the wind blows the right speed (20 to 40 percent of the time), and customers need their electricity almost all the time, building more windmills does not mean building fewer coal or nuclear power plants.

Since windy ridgetops are not usually where the largest number of people live, windmills are likely to be built away from population centers and therefore require the building of miles of new transmission lines through neighborhoods and communities.

So, these oversized windmills produce a puny amount of unreliable power in a way that costs more than coal or nuclear power, requires new transmission lines, must be subsidized by massive federal tax breaks, and, in my view, destroys the landscape.

Chattanooga has just spent 20 years improving its waterfront, saving the Tennessee River Gorge and renaming itself the Scenic City. The Great Smoky Mountains attract 10 million visitors a year. Do we really now want to string hundreds of towers with flashing red lights as tall as football fields on Signal and Lookout Mountains, the foothills of the Smokies and Roan Mountain? It's hard to imagine that 10 million visitors would come to the foothills of the Smokies each year to see windmills.

As chairman of the Senate Energy Subcommittee, I intend to examine whether it is wise to provide $3 billion in subsidies over the next five years for the building of tens of thousands of giant windmills across America, when the same amount of money might, for example, give $1,000 incentives to more than 300,000 purchasers of hybrid or advanced diesel vehicles. As chairman of the Tennessee Valley Authority Congressional Caucus, I intend to do my best to make local officials aware of their options to decide for themselves whether these structures belong in their communities.

Our country needs lower prices for energy and an adequate supply of low-cost, reliable American-produced clean energy. Wind doesn't fit the bill: it is a high-cost, unreliable supply of energy. While we are considering what the appropriate policies should be, I hope that TVA will help by placing a two-year moratorium on any new wind farms.

Sincerely,

LAMAR ALEXANDER,
United States Senator.

[From The Observer, May 22, 2005]

TILTING AT WINDMILLS: NATION SPLIT OVER ENERGY EYESORES

(By Mark Townsend)

Hundreds of turbines will be switched on this year, and the volume of protest is rising. Mark Townsend reports on the issue that will overtake hunting as a cause of rural unrest.

The clue lies in the grass, pummelled and then flattened by a force the area is famous for. Whinash is all about wind, and it is a resource which has put the Lakeland beauty spot at the heart of Britain's debate about the country's insatiable need for energy.

The site—amid the classic Cumbrian vista of rolling fells criss-crossed with dry stone walls and the shuffling specks of sheep—is to be home to England's largest wind farm. If the plans ever get the go-ahead.

This week, the public inquiry to site 27 turbines, each almost the height of St. Paul's Cathedral, on the ridge of Whinash enters its most potentially explosive phase. Two of Cumbria's favourite sons, the broadcaster Melvyn Bragg and the mountaineer Sir Chris Bonington, are scheduled to give evidence in the squat Garden Room of the remote Shap Wells Hotel. There can be no place for 21st-century windmills in a Wilderness largely-unaltered for centuries, they will argue.

Almost 200 miles north in Aberdeen, Malcolm Wicks will mark his entrance as the new energy minister by stressing the crucial role of wind power in the crusade against climate change. Only weeks into his new brief, Wicks appreciates that wind farms are already eclipsing farming and foxhunting as the most likely source of rural unrest during Labour's third term.

Ministers, aware that the government's target of cutting carbon dioxide emissions is in jeopardy, have identified Whinash as the acid test of whether they can expect that renewable energy will provide 10 percent of power in five years' time.

But the significance of Whinash runs even deeper. Among the windblown crags that lie between the national parks of the Lake District and the Yorkshire Dales, the schism that is tearing Britain's environmental movement from top to bottom is most pronounced.

The self-appointed custodian for future generations, Britain's green lobby has found itself caught between the need to protect the landscape from global warming and defending Britain's countryside from the creation of a 'pseudo-industrial' skyline. This month, one of the movement's most influential figures James Lovelock, the man who developed the Gaia theory of the forces governing nature, will launch his most candid critique yet of Britain's energy conundrum by accusing groups such as Greenpeace and Friends of the Earth of betraying the planet through their unswerving promotion of wind energy.

Nuclear energy, Lovelock will claim, offers the only solution to the twin challenges of providing Britain with a reliable energy supply and global warming.

Britain currently stands poised at the start of the 'wind rush'. Hundreds more turbines in 18 new wind farms will be switched on by the end of the year. Already the UK is poised to become the world's biggest producer of power from offshore wind farms, a reminder of the 17th century, when Britain boasted 90,000 windmills.

Around one per cent of the UK's energy is currently provided by wind although the Industry claims there are enough applications moving through the planning process to suggest seven per cent of the nation's electricity needs will be met by wind by 2010.

Next month the 300ft turbines at Cefn Croes, scene of the bitterest wrangle before Whinash, will start turning in mid-Wales. Yet pressure is mounting on the fledgling industry. If Britain's climate change targets are not met, experts warn that the generous subsidies which have helped establish wind farms could be withdrawn by an exasperated government.

Already a new era for nuclear power appears to be dawning and seems certain to feature prominently in the government's forthcoming energy review. Vastly more expensive than predicted and plagued by persistent safety concerns, nuclear's strength remains its proven reliability. And even those who have lived in the shadow of Sellafield, 30 miles west across central Lakeland from Whinash, are beginning to believe nuclear is the saviour.

Sir Christopher Audland shook his head as he tramped along the pummelled cotton grass tufts of the Whinash site last Tuesday afternoon. A former director-general of energy for the European Commission, Audland was in charge when reactor number four exploded in the Ukraine almost 20 years ago, its radioactive contents drifting from Chernobyl to the fells of Cumbria where his family has lived for 500 years. For a man who saw first-hand the inherent risk of nuclear power, Audland is dismissive of the safer alternative proposed for the hills north of Kendal. 'It cannot be allowed to happen here,' he said.

Bragg, who has relatives who happily work at Sellafield, is among the growing Lakeland fraternity who believes nuclear is the sale viable option for tackling climate change.

'We seem to be running away from the safest, most efficient industry. Nuclear energy seems to be the only sensible option and it is a safe option,' said the presenter of The South Bank Show. It is a consensus corroborated by Lovelock, who in 1991 opened Britain's first windfarm at Delabole, Cornwall. Since then, Lovelock has reviewed his initial enthusiasm.

'To phase out nuclear energy just when we need it most to combat global warming is madness,' he said. 'The anti-nuclear agenda is pushed by groups such as Greenpeace and Friends of the Earth and by Green Party politicians. They are pursuing goals in which neither environmental good sense nor science plays a part—a strange way to defend the earth,' he writes in Reader's Digest.

Even the spectre of Chernobyl is dismissed by Lovelock, who claims that the fallout from the radioactive cloud that swept over the Cumbrian peaks 'was really nothing. A few times higher than the natural background levels or at worst a couple of chest X-rays'.

It is 13 years since the arrival of the anti-wind lobby surfaced with the Country Guardian, a group that vehemently denies links to the nuclear sector although its chairman, Sir Bernard Ingham, has been a paid lobbyist for British Nuclear Fuels. Since then, complaints advanced to discredit wind energy have multiplied: falling property prices, the whirring noise that makes people sick a mile away, horses that suddenly bolt and the grisly deaths of kites and golden eagles, even if their numbers are a fraction of those of birds that are killed on the roads.

The most persistent criticism, however, concerns the efficiency of wind power. Critics claim windmills would struggle to cope with the half-time power surge during yesterday's FA Cup final because they only generate electricity for a part of the time. Such issues would be irrelevant if electricity could be stored, but there is no battery for the national grid.

A recent study in Germany, which has the largest number of wind farms in the world, found the energy was an expensive and inefficient way of generating sustainable energy, costing up to £53 to avoid emitting a ton of carbon dioxide. Professor David Bellamy, a vociferous windfarm critic seen recently at the Shap Wells Hotel, is among those worried whether wind could guarantee his half-time cuppa: 'How are people going to be able to boil their kettles?'

Sir Martin Holdgate, a former chief scientist to the Department of Environment who has served on a number of government committees on renewable energy, was also present in the Garden Room last week. Holdgate, too, has run out of patience with

wind farms in sensitive areas. 'We shouldn't sacrifice our landscape on our crowded island. Wind doesn't make sense.'

Others, the so-called 'blade lovers', welcome them as an aesthetic asset, claiming that their beauty lies in the environmental message they communicate to a throwaway society. Designer Wayne Hemingway says: 'I love them. They are a massive visual sign that we are doing something that is not damaging the Earth.'

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The minority controls 50 minutes of the time remaining.

Mr. KERRY. Fifty?

The PRESIDING OFFICER. I am told 50.

Mr. KERRY. How much does the majority have remaining?

The PRESIDING OFFICER. The majority controls 52 minutes.

Mr. KERRY. I thank the Chair.

Mr. President, I yield myself such time as I will use at this moment. Obviously, I will not use all of it.

The PRESIDING OFFICER. The Senator controls 30 minutes of the time allocated.

Mr. KERRY. Mr. President, I am not sure how much of that time I will use.

I have made a significant amount of argument, as others have, in the Foreign Relations Committee during the time leading up to this debate on the floor. I listened to Senator BIDEN's comments and I listened to Senator BIDEN's colloquy with Senator SARBANES. They raised critical points, as have others, such as Senator DODD and Senator VOINOVICH, and others on the floor. I am not sure it serves any great purpose to rehash all of those arguments, but I will say in summary that what brings a lot of us to this point of questioning the nomination of John Bolton is not personal and it is not political in the sense that it is sort of an automatic reflex reaction to a nomination of the President, or to divisions between the parties.

I think people can sense from the bipartisan concerns that have been expressed, as well as the record that has been set forward, that these are really deeply felt and very legitimate concerns about a position that is one of the most important foreign policy positions for our country.

Obviously, the President has the right to make a choice. We all understand that. Subsequent to the President making that choice, an enormous amount of information has come forward, not from traditional sources, not from people who might have been disposed to oppose this nomination, but from people who have worked with Mr. Bolton, from people who are ideologically in the same place as he is, who are members of the same administration.

The picture they have painted is clearly one that ought to raise concern for any Member of the Senate about a position that requires special credibility, special stature, and special ability to be able to carry the message of our country in one of the most important fora in the world, in a very complicated world.

On several occasions, a number of Senators have talked about this issue of credibility, and it cannot be overlooked. One cannot gloss by it. We are in the midst of delicate, critical negotiations with Iran. Nobody knows where that will go in these next months. The potential for critical intelligence analysis to be put before the United Nations in order to persuade the world of potentially dangerous steps requires a voice that has no questions attached to it, where people will not have to ask whether that person speaks for the administration or for themselves.

The history of Secretary Colin Powell, whom we all admire but who was sent to the United Nations with information that was inaccurate and made a speech which he now personally wishes were otherwise, raises even further the question of credibility. In addition, we will have to deal with Syria itself where important issues have been raised with respect to Mr. Bolton's attitude toward Syria, his willingness to stretch information with respect to Syria. Obviously, North Korea looms huge on the diplomatic and security horizon.

All of this fits within a context of information that the Foreign Relations Committee has requested a number of times. Two weeks ago, the Foreign Relations Committee, in a historical moment, voted to send John Bolton's nomination without recommendation. I voted no at that time for the reasons that I stated, and I believe we have yet to complete the task of building the complete record to be able to have the full Senate make a judgment on this nomination.

Over the last 24 years, the Foreign Relations Committee has sent hundreds of nominations to the floor with favorable recommendations. Only twice did the committee report a nomination unfavorably, and only once did it report a nomination without recommendation. So obviously we come with serious reservations within the committee, and the Senate ought to want a full record to be put in front of it before it votes on this nomination.

The power of advice and consent has been talked about a lot in the last weeks. Obviously, we have a constitutional responsibility not just to advise but also to consent, and nowhere is it suggested in the Constitution that we ought to consent automatically.

So over the last week, both Democrats and Republicans on the committee have worked hard together to jointly interview more than 30 individuals with information relevant to this nomination. We also requested numerous documents from the State Department, USAID, and the CIA. This in-depth level of investigation was necessary because concerns were raised by individuals in Government and in the private sector about the nomination. Again, I repeat, we did not seek out these people. They came to us. Most of those who came to us have worked with Mr. Bolton and continue to work in Government. They came to us at great risk to themselves. That risk has to be measured by our colleagues in the Senate.

Everybody knows how this place works. We know the difficulty of a person coming out of the same place of business in politics and saying something that is critical of somebody they worked with. The fact is that we owe those people who took those risks a serious and complete effort in the consideration of this nomination, not a perfunctory effort, not one that seeks to find a way around a legitimate request for information.

The fact is that this administration's cooperation in the Foreign Relation Committee's effort to do due diligence on the Bolton nomination has been sporadic at best and far from complete. In the 22 years I have served on the committee, I have seen efforts on both sides of the aisle that have been far more extensive and far lengthier for less important positions or for the similar position.

Initially, the administration's response was to refuse access to documents or individuals to be interviewed until just a few days before the committee's first business meeting to consider the Bolton nomination on April 19. Chairman LUGAR had to personally intervene in order to persuade the administration to comply with earlier requests that were made repeatedly by Senator BIDEN on behalf of all of the Democrats on the committee.

The State Department finally responded but, again, not fully. It did not provide all of the documents requested, and those that were provided were suddenly deemed to be classified, even though many were unclassified e-mails.

After the committee decided on April 19 to further investigate allegations and concerns about this nomination, the administration continued to drag its feet on the Democratic request for information. On April 29, Senator BIDEN sent a letter specifying nine different categories of documents relating to the issues of concern that needed to be investigated thoroughly. Some of these requests involved additional information related to specific cases the committee had been reviewing. Four of them were requests for drafts of speeches or testimony. These four requests were designed to ascertain whether Mr. Bolton sought to stretch the intelligence to support his policy views. A lot has been spoken on the

Senate floor about that effort to stretch, and I would associate myself with the concerns that have been expressed by other Senators about that effort. There is nothing more serious at this moment in time.

The State Department refused to respond fully to Senator BIDEN's request. Instead, it responded to a letter by Chairman LUGAR on May 4 suggesting that it needed to provide documents in only five of the nine categories. Well, it is not up to the administration to decide which categories are appropriate for the proper advice and consent of a Senate committee or of the Senate itself.

So in an effort to move the process along and get further cooperation from the administration, Senator BIDEN narrowed the Democratic request down to two areas: Information related to the clearance of Mr. Bolton's September 2003 testimony on Syria before the House International Relations Committee and information related to National Security Agency intercepts and the identity of U.S. persons on those intercepts.

Over a period of 4 years, Mr. Bolton requested the identity of U.S. persons on intercepts 10 times.

Senator DODD originally asked for these intercepts in a question for the record on April 11. The Department responded by saying that the committee needed to get these from the National Security Agency. So Chairman LUGAR supported the Democratic request for the NSA intercepts but asked the Intelligence Committee to request them and find a means of sharing them with the Foreign Relations Committee.

The Intelligence Committee finally did get the intercepts, but the chairman and ranking member of that committee were not allowed to see the key information; that is, the names of the U.S. persons, which is an essential part of the evaluation of the committee. No one—no one on the Foreign Relations Committee, not Chairman LUGAR or Senator BIDEN—has been given access to these intercepts.

In response to letters from Senator BIDEN regarding the intercepts, the Director of National Intelligence, Ambassador Negroponte, referred Senator BIDEN back to the Intelligence Committee.

What the Senate has to decide is whether it is going to stand up for the rights of a committee, for the rights of an appropriate set of inquiries to be answered so we can fulfill our constitutional responsibilities. Senators can be for Mr. Bolton, Senators can have already made up their minds, Senators can have decided that they know how they are going to vote and they do not need more information, but they ought to respect the fact that both the chairman and the ranking member made a request and that request has not yet been fulfilled.

The information we are seeking relating to the Syria testimony will shed further light on whether Mr. Bolton tried to press the envelope on intelligence and whether he told the committee the truth when he said he was not personally involved in the preparation of the Syria testimony. The question of whether Mr. Bolton told the committee the truth is important because there are already several other instances where it is in doubt, where in fact there is clear evidence that he didn't tell the truth, specifically with respect to the efforts to fire the two analysts of intelligence.

Stretching intelligence and credibility are two of the key areas of concern with respect to the Bolton nomination, two of the key areas of inquiry that the committee is seeking. This is a proper and a critical request. Having access to the NSA intercepts will tell us whether Mr. Bolton did anything improper after receiving the identities of U.S. persons involved. The fact they do not want anybody to see it seems to suggest the exact opposite.

Senator ROBERTS, the chairman of the Intelligence Committee, indicated in his letter to Senators LUGAR and BIDEN that on at least one occasion Mr. Bolton shared the identity information of a U.S. person with another individual in the State Department without authorization from NSA.

Did he do this more than once? Why did he request these intercepts? What was he trying to find out? What was he going to do, or did he do with the information? We can only speculate without proper access to those intercepts and without knowing the identities of the persons on them.

The State Department has told the committee that the request for information about the Syria testimony is not ''specifically tied to the issues being deliberated by the committee.'' But for the executive branch of Government, which has already been slow-walking this provision of information, to tell a Senate committee how to exercise the advice and consent power of the Senate is not only unacceptable, it is unconstitutional. The Foreign Relations Committee has the prerogative to determine, and has laid out for our colleagues to judge, the legitimacy of the basis of this request. I think it passes muster.

For the chairman and ranking member of the Foreign Relations Committee to be denied access to NSA intercepts and information which Mr. Bolton was able to see is unacceptable on its face. An Assistant Secretary of State and staff are permitted to see this, but the chairman and ranking member of the Foreign Relations Committee are not? Is the Senate prepared to ratify that as a standard by which we will have our inquiries pursued with respect to any nomination on either side at any time?

The Foreign Relations Committee has spent an enormous amount of time and energy related to this nomination. Grudgingly, cherry-picking document requests, we have proceeded along with the administration actually denying other requests entirely.

The information we continue to seek is relevant to this nomination and to the critical concerns that many of us have about the nominee and his use of intelligence. We should have access. Since the administration has refused to provide it, the only choice we have is to deny the vote on this nomination until there is full compliance. That is not a filibuster. That is not an effort to not have a vote. Give us the information. We are prepared to have a vote immediately and let the chips fall where they may. But it is vital that the rights of the committee and the rights of the Senate, the rights of the advice and consent process, be upheld.

Let me just say again this should not be anything except a measurement on the merits. During her confirmation hearing in 1981, to be U.S. ambassador to the U.N., Jeane Kirkpatrick described her vision of the job. She said:

> I do not think that one should ever seek confrontation. What I have every intention and hope of doing is to operate in a low key, quiet, persuasive, and consensus-building way. I think a principal objective should be to try to communicate effectively with the representatives of as many nations as possible to broaden a bit the areas of mutual understanding. We should try to extend a bit the frontiers of reason and cooperation, and I think we should work to that end, and we should work to establish the patterns of consultation and trust.

No one would ever accuse Jeane Kirkpatrick of being soft or shying away from her views. She is a staunch conservative who speaks her mind. But she understood and respected the value of diplomacy and negotiation; of listening to and respecting others' views; of working the system; of seeing the big picture and, most importantly, of establishing credibility and trust. She herself has said of this nominee that he is ''no diplomat.''

We should make the judgment in the end of whether this is the right person. I have heard colleagues argue how important it is to have a straight-talking, tough person at the U.N. This is not about the U.N. per se, obviously. It is about our interests and how we are going to best advance those interests. But those of us who spent a long time trying to reform the U.N. and working with it, and have had some success in some measure with respect to that effort, in a bipartisan effort going back to the time we worked with Nancy Kassebaum and Larry Pressler and Jesse Helms, all of us understood you need to establish those patterns of consultation and trust and speak with credibility.

I regret that this process has proven that this nominee does not meet the Jeane Kirkpatrick standard or test, and therefore all of us ought to raise serious questions about the nomination.

I think my time is about up, so 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. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, what is the current time on both sides?

The PRESIDING OFFICER. The minority has 28 minutes and the majority has exactly 1 hour.

Mr. KERRY. Mr. President, will the quorum be tallied to both sides?

The PRESIDING OFFICER. Under a previous order, that is correct.

Mr. KERRY. 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. GRAHAM. 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. GRAHAM. Mr. President, I appreciate Senator VOINOVICH allowing me to speak a moment or two on the John Bolton nomination.

No. 1, when it comes to how and why Members vote, every Senator has to make a decision they feel comfortable with, that is good for the Nation, good for the Senate, good for the White House, good for the American people.

One thing I am confident of: Senator VOINOVICH, of all the people I know in the Senate, is right at the top of the list of those who make decisions based on conscience and principle. Whatever problems he has with this nominee have come from soul searching, thinking, and looking. He will articulate why he feels the way he does and vote his conscience. That is exactly what he should do. I am all for that because that is what makes the Senate great. That is what makes America great.

In terms of myself, I would like a moment or two to express why I have come to the conclusion that I think John Bolton will make an outstanding ambassador to the United Nations. We have heard a lot about his disposition, about his temper, about his working relations. Everyone will make a judgment about where they come down on that. I made a judgment that, obviously, some of the things about his working relationships can be troubling. The idea that he has been confirmed four times, has served his country for well over 20 years in a variety of posts and done an outstanding job, is what I will base my vote on—not a conversation here or there but 20-plus years of serving the United States at the highest level of Government, with a great academic background.

But why him and why now? Are there other people who can be United States ambassador to the United Nations? There are a lot of good people out there. What drove the President to pick him now? The honest truth is, I haven't talked to the President about why he picked John Bolton, but I have a pretty good idea what was on his mind. The President sees very clearly the need for the United Nations. This world is in tremendous conflict. We are splitting along religious lines. We are having all kinds of problems getting along with each other and trying to find out how to fight the war on terrorism. The United Nations provides a hope for the world, a place where we can come together and have good people stand up to bad people. Sometimes it is hard to determine who is good and who is bad, but many times it is not, and it should be a place where people of good will can deal with problems for bad people such as Saddam Hussein and others, the Osama bin Ladens of the world, a place where they can be controlled and checked.

The President sees from the American conservative perspective that the United Nations has lost its way. From a conservative point of view, being a conservative Republican, I hear continuously of problems with the United Nations from people I represent and people I know. The worst thing we can do is to allow the good will of the American people to slip away from the United Nations and reject that body.

What will it take to repair the damage done from the Oil-for-Food Program, the corruption at the United Nations, the, at the least, inconsistent approach to regulating dictators such as Saddam Hussein? How can we get the United States and the United Nations back together where we can work as one team? It will take a person Americans have faith in. And that is a big problem with the United Nations right now.

American conservatives need to feel better. John Bolton will provide that assurance from a conservative point of view that the United Nations would be pushed to reform itself. From a moderate and liberal point of view, I can assure members that the policies John Bolton will fight for will be those policies directed by President Bush, who won the last election. And some may not agree with the policies, but that is where he will get his marching orders.

He sees the United Nations as a value-added product to the world. He sees clearly where it has gone astray. He has the credibility with the American public, particularly among conservatives, to be a force for change.

The worst thing that could happen is for the United Nations to slip away, in the eyes of Americans, as an effective body. It surely has gone that route.

The best thing that can happen from this nomination is that John Bolton goes to the U.N. with an attitude of: I will work with you, but you have to be better—and to effectively articulate President Bush's policies. I think that can happen. I think it must happen. Not only am I enthusiastic about his nomination, he clearly—given the dynamic our country has with the United Nations—is the right person at the right time and can do things no other person could do; namely, repair the image of the U.N. with a large percentage of the American people, who believe it has lost its way. That is why I will support this nominee with enthusiasm.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first, I thank the Senator from South Carolina for his kind remarks about this Senator early today and this afternoon.

What we are doing here today is what the Senate should be doing; that is, to have a robust debate about a nominee by the President of the United States to the United Nations.

I have deep concerns about the nomination of John Bolton. We face an important decision today. We are at a crossroads in foreign policy, at a time when there has been a drastic shift in the attitude of our friends and allies. If we do have a vote today, I urge my colleagues in the Senate to let their consciences and their commitment to our Nation's best interests guide them.

I would plead with them to consider the decision and its consequences carefully, to read the pertinent information, and to ask themselves several important questions:

Is John Bolton the best person to serve as the lead diplomat to the United Nations?

Will he be able to pursue the needed reforms at the U.N. despite his damaged credibility?

Will he share information with the right individuals, and will he solicit information from the right individuals, including his subordinates, so he can make the most informed decisions?

Is he capable of advancing the President's and the Secretary of State's efforts to advance our public diplomacy?

Does he have the character, leadership, interpersonal skills, self-discipline, common decency, and understanding of the chain of command to lead a team to victory?

Will he recognize and seize opportunities to repair and strengthen relationships, promote peace, and uphold democracy with our fellow nations?

I also came to the floor today to respond to some of the statements that have been made regarding the nomination of Mr. Bolton.

It has been argued by my colleagues that Mr. Bolton is the right man for the job because he has ''sharp elbows,'' can give a dose of needed ''strong medicine,'' and because he will not be an ''appeaser'' to the horrors that have been committed by the U.N. peacekeepers.

The question is not whether we want to achieve U.N. reforms. We will support U.N. reforms. And I particularly want U.N. reforms. We need to pursue its transformation aggressively, sending a strong message that corruption will not be tolerated. The corruption that occurred under the Oil-for-Food Program made it possible for Saddam's

Iraq to discredit the U.N. and undermine the goal of all of its members. This must never happen again. This is an ideal time for reform of the United Nations. Those reforms are needed to strengthen the organization or there will not be an organization.

And, yes, I believe it will be necessary to take a firm position so it can succeed. But it is going to take a special individual to succeed in this endeavor, and I have great concerns with the current nominee and his ability to get the job done. How successful will he be on reform if the message is lost because of baggage surrounding the messenger? I worry that Mr. Bolton will become the issue and the message will be lost.

I understand the arguments just made by my colleague from South Carolina in regard to the conservative movement here in the United States that is very concerned about the U.N. and feels comfortable that if John Bolton goes to the U.N., with his ''sharp elbows,'' something is going to happen.

I would like to point out that Mr. Bolton will be going to the U.N. to do more than just push forward U.N. reforms with his ''sharp elbows.'' He is there to be the U.S. representative to the world.

Do we want the supreme quality for our next U.S. representative to the world to be ''sharp elbows''? Don't we need a man who has superior interpersonal skills, who can bring people together, form coalitions, and inspire other countries to agree with his point of view?

To the conservatives who are concerned about reform of the United Nations, do we want the messenger to become the issue so we never get to the message? And the message is: reform.

I agree the next Ambassador needs to be a strong presence, firm in his beliefs, persistent in his drive, and determined in the face of a monolithic bureaucracy and many obstructionist countries. It is not going to be easy. But even more than this, he will need the interpersonal and diplomatic skills required to inspire and lead.

If you think about John Danforth, our last ambassador to the United Nations—or let's talk about John Negroponte. Let's put John Negroponte and John Bolton in the same room together, colleagues. Put them in the same room together. John Negroponte went to the U.N. and did an outstanding job. John Negroponte was taken from the U.N. The President needed somebody in Iraq, so he sent John Negroponte to Iraq. Then he needed to call on someone to be the Director of the National Intelligence area. Now, John Negroponte—that is the quality of the individual who we need to be sending to the United Nations today.

One of my colleagues stated earlier today that we should not reject Mr. Bolton because of his management techniques because ''management is not a criterion for rejecting a nominee and if it were, a lot of nominees would have been rejected.''

In the case of Mr. Bolton, his poor management techniques intimidated intelligence officers and have called U.S. credibility into question, at a time when we cannot afford any further damage to our credibility. That is one of the problems we have today—the WMD and Iraq, some of the recent stories about the WMD. There are a lot of people who are questioning this Nation's credibility.

Further, his management and interpersonal failures reflect on his diplomatic skills, which are an undeniable requirement for the ambassador to the United Nations.

Colin Powell's chief of staff, COL Lawrence Wilkerson, testified before the committee that Mr. Bolton would make ''an abysmal ambassador'' because of his management flaws.

I would like to read from Mr. Wilkerson's testimony.

Mr. Wilkinson:

> I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our ambassador at the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there, you'll see the proof of the pudding in a year.

It has been argued during our floor debate that many of the people who oppose Mr. Bolton's nomination originally supported Mr. Bolton and voted for him several times before they heard about these new allegations against him.

The statement seems to argue that many allegations about John Bolton are not relevant to our decision on whether he is the right man for the job and should be confirmed as the next ambassador to the United Nations.

The allegations about Mr. Bolton are very relevant to our decision. The allegations speak to Mr. Bolton's character, his temperament, his credibility, his management style, his skills, and his performance over the last 4 years.

The testimony of our witnesses has certainly had an impact on my opinion.

I expect that the allegations have had an incredible impact on the world's opinion of Mr. Bolton. I believe that the allegations have caused great damage to Mr. Bolton's credibility and that the allegations will impair our influence with the United Nations. If Mr. Bolton is confirmed for the position, he goes to the U.N. with a tremendous amount of baggage that he is going to have to overcome. Again, I want to repeat to the people who feel he is just the right ticket to get the job done, I am very concerned that he will become the issue and the reform of the United Nations that we all would like to see is not going to happen.

It has also been stated today that none of the incidents involving intelligence resulted in misuse. This is all of the testimony about speeches that Mr. Bolton gave. I guess my colleagues believe that the misuse of intelligence would have only occurred if Mr. Bolton would have been successful in clearing the language that he originally insisted upon. In other words, he would have these ideas about the world and about intelligence and said: This is what I want to say. And the intelligence folks came back and said: No, you can't say that because that doesn't reflect the reality. And everyone says that is not a problem because ultimately he didn't say what he wanted to say because he got the better information from the intelligence officers.

The misuse of intelligence occurs as a process. It begins with intimidation and pressure on analysts, and it ends with analysts producing reports that meet the political needs of top leadership. Mr. Bolton contributed to this process with his actions. He created an atmosphere of intimidation within the ranks of the Bureau of Intelligence and Research and at the CIA. The people in these agencies were made to understand that if they disagreed with him, there would be consequences. His actions sent the message that if you don't seek to meet his particular request for specific language, they may be sidelined from future opportunities to provide him intelligence, and they may even be pulled off of the account and moved to another bureau.

The Presiding Officer was there for some of the hearings. There was no question that the message was, if you disagree with him, you might get moved to some other place. Some have argued that you would be fired. But it wasn't in this language; it was like ''moved to somewhere else.'' It is the same signal, same message: Don't fool with John because, if you do, he is going to put pressure on to move you to some other place.

His behavior put pressure on the intelligence officers, and it begins the very dangerous path to misusing intelligence and damaging U.S. credibility. The point Senator KERRY made earlier this afternoon is well taken. We all know there is a real problem with Iran. We know that the International Atomic Energy Agency is very concerned about what is going on in Iran today. We are hopeful that the EU–3 will be able to work out the problem and deal with the proliferation problem in Iran. But they may not be successful. If they are not, you know where they are going. They are going to the U.N. Security Council. Can you imagine if the spokesman for the United States at the U.N. Security Council about intelligence and the impact of whether Iran has this or that, if the spokesman is going to be John Bolton? Can you imagine how much influence he is going to have with his past record? It is a serious issue, one we hope doesn't happen, but it could very well happen. And there will be other instances that come before the United Nations where

the credibility of the individual representing us is going to make an enormous amount of difference if we are to be successful.

I agree with Mr. Bolton's policies. I believe in U.N. reform. I believe in nonproliferation. I believe in working to secure Article 98 agreements to protect U.S. forces against trial by the International Criminal Court, although I do not agree with his decision to hold up important military education in order to achieve that goal. I believe in removing the anti-Israel prejudices in the United Nations. I believe in reforming the anticorruption and enforcement mechanisms of the United Nations. I believe in preventing abuses and crimes by U.N. peacekeepers. I believe in making the United Nations a strong institution that fulfills its mission to preserve and protect human rights and democracy. I know that I agree with Mr. Bolton's policy because I sat down with him to discuss his policies. I still just believe we can do much better than Mr. Bolton at the United Nations.

Many people have come today to defend Mr. Bolton. In some cases, they argue that the allegations are false. In some cases, they argue that even though Mr. Bolton behaved badly, his rough edges are what the United States needs to be successful at the U.N., so we should overlook his record of behavior. But nobody has disputed the argument that I made yesterday before the Senate that Mr. Bolton will contradict our efforts to improve public diplomacy at this critical time.

Public diplomacy has been the No. 1 priority of Secretary Rice since becoming Secretary of State. She is running all over the world putting her best foot forward, saying: We are the team. We all have to work together. It is a clear priority of the President, who has done everything in his power to improve the image and understanding of the United States, including getting the First Lady to get out there and start doing public diplomacy and then naming Karen Hughes, his confidant for so many years, to lead public diplomacy at the Department of State.

In the spirit of the President's objectives, we cannot ignore the damage that John Bolton could have on U.S. public diplomacy. We also cannot ignore the warning signs of so many loyal servants of our Government who testified before our committee. These witnesses who came before the Foreign Relations Committee came voluntarily. We didn't go out and solicit them to come. They came in voluntarily. Most of them are Republicans. Most of them are proud they are conservatives.

I ask my colleagues to consider these questions: When was the last time so many individuals have come out in opposition to a nomination? Think about it. When was the last time that 102 diplomats have opposed the appointment of a new ambassador? I should check the CONGRESSIONAL RECORD. It hasn't happened since I have been here, and I am in my seventh year. When was the last time so many witnesses have emerged from an administration to send warning signals to the Congress about an individual? When was the last time a Secretary of State did not sign the letter of recommendation for a nominee? It would have been a lay-up shot for Secretary Powell to join that letter recommending Mr. Bolton to be our ambassador to the United Nations, but his name was absent from the letter. And who best to understand whether he is the kind of individual we should send to the U.N. to be our ambassador?

It is rare, and it should serve as a warning to all of us. We owe it to the United States, our children and grandchildren, to heed this warning and to ask our President: Mr. President, please, find a better candidate to send to the United Nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, again, I commend my friend and colleague. I don't want to do this too frequently. I am afraid I may hurt his reputation in certain quarters. I want to tell him how much I admire what he has done over the last number of weeks and did so so that the people of Ohio and America understand this. This was not a decision that my colleague from Ohio reached quickly. In fact, I recall vividly the day in room 116 where we made our case. It was one of those rare moments that we don't see often enough around here these days, where the Senator from Ohio said: I am troubled by this. I want to know more.

I was tempted a couple of times during the period between that hearing on April 18 or 19 and when we reconvened again in early May as part of the Foreign Relations Committee to consider this nomination. I decided the best thing I could do was to leave the Senator from Ohio alone and let him go through the process himself of deciding on the concerns that had been raised. As he so appropriately pointed out—I tried to make the point this morning myself—these allegations are not coming from some outside groups who have a vested political interest in the outcome.

Many of these people were people who were presently there or have just left the present administration or they have had the experience of working with the nominee. They were the ones who raised the concerns. In fact, at lunch today, we were talking about North Korea with several former career diplomats who have worked with the nominee, including in this administration. I asked them for any observations. They confirmed what the Senator has said.

They had complimentary things to say about Mr. Bolton, as well. I am not saying there are not qualities about this nominee that are good. He is certainly a well-educated individual, and he has an incredibly attractive life story of where he has come from. But they all made the same point the Senator from Ohio made, and it deserves being made again. I raised the issue about the intelligence analyst. But the Senator is absolutely correct. In this day and age, what we have been through over the last several years, having people who can help us take unwilling nations that may be cautious about joining us in certain things, for all the reasons we are familiar with, and to be able to build those coalitions around issues critical to us and to peace and stability in the world, is going to be absolutely essential. The U.N. is a forum particularly for smaller nations.

Large nations have big delegations here in Washington, and we go back and forth to major European allies and the major countries in the Pacific rim. For an awful lot of countries, the best forum for them is the U.N. The person who interfaces with those people on a daily basis can do a tremendous amount of good for our country with that notion—the face of public diplomacy that the Senator from Ohio talked about.

I wanted to, once again, thank my colleague for his willingness to share his feelings with his colleagues about this, and we are going to have a vote this afternoon, only because I felt it was important for us to be able to have information that should be forthcoming. It is a matter of right here on a cloture motion and, if that succeeds, we will go right to a vote on Mr. Bolton. If not, it will lay over and when we get back, if we don't invoke cloture, we will deal with it fairly quickly when we return and we will move on.

I hope Members will have listened, particularly on the majority side. I suspect that when you hear some of us, you may say that is a bunch of Democrats talking. I regret that that is the feeling, but if you are not impressed with what some of us who have worked on the issues for many years feel about it, listen to GEORGE VOINOVICH from Ohio. This is a good person who cares about the status of the United States and about this matter before us. I thank the Senator.

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. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am pleased that, after much too long a delay, the Senate will meet its constitutional responsibility to vote on an important nomination for the President's national security team.

I am referring to the nomination of Mr. John Bolton to be our next ambassador to the United Nations.

This position must be filled if the administration is to advance its foreign policy, which includes both the use of the United Nations to support our country's goals, as well as our goals to advance reform in a very difficult international organization that, to be frank, has earned the skepticism of a good many Americans, including many in my home State of Utah.

It would be a mistake, however, to suggest that this administration is anti-U.N. After all, during his first term, President Bush addressed the United Nations more times than any of his predecessors ever had in the same period, throughout the entire history of the United Nations.

That the President has regularly consulted with, and sought the support of, the United Nations gives lie to accusations that he is a unilateralist.

That he has never hinged our foreign policy needs and goals on the support of the United Nations demonstrates that our President has a proper understanding of our sovereign rights, as well as a realistic understanding of what the U.N. can contribute. The vast majority of the citizens of my State agree with President Bush that the U.N. can be sought as a useful tool to advance our national security, but that the pursuit of our foreign policy goals should never, never be conditioned on U.N. approval.

John Bolton, whose career in foreign policy has included numerous positions where he was worked with international organizations, including much experience with the U.N., understands this. Certainly it is not for lack of experience that Mr. Bolton's nomination has become so controversial. Nobody can credibly make that argument.

It is because of his philosophical convictions about the limits of international organizations—convictions shared by the President who nominated him—that Mr. Bolton's nomination has been delayed. I have found this entire spectacle to be dismaying.

Early objections were quite plain in this approach: John Bolton was charged with an unnecessarily skeptical view of multilateralism.

In my opinion, the reason George Bush won a decisive victory in a close re-election campaign is because the American public recognizes that national security issues are of dire importance, and that the President has a better grasp of how the real world works.

The vast majority of the Utahns I represent object to any suggestion of checking American power with multilateral institutions.

They do not believe in ''aggressive multilateralism'' an expression used during past administrations.

They do not believe that the reluctance of European powers to join us in all our causes is a failure of our diplomacy, because nations will pursue their national interest no matter what the rhetoric may be. To measure diplomacy by the decisions of nations is to misunderstand both diplomacy and the dynamics of how nations pursue their national interest. President Bush understands this, as does John Bolton.

The nomination process grew quite tawdry, in my opinion, when it turned to innuendo and, in some cases, attacks on the nominee's character.

I know John Bolton. He is a decent, honorable man of inestimable intelligence who has done a tremendous job in every public position he has held.

Opponents of Mr. Bolton declared, insinuated, and denounced the nominee based on a handful of alleged reports of his cantankerousness. Imagine that. A cantankerous personality in a high-powered job. In Washington, no less. Give me a break.

Mr. President, the list of those who have stood up for Mr. Bolton is one of the most impressive I have ever seen in my years in the Senate, And I will leave it to my colleagues to attempt to include it all in the RECORD. I must note, however, the following statement included in a letter to the Senate Foreign Relations Committee:

> We, the undersigned, have been appalled at the charges that have been leveled at John Bolton during the course of his nomination hearing to be this country's ambassador to the United Nations. Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service of this country and the promotion of our foreign policy interests as established by this President and the Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our own experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime.

This is a letter signed by former Attorney General Ed Meese, former Attorney General and Governor of Pennsylvania Dick Thornburgh, former Associate Attorney General and Governor of Oklahoma, Frank Keating, former Assistant Attorney General and Governor of Massachusetts, William Weld, and more than 30 of Mr. Bolton's former colleagues in the Department of Justice.

Following the ideological criticisms, following the attacks on his character, the opponents of Mr. Bolton tried the intelligence angle. Apparently, Mr. Bolton has disagreed with a few intelligence reports and analysts. His opponents appear to believe that by waving a specious charge of ''misrepresenting intelligence,'' they can hit the theme of imperfect intelligence that serious policymakers have been wrestling with during the last few years of this administration. And we all know, and certainly we members of the Senate Select Committee on Intelligence know, that intelligence has been seriously flawed in recent years. We all know that.

But to take a serious problem, which our committee has now spent years exposing and correcting, with the support of the administration—and to turn it into an opportunistic attack on a nomination for the U.N. ambassador is specious at best. At no point in our investigations of intelligence regarding Iraq, have we found convincing evidence that intelligence analysts were pressured to change their views based as a result of political pressure. And none of our conclusions have indicated that the intelligence process would be made better if dissenting views would be suppressed. If anything, we need more dissent to qualify and verify our intelligence products.

If there is anything we have learned in our review of faulty intelligence, it is that there is not enough scrutiny, not enough skepticism and, frankly, not enough expressing contrasting views. Apparently, our friends on the other side, the Democrats, do not seem to understand this. I am relieved now that after all the delay, the President will get his vote on his nomination of this very fine man for this very important position.

I commend the chairman of the Senate Foreign Relations Committee for his commitment and patience in bringing this nomination to the floor. I know how tough it is to sit through meeting after meeting where the nominee is being attacked with what really amount to almost flippant attacks. Both of Senator LUGAR's virtues—his commitment and patience—have been, I suspect, severely tested.

John Bolton served as a senior diplomat for this country in various capacities for over 20 years. He has served with great distinction and has many accomplishments to his credit. He has my personal admiration for these accomplishments. Whether they have been standing up to the United Nations and our country's rejection of that organization's intellectual disease, known as declaring Zionism as racism, or in his post-9/11 efforts to advance multilateral cooperation in his proliferation security initiative, Mr. Bolton's efforts have advanced U.S. interests and U.S. values. I am grateful for his work on behalf of our Nation, and I am grateful that he chooses to continue to serve.

In closing, I note a section of a letter sent to the Foreign Relations Committee by former Secretaries of State Baker, Eagleburger, Haig, Kissinger, and Shultz, and former Secretaries of Defense Carlucci and Schlesinger, former U.N. Ambassador Kirkpatrick, and other distinguished former national security officials:

> Secretary Bolton, like the administration, has his critics, of course. Anyone as energetic and effective as John is bound to encounter those who disagree with some or even all of the administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor, and distinction.

President Bush has the right to his nominee for the United Nations. All Senators have the right to refuse consent if they so choose. If our friends on the other side, or even friends on this

side, disagree with Mr. Bolton and want to vote ''no,'' they have every right to do so. But he certainly deserves a vote up or down for this very important position, and he does not deserve to have his nomination filibustered.

All Senators, as I say, have a right to refuse consent. In a time of war—and we remain in a complicated global war—a President's right to assemble his national security team should not be hindered, and it certainly should not be hindered by people on the floor of the Senate. It is time, well past due, to have this vote.

Mr. Bolton is a good man. I have known him for most of those 20 years. I know him personally. I know he is a man of integrity. I know he is a man of great intelligence. I know he is a tough person, exactly what we Americans would like to have at the U.N., sometimes called a dysfunctional U.N. This is a man who can bring some credibility. This is a man who can straighten some of the mess out. This is a man who can make a difference. He has been confirmed so many times in the Senate, one would think we would be ashamed to make some of the arguments that have been made against this very fine man.

I will vote for Mr. Bolton, and if he is confirmed, I will offer him my continuing support as he undertakes yet another demanding mission, and it is demanding. I urge all my colleagues to be fair. That is what is involved here. It is a question of fairness. I hope they will be fair and vote for this very fine man and give our side a chance to have somebody there who is strong, tough, knowledgeable, loyal, and capable. He is all of those things. I can personally testify to that extent, knowing this man as I do. I hope everybody will vote for cloture today and then hopefully afterwards vote Mr. Bolton up so he can start serving and the President can have his foreign policy team in place.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I thank the Republican side for yielding me 10 minutes. So I yield myself 10 minutes.

(The remarks of Mr. BYRD are printed in today's RECORD under ''Morning Business.''

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak about the vote we will be casting at 6 o'clock today, the cloture vote. I had some opportunity to speak on the merits and demerits of the Bolton nomination yesterday and had an opportunity to discuss this issue with my colleague, Senator LUGAR, and others who were on the Senate floor at the time.

Today, I rise to focus on what the vote that may take place at 6 o'clock today is about. We are about to vote on a genuine constitutional option. The vote we are about to cast on cloture, if it takes place, is about whether we are going to stand up for this coequal branch of Government's rights to review relevant information in the exercise of our constitutional responsibility and our constitutional power to advise and consent to nominations put forward by the President or whether we are going to let the executive branch define for us what information is necessary in the exercise of our constitutional responsibility.

The President has his constitutional responsibilities, defined in article II. We have our constitutional responsibilities, defined in article I. Our responsibility is to advise and consent as it relates to any nomination for an appointive office, above a certain level, that the President of the United States makes. It is the President's obligation to propose; it is our obligation to dispose of the nominee.

The State Department has denied the request completely, stating that to fulfill it would chill the deliberative process and that it ''does not believe the requests to be specifically tied to issues being deliberated by the Committee.''

The department's assertion about deliberative process is not trivial. That concern did not stop the Department and the CIA, however, from already turning over numerous materials to the committee that involve the very same type of deliberative process—preparation of speeches and testimony. And the department has made no effort to justify why it is drawing the line here.

The Department's second assertion—that the Syria material is not relevant to the committee's inquiry—is nothing less than an outrageous attempt by the executive branch to tell the Senate how it may exercise its constitutional power.

For several weeks, the Committee on Foreign Relations has been requesting two types of information which have been denied to it.

The first relates to preparation for testimony on Syria and weapons of mass destruction that Mr. Bolton was to give in 2003. The State Department has denied the request completely, stating that to fulfill it would chill the deliberative process and that it ''does not believe the requests to be specifically tied to issues being deliberated by the Committee.''

The Constitution says that the Senate shall advise and consent to nominations. The appointments clause does not limit the Senate's power to review nominations to those matters the executive branch deems relevant.

Our Founding Fathers designed a system of checks and balances, not a system of blank checks.

We must defend the Senate's constitutional powers, however, or we shall surely lose them.

The second type of information the committee has not received relates to Mr. Bolton's requests to obtain the identity of U.S. persons cited in NSA intercept reports. We are told that Mr. Bolton did this on 10 occasions, involving 19 U.S. person identities.

The chairman and vice chairman of the Intelligence Committee have been shown these intercepts, but Senator LUGAR and I have not.

Even Senators ROBERTS and ROCKEFELLER were not told the identities of the U.S. persons, moreover, information that was readily shared with Mr. Bolton and even with his staff.

No one in the executive branch has explained why an Under Secretary of State—and a staff member not holding any Senate-confirmed position—may see this information, but the chairman and ranking members of the relevant Senate oversight committees may not.

Senator ROBERTS tells us that after reviewing the contents of each report, it is apparent that it is:

> not necessary to know the actual names [of the U.S. persons] to determine whether the requests were proper.

With all respect, I believe my friend has it wrong. Learning the actual names is the key to the inquiry—and it is impossible to make any judgment about the propriety of Mr. Bolton's requests without knowing the names.

I am inclined to think there is nothing improper in Mr. Bolton's requests for this NSA information.

But the longer the executive branch withholds this material, the more I start to wonder. If Mr. Bolton did nothing wrong, then why won't the administration let us confirm that?

Senator ROCKEFELLER reported to our committee yesterday that Mr. Bolton, upon learning from NSA the identity of a U.S. official who had delivered a message just the way that Bolton wanted it to be delivered, sought out that U.S. official and congratulated him. That action may have violated the restrictions that NSA imposes on further dissemination of its information.

More importantly, if Mr. Bolton used U.S. person identities in an NSA intercept to congratulate officials who did what he wanted, might he also have used such U.S. person identities to attack officials with whom he did not agree? That has been suggested in the press, and while I doubt that Mr. Bolton would do that, Senator ROCKEFELLER's report urges the Foreign Relations Committee to seek:

> . . . a more complete understanding of the extent to which he may have shared with others the nineteen U.S. person identities he requested and received from the NSA.

All Members of the Senate should understand: both the integrity of the nomination process, and the Senate's constitutional role, are being challenged today.

The failure of the administration to cooperate with the committee, and one

of the rationales offered for this failure—that the:

Department does not believe these requests to be specifically tied to the issues being deliberated by the Committee

—has no constitutional justification.

The administration has asserted neither executive privilege nor any other constitutionally-based rationale for not cooperating with this committee.

It has no right under past practice or under constitutional theory to deny us information on a nomination based on its own belief that the request is not specifically tied to the issues being deliberated by the Committee.

Under the doctrine of separation of powers, the Senate is a co-equal branch of Government. It is within our power—and ours alone—to decide what we think is relevant to our deliberations in the exercise of the advice and consent power.

To acquiesce in the administration's remarkable assertion would undermine the Senate's power. If we vote on this nomination without getting all the facts first, that it is a step that we will all come to regret.

The request for this cloture vote is not a filibuster. If there were a filibuster, we would have demanded the use of 30 hours of debate time post-cloture.

This vote is a vote about the Senate's constitutional power. It is a vote to tell the executive branch it must turn over information the Senate has requested.

I urge my colleagues to reject cloture.

The Constitution, to paraphrase Hamilton in Federalist 76, is designed to make sure that nobody becomes an appointed official at the executive level, the Cabinet level, whom the President does not want. That is a guarantee. But it does not guarantee the President gets the first person he asks for, or the second person. It guarantees that the Senate will use due diligence in determining whether the person the President of the United States nominates to fill a position—in this case, ambassador to the United Nations—whether that appointment is in the interest of the United States of America.

That is our job. We are not filibustering. This is not about whether we will vote on Mr. Bolton's nomination. The Senator from Connecticut and I and others have said, we are ready to vote on Mr. Bolton's nomination, if you give us information that we have requested and are entitled to in assessing whether Mr. Bolton should go to the U.N. representing the United States of America.

The President has an option under the Constitution. He can say, Senate, what you are asking for is a violation of the separation of powers doctrine; you are not entitled to the information you seek because it falls into the purview of what we call executive privilege. In order for me as President—or for any President—to be able to conduct my job I must be able to have conversations with my key people that are wide ranging and open with the sure knowledge they will never get beyond this Oval Office; otherwise, the President couldn't do his job. That is what executive privilege is all about. As the Executive, I have the privilege to have confidential discussions with my subordinates. Or, the information you are seeking infringes upon the power of the executive in such a way that you are usurping article II powers, or attempting to yield them, like Estrada, to the third branch of Government in article III.

They do not assert any of that. They just say the information we have asked for, in their opinion, is not relevant to our legitimate inquiry. That is a new one for all the years I have been here.

I thank the majority leader of the Senate, Senator FRIST, for trying what I believe has been his level best to get the information. He and I had a call today. He has talked about this. I am sure I am not revealing anything I shouldn't. He contacted the National Security Agency. He said, Why can't we see the so-called intercepts we are talking about? Give me, the majority leader, the same information you gave to Mr. Bolton and his staff.

The majority leader was surprised when he was told by a general running the National Security Agency, No, I won't give you that. I will give you the same thing I gave to the Intelligence Committee which is a redacted document. That is a fancy phrase for saying, the document without the names.

I said, Mr. Leader, I think that is not good enough. I think he knows it is not good enough. This is strong-arming. They are making no argument as to why we are not entitled to it.

I remind Members, the information we are seeking is information Mr. Bolton's staff got. Mr. Bolton, as important as an under secretary is, is not the majority leader of the Senate; he is not the Senator from Connecticut. Mr. Bolton's staff got this information.

I asked the leader why they wouldn't release the information, and he said because it is highly secret. Translate that. Got that? They are not going to give information to the leader of the Senate because it is secret. In the neighborhood I come from, that means, you don't trust me. The nerve of this outfit to say they are not going to give the information.

With regard to Syria—and my time is about up—we have asked for information relating to whether Mr. Bolton was lying to us and whether Mr. Bolton was trying to get us into war with Syria in the summer of 2003 when a lot of people wanted to go to war.

Remember the argument? The argument was that all the weapons of mass destruction—that turned out never to have existed—were smuggled to Syria. Syria has them, plus a nuclear program, and we better do something about it. And what the intelligence community said to Mr. Bolton was, you cannot say that—or whatever it was that he proposed to say. The facts do not sustain it. He pushed and pushed and pushed. But he told the Foreign Relations Committee he had nothing to do with that draft testimony, he was not pushing.

All we want to see is the draft texts of the speech and the material on the clearance process. I hope the Senate will stand up for itself today at 6 o'clock.

Mr. ISAKSON. I ask unanimous consent to address the Senate as if in morning business.

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

Mr. ISAKSON. Mr. President, before I make the remarks, let me reaffirm my commitment and my support for John Bolton as ambassador to the United Nations.

Like every Member of this Senate, I recognize the importance of that appointment. I recognize the concerns many of my constituents in Georgia have had with the United Nations. John Bolton is the right man at the right time for this country to be our ambassador to the United Nations.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

Mr. KOHL. Mr. President, once again, I come to the floor to voice my concerns regarding the appointment of John Bolton to an important office in this administration. This time he is being promoted to a Government position with high international profile, the U.S. ambassador to the United Nations. I believe his appointment to this post will harm our interests at the UN and hamstring our international cooperation efforts.

Mr. Bolton, whom I opposed when he was nominated to be the Under Secretary for Arms Control, did not distinguish himself in his last job. His comments about the North Korean regime during sensitive negotiations almost derailed our efforts there. This is not just my opinion. After his remarks, Mr. Bolton's superiors recalled him to the United States and sent a replacement. This blunder is not the only black mark on Mr. Bolton's record. He also failed in another highly critical negotiation—our unsuccessful attempts to convince Iran to curtail its nuclear activities.

Mr. Bolton also has publicly and often expressed his disdain for the United Nations—the very institution the President has chosen to send him presumably to represent us and pursue our interests. How can he do that when his public criticism of the U.N. has been, not constructive or thoughtful, but heavy handed and destructive? He has advocated not paying our U.N. dues and, in a moment of high arrogance, said he thought there should only be one permanent member of the Security Council—the United States—to reflect today's international power structure. Statements like these make our allies believe that we do not value their cooperation and effort—and perhaps Mr.

Bolton does not. His remarks create ill will and make it harder for us to lead in the international community—and perhaps Mr. Bolton believes the United States needs to play no role in that community. He has a right to those views. But we in the Senate have a right not to consent to the appointment to the ambassador to the U.N. of a man whose views would, in my opinion, keep him from being able to do his job.

There is an old saying that ''you gather more flies with honey, than with vinegar''. I am afraid that we are sending a big bottle of vinegar to the U.N., and it will attract us no friends. Diplomacy requires tact. It requires being able to use both the carrot and the stick, rewards and sanctions. Mr. Bolton seems to be focused entirely on the stick, believing that by wielding our power and the threat of force like a cudgel, we can bring the international community into line. I do not agree.

Senator VOINOVICH was right when he said the United States can do better than John Bolton. There are so many bright, gifted people in the administration that would do a better job and be a better fit. I regret the President did not send one of those people to us for this high profile job. Mr. Bolton's presence at the U.N. will do little to build our prestige around the world, and may well hamstring our efforts in the war on terror. I urge my colleagues to vote against this nominee.

Ms. MIKULSKI. Mr. President, I rise today to speak on the nomination of John Bolton to be the United States Representative to the United Nations.

I have three criteria I use to evaluate all executive branch nominees: competence, integrity, and commitment to the core mission of the department.

Mr. Bolton has had wide-ranging experience and is competent.

I do not agree with many of Mr. Bolton's past statements about the U.N. However, his statements during the confirmation process indicate he is now committed to the mission of the U.N. I will give him the benefit of the doubt on this one.

But I cannot be so flexible when it comes to the very serious questions about Mr. Bolton's integrity.

I rise today as the Senator from Maryland and as a long-time member of the Senate Intelligence Committee. I have been working on reforming our intelligence community since I first became a member of the Intelligence Committee before the tragedy of September 11. I served on the 2002 joint inquiry about what happened on that terrible day. I served on the Intelligence Committee's 2003 review of Iraq intelligence.

I worked on the 2004 reform legislation that built on the work of the 9/11 Commission and that we passed last year. We looked for ways to prevent what happened on September 11 from ever happening again. We looked for ways to make sure that what happened with Iraq—where we thought there were weapons that weren't there—will never happen again. We looked for ways to get the right information to policy makers.

Throughout all that work over the years, I have kept the many talented, hard working, dedicated, and patriotic Americans working throughout the world for our intelligence agencies foremost in my mind. One of my central concerns has been to try to ensure that they have the right and ability to do their jobs: to get the facts and speak truth to power.

Speaking truth to power means telling the boss what he or she should hear rather than just what they want to hear. This is absolutely critical to the security of our Nation. That is why I am opposing John Bolton's nomination to be America's Representative to the United Nations. It is clear to me that he does not respect the truth or the hard working experts that labor day in and day out to provide policy makers with the best information and their best judgments.

I have carefully reviewed the report prepared by the Foreign Relations Committee. It is evident to me, from reading the minority views of the committee's report, that Mr. Bolton is a bully, but not just any bully. He is a bully with a purpose: to browbeat intelligence professionals to disregard the facts, and to send a message to all the other intelligence professionals that they speak the truth at their peril. His purpose seems clear: to intimidate. His actions seem clear: to retaliate.

Mr. Bolton retaliated against those who disagreed with him. He claims not to have sought to have anyone fired. He said he merely ''lost confidence'' in them. But, that's just a polite way to say a person is unqualified and should be fired. It's a distinction without a difference. When a senior policy maker has lost confidence in you, I think we can all agree that your career is effectively over.

Playing with words cannot obscure the fact that Mr. Bolton went after intelligence professionals for doing their jobs, for telling the truth, for speaking truth to power. He was the power, the boss, the senior official and he had no use for truth.

According to the investigation by the Foreign Relations Committee, Mr. Bolton tried to fire an analyst with the State Department's Bureau of Intelligence and Research. The intelligence professional disagreed about language regarding biological weapons that Mr. Bolton wanted to include in a speech. Mr. Bolton also asked that the National Intelligence Officer for Latin America be reassigned, because he told Mr. Bolton that the language on biological weapons did not reflect the intelligence community's assessment.

Mr. Bolton also appears to have abused his access to intelligence. The Senate Intelligence Committee recently investigated charges that Mr. Bolton shared classified information that he received from the NSA. The minority view of that investigation concluded that Mr. Bolton did share classified information, after being specifically instructed by NSA not to do so. Even more troubling, it appears that the reason Mr. Bolton gave the NSA to justify his ''need to know'' was not the real reason he sought out the information.

This is yet another example of John Bolton using and misusing intelligence to suit his own purposes. It is also clear that Mr. Bolton bullied a number of others who dared to disagree with him, including others in the intelligence community. My colleagues—Senator BIDEN, Senator VOINOVICH and others—have detailed these charges well, and I will not repeat that here.

Mr. Bolton's intolerant attitude and conduct must not be rewarded. It inevitably results in chilling truth and facts. It is an attitude hostile to the very concept of speaking truth to power.

We need the world to understand that the United States getting Iraq wrong was an aberration, a one-time, never-to-be-repeated mistake. The world must believe, and it must be true, that facts and truth are what inform our policies and actions at home and abroad.

They must also believe our leaders and policy makers when they speak. When we speak about intelligence, people cannot be wondering, is that American lying to me, misleading me, telling me half the truth.

The stakes are too high: war and peace; life and death; weapons of mass destruction; Iran; North Korea; terrorism. These are the stakes we are talking about.

America cannot afford to send someone to the U.N. that many people already believe does not respect the truth. We already have a huge credibility gap at the U.N. and in the world.

The U.N. was where our respected Secretary of State laid out our case for going to war with Iraq. We disclosed extensive intelligence information to demonstrate that Iraq had WMD, that it was a threat to the region, our country and the world. We now know, through no fault of our Secretary of State, that much of that information was wrong.

Many of us have worked tirelessly to make sure that something like that never happens again. Building on the work of the 9/11 Commission, we worked for much of last year to pass dramatic and broad based reform of our intelligence community. We fought hard to make sure that a single person would be in charge of the entire intelligence community, to mandate alternative or red team analysis to always make sure that we policymakers have the best information available.

We are now working to make that reform a reality. Just last month, I voted with 97 of my colleagues to confirm the

country's first Director of National Intelligence and his deputy. We have done much, but there is much to do.

We are building a new foundation for our entire intelligence community. It is a work in progress. Every step is important.

But one of the most important steps is ensuring that our intelligence professionals understand and believe that their work is valued. That truth and facts are important. That they can and must speak truth to power. That we are on their side. That the Senate of the United States takes these matters seriously.

That is why at the confirmation hearing of our nation's first nominee for Director of National Intelligence, I asked Mr. Negroponte if he agreed that the professionals in the intelligence community must be free to ''speak truth to power.'' He said, ''Truth to power is crucial. And we've got to assure the objectivity and integrity of our intelligence analysts.''

I also asked him if he will create a tone where there will be no retaliation for people who attempt to speak the truth. Mr. Negroponte said, ''Yes. I think the short answer to you is a categorical yes.''

I asked those questions of the nominee, who was under oath and at an open hearing, for two very important reasons.

First, I wanted the world to hear what he had to say.

Second, I wanted all of our intelligence professionals throughout the World to hear what he had to say.

I wanted our intelligence professionals to know that they were authorized, indeed, obligated to seek the truth and speak the truth. And, I wanted them to know that our most senior intelligence professional, the Director of National Intelligence, would not tolerate retaliation for speaking truth to power. Mr. Negroponte's statements stand on their own.

I believe it would be wrong to confirm Mr. Bolton as the United States representative to the United Nations. He has disregarded the truth. He has sought to punish intelligence professionals for speaking the truth. He has tried to intimidate intelligence professionals into agreeing with him regardless of the facts.

To confirm Mr. Bolton would send a terrible message to our intelligence professionals. It would be a terrible signal for our intelligence reform efforts. It would undermine our efforts to restore our credibility in the world and to do the hard work of reforming the United Nations.

Mr. LEAHY. Mr. President, I have been privileged to have served under both President Clinton and President George W. Bush as one of the two Senate delegates to the United Nations, and there is no doubt that the United States Permanent Representative to the U.N. is one of the most important diplomatic posts in the U.S. government.

The Permanent Representative is the public face, voice, and vote of the United States at the world's only body charged with maintaining international peace and security. Therefore, it is essential that this individual be someone with indisputable integrity and extraordinary diplomatic abilities. After listening to John Bolton's confirmation hearings before the Senate Foreign Relations Committee, I feel confident in saying that John Bolton is not that person.

Most troubling to me are allegations from senior U.S. intelligence officials—including a senior Bush administration appointee—of Mr. Bolton trying to intimidate and even remove intelligence analysts simply because they did not share his political views. Mr. Bolton even went so far as to get in his car and go out to the CIA to seek the removal of one intelligence officer. At any time, but especially in the wake of the massive intelligence failures associated with the decision to invade Iraq, efforts by administration officials to shape intelligence to conform to a particular preconceived view is unacceptable. It is essential that dissent be tolerated and even encouraged in the intelligence community and not distorted to fit a particular ideology or political agenda.

Second, I have strong concerns that Mr. Bolton's pattern of inflammatory statements about the U.N. will make it difficult for him to effectively advance U.S. security interests in New York and to build support for much-needed reforms at the U.N. The last thing we want is for countries to make Mr. Bolton an excuse for resisting reform. Taking a tougher approach to the U.N. through constructive criticism is one thing; disregarding its value and belittling its very existence is another. We need someone in New York who is unafraid to shake things up and challenge the status quo, but that person must also have the credibility, temperament, and diplomatic skills to work with other nations, form coalitions, and advance U.S. interests. The only tool in Mr. Bolton's toolbox appears to be a hammer.

Third, I am disturbed by some of the contradictions in Mr. Bolton's recent testimony. For example, Mr. Bolton pledged to the Foreign Relations Committee that he has not and will not make statements that are not approved by the administration. Yet his own testimony about Iran appeared to do just that—using language rejected by the administration more than a year ago. There are other instances of this behavior during the hearings, where our Ambassador to South Korea has disputed what Mr. Bolton said

Finally, there is a tone and temperament issue with Mr. Bolton's nomination. According to respected officials who have worked with him, Mr. Bolton bullies, belittles and undermines those who do not agree with him. We all lose our cool from time to time. Disagreements are part of human discourse. But, there is a pattern with Mr. Bolton that goes beyond appropriate behavior—a disturbing trait for someone seeking to become our chief diplomat at a place where people come together to resolve disagreements.

When Mr. Bolton was nominated to be Under Secretary of State in 2001, I strongly opposed and voted against his nomination. At that time, I had serious reservations about his experience, diplomatic temperament, and his poor track record on non-proliferation and arms control. Over the last four years, Mr. Bolton has proved me right. As the top proliferation official at the State Department, Mr. Bolton has been ineffective in his current responsibilities and the world has become more dangerous under his watch. The Bush administration's record on proliferation, from Pakistan to Iran to North Korea, has been poor, at best.

After much debate, the Foreign Relations Committee was not able to support Mr. Bolton's nomination and, rather, reported it out without recommendation. Secretary Powell's Chief of Staff has said that Mr. Bolton would be an ''abysmal'' ambassador to the U.N. I might not put it as strongly as that, but I will be opposing the nomination of Mr. Bolton.

Mrs. FEINSTEIN. Mr. President, I rise today to express my opposition to the nomination of John Bolton to be the next United States Ambassador to the United Nations.

Simply put, he is the wrong man at the wrong time for what is an important and critical position.

At a time when the reputation of the United States is at an all time low in many parts of the world and our military is stretched thin, we need a representative at the United Nations who can engage and work with our friends and allies to forge multilateral solutions on: the war on terror, the proliferation of weapons of mass destruction, global poverty, the HIV/AIDS pandemic, and global warming, just to name a few.

Yet throughout his career, John Bolton has demonstrated an unrestrained contempt for diplomacy and international treaties.

In a letter to Senator RICHARD LUGAR, chairman of the Foreign Relations Committee, 102 former American diplomats representing both Democratic and Republican administrations urged the committee to reject Mr. Bolton's nomination because of his ''exceptional record of opposition to efforts to enhance U.S. security through arms control. The letter notes that Mr. Bolton led the effort against ratification of the Comprehensive Test Ban Treaty; blocked a more robust international agreement to curb the proliferation of small arms; led the effort to block the Ottawa Landmine Treaty; led the effort to have the United States withdraw from negotiations to formulate a verification system for the Biological Weapons Convention; and led the campaign to have the U.S. withdraw from the ABM Treaty.

What sort of message do we send to our friends and allies by nominating an ideologue and not a consensus builder for this leading post at the United Nations?

I, for one, am unaware of another nominee to an international body who has garnered so much opposition from individuals who have served on the front lines of American diplomacy.

The fact is, these 102 U.S. diplomats who have written in strenuous opposition to Mr. Bolton recognize that dialogue, cooperation, and, yes, compromise are essential if we are to build alliances and enlist the support of other states in tackling the common problems we all face.

By opposing virtually every meaningful arms control treaty over the past few years, John Bolton has placed his faith in a unilateral, go-it-alone foreign policy that has stretched our military thin and dramatically weakened respect for America in the world.

I had hoped that President Bush would make the rebuilding of our friendships and alliances a priority for the next four years. The nomination of Mr. Bolton sends precisely a different signal that the U.N. will continue to be our rhetorical whipping boy.

We all know that we cannot afford to go it alone in taking on the great challenges in front of us. It is faulty to assume that once he arrives at the United Nations headquarters in New York, John Bolton will suddenly discover a new faith in diplomacy and international agreements.

It is also a stretch to assume that John Bolton will likewise discover a newfound faith in the United Nations and its mission. Many of Mr. Bolton's comments about the United Nations have been raised before but they are worth repeating. Such as:

> There is no such thing as the United Nations. There is an international community that occasionally can be led by the only real power left in the world and that is the United States when it suits our interest and we can get others to go along.
>
> The secretariat building in New York has 38 stories. If you lost ten stories today it wouldn't make a bit of difference.
>
> If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world . . . the United States.

As my friend and colleague Senator BIDEN has stated, when you listen to quotes such as these, you wonder why Mr. Bolton would even want the job of Ambassador to the United Nations.

Indeed, given his disdain for the institution and the other members of the Security Council, Mr. Bolton is unlikely to find a receptive audience for his ideas and initiatives, much less be able to forge alliances to protect American interests and increase global security.

How successful is Mr. Bolton likely to be in enlisting United Nations support for promoting political stability and economic development in Iraq and Afghanistan; stopping the genocide in Darfur; convincing North Korea and Iran to forgo their respective nuclear weapons programs; combating the global HIV/AIDS pandemic; stopping the proliferation of weapons of mass destruction; and fighting the war on terror?

To say the least, I have little confidence in Mr. Bolton's chances for success if he is confirmed and his inability to be an effective and constructive ambassador will produce disastrous consequences for American foreign policy.

In response to the mounting criticism of the President's nomination, the administration has attempted to shift the debate from Mr. Bolton's qualifications to the need for reform of the United Nations.

A vote for Mr. Bolton is a vote for reform at the U.N., they argue. A vote against Mr. Bolton is a vote for the status quo. A blunt, no-nonsense approach is needed to get the job done.

Nothing could be further from the truth. Mr. Bolton has made it clear that he does not have faith in multilateral diplomacy or the mission of the United Nations. Why should we expect him to be committed to a more effective United Nations? How effective is a blunt manner if the individual is unprepared to listen or compromise?

United Nations Secretary General Kofi Annan has produced a report on recommendations for reforming the U.N. so that it can better tackle the challenges of the new century. The United States should play a meaningful and constructive role in that debate.

But his inflexible views and harsh temperament suggest to me that Mr. Bolton will himself be the issue at the U.N.—not the steps that need to be taken to improve the workings of the institution.

Let me turn now to several allegations have been made about Mr. Bolton's past conduct as Under Secretary of State for Arms Control and International Security that raise serious questions about his fitness to serve as United States ambassador to the United Nations.

As detailed in the minority report of the Senate Foreign Relations Committee on his nomination, Mr. Bolton sought to replace two intelligence analysts, Christian Westermann, a State Department analyst in the Bureau of Intelligence and Research, and the National Intelligence Officer, NIO, for Latin America at the Central Intelligence Agency, who refused to back his assertion that Cuba was developing a biological weapons program; exaggerated intelligence on Cuba's biological weapons program and Syria's nuclear activities to fit his own personal views; and pushed for the dismissal of a State Department official he wrongly accused of purposefully withholding a document.

Supporters of Mr. Bolton's nomination argue that these charges should fall by the waistside because no one lost their job and his statements largely reflected the views of the intelligence community.

Even if you assume that this is true, Mr. Bolton's efforts to trash intelligence analysts and pattern intelligence to fit his views, had a chilling effect on the intelligence community and its ability to provide sound, credible intelligence.

Robert Hutchings, the former Chairman of the National Intelligence Council, told the Foreign Relations Committee:

> [W]hen policy officials come back repeatedly to push the same kinds of judgments, and push the Intelligence Community to confirm a particular set of judgments, it does have the effect of politicizing intelligence, because the so called 'correct answer' becomes all too clear . . . it creates a climate of intimidation and a culture of conformity that is damaging.

Given the failure of pre-war intelligence on Iraq and the profound negative impact that failure had on the credibility of the United States in the international community, we should not send a representative to the United Nations who has sought to conform intelligence to his stated views and punish those who disagreed with him.

Indeed, the next United States Ambassador to the United Nations may very well be charged with gathering international support to convince Iran and North Korea to abandon their nuclear weapons programs. A person of Mr. Bolton's credibility on intelligence matters is unlikely to garner much support and, indeed will likely face stiffer opposition.

Surely the President can find another nominee who is committed to multilateral diplomacy and appreciates, rather than denigrates, the goals and mission of the United Nations.

Despite what the administration may assert about Mr. Bolton's ''blunt'' manner, such an individual will be far more effective at representing United States interests, shaping alliances to confront problems that transcend borders, and encouraging U.N. reform.

Mr. Bolton has made a career out of shunning diplomacy, blasting the United Nations, ignoring the advice of others, and moving ahead with a foreign policy that emphasizes arrogance over leadership.

In these difficult times, he is a risk, not an asset, in advancing our national security interests abroad and on that basis does not deserve the Senate's support in confirming his nomination.

Mr. CORZINE. Mr. President, today I will be voting against the nomination of John Bolton to be Ambassador to the United Nations.

When the President first nominated Mr. Bolton for this position, I expressed deep disappointment and concern. First, because of his repeated expression of disdain for the organization. But, more importantly, because Mr. Bolton is as responsible as any member of the administration for the needless confrontations with the rest of the world and for the international isolation that plagued President Bush's first term and for the shaky credibility

we carry today. At a time when we need to be strengthening our alliances and making full use of international institutions to achieve our foreign policy goals, sending Mr. Bolton to the United Nations sends the exact wrong message. I don't accept his view that the U.N. is a vehicle to be used by the U.S. ''when it suits our interests and we can get others to go along.'' Diplomacy in most people's minds requires attention to more than just coalitions of the willing.

Over the past month, the Senate Foreign Relations Committee has uncovered a pattern of behavior on the part of Mr. Bolton that has only confirmed my concerns. Most disturbing to me is the evidence of Mr. Bolton's troubled and confrontational relationship with our intelligence community.

In speeches and testimony, he has appeared to stretch the available intelligence to fit his preconceived views. On three separate occasions, he tried to inflate language characterizing our intelligence assessments regarding Syria's nuclear activities. He sought to exaggerate the intelligence community's views about Cuba's possible biological weapons activities. His track record, on these and other matters, was so bad that the Deputy Secretary of State made an extraordinary order—that Mr. Bolton could not give any testimony or speech that was not personally cleared by the Deputy Secretary or the Secretary's Chief of Staff.

He also dampened critical debates among professionals on important policy issues by retaliating against analysts who presented a different point of view than his own. For example, on three occasions over a six month period, he sought to remove a mid-level analyst who disputed the language he tried to use about Cuba.

The proliferation of weapons of mass destruction is a serious matter. I would not criticize Mr. Bolton for asking intelligence analysts hard questions about proliferation issues, nor should policy makers refrain from challenging the assumptions of those analysts. But Mr. Bolton was doing something far different. He made it clear that he expected intelligence analyses that conformed with his preconceived policy views. Rather than welcome contrary intelligence analyses as essential to an informed debate, he retaliated against those who offered contrary views.

Mr. Bolton's approach to those around him has been harshly criticized by those who have worked with him. Larry Wilkerson, the Chief of Staff for Secretary Powell, called him a ''lousy leader.'' Carl Ford, former head of the State Department's Bureau of Intelligence and Research, referred to Mr. Bolton as a ''quintessential kiss-up, kick-down sort of guy.''

This is not the person we need at the United Nations. Good diplomacy, like good business, relies on a great team and a good leader. Good leaders listen. They listen to their troops, they make reasoned decisions, they take responsibility, and they build the respect and loyalty of their staff. Management by fear is a recipe, in both public service and the private sector, for getting only the information that you want to hear. Shoot the messenger and other messengers will not volunteer to deliver the bad news. And I submit to you that Mr. Bolton has developed a reputation for shooting the messenger.

We must begin to learn the lessons of Iraq. It should be more than clear by now that our national interests are damaged when policy makers bend intelligence. And we should all understand by now that accurate, objective intelligence requires analysts who are free to offer differing views. We face serious threats, from international terrorism to the proliferation of weapons of mass destruction. We have serious foreign policy concerns to address, from genocide to global climate change. Protecting our national security interests demands policy makers who seek objective intelligence on these and other challenges. Given his track record, John Bolton is clearly not that policy maker.

Another lesson of Iraq is the critical importance of American credibility. The inaccurate presentations made by our Government to the international community have done serious damage to our interests. If we are to gain the active support of other nations in confronting common threats such as terrorism and weapons of mass destruction, we will need to convince those nations of our views. To do so, we will need their trust. This challenge is especially complicated at the United Nations, where Secretary of State Colin Powell gave what turned out to be an almost entirely inaccurate presentation on Iraq, and where the administration dismissed all alternative views, including those of U.N. inspectors. Mr. Bolton is not the person to repair this damage. And his record makes it extremely unlikely that he could rebuild our credibility in the international community in its most visible forum—the U.N.

The nomination of John Bolton is a lost opportunity for this administration to regain American leadership at the United Nations. It is also dangerous. Failure to gain support in the U.N. for our policies puts us at unnecessary risk. Simply put, we cannot afford an ineffective Ambassador at the United Nations.

Mr. LAUTENBERG. Mr. President, before the people of New Jersey elected me to the Senate 23 years ago, I worked in the corporate world.

I helped start a company from scratch, and when I left, we had about 20 thousand employees.

I learned a few things about hiring people.

I learned that a person might be an intelligent human being. They might be proficient at many things. They might have a lot of interesting ideas.

But if they don't fit the description for the position you need to fill, they are not the right person for the job.

If you need a carpenter, you don't hire someone who can't use a hammer, even if they know a lot about houses.

If you need help with your taxes, you hire an accountant, not a music teacher.

And if you need someone to represent the United States to the other countries of the world, you hire a diplomat, not an ideologue.

We are talking about the U.S. Ambassador to the United Nations.

This is not an entry level position. This job calls for an experienced diplomat.

What does that entail? Webster's Dictionary defines ''diplomacy'' as: the art and practice of conducting negotiations between nations for the attainment of mutually satisfactory terms; the procedures, methods and forms employed in conducting such negotiations; the skillful or successful settlement of differences between peoples; and, adroitness or artfulness in securing advantages without arousing hostility.

That definition does not sound like the Mr. Bolton we have heard about.

If we send Mr. Bolton to the United Nations, we would be sending a go-it-alone ideologue with open disdain for the U.N., exactly what our country does not need.

Around the world today, polls show that even citizens of our strongest allies have a generally unfavorable view of the United States.

I realize that many Americans say, ''why should we care what other nations think?''

And the answer is, the attitudes of other nations affect our national security.

We recently celebrated VE Day. It was a day I will never forget, because I was serving in the Army in Europe. I celebrated the end of the war with my Army buddies, as well as British soldiers who were our allies.

As much as we might like to think that we don't need anything from any other country, it certainly was good to have allies in World War II.

And wouldn't it be good today if more nations would send troops to Iraq, so some of our soldiers could come home, and so American taxpayers wouldn't have to bear most of the cost of that war?

Whether we like it or not, world opinion matters.

The fact is, none of the major challenges our Nation faces today can be conquered by us alone.

In order to win the war on terror, curb global warming or succeed in the international economy, we need our allies and international institutions.

Failing to engage these indispensable partners will make U.S. efforts less effective, and jeopardize the stability, security, prosperity, and health of Americans.

John Bolton is the wrong man to forge the alliances we need to address these vital challenges.

Instead of reaching out to the rest of the world, his nomination would push

other nations away and isolate America.

Yesterday my friend from Indiana complained that we were putting Mr. Bolton's career ''under a microscope.''

Well, when I was in the private sector and my company was evaluating a potential new hire for a key position, that's exactly what we did—and I don't think there's anything wrong with it.

Mr. Bolton's track record at the State Department does not withstand close scrutiny.

As Undersecretary at State, he did nothing to resolve the potentially explosive situations in North Korea and Iran. Instead, he inflamed them.

He has blocked international arrangements including treaties limiting nuclear weapons testing, landmines, child soldiers, missile defense, and small arms trade.

He dismantled the Anti-Ballistic Missile Treaty, and blocked a verification clause to the bio-weapons treaty.

And he was a leading opponent against the ratification of the Comprehensive Test Ban Treaty.

Mr. Bolton does not have the credibility or the diplomatic skill to represent U.S. interests globally.

A smart businessman not only considers the work experience of a potential employee—you also look at his character and ability to get along with other people.

In this regard, Mr. Bolton also falls short.

For example, in 2002, he sought to exaggerate assessments of Syria's nuclear weapons capability and Cuba's biological weapons activities and support for terrorism beyond what U.S. intelligence believed to be true.

Dr. Robert Hutchings, former chair of the National Intelligence Council, described Mr. Bolton's efforts as ''cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest possible case.''

Mr. Bolton bullied and tried to remove analysts whose work did not reflect his own biases.

As if all this were not enough, it appears now that Mr. Bolton was not truthful in his testimony before our Foreign Relations Committee on April 11.

Among John Bolton's misstatements:

He said he did not try to get a State Department employee fired. He said he did not threaten any employees because of their views. He said he did not act against those officials because of differing views. He said the U.S. Ambassador to South Korea approved of his July 2003 speech, when we now in fact know that Ambassador Hubbard got in touch with the Foreign Relations Committee to ''correct the record.''

Just this month, 102 retired diplomats signed a letter to Senators LUGAR and BIDEN urging the Senate to reject the nomination of John Bolton to be our Nation's Ambassador to the United Nations.

These former diplomats have served in both Democratic and Republican administrations. They all agree that John Bolton is the wrong man for the job.

I have heard Mr. Bolton compared to one of our former colleagues, my good friend and neighbor, Senator Pat Moynihan.

That is nonsense. Mr. Moynihan was not afraid to criticize the status quo, but as his daughter pointed out in a recent newspaper column, he appreciated the importance of the United Nations.

Pat Moynihan would never say, as John Bolton said, that, ''if the United Nations lost 10 stories it wouldn't make a bit of difference.''

This is an important position. We owe it to our country to fill it with the best person available. As my friend the Senator from Ohio said yesterday, ''The United States can do better than John Bolton.''

Mr. President, not only can we do better, for the good of the country, we must.

Mr. BUNNING. Mr. President, I speak today on the nomination of John Bolton to be the U.S. Ambassador to the United Nations. I want to express my full support for his confirmation.

Despite the criticisms of some of my colleagues across the aisle, John Bolton is without a doubt one the most qualified people to fill this position. I believe his no-nonsense diplomacy will be a welcome change at the U.N., and one that will prove to be effective in the future.

Now more than ever, the United Nations is in need of drastic reform. As the world's only super power and one of the original founders of the organization, it is the United States' responsibility to play leading role in this reform. Mr. Bolton's nomination is a reflection of this commitment. His pursuit for the truth will serve him well in holding the United Nations accountable for its past mistakes.

Although he is not a career diplomat, Mr. Bolton has a strong record of success within the international community. He has played pivotal roles in the signing of the treaty of Moscow, the repeal of the U.N. General Assembly's 1975 resolution that equated Zionism with racism, and the negotiations in the G–8 Partnership Against the Proliferation of WMD to name a few.

Mr. Bolton not only possesses the tenacity to deal with the U.N. but also has experience dealing with the organization on a first-hand basis. He voluntarily, I repeat voluntarily, worked for the U.N. between 1997 and 2000 with former Secretary of State James Baker on resolving the conflict in the Western Sahara. Not only did he play an integral role in creating a viable ''peace plan'' for the area, but did so on his own time.

Mr. President, this flies directly in the face of my colleagues across the isle, who repeatedly accuse Mr. Bolton of hating the U.N. and wanting to dismantle the organization permanently. Rather than being committed to the organization's demise, I believe he is more committed to making it stronger and more effective.

I find myself deeply saddened by the efforts of a minority of Senators to delay Mr. Bolton's confirmation. He is an extremely qualified candidate, who has been confirmed by the Senate four times in the past. Why the change of heart now?

Rather than questioning Mr. Bolton's qualifications for the position and the need for U.N. reform, a minority of Senators are engaging themselves in what boils down to character assassination. I challenge my colleagues to look at Mr. Bolton's real character. He is a man of integrity and honesty, whose candid personality will serve him well at the United Nations.

I am confident the Senate will confirm Mr. Bolton. I wish him well in his new position and with the daunting task of reforming the United Nations. It is not an easy one. Despite this challenge, I believe he will be a welcome addition to the organization and an agent of change in the international community.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have time reserved at 5:30, but I will make a comment before that time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have had the pleasure to work with my good friend, John Bolton, on several issues. Each time I have worked with him, he has proven to be helpful and driven to obtain the results that will best serve the interests of the United States. He is a straight shooter, a no-nonsense type of guy who knows how to get results.

As most of my colleagues know, I take a special interest in issues regarding Asia. Alaska's past, present, and future have always looked westward to Russia, China, Japan, and the Korean Peninsula. It is for that reason that I have decided to support John Bolton.

North Korea has had nuclear aspirations many years and has taken aggressive steps to acquire nuclear weapons years before the Bush administration came into office.

John Bolton's straight-forward talk on North Korea should be applauded. He was telling the truth.

The United States made the good-faith effort with the 1994 Agreed Framework by providing food and support for building of the reactor. But this agreement was destined to fail because of North Korea's treacherous actions in the region. This is not a country we can trust. We now know that North Korea began cheating on it almost as the ink was drying by embarking on a covert uranium enrichment program.

The Bush administration has accomplished the core prerequisite for a lasting solution. It has galvanized the international community to work together on a lasting, multinational solution to the problem. The White House

has stated that the next venue for this discussion will be the United Nations.

John Bolton will be that voice, a compelling one, to ensure we are able to have an agreement that will stick. John Bolton is the strong voice that is required to ensure that America's vision on a nuclear weapon free North Korea is heard at the United Nations.

John Bolton believes in frank and honest diplomacy. John Bolton has not shied away from naming rogue states that violate international commitments such as the Biological Weapons Convention, the Chemical Weapons Convention, and the Nuclear Non-Proliferation Treaty.

He has had an effective working relationship with foreign governments, international institutions, nongovernmental organizations, and the private sector for over three decades.

There is no question that John Bolton is qualified for the position of U.S. Ambassador to the U.N., and here are just a few reasons why:

As the Under Secretary for Arms Control and International Security, John Bolton led the efforts to implement the President's strong nonproliferation agenda, including reform of the International Atomic Energy Agency.

He has actively promoted effective multilateral solutions to real-world problems such as the proposal to create a Special Committee of the International Atomic Energy Agency Board to focus on safeguards and verification of nuclear programs.

John Bolton helped to bring about new leadership to improve the Organization for the Prohibition of Chemical Weapons.

He was the President's point person in designing the Proliferation Security Initiative. Over 60 nations are now working together to share intelligence and are taking action to stop the transfer of dangerous weapons. The Proliferation Security Initiative was instrumental in getting Libya to make the strategic decision to abandon its WMD programs.

The U.N. is in need of reform. John Bolton supports reform at the United Nations so it is accountable, transparent, and effective. While serving as the Assistant Secretary for International Organizations, he detailed his concept of a ''Unitary U.N.'' that sought to ensure management and budget reforms across the U.N. system. John Bolton will work with member states and the Congress to reform the U.N.

Allegations that Bolton manipulated intelligence are unfounded. As a policymaker, he asserted his view on intelligence. That was his job. Policymakers should question information extensively before accepting it as fact. These were internal policy debates, which occur in all Departments and agencies.

He may have disagreed with intelligence findings at times, but John Bolton always accepted the final judgments of the intelligence community.

Mr. DURBIN. Mr. President, I rise today in opposition to the nomination of Undersecretary of State John Bolton as United States Ambassador to the United Nations, an institution which he has openly and repeatedly disdained.

A number of factors have led me to this decision, but they fall into several broad categories: Mr. Bolton's apparent abuse of the intelligence process and of his subordinates; his opposition to peacekeeping and other fundamental functions of the United Nations; his disdain for the institution itself; his opposition to important nonproliferation efforts; and the poor judgment he has displayed on key foreign policy questions.

Furthermore, there is the nomination process itself as it has been carried out in this case. Despite repeated requests from the Foreign Relations Committee, the executive branch did not provide key documents concerning Mr. Bolton's requests to learn the identities of 10 U.S. officials who were cited in intelligence intercepts.

The administration's failure to provide requested and relevant documents distorts the nomination process.

Although handicapped by a lack of information and candor, the Senate Foreign Relations Committee examined the charges that Undersecretary of State Bolton abused the intelligence process by seeking to have those who dared to dissent removed.

The evidence demonstrated a clear pattern of conduct that led 9 out of 18 members of that committee to vote against confirmation.

The minority views of the committee report on the Bolton nomination reached four firm conclusions on this matter:

One, Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him.

Two, in preparing speeches and testimony, Mr. Bolton repeatedly tried to stretch intelligence to fit his views.

Three, in his relations with colleagues and subordinates, Mr. Bolton repeatedly exhibited abusive behavior and intolerance for different views.

Four, Mr. Bolton repeatedly made misleading, disingenuous, or nonresponsive statements to the committee.

We have to examine these conclusions in terms of the position for which Mr. Bolton is now being considered as the United States voice at the United Nations.

In his approach to intelligence, Mr. Bolton clearly sought to stretch the analysis to meet his world view rather than stretching his world view to accommodate other possibilities.

This is an extremely dangerous way to look at the world, as the 9/11 Commission and others have shown us.

Even more damaging, Mr. Bolton apparently used his position to attempt to intimidate subordinates and even to have analysts fired who dared to disagree, on such critical issues as the alleged development of weapons of mass destruction in Cuba and elsewhere.

Crying wolf about weapons of mass destruction is an extremely dangerous habit. The United States will be living with the consequences of poor intelligence and unfounded allegations regarding Iraqi weapons of mass destruction for years to come.

The United Nations was at the center of the WMD debate over Iraq and it will be at the center as we seek to address North Korea and Iran as well.

We cannot afford to be wrong about weapons of mass destruction again, and we cannot afford to have at the helm a man who has deliberately exaggerated intelligence regarding these devastating weapons.

There is also the question of pressuring colleagues and subordinates, even attempting to get people fired.

In response to Mr. Bolton's tactics as Undersecretary for Arms Control and International Security, Secretary of State Colin Powell reportedly came down to ask the analysts to continue to ''speak truth to power.'' I applaud Secretary Powell for this step, but he should have never had to take it.

The Senate Intelligence Committee briefly addressed this issue of pressuring and seeking to remove analysts last year. However, we addressed this question only superficially, as I pointed out then in the committee's additional views on ''The U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq.''

Even worse, our committee fell into the same trap of discouraging dissent. As I wrote then, ''the conclusion section in the [committee] report rebukes the analyst for the temerity of raising a policy question with a State Department Undersecretary.''

That analyst did the right thing. Policy questions should be raised. In fact, they should be welcomed.

If more questions had been asked, we might not have had a distinguished Secretary of State testifying at the U.N. with apparent certainty about weapons in Iraq that did not, in fact, exist.

The recent Silberman-Robb report from ''The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction'' concluded that ''the Intelligence Community was dead wrong in almost all of its prewar judgments about Iraq's weapons of mass destruction.''

One of the key recommendations of the commission was to ''preserve diversity of analysis'' and to encourage debate among analysts.

These are the very impulses that Mr. Bolton apparently tried to stifle. These are the very impulses that we need most.

Mr. Bolton has been nominated to be our representative to the United Nations. In that seat, he will effectively become our representative to the world.

It is not a position that he has highly valued in the past. He famously remarked that ''The secretariat building

in New York has 38 stories. If you lost ten stories today it wouldn't make a bit of difference.''

Mr. Bolton has since explained that he was merely using a metaphor. I think most of us realized that. The point is that the metaphor that he chose indicates his low regard for the institution.

Mr. Bolton has stated that ''there is no such thing as the United Nations,'' he has flatly rejected the idea at least once that the U.S. should pay its U.N. dues, and he has expressed his desire to see the Security Council reduced to one member, namely the United States.

Mr. Bolton is correct when he argues that the United Nations cannot be effective unless the United States plays a leading role. The League of Nations showed us that. Where he is mistaken is his fundamental confusion of leadership with domination.

A security council of one would leave us with no allies, no friends, and no supporters.

As we have seen with tragic clarity in Iraq, we are stronger when we have allies, and we are more effective multilaterally than unilaterally.

In its domestic policies, the Bush Administration has posited an ownership philosophy that implicitly tells us, ''We are all alone in this.'' Mr. Bolton represents the international wing of that school of thought.

We see this very clearly with the issue of peacekeeping. This nominee has stated that he opposes the use of peacekeepers in civil conflicts because he does not regard civil conflicts as ''threats to international security.''

Mr. Bolton testified against United Nations involvement in the Congo, where at least 3 million people have died, and he opposed the U.N. civil administration missions in East Timor and Kosovo.

Humanitarian issues aside, civil conflicts have a tendency to spill over borders, just as the conflicts in Sudan, Rwanda, Uganda, and the Democratic Republic of Congo have all become intertwined.

Moreover, civil conflicts can lead to failed states and failed states are very much a threat to national security.

We cannot have a representative to the U.N. who opposes one of its most basic and important functions.

Mr. Bolton has also dismissed the role of international law. In the late 1990s, he stated:

> It is a big mistake for us to grant any validity to international law even when it may seem in our short-term interest to do so—because, over the long term, the goal of those who think that international law really means anything are those who want to constrict the United States.

I believe that international law means something.

I believe that international law is very much in our national interest, and I believe that this perspective from our potential ambassador to the United Nations is as damaging as a White House legal counsel or Attorney General who dismisses the Geneva Convention as quaint and obsolete.

Most disturbing of all, Mr. Bolton has criticized any '''right of humanitarian intervention' to justify military operations to prevent ethnic cleansing or potential genocide.''

That tells us Mr. Bolton has learned nothing from the bloodstained lessons of history, including the unforgivable failures of both the United States and the U.N. in Rwanda in 1994.

President Bush has rightly called the crimes in Sudan genocide. Secretary Rice recently echoed that judgment. The Administration has said that it has been blocked by other members of the Security Council in its attempts to do more to stop the killing in Darfur.

Is the United States going to appoint as our ambassador a man who not only belittles the U.N. but denies that it can or should intervene to prevent genocide? What possible message does that send on Darfur?

Another absolutely central United Nations function is the fight against the proliferation of nuclear weapons and other weapons of mass destruction. Mr. Bolton has undermined non-proliferation efforts, not strengthened them.

Recently, 102 former ambassadors and high ranking diplomats wrote Senator LUGAR to express their deep concern over the Bolton nomination. They declared ''John Bolton has an exceptional record of opposition to efforts to enhance U.S. security through arms control.''

We are witnessing the results of the Bolton approach right now at the Non-Proliferation Treaty conference in New York. By all reports this conference is making little progress toward creating a stronger, safer non-proliferation regime.

A former senior Bush administration official told reporters, ''Everyone knew the conference was coming and that it would be contentious. But Bolton stopped all diplomacy on it six months ago.''

We cannot have our representative at the U.N. stopping diplomacy. He should be shaping it.

Finally, there is the question of judgment, a key quality in a diplomat.

Mr. Bolton was effectively banished from negotiations with North Korea after he launched into public attacks on their government and its leader on the eve of discussions. The State Department was forced to call Mr. Bolton back and send a replacement to the talks.

I cite this example not because North Korea does not merit criticism: By virtually any measure, it is one of the worst governments in the world.

But during Mr. Bolton's tenure, North Korea's nuclear weapons program has expanded, negotiations have deteriorated, and the situation has grown substantially more dangerous.

Ultimately, we return to Mr. Bolton's vision of the world and of the role of the U.N.

Let me conclude by turning to Samantha Power, one of our nation's foremost scholars of genocide and an astute observer of international relations.

Dr. Power has written:

> It is unclear what the Bush Administration has in mind by shipping Bolton to New York. The appointment has been spun as ''Nixon goes to China.'' Nixon, however, actually went to China: the visit was compatible with his world view. Bolton, by contrast, seems averse to compromise, and is apparently committed to the belief that the U.N. and international law undermine U.S. interests.

The United Nations is in need of reform. The same could be said of many of our own government institutions, as we are attempting to do with the intelligence community, for example.

The United States should be a positive influence in transforming the U.N. to meet the needs of the 21st century. But John Bolton is not the person for the job.

I cannot help but contrast John Bolton to John Danforth, a true statesman, a true soldier in the campaign to end the killing in Sudan, and a gracious and skilled United States representative to the United Nations.

John Danforth was unanimously approved for that position. Mr. Bolton is mired in a controversy of his own making over his suspect qualifications.

I cannot vote for a representative to the United Nations who demeans the institution, who works against non-proliferation, who abuses the intelligence process and its analysts, who dangerously inflates assessments of weapons of mass destruction, who rejects the value of peacekeepers and their role in civil conflicts, and who undervalues the principle of international law itself.

Mr. REID. Mr. President, let me say at the outset, that I do not intend to vote for cloture on John Bolton, nor do I intend to support him for the position of United States Ambassador to the United Nations.

As I have said repeatedly since he was nominated, this is the wrong man for the job not because of his abrasive personality, although I am deeply troubled by his serial mistreatment of coworkers and subordinates.

My objections to this nominee go much deeper than his inability to work well with others. I am opposed to this nominee because of his poor performance, his flawed views, and his repeated misstatements and mischaracterizations of his record.

Let me commend Senator BIDEN and the Democratic staff on the Foreign Relations Committee and Senator ROCKEFELLER and his Intelligence Committee staff. As a result of their leadership and diligence, the Senate and the American people have a much more complete understanding of John Bolton and his entire troubling record.

And there is no doubt that we have learned a lot about Mr. Bolton. We have learned about his failures in the proliferation area, his repeated efforts

to manipulate intelligence, his numerous misstatements of fact, and his serial mistreatment of career civil servants.

But, in spite of the best efforts of Senator BIDEN and the other Democratic members of the Foreign Relations Committee, the record on this nominee is still incomplete.

Despite numerous requests, the administration has failed to turn over important information about this nominee. This is astounding to me. The administration's stonewalling has not only had the effect of slowing down the confirmation process, it has also put a further cloud over this individual and has—perhaps unnecessarily—raised the impression that the nominee and the White House have something to hide. The end result is further questions about this nominee, further disruption to the Senate's consideration of this nominee, and further demonstration of the administration's willingness to keep information from the Congress and the American people.

This is information that the Senate is entitled to under the advise and consent clause of the Constitution, information that is central to this man's qualifications, information that, had it been provided, could have possibly spared this man further questions about his already damaged reputation.

But as has so often been the case with this administration, they have sought to ignore the public's right to know and prevent Congress from making a fully informed decision. They want to be the judge and the jury. They have decided the information is not relevant to our consideration of Mr. Bolton.

Let me see if I understand their argument. The administration asserts that information that bears directly on Mr. Bolton's role in assessing the threat posed by Syria and in his seeking intercepted conversations of foreigners and U.S. citizens is not relevant to his qualifications to represent this Nation at the United Nations, and therefore should not be provided to the Senate.

After all the damage caused when this administration stretched the truth at the United Nations as it made the case for war in Iraq, does the White House really believe it is not relevant for us to be absolutely certain their nominee was not trying to stretch the intelligence yet again?

So we are in this largely avoidable position of having to vote against cloture and extending debate until the information is turned over to the Foreign Relations and Intelligence Committees. I hope the administration will do the right thing and provide the information to the Senate.

In the meantime, the information the Foreign Relations Committee has managed to obtain is deeply troubling. This is a record which caused one of the most respected and storied committees in the entire Congress to not recommend him favorably to the full Senate. Based on that fact alone, the President should have withdrawn the nomination. Unfortunately, since he didn't, I think the Senate should follow the committee's lead and not recommend him for this job either.

I know Mr. Bolton has tried to distance himself from certain parts of his record, like his past statements about the United Nations and its role in international affairs. However, there can be no denying that the man harbors a deep animosity towards the institution. At a time when we need diplomacy more than ever, and we need help in Iraq and in the global war on terrorism, this is exactly the wrong man to send to the U.N., and it sends exactly the wrong message to our friends and allies.

Mr. Bolton's supporters have advanced only one reason to ignore the weight of all the evidence that he is unqualified: Mr. Bolton believes the United Nations needs to be reformed. The U.N. does need to be reformed. The U.N. can improve its performance. It can reduce inefficiency in its bloated bureaucracy. It can become more effective and more relevant. And we ought to have a U.N. ambassador who is willing to take on that mission of reform. But the President should be able to find someone capable of reforming the U.N. without Mr. Bolton's baggage.

So let's be clear, I do not oppose sending someone to the United Nations who is willing to engage in some tough-minded reform. I do oppose sending someone who has misused intelligence and bullied intelligence analysts in a way that undermined our diplomatic corps and produced wrong-headed national security policies.

The facts show that Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him. In speeches and testimony, Mr. Bolton repeatedly sought to stretch intelligence to fit his views. In dealing with other professionals, Mr. Bolton repeatedly exhibited abusive behavior and intolerance that had a chilling effect on analysts' ability to provide different views.

The second highest ranking official at the State Department, Secretary Powell's Deputy Rich Armitage, was so concerned about Bolton speeches that he decreed that he must personally review and clear all of Mr. Bolton's public statements. And Robert Hutchings, chairman of the National Intelligence Council, said that Bolton took ''isolated facts and made much more of them to build a case than I thought the intelligence warranted.'' He said the impact of Bolton's actions on the intelligence community, ''creates a climate of intimidation and a culture of conformity that is damaging.''

But this is not merely a concern for historians. At the same time that Mr. Bolton was agitating and undermining intelligence professionals on issues such as Cuba and Syria's WMD programs, the administration was putting together a dramatically hyped case for war in Iraq to deal with a threat from weapons of mass destruction that turned out not to exist. Mr. Bolton's modus operandi of hyping intelligence and berating analysts has been so discredited by the results of the Iraq WMD fiasco that it will be difficult for him to operate in the future. Imagine Mr. Bolton arguing to the United Nations Security Council about the threat posed by Iran or North Korea's nuclear weapons programs. Why would anyone take him or the administration that sent him seriously?

I support the President's message of reform of the U.N. I am open to someone who can speak bluntly on these issues, who can deliver tough messages.

But we need a different messenger than Mr. Bolton.

Mr. MCCONNELL. Mr. President, I voice my support for John Bolton to be U.S. Ambassador to the United Nations. Undersecretary Bolton will bring to the table exactly what the U.N. needs now more than ever: a sure hand to guide much-needed reform.

The United Nations holds much promise today. But too often, it falls far short in its attempts to defend freedom, security, and human dignity. Undersecretary Bolton wants the U.N. to succeed, and believes it can be a great force for good.

Over the past 3 months we have all heard many scurrilous, slanderous personal attacks made against Undersecretary Bolton. However, as is often the case in Washington, the outrage is largely much ado over very little.

I believe that the opposition to him really stems from concern that he has so effectively implemented the President's foreign policy. Opponents do not want to take on the President, so they try to bully John Bolton.

The problem is, the U.N. is rife with corruption, scandal, and incompetence. Take the Oil-for-Food Program. What started as a humanitarian attempt to help Saddam Hussein's suffering victims degenerated into a jackpot for the tyrant's friends.

Evidence now shows that Saddam Hussein illegally profited from the program, and used the funds to build weapons for use against American troops. Millions of dollars in oil-soaked bribes may have gone to high-ranking officials in France, Russia, and within the U.N. itself. And most sickening of all, there is now evidence that Oil-for-Food money may be funding the insurgents that attack our soldiers in Iraq.

I commend my good friend Senator NORM COLEMAN from Minnesota for leading the committee that has uncovered these abuses. He is proving how much work lies ahead for Undersecretary Bolton when he arrives at the U.N.

As Undersecretary of State, John Bolton took the lead to realize the President's Proliferation Security Initiative, which strives to halt the spread of dangerous weapons. Thanks to his leadership, the once-dangerous regime in Libya has begun to be tamed,

as Libya has consented to the Initiative and begun the verifiable elimination of its weapons of mass destruction.

Undersecretary Bolton also led negotiations for the creation of the G–8 Global Partnership Against the Proliferation of WMD. Thanks to his diplomatic work, other nations contributed $10 billion towards those efforts. And he led negotiations for the Treaty of Moscow, which reduced by two-thirds the number of operationally deployed strategic nuclear warheads.

As Undersecretary, Mr. Bolton secured 100 bilateral agreements ensuring that other countries will never drag American troops before the International Criminal Court on trumped-up, political charges and deprive them of American justice. It is remarkable that he has negotiated so many of these pacts—known as Article 98 agreements, for a section of the ICC treaty—in just 4 short years.

Undersecretary Bolton was a leader of American efforts to persuade the Security Council to pass Resolution 1540, which imposes standards for arms control, disarmament, and WMD proliferation prevention on every Member State.

So far, over 80 countries have outlined their plans to stop WMD proliferation. This is a tremendous step forward in the War on Terror, and much of the credit goes to Mr. Bolton. Thanks to his careful, patient work of diplomacy, Resolution 1540 not only passed the U.N. Security Council, it passed unanimously.

Let me close, Mr. President, with a reminder for my colleagues of how committed Undersecretary Bolton is to working with and reforming the U.N. to make it the sentinel of liberty that it can, and should, be. I will read two statements. One was made by Undersecretary Bolton, the other by the revered Democrat and New Dealer Dean Acheson, Secretary of State to President Harry S Truman. Let's see if you can guess who said what.

Here's the first one:

> The United States is committed to the success of the United Nations, and we view the U.N. as an important component of our diplomacy . . . Walking away from the United Nations is not an option.

Now here's the second statement:

> I never thought the U.N. as worth a damn. To a lot of people it was a Holy Grail, and those who set store by it had the misfortune to believe their own bunk.

One of these statements was made by the nominee, a man caricatured by his detractors as dead-set against the U.N. and the need for America to work with multilateral institutions. The other was made by the multilateralist who helped create the World Bank and the North Atlantic Treaty Organization.

Well, surprise, surprise. The first statement was made by Undersecretary Bolton, and the second by Secretary Acheson. This just goes to show, Mr. President, that much of the criticism about Mr. Bolton is useless when it comes to determining his commitment to the U.N., and his fitness to be the Ambassador.

I urge my fellow Senators to focus on the dire need for U.N. reform, and Undersecretary Bolton's record as a diplomat who can get results. In times like these the U.N. needs a little straight talk. And Undersecretary Bolton can give it to them.

He has a remarkable record of bringing about change through multinational institutions. I say, let him work his magic at the U.N. The U.N. can do better than what it is giving us, it must do better. John Bolton is the right man at the right time for this critical assignment.

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. 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.

Mr. FRIST. Mr. President, in 15 minutes or so, we will vote on the nomination of Under Secretary of State John Bolton to be ambassador to the United Nations.

I applaud President Bush for his selection. The President describes the Under Secretary as ''a blunt guy'' who ''can get the job done'' and ''isn't afraid to speak his mind''—not even to the President himself.

We need a smart, principled, and straightforward representative to articulate the President's policies on the world's stage.

We need a person with Under Secretary Bolton's proven track record of determination and success to cut through the thick and tangled bureaucracy that has mired the U.N. in scandal and inefficiency.

A vote for John Bolton is a vote for U.N. reform. A vote for John Bolton is a vote for progress on the international challenges of our day. A vote for John Bolton is a vote for the United States.

It is no accident that polling shows most Americans have a poor view of the United Nations. In recent months, we have seen a deluge of negative reports. We now know that Saddam Hussein stole an estimated $10 billion through the Oil-for-Food Program. The U.N. official who ran the operation stands accused of taking kickbacks, along with many other officials.

Just this week, the head of the Iraq Survey Group told the Council on Foreign Relations that as a result of the oil-for-food corruption, Saddam came to believe he could divide the U.N. Security Council and bring an end to sanctions. I commend Senator COLEMAN for his determined efforts to get to the bottom of this global scandal.

We know the U.N. failed to stop the genocide in Rwanda in the 1990s. The U.N. is on the brink of repeating that mistake in Darfur.

In the Congo, it is alleged that U.N. peacekeepers have committed sexual abuse against the innocent female civil war victims they were sent to protect.

Meanwhile, the U.N.'s Human Rights Commission, which is charged with protecting our human rights, includes such human rights abusers as Libya, Cuba, Zimbabwe, and Sudan.

These failures are very real and very discouraging. They can be measured in lives lost and billions of dollars stolen. And they can be measured in the sinking regard for an organization that should be held in high esteem.

America sends the U.N. $2 billion per year. Our contribution makes up 22 percent of that budget. We provide an even larger percentage for peacekeeping and other U.N. activities.

It is no surprise that Americans are calling out for reform. John Bolton is the President's choice to lead that effort. He possesses deep and extensive knowledge of the U.N. and has, for many years, been committed to its reform.

Back in 1991, Under Secretary Bolton successfully lobbied to repeal the U.N.'s shameful resolution 3379, which equated Zionism with racism. Many in the diplomatic community told him it could not be done. But after waging an aggressive campaign, he moved the U.N. General Assembly to repeal the resolution by a vote of 111 to 25.

As Under Secretary of State for Arms Control and International Security, John Bolton helped build a coalition of 60 countries to combat the spread of weapons of mass destruction through the President's Proliferation Security Initiative.

He was pivotal in our successful efforts to persuade Libya to give up its pursuit of weapons of mass destruction.

He was also the chief negotiator of the Treaty of Moscow, which calls upon the U.S. and Russia to reduce their nuclear warheads by nearly two-thirds.

Under Secretary Bolton has the confidence of the President and the Secretary of State, and it is to them he will report directly.

He has been confirmed by this body four times, and I believe if we are given the chance, he will be confirmed for a fifth time today.

The vetting of his current nomination has been exhaustive. The Foreign Relations Committee interviewed 29 witnesses and reviewed more than 830 pages of documents from the State Department, from USAID, and the CIA. Under Secretary Bolton fielded nearly 100 questions for the record and underwent multiple hearings.

As Senator LUGAR has pointed out, Under Secretary Bolton has served 4 years in a key position that technically outranks the post for which he is now being considered.

This is a critical time for the United States and for the world. Because of the President's vision and commitment, democracy is on the march around the globe.

In January, Iraq held its first truly free elections. Revolution has swept the Ukraine, Georgia, and Lebanon. We

are seeing political reforms in Egypt. Kuwait now allows a woman the right to vote. Saudi Arabia is slowly opening the door to democracy. The Middle East peace process is at its most hopeful moment ever.

The U.N. can and should be vital in advancing these developments. The U.N. charter states that the purpose of that organization is ''to promote social progress and better standards of life in larger freedom.''

I believe in the U.N.'s potential, if it is reformed and more rightly focused. It has been an important instrument of peace and dialog. I believe, as does the President, that an effective U.N. is in America's interest.

Ambassador Rudy Boschwitz, who has just returned from the 61st session of the U.N. Commission on Human Rights, puts it well when he says that:

> Not only the United States, but the United Nations itself, needs and will profit from a no-nonsense representative like Mr. Bolton.

U.N. Secretary Kofi Annan, too, supports the Under Secretary's selection.

I thank my colleague Senator LUGAR for his strong leadership. And I also thank my colleagues Senators ALLEN, COLEMAN, SUNUNU, and ALEXANDER for their clear-eyed and unwavering support for this capable and fine nominee.

I will close with a story about John Bolton. When he was an intern in the Nixon White House, John Ehrlichman had gathered the interns together to tell them they had to work for Nixon's reelection. A young John Bolton piped up, ''Work for him? I don't even know if I'm going to vote for him.''

He has always been a straight-shooter and a man of integrity—exactly what we need at the United Nations, and exactly what the United Nations needs from us.

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

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

CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 103:

William Frist, Richard Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Robert Bennett, Mel Martinez, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 103, the nomination of John Robert Bolton to be the Representative of the United States of America to the United Nations, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—42

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Boxer	Harkin	Obama
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Conrad	Kohl	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden

NOT VOTING—2

Inouye	Specter

The PRESIDING OFFICER. The yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. Madam President, I entered a motion to reconsider this vote to allow us to revisit this issue when we return. We will be doing that. We will be closing shortly this evening, but before we close, I will file cloture motions on the Brown nomination and the Pryor nomination. Our next vote will be Tuesday, June 7, and that vote will occur prior to the policy luncheons, probably at noon on June 7.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Madam President, while we have Senators in the Chamber, I wish to express, through the Chair, the appreciation of especially Senator BIDEN and Senator DODD for the ends to which the majority leader went to try to resolve this issue. He spent an inordinate amount of time trying to get the information requested and was unable to do so. He did get information but not all that was necessary. I am disappointed that tonight we were unable to have a vote on Mr. Bolton, but it is not the fault of the Democratic caucus. We are not here to filibuster Mr. Bolton's nomination. We are here to get information regarding Mr. Bolton, information to which we are entitled. The people who voted against cloture—there were many—many of them will vote against Mr. Bolton if, in fact, he gets before the Senate. But most of the people here tonight are concerned about this being an issue dealing with the administration not giving us the information we want. That is all. It hurts their nominees. The administration has to be more forthcoming.

I hope that during the next 8 or 9 days the administration will take a fresh look at this and give the information to Senator DODD and Senator BIDEN—most of what they want. They are the only ones who will see it. It will not be given to the entire Senate. They are not asking for information that may affect our country's national interest.

I hope we can go forward with the people's business. The distinguished majority leader told me yesterday that he was going to file cloture on these two judges. This is fine. We will work out a timely manner to complete the work on these judges and other judges. The Energy bill was reported out of committee today. The asbestos bill was reported out of committee today. There is a lot we have to do here, and we do not want this to be a divergence—the work we have to do is a divergence, but it is not the fault of the Democratic Senators that it is a diversion.

Mr. BIDEN. Madam President, will the Senator yield for a question?

Mr. REID. I will be happy to yield to the ranking member of the Foreign Relations Committee.

Mr. BIDEN. Madam President, I wish to make it clear to all my colleagues, speaking for myself, that I have absolutely no intention to prevent an up-or-down vote on Mr. Bolton. The issue here is about whether the executive branch will provide information which the majority leader tried yesterday and today to get, and which I think almost every Senator here would acknowledge the institution is entitled to get. We are prepared to not even ask that the ranking member and the chairman of the Foreign Relations Committee see the information we have sought. I implore the administration to provide the information, and—speaking for myself, and I can speak for no one else, but I

believe my colleagues on my side would agree with me—we are willing to vote 10 minutes after we come back into session if, in fact, they provide the information—information to which Mr. Bolton's staff had access but which they will not give to the majority leader of the Senate. There is no reason offered.

I want to make it clear, we are ready to vote the day we get back, the moment we get back. We are ready to vote immediately if they would come forward, meeting us halfway on providing the information. That is all.

I thank the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, needless to say, I am very disappointed with where we sit today. We have had an interesting week, a very challenging week, starting the week on one clear direction and then sidetracked a little bit to what I thought was not an unreasonable feeling in this body that we were going to be working together and that we were going to address the important issues to America.

John Bolton, the very first issue to which we turned, we got what to me looks like a filibuster. It certainly sounds like a filibuster, looking at the vote today, it quacks like a filibuster, and I am afraid, shortly after we thought we had things working together in this body again, we have another filibuster, this time on another nomination—not a judicial nomination but another nomination—the nomination of John Bolton.

It does disappoint me. We had an opportunity to finish and complete this week with a very good spirit. We are going to come back to this issue. As has been said by Senator BIDEN, as I have said, we are going to revisit it, but I think what America has just seen is an engagement of another period of obstruction by the other side of the aisle, and it looks like we have, once again, another filibuster.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, everyone here should understand that it is now the 26th day of May. This is the first filibuster that has been conducted in this Congress, if, in fact, we want to call this a filibuster—No. 1, first one. We have not been doing filibusters. We worked through some very difficult issues we talked about here before—bankruptcy, class action, and a number of other issues.

So it is not as if we are looking for things to have extended debate on. We need to work together, and I think this week has established that. We are going to work together. But how can we work together when information is not supplied?

So I hope we will all slow down the rhetoric during the break. This is something that happened. This is part of the Senate. I repeat, keep in mind, this is the first filibuster of the year and maybe the last. I hope so.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes and that Senator SUNUNU speak after me for up to 10 minutes as well to discuss bipartisan legislation the two of us have introduced today.

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

(The remarks of Mr. WYDEN and Mr. SUNUNU pertaining to the introduction of S. 1128 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WYDEN. Madam President, I ask unanimous consent that after Senator SUNUNU's remarks, Senator REED be recognized for 15 minutes.

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

Mr. REED. Madam President, I ask unanimous consent to be allowed to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. That order has already been entered.

Mr. REED. I also ask unanimous consent that upon the conclusion of my remarks, Senator SALAZAR of Colorado and then after that Senator PRYOR of Arkansas be recognized.

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

RETIREMENT OF BRIGADIER GENERAL DANIEL J. KAUFMAN, UNITED STATES ARMY

Mr. REED. Mr. President, I rise today to recognize the accomplishments of Brigadier General Daniel J. Kaufman, United States Army, Dean of the Academic Board at the United States Military Academy at West Point. General Kaufman is retiring on the 6th of June, 2005 after 37 years of active military service in war and peace. His military career exemplifies the finest traditions of the United States Army and demonstrates the rare combination of a combat-tested soldier and a first-rate scholar.

I have had the privilege of knowing Dan Kaufman since 1967 when I entered West Point and was assigned to Company C, Second Regiment, United States Corps of Cadets. Dan was a senior, or as we say at West Point, a "Firstie," shorthand for first classman. He distinguished himself to me as a serious and conscientious Cadet with a wry sense of humor. He ranked academically in the top 5 percent of his class. But, like all of his classmates, Dan's attention was focused on Vietnam as much as academics.

Upon graduation in 1968, General Kaufman was commissioned as an second lieutenant in the Armored Cavalry and assigned to F Troop, 2d Squadron, 6th Armored Cavalry Regiment, Ft. Meade, MD as a platoon leader. After 6 months at Fort Meade, General Kaufman deployed to Vietnam and served as platoon leader in L Troop, 3d Squadron, 11th Armored Cavalry Regiment. Later in the tour he served as the Troop's executive officer. For his service in Vietnam, General Kaufman was awarded the Bronze Star with V-device for Valor and two Purple Hearts.

Upon completion of his tour in Vietnam, General Kaufman served from 1970–1971 as the Commander of E Troop, 2d Squadron, 6th Armored Cavalry Regiment, Ft. Meade, MD. General Kaufman left Fort Meade in 1971 to attend the Armor Officer Advanced Course at Fort Knox, KY. After a tour of duty as an instructor at the armor school, General Kaufman attended the John F. Kennedy School of Government at Harvard University. Here, we again renewed our friendship as we were both students at the Kennedy School of Government at Harvard. By that time, Dan had married his beloved wife Kathryn and their daughter, Emily, was born in Mount Auburn Hospital in Cambridge, MA. General Kaufman then served as an instructor and assistant professor in the Department of Social Sciences from 1974 to 1978. I joined Dan as an instructor in the Department of Social Sciences for the academic year 1977–1978.

After departing West Point, General Kaufman served as Special Assistant to the Director, Planning Analysis, Office of the Deputy Under Secretary of Defense (Policy) in Washington, DC prior to reporting into Ft. Bragg, North Carolina. Once at Fort Bragg, General Kaufman assumed the duties of Assistant Chief of Staff, G–3, Force Development, 82nd Airborne Division until 1979. From 1979 until 1981, General Kaufman was the S–3 (Operations), 4th Battalion (Airborne), 68th Armor, 82nd Airborne Division.

Following his assignment at Fort Bragg, General Kaufman completed the Armed Forces Staff College in route to Cambridge, MA to study for his Ph.D. in political science at Massachusetts Institute of Technology. After earning his Ph.D., General Kaufman rejoined the faculty at West Point as a permanent associate processor in the Department of Social Sciences.

In 1990, he was appointed Professor and deputy head of the Department of Social Sciences. During this time, he served as chair for Accreditation Review Committee, Scholarship Committee, and Faculty Development Committee. From 1991 through 1995, General Kaufman served as a key member of several Department of the Army committees, including Chief of Staff of the Army transition teams for both General Sullivan and General Dennis J. Reimer, President-Elect Clinton's DOD Transition Team, as well as a special assistant to the Chief of Staff, U.S. Army (1991–1992).

In 1996, General Kaufman was appointed Professor and Head of the Department of Social Sciences. There he continued the proud tradition of soldiers and scholars, first begun by GEN "Abe" Lincoln right after World War II, carried on by GEN Don Olvey, by GEN Amos Jordan, and General Golden, and now GEN Dan Kaufman.

In June 2000, General Kaufman was selected as the eleventh dean of the academic board. As dean of the Academic board, General Kaufman envisioned an academic program relevant to the needs of the Army that contributes to the intellectual and professional development of cadets, supported by 700 first-class staff and faculty, $500 million in facilities, and a budget of $62.7 million. His visionary leadership led to the publication of Educating Future Army Officers for a Changing World, the operational concept for the Academic Program that links cadet education directly to the Cadet Leader Development System and the Army.

General Kaufman oversaw several significant revisions to the academic curriculum to better prepare graduates for the challenges of a transforming Army in the post-Cold War world. The new curriculum places greater emphasis on global and cultural awareness, information technology, and curricular integration; it also offers cadets more choice in the selection of academic majors. He encouraged continued development of the academic assessment system, placing increased emphasis on performance assessments of the academic program goals. The extraordinarily positive assessment results from graduates and commanders in the field attest to the success of General Kaufman's vision. Under his stewardship, the Military Academy continued to lead the Nation and the Army in the use of information technology for education. He oversaw the installation of a secure wireless infrastructure in all academic buildings and encouraged the use of web-based course management tools.

Perhaps the crowning achievement of his tenure was the design of Thomas Jefferson Hall, the Military Academy's new library/learning center. General Kaufman led the effort to secure Army support and Congressional funding for the facility and oversaw all features of the design. In support of the Global War on Terrorism, General Kaufman expanded outreach and support activities to the Army, including faculty support to combat operations in Afghanistan and Iraq. He personally led a team of senior faculty members to help reopen Baghdad University after decades of repression and isolation. During General Kaufman's tenure, USMA cadets won 43 international scholarships; the Military Academy was named an Institution of Excellence, and the Center for Advancement of Leader Development and Organizational Learning was established to provide professional forums for company-grade officers throughout the Army.

BG Kaufman's awards include the Distinguished Service Medal, Legion of Merit, Bronze Star Medal for Valor, Purple Heart, 2 awards, Meritorious Service Medal, 2 awards, Army Commendation Medal, 2 awards, Vietnam Service Medal, 4 campaigns and other service awards.

The Academic Program at the United States Military Academy has never been stronger and more connected to the Army. General Kaufman has set the course for officer education into the first half of the 21st century. His dedication to excellence and his unsurpassed devotion to duty, honor, and country have marked his distinguished service over the past 37 years. For the past 5 years, he has profoundly shaped the intellectual future of the officer corps. And he has not done this alone. By his side at every step in his career has been his wife Kathryn. They have a wonderful family, including their daughter, Emily, and their son, David. Emily is a proud wife of Steve Thomas. They have brought to the Kaufman family the youngest Kaufman, baby Emma. Dan is a great soldier, a brave scholar, a devoted husband and father, and a steadfast friend.

Dan has used his intellect and wit and devotion to the Army and the country to nurture a generation of cadets who will emerge as the leaders of our Army and our Nation. Because of Dan they will be ready for the daunting challenges that lie ahead. His legacy will be felt in 1,000 places around the world for decades to come.

Whenever a leader of our Army uses his intellectual and ethical power of his or her education at West Point to defend the Nation, protect our soldiers, and advance our ideals, his legacy will be felt in a thousand places. West Point has never had a more faithful son or a better dean. And I have never had a better friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

REMEMBERING OUR FALLEN HEROES ON MEMORIAL DAY

Mr. SALAZAR. Madam President, this Monday is Memorial Day. It is a day that is important to countless families across this nation, including my own. It is a time of remembrance for those heroes who have fallen serving our country and thanking those who were blessed to return home to their families and loved ones.

That we as a Nation take the time to thank our veterans is important. It is a simple, gracious act that we all too often fail to do.

Our cities and towns, across Colorado and this Nation, have given up their young men and women without protest, men and women humbly accepting a calling greater than themselves.

In many ways, this is what makes our nation so great. We are a nation of individuals that can put ourselves aside for the common good. We can come together and deliberate and differ, as we do here in the Senate. But we are appreciative of the gift of freedom we all share, and the price that our veterans and fallen heroes have paid on our behalf for our freedom.

Earlier this week, I was fortunate to work with a pair of bona fide war heroes as we sought to preserve 200 years of Senate tradition. In my 5 short months here, I have come to admire Senator JOHN MCCAIN and Senator DANIEL INOUYE, two men I am honored to call my friends. They served bravely and with distinction, and have set an example for all of us to follow each day. I thank them for their sacrifice, their leadership and their continuing commitment to this Nation.

We owe them, and all of our veterans and members of the Armed Services, a debt which can never be truly repaid. In 1865 in his second inaugural address, President Lincoln elaborated on the respect we have for those who served and the sacrifices made by the few for the many:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

We are fortunate that they, and so many of our veterans, are still here—husbands and wives, fathers and sons, mothers and daughters, brothers, sisters and cousins. Too many of them, however, have been taken from us all too soon.

One of those no longer with us is my father, Henry. My father served with honor and distinction in World War II and always took great pride in his service. When he passed away in 2001 after a long battle with Alzheimer's, his final request to my brother John was that he be buried in his uniform.

We proudly honored this request, and afterwards I was struck by the importance of it to him. My father had been many things—a thoughtful son, a loving husband, an attentive father. But most important to him was his service to his Nation which he called home and which had given him so much.

In 1962, GEN Douglas MacArthur gave the commencement address at West Point. He reflected on his time in the Army and on the nature of the ultimate action of any soldier—sacrificing his or her life for our Nation. MacArthur said:

> The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when He created man in His own image. No physical courage and no brute instinct can take the place of the Divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country is the noblest development of mankind.

In many ways, it saddens us to know this fact. Each and every American looks forward to the day when none are called upon to make such a sacrifice.

Over the past year, hundreds of Americans made that sacrifice for us while in service to our Nation, including 14 with Colorado roots: Shawn Atkins, of Parker; Dana Wilson, of Fountain; Douglas Bascom, of Colorado

Springs; Theodore Holder, of Littleton; Michael Shackleford, of Grand Junction; Gregory Rund, of Littleton; George Geer, of Cortez; Lizbeth Robles, of Colorado Springs; Steven Bayow, of Colorado Springs; Derrick Lutters, of Burlington; Travis Anderson, of Hooper, in my native San Luis Valley in southern Colorado; and Charles Wilkerson, of Colorado Springs; along with Paul Christopher Alaniz and Landon Giles, whose families live in Colorado today.

Each of them served with honor and distinction and we are all forever grateful for the sacrifice each of them made on behalf of all of us. Their names will not be forgotten, and our prayers will remain with their loved ones.

One of our greatest Supreme Court Justices and a Civil War veteran, Oliver Wendell Holmes, Jr., used to spend his Memorial Days just a few miles from where we stand now, in Arlington National Cemetery. He would walk among the gravesites, reflecting on the sacrifices of so many, including the countless, nameless souls who laid beneath.

Justice Holmes once observed:

> At the grave of a hero we end, not with sorrow at the inevitable loss, but with the contagion of his courage. . . .

Heroism is not in the deed itself, but in the courage to act. We have heroes because they chose to act, to step forward in the call to action. In this Senate, we are blessed with a history of service to our Nation. Outside of this building, however, is where true heroes of our military reside: men and women in uniform, our veterans who have stood watch before them, and those who have laid down their lives so that we can have freedom.

I encourage everyone over this weekend to take time out from the parades and barbecues and family gatherings to thank our veterans and service members. They stand ready to defend the freedoms we take for granted, without seeking thanks or praise. This heroic act deserves our thanks, for it is by grace that they keep us safe.

In the Book of Matthew we are taught: ''Blessed are the peacemakers: for they shall be called the children of God.''

Through their service and sacrifice, they have earned that distinction.

May God bless our service members and our veterans.

May the families of those who have given their lives for our freedom know the depth of our appreciation. And may we never forget the importance of their sacrifice to our work here in the U.S. Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

A HISTORIC COMPROMISE

Mr. PRYOR. Madam President, I rise today to discuss something that happened this week in the Senate, something I was involved in, and something that received quite a bit of notice outside this Chamber, and that is a compromise that was reached. I think it was a historic compromise. I think it is a very good thing for the Nation. In fact, I would say it was a win for Democrats, a win for the Republicans, and, most importantly, it was a win for the American people.

Some in my party, some in the other party, may disagree with what I just said, but I think when you look back through American history—and you can look at all the major legislative accomplishments that have occurred—most of those have occurred in this body.

This body is known for its ability to compromise. I look at these chairs and these desks in this body, and I can see the faces of my colleagues and of those who have departed this Chamber. This is a body that has a very special role in American history and in American Government.

I have heard some say they do not like compromise. In fact, I must say I was disappointed—I was listening to talk radio yesterday, and someone said some of us Senators who compromised are in the middle, and no one supports the middle. I cannot disagree more. I think people all over this country are looking for Senators to show leadership, to find common ground. I think that is one result that has been sorely missing in the Congress. When you talk to people outside of the Beltway, that is one result they are hoping for, that we will find that common ground and we will have leadership in Washington that understands you do not have to sacrifice your principles in order to find common ground.

In fact, in the very famous book written by John Kennedy, ''Profiles in Courage,'' he says:

> We should not be too hasty in condemning all compromise as bad morals. For politics and legislation are not matters for inflexible principles or unattainable ideals.

This is politics. This is a human institution. This is Government. I feel those 14 Senators who reached this agreement—13 of my great colleagues who reached this agreement—took one of the most contentious issues in recent years off the table. Hopefully, they took it off for the remainder of this Congress. I feel as though we took it off for the remainder of the Congress because I sat in those rooms, I talked to my colleagues, and I know the high level of trust we have with one another.

This entire agreement is based on trust. It is an example that amazing things can happen when Senators talk to each other—just talk to each other. I feel that is why the people of Arkansas sent me to Washington, to try to be a bridge builder, to try to be a peacemaker, to try to find common ground on a wide variety of issues that are best for Arkansas and best for the Nation and, in some cases, best for the world.

Senators here in Washington, unfortunately, in the last few years have gotten into the habit of talking about each other and not talking to each other. I hope one of the results that comes from this agreement is a new spirit of bipartisanship, a new commitment that we can reach across party lines, reach across the aisle, to try to work together to solve the challenges that are facing America.

There are many sensible voices in the Senate. Many, many, many—in fact, all—have reasonable minds. And one thing I found a little bit humorous, some of the press coverage about this agreement was that they said these were moderates who reached this agreement. Let me tell you, some were moderates, but many in this group were not moderates, and they would be offended if we called them moderates. In fact, I heard a number of them say ''I don't ever want to be considered a moderate,'' for one reason or another. But they demonstrated a spirit of bipartisanship that I think should be applauded.

Sometimes when you make a compromise, you are taking the easy way out. But this was a compromise that required courage. This compromise required a lot of courage on behalf of all my colleagues, especially—especially, might I underline—the seven Republicans who entered into this agreement. It was very hard for Democrats and Republicans to do. But I will tell you, I know my seven Republican colleagues who did this, who demonstrated their trust, not just of each of us but of this institution, demonstrated a lot of courage. I take my hat off to them in appreciation.

Two more points I would like to make on this issue.

First, I need to thank three people; that is, my wife Jill, my son Adam, and my daughter Porter. For all I know, they may be watching right now. It is getting pretty close to bedtime around our house. But they made the sacrifice, too, so I could be part of this Senate and be up here away from home. But also, Dad was not home a lot in the last few days because I was here trying to work through this agreement as best I could and trying to get this done. So I thank them.

But in a broader sense, I did this agreement for them because I was very concerned that when you looked at the nuclear option, if that trigger was pulled, you had a nuclear winter that would follow. I was very concerned that the Congress, particularly the Senate, would not get very much done this session.

I thought that would be a huge disservice to the American people. I thought it was time for reasonable minds to come together to try to work something out. In fact, in the Book of Isaiah, it says: ''Come now, let us reason together.'' And maybe that should be something we should take to heart. The people of our States, every State in the Union, only get to send two Senators to Washington.

I think they expect us to exercise good judgment and exercise our discretion and also, from time to time, exercise courage to try to do the right thing.

So I commend my 13 colleagues who entered into this agreement. They took a lot of time and made a lot of sacrifice, and it took a lot of courage. Many of them have taken a lot of criticism for doing this. I want to say publicly that I thank them and I appreciate them and I am proud of them for what they did.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before our friend from Arkansas leaves the floor, let me also say, if his children are watching, they should be very proud of their father. I have had the privilege of serving with the Senator's father. In fact, we sat next to each other as I arrived here as a freshman Senator. The Pryor and Dodd families go back for some time.

I want you to know that what you and your 13 colleagues did last week—and nobody can say for certain where this is going to lead, but you have given this institution an opportunity to continue its tradition of providing the one place in Government where all voices can be heard. That is not true in anyplace in the executive branch, necessarily, or the judicial branch. And even in the legislative branch, in the other body, the majority rules.

The Senate is the one place where all voices must be listened to. Because of what you and our 13 other colleagues—6 other Democrats and 7 Republicans—were willing to sit down and try to fashion, we have been given a chance to live up to the longstanding, historic traditions of this place in which we have been privileged to have been elected to serve. There have been 1,884 of us in 218 years who were chosen by our States to represent their interests and the Nation in the Senate. I can just say to my friend from Arkansas, you will be involved in a lot of issues during what I hope is a long career for you here in the years ahead. You will look back, and there will only be a handful of moments that will stand out, and I am willing to predict that what you, Senators MCCAIN, NELSON, LIEBERMAN, COLLINS, BYRD, WARNER, GRAHAM, SNOWE, DEWINE, LANDRIEU, SALAZAR, CHAFEE, and INOUYE have done will remain one of the important memories. You will look back and think of the things you have been involved in and, hopefully, the list will be long.

As one Senator who was not involved in the negotiations you went through but was watching them carefully—and again, we cannot say with certainty where it is going to lead—I commend you and history will commend you for what you are doing. I love the idea that you did it for your family and your children. They will look back with pride on the service of their father.

Mr. President, we went through a little bit of a turmoil here. Obviously, coming in the wake of this negotiation, I suppose some people's eyebrows may be raised, wondering how can we do that compromise and then end up with an awkward situation on the Bolton nomination, which became contentious for a few minutes. I will add my voice to that.

My fervent hope is that people will not misunderstand the intentions of 24 Senators, and others, when we raised the question going back to April 11 about certain information. All of my colleagues are not familiar with all of the details of the case, although the Presiding Officer was very much a part of the discussion we have had over the last couple of months. Whether we are for or against the nomination, the point I was trying to make is that an institution—the Senate—has a right to certain information when it involves a pertinent matter before it.

It has been a historic struggle between the executive and legislative branches. There is always that tension between these two branches of Government over access to information. Regardless of one's political affiliation, whether you are in the majority or the minority, no matter what administration is in the White House, my experience over 2½ decades, serving under every imaginable configuration, is that it is always healthy to insist on information that the institution thinks is important for its consideration of a matter—be it substantive or the executive branch calendar.

I want to say to my colleagues, those who have gone through this process of negotiations that avoided the constitutional crisis regarding extended debate, what happened here in the last few hours is not in any way disruptive of what occurred during those negotiations. It is my strong hope and desire that the information we seek will be forthcoming in the next few days, that the committees can analyze it all, and when we return to this body after the break, the matter of John Bolton can come before this body and we will have an up-or-down vote on the nomination, as it should be. It is my strong desire that that be the outcome.

This was not intended, in any way, to engage in a filibuster but strictly to determine whether this institution would say to the executive branch, respectfully: This is information we believe we need. We are asking you to provide it in an orderly way to those Members who are entitled to this information—the chair of the Intelligence Committee, the ranking Democrat, the chair of the Foreign Relations and ranking Democrat—for them to determine whether there is relevancy to this information as it pertains to this nomination.

Again, I thank the majority leader. It probably doesn't help his cause to hear this, but BILL FRIST made a serious effort over the last couple of days, not that he necessarily even supported the request, but he certainly conveyed the request in a serious way to leaders within the executive branch. I thank him for that. He didn't have to do that, and he did. I regret that the administration didn't reply in an orderly way, which could have avoided all of this in the last 48 hours. I hope they will take this seriously. I say to my friends on the majority side, having been in your shoes in other administrations, it can happen.

There is always this tension between these two branches of Government about information. We need to be clear about it. We have a constitutional responsibility, where appropriate, to seek information that is important for our consideration.

So it is my fervent hope that we go away for a few days and recognize, as so eloquently Senator SALAZAR said, speaking about his father, a World War II veteran, insisting upon being buried in his uniform, that we recognize those who have given a lot more to provide the freedoms we enjoy as Americans, that we are very much living up to what they fought and died for over this Memorial Day break as we recognize their contributions. They fought and died for exactly what we are doing here.

This doesn't happen miraculously. A democracy is won by each and every generation in this country. There is no guarantee that it exists in perpetuity. Each generation of Americans will confront, one way or another, a challenge to our democratic values and principles. Certainly, the generation that fought and died for this country over the years has proven that categorically.

We are going to be challenged as well from time to time. So I fervently hope—and Members who have served with me know I am the least comfortable with getting involved in opposing a nominee. The only trouble I have gotten into in nominations is when I have been for nominees to the disappointment of colleagues on this side. I was told I had no business to be for John Ashcroft and John Tower. I am not comfortable not being for somebody. I took the position I did, and I hope we can resolve this matter over the next few days and get back to the business of voting up or down and move on to other business that is important to our constituents.

I was heartened to hear that Democrats and Republicans were able to work out differences on an energy bill. That is going to be exciting to deal with; it is an issue in which our constituents are interested. I would be remiss in not recognizing the Presiding Officer in the tremendous work he has done, along with Senator JEFFORDS and Senator REID and Senator BAUCUS. There is a lot of work in front of you. Those are the issues we need to work together on here. So while there may be some bruised feelings right away over a vote we just took, I hope we can put those behind us and resolve the

matter and get about doing the business the people sent us here to do.

To my colleagues, I wish them a healthy, happy, and safe Memorial Day, and I look forward to seeing them on our return here and moving forward with the business at hand.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I am sorry that our colleague from Arkansas has left the floor because I was sitting there listening to his comments and his recognition and acknowledgements of the 14 Senators who worked on the compromise this past week and all the efforts they had made.

I commend him and all the others of that group and all those who encouraged us as a body, as Senators—not as Republicans, not as Democrats but as Senators—to move forward so that we could get through what I certainly believe was a great impasse in this body, to work through the issues, to get us to the point where we cannot only move through the President's judicial nominees, but that we can do the rest of the work with which the Senate is tasked.

The good Senator from Connecticut has just mentioned the Energy bill and the Transportation bill—these issues the country is waiting for, the country is asking for, and the work that is incumbent upon us as a body to get to.

So I am pleased that we are at the point where we are, not spending hours on the floor today to discuss nuclear options or constitutional options, but that we are talking about the work before us as we look forward to these upcoming months. I do see a sense of compromise that will be necessary if we have any plans at all to accomplish that which I think this country expects us to do.

I am pleased that we have gotten through to this point. I do recognize the bump in the road we just had this afternoon, but I believe that with the same amount of determination that got us to a resolve on the judicial nominees, we will be able to do the work of the country.

BRAC

Ms. MURKOWSKI. Mr. President, I rise this evening for just a few minutes to talk about the upcoming BRAC and the impact we are seeing in my State of Alaska, up in the interior, in the communities of Fairbanks and North Pole. They call this the golden heart of the State of Alaska.

The people of Alaska are strong and very consistent supporters of a strong national defense. They are even stronger supporters of the men and women who serve in our military and their families. In a State where support for our servicemen and servicewomen and their missions is both given and constant, the golden heart of Alaska probably beats strongest in the areas of Fairbanks and North Pole.

So on the morning of May 13—Friday the 13th, oddly enough—the people of the interior of Alaska awoke to the news that the Department of Defense had proposed to realign Eielson Air Force Base. Under the terms of this realignment, all of the Air Force active-duty operations would be transferred elsewhere. The realignment would cause the relocation of about 2,800 Air Force personnel and 3,300 dependents. It would cause the loss of 4,700 jobs, both military and civilian jobs, within the Fairbanks area. It would mean the full transfer of A–10 and F–16 aircraft to bases in the lower 48. It would wreak havoc on the local economy and force major changes upon the Fairbanks North Star Borough School District.

To the people of interior Alaska, they do not look at this as a realignment. It sounds to them, to us, exactly like a closing.

Two weeks after the fact, the people of interior Alaska are still scratching their heads and wondering why, what is going on here, what has happened up here? General Billy Mitchell prophesied back in 1935. He said:

> In the future, he who holds Alaska holds the world.

General Mitchell characterized Alaska as the most important strategic place in the world, and this is as true today as it was in 1935.

Alaska is closer to the European and Pacific theaters by air than perhaps any other place in North America. Our armed services can deploy forces from Alaska to Asia much more quickly than units on the west coast of the United States. And if future developments limit overseas basing, Alaska will be even more critical in America's ability to respond to a crisis within a specific area of responsibility.

Yet 2 weeks after we learn of this news, the Air Force cannot—or will not—tell the people of Fairbanks why. Immediately after the BRAC list was released, my staff contacted appropriate staff members in the Office of Legislative Liaison for the Secretary of the Air Force. We asked for a copy of the entire administrative record which supports their recommendation to realign Eielson.

For the better part of 2 weeks, there was no response to that request. Then suddenly this week, we get an e-mail from an Air Force legislative liaison saying the material could not yet be provided because it is undergoing what they call security review. The Air Force legislative liaison could not hazard a guess on when the material would be released.

They are still in no position to explain to me or to the people of interior Alaska why a base that we thought was of such strategic importance to our Nation's defense would become little more than a refueling station for fighter aircraft based somewhere else.

The people of interior Alaska deserve to know why, and I certainly deserve to know why. The answers to these questions are more than just academic interest. On June 15, the Base Realignment and Closure Commission will conduct a hearing on the recommendations pertaining to Eielson Air Force Base. The community has enlisted the president of the University of Alaska, retired Army MG Mark Hamilton to take the lead in presenting its case. The community is working very hard at this moment to put together a very thoughtful and well-researched presentation.

At this point, we are less than 30 days, a couple of weeks from the date upon which that presentation, that do-or-die presentation, must be delivered to the BRAC Commission. And yet still the Air Force cannot release the detailed analysis which supported their recommendations.

This is unfair to the community that has offered nothing but unconditional love and support for the military. It goes beyond conscionable.

So I have joined with Senator SNOWE from Maine, as well as other colleagues, to tell the Defense Department that their lack of candor with the community that will suffer under the BRAC process has worn thin. I am proud to join with Senator SNOWE and other colleagues to sponsor legislation that requires the Department of Defense to turn over the records supporting its BRAC recommendations and particularly the information supporting its conclusions as to the military value of the bases on the list.

We expect through this legislation that this information will be provided to the Congress within 7 days of the passage of the legislation. If the Defense Department cannot do this, then the legislation requires that the BRAC process should stop.

Also this evening, I signed onto a letter to Secretary Rumsfeld, cosigned by a number of my colleagues who are expressing the same concern, seeking full justification for base closures in their areas. I would like to read one paragraph of this letter:

> The failure of the Department of Defense to provide all of the justification data used to recommend closing or realigning installations in a timely fashion is anything but ''fair, open or equitable.'' The Department of Defense has had over two years to review and collect this data and people associated with the installations selected foreclosure should have at a minimum two weeks to review prior to any BRAC hearings or site visits. Sufficient time to review this data is necessary to ensure they can make an appeal based on the criteria established by the Department of Defense.

Again, yet one more effort from Senators, from those who are concerned about the effect that BRAC closures will have on our respective communities, a request for information, a request for the data that is supposed to be provided to us. We have to sign on to letters, we have to sign on to introduce legislation saying you must do this within this time period or the close BRAC process stops. We should not have to be going to these measures to get the information.

The BRAC commission process was never intended to be a rubberstamp of

the Department of Defense recommendations. The Congress intended that it be an open process, a thoughtful process, but most importantly an intellectually rigorous process.

While the economies of many of our communities are at stake, this is not the most important reason that we have a BRAC process. This process is intended to assure the Congress and the people that our national security objectives are not compromised in the quest to save money. We know the BRAC process is well underway. It is high time that the Defense Department shed some sunlight on the reasons for their recommendations. The good people of interior Alaska should not be left in the position of defending the future of Eielson Air Force Base on June 15 with both hands tied behind their back, and they should not have to be burning the midnight oil in the hours leading up to that hearing studying material that should have been provided weeks earlier. They do not deserve it, we do not deserve it, and our Nation's security certainly deserves better than this.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). 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.

The majority leader is recognized.

DEMOCRACY IN LEBANON

Mr. FRIST. Mr. President, this Sunday the people of Lebanon will go to the polls to vote in their first truly free election in three decades. Since 1990, Lebanon has been occupied by Syrian forces, but this spring the people of Lebanon made history. On March 8, hundreds of thousands of people descended upon Martyrs Square in Beirut, Lebanon's capital, and inaugurated what has become known around the world by people who viewed it as the Cedar Revolution.

For 2 weeks the word spread from city to city and to the countryside. It was clear that freedom was on the march. On March 18, 10 days later, a crowd of 1.5 million people, nearly half of the Lebanese population, gathered in that very square, Martyrs Square, to demand, to insist upon, the withdrawal of Syrian troops and its intelligence apparatus from Lebanon.

These brave and proud citizens of all ages, religions, and ethnicities stood shoulder to shoulder waving their nation's flag in solidarity. Together, with the support of freedom-loving democracies everywhere, they brought an end to Syrian occupation. In less than 2 months, 20,000 Syrian troops pulled out of the country. It was an astonishing wave of events broadcast on television sets and computer screens around the globe.

Lebanon now joins the list of fledgling democracies taking their first bold steps into the future. All of this could not have happened without tremendous courage on the part of the Lebanese people. The determination and vision of one man, President Bush, made it possible. His commitment to democracy and unwavering belief in the fundamental equality of all human beings has wrought remarkable change indirectly, such as in Lebanon, and more directly around the world. Democracy is taking root in even the most inhospitable of lands.

By America's words and our deeds, we are emboldening those who seek freedom and peace. It is an unprecedented moment in the history of the Middle East.

I realized that yesterday as the President of the Palestinian Authority, Mahmoud Abbas, was in our office in this Nation's Capitol. We discussed the future and the hope and the opportunity. As noted scholar and Middle East expert Fouad Ajami says:

> The entrenched systems of control in the Arab world are beginning to give way.

Indeed, it is the autumn of the dictators.

I mention Lebanon in part because it has been on my mind the last 4 weeks. It was about 4 weeks ago that I and a delegation had the opportunity, the privilege, of traveling to Lebanon during our April recess. While in Beirut, I had the opportunity to walk through that square, Martyrs Square. I met with leaders of the Cedar Revolution. They represented a diversity of parties and religious sects—Christian, Druze, and Muslim. These leaders were well versed in the requirements for a successfully functioning democracy. In particular, they discussed the needs to restore transparency and accountability, the rule of law, to secure an independent judiciary and to build, to construct, to reconstruct their economy so that the Lebanese people maintain a stake in the future. Their commitment to freedom, to the rule of law, and democratic governance was truly inspiring.

There are many challenges ahead. We share the concern that Syrian intelligence officials have not fully withdrawn from Lebanon. We also know that this election will not, in any shape or form, be perfect. Few elections in times of transition are. But seeing firsthand the determination of the Lebanese people was truly inspiring. I came away optimistic that this moment will lead to a new age of freedom and democracy for the Lebanese people.

In the words of Vaclav Havel, I urge the people of the region:

> to never forget these days full of solidarity, hope and common quest for freedom and truth.

To the Lebanese people:

> It may be a long and difficult road, but please have faith that the destination is well worth the journey.

SENATOR AND ERMA BYRD's 68TH WEDDING ANNIVERSARY

Mr. FRIST. Mr. President, on another issue, an issue that was discussed by several of my colleagues, most notably Senator STEVENS, our distinguished colleague from Alaska, the President pro tempore, I rise to honor now a very special day in the life of one of our most respected and venerable colleagues.

On Sunday, the distinguished senior Senator, ROBERT BYRD, celebrates his 68th wedding anniversary with his beloved wife and high school sweetheart Erma Ora James.

The courtship is well known to our colleagues. It is hard to do it full justice, but I will give it a try. The two met in Raleigh County over 7 decades ago, where Erma's father had been transferred from Virginia to work in the coal mines. Senator BYRD had a friend who brought pocketfuls of gum and candy to school, and each day the young ROBERT BYRD would wait at the schoolhouse door and ask his friend for a few pieces of candy. He put them in his pocket and at the first opportunity he would present the candies to Erma as a love offering.

Senator BYRD has said he wasn't really sure if his Erma knew that she was his sweetheart, but she must have found out because the couple ultimately was married in 1937. The day after their wedding, Senator BYRD gave his new bride his wallet which contained several hundred dollars that, over the days and weeks and months, he had saved. He told her that she would be the head of their family finances forever. To this day, Senator BYRD doesn't carry a wallet.

He has said that Erma has been his anchor all these years. They are truly blessed to have one another, their family, and a lifetime of shared memories.

The Bible says:

> A man will leave his father and mother, and be united to his wife, and they will become one flesh.

For nearly 7 decades, Senator BYRD and his lovely wife Erma have lived up to the ideal of marriage. I commend them. I admire them. And I wish them both a very happy 68th anniversary.

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

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

STEM CELL RESEARCH

Mr. REID. Mr. President, I have had a number of conversations the last couple of days with the distinguished majority leader about this issue of stem cell research. Dr. FRIST—and I say Dr. FRIST because it relates to this matter—indicated he was going to study

this during the break. I think that is very important.

We have the opportunity to work together on legislation—I don't mean he and I, I mean Democrats and Republicans in the Senate. Earlier this week, the House voted to expand the President's stem cell research policy. Passage of the Stem Cell Research Enhancement Act was a victory for millions of Americans who suffer from deadly diseases and for their families. It was also a victory for bipartisanship. This bill shares the same level of bipartisanship and support here in the Senate that it did in the House.

Senators HARKIN and SPECTER, who are champions of medical research, have worked hard on this issue. Senators FEINSTEIN, HATCH, KENNEDY, and SMITH have also been leaders on this bill.

I hope when we return from recess, the distinguished majority leader will have had an opportunity to look at this and we can take some time to do this. What I do not want on this bill is to have it offered to Defense authorization or something such as that. I think it would be better if we had free-standing legislation on this. It can be done in a relatively short period of time. I certainly hope so. When we come back, we have a 4-week work period and we can work it in during that period of time.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SENATOR AND MRS. BYRD'S 68TH WEDDING ANNIVERSARY

Mr. STEVENS. Mr. President, it is not often we get the time to just come to the floor to talk about friendships and about what it means to be friends in the Senate. I wish to take some time today to talk about my friend, the former majority leader, former chairman of the Appropriations Committee, and longtime friend, Senator BYRD.

It just so happens that we have spent a lot of time together. I remember so well one great trip to London when we went there for the British-American Parliamentary Conference where we had a great deal of time to talk about the past and our own personal lives.

But I have come to the floor today to ask the Senate to join me in offering congratulations to my good friend and colleague, Senator ROBERT BYRD, and his wife Erma, who, on Sunday, will celebrate 68 years of marriage. This is an anniversary few of us will ever see, and as far as I can tell—I have checked with the Historian—no Senator has ever had the opportunity to celebrate 68 years of marriage. As a matter of fact, my oldest son Walter and his wife Debbie will celebrate 23 years of marriage on the same day, this Sunday.

Those of us in the Senate have relied greatly upon Senator BYRD's knowledge and love of history. With just a few short days remaining before their anniversary and because we will probably not be in session tomorrow, I think it is appropriate to return the favor and ask the Senate to reflect a moment on ROBERT and Erma's history together as husband and wife.

ROBERT BYRD and Erma James grew up together on the schoolyard of Mark Twain High School in West Virginia. They were high school sweethearts, although Senator BYRD has said himself he is ''not sure if [Erma] knew she was my sweetheart.'' They were. And they were married on May 29, 1937.

Over the years, their family has grown, as Senator BYRD likes to say, ''into a brood of fine people.'' Today, they are proud parents of two daughters and have known the joy of six grandchildren and six great-grandchildren.

For 68 years, Senator and Mrs. Byrd have shown us what it means to ''love, comfort, honor, and keep for better or worse, richer or poorer, in sickness and in health.'' Their story has been called ''one of the great American romances.''

Every year, in May, Senator BYRD comes to the floor to reflect on the meaning of Mother's Day and honor the Nation's mothers. His great speeches often mention Erma, the wonderful home she has made for him and their children, and the joy he takes in his family.

Two years ago, when Erma was sick, Senator BYRD stood up during an appropriations debate and told us he was going home. And I quote what he said at that time:

There are only two duties that will exceed my duties in the Senate, one is my duty to God and the second is to my family. I think my duty is to my wife.

Now, these moments are a great reminder to those of us who are married. We have married in this life, and we must do our best to keep the promises we made long ago.

I have had the honor to be married twice myself. One of the reasons I am here today is I remember the great comfort Senator BYRD gave to me when I lost my first wife. He has assisted me and my family in many ways. I also remember when he came to the floor and spoke of my first child in my second marriage and really extolled the concept of marriage at that time.

After 68 years, Erma and ROBERT still have the deep and abiding friendship that began in Beckley, WV; the love of their children, grandchildren, and great-grandchildren; and the respect of all of us in the Senate. I know of no other Senator who has celebrated over 50 years of service in Congress, and as I said before, there is no other Senator who could say he celebrated 68 years of marriage. It is an overwhelming accomplishment and really a credit to both ROBERT and Erma.

Earlier this month, in his annual Mother's Day address, Senator BYRD reflected on the early days of his marriage to Erma. He said:

> Nearly seven decades ago, we were the rankest of amateurs at marriage and parenthood.

This Sunday, our good friend and his wife will have proven they are now experts in both categories. My wife Catherine and I wish them the best.

Senator BYRD has often marked significant events by submitting works of poetry for the RECORD. I wish I had his capability for remembering poems and works of great art. But today, I offer a poem by the great Alaskan poet, Robert Service, and I offer it in honor of Senator and Mrs. Byrd's 68 years together. Robert Service's poem is entitled ''Home and Love,'' and it goes like this:

Just home and love! The words are small
Four little letters unto each;
And yet you will not find in all
The wide and gracious range of speech
Two more so tenderly complete:
When angels talk in heaven above,
I'm sure they have no words more sweet
Than home and love.

Just home and love! It's hard to guess
Which of the two were best to gain;
Home without love is bitterness:
Love without home is often pain.
No! Each alone will seldom do;
Somehow they travel hand and glove:
If you win one you must have two,
Both home and love.

And if you've both, well then I'm sure
You ought to sing the whole day long:
It doesn't matter if you're poor
With these to make divine your song.
And so I praisefully repeat,
When angels talk in heaven above,
There are no words more simply sweet
Than home and love.

I ask the Senate to remember to congratulate my good friend on 68 years of marriage.

Mr. REID. Mr. President, I rise toady to congratulate a member of our Senate family who is nearing an amazing milestone in life—68 years of marriage.

On My 29, 1937, the Valedictorian of Mark Twain High School married his sweetheat—a coal miner's daughter—in West Virginia. That valedictorian was Senator ROBERT BYRD. The coal miner's daughter was Erma Ora James. On Sunday, they will mark 68 years together.

It is an incredible achievement and a testament to their love and commitment.

Look how far they've come. They have seen their lives move from the hills of West Virginia to the highest levels of government. Senator BYRD has gone from gas station attendant to

meat cutter to welder to United States Senator.

But—it's important to note—Senator BYRD has never hidden the secret of his success. If you talk to him, he will give credit to whom credit is due.

He said it right here on the Senate floor in May of 2000 days before his 63rd anniversary. He said: ''I have to frankly say that what little I have amounted, if it is anything much, I owe for the most part to [Erma].''

Well Erma, the people of West Virginia and the United States owe you a debt of gratitude for all you've done for your husband and for giving us his time for so many years.

I've said before, Senator BYRD is a mentor of mine.

I have had the good fortunate of serving with him in the Senate since 1986. In these 19 years, I've gotten to know Senator BYRD and Erma well. They are a wonderful couple, delightful individuals, and I am honored to call them both friends.

Senator BYRD and Erma have no doubt seen many changes over their 68 years of marriage—none bigger than the size of their family. They have two daughters—Mona and Marjorie—and over a dozen grandchildren and great grandchildren.

Of course, no one can talk about Mr. and Mrs. ROBERT BYRD without recalling how they came to be together. He used sweets to get to her heart.

In school, a young ROBERT BYRD used to take sweets from a fellow classmate but he wouldn't eat them. He would store them up and give them to Erma when he met her in the hall. Years later he would say: ''That's the way you court a girl—with another boy's bubble gum.''

I have said many times that the Members of this Chamber are a family. And what an amazing example of family we have in Senator BYRD and Erma.

For 68 years of marriage, they have set a high standard for us all. It is a tribute to their love for each other, and for the rich, productive life they have enjoyed.

I congratulate them once again and pray for many more years of happiness together.

MEMORIAL DAY

Mr. BYRD. Mr. President, this coming Monday, Americans across the Nation will hang flags at their doors and place small flags and flowers on the gravesites of loved ones and soldiers in a tradition that stretches deep into history, perhaps back to the advent of warfare.

The selection of the last Monday in May is unique to the United States, but remembering and honoring those fallen in battle is deeply ingrained in the human heart. On this day, these sons and fathers, uncles and brothers and, more recently, daughters and mothers, aunts and nieces are family members to us all. Lost to us too early, their images remain frozen in time, young faces trying to look stern in crisp uniforms. Their sacrifices on battlefields from the Argonne to Tripoli, Pearl Harbor to Iwo Jima, Porkchop Hill to Hamburger Hill, Kabul to Baghdad have kept the Nation safe and carried the American ideals of liberty and democracy across the surface of the globe.

This week, as the Senate struggled and ultimately overcame an arcane but fundamental challenge to our constitutional system of checks and balances, we have, I believe, honored the memory of all of those soldiers, sailors, airmen and Marines. They defended the Nation and the Constitution from without; a bipartisan group of Senators this week defended it from within, thank God.

I rejoice that 14 Senators could rise above partisan politics to understand and preserve the carefully crafted balance of powers inscribed in our Constitution. Without the Constitution, the millions of lives and billions of dollars spent over the years on our Nation's defense, the flower of our youth and our hard-earned treasure, would have gone for naught. Our form of Government, acknowledging the might of the majority but protecting the rights of the minority, balancing populous States against States with smaller populations, preserving the voice and will of the people as the ultimate check against the rise of a tyrant king, that is our greatest treasure. It is the preservation of our form of Government that merits committing our young to the bloody horrors of battle.

It is perhaps appropriate, in this context, that the Senate's battle is concluded just before Memorial Day, which originated after our Nation's most divisive and bloody war ever fought on our home soil. The Civil War pit over 2.2 million Union soldiers against just over 1 million Confederate soldiers, resulting in almost 600,000 deaths, a third in battle and the rest from war's accompanying furies of disease and privation. It is a tribute to the heart's powers of healing that soon after the war, individuals and communities could put aside their differences in the graveyard and simply mourn their losses together.

Over 42 million American patriots have risked their lives for our Nation since the Revolutionary War. Over 17 million war veterans, of among over 25 million veterans of military service, live among us still. I salute them all, and thank them and their families for their bravery and their patriotism.

Of the 42 million Americans who saw battle during their military service, over 650,000 died in battle. That is 650,000 families who received the terrible news that their loved one had been killed. In World War II, the tragic news often came by telegram, and Americans learned to dread the sight of those envelopes.

As of May 23, 2005, in connection with Operation Iraqi Freedom, 1,623 families have answered the door to the solemn faces of two officers whose hard duty it is to report the tragic news that another life has been lost. Another 186 families have gotten the same sad news coming from Operation Enduring Freedom in Afghanistan. My prayers go out to these families. There are no words that can console the grieving heart at times like these. The widow's flag, folded with care after a military ceremony, offers little comfort. But these brave men and women, and the families they leave behind, are part of a long chain of sacrifice and grief that firm the resolve of the Nation. Never should we forget their service to the Nation and the Constitution. Never should we squander their sacrifice on momentary partisan advantages that erode the integrity of the Constitution and, in turn, the continued health and vitality of our form of government.

On this Memorial Day, and on every Memorial Day, I urge Americans to put out their flags and to honor the fallen. I further urge them, in the spirit of those first Memorial Days, to put aside partisanship in favor of true patriotism, and to love and preserve our Nation and our Constitution in a lasting tribute to those who have given their lives in its defense.

As is my custom on these occasions, I would like to close with a poem. This piece is by Edgar Guest, and is called, ''Memorial Day.''

MEMORIAL DAY

The finest tribute we can pay
Unto our hero dead today,
Is not a rose wreath, white and red,
In memory of the blood they shed;
It is to stand beside each mound,
Each couch of consecrated ground,
And pledge ourselves as warriors true
Unto the work they died to do.

Into God's valleys where they lie
At rest, beneath the open sky,
Triumphant now o'er every foe,
As living tributes let us go.
No wreath of rose or immortelles
Or spoken word or tolling bells
Will do today, unless we give
Our pledge that liberty shall live.

Our hearts must be the roses red
We place above our hero dead;
Today beside their graves we must
Renew allegiance to their trust;
Must bare our heads and humbly say
We hold the Flag as dear as they,
And stand, as once they stood, to die
To keep the Stars and Stripes on high.

The finest tribute we can pay
Unto our hero dead today
Is not of speech or roses red,
But living, throbbing hearts instead,
That shall renew the pledge they sealed
With death upon the battlefield;
That freedom's flag shall bear no stain
And free men wear no tyrant's chain.

''No Tyrant's Chain.''

I yield the floor.

CONGRATULATIONS TO BETTY SIEGEL

Mr. ISAKSON. Mr. President, I rise to memorialize in the RECORD of the Senate the name of a great educator in the State of Georgia. Two weeks ago at the commencement exercises of Kennesaw State University in Kennesaw,

GA, a lady by the name of Dr. Betty Siegel announced at the end of that commencement her retirement as president of Kennesaw State University after 25 years of service.

One might think in listening to that, well, that is a nice accomplishment, but is that so significant? I will talk for a minute about how significant this woman's life and her contributions have been.

Twenty-five years ago there were not many women presidents of any colleges or universities in the United States of America. In fact, Betty Siegel became the first president of a public university in the history of the university system of Georgia. She took the leadership of a small, urban campus, nonresidential, known as Kennesaw State College, with students numbering 4,000, handing out a handful of degrees, most all to computer learners.

As Dr. Siegel announced her retirement 2 weeks ago, she leaves a university with 18,000 students, third only to the University of Georgia and Georgia State University in population in our State, granting multiple degrees and a forerunner in our State in nursing, in education, in family business, in leadership, and in ethics.

Betty Siegel graduated from Wake Forest with an undergraduate degree and went to the University of North Carolina for her master's and doctorate from Florida State. She taught, she became a dean, throughout the southeastern United States. But when she was tapped, it was not only the right person for the time, it was the best decision possible. She broke the glass ceiling for women presidents at universities and colleges in Georgia because now we have many. She was the forerunner.

She built an urban university that was nonresidential and commuter into a combination commuter and residential university of renown and respect all over the United States.

While she did it, she did just a few other things. She got appointed to five corporate boards because of her contribution, her intellect, her knowledge, and her breadth and depth. She became president of a Chamber of Commerce. How many times have you heard of a college president or university president going on to be the president of a local community Chamber of Commerce? This happens to be the second largest Chamber of Commerce in the State of Georgia. But that is how remarkable Betty Siegel is.

I also mentioned in my remarks earlier that Kennesaw was the leader in leadership and ethics. They are because Betty Siegel found a way, through corporate and private donations, to endow a chair and build a school committed to leadership in ethics, in business, and in public life.

Through her commitment to understand the strength of small business and the fact that it is the heart of American employment, she founded, in our State, at her university, a division of family business, second to none, that today is the resource for families who try to make those transitions from one generation to the next, to make the transition from small business to medium-sized business to large business, or to seek the guidance that is so unique for small family businesses. And Kennesaw State University is that institution.

But I want to tell you something about Dr. Betty Siegel.

Retirement is not quite the appropriate announcement because she has never retired from her commitment in her life to young people and to their education, and she will not now. Because when asked, after her announcement—within minutes—well, what are you going to do? She said: I am going to teach. I am going to work with young people. I am going to try to make their lives better.

After making that announcement, she spent the next week overnight in a dorm with students, asking how she could advise the next president to make the services of Kennesaw State University even better for the students who will enter in the fall of 2005 and go on to 2006.

It gives me a great deal of pleasure and it is a privilege to recognize on the Senate floor the contributions of Dr. Betty Siegel to the children of Georgia, her contributions to higher education, the ceiling she broke for women in academics in our State, and, most importantly, all of her continuing capacity to helping and teaching our young people.

HONORING OUR ARMED FORCES

SPECIALIST TRAVIS ANDERSON

Mr. SALAZAR. Mr. President, I rise today to take a moment to remember one of our fallen heroes, a young man from my home State and my native San Luis Valley, SPC Travis Anderson.

Specialist Anderson was killed in Iraq on May 13, 2005. He was 28 years old and a native of Hooper, CO, a small town of 123 not much different from where I grew up in the San Luis Valley.

A terrorist car bomb struck his HumVee, killing him and wounding several fellow soldiers in the vehicle with him. All of us were fortunate to be blessed by his life and we are all saddened by his loss. He exemplified courage, discipline and patriotism, some of the finest qualities that we prize in Colorado and across this Nation.

Specialist Anderson—''Loopie'' to his family and friends and ''Cowboy'' to his fellow soldiers in Bravo Company, 3rd Infantry Division—was the kind of man that makes all of Colorado proud.

His family and friends remember that Travis was a rambunctious youngster. He went on to work as a farmer and ranch hand in Montana and Nevada. He worked hard to earn his high school diploma and even defeated the hantavirus, which at one point reduced him to a mere 100 pounds.

But after those horrible hours on 9/11, Specialist Anderson heard a higher calling, one above his own self interest, and he enlisted in the Army at 26. In the Army, he flourished into a man of discipline and initiative.

He had the admiration and respect of his fellow soldiers and superiors. ''Sometimes I wish we had a whole platoon of him,'' said SSG Jeremy Schultz, who served with Specialist Anderson in Iraq. Don't we all; don't we all.

Specialist Anderson of the Army's 2nd Battalion, 7th Infantry Regiment, 1st Brigade, 3rd Infantry Division was training with the Special Forces when he was killed earlier this month. He was awarded the Bronze Star posthumously. He came from humble beginnings and aspired to quiet greatness with an even greater heart.

President John F. Kennedy once said, ''Every area of trouble gives out a ray of hope, and the one unchangeable certainty is that nothing is certain or unchangeable.'' SPC Travis Anderson exemplified this in his mission of service to his nation. He will be missed by all those around him and he and his family will remain in our prayers. And to his family and friends, I say, on behalf of a grateful nation: thank you for sharing Travis with us.

MEMORIAL DAY 2005

Mr. AKAKA. Mr. President, I rise to recognize the significance of Memorial Day and to remember the Americans it commemorates. In just a few days, we will come together as a Nation to pay tribute to the courageous men and women who fought and died for our country. Too often we take for granted the freedoms we, as Americans, enjoy, too often we forget those who gave their lives to secure this liberty.

America has honored its fallen soldiers with a Memorial Day, sometimes called Decoration Day, since the Civil War. Though we are grateful to these heroes each and every day, it was recognized that we should set aside 1 day in particular, the last Monday in May, to be especially mindful of the brave soldiers, sailors, airmen, and marines who paid the ultimate price for their fellow citizens.

During a time when we continue to lose more of our friends, family and neighbors in combat overseas, I am especially mindful of the sacrifices made by our men and women in the military. I served in World War II, and I have seen firsthand the bravery and selflessness that is a common thread in our military personnel. Though I was lucky enough to return home, not a day passes when I do not think of my comrades who were not as fortunate, and I am eternally grateful to them.

On this earnest occasion, I would like to draw attention to what we can do for those veteran soldiers still with us so that we do not disrespect the sacrifices made by those we have lost. We must provide full funding for veterans' health care. Every year the President sends forward his budget proposal to

Congress, and every year we go through the same struggle to get VA health care the money it needs to adequately serve its veteran patients. We must change the way funds are allocated so that all of our veterans are guaranteed the care they so clearly deserve.

I want the 115,000 veterans who choose to make Hawaii their home to be assured that they will receive the services they have earned. The nearly 18,000 veterans who avail themselves of VA health care on Oahu, the Big Island, Kauai, and Maui should not have to worry if resources for doctors and nurses will materialize next year. The reservists and guardsmen who are deployed for the current wars in Iraq and Afghanistan also must receive the care they need upon their return. And the fact that a whole population of veterans is denied care because VA does not have adequate funding is shameful.

Memorial Day is a day of both sorrow and joy. We mourn those we have lost in battle, and we celebrate the freedoms we currently enjoy thanks to those brave individuals. As we gather together over the long weekend to celebrate this important holiday, let us make sure to take a moment to remember and thank those who lost their lives in order to secure our futures. Then, for the rest of our tenure in Congress, let us not waiver from the commitments made to these brave men and women in terms of programs, services and benefits.

MEMORIAL DAY

Mr. KERRY. Mr. President, Memorial Day is a day of mixed emotions: sorrow for the families whose sons and daughters have given their lives for our country, coupled with universal pride in the great Americans who for generations and particularly today teach us the full meaning of service and sacrifice. The courage and bravery of our young men and women fighting overseas continues to inspire all of us, and indeed inspire the free world and those yearning for freedom.

America's fallen soldiers shouldered a responsibility greater than any of us will ever know. Their families, their units, and their nation depended on them, and they answered the call of duty with selflessness and devotion. Our soldiers did not shirk from this responsibility, and all the uncertainty, danger and honor that came with it. Their families remember them as special sons and daughters, brothers and sisters, husbands and wives, and cherished friends. Their Nation remembers them as special citizens. Grown men will touch their names etched on granite walls and will today weep for fallen comrades who gave their lives so that others can live.

In this time of war, and in memory of our fallen heroes, we must be mindful to do everything in our power to keep our troops safe as they keep us safe. We must do better to take care of their families, who sacrifice in ways too many to count.

While we can never repay our Nation's debt to families who have made the ultimate sacrifice, we must always remember the legacy of their fallen sons and daughters: a safer and freer world. On this Memorial Day, I believe it appropriate to take a small step in that direction by recognizing in the record those exceptional individuals from Massachusetts who this year gave their lives, and earned the eternal gratitude of the American people:

Arredondo, Alexander S., Lance Corporal, USMC, 25-Aug-2004—Randolph, MA; Connolly, David, S., Major, USA, 6-Apr-2005—Boston, MA; Cunningham, Darren J., Staff Sergeant, USA, 30-Sep-2004—Groton, MA; Depew, Cory R., Private, USA, 04-Jan-2005—Haverhill, MA; Desiato, Travis R., Lance Corporal, USMC, 15-Nov-2004—Bedford, MA; Farrar Jr., Andrew K., Sergeant, USMC, 28-Jan-2005—Weymouth, MA; Fontecchio, Elia P., Gunnery Sergeant, USMC, 04-Aug-2004—Milford, MA; Fuller, Travis J., 1st Lieutenant, USMC, 26-Jan-2005—Granville, MA; Gavriel, Dimitrios, Lance Corporal, USMC, 18-Nov-2004—Haverhill, MA; Johnson, Markus J., Private, USA, 1st Class, 01-Jun-2004—Springfield, MA; Lusk, Joe F. II, Captain, USA, 21-Jan-2005—Framingham, MA; Moore, James M., Colonel, USA, 29-November-2004—Peabody, MA; Oliveira, Brian, Corporal, USMC, 25-Oct-2004—Raynham, MA; Ouellette, Brian J., Petty Officer, 1st Class, USN, 29-May-2004—Needham, MA; Palacios, Gabriel T., Specialist, USA, 21-Jan-2004—Lynn, MA; Schamberg, Kurt D., Sergeant, USA, 20-May-2005—Melrose, MA; Sullivan, Christopher J., Captain, USA, 18-Jan-2005—Princeton, MA; Vangyzen IV, John J., Lance Corporal, USMC, 05-Jul-2004—Bristol, MA; and Zabierek, Andrew J., Lance Corporal, USMC, 21-May-2004—Chelmsford, MA.

THE PASSING OF A GREAT AMERICAN SOLDIER—ARMY COLONEL DAVID H. HACKWORTH

Mr. GRASSLEY. Mr. President, I was very sad to learn that Colonel Hackworth had died on May 4, 2005, in Tijuana, Mexico.

Tijuana is the place where Colonel Hackworth chose to make his last stand. He went there to fight one last battle. He had a particularly deadly form of cancer that spread. He went to Mexico, hoping for a miracle with an experimental drug treatment program.

Just before leaving his home in Connecticut for the last time in January 2005, he sent me one final message:

> Give Senator Grassley my best. Have run out of conventional options re my cancer. Got until March to find a solution. Off to Mexico to see if we can't out Gee this monster. I am not sweating my final orders from Headquarters. It has been a fun ride. Plan on being planted in Arlington.

''Out-Geeing the G'' was one of Colonel Hackworth's favorite expressions.

He invented the term while leading troops in combat during the Vietnam war. He told his troops that they could beat the Viet Cong by using the guerrillas' own mobile, hit-and-run tactics. ''We are going to do what they do but just do it better,'' he said. '' We out-gee the G.''

''Out-geeing the G'' was the heart and soul of Colonel Hackworth's brand of soldiering.

Sadly, Colonel Hackworth was not able to ''out-Gee'' the enemy this time.

Colonel Hackworth began his military career just up the coast from Tijuana—in Santa Monica, CA.

At the age of 10, after Japan's attack on Pearl Harbor, he worked as a shoeshine boy at a military post there where a group of soldiers adopted him as a mascot. They had a special uniform made for him to wear. Both his parents died before his first birthday.

At this point in his life, Colonel Hackworth said: ''I knew my destiny. Nothing would be better than to be a soldier.''

You can't utter the name David Hackworth without also saying the word soldier in the same breath. He was a ''soldier's'' soldier.

He was a soldier from the day he put on that special uniform in Santa Monica to the moment he died. He may have taken off his uniform after publicly denouncing the Vietnam war on national TV in 1971, but he continued to soldier until the very end of his life.

I know that Colonel Hackworth was a highly respected combat veteran. I know he distinguished himself as a leader of troops in the field in Korea and Vietnam. I know he was awarded a large number of combat decorations for valor.

Colonel Hackworth was a true American hero.

But I do not want to leave my colleagues with a false impression.

I did not know Colonel Hackworth when he was fighting wars and winning medals for valor. I have only read about that part of his life. I did not meet him until much later—after he had started a new career.

I came to know Colonel Hackworth after he became a reporter and began covering the Pentagon.

He was still a soldier all right—but a different kind of soldier.

Colonel Hackworth had become what I would call a brave-hearted soldier for the truth.

When I met him, he had taken off his uniform. He was fighting a different kind of war. He was a soldier in civilian clothes. But he still had a mission. He wanted to bring truth, justice, and accountability to military headquarters—the Pentagon. He wanted to shed some light on what he perceived as gross incompetence and corruption on the part of some senior officers.

He was a contributing editor and reporter for Newsweek Magazine and syndicated columnist.

Colonel Hackworth and I shared a small piece of common ground—watchdogging the Pentagon.

From the moment when I was first elected to the Senate, I have worked

very hard to ferret out fraud, waste, and abuse at the Pentagon and stop it. I do it because I don't want to see a single tax dollar wasted.

Colonel Hackworth attacked the very same problem but from a different angle.

As in everything he did, he always looked at a problem from a common soldier's perspective.

As I said, his main concern was incompetence and corruption among some senior officers in the Pentagon. He called them ''perfumed princes.'' These were some of the same officers he saw come and go in Vietnam. They came to Vietnam to get their ''tickets punched.'' They got their ''tickets punched'' by commanding a battalion or brigade for a shortened tour of duty before rotating home to the Pentagon for promotion.

To the hardcore soldier like Colonel Hackworth, ''ticket punching'' in Vietnam translated into unnecessary casualties on the battlefield. The wasting of one soldier's life produced real fury inside this man. He could not—and would not—tolerate it.

One illustrative incident, which occurred in Vietman, is described in his book ''About Face.''

During a very intense combat operation, a ''perfumed prince'' riding in a helicopter overhead issued an order to a unit under Colonel Hackworth's command—without Colonel Hackworth's knowledge or approval. That order resulted in a significant loss of life in one of Colonel Hackworth's units.

Colonel Hackworth believed that those casualties were avoidable and unnecessary.

When he returned to home base, he sought out that officer, put a 45 caliber weapon to his head, and threatened to kill him if he ever did anything like that again.

That is Colonel Hackworth's own account of what happened on that day so long ago.

Colonel Hackworth loved his troops above all else and would go to any length to protect them from harm and abuse.

His lifelong commitment to the common soldier was the driving force behind the stories he produced as a reporter with Newsweek and other publications.

In Colonel Hackworth's mind, the terrible loss of life in Vietnam had its origins in a disease that he set out to cure—the gross incompetence and corruption—that he perceived at the highest echelons in the Pentagon.

Colonel Hackworth was determined to wipe it out and right a wrong.

Over the years, we collaborated on a number of investigations. The one I remember best is the one involving Air Force General Joseph Ashy in 1994–95.

Colonel Hackworth conducted his own investigation. He gathered the facts and the documents. I, in turn, referred Colonel Hackworth's allegations to the inspector general, IG, for review.

This is what Colonel Hackworth reported in the press:

> General Ashy flew himself, his aide and family cat from Italy to Colorado aboard a 200-seat Air Force plane; he flew his wife round-trip on an Air Force VIP aircraft from Colorado to Washington; and he made palatial renovations at his headquarters.

The IG concluded that General Ashy's ''wasteful escapades'' cost the taxpayers $424,602.00.

Colonel Hackworth found out about General Ashy's ''escapades'' from one of his beloved soldiers who was denied a seat—and free ride home—on Ashy's airplane.

Colonel Hackworth's comments were as follows:

> The taxpayers got ripped-off for almost a half a million bucks by a member of our military elite and virtually nothing is being done about it. . . . The Air Force spinmeisters lied through their teeth about what General Ashy did. . . . Besides being a blatant waste of money, this incident is about deception and the art of diffusing responsibility. . . . Ashy was fined a mere $5,020.00 and continues to have four stars and his finger on the nuclear button.

General Ashy wrote out a check for the fine and sent it to Air Force Headquarters on June 26, 1995. However, instead of depositing his check at the bank, the check was stashed in a safe in Air Force Secretary Sheila Widnall's office—for what I suspect was permanent safekeeping. At my request, the IG began making new inquiries and the check finally went to the bank on September 15, 1995.

This great American soldier told us—in ''plain old English''—what he expected from the top brass at the Pentagon. He expected them to lead by example. If they failed his leadership and integrity test at headquarters, he believed they would fail on the battlefield.

His pronouncements were blunt, for sure. They were almost always harsh and sometimes coarse. But they always conveyed an important lesson tempered by battlefield experiences. So I listened and learned. His opinions on the Pentagon brass had credibility in my book. He had put them to the ultimate test on so many distant battlefields. That was good enough for me.

The lessons taught by this great American soldier are lessons that will stand the test of time. Setting the example has been the most powerful element of leadership since the beginning of time. Colonel Hackworth kept going back to those enduring principles. As a Nation, we must do the same. We must rely on those ideas. They are too important to be forgotten. They must be followed.

Colonel Hackworth was a constant and forceful reminder of just how important those principles really are.

The memory of Colonel Hackworth and all that he stood for lives on in our hearts and minds.

Colonel Hackworth has left us. His remains will be laid to rest in Arlington National Cemetery on May 31. But he will not be forgotten. He will never fade away.

COLONELONEL DAVID H. HACKWORTH

Mr. LIEBERMAN. Mr. President, I rise to pay tribute to a true American hero, COL. David H. Hackworth, who spent his last years in Connecticut. Colonel Hackworth was one the most legendary and highly decorated soldiers of the U.S. Army. As Memorial Day approaches, there is no better time to remember the sacrifices, courage and tactical genius of this legendary soldier who spent more than half a century fighting on the world's most dangerous battlefields. As World War II was coming to a close, a 14-year-old David Hackworth lied about his age to join the Merchant Marine and a year later joined the U.S. Army—spending the next 26 years fighting our nation's battles. A true leader, ''Hack'' as he was known, received a battlefield commission in Korea to become the Army's youngest captain and was promoted in Vietnam to the Army's youngest full colonel. Three times he was nominated for the Medal of Honor. His decorations are numerous and include the Army Medal of Valor, the Distinguished Service Cross, ten Silver Stars, eight Bronze Stars and the United Nations Peace Medal. But the awards of which he was proudest are his eight purple hearts and the Combat Infantryman's Badge. Mr. President, As you know, there is only one way to get this badge: serve 90 days in a front-line infantry unit under fire and survive.

In just one example of his bravery, Colonel Hackworth got out on the strut of a helicopter to drag to safety his men who were pinned down and facing certain death. It is no wonder, Colonel Hackworth has so many supporters.

But these statistics do not capture the Colonel Hackworth, the iconoclastic straight talker, who lead from the front and spoke from his heart. One of the most telling stories about Colonel Hackworth's leadership was his transformation of the 4/39 Infantry Battalion from a demoralized outfit into an effective counter-insurgency fighting force that routed enemy units in the jungles of Vietnam. Colonel Hackworth's training methods and tactics were so successful, he wrote them down in a book ''The Vietnam Primer'' that is still read by commanders today.

GEN. Hal Moore, the coauthor of ''*We Were Soldiers Once and Young,*'' called him ''the Patton of Vietnam,'' while General Creighton Abrams, the last American commander in that disastrous war, described him as ''the best battalion commander I ever saw in the United States Army.''

Gruff and full of purple prose, Colonel Hackworth ran afoul of the Army's top leadership and retired following a confrontation in which he said in 1971 that the Vietnam War was hopeless. Often called the champion of the common soldier, ''Hack'' spoke truth to power. After leaving the service, Colonel Hackworth launched himself into new careers as a journalist, businessman, restaurateur and best-selling author as

he cast his sharp and experienced eye on the military-industrial complex. He always cast a glaring spotlight on concerns when the ''grunts'' were not getting the equipment they needed to do their jobs.

I extend my deepest condolences to Colonel Hackworth's wife, Eilhys England, and his many children, step-children, grandchildren and step-grandchildren. But of all the tributes I know will come Colonel Hackworth's way, I think the tribute he would appreciate most will be from the average soldier whose loyalty he earned in combat and whose welfare became his life's cause in his retirement, for he knew they are the men and women who are out on point securing our Nation's freedom.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 35-year-old gay man was walking to his Boston home when three young men approached him, knocked him to the ground, and repeatedly kicked him in the face. Although he was yelling for help and near several homes, no one came to his aid. The perpetrators fled and left the victim with multiple contusions and internal bleeding in his face. Neither possessions nor money was stolen.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REPEALING D.C.'S LOCAL GUN SAFETY LAWS

Mr. LEVIN. Mr. President, legislation has been introduced that would repeal nearly every gun safety law in the District of Colombia. Sadly, the bill was introduced during the celebration of National Police Week and just days after 153 law enforcement officers who died in the line of duty in 2004 were honored at the National Law Enforcement Officers Memorial.

The misnamed ''District of Colombia Personal Protection Act'' would repeal local laws in Washington, DC that ban the sale and possession of unregistered firearms, require firearm registration, impose commonsense safe storage requirements, and ban semiautomatic weapons in the District. Should this bill become law, those who live and work in our Nation's capital as well as tourists and other visitors would face a greater threat of gun violence.

In a statement last week, DC Mayor Anthony Williams said, ''I am incensed by any congressional proposal that uses District residents as pawns. I am incensed by any proposal that assaults Home Rule. And I am incensed by any proposal that is an insult to the memory of the people who have died in this city due to gun violence—in particular the three children who have died from gun violence this year.''

Instead of interfering in local affairs in Washington, DC, the Senate should focus its energies on legislation on improving the safety of the families and communities across the Nation. The Senate has yet to consider several common sense gun safety measures during this Congress. Among these are proposals that would reauthorize the 1994 assault weapons ban, prohibit the sale of the Five-Seven armor-piercing handgun, and help investigators working to prevent attacks by terrorists using high powered weapons. I urge the Senate to take up and pass these bills to make our Nation safer.

CONGRATULATIONS TO ROBERT FOUST

Mr. CONRAD. Mr. President, today I want to pay tribute to an exceptional member of my staff who is retiring at the end of this month after 33 years of service to the Senate.

Bob has worked in the Senate for a period of 40 years, starting as an intern in the 1960s, and then working full time for Senator Claiborne Pell for 19 years from 1970 to 1989. After taking 2 years to travel the world, it was my great good fortune that Bob volunteered to join my staff in the spring of 1991.

At the time, Bob told me he was looking to complete 20 years of Senate service. I do not think either he or I thought that he would be with me for 14 years. But I could not be more pleased that Bob decided to stay.

During his tenure in my office, he has worked on education, veterans, and international affairs issues. His work on all these issues has been outstanding. On veterans and education issues, in particular, he has developed a long list of legislative victories both small and large.

Bob has a gift for seeing legislative opportunities. One example I will never forget involves the V-chip. For years, I had heard from parents, educators, health care professionals and religious leaders about their concerns regarding the influence of television violence on young people. In response, Bob helped me form a steering committee of interested individuals and organizations to talk about possible approaches to help shield children from gratuitous violence on television. And we developed V-chip legislation. During the debate on the 1996 telecommunications bill, I offered my amendment to require that the V-chip be included in TVs so that parents would have the ability to block out violent shows. When I offered the amendment, the so-called experts told us not to push forward—that the amendment couldn't pass. But Bob advised me to move forward. And when the roll was called, the amendment passed by a strong 73 to 26 margin, and was then enacted into law.

Bob's attention to North Dakota's veterans has paid off in greatly improved facilities around the State. When Bob learned that the VA was considering closing VA facilities that were not up to current standards, he alerted me and helped me lead the fight for a $12 million renovation at the Fargo VA Medical Center. These renovations, which will be finished later this year, have dramatically improved the facility for our veterans. Bob has also been very concerned about the long travel times facing the many North Dakota veterans who live in rural areas. From his first day in the office, he pushed hard to expand services for rural veterans through the Community Based Outpatient Clinics, CBOCs. To date, as a result of Bob's hard work, we have secured three CBOCs at Minot, Grafton and Bismarck. And the VA's CARES, Capital Assets Realignment for Enhanced Services, Commission has approved five new clinics at Williston, Jamestown, Devils Lake, Grand Forks AFB, and Dickinson. Finally, Bob has had great compassion for the most vulnerable among our veterans—homeless veterans—and has constantly looked for ways to help them. Most recently, he worked with Centre, Inc. in Fargo to shepherd through a $1.6 million grant to renovate a facility that will house a 48-bed shelter for homeless veterans.

On education, he was constantly looking for ways to help North Dakota's teachers, whether it was bringing information technology to classrooms or advocating for appropriate implementation of the No Child Left Behind Act. Bob conceived of the Rural Education Achievement Program and built a coalition that helped me enact this important legislation during the 106th Congress. Almost 80 percent of North Dakota school districts have 600 students or less. Under the REAP program, small, rural school districts are entitled to consolidate funding from Federal education programs to make more efficient use of the funds. In the first 3 years of the REAP program, more than 270 North Dakota schools benefitted from approximately $2.7 million in funding.

Bob's commitment to education also carried over to the intern program. As he had in Senator Pell's office, Bob volunteered to coordinate my Washington intern program. Bob devoted significant time and effort to ensuring that interns in my office had a terrific learning experience. In fact, Bob's example has inspired dozens of former interns to seek careers in public service. Interns from 10, 20 and even 30 years ago stop by frequently just to say hello

and let Bob know what they are doing now.

But Bob's importance to me and my office cannot be captured by simply cataloguing his many accomplishments. During his time working in the Senate, Bob Foust has been the consummate professional. He stayed in constant touch with North Dakota leaders on the issues he covered. Time after time, he would learn of a problem and immediately go to work finding a solution. If Federal services were not being delivered effectively, Bob would work with the agency to make sure North Dakotans got the services they deserved. If a Federal program did not work for North Dakota, Bob would draft legislation to fix the problem, and work tirelessly until the Conrad amendment was signed into law.

Finally, and most importantly, Bob Foust is an outstanding person. He has worked quietly and tirelessly behind the scenes to make things happen, and was always happy to divert all the credit to others. He has been tremendously loyal, tremendously dedicated, and a passionate advocate for the people of my State. He has never forgotten that he is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

With extraordinary gratitude for his years of service, I wish Bob well as he moves on to the next stage in his life and career.

BANKRUPTCY LEGISLATION

Mr. KENNEDY. Mr. President, during the floor debate on the recently passed bankruptcy bill, an important letter from a number of medical and law professors regarding the high number of debtors who are forced into bankruptcy due to the cost of health care was discussed on numerous occasions. The letter was addressed to Senator GRASSLEY and points out a number of the professors' concerns with the findings of the U.S. Trustee Program related to medical debt.

Since it is such a valuable document, it is important that this letter be printed in the RECORD so that all people have access to it. Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

FEBRUARY 14, 2005.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for distributing a copy of the letter from the Office of Legislative Affairs with the summary sheet on the medical debt findings from the U.S. Trustee Program. Because each of us has devoted some years of scholarly research to the questions about families in financial trouble because of medical debts, we have been asked to review this letter. We know that you are deeply concerned about the families who file for bankruptcy in the aftermath of a serious medical problem, and we are glad to help in any way we can. We are also very glad that you have encouraged the U.S. Trustee Program to produce additional data related to this issue. Like earlier studies that also used petition and schedule data to explore the role of medical debt in bankruptcy, these data provide further evidence of the large number of families that are facing financial collapse following a serious medical problem. Because of limitations in the data used, however, these findings also significantly underreport both the breadth and impact of medical bankruptcies.

The U.S. Trustee sample is limited only to Chapter 7 cases. In part because of time lost from work due to illness, accidents and layoffs, on average, these families have an annual median income of about $19,000. This means that the average medical debt identified by the U.S. Trustee (average $5000 for those with medical debt) is quite substantial for many families trying to cope with medical problems. Earlier reports from the U.S. Trustee's Chapter 7 data and independent studies are consistent with the finding that debts owed directly to medical providers appear in a significant portion of the sampled cases and that the amounts can be quite substantial.

As helpful as these data may be, however, we are reminded that they document only a small portion of the financial difficulties facing families in the aftermath of serious medical problems. As early as 1991, researchers recognized that they could not rely on petition and schedule listings to determine the amount of medical debt families incurred. Petition data, like the kind used by the Office of the U.S. Trustee, exclude:

Prescription medications, which are charged on credit cards

Doctors visits, rehabilitation treatments, and other services charged on credit cards

Medical supplies, crutches; needles, and the like that are charged on credit cards

Hospital bills that are charged on credit cards

Second mortgages that people have put on their homes to pay off hospital bills and other medical expenses

Cash advances, bank overdrafts and payday loans that people have incurred to pay for medical services when they are delivered or to pay off medical bills that are outstanding

Third party specialty lenders that some hospitals now steer their patients toward when those patients are unable to pay

In addition, in our extensive work with court records we have observed that even very sophisticated debtors do not always list the original creditor on an account. Studies are finding high rates of debt collector usage among medical providers, and some collectors may have received assignment of the debt. The petition data, however, necessarily conceal:

Medical debts assigned to collectors that may be listed under the collectors' or the collecting attorneys' names, which may bear no medical reference whatsoever.

Medical debts for which the debtor has been sued and an attorney is now attempting to collect, for which the debtor lists the name of the attorney

The petition data also exclude other expenses that bear down on the families, including:

Medical expenses that families struggled to pay off, bankrupting themselves in the process by getting behind in mortgage, car payments, and other necessary expenses.

Direct but non-medical expenses of illness or injury, suh as the labor and material costs of building a ramp onto a home to make it wheelchair accessible, or the travel costs associated with transporting a critically ill child to a specialty facility.

Debts owed to providers that patients and their families omit from schedules (and thus generally are not discharged) out of fear of losing medical care.

Lost income of a sick person (or a caregiver), which may be a major factor in medical-related bankruptcy.

Debts for Chapter 13 filers, who were omitted from the U.S. Trustee report, but who also have reported a high rate of medical-related bankruptcy.

The petition data also omit data about some of the most pressing questions in health care policy debates. Petition data do not capture systematic information on insurance status, which is relevant to understanding the range of families at risk of health-related financial disaster including but not limited to bankruptcy. Similarly, petition data have no information on the diagnoses of the ill or injured people and the types of care and drugs they need, all of which are relevant to recognizing the magnitude of the problem.

Because the petition data provide so little information about medical bankruptcy, experienced empirical researchers in this field have come to realize surveying the debtors themselves is crucial to getting accurate data. The 2001 Consumer Bankruptcy Project study is the most extensive study to date on this issue. It used written questionnaires, court filing data, and detailed follow-up telephone interviews, a combination that offers a much richer understanding of how medical problems affect family finances. The survey instruments were designed to capture more accurately the direct costs of care by asking questions about medical debts within the prior two years of filing, or since illness onset, rather than being focused exclusively on what bills are identifiable as of the date of the bankruptcy petition.

When Mr. Moschella listed all the factors considered in the study recently reported in Health Affairs, describing it as using ''very broad definitions'' to describe medical bankruptcies, he did not make it clear that we reported the range of results that reflected inclusion or exclusion of various factors. He thus gave the impression we lumped them all together as ''medical bankruptcies.'' In fact, to accommodate the variety in the ways a ''medical bankruptcy'' might be defined, the recent Health Affairs paper reports a range from 46.2% to 54.5%—for the estimated percentage of bankruptcy filers affected by medical problems based on the 2001 study. The calculations of those numbers are explained in detail, and information is available to make other combinations. As the data from additional rounds of follow-up telephone interviews are analyzed, we will be able to offer an even more in-depth picture of these families' financial circumstances and the role of illness or injury.

Again, we extend our thanks to you for encouraging the development of additional data relevant to medical-related bankruptcy. We are prepared to assist your office in any way to evaluate these data or to consider policy changes to help families that currently are devastated financially by serious acute or chronic medical problems in their households.

Yours truly,

Dr. David Himmelstein, Associate Professor of Medicine, Harvard Medical School.

Dr. Teresa Sullivan, Professor of Sociology, The University of Texas at Austin, and Executive Vice Chancellor for Academic Affairs, The University of Texas System.

Professor Elizabeth Warren, Leo Gottlieb Professor of Law, Harvard Law School.

Dr. Steffie Woolhandler, Associate Professor of Medicine, Harvard Medical School.

Professor Melissa Jacoby, Associate Professor of Law, School of Law, University of North Carolina at Chapel Hill.

Dr. Deborah Thorne, Assistant Professor of Sociology, Ohio University.

Professor Jay Lawrence Westbrook, Benno C. Schmidt Chair of Business, University of Texas School of Law.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the millions of Americans of Asian and Pacific heritage for their significant contributions and service to strengthen this great Nation, and to join the Nation in celebrating Asian Pacific American Heritage Month.

First, I would like to take this opportunity to recall the pioneers of Asian Pacific American Heritage Month. Through their vision and leadership, Frank Horton, Norman Y. Mineta, DANIEL INOUYE, and Spark Matsunaga successfully empowered Asian and Pacific Islander Americans by establishing a period of celebration that recognized the many contributions Asian and Pacific Islanders have made for over a century.

They chose May to commemorate Asian Pacific Heritage Month because that is when the first Japanese immigrants came to the United States in 1843. It is also the anniversary of the completion of the transcontinental railroad in 1869.

This year's theme for Asian Pacific American Heritage Month, ''Liberty and Freedom for All,'' honors the remarkable accomplishments Asians and Pacific Islanders from all walks of life have made to their communities.

I want to pay particular tribute to the thousands of Asian Americans serving in our armed forces and thank them for their invaluable service for defending our country and securing freedom abroad.

The Asian American tradition of U.S. military service can be traced back as far as the War of 1812, and our country is grateful for the military service of more than 300,000 Asian Pacific American veterans.

We are particularly indebted to the famous ''Go for Broke'' 442nd regimental combat team of Japanese American soldiers of World War II. The 442nd regiment was the most highly decorated unit in American military history—with more than 21 Medal of Honor winners, including my dear colleague, U.S. Senator INOUYE.

In spite of the discrimination and racism of those tumultuous times, these Asian American service members performed above and beyond the call of duty.

I also want to take a moment and honor the memory of one of the Asian American community's greatest political leaders and a trusted colleague of mine, U.S. Representative Robert Matsui.

As a youth, Bob Matsui and his family were interned at Tule Lake Camp for more than three years during World War II, but Bob overcame these challenges to go on and pursue a distinguished career in public service. One of Bob's most significant legacies was his work prompting the U.S. government to make amends with Japanese Americans who were interned during World War II. It was due to Bob's dedication and perseverance that the U.S government finally issued a formal apology for the Japanese-American internment program and also provided due compensation to the victims of this policy.

In tribute to his outstanding achievements, Senator BOXER and I helped name the Federal courthouse in Bob's hometown of Sacramento in his honor. His work and his legacy will be fondly remembered and he serves as a shining example of the extraordinary achievements of Asian and Pacific Islander Americans.

This year, the Asian American community also saw the passing of the civil rights leader, Fred Korematsu. Mr. Korematsu's defiance of the ill-conceived Japanese internment policy during World War II was an incredibly courageous act. His challenge of the Japanese internment policy made its way to the U.S. Supreme Court, the highest court in the land. In recognition of his courageous actions, President Clinton awarded Mr. Korematsu the highest civilian honor, the Presidential Medal of Freedom, in 1998.

Mr. Korematsu and Bob Matsui are testaments to the remarkable display of courage, will, and determination of millions of Asian Americans to succeed in our country despite personal hardships and at times, discrimination.

Currently, Asian Pacific Islander Americans constitute one of the fastest growing minority communities in the United States, and I am proud to recognize the State of California as home to the greatest number of Asian Pacific Islander Americans. There are over 13 million Asian Pacific Islander Americans in the nation with more than 4.5 million living in California.

With this wealth of Asian American diversity, our State is enriched by many famous ethnic enclaves such as San Francisco's Chinatown, Westminster's Little Saigon, and the City of Artesia's Little India. In fact, the second largest populations of Filipino, Korean, and Vietnamese in the world are located in California.

In this congressional session, I am hoping to help preserve some of the unique Asian American immigration history in my State. Senator BOXER and I have introduced legislation to help provide Federal funding for the Angel Island Immigration Station, known as the ''Ellis Island of the West.''

The Angel Island Immigration Station, a national historic landmark, was the entry point for over 1 million immigrants from 1910–1940, including approximately 175,000 Chinese immigrants. Angel Island is a precious part of our Nation's history and tells the story of many people who came to America to make a better life for their families.

As we join the Nation in celebrating the rich and diverse Asian and Pacific Island cultures during Asian Pacific American Heritage Month, we are not only recognizing many notable achievements, but we are also reminded of the struggles and sacrifices endured to live and experience the American dream.

I am pleased to take this time today to honor the distinguished accomplishments of Asian Pacific Americans during this year's Asian Pacific American Heritage Month.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2005 budget through May 25, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 Concurrent Resolution on the Budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by $5.106 billion in budget authority and by $72 million in outlays in 2005. Current level for revenues is $407 million above the budget resolution in 2005.

This is my first report for fiscal 2005 and I ask unanimous consent to have it printed with the RECORD corrections to the Senate Committee Allocation tables published on pages 88 and 89 of House Report 109–62, the Report to accompany H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. The allocation amounts for the Finance Committee contained small numerical errors. The tables display the corrected Senate Committee allocations.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 26, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effect of Congressional action on the 2005 budget and are current through May 25, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. This is my first report for fiscal year 2005.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF MAY 25, 2005

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-budget:			
Budget Authority	1,996.6	1,991.5	−5.1
Outlays	2,023.9	2,023.9	−0.1
Revenues	1,483.7	1,484.1	0.4
Off-budget:			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF MAY 25, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions: [1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session: Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Total Current Level [2, 3]	1,991,469	2,023,813	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements [4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	407
Current Level Under Adjusted Budget Resolution	5,106	72	n.a.

Notes: n.a. = not applicable; P.L. = Public Law

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

Source: Congressional Budget Office.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2005

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations: General Purpose Discretionary	840.036	929.520		
Memo:				
on-budget	835.610	925.115		
off-budget	4.426	4.405		
Agriculture, Nutrition, and Forestry	25.258	25.148	71.954	49.563
Armed Services	85.351	85.240	0.041	0.061
Banking, Housing and Urban Affairs	14.779	6.052	0.000	−0.047
Commerce, Science, and Transportation	13.635	8.218	1.082	0.889
Energy and Natural Resources	5.124	3.922	0.004	0.005
Environment and Public Works	39.395	2.056	0.000	0.000
Finance	820.964	821.356	350.443	350.266
Foreign Relations	10.785	11.054	0.172	0.172
Homeland Security and Governmental Affairs	71.750	70.621	18.219	18.219
Judiciary	6.009	6.076	0.578	0.564
Health, Education, Labor, and Pensions	13.952	13.946	3.988	3.889
Rules and Administration	0.076	0.019	0.113	0.112
Intelligence	0.000	0.000	0.239	0.239
Veterans' Affairs	2.161	2.190	36.996	36.924
Indian Affairs	0.555	0.562	0.000	0.000
Small Business	1.702	1.702	0.000	0.000
Unassigned to Committee	−434.360	−420.248	0.000	0.000
Total	677.136	637.914	483.829	460.856

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2006

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations: General Purpose Discretionary	842.265	916.081		
Memo:				
on-budget	837.689	911.494		
off-budget	4.576	4.587		
Agriculture, Nutrition, and Forestry	25.721	25.061	69.535	50.456
Armed Services	91.206	91.125	0.040	0.060
Banking, Housing and Urban Affairs	13.507	2.957	0.000	−0.014
Commerce, Science, and Transportation	13.078	7.575	0.928	0.921
Energy and Natural Resources	4.600	4.135	0.054	0.060
Environment and Public Works	39.389	2.154	0.000	0.000
Finance	921.388	923.342	401.199	401.160
Foreign Relations	11.532	11.939	0.174	0.174
Homeland Security and Governmental Affairs	74.698	71.791	18.611	18.611
Judiciary	7.387	6.528	0.580	0.592
Health, Education, Labor, and Pensions	13.180	11.578	4.100	3.979
Rules and Administration	0.072	0.015	0.118	0.117

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2006—Continued

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Intelligence	0.000	0.000	0.245	0.245
Veterans' Affairs	1.293	1.353	36.198	36.108
Indian Affairs	0.559	0.547	0.000	0.000
Small Business	0.000	0.000	0.000	0.000
Unassigned to Committee	−496.329	−484.403	0.000	0.000
Total	721.281	675.697	531.782	512.469

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—5-YEAR TOTAL: 2006–2010

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	111.747	111.108	341.876	260.136
Armed Services	494.585	494.199	0.200	0.270
Banking, Housing and Urban Affairs	74.258	9.668	0.000	−0.028
Commerce, Science, and Transportation	68.875	40.886	5.076	5.054
Energy and Natural Resources	19.461	18.898	0.268	0.277
Environment and Public Works	180.812	9.994	0.000	0.000
Finance	5515.613	5527.427	2424.576	2423.728
Foreign Relations	63.726	60.966	0.794	0.794
Homeland Security and Governmental Affairs	402.936	387.261	99.879	99.879
Judiciary	32.071	31.766	2.941	2.979
Health, Education, Labor, and Pensions	68.205	62.245	21.289	20.734
Rules and Administration	0.366	0.323	0.640	0.639
Intelligence	0.000	0.000	1.314	1.314
Veterans' Affairs	6.327	6.498	185.814	185.182
Indian Affairs	2.555	2.682	0.000	0.000
Small Business	0.000	0.000	0.000	0.000

SAN JUAN NATIONAL FOREST CENTENNIAL MONTH

Mr. SALAZAR. Mr. President, I rise today in recognition of one of our great national treasures. Next week, while the Senate is in recess, we will celebrate 100 years of the San Juan National Forest in my great State of Colorado. The people of southwestern Colorado will be celebrating this anniversary, as they should. I rise to underscore that I believe all Americans should celebrate this important milestone.

The San Juan National Forest was created 100 years ago on June 3, 1905, through Presidential proclamation by President Theodore Roosevelt. When you see it, you know why President Roosevelt set aside this remarkable place. It is located in southwestern Colorado on the western slope of the Continental Divide in one of America's most magnificent landscapes. The San Juan covers nearly 2 million acres, in an area more than 120 miles wide and 60 miles long. This unique scene includes alpine lakes, canyons, rapids, waterfalls, historic mines, and broad variations in elevation including mountain peaks of over 14,000 feet high.

Not only is it beautiful, but its rich history is deeply intertwined with the history of this great country. The San Juan was originally the homeland of the Ute Indians as well as an area that was frequented by the Navajo and Apache Tribes as well. Many pioneers who were looking for routes to the West traveled through the San Juan. Some of these individuals remained there establishing mining sites which contributed to development and a growing community.

The San Juan National Forest benefits the communities of southwestern Colorado through the supply of timber, minerals, oil and gas, grazing pastures, recreation, clean water and air and other natural resources.

All of these amenities offered by the San Juan National Forest are important to the quality of life and economic well being of southwestern Coloradans; this has been the case for the past 100 years, it is the case today, and hopefully will be true for the next 100 years.

I urge all citizens of Colorado and our Nation to join in the centennial celebration of the San Juan National Forest through the many activities scheduled for June 1–4, 2005, to celebrate this special place and show appreciation for our national forests.

Finally, this year also marks the centennial of the U.S. Forest Service, the Federal agency which manages the San Juan and 154 other National Forests across our country. I want to thank the dedicated men and women of our Forest Service for their extraordinary work and continued commitment to our precious lands.

NATIONAL FOSTER CARE MONTH

Ms. LANDRIEU. Mr. President, today I rise to bring your attention to National Foster Care Month. As we celebrate this National Foster Care Month, we must remember how far we have come, we must also remember how far we still have to go. In my 27 years as a public servant, I have had the opportunity to meet thousands of children in foster care. I have personally witnessed the sheer joy they find in having a ''forever family,'' and the utter pain when they do not. I firmly believe that there is no such thing as an unwanted child, merely unfound families. Let me tell you a story about one of these extraordinary children. A few years ago, a young woman named Sarah, who spent 14 of her 19 years of life in foster care, was asked by a Member of Congress what the word ''permanency'' meant to her. She said, ''many people in the system wrongly think that permanency means staying in one place for a long time, but to me, permanency means having someone to call when I am not sure if I should wash my new white skirt with a blue shirt, or to take me to Karate lessons, or to cry with me when I break up with my boyfriend.''

For those of us who have had that kind of permanency in our lives, living without it seems unfathomable. But the fact remains that each year, over 100,000 children in the United States are dreaming of that kind of permanency, 25,000 children leave the foster care system without ever having found it, and almost 600,000 go to bed every night wondering if they ever will find it. Every child deserves the opportunity to be in a loving family where they are nurtured, comforted, and protected. Adoption gives children who have been abandoned, orphaned, or abused a second chance to find happiness in a secure and supportive family.

Over the past decade, the number of children being adopted has risen dramatically, and according to the 2000 Census Special Report, over 2 million children today live in adoptive homes. In the last year alone, over 6,500 children have been listed on the web page of Adopt US Kids and 1,500 of these children have found families through this process.

In closing, I would like to share with you something said in the award winning book, There Are No Children Here, about foster care children. ''By the time they enter adolescence, they have contended with more terror than most of us confront in a lifetime. They have

had to make choices that most experienced and educated adults would find difficult. They have lived with fear and witnessed death. Some of them have lashed out. They have joined gangs, sold drugs, and, in some cases, inflicted pain on others. But they have played baseball and gone on dates and shot marbles and kept diaries. For, despite all they have seen and done, they are—and we must constantly remind ourselves of this—still children.''

During National Foster Care Month, I encourage you to log on to www.adoptuskids.org to learn more about the children who are waiting in our country and across the Nation for the safe, loving home they deserve. As Mistral said, ''Many things we need can wait, the child cannot. To him we cannot say tomorrow. His name is today.''

RESIGNATION OF FTC COMMISSIONER ORSON SWINDLE

Mr. MCCAIN. Mr. President, after over 7 years of service, Orson Swindle announced today his resignation as Commissioner of the Federal Trade Commission. Mr. Swindle has been dedicated to protecting the interests of the American consumer by promoting competition and fairness in the marketplace. He will be sorely missed.

Mr. Swindle's accomplishments at the FTC have been numerous, but his efforts to promote the vigorous development of the Internet and technology generally have been particularly important to our Nation's economy. His service with the Commission started shortly after the birth of electronic commerce, and it was thanks in part to Mr. Swindle's efforts to keep the Internet free of over-regulation that it is now such a robust and widely-used medium of communication, commerce, education, and political participation. All the while, Mr. Swindle has focused his efforts on educating consumers about the new online world in order to build their confidence in and knowledge of the Internet. He has also ensured that industry understands the need to self-regulate effectively or face the credible threat of Government interference and aggressive enforcement.

I commend Mr. Swindle and thank him for his outstanding service to this country, and I deeply hope that he will continue to build on his long and distinguished career as a public servant. Our Nation benefits greatly from the work of individuals such as Orson Swindle, whom I am proud to call my friend. He stands as an example for us all of commitment, achievement, and sacrifice on behalf of our Nation.

THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT

Mr. SESSIONS. Mr. President, I take a moment to bring attention to an important step that was taken yesterday in the Senate Committee on Health, Education, Labor, and Pensions. On Wednesday morning, the HELP Committee unanimously passed S. 518, the National All Schedules Prescription Electronic Reporting Act, a bill designed to help states combat the growing scourge of prescription drug abuse and diversion.

I begin by thanking Senator ENZI, our chairman, for his excellent support in bringing this bill, the National All Schedules Prescription Electronic Reporting Act, before the committee for consideration. I also thank and commend the bill's original cosponsors, Senators KENNEDY, DURBIN, and DODD, and their staffs, for contributing to the productive, bipartisan process of developing this legislation.

The abuse and diversion of prescription drugs is a tremendous public health issue for our nation, and a growing one. An epidemic that first attracted public notice as a regional crisis has now spread to touch every kind of community, from major cities to the smallest rural hamlet. Prescription drugs now rank second only to marijuana in the incidence of abuse. Over 31 million American adults and adolescents have, at one time, abused pain relievers, and the number of first-time abusers has increased 336 percent since 1990.

As appalling as the numbers are, we can not permit them to obscure the human tragedy of drug abuse and dependence, or the toll that drug diversion takes on communities. In the case of individuals who become addicted to prescription medications, the addicted too often fall from the productive ranks of society into unemployment, disability, hospitalization, or even death. They may be drawn into criminal activities that lead to incarceration. Their families and communities suffer along with them. Those who engage in drug diversion feed an insidious black market that makes dangerous drugs available to children, as well as adults. On a societal level, taxpayers bear much of the expense of abused or illegally diverted drugs, and, subsequently, of treating the medical consequences of misuse and addiction.

I find particularly concerning the recent Partnership for a Drug-Free America finding that prescription medications are emerging as the most rapidly growing category of drugs abused by America's teenagers. According to this national study, released April 21st, approximately one in five teenagers—that is over 4 million kids nationally—has abused prescription painkillers, and 37 percent report that close friends have done so. Another 10 percent of teens have abused prescription stimulants, such as Ritalin. Surveys show that this dismal pattern is driven by, according to teens' own assessment, ease of access.

The establishment, by the states, of programs to monitor prescriptions for controlled substances can help curb inappropriate, illegal access to these potentially dangerous drugs. At the present time, 20 states have operating prescription drug monitoring programs. In general, monitoring programs collect, from dispensers, a basic set of information on prescriptions that are issued for controlled substances. In the most effective programs, providers, including physicians and pharmacists, may request the prescription histories of their patients, permitting them to avoid providing controlled substances to ''doctor shoppers'' seeking multiple prescriptions to feed addiction or for diversion to the black market.

These monitoring programs, appropriately designed, not only help healthcare providers to better deliver appropriate, effective treatment of pain and other conditions that require the use of ''scheduled'' drugs, but also provide an important tool that permits doctors to identify and, if appropriate, refer for treatment patients whose prescription history suggests that they are at high risk of addiction.

In addition, they offer an opportunity to repair the physician-patient relationship in the face of a growing addiction problem that has created an atmosphere in which physicians fear that prescribing ''high risk'' medications could inadvertently injure patients or lead to civil or criminal liability or professional discipline. This situation has created yet another class of victims, patients who are finding it too difficult to obtain timely, effective treatment for pain and other legitimate medical needs. Much to their credit, physicians have recognized the tremendous potential here and have been the leading advocates for national legislation supporting the broader adoption of well-designed prescription drug monitoring programs.

I would like to particularly commend the American Society of Interventional Pain Physicians, and Dr. Laxmaiah Manchikanti, their CEO, for the tremendous effort they have put forth to educate members and the public regarding the need for this legislation. ASIPP has, in recent days, been joined in their strong advocacy for the NASPER bill by the American Society of Anesthesiology and the American Osteopathic Association, and I expect that others will soon follow. Those physicians who have stepped forward to advocate for a balanced and effective solution to this problem are truly acting in a manner consistent with the highest ideals of the medical profession.

The bill we are considering today, National All Schedules Prescription Electronic Reporting Act, establishes a federal grant program, to be administered by the Department of Health and Human Services, that would support both the creation of new state programs and the improvement of existing ones. Participating programs would be designed according to a ''best practices'' model, and would adopt applicable health information technology standards.

It also addresses the important barriers that continue to hamper the full

realization of these programs' potential: the fact that there are not enough of them, and in a time when patients regularly cross state lines seeking treatment, existing program can not yet effectively share information across state lines.

This bill provides states with the resources and guidance they need to make important progress toward minimizing the abuse and diversion of prescription medications while ensuring patients' access to timely, effective treatment, and I urge you to join us in supporting it.

ADDITIONAL STATEMENTS

NINTH ANNUAL WORLD CONGRESS IN AMMAN, JORDAN

• Mr. CHAFEE. Mr. President, next week, from June 2–6, 2005, the Center for Civic Education will host the Ninth Annual World Congress on Civic Education in Amman, Jordan. Nearly 200 civic education leaders will attend this event, representing 58 countries and 28 U.S. States.

The purpose of the World Congress is to share information about the best practices and materials developed through Civitas: An International Civic Education Exchange Program, an authorized program of the No Child Left Behind Act. The program addresses the full range of civic education activities. These include the development of educational policy, standards, curricular frameworks, and materials, as well as teacher education, classroom implementation, and research and evaluation.

One program developed through Civitas is Project Citizen, a middle school level program on public policy in the United States. Project Citizen is now being used in more than fifty countries, and is one of the most effective programs in promoting the development of a political culture supportive of democratic values, principles, institutions, and participation.

Another important component of Civitas is the series of exchanges among leaders in civic education in the United States and those in emerging and established democracies worldwide. The purpose of the exchanges is for civic education leaders to learn from and assist each other in improving education for democracy in their home nations.

Therefore, I think it is an important step that for the first time the World Congress on Civic Education will be hosted in the Middle East. Joining the Center for Civic Education in hosting this year's World Congress is Arab Civitas—a regional network of nine Arab countries in the Middle East—and the Jordanian Center for Civic Education Studies.

Arab Civitas, which is funded through the Middle East Partnership Initiative at the State Department, administers a program of citizenship education in elementary and secondary schools in the Middle East. Civic educators in Jordan, Egypt, the West Bank, Lebanon, Tunisia, Morocco, Algeria, Yemen, Bahrain, and recently Saudi Arabia, work with the Center for Civic Education through Arab Civitas. The goal of the program is to help students understand and respect the core concepts of freedom and democracy such as free expression, pluralism and the rule of law, and human rights.

As the chairman of the Senate Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, it is my strong belief that many of the conflicts and problems in the world, and particularly in the Middle East, could be lessened by strong investments in education. I am particularly supportive of education programs which seek to improve tolerance and understanding of others. Thus, the theme of this year's congress is of particular interest to me: Advancing Peace and Stability through Active Citizenship.

Mr. President, I think we can all agree that this is exciting work that the Center for Civic Education is accomplishing. Its work in strengthening democracy, and promoting tolerance and moderation, in the United States and throughout the world, is admirable. I hope and expect the attendees will have a successful Ninth Annual World Congress on Civic Education.•

DEAF WEST THEATER PRODUCTION OF ''BIG RIVER''

• Mr. HARKIN. Mr. President, I recently had the pleasure of attending a truly unique theater production at Ford's Theater—a production that is a testament to the Positive impact of Federal funding of the arts. The Deaf West Theater production of Big River: The Adventures of Huckleberry Finn, in conjunction with the Roundabout Theater Company and the Mark Taper Forum, utilizes American Sign Language and a cast of hearing and deaf actors working seamlessly together to, tell this classic Mark Twain story. The exceptional quality of this production was recognized with a 2004 Tony Honor for Excellence in the Theater.

This production of Big River is a superb example of how the performing arts can lead by example, in this case, by offering a dramatic example of people who bridge the gap between the deaf and hearing communities. Deaf and hearing actors are an integral part of the show. Deaf and hearing audiences have an equal opportunity to enjoy the production. And the perspective of deaf culture is seamlessly integrated into the performance.

Federal funding was critical in achieving these important goals. Authorization for grant funding of deaf theater has been in Federal law, in one form or another, since 1967. In the case of the current production of Big River, grants from the U.S. Department of Education's Office of Special Education and Rehabilitative Services supported the training of deaf actors in the show, allowed the production to reach national audiences through touring, and helped to fund educational outreach.

I understand that our distinguished majority leader, Senator FRIST, recently saw the production, and was as dazzled by it as I was. So I encourage all of our colleagues, their families, and staffs to go see Big River, which will be at Ford's Theater until June 4. And I also encourage my colleagues to join with me in working to restore funding to keep Deaf West's work alive for audiences in the future.•

HONORING NEW IBERIA MAIN STREET

• Ms. LANDRIEU. Mr. President, today I rise to honor a city from my home State of Louisiana and am delighted to recognize its achievement before this body.

The City of New Iberia, LA, was recently selected by The National Trust for Historic Preservation to receive a 2005 Great American Main Street Award. New Iberia won this prestigious award because of its successful downtown revitalization. In addition to being recognized as one of only five winning communities nationwide, New Iberia is the only community in Louisiana to ever receive this distinction. As a champion of sustainable and quality community development, I can personally attest to this well-deserved honor. New Iberia's Main Street creates a unique sense of place through the beauty of its architecture, landscaping, and natural integration with Bayou Teche. The residents of New Iberia identify with this special place, and it contributes to the quality of life and sense of community pride shared by them.

Founded in 1779, New Iberia was a prosperous antebellum community that matured into a modern city. By the mid 1960s, New Iberia's Main Street began experiencing decline typical of many communities in the United States at that time. Recognizing the role of Main Street in the life of a community, New Iberia's business leaders, elected officials, and citizens started a progressive downtown revitalization effort known as Operation Impact in the early 1970s. This focus on Main Street continued, and in the 1990s, New Iberia further enhanced its efforts by initiating an officially designated Main Street Program. The unified commitment, hard work, and enthusiasm of the people of New Iberia over nearly 40 years has reestablished their downtown as a vibrant nucleus of culture, commerce, and tourism. It has also fittingly earned them national acclaim.

In the few years since the Main Street Program began in New Iberia, the city has seen over 115 new businesses established, over 420 new jobs created, and more than $19 million in private investment with total investment exceeding $24 million.

Downtown development and Main Street revitalization efforts have contributed significantly to building safer communities, stronger economies, and better quality of life across America. New Iberia, LA, is a superb example of how these cooperative efforts can improve communities. Today, I give the people of New Iberia my thanks and praise.●

RECOGNITION OF THE 50TH ANNIVERSARY OF THE ORDINATION OF REV. MONSIGNOR STANLEY E. MILEWSKI

● Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to plans to honor a distinguished religious leader in Michigan, Monsignor Stanley Milewski. Monsignor Milewski will be honored at a special service of thanksgiving followed by a dinner reception on Sunday, June 5, 2005, on the St. Mary's Orchard Lake Schools campus. The tribute will mark his 50th anniversary as a Polish-American diocesan priest.

Since his ordination into the priesthood on June 4, 1955, by Cardinal Edward Mooney in Detroit, Monsignor Milewski has been an important part of the history of the Polish pastoral ministry in Michigan and in the United States. Monsignor Milewski has earned the respect and admiration of people throughout Michigan and across the United States, and is especially admired by the approximately three-quarters of a million people of Polish descent who are part of the Archdiocese of Detroit, because of his devotion to service and confident leadership through years of ministry.

Born in Detroit to Polish immigrants on November 30, 1929, Monsignor Milewski received his primary and secondary education in Catholic parochial schools in Detroit. He earned his undergraduate degree from St. Mary's College of Orchard Lake and completed graduate studies at St. John's Provincial Seminary in Plymouth, MI, and at SS. Cyril and Methodius Seminary in Orchard Lake. SS. Cyril and Methodius Seminary enjoys the distinction of being the only Polish seminary in the United States and was founded in Detroit in 1885. Monsignor Milewski was awarded an honorary doctorate degree from Alliance College in Pennsylvania and an honorary doctorate of theology degree from Madonna University in Livonia, MI. He was later appointed to the faculty of the Orchard Lake Schools in January 1957, and his responsibilities have included procurator-treasurer, teacher, athletic director, and vice rector. He served as chancellor of the Lake Orchard Schools from 1977 to 2000.

Monsignor Milewski's appointments include the Prelate of Honor of His Holiness John Paul II on March 20, 1990, Honorary Canon of the Diocese of Plock, and Honorary Canon of the Diocese of Lomza. In addition to the many recognitions and awards he has received, Monsignor Milewski was honored to have the Pope visit the 120-acre Orchard Lake Schools campus in 1969. Of that visit, Monsignor said, ''From that point on, I really got to know what a great man he was and what a tremendous memory he had.'' He recalls how the Pope once remarked that the seminary at Orchard Lakes was the most beautiful Polish seminary in the world. The campus includes the John Paul II center, a museum of artifacts and photos.

I know my colleagues join me in congratulating Monsignor Milewski on his faithfulness to his calling and on his many achievements in the pastoral ministry. I am pleased to express my sincere appreciation to him on his 50th anniversary and to wish him many more years of good health and happiness.●

TRIBUTE TO CHARLIE WALKER

● Mr. SARBANES. Mr. President, I want to pay tribute today to an outstanding public servant, educator, and communicator, Charlie Walker. Charlie is retiring after a distinguished 40-year career in teaching and government service at the local, State and Federal levels, most recently as director of government affairs for the Baltimore District, U.S. Army Corps of Engineers. I extend my personal congratulations and thanks for his many years of dedicated service and contributions to the American people.

Born in Charleston, WV, Charlie spent much of his youth and career in Baltimore, MD. He was a graduate of Clifton Park Junior High and Baltimore's City College, one of the oldest and finest public high schools in the country. He won scholarships to Towson State Teachers College, now Towson University, where he excelled academically and in his extracurricular activities, selected to serve not only as president of the Phi Alpha Theta Honorary Society in history but also as a manager of three sports teams—soccer, wrestling, and track. Upon graduation in 1963, Charlie taught for 3 years in Baltimore's secondary schools and then enrolled in West Virginia University to earn a master's degree in history. In 1966, Charlie enlisted in the U.S. Army and served for a 3-year period in Vietnam and at the Walter Reed Army Medical Center. He returned to West Virginia University to obtain a Ph.D. in history, and worked in various and progressively responsible positions in local, State and Federal Government, including service as an historian and public affairs officer with the U.S. Army Corps of Engineers, an aide to the mayor of Baltimore and a research analyst with the Library of Congress.

In 1987, Charlie Walker was tapped to lead the public affairs office of the newly established Maryland Department of the Environment, and it was in this position that I first had the opportunity and privilege of working closely with Charlie. A highly skilled communicator and manager, Charlie assembled a terrific team to promote the initiatives of the new department and to protect and restore the quality of Maryland's air, water, and land resources. Charlie and his team set a standard for outreach and responsiveness that few, if any, agencies have been able to match. He served in this position until 1991 when he was recruited, as government affairs officer for the Baltimore District, U.S. Army Corps of Engineers, to help the district restore relations and responsiveness with the Congress and other levels of government. Over the past 14 years, Charlie has been a trusted adviser to six district engineers, and the principal point of contact for Members of Congress and our staffs from the Five States and the District of Columbia, which encompass the Baltimore District's jurisdiction.

With his in-depth knowledge, political astuteness, and a dedication to public service that is second to none, Charlie has remained a constant force in moving the Army Corps of Engineers' programs and services forward. He is well known, widely respected, and well liked, not only among the staff at the Baltimore District but throughout the U.S. Army Corps of Engineers and beyond. He is the core of the Corps. His advice is constantly sought for improving communications and relations with the press, the public and with elected officials at all levels of government. Over the years, he has inspired great loyalty in the members of the Baltimore District staff and affection from the countless others with whom he has worked. He will be sorely missed by those of us who have had the pleasure of working with him.

Throughout the course of his career, Charlie has received numerous honors including the Commander's Award for Civil Service, Governor's Salute to Excellence Award, and the Maryland Department of the Environment Award for Outstanding Public Service. In addition to his public service, Charlie has volunteered a great deal of time and energy serving on the numerous organizations, including the Phi Alpha Theta History Society, the Society of American Military Engineers, and the Baltimore Council on Foreign Affairs.

It is my firm conviction that public service and teaching are among the most honorable callings. They demand the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens. Throughout his career Charlie Walker has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication and wish him well in the years ahead.●

TRIBUTE TO JESSIE HALE DOWNS

● Mr. SESSIONS. Today, with a great sense of honor and respect, I rise to pay tribute to Mrs. Jessie Hale Downs for

her humane and charitable service to the city of Birmingham, AL.

In 1944, Mrs. Hale and her husband, Jimmie Hale, cofounded the Downtown Jimmie Hale Mission in Birmingham. These two individuals founded this mission to help rescue scores of individuals from homelessness and addiction. On November 17, 1944, Jimmie Hale died, leaving his young wife widowed and expecting their first daughter in January of 1945.

The death of her husband left her with nothing, so Mrs. Hale was taken in by a friend, and 2 months later she gave birth to a daughter. Later, Jessie married a man who had been aided by the Jimmie Hale Mission, Joe Downs. Unfortunately, he never overcame his addiction and after 2½ years of marriage and the birth of a daughter, he left the family.

Nevertheless, Jessie Hale Downs remained resolve in her dedication to the Jimmie Hale Mission, and she refused to let her late husband's dream die. Mrs. Downs is gifted with a great sense of leadership and a spirit of love for humanity. She served as the executive director of the Mission for 46 years and even today travels to churches and civic meetings to share the story of the Jimmie Hale Mission and what they have to offer.

Because of her unwavering dedication to the Mission, which began as a lone storefront chapel ministering to the men on the streets of downtown Birmingham, the Mission has now expanded into a six-facility, holistic-approach ministry in central Alabama committed to helping people break the chains of addiction and homelessness.

While Jimmie Hale envisioned the ministry, Jessie Hale Downs saw the Mission to fruition. Now, at the age of 88, Mrs. Downs is the matriarch and heartbeat of the Jimmie Hale Mission. I would like to offer thanks for a life lived to serve the less fortunate. The community of Birmingham and the State of Alabama are better off because Mrs. Jessie Hale Downs has lived among us.●

STANDING SOUTH DAKOTANS

● Mr. THUNE. Mr. President, today I rise to congratulate two outstanding men from South Dakota, Staff Sergeant Eric Borah of New Underwood and Sergeant Daniel Iverson of Madison. Both men have been honored this year for their unwavering dedication to our country.

Eric, a Wheeled Vehicle Mechanic in the South Dakota Army Guard's 235th Military Police Company from Custer, has been named Non-Commissioned Officer of the Year.

Daniel, an Army Bandsman with the South Dakota Army Guard's 147th Army Band from Mitchell, was named Soldier of the year.

Eric and Daniel will be recognized in Washington, DC two of the Outstanding Soldiers and Airmen of the Year for the National Guard. It is with great pleasure that I offer my congratulations to these two men not only for their admirable achievements but also for the great name that they bring to the State of South Dakota.●

HONORING THE ACCOMPLISHMENTS OF MR. MATTH TOEBBEN

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Matth Toebben of Northern Kentucky, who was recently honored with one of the ''Movers and Shakers'' awards for the Greater Cincinnati area. Mr. Toebben's life accomplishments and dedication to Commonwealth of Kentucky have given me reason to be proud.

I believe Mr. Toebben to be the embodiment of the American Dream. After immigrating to the United States from Borger, Germany in 1953 with only $10 to his name, he used all of his money to buy a train ticket to Cincinnati. Upon arrival in the area, Mr. Toebben took up not only one job, but two jobs as a carpenter for a Ft. Wright home builder in Northern Kentucky. He worked both night and day saving as much money as he could. This quickly paid off and by 1955, only 2 years after his arrival to the United States, Mr. Toebben started his own business, Toebben Builders and Developers.

The ''Movers and Shakers'' award of Northern Kentucky is an annual award presented to honor those within the Greater Cincinnati region who stand as an example for all. It is presented by the Kentucky Enquirer, the Sales and Marketing Council of Northern Kentucky, The Home Builders Association of Northern Kentucky and The Kentucky Post.

As a Senator from Kentucky, I commend Mr. Toebben for his hard work and dedication. I hope that he will serve as an inspiration to the citizens of Kentucky.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2566. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

At 4:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 167. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 2528. An act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 2566. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 7:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title X), and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, LATOURETTE, BACHUS, BAKER, GARY C. MILLER of California,

HAYES, SIMMONS, BROWN of South Carolina, GRAVES, SHUSTER, BOOZMAN, OBERSTAR, RAHALL, DEFAZIO, COSTELLO, Ms. NORTON, Messrs. NADLER, MENENDEZ, Ms. CORRINE Brown of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TAYLOR of Mississippi, Ms. MILLENDER-MCDONALD, Messrs. CUMMINGS, BLUMENAUER, and Mrs. TAUSCHER.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title III of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, MARIO DIAZ-BALART of Florida, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1118, 1605, 1809,3018, and 3030 of the House bill, and sections 1304, 1819, 6013, 6031, 6038, and 7603 of the Senate amendment, and modifications committed to conference: Messrs. KLINE, KELLER, and BARROW.

From the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in sections 6001 and 6006 of the House bill, and sections 6005 and 6006 of the Senate amendment; and sections 1210, 1824, 1833, 5203, and 6008 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 1622, 4001, 4002, 6016, 6023, 7218, 7223, 7251, 7252, 7256–7262, 7324, 7381, 7382, and 7384 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING, and DINGELL.

From the Committee on Government Reform, for consideration of section 4205 of the house bill, and section 2101 of the Senate amendment and modifications committed to conference: Messrs. TOM DAVIS of Virginia, PLATTS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1834, 6027, 7324, and 7325 of the Senate amendment, and modifications committed to conference: Messrs. COX, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 1211, 1605, 1812, 1832, 2013, 2017, 4105, 4201, 4202, 4214, 7018–7020, and 7023 of the House bill, and sections 1410, 1512, 1513, 6006, 6029, 7108, 7113, 7115, 7338, 7340, 7343, 7345, 7362, 7363, 7406, 7407, and 7413 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1119, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 6040, and 7501–7518 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Mr. DREIER, Mrs. CAPITO, and Mr. MCGOVERN.

From the Committee on Science, for consideration of sections 2010, 3013, 3015, 3034, 3039, 3041, 4112, and title V of the House bill, and title II and sections 6014, 6015, 6036, 7118, 7212, 7214, 7361, and 7370 of the Senate amendment, and modifications committed to conference: Messrs. EHLERS, REICHERT, and GORDON.

From the Committee on Ways and Means, for consideration of title X of the House bill, and title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1224. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2528. An act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2340. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

EC–2341. A communication from the Special Assistant to the Secretary of the Navy for Base Realignment and Closure, Department of the Navy, transmitting, pursuant to law, a report entitled ''Supplemental Information to Volume IV of the Department of Defense Base Closure Report [Department of the Navy (DON) Analyses and Recommendations]''; to the Committee on Armed Services.

EC–2342. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2343. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled ''Department of Defense Fiscal Year 2004 Purchases from Foreign Entities''; to the Committee on Armed Services.

EC–2344. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during Fiscal Year 2006; to the Committee on Armed Services.

EC–2345. A communication from the Secretary of Energy, transmitting, a report of proposed legislation relative to amending the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; to the Committee on Armed Services.

EC–2346. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to the status of female members of the Armed Forces for Fiscal Year 2004; to the Committee on Armed Services.

EC–2347. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractor Personnel Supporting a Force Deployed Outside the United States'' (DFARS Case 2003-D087) received on May 23, 2005; to the Committee on Armed Services.

EC–2348. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Climate and Global Change Program, FY 2006'' (FRN, Docket No.: 000616180–5104–11) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2349. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is Opening Directed Fishing for Species that Comprise the Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska (GOA)'' (Docket NO. 041126333–5040–02; I.D. 042105C) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2350. A communication from the Acting Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service, Report and Order in CC Docket No. 96–45; FCC 05–46'' received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2351. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cedarville, California)'' (MB Docket No. 04–387) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2352. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dulac, Louisiana, King City, California; Fallon Station, Nevada; Coachella, California; Cambria, California; Carbon, Texas; and Northport, Alabama)'' (MB Docket Nos. 04–329, 04–332 through 04–337) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2353. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations; Green Bay, WI.'' (MB Docket No. 01–315, RM–10136) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2354. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shorter, Orrville, Selma and Birmingham, Alabama)'' (MB Docket No. 04–201) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2355. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 304 of the Telecommunications Act of 1996 Commercial Availability of Navigation Devices'' (FCC 05–76, CS Docket No. 97–80) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2356. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter II Fishery for Loligo Squid'' (I.D. 042005B) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2357. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Pacific Cod by Catcher Vessels Less than 60 Feet Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. 041805D) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2358. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder; 2005 Specifications; Commercial Summer Flounder Quota Transfer'' (I.D. 031805C) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2359. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area'' (I.D. 042105B) received on May 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2360. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice'' (RIN2126–AA15) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (58); Amdt. No. 3122'' ((RIN2120–AA65) (2005–0017)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Definition of Commuter Aircraft at Ronald Reagan Washington National Airport'' (RIN2120–AI58) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Ineligibility for an Airman Certificate Based on Security Grounds; DISPOSITION OF COMMENTS'' ((RIN2120–AH84) (2005–0001)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Federal Airways V–2, V–257 and V–343; MT'' ((RIN2120–AA66) (2005–0114)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airport Noise Compatibility Planning: DISPOSITION OF COMMENTS'' ((RIN2120–AI37) (2005–0001)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS355E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64) (2005–0253)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes'' ((RIN2120–AA64) (2005–0257)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Series Airplanes'' ((RIN2120–AA64) (2005–0256)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes'' ((RIN2120–AA64) (2005–0255)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F 28 Series Airplanes'' ((RIN2120–AA64) (2005–0254)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schweizer Aircraft Corp Model 269 C, C–1, and D Helicopters'' ((RIN2120–AA64) (2005–0252)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4-600, 600R, and FR–600R Series Airplanes, and Model C4 605R Variant F Airplanes; and Model A310 Series Airplanes'' ((RIN2120–AA64) (2005–0251)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Corporation 250–B Series and 250 C Series Turboprop and Turboshaft Engines'' ((RIN2120–AA64) (2005–0249)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 Series Airplanes'' ((RIN2120–AA64) (2005–0248)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 200B, 300, 400, 400D, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (2005–0247)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737-300, 400, and 500 Series Airplanes'' ((RIN2120–AA64) (2005–0250)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes'' ((RIN2120–AA64) (2005–0246)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 300, 400, and 400D Series Airplanes; and Model 747SR Series Airplanes'' ((RIN2120–AA64) (2005–0245)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives: Boeing Model 747 Airplanes'' ((RIN2120–AA64) (2005–0244)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF–80E1 Series Turbofan Engines'' ((RIN2120–AA64) (2005–0243)) received on May 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2381. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR 65) (Doc. No. FEMA–B–7451)) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2382. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2383. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR 65) (Doc. No. FEMA–P–7642)) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 606. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes (Rept. No. 109–74).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 302. A bill to make improvements in the Foundation for the National Institutes of Health (Rept. No. 109–75).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Regina B. Schofield, of Virginia, to be an Assistant Attorney General.

Paul D. Clement, of Virginia, to be Solicitor General of the United States.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Anthony Jerome Jenkins, of Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Stephen Joseph Murphy III, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

NOMINATIONS DISCHARGED BY THE COMMITTEE ON FOREIGN RELATIONS AND CONFIRMED

Nominee: Victoria Nuland.

Post: U.S. Mission to NATO.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self
2. Spouse
3. Children and Spouses
4. Parents: $100.00, Sept 2004, Kerry for President; Names: Sarah P. Nuland (stepmother).
5. Grandparents
6. Brothers and Spouses
7. Sisters and Spouses

Nominee: John F. Tefft.

Post: Tblisi, Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, None.
2. Spouse, None.
3. Children and Spouses: Christine Marie Tefft, $50, 2004, John Kerry; Cathleen Mary Tefft and Andrew Horowitz, $50, 2004, John Kerry.
4. Parents: Floyd F. Tefft, $50, 2004, Russ Feingold for Senate; Mary J. Tefft (deceased).
5. Grandparents: Floyd B. Tefft (deceased); Lucy Britt Tefft (deceased); James Durkin (deceased); Julia Healy Durkin (deceased).
6. Brothers and Spouses: Thomas and Julie Tefft, none; James Tefft and Victoria Wise, none.
7. Sisters and Spouses: Patricia Tefft Cousin (deceased); Sheila Tefft and Rajiv Chandra, none.

Nominee: David Horton Wilkins.

Post: U.S. Ambassador to Canada.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: David H. Wilkins, $5,000.00, 10/2004, RNC Presidential Trust; $5,000.00, 9/2004, RNC Presidential Trust; $10,000.00, 8/2004, RNC Presidential Trust; $1,000.00, 7/2004, DeMint for Congress; $4,000.00, 8/2003, Bush-Cheney '04 (joint); $50.00, 6/2003, Republican National Comm.; $50.00, 2/2003, Republican National Comm.; $75.00, 2/2003, Republican National Comm.; $1,000.00, 4/02/01, Lindsey Graham for Senate.
2. Spouse: Susan C. Wilkins, none.
3. Children and Spouses: Robert & Stephanie Wilkins, $4,000.00, 2003, Bush-Cheney '04 (joint); James Wilkins, $2,000.00, 2003, Bush-Cheney '04.

Parents: deceased, William W. Wilkins, Sr., Evelyn Horton Wilkins, none.

5. Grandparents: deceased, Mr. & Mrs. Millard Horton, Mr. & Mrs. William C. Wilkins, none.
6. Brothers and Spouses: Mr. & Mrs. William W. Wilkins, Jr., Mr. Robert Terrell Wilkins, none.
7. Sisters and Spouses: Bryan & Nancy W. Lyndon, $4,000.00, 2003, Bush-Cheney '04.

Nominee: Wiliam Alan Eaton.

Post: Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $0.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Marjory C. Eaton (mother), $0.
5. Grandparents: Ethel & Lee Combs (maternal, deceased), $0; Lettie & Oscar Eaton (paternal, deceased), $0.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Christine D. Fellers (sister), $0; Larry L. Fellers (brother-in-law), $0.

Nominee: James M. Derham.

Post: Guatemala.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: James M. Derham, none.
2. Spouse: Joleen A. Schweitzer, none.
3. Children and Spouses: Michael T. Derham, $35, 8/2004, DNC; Christopher D. Derham, none; Katherine M. Derham, none.
4. Parents: John A. Derham, deceased; Dorothy K. Derham, none.
5. Grandparents: John Derham, deceased; Margaret Derham, deceased; Walter Kingwell, deceased; Dorothy Kingwell, deceased.
6. Brothers and Spouses: Dennis J. Derham, none.
7. Sisters and Spouses: N/A.

Nominee: Paul A. Trivelli.

Post: U.S. Ambassador to Nicaragua.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Carlos Trivelli (unmarried), none; Daniela Trivelli (unmarried), none.
4. Parents: Ruth Trivelli (mother), none; Benjamin Trivelli (father) and spouse Sharon, $250.00, 6/30, Rosa DeLauro; $200, 2/03, Rosa DeLauro.
5. Grandparents: Anna Trivelli (deceased); Matthew Trivelli (deceased); Arthur Anderson (deceased); Ruth Anderson (deceased).
6. Brothers and Spouses: Vincent Trivelli and spouse Joyce, $100, summer 04, Kerry campaign; Philip Trivelli and spouse Natalie, $20, summer 04, Kerry campaign.
7. Sisters and Spouses: Pamela Combies (unmarried), none.

Nominee: Linda Jewell.

Post: Ambassador to Ecuador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, Date, and Donee:

1. Self: Linda Jewell, $100, 2/5/04, Dem. Nat'l Comm.

2. Spouse: John Walsh, $150, 5/22/04, John Kerry for Pres.; $50, 09/04, John Kerry for Pres.

3. Children and Spouses: Susanna Walsh (no spouse), 0; Patrick Walsh (no spouse), 0.

4. Parents: Analee Jewell, 0; Robert Jewell (deceased), 0.

5. Grandparents: Albert Jewell (deceased); Eliza Jewell (deceased); H. Frank Rider (deceased); Ada Rider (deceased).

6. Brothers and Spouses: Frank Jewell and Sarah Lavicka, $250, 1/11/01, Dem. Nat'l Comm.; $50 6/27/04, Campus Dems.; $50, 7/11/04, John Kerry for Pres.; $500, 8/19/04, Dem. Nat'l Comm.; $500, 9/29/04, www.democrats.org.

7. Sisters and Spouses: None.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. SUNUNU):

S. 1128. A bill to amend title XIX of the Social Security Act to provide for increased rebates under the medicaid program for prescription drugs that are directly advertised to consumers, to require other Federal programs purchasing or reimbursing for such drugs to establish payment and reimbursement mechanisms that reduce the costs of those drugs, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. HAGEL):

S. 1129. A bill to provide authorizations of appropriations for certain development banks, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Ms. LANDRIEU, and Mr. LEVIN):

S. 1130. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1131. A bill to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself, Ms. LANDRIEU, Mr. DEWINE, Ms. SNOWE, Mr. COCHRAN, Mr. VITTER , Mr. BAYH, and Mr. SMITH):

S. 1132. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, and Mr. SPECTER):

S. 1133. A bill to authorize the Secretary of Energy to develop and implement an accelerated research, development, and demonstration program for advanced clean coal technologies for use in coal-based generation facilities and to provide financial incentives to encourage the early commercial deployment of advanced clean coal technologies through the retrofitting, repowering, replacement, and new construction of coal-based electricity generating facilities and industrial gasification facilities; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Ms. COLLINS, Ms. LANDRIEU, Mrs. MURRAY, Mr. REED, and Ms. MIKULSKI):

S. 1134. A bill to express the sense of Congress on women in combat; to the Committee on Armed Services.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1135. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. JOHNSON, Ms. COLLINS, Ms. SNOWE, Mr. SUNUNU, Mr. CORZINE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DOMENICI, Mr. DODD, and Mr. BINGAMAN):

S. 1136. A bill to facilitate the provision by members of the Armed Forces of testimony on the military value of military installations in connection with the 2005 round of defense base closure and realignment; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. ALLEN):

S. 1137. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 1138. A bill to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions; to the Committee on Veterans' Affairs.

By Mr. SANTORUM:

S. 1139. A bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARPER (for himself and Mr. BIDEN):

S. 1140. A bill to designate the State Route 1 Bridge in the State of Delaware as the ''Senator William V. Roth, Jr. Bridge''; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. PRYOR, Mr. CHAMBLISS, and Mr. ROBERTS):

S. 1141. A bill to authorize the Secretary of Homeland Security to regulate ammonium nitrate; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. ALLEN, Mr. DURBIN, and Mr. LAUTENBERG):

S. 1142. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 1143. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 1144. A bill to provide military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. SMITH, Mr. LEAHY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. SALAZAR, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 1145. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1146. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. BURNS, Mr. SCHUMER, Mr. BUNNING, and Ms. CANTWELL):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. BINGAMAN, Mrs. MURRAY, Mr. CORZINE, Mr. JOHNSON, and Mr. INOUYE):

S. 1148. A bill to amend title XVIII of the Social Security Act to permit direct payment under the medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. KENNEDY):

S. 1149. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1150. A bill to increase the security of radiation sources, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself and Mr. LIEBERMAN):

S. 1151. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Ms. COLLINS):

S. 1152. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. THOMAS):

S. 1153. A bill to provide Federal financial incentives for deployment of advanced coal-based generation technologies; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1154. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BUNNING, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. MCCAIN, Mr. SANTORUM, Mr. SESSIONS, Mr. SUNUNU, Mr. TALENT, and Mr. THUNE):

S. 1155. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 1156. A bill to amend the Internal Revenue Code of 1986 to extend the credit period for electricity produced from renewable resources at certain facilities, to extend the credit for electricity produced from certain renewable resources, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. REID, Mr. ALLARD, Mr. BAUCUS, Mr. CRAIG, and Mr. ENSIGN):

S. 1157. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. AKAKA, and Mr. LAUTENBERG):

S. 1158. A bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. SMITH, Mr. SCHUMER, Mr. CRAPO, Mr. LOTT, Mr. KYL, and Mrs. LINCOLN):

S. 1159. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing; to the Committee on Finance.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 1160. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COBURN (for himself and Mr. INHOFE):

S. Res. 157. A resolution congratulating Carrie Underwood for winning the ''American Idol'' television program and thanking her for being a positive role model; to the Committee on the Judiciary .

By Mr. GRAHAM (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BUNNING, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DODD, Mr. DURBIN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Ms. MIKULSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SPECTER, Mr. TALENT, Mr. VOINOVICH, Mr. SCHUMER, Mr. BROWNBACK, Mr. OBAMA, and Mr. BURR):

S. Res. 158. A resolution expressing the sense of the Senate that the President should designate the week beginning September 11, 2005, as ''National Historically Black Colleges and Universities Week''; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 159. A resolution recognizing the 50th anniversary of the Oklahoma Independent Petroleum Association and its members vital contribution to the oil and gas industry of the United States; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. HAGEL):

S. Con. Res. 39. A concurrent resolution to express the sense of Congress on the Purple Heart; to the Committee on Armed Services.

By Mr. LUGAR:

S. Con. Res. 40. A concurrent resolution recognizing and commending the President and the governments of other countries that have participated in the Proliferation Security Initiative for the historic efforts and successes of the Proliferation Security Initiative in reducing the threat posed by illicit trafficking in weapons of mass destruction, their means of delivery, and related materials, on the occasion of the second anniversary of the establishment of the Proliferation Security Initiative; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 327

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from Washington (Mrs. MURRAY), the Senator from South Carolina (Mr. DEMINT) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 418

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 593

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 642

At the request of Mr. FRIST, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 793

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 844

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.

844, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure.

S. 936

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 936, a bill to ensure privacy for e-mail communications.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 985

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1049

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1055

At the request of Mr. KENNEDY, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1055, a bill to improve elementary and secondary education.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1075

At the request of Mr. THUNE, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1075, a bill to postpone the 2005 round of defense base closure and realignment.

S. 1081

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1127

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1127, a bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

S.J. RES. 18

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. RES. 153

At the request of Mr. SESSIONS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. Res. 153, a resolution expressing the support of Congress for the observation of the National Moment of Remembrance at 3:00 pm local time on this and every Memorial Day to acknowledge the sacrifices made on the behalf of all Americans for the cause of liberty.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 762 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. HAGEL):

S. 1129. A bill to provide authorizations of appropriations for certain development banks, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce legislation authorizing replenishment of funds to three of the five multilateral development banks, as requested by the U.S. Department of the Treasury. In addition, this legislation includes a long list of reform measures, intended to bring about transparency and accountability at all of the MDBs—the World Bank, the African Development Bank, the Asian Bank, the Inter-American Bank and the European Bank for Reconstruction and Development.

The World Bank, was the first MDB to be established in 1944, followed by the African Development Bank, 1964 and the Asian Development Bank, 1966. The shared original purpose of the three banks was to encourage economic development and reduce poverty in geographic regions impacted by the respective institutions.

I support the original operating purpose of the banks. However, I am deeply concerned that massive amounts of funds are not utilized as originally intended, due to diversion of those funds.

In 2003, I received information from credible sources within the MDBs alleging corruption on various fronts. As a result, I instructed staff of the Senate Foreign Relations Committee to commence collecting information on the anti-corruption strategies, and successes of each bank.

Based on the initial findings, I launched an investigation, reviewing corruption at the banks and their efforts to combat it. To date, I have chaired four hearings and sent letters of inquiry regarding individual projects to the bank presidents. Committee staff have interviewed scores of NGO representatives, bank insiders, academics and others, and have visited problem projects in six countries. Far too often, projects intended to boost economic development are derailed, and the poor suffer, unable to realize projected benefits in quality health care, clean water and education.

While the United States is one of dozens of donors, the financial contribution of American taxpayers over the years to these three institutions alone

exceeds $30 billion. The Congress has an obligation to our own citizens, as well as the intended beneficiaries of MDB projects, to press for transparency and accountability in the banks' operations.

Through adoption of the package of reforms I propose, the United States would set an example for other donor countries, encouraging their officials to also press for transparency and accountability.

I am pleased there is good news to report. The World Bank has embarked on an anti-corruption voluntary cooperation initiative, based in part on the Pentagon's anticorruption efforts. In addition, leading government officials from Italy, Spain and other countries have contacted the Committee, asking for more information about our review, and comparing strategies on ways of improving bank transparency. Finally, we have witnessed incremental improvements of greater transparency among the banks as a result of the Committee's ongoing work.

However, there is more to accomplish. This substantive package of reforms is based on our findings to date, and the input of many who support the original stated purpose of the multilateral development banks.

The Committee's oversight work continues, with the goal of enduring results.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1129

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development Bank Reform and Authorization Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has strong national security and humanitarian interests in alleviating poverty and promoting development around the world.

(2) The World Bank, the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank leverage the resources that the United States and other donors can devote to such goals.

(3) Contributions from the United States and other donors to the multilateral development banks must be well managed so that the mission of such banks is fully realized and not undermined by corruption. Bribes can influence important bank decisions on projects and contractors and misuse of funds can inflate project costs, cause projects to fail, and undermine development effectiveness.

(4) Officials of the World Bank have identified corruption as the single greatest obstacle to economic and social development. Corruption undermines development by distorting the rule of law and weakening the institutional foundation on which economic growth depends.

(5) Officials of the World Bank have determined that the harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, are most reliant on the provision of public services, and are least capable of paying the extra costs associated with bribery, fraud, and the misappropriation of economic privileges.

(6) In hearings before the Foreign Relations Committee of the Senate, it was demonstrated that—

(A) significant multilateral development bank funding has been lost to corruption and it is difficult to ascertain such amount precisely, in part because the multilateral development banks have not implemented procedures to calculate such amounts, either in the aggregate or on a country basis;

(B) the multilateral development banks are taking action to address fraud and corruption but additional measures remain to be carried out;

(C) the capability of anti-corruption mechanisms are not consistent among the multilateral development banks and divergences in anti-corruption policies exist that may hinder coordination on fighting corruption;

(D) weaknesses in whistleblower policy and practice exist at the multilateral development banks, to varying degree, that impede anti-fraud and anti-corruption efforts;

(E) greater transparency is necessary to provide effective development aid;

(F) the Secretary of the Treasury encourages anti-corruption efforts at the multilateral development banks and reviews loans made by such banks, however, the United States has limited ability to investigate the misuse of funds from such banks; and

(G) in some cases, the countries bearing the cost of prosecuting corruption related to the multilateral development banks are the countries that can least afford such costs, for example, the Government of Lesotho incurred considerable expense, despite competing priorities, such as those arising from an HIV/AIDS rate of more than 25 percent in that country, to investigate and prosecute fraud and corruption related to a project that received funding from the World Bank and the World Bank did not contribute money towards the prosecution or investigation.

(7) The General Accounting Office issued a report in 2001 that evaluated the external audit reporting of the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank and a report in 2000 that evaluated the internal controls of the World Bank, and recommended measures to strengthen such audit reporting and controls.

(8) The International Financial Institutions Advisory Commission (also known as the ''Meltzer Commission'') concluded in 2000, among other things, that—

(A) pressure to lend for lending's sake is built into the structure of the multilateral development banks;

(B) although several of the multilateral development banks recognize this problem and have called attention to the need for change, there is, at most, weak counterbalance to the pressure to lend; and

(C) the multilateral development banks' systems for project evaluation, performance evaluation, and project selection must be improved, and that such evaluation should be a repetitive process spread over time, including many years after final disbursement of funds.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations and the Committee on Financial Services of the House of Representatives.

(2) GROUP OF 7.—The term ''Group of 7'' means Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States.

(3) GROUP OF 8.—The term ''Group of 8'' means the Group of 7 and Russia.

(4) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' means the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the World Bank, and any subsidiary or affiliate of such institutions.

(5) PERSON.—The term ''person'' includes a government, a government-controlled entity, a corporation, a company, an association, a firm, a partnership, a society, and a joint stock company, as well as an individual.

(6) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of the Treasury.

(7) WORLD BANK.—The term ''World Bank'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency and any subsidiary or affiliate of such institutions.

SEC. 4. REFORMS.

(a) AUTHORITY.—The Secretary is authorized to seek the creation of a pilot program that establishes an Anti-Corruption Trust at the World Bank, as described in this section.

(b) PURPOSES.—The purposes of the Anti-Corruption Trust pilot program shall include—

(1) to assist poor countries in investigations and prosecutions of fraud and corruption related to a loan, grant, or credit of the World Bank; and

(2) to determine whether such a program should be carried out at other multilateral development banks.

(c) REPAYMENT OF FUNDS.—If a poor country assesses a fine or receives any renumeration as part of a prosecution paid for with funds from the Anti-Corruption Trust pilot program, such country shall repay the amount received from the Trust until the total amount received by such country is repaid.

(d) MONITORING.—The Secretary shall be responsible for establishing a system for monitoring the disbursement and use of funds from the Anti-Corruption Trust pilot program and promoting access to such funds by poor countries that are challenged by the high cost of investigating and prosecuting corruption and fraud linked to a loan from, or a project funded by, the World Bank.

(e) OTHER DONORS.—The Secretary shall encourage other donors to the multilateral development banks to contribute funds to the Anti-Corruption Trust.

(f) POOR COUNTRIES DEFINED.—In this section, the term ''poor countries'' means countries eligible to borrow from the International Development Association, as such eligibility is determined by gross national product per capita, lack of creditworthiness to borrow on market terms, and good policy performance.

(g) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report that describes the actions taken to establish the Anti-Corruption Trust as described in this section.

(2) REPORT ON EVALUATION.—Not later than September 1, 2007, the Secretary shall submit to the appropriate congressional committees a report that—

(A) evaluates the effectiveness of the Anti-Corruption Trust pilot program; and

(B) evaluates the feasibility of establishing similar trusts at other multilateral development banks.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary for contribution on behalf of the United States to an Anti-Corruption Trust if a pilot program establishing such a Trust is established as described in this section.

SEC. 5. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o) is amended by adding at the end the following:

"SEC. 1505. PROMOTION OF POLICY GOALS.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations and the Committee on Financial Services of the House of Representatives.

''(2) MULTILATERAL DEVELOPMENT BANKS.—The term 'multilateral development banks' means the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the World Bank, and any subsidiary or affiliate of such institutions.

''(3) PERSON.—The term 'person' includes a government, a government-controlled entity, a corporation, a company, an association, a firm, a partnership, a society, and a joint stock company, as well as an individual.

''(4) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of the Treasury.

''(5) WORLD BANK.—The term 'World Bank' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency, and any subsidiary or affiliate of such institutions.

''(b) TRANSPARENCY.—

''(1) PUBLICATION OF STATEMENTS.—

''(A) IN GENERAL.—Not later than 60 calendar days after a meeting of the board of directors of a multilateral development bank, the Secretary shall provide for publication on the Internet Web site of the Department of the Treasury of—

''(i) the justification for each vote by the United States Executive Director at the multilateral development bank on any matter before the board of directors of the bank; and

''(ii) any written statement presented at the meeting by such United States Executive Director at the bank concerning—

''(I) a lending, grant, or guarantee operation which would result or be likely to result in significant social or environmental effects;

''(II) an institutional policy or strategy of the bank that generates significant public interest, including operational policies and sector or thematic strategies;

''(III) a project on which a claim has been made to the inspection mechanism of the bank; or

''(IV) a case pending before the inspection mechanism of the bank.

''(B) REDACTED MATERIAL.—The Secretary may redact material from the material to be made available under subparagraph (A) if the Secretary determines such material is too sensitive for public distribution.

''(2) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of the publication policy described in paragraph (3), and use the voice and vote of the United States to implement such policy.

''(3) PUBLICATION POLICY.—

''(A) IN GENERAL.—The publication policy referred to in paragraph (2) is a policy that each multilateral development bank shall—

''(i) make available to the public, including on the Internet Web site of such bank, the loan, credit, and grant documents, country assistance strategies, sector strategies, and sector policies prepared by the bank that are to be presented for endorsement or approval by the board of directors of the bank, 15 calendar days prior to the date that such document, strategy, or policy will be considered by the board or, if not available at that time, at the time the documents are distributed to the board;

''(ii) make available to the public all draft country strategies 120 calendar days prior to consideration of such strategies by the board of directors of the bank;

''(iii) make a concerted effort to distribute paper copies of the material referred to in clauses (i) and (ii) to communities affected by the documents referred to in such clauses;

''(iv) make available to the public, including on the Internet Web site of such bank, the minutes of a meeting of the board of directors of the bank, not later than 60 calendar days after the date that the bank approves the minutes of the board meeting;

''(v) make available to the public, including on the Internet Web site of such bank, a summary of discussion of the meeting of the board of directors of the bank, not later than 90 calendar days after the date of the meeting;

''(vi) keep a written transcript or electronic recording of each meeting of its board of directors and preserve the transcript or recording for not less than 10 years after the date of such meeting; and

''(vii) make available to the public a written transcript or an electronic recording of a meeting of the board of directors of the bank during the 5-year period beginning on the date that is 5 years after the date of the meeting.

''(B) REDACTED MATERIAL.—The president of a multilateral development bank may redact material from the material to be made available under subparagraph (A) if the president of a multilateral development bank determines such material is too sensitive for public distribution.

''(c) STRENGTHENING DEVELOPMENT BANK ADMINISTRATION.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following United States policy goals:

''(1) Each multilateral development bank shall require mandatory financial disclosure of any possible or apparent conflict of interest by each employee of the bank, consultant to the bank, or independent expert to the bank whose duties and responsibilities include, through decision or the exercise of judgment, the taking of any action regarding—

''(A) contracting or procurement;

''(B) developing, administering, managing, or monitoring loans, grants, programs, projects, subsidies, or other conferred financial or operational benefits provided by the bank; or

''(C) evaluating or auditing any project, program or entity.

''(2) Each multilateral development bank shall reform the 'pressure to lend' incentive structure at such bank by linking project design and implementation to staff performance appraisals and shall require that staff increase its focus on monitoring existing loans.

''(3) Each multilateral development bank shall continue strengthening whistleblower policies at the bank to the level of emerging standards for national and international law in the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the model approved for member nations by the Organization of American States to implement the Inter-American Convention Against Corruption, done at Caracas on March 29, 1996.

''(4) All loan, credit, guarantee, and grant documents and other agreements with borrowers shall include provisions for the financial resources and conditionality necessary to ensure that a person who obtains financial support from a multilateral development bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities supported, such as those concerning public consultation, access to information, public health, safety, and environmental protection.

''(5) Each multilateral development bank shall develop clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and shall make the identities of such person available to the public.

''(6) Each multilateral development bank shall coordinate policies across international institutions on issues including debarment, cross-debarment, procurement and consultant guidelines, and fiduciary standards so that a person that is debarred by one multilateral development bank is automatically declared ineligible to conduct business with the other multilateral development banks during the specified ineligibility period.

''(d) ANTI-CORRUPTION PRACTICES.—

''(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of the United States anti-corruption policy described in paragraph (2), and use the voice and vote of the United States to implement such policy at the bank.

''(2) ANTI-CORRUPTION POLICY.—The anti-corruption policy referred to in paragraph (1) is the United States policy that a person that receives money from a multilateral development bank shall sign a code of conduct that embodies the standards set out in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2), and that prohibits such person from corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any official for purposes, directly or indirectly—

''(A)(i) influencing any act or decision of such official in his or her official capacity;

''(ii) supporting any political party, political entity, any official of a political party, or any candidate for political office;

''(iii) inducing such official to do or omit to do any act in violation of the lawful duty of such official; or

''(iv) securing any improper advantage; or

''(B) inducing such official to use the official's influence with a government or instrumentality thereof, to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any other person.

''(e) STRENGTHENING DEVELOPMENT BANK AUDITING.—

''(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following United States policy goals:

''(A) Each multilateral development bank shall—

''(i) establish an independent Office of an Inspector General, establish or strengthen an independent auditing function at the bank, and require that the Inspector General and the auditing function report directly to the board of directors of the bank; and

''(ii) adopt and implement an internationally recognized internal controls framework, allocate adequate staffing to auditing and supervision, require external audits of internal controls, and external and forensic audits of loans where fraud is suspected.

''(B) Each multilateral development bank shall establish a plan and schedule for conducting regular, independent audits of internal management controls and procedures for meeting operational objectives, complying with the policies of such bank, and preventing fraud, and making reports describing the scope and findings of such audits available to the public.

''(C) Each multilateral development bank shall establish effective procedures for the receipt, retention, and treatment of—

''(i) complaints received by the bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and

''(ii) the confidential, anonymous submission, particularly by employees of the bank, of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

''(D) Each multilateral development bank shall post on the Internet Web site of such bank an annual report containing statistical summaries and case studies of the fraud and corruption cases pursued by the bank's investigations unit.

''(f) COMPENSATION PACKAGES FOR PEOPLE NEGATIVELY AFFECTED BY DEVELOPMENT BANK PROJECTS.—

''(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of the United States policy goals related to compensation described in paragraph (2), and use the voice and vote of the United States to implement such policy at the bank.

''(2) COMPENSATION POLICY.—The compensation policy referred to in paragraph (1) is a policy that each multilateral development bank shall, for each project funded by the bank where compensation, including resettlement or rehabilitation assistance, is to be provided to persons adversely impacted by the project, require that an independent mechanism be established for, or included in the design of, the project to receive and adjudicate complaints from a person who is eligible for compensation if such person, not more than 6 years after the date of the completion of the project, finds that the compensation is either inadequate or improperly implemented.

''(g) EVALUATION.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following goals:

''(1) Each multilateral development bank shall make the results of project and non-project operations evaluations available to the public, including through the Internet Web site of the bank and including information on the quantity of projects evaluated per year as a percentage of total projects carried out.

''(2) Each multilateral development bank shall require that all loans, grants, credits, policies, and strategies, including budget support, prepared by the bank include specific outcome and output indicators to measure results, and that the indicators and results be published periodically during the execution and at the completion of the appropriate project or program, and at the number of years after such completion determined to be appropriate for such loan, grant, credit, policy, or strategy.

''(3) Each multilateral development bank shall promote rigorous evaluation of projects and policies to ensure that the intent of such projects and policies is realized. Such a bank shall favor grants and loans to applicants who agree, in consultation with an independent evaluator or evaluators, to design projects to facilitate the evaluation of outcomes. Rigorous evaluations shall measure the impact on those served by a loan, grant, or credit and shall have a carefully constructed comparison group to help measure the impacts of the loan, grant, or credit.

''(h) QUALIFICATION POLICY.—

''(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to encourage the bank to implement the qualification policy for borrowing countries described in paragraph (2), and use the voice and vote of the United States to achieve such policy at each bank.

''(2) QUALIFICATION POLICY FOR BORROWING COUNTRIES.—The qualification policy for borrowing countries referred to in paragraph (1) is a policy that requires, in addition to the standards in effect on the date of the enactment of the Development Bank Reform and Authorization Act of 2005, each multilateral development bank to qualify a country for budget support, adjustment lending, policy lending for non-project loans, grants, or credits, or other loans directed to the country's budget based on transparency in procurement and fiduciary requirements and requiring the borrowing country to make its budget available to the public before funds are disbursed to that country.

''(i) MICROFINANCE AND BUSINESS DEVELOPMENT.—The Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States to encourage microfinance services for the poor and very poor (as that term is defined in section 259 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a)), and micro-, small-, and medium-enterprise development programs, particularly in a country where the government of such country ranks poorly in the World Bank Institute's governance indicators.

''(j) RESOURCE DEPENDENT COUNTRY REVENUE TRANSPARENCY.—

''(1) REQUIREMENTS FOR RESOURCE ASSISTANCE FOR A GOVERNMENT.—The Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States that any assistance provided by a such bank including any investment, loan, credit, grant, or guarantee, to a government of a resource-dependent country or for any project located in a resource-dependent country, other than humanitarian assistance, assistance to address HIV/AIDS, tuberculosis, malaria or food aid, may not be provided unless the government has in place or is taking the necessary steps to establish functioning systems for—

''(A) accurately accounting for all revenues received by a borrowing government from a person and all payments to a government in connection with the extraction or export of natural resources, such as gas, oil, oil shale, tar sands, coal, any metal, mineral, or timber;

''(B) the independent auditing of such payments and such revenues by a credible, independent auditor, applying international auditing standards, and the widespread regular public dissemination of the auditor's findings, including a reconciliation of aggregate payments and revenues;

''(C) verifying such revenues against the records for such payments made by each person, including widespread dissemination of aggregate payment information in a manner that protects proprietary information, that observes the law of the borrowing country, and that the person determines does not cause substantial competitive harm;

''(D) making available to the public all contracts between the government of such country or any person owned or controlled by such government, and any person that is engaged in the extraction or export of natural resources through a project or program supported by a bank, unless the person determines such disclosure would cause substantial competitive harm;

''(E) applying the revenue transparency approach described in this paragraph equally and fully to all extractive industry companies operating in the country, including state-owned entities; and

''(F) establishing a legal framework for disclosure of payments from a person or contracts with a person and outlining the level and extent of disclosure or payment information by companies in the extractive industries.

''(2) REQUIREMENTS FOR OTHER NATURAL RESOURCE ASSISTANCE.—The Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States that any assistance, including any investment, loan, or guarantee, provided by such a bank to private sector sponsors for the extraction or export of natural resources in a resource-dependent country shall only be provided if the government of the country has in place or is taking necessary steps to establish the functioning systems described in subparagraphs (A) through (F) in paragraph (1) and if the private sector sponsors of such projects publicly disclose revenue payments made to the government of such country, in accordance with the laws of such country regarding the required level and extent of such disclosure.

''(3) COMPLIANCE WITH TRANSPARENCY GUIDELINES PRIOR TO APPROVAL OF ASSISTANCE.—In furtherance of the policy described in paragraph (1), not later than 2 years after the date of the enactment of the Development Bank Reform and Authorization Act of 2005, the Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States that any assistance by such a bank, including any investment, loan, credit, grant, or guarantee, other than humanitarian assistance, assistance to address HIV/AIDS, tuberculosis, or malaria or to provide food, to any government of a resource-dependent country or for any project located in such country, shall not be provided unless the bank, prior to the approval of such assistance, has—

''(A) determined that the government has in place the systems described in subparagraphs (A) through (F) of paragraph (1), based on all information that is relevant, applicable and reasonably available to the bank, including, the views of other international financial institutions active in such country and the views of civil society organizations that are active within and outside such country;

''(B) determined that private sector sponsors of projects for the extraction and export of natural resources have agreed to publicly

disclose revenue payments to host governments; and

''(C) made available to the public the findings and conclusions identifying the information taken into consideration in making such determinations and the reasons for such determinations.

''(4) RESOURCE-DEPENDENT COUNTRY DEFINED.—In this subsection, the term 'resource-dependent country' means a country that has—

''(A) an average share of natural resource-derived fiscal revenues of at least 25 percent of the total fiscal revenues during the preceding 3-year period; or

''(B) an average share of natural resource export proceeds of at least 25 percent of the total export proceeds during the preceding 3-year period.''.

SEC. 6. SENSE OF CONGRESS ON THE EXTRACTIVE INDUSTRY TRANSPARENCY INITIATIVE AND G–8 AGREEMENTS.

It is the sense of Congress that—

(1) the President should continue promoting the Extractive Industry Transparency Initiative as one approach to help ensure that the revenues from extractive industries contribute to sustainable development and poverty reduction, as such Initiative is a voluntary initiative intended—

(A) to promote greater transparency of developing country government revenues and expenditures, procurement, concession-granting systems; and

(B) to work to recover stolen assets and enforce antibribery laws;

(2) the United States should encourage the continued work of the G–8 to promote the Extractive Industries Transparency Initiative; and

(3) the United States should support and encourage the carrying out of the agreements of the G–8 made at the 2004 Summit at Sea Island, Georgia, and at the 2003 Summit at Evian, France, to promote transparency in public budgets, including revenues and expenditures, government procurement, public concessions, the granting of licenses with special emphasis on countries with large extractive industries sectors, including the agreements made at the Summit at Sea Island which specifically—

(A) support the efforts of the Public Expenditure and Financial Accountability program at the World Bank to help developing countries achieve accountability in public finance and expenditure and to extend harmonized approaches to the assessment and reform of their public financial, accountability, and procurement systems;

(B) invite developing countries to prepare anticorruption action plans to implement the commitments of such countries in regional and international conventions; and

(C) achieve agreement on full disclosure of the World Bank International Development Association's Country Policy and Institutional Assessment results, with disclosure to begin with the 2005 ratings.

SEC. 7. REPORTS FROM THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) SENSE OF CONGRESS ON ACCESS TO INFORMATION.—It is the sense of Congress that—

(1) to evaluate the compliance of the multilateral development banks with the policies of the United States described in section 1505 of the International Financial Institutions Act, as added by section 5 of this Act, and to prepare the reports required by this section, the Comptroller General of the United States should have full and complete access to financial information relating to the multilateral development banks, including information related to the performance, accountability, oversight, financial transactions, organization, and activities of the multilateral development banks;

(2) the Secretary should seek to conclude memorandums of understanding with the multilateral development banks to ensure that the United States will have access to documents related to information described in paragraph (1); and

(3) the Secretary of the Treasury should facilitate access by the Comptroller General of the United States to the financial information described in paragraph (1).

(b) REPORT ON EFFECTIVENESS OF MULTILATERAL DEVELOPMENT BANKS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the effectiveness of each multilateral development bank in achieving the mission of such bank as set out in the articles of agreement of such bank, specifically poverty reduction and economic development; and

(2) submit to the appropriate congressional committees a report on the findings of the review.

(c) REPORT ON CONSISTENCY OF MULTILATERAL DEVELOPMENT BANK PRACTICES WITH STATUTORY POLICIES.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate congressional committees a report on the extent to which the practices of the multilateral development banks are consistent with the policies of the United States, as expressly contained in Federal law applicable to the multilateral development banks.

(d) REPORT ON REFORMS AT THE MULTILATERAL DEVELOPMENT BANKS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate congressional committees a report on the extent of the implementation of the reforms called for by the Group of 8 or by the Group of 7, starting with the 2000 Okinawa Summit, as delineated in communiqués, chairman's statements, and other official communication through the summit or finance ministerial processes of the Group of 8 or the Group of 7.

SEC. 8. CONTRIBUTIONS TO MULTILATERAL DEVELOPMENT BANKS.

(a) WORLD BANK.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

''SEC. 23. FOURTEENTH REPLENISHMENT.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Association is authorized to contribute on behalf of the United States $2,850,000,000 to the fourteenth replenishment of the resources of the Association.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.''.

(b) AFRICAN DEVELOPMENT BANK FUND.—The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

''SEC. 218. TENTH REPLENISHMENT.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Fund is authorized to contribute on behalf of the United States $407,000,000 to the tenth replenishment of the resources of the Fund.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, $407,000,000 for payment by the Secretary of the Treasury.''.

(c) ASIAN DEVELOPMENT FUND OF THE ASIAN DEVELOPMENT BANK.—The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

''SEC. 32. EIGHTH REPLENISHMENT.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Bank is authorized to contribute on behalf of the United States $461,000,000 to the eighth replenishment of the resources of the Fund.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, $461,000,000 for payment by the Secretary of the Treasury.''.

SEC. 9. ANNUAL REPORTS.

(a) INITIAL REPORT.—Not later than September 1, 2006, the Secretary shall submit a report to the appropriate congressional committees the describes the actions taken by the United States Executive Director at each multilateral development bank to implement the policy goals described in this Act and the amendments made by this Act and any other actions that should be taken to implement such goals.

(b) UPDATES.—The Secretary shall submit to the appropriate congressional committees an annual update of the report required by subsection (a) for each of the fiscal years 2007, 2008, and 2009.

By Mr. CRAIG:

S. 1131. A bill to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Idaho Land Enhancement Act of 2005. Simply put, this legislation directs the Secretaries of Agriculture and Interior to exchange land with the State of Idaho involving key parcels of land from the Boise Foothills to North Idaho.

The proposed exchange is exceptional in many respects. First, the concept for the proposed land exchange originated from a local conservation effort led by the city of Boise and local conservation groups including the Idaho Conservation League. Since the late 1960's the issue of conserving the Boise Foothills has been a significant concern of the community. Conservation efforts have continued to grow in support within the community, culminating in May 2001 with the citizens of Boise, in one of the highest voter turnouts in city history, electing to tax themselves in order to provide funding to secure permanent public open space in the Boise Foothills.

Next, the collaboration between the city of Boise, the State of Idaho, the Forest Service and the Bureau of Land Management has produced an agreement that has yielded a proposal benefiting the State's endowment beneficiaries while addressing the common threats of fire and hazardous fuels, invasive species, habitat fragmentation and unmanaged recreation associated with urban interface with Federal lands. The proposal uses both Bureau of Land Management and Forest Service land to balance an exchange with Idaho State Endowment lands on an equal value basis.

Last, the process has been open, transparent, and has wide support throughout the State. The city of Boise has facilitated public meetings, provided opportunities for public comment, and has made the maps of the exchange available to the public. The City has met with all of the affected tribes and counties. In addition, the multi-agency group completed evaluations of timber values, minerals, cultural resources, water rights, legal access, wildlife, fisheries, vegetation, hydrology, wetlands, threatened and endangered species, and specific habitat. The evaluations show that no major environmental effect will occur as a result of the exchange. In fact, The Nature Conservancy independently reviewed the data and compared it to their eco-regional planning efforts and concluded that the exchange has ''limited potential to impact biodiversity values'' and they support the exchange.

The city of Boise has made a substantial investment of local property tax dollars in the facilitation of this land exchange package. This exchange will complete a statewide collaborative process that represents a legacy of local, State and Federal cooperation benefiting land management interests throughout the State.

This exchange will enhance land in both the northern and southern parts of the State. It is an example of how local, State, and Federal partners can come together to collaboratively develop an exchange in which the public and the land are the ultimate beneficiaries.

By Mr. COLEMAN (for himself, Ms. LANDRIEU, Mr. DEWINE, Ms. SNOWE, Mr. COCHRAN, Mr. VITTER, Mr. BAYH, and Mr. SMITH):

S. 1132. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I am pleased today to be introducing the bipartisan Treatment of Children's Deformities Act. I am pleased to be joined by many of my friends and colleagues, including Senators LANDRIEU, DEWINE, SNOWE, COCHRAN, VITTER and BAYH.

Imagine being a parent with a child who has a cleft lip and palate or another more severe congenital facial deformity that requires reconstructive surgery to achieve a sense of normalcy and function. Now imagine receiving a letter from your insurance carrier that states the following:

> The reviewer determined that although the procedures listed above would enhance the appearance of the patient, the procedures listed are not necessary to correct a functional disorder and therefore do not meet the criteria for benefits as outlined in the medical plan.

Unfortunately, there are numerous examples of children and families around the country that have been confronted with this kind of heart wrenching situation. Examples of congenital deformities include cleft lip, cleft palate, skin lesions, vascular anomalies, malformations of the ear, hand, or foot, and other more profound craniofacial deformities. It is essential for children with these problems to receive timely surgical care in order to have a chance at leading normal, healthy, happy lives. And yet, an increasing number of kids go without life changing treatment because treatment is regarded as ''cosmetic'' or ''non-functional.''

It's unfortunate that legislation is necessary. However, this legislation will ensure that children who are born with a congenital deformity—whether a cleft lip and palate or a more severe deformity—receive the reconstructive surgery they need to achieve a sense of normalcy and function.

According to the March of Dimes, 150,000 newborns suffer from birth defects each year. Of the 150,000 born, approximately 50,000 require reconstructive surgery. Although surgeons are able to correct many of these problems, an increasing number of these children are denied access to care by the labeling of the procedures as ''cosmetic'' or ''non-functional'' in nature.

A common Federal definition of reconstructive surgery, based on the American Medical Association's definition, will help clarify coverage nationally and reduce the delay for children in need of surgery.

It is essential for children with these problems to receive timely surgical care in order to have a chance at leading normal, healthy, and happy lives. Also, many times these surgeries are best performed while children are young and their bodies can more readily recover and respond to the corrective surgery.

The Treatment of Children's Deformities Act differentiates between cosmetic and reconstructive surgery. The legislation defines reconstructive surgery as that being performed on abnormal structures of the body, caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease.

Cosmetic surgery, in contrast, is defined by the American Medical Association as being performed to reshape normal structures of the body in order to improve the patient's appearance and self-esteem.

Children born with deformities should receive the help they need and this legislation will make it happen. I look forward to working with my colleagues to pass this legislation that will improve the quality of life for children born with congenital deformities. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1132

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Treatment of Children's Deformities Act of 2005''.

SEC. 2. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder''.

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

''Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder''; and

(B) by inserting after section 9812 the following:

''SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

''SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH COVERAGE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2006.

(2) INDIVIDUAL HEALTH COVERAGE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note) is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986''.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, and Mr. SPECTER):

S. 1133. A bill to authorize the Secretary of Energy to develop and implement an accelerated research, development, and demonstration program for advanced clean coal technologies for use in coal-based generation facilities and to provide financial incentives to encourage the early commercial deployment of advanced clean coal technologies through the retrofitting, repowering, replacement, and new construction of coal-based electricity generating facilities and industrial gasification facilities; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am introducing S. 1133, the Clean Coal Research, Development, Demonstration, and Deployment Act of 2005. I am proud to have Senators ROCKEFELLER and SPECTER as cosponsors of my bill. This comprehensive clean coal technology legislation will help provide for a new era for coal. I have looked into the past; I recognize the enormous challenges that are before us; and I see coal's future.

The bill authorizes important programs at the Department of Energy as

well as provides a major package of targeted federal energy tax incentives. It supports a research and development program and tax incentives to encourage the use of advanced coal technologies at coal-fired power plants. The bill also promotes a major investment in a national industrial gasification program. It is a balanced and financially sound proposal, and it recognizes that there are new horizons opening for coal.

The Byrd-Rockefeller-Specter bill works to balance these ever expanding opportunities in a very reasonable and responsible way. We must move forward with the development and deployment of advanced power generation and carbon capture and sequestration technologies. Coal also has a future in producing chemicals, alternative transportation fuels, and other important products for use in the economy. My legislation can begin to initiate that effort.

There are those who have wanted to push coal aside like stove wood and horse power as novelties from a bygone era. But we cannot ignore coal as part of the solution to our future energy challenges. Over the past several years, I have been diligently assembling a set of proposals that can provide a comprehensive approach for the near- and long-term viability for coal, both at home and abroad. It is time that we reexamine the opportunities for coal, and let the past be our guide to the future.

Mr. President, I hope other Senators will review S. 1133, and I urge them to cosponsor this legislation.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1135. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I am pleased to be able to re-introduce the Utah Recreational Land Exchange Act of 2005, together with my colleague Senator HATCH. Legislation was introduced in the previous Congress to lay the groundwork for our efforts in the 109th Congress.

This legislation will ensure the protection of critical lands along the Colorado River corridor in southeastern Utah and will help provide important funding for Utah's school children. In Utah we treasure the education of our children. A key component of our education system is the 3.5 million acres of school trust lands scattered throughout the State. These lands are dedicated to the support of public education. Revenue from Utah school trust lands, whether from grazing, forestry, surface leasing or mineral development, is placed in the State School Fund. This fund is a permanent income producing endowment created by Congress upon statehood to fund public education. Unfortunately, the majority of these lands are trapped within federal ownership patterns that make it impossible for responsible development. It is critical to both the State of Utah and the Bureau of Land Management, BLM, that we consolidate their respective lands to ensure that both public agencies are permitted to fulfill their mandates.

The legislation we are introducing today is yet another chapter in our State's long history of consolidating these State lands for the financial well being of our education system. These efforts serve a dual purpose as they help the Federal land management agencies to consolidate Federal lands in environmentally sensitive areas that can then be reasonably managed. We see this exchange as a win-win solution for the State of Utah and its school children, as well as the Department of the Interior as the caretaker of our public lands.

Beginning in 1998 Congress passed the first major Utah school trust land exchange which consolidated hundreds of thousands of acres. Again in 2000, Congress enacted an exchange consolidating another 100,000 acres. I was proud to playa role in those efforts, and the bill we are introducing today is yet another step in the longjoumey toward giving the school children the deal they were promised in 1896 when Utah was admitted to the Union.

The School Trust of Utah currently owns some of the most spectacular lands in America, located along the Colorado River in southeastern Utah. This legislation will ensure that places like Westwater Canyon of the Colorado River, the world famous Kokopelli and Slickrock biking trails, some of the largest natural rock arches in the United States, wilderness study areas, and viewsheds for Arches National Park will be traded into Federal ownership and for the benefit of future generations. At the same time, the school children of Utah will receive mineral and development lands that are not environmentally sensitive, in locations where responsible development makes sense. This will be an equal value exchange, with approximately 40,000 acres exchanged on either side, with both taxpayers and the school children of Utah receiving a fair deal. Moreover, the legislation establishes a valuation process that is transparent to the public, yet will ensure the exchange process occurs in a timely manner.

This legislation represents a truly collaborative process. We have convened all of the players to give us input into this legislation: local government, the State, the recreation community, the environmental community and other interested parties. At the same time we are working closely with the Department of Interior. We introduced this bill in the 108th Congress in order to initiate some discussion of moving forward with this exchange proposal. Since that time, some changes have been made in an effort to improve this legislation. We remain receptive to additional changes that might make further improvements. The State has been working with all of these groups over the past year at a grass-roots level to address concerns. We look forward to working with the appropriate committees and the Department of Interior toward a successful resolution of this proposed exchange.

I urge all of my colleagues to support our efforts to fund the education of our children in Utah and to protect some of this Nation's truly great lands. I urge support of the Utah Recreational Land Exchange Act of 2005.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. ALLEN):

S. 1137. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, recently, the problem of steroid abuse has been getting a great deal of media attention. While this publicity has helped to raise public awareness about the dangers of illegal steroids, recent studies indicate that more and more young people are taking these drugs to improve their performance, appearance, or self image. In fact, some recent studies indicate that as many as 5 percent to 7 percent of students, even as young as middle school, admit to using illegal steroids.

Even more widespread among adolescents, however, is the use of over-the-counter supplements. Many young people are turning to ''supplements'' as an alternative to illegal steroids, mistakenly believing that because they are sold over the counter, they must be safe. However, many of these over the counter ''supplements'' actually produce the same dangerous effects on the body as illegal steroids. Some, even become steroids in the bloodstream.

Last year, the President signed into law the Anabolic Steroid Control Act of 2004, which added 18 anabolic steroid precursors to the list of anabolic steroids that are classified as controlled substances. Yet as I speak, on the shelves of health stores across the country, sits one anabolic steroid that can be bought by anyone, at any age, without the need of a doctor's prescription.

Dehydroepiandrosterone, or DHEA, is an anabolic steroid that once ingested, the body turns into testosterone. DHEA like all other steroids, may cause a number of long term physical and psychological effects, including: heart disease, cancer, stroke, liver damage, severe acne, baldness, dramatic mood swings, aggression etc. In fact, DHEA is already banned by the Olympics, the World Anti-Doping Agency, the National Collegiate Athletic Association, the National Football League, the National Basketball Association, and Minor League Baseball, yet it actually enjoys special protections under the Anabolic Steroid Control Act.

In an effort to keep all potentially dangerous steroids out of the hands of unsuspecting consumers and children, I am pleased to introduce legislation

today that would add DHEA to the list of controlled substances under the Anabolic Steroid Control Act. This legislation will eliminate the special exemption granted to DHEA, thereby treating it as every other substance in the steroid family.

With the dramatic rise in the use of steroids among our nation's youth, now is the time to act to curb this increasingly growing problem. Just like all other anabolic steroids, DHEA should not be available over the counter, but only under a doctor's supervision. I encourage my colleagues to join in support of this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1137

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

SECTION 1. INCLUSION OF DEHYDROEPIANDROSTERONE.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''corticosteroids, and dehydroepiandrosterone'' and inserting ''and corticosteroids'';

(2) by redesignating clauses (x) through (xlx) as clauses (xi) through (xlxi), respectively; and

(3) by inserting after clause (ix) the following:

''(x) dehydroepiandrosterone (androst-5-en-3β-ol-17-one);''.

By Mr. SANTORUM:

S. 1139. A bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Mr. President, I rise today to introduce the Pet Animal Welfare Statute of 2005 (PAWS). The introduction of this important animal welfare legislation demonstrates my continued interest in humane treatment of animals. As the proud owner of a German Shepherd, it is disturbing to see the number of high volume breeders who are careless and disregard their responsibilities to care properly for their animals.

Across the United States, there are more than 3,000 commercial dog-breeding facilities that are licensed to operate by the United States Department of Agriculture (USDA). Owners of these facilities are required to comply with the rules and regulations of the Animal Welfare Act (AWA), which sets forth standards for humane handling and treatment. USDA inspections are also required to ensure compliance with AWA standards.

Unfortunately, enforcement of AWA has not effectively stopped the inhumane treatment of animals within the pet industry. Because the AWA only covers breeders and others who sell at wholesale, many puppy mill owners have successfully avoided AWA requirements by selling directly to the public. The ability to use the Internet as a marketing tool for direct sales has only made selling directly to the public more prevalent and popular. Because USDA can only regulate wholesalers under the AWA, it has very limited authority to oversee the care and conditions of animals in these facilities.

PAWS addresses this growing problem. PAWS would regulate breeders who raise seven or more litters of dogs or cats each year. This threshold test would differentiate those breeders who raise animals in mass numbers from those who are hobby breeders.

In addition, this broad ranging legislation would cover importers and other non-breeder dealers who sell more than 25 dogs or cats per year, strengthen USDA's enforcement authority, and assure USDA access to source records of persons who acquire dogs for resale. Finally, PAWS expands the USDA's authority to seek injunctions against unlicensed dog and cat dealers.

The term ''puppy mill'' is not new to many people, be it pet owners, consumers, animal welfare advocates, inspectors or just casual observers. Puppy mills are large breeding operations that mass-produce puppies for commercial sale with little regard for the humane handling and treatment of the dogs. Breeding and raising dogs without respect to the animal's welfare guarantees bad results for the unknowing owner, and for the health of the dog and her puppies. For dogs, puppy mill conditions can mean overcrowded cages, lack of protection from weather conditions, and an overall lack of veterinary care.

The benefits of regulating commercial breeders and sellers are obvious. PAWS addresses the commerce in pets from many different angles, including imports, large direct sellers, Internet sellers, enforcement tools, and source records. As a member of the Senate Agriculture Committee and Chairman of the Subcommittee on Research, Nutrition and General Legislation, the subcommittee with jurisdiction, I am prepared to work aggressively to advance this legislation. I urge my colleagues to join Senator DURBIN and me in supporting this legislation.

Mr. DURBIN. Mr. President, I rise today to introduce the Pet Animal Welfare Statute, PAWS, along with my colleague, Senator SANTORUM.

For more than three decades, Congress has given the responsibility of ensuring minimum standards of humane care and treatment of animals to the U.S. Department of Agriculture, USDA, under the Animal Welfare Act, AWA.

The current guidelines within the AWA do not go far enough to protect puppies at large breeding facilities; they merely ensure the provision of water and food, and that is inadequate. The AWA has been largely ineffective because of weak enforcement procedures and limited resources. Another severe limitation of the current AWA is that it does not regulate overseas breeders who submit their animals to deplorable conditions before exporting them to the United States, leaving many imported animals with diseases and behavioral disorders. PAWS strengthens the AWA to better control the practices of puppy breeding in large facilities, addresses cruel puppy treatment and places stricter regulations on overseas breeders.

In large breeding facilities, puppies are often kept in cramped, dirty cages; sometimes stacked on top of each other; exposed to the elements in extreme cold and heat; forced to breed too frequently; and deprived of adequate food, water, veterinary care, and any semblance of loving contact. In fact, current law allows many of these breeders to evade all federal oversight.

This inhumane treatment has a direct bearing on the physical and mental health of dogs in these facilities. Often, after these puppies join a family, they turn out to have serious health and behavioral problems that cause them pain, cause their owners great distress, and require expensive medical care.

I believe PAWS will address these problems by filling gaps in the current law and encouraging stronger enforcement by USDA to crack down on chronic violators. The bill also applies to cats.

PAWS requires that any commercial breeder who sells seven or more litters of dogs or cats directly to the public in a year must be licensed by the USDA. The statute also allows the USDA to obtain the identity of breeders, a measure that would help the USDA to address inhumane treatment. PAWS extends the suspension period for facilities with AWA violations from 21 days to 60 days and provides the USDA with direct authority to apply for injunctions.

I've heard from many of my constituents in Illinois who are deeply concerned about the puppy mill problem and want this legislation enacted. PAWS is supported by national organizations, including the Humane Society of the United States, the American Kennel Club, Doris Day Animal League, and the Animal Welfare Institute.

I am pleased that we have obtained additional funds for USDA to improve its enforcement of the AWA. This piece of legislation will complement those ongoing efforts by strengthening USDA's authority to crack down on the bad actors.

PAWS will ensure that any commercial dog breeder licensed by the Federal Government is meeting basic humane standards of care. We owe at least this much to the animals that have earned the title ''man's best friend.'' This safety net for dogs and cats will protect pets and the consumers who care about them against the poor treatment practices of the worst dealers: the ones who provide no

interaction; the ones who violate industry norms against over-breeding; the ones who repeatedly violate the law governing humane care. The good dealers, however, should be recognized for the value they bring to pet lovers everywhere.

Currently, the good dealers suffer at the hands of the bad ones, the ones who give the industry a bad reputation. This bill will help draw a clear distinction in favor of the good dealers. I thank my colleagues for their attention to this issue, and I urge their support for the Pet Animal Welfare Statute.

By Mr. COCHRAN (for himself, Mr. PRYOR, Mr. CHAMBLISS, and Mr. ROBERTS):

S. 1141. A bill to authorize the Secretary of Homeland Security to regulate ammonium nitrate; to the Committee on Homeland Security and Governmental Affairs.

Mr. COCHRAN. Mr. President, fertilizers provide essential nutrients to the food we eat. Without fertilizer, roughly one-third of the world's people would go hungry. Ammonium nitrate fertilizer is an effective source of nitrogen that all crops need to grow. Thousands of American farmers value its use in certain applications including cool weather fertilization and other low-till cropping systems. Thus, the continued availability of ammonium nitrate fertilizer to U.S. farmers has economic, agronomic and environmental benefits to farmers and society as a whole.

At the same time, the April 1995 attack on the Alfred P. Murrah Federal Building in Oklahoma City showed America that this highly valuable fertilizer can be subject to adulteration and misuse by criminals intent on engaging in acts of terror.

After the Oklahoma City tragedy, Congress enacted legislation calling for a study on the feasibility and practicability of imposing controls on certain precursor chemicals, including ammonium nitrate. Congress recognized that it is simply not possible for the agriculture community to guarantee against the criminal misuse of ammonium nitrate or for any community to guarantee that the thousands of everyday products that can be converted to criminal use will not be misused by those with the intent and capability to do so.

Over the past 10 years, the security landscape has continued to change. The agriculture community and the fertilizer industry recognize that more needs to be done to strengthen the controls regarding the handling and purchase of ammonium nitrate fertilizer in order to ensure American farmers continue to have access to this valued input. Today, with my colleague from Arkansas Mr. PRYOR, my colleague from Georgia Mr. CHAMBLISS, and my colleague from Kansas Mr. ROBERTS, I am pleased to introduce legislation that provides a practical and workable solution to enhance the secure handling of ammonium nitrate ensuring that ammonium nitrate remains available for agricultural use.

The legislation is entitled ''The Secure Handling of Ammonium Nitrate Act of 2005.'' It calls for Federal and State cooperation to secure ammonium nitrate fertilizer. It requires any person who produces, stores, sells, or distributes ammonium nitrate to register their facility with their State department of agriculture and to maintain records of sales or distribution of the product. Additionally, it requires all purchasers of ammonium nitrate to register with their State department of agriculture.

We believe these requirements are necessary measures to help provide additional security for ammonium nitrate fertilizer and will not unduly burden agriculture professionals or farmers who use ammonium nitrate. Furthermore, we believe this important legislation will effectively enhance ongoing security measures and help to keep ammonium nitrate out of the hands of those who wish to harm our Nation.

I urge Senators to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1141

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secure Handling of Ammonium Nitrate Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) ammonium nitrate is an important fertilizer used to produce a reliable and affordable food supply for the United States and the world;

(2) in the wrong hands, ammonium nitrate may be used for illegal activities;

(3) the production, importation, storage, sale, and distribution of ammonium nitrate affects interstate and intrastate commerce; and

(4) it is necessary to regulate the production, storage, sale, and distribution of ammonium nitrate.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMMONIUM NITRATE.—The term ''ammonium nitrate'' means solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen, of which—

(A) 50 percent is in ammonium form; and

(B) 50 percent is in nitrate form.

(2) FACILITY.—

(A) IN GENERAL.—The term ''facility'' means any site where ammonium nitrate is produced, stored, or held for distribution, sale, or use.

(B) INCLUSIONS.—The term ''facility'' includes—

(i) all buildings or structures used to produce, store, or hold ammonium nitrate for distribution, sale, or use at a single site; and

(ii) multiple sites described in clause (i), if the sites are—

(I) contiguous or adjacent; and

(II) owned or operated by the same person.

(3) HANDLE.—The term ''handle'' means to produce, store, sell, or distribute ammonium nitrate.

(4) HANDLER.—The term ''handler'' means any person that produces, stores, sells, or distributes ammonium nitrate.

(5) PURCHASER.—The term ''purchaser'' means any person that purchases ammonium nitrate.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4. REGULATION OF HANDLING AND PURCHASE OF AMMONIUM NITRATE.

(a) IN GENERAL.—The Secretary may regulate the handling and purchase of ammonium nitrate to prevent the misappropriation or use of ammonium nitrate in violation of law.

(b) REGULATIONS.—The Secretary may promulgate regulations that require—

(1) handlers—

(A) to register facilities;

(B) to sell or distribute ammonium nitrate only to handlers and purchasers registered under this Act; and

(C) to maintain records of sale or distribution that include the name, address, telephone number, and registration number of the immediate subsequent purchaser of ammonium nitrate; and

(2) purchasers to be registered.

(c) USE OF PREVIOUSLY SUBMITTED INFORMATION.—Prior to requiring a facility or handler to submit new information for registration under this section, the Secretary shall—

(1) request from the Attorney General, and the Attorney General shall provide, any information previously submitted to the Attorney General by the facility or handler under section 843 of title 18, United States Code; and

(2) at the election of the facility or handler—

(A) use the license issued under that section in lieu of requiring new information for registration under this section; and

(B) consider the license to fully comply with the requirement for registration under this section.

(d) CONSULTATION.—In promulgating regulations under this section, the Secretary shall consult with the Secretary to Agriculture to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

(e) DATA CONFIDENTIALITY.—

(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272) or an amendment made by that Act, except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained from any facility, handler, or purchaser—

(A) regarding any action taken, or to be taken, at the facility or by the handler or purchaser to ensure the secure handling of ammonium nitrate; or

(B) that would disclose—

(i) the identity or address of any purchase of ammonium nitrate;

(ii) the quantity of ammonium nitrate purchased; or

(iii) the details of the purchase transaction.

(2) EXCEPTIONS.—The Secretary may disclose any information described in paragraph (1)—

(A) to an officer or employee of the United States, or a person that has entered into a contract with the United States, who needs to know the information to perform the duties of the officer, employee, or person, or to a State agency pursuant to an arrangement under section 6, under appropriate arrangements to ensure the protection of the information;

(B) to the public, to the extent the Secretary specifically finds that disclosure of particular information is required in the public interest; or

(C) to the extent required by order of a Federal court in a proceeding in which the Secretary is a party, under such protective measures as the court may prescribe.

SEC. 5. ENFORCEMENT.

(a) INSPECTIONS.—The Secretary, without a warrant, may enter any place during business hours that the Secretary believes may handle ammonium nitrate to determine whether the handling is being conducted in accordance with this Act, including regulations promulgated under this Act.

(b) PREVENTION OF SALE OR DISTRIBUTION ORDER.—In any case in which the Secretary has reason to believe that ammonium nitrate has been handled other than in accordance with this Act, including regulations promulgated under this Act, the Secretary may issue a written order preventing any person that owns, controls, or has custody of the ammonium nitrate from selling or distributing the ammonium nitrate.

(c) APPEAL PROCEDURES.—

(1) IN GENERAL.—A person subject to an order under subsection (b) may request a hearing to contest the order, under such administrative adjudication procedures as the Secretary may establish.

(2) RESCISSION.—If an appeal under paragraph (1) is successful, the Secretary shall rescind the order.

(d) IN REM PROCEEDINGS.—The Secretary may institute in rem proceedings in the United States district court for the district in which the ammonium nitrate is located to seize and confiscate ammonium nitrate that has been handled in violation of this Act, including regulations promulgated under this Act.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or other State agency that regulates plant nutrients, to carry out this Act, including cooperating in the enforcement of this Act through the use of personnel or facilities.

(b) DELEGATION.—

(1) IN GENERAL.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this Act, including regulations promulgated under this Act.

(2) DELEGATION REQUIRED.—On the request of a Governor of a State, the Secretary shall delegate to the State the authority to carry out section 4 or 5, on a determination by the Secretary that the State is capable of satisfactorily carrying out that section.

(3) FUNDING.—If the Secretary enters into an agreement with a State under this subsection to delegate functions to the State, the Secretary shall provide to the State adequate funds to enable the State to carry out the functions.

(4) INAPPLICABILITY.—Notwithstanding any other provision of this subsection, this subsection does not authorize a State to carry out a function under section 4 or 5 relating to a facility or handler in the State that makes the election described in section 4(c)(2).

SEC. 7. CIVIL LIABILITY.

(a) UNLAWFUL ACTS.—It is unlawful for any person—

(1) to fail to perform any duty required by this Act, including regulations promulgated under this Act;

(2) to violate the terms of registration under this Act;

(3) to fail to keep any record, make any report, or allow any inspection required by this Act; or

(4) to violate any sale or distribution order issued under this Act.

(b) PENALTIES.—

(1) IN GENERAL.—A person that violates this Act (including a regulation promulgated under this Act) may only be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

(2) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty shall be assessed under this Act unless the person charged has been given notice and opportunity for a hearing on the charge in the county, parish, or incorporated city of residence of the person charged.

(c) JURISDICTION OVER ACTIONS FOR CIVIL DAMAGES.—The district courts of the United States shall have exclusive jurisdiction over any action for civil damages against a handler for any harm or damage that is alleged to have resulted from the use of ammonium nitrate in violation of law that occurred on or after the date of enactment of this Act.

SEC. 8. STATE LAW PREEMPTION.

This Act preempts any State law (including a regulation) that regulates the handling of ammonium nitrate to prevent the misappropriation or use of ammonium nitrate in violation of law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. PRYOR. Mr. President, I stand today in support of legislation that will better protect our homeland by securing the trade and handling of ammonium nitrate. While ammonium nitrate is well known in the agriculture community to be an important fertilizer, it has also become a common ingredient in creating highly explosive bombs like the one used in the unforgettable April 1995 bombing attack of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. A little more than a month ago, we reflected on the tenth anniversary of this tragic moment in our nation's history. Despite the enormous potential for misuse if in the wrong hands, the purchase and use of ammonium nitrate is still largely unregulated by the federal government. It is our hope that we can reduce this potential for misuse. By better securing the trade and handling of this chemical, we will make it more difficult for individuals and groups to misuse the chemical and threaten the lives of Americans. The purpose of our legislation is to protect our homeland from future threats and attacks that may be similar in nature to that of the Oklahoma City Bombing while still ensuring that law abiding citizens can use this valuable fertilizer for agricultural activities.

Fertilizer provides essential nutrients to the food we eat by providing an effective source of nitrogen that all crops need to grow. I recognize the importance of fertilizer to our Nation's farming community, and that is why I believe that we must continue the availability of ammonium nitrate fertilizer to farmers in order to maintain the economic, agronomic and environmental benefits that this product provides. I also understand the negative impact of that fertilizer can have on our people if misused by criminals intent on engaging in acts of terror.

Since the 1995 Oklahoma City tragedy, many studies have been conducted by the Federal Government to determine the feasibility and practicability of imposing controls on certain precursor chemicals, including ammonium nitrate. In addition, the fertilizer industry and the Bureau of Alcohol Tobacco and Firearms (ATF) created the ''America's Security Begins with You'' ammonium nitrate security campaign in 1995 as an effort to minimize possible misuse of ammonium nitrate fertilizer. These studies and campaigns have both led to show that it is impossible for the agricultural community to guarantee against the criminal misuse of ammonium nitrate under current laws and regulations and that more can and should be done to protect against this threat.

The agricultural community and the fertilizer industry both recognize that more can and should be done to strengthen the controls regarding the handling and purchase of ammonium nitrate fertilizer in order to ensure American farmers continue to have access to this valued input. I believe that the Federal government must do its part in helping to assure that ammonium nitrate fertilizer stays in the hands of agricultural professionals and encourage all who handle this chemical to protect their community and America by establishing effective security measures.

I am proud to join my colleague from Mississippi, Senator COCHRAN, in introducing this legislation along with Senator CHAMBLISS and Senator ROBERTS. I believe it provides a very practical and workable solution to enhance the secure handling of ammonium nitrate and ensure that ammonium nitrate remains available for agricultural use. ''The Secure Handling of Ammonium Nitrate Act of 2005'' calls for a federal and state cooperation to secure ammonium nitrate fertilizer. It requires the Department of Homeland Security to enter into cooperative agreements with state departments of agriculture to ensure that any person who produces, stores, sells, or distributes ammonium nitrate registers their facility and maintains records of sales or distribution of the product. As such, purchasers of ammonium nitrate would also be required to register with their state's department of agriculture.

My colleagues and I agree that these requirements are necessary measures that provide additional security for ammonium nitrate fertilizer and will not unduly burden agriculture professionals or farmers who use this product. Furthermore, we firmly believe that this legislation will effectively enhance ongoing security measures by helping to keep ammonium nitrate out of the hands of those who wish to harm our Nation.

I thank the Chairman of the Appropriations Committee, as well as the

Chairmen of the Agriculture and Intelligence Committees for their leadership on this issue, and I urge my colleagues in the Senate to support this important legislation.

Mr. CHAMBLISS. Mr. President, I would like to echo the comments of the senior Senator from Mississippi regarding the ''Secure Handling of Ammonium Nitrate Act of 2005.'' The importance of ammonium nitrate fertilizer to the agricultural industry cannot be understated. However, its use in acts of terror has led the industry and public alike searching for a way to further secure the handling and use of ammonium nitrate. I believe this legislation accomplishes that goal. If passed, this bill will help us to track both where this fertilizer is, and who is in possession of it. The answers to both of these very important questions will further ongoing efforts to keep our Nation safe from people who may wish to do it harm. I feel this legislation provides additional security for ammonium nitrate while maintaining its viability as an agricultural fertilizer.

I urge my colleagues to support this important legislation.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. ALLEN, Mr. DURBIN, and Mr. LAUTENBERG):

S. 1142. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, over 50 years ago, Sir Winston Churchill uttered the immortal words, ''never in the field of human conflict has so much been owed by so many to so few.'' Although Prime Minister Churchill was referring to the selfless and courageous effort of the Royal Air Force in their defeat of the Germans in World War II, I would like to argue that these words apply equally to the men and women fighting to preserve democracy in Iraq and Afghanistan. These men and women are not only making it possible for each and every one of us to go about our daily lives under the blanket of safety and freedom to which Americans have become accustomed, but they are also striving to bring these benefits to people who have never had them before.

If you have had the opportunity to spend time with these men and women, as I have, you quickly observe that they embody everything good about America. Their patriotism, their unyielding commitment to serve their country, their selflessness and their sacrifice should serve as examples to us all. Perhaps what amazes me most, is that although these men and women are prepared to make the ultimate sacrifice for their country, they ask for little in return from it. It is therefore incumbent on us to recognize the debt we owe to them, and honor it.

Today there are 80,000 members of the National Guard and our Reserve armed forces serving bravely in the war on terror. In addition, close to 89,000 members of the Guard and Reserve have been activated in anticipation of being sent to Iraq, Afghanistan, or any other place their country calls on them to serve. While deployed, these citizen soldiers are asked, in a moment's notice, to leave their families, their jobs, and their communities behind, causing tremendous stress on the home front and in the workplace.

While having a loved one in harm's way is reason for stress alone, many of the families of these men and women have the added stress of trying to fill the void left. Many families have lost the main bread winner when a Guardsmen or Reservist gets deployed. As a result, they have trouble paying bills, the rent, the mortgage, or medicine for their children.

The primary reason these families cannot make ends meet is because for Guardsmen and Reservists military pay is often less than civilian pay. We call that the ''pay gap.'' According to the most recent Status of Forces Survey of Reserve Components, 51 percent of our citizen soldiers take a pay cut when they get deployed and 11 percent of them lose more than $2,500 per month.

We ask these men and women to make so many sacrifices on our behalf. I think that it is time that we be willing to make one in return. The least we can do is to help these families find relief from the financial woes caused by this gap. To help do this, my colleagues Senator GRAHAM, Senator ALLEN, Senator DURBIN, and myself are pleased to introduce the Helping Our Patriotic Employers at Helping our Military Employees Act of 2005. We call the bill by its nickname: HOPE at HOME. Our guard and reserve families have enough to worry about when a loved one gets called away, the least we can do is relieve some of the financial worry by encouraging employers to make up the pay gap. Let me describe for my colleagues how this legislation works.

HOPE at HOME will give a 50 percent tax credit to the thousands of employers around the country who have taken the patriotic step of continuing to pay the salary of their guard and reservists employees who have been called to active duty. There are literally thousands of employers out there who already take this noble step—they do it voluntarily, selflessly and at great sacrifice. The HOPE at HOME Act honors that sacrifice.

HOPE at HOME will also encourage companies that cannot afford to make up the pay-gap an incentive to do it. One survey found that only 173 of the Fortune 500 companies make up the pay gap. If the wealthiest companies cannot afford to help their active duty employees, imagine how difficult this is for smaller companies. HOPE at HOME will allow companies large and small to do the patriotic thing and reward those employees who are serving to keep us all free.

HOPE at HOME will also give small patriotic employers additional tax relief if they need to hire a worker to temporarily replace the active duty Guardsmen or Reservist. In addition, the bill clarifies the tax treatment of any pay-gap payments to make income tax filing easier for our Guard and Reservists.

A moment ago, I mentioned that thousands of employers make up the pay-gap for their employees. There is one employer, however, and it happens to be the Nation's largest, that does not make up the pay gap: Uncle Sam. The Federal Government, which should set the bar for patriotism in our country, does not do its part to help citizen soldiers. Senator DURBIN has been a leader in this area, so our bill includes language that he has been fighting to require the Federal Government to make up the pay gap. We cannot ask the private sector to do more than they are doing if the Federal Government is not willing to step up and do its part for our military men and women.

This is not only the right thing to do, it is the smart thing to do. Today our Nation relies on the Guard and Reserve to meet our armed forces needs more than at any other time in our history. At times in the war on terror, forty-percent of our troops in Iraq and Afghanistan were citizen soldiers. Many of them performed multiple tours of duty or found their duties extended.

All of the experts tell us that our need for our Guard and Reserve troops will only get greater. In the post-Cold War world, we have drastically reduced our standing Army from 800,000 in 1989 to approximately 482,000 today, a 40 percent decrease. The number of deployments has increased by over 300 percent. The Guard and Reserve have made it possible to meet these challenges. We still find ourselves stretched thin, but without the Guard and Reserve we would never be able to meet our obligation as guardians of freedom in the World.

But this over-reliance on the Guard and Reserve is starting to have a toll on our ability to recruit and retain these men and women. The percentage of Army Reserve personnel who plan to remain in the military after their tour of duty ends fell from 73 percent to 66 percent over 2004. The top reasons for leaving the Guard and Reserve, according to the Status of Forces Survey of Reserve Components, are family stress, the number and lengths of deployments, income loss, and conflict with civilian employment.

We are beginning to have recruitment problems as well for our standing military. Back in February, the Army and the National Guard and Reserve recruited 3,824 soldiers, but this was only 69 percent of their monthly goal. The numbers went up in March, but still fell short by 12 percent of the goal.

HOPE at HOME recognizes that a soldier who is worrying about how his or her family is paying the bills is not focusing on the mission at hand. A soldier who is worrying about whether the family is paying the rent, is not going

to reenlist. And every time one of our soldiers leaves, our Nation loses the experience and service of a highly trained, capable professional. We need to make every effort to keep our citizen soldiers in service to their country. HOPE at HOME is a first step to addressing our military's larger recruitment and retention issues.

During the Cold War we built our strength on having the biggest, best equipped standing army in the World. Now our military gathers its strength from a large reserve of qualified men and women in the Guard and Reserve who are ready to fight at a moment's call. We will lose that strength if we do not give our Guardsmen and Reservists and their families HOPE at HOME.

I hope my colleagues will join Senators ALLEN, GRAHAM, DURBIN and myself in supporting the HOPE at HOME Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1142

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helping Our Patriotic Employers at Helping Our Military Employees Act of 2005'' or the ''HOPE at HOME Act of 2005''.

SEC. 2. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services for a period of more than 90 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given in section 4303 of title 38;

''(2) the term 'service in the uniformed services' has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

''(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(4) the term 'basic pay' includes any amount payable under section 5304.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

SEC. 3. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

''SEC. 45J. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

''(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

''(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

''(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

''(B) hospitalization incident to such duty.

''(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

''(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

''(e) PORTION OF CREDIT MADE REFUNDABLE.—

''(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

''(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term 'eligible employer' means an employer which is a State or local government or subdivision thereof.

''(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

''(i) section 3111(b), and

''(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

''(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of

such Code (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following:

''(20) the Ready Reserve-National Guard employee credit determined under section 45J(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45J(a),'' after ''45A(a),''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following:

''Sec. 45J. Ready Reserve-National Guard employee credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding after section 30A the following new section:

''SEC. 30B. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

''(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

''(A) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

''(B) $12,000.

''(b) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

''(1) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

''(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

''(3) group health plan costs (if any) with respect to the qualified replacement employee.

''(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified replacement employee' means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

''(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 45J(b)) from the employee's employer and is participating in qualified active duty, including time spent in travel status, or

''(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

''(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45J(d)(3).

''(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term 'Ready Reserve-National Guard self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

''(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

''(e) LIMITATIONS.—

''(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(B) the tentative minimum tax for the taxable year.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

''(2) SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(3) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' has the meaning given such term by section 45J(d)(1).

''(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

''(A) IN GENERAL.—In the case of any qualified manufacturer—

''(i) subsection (a)(2)(B) shall be applied by substituting '$20,000' for '$12,000', and

''(ii) paragraph (2)(A) of this subsection shall be applied by substituting '100' for '50'.

''(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

''(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

''(ii) all of such person's facilities which are used for production in such business are located in the United States.

''(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.''.

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits), as amended by this Act, is amended—

(1) by inserting ''or compensation'' after ''salaries'', and

(2) by inserting ''30B,'' before ''45A(a),''.

(c) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting ''30B(e)(1),'' after ''30(b)(3),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 30A the following new item:

''Sec. 30B. Credit for replacement of activated military reservists.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2004.

SEC. 6. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).''.

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: ''The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. SMITH, Mr. LEAHY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. SALAZAR, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 1145. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, hate crimes are a violation of everything our country stands for. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. They're basically acts of domestic terrorism. Hate crimes have an impact far greater than the impact on their individual victim. They're crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded.

The vast majority of Congress agrees. Last year, Senator SMITH and I offered the same measure. The Senate passed it as an amendment to the Defense Authorization Bill by a nearly 2–1 bi-partisan vote of 65–33. By a vote of 213–186, the House instructed its conferees to support it in the conference report on the bill. Unfortunately, House leaders insisted that the provision be dropped in conference. This week, Senator SMITH and I are introducing the identical bill.

The provision is supported by a broad coalition of law enforcement and civil rights groups, including the National Sheriff's Association, the International Association of Chiefs of Police, the Anti-Defamation League, and the National Center for Victims of Crime, and I'm optimistic the bill would have the same broad support it did before. Those who commit hate crimes prey on the vulnerable and terrorize them, because they can't protect themselves. If our Nation stands for anything, it's to protect the vulnerable.

We know that hate crimes are a serious problem that continues to plague us. According to FBI statistics, over 9,000 people were victims of hate crimes reported in the United States in 2003. That's almost 25 people victimized a day, every day, based on their race, religion, sexual orientation, ethnic background, or disability. Sadly, these F.B.I. statistics show only part of the problem, because many hate crimes go unreported. The Southern Poverty Law Center, a nonprofit organization that monitors hate groups and extremist activity, estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000.

Congress can't ignore the problem. Our bill will strengthen the ability of Federal, State, and local governments to investigate and prosecute these vicious and senseless crimes. Current Federal law, obviously isn't adequate to protect our citizens.

It contains excessive restrictions requiring proof that victims were attacked because they were engaged in certain ''federally protected activities.'' It doesn't include violence committed because of person's sexual orientation, gender, or disability. It covers only hate crimes based on race, religion, or ethnic background.

The federally protected activity requirement is outdated, unwise, and unnecessary. In June 2003, three men saw 6 Latino teenagers in a family restaurant on Long Island. The teenagers, 3 boys and 3 girls, between 13–15 years old, knew each other from church and baseball teams. They were there together to celebrate the birthday of one of the girls, whose parents made her take her 13 year old sister along as ''chaperone.'' A parent dropped them all off in his mini-van and promised to pick them up after dinner and a movie. But, moments after leaving, he received a panicked phone call from one of the children, telling him they'd been attacked.

As the group entered the restaurant, three men were leaving the bar, after drinking there for hours. For no apparent reason, they assaulted the teenagers, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men screamed racial slurs and one identified himself as a skinhead. The children, who had never experienced anything like this, have been traumatized ever since.

Two of the defendants were tried under current Federal law for committing a hate crime and were acquitted. The Jurors said they acquitted them because the government had not proved the attack took place because the victims were engaged in a federally protected activity—using the restaurant.

The bill we introduce today eliminates the federally protected activity requirement. Under this bill, these defendants who walked out of the front door of the courthouse free that day would almost certainly have left in handcuffs through a different door.

The bill also recognizes that hate crimes are committed against people because of their sexual orientation, their gender, and their disability. Current Federal law didn't protect gay campers in Honolulu from attempted murder when their tents were doused

with a flammable liquid and set on fire because they were gay.

It didn't protect Brandon Teena, in Humboldt, NE who was raped and beaten by two male friends when they discovered that he was living as a male but was anatomically female. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

Current law did not protect a 23-year-old mentally disabled man in Port Monmouth, New Jersey who was kidnapped by 9 men and women and tortured for three hours before being dumped in the woods because he was disabled.

Our bill will close all these flagrant loopholes. In addition to removing the federally protected activity requirement and expanding the class of protected people:

The bill protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case.

It offers Federal assistance to help State and local law enforcement investigate and prosecute hate crimes in any of the categories.

It offers training grants for local law enforcement.

It amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

A strong Federal role in prosecuting hate crimes is essential for practical and symbolic reasons. In practical terms, the bill will have a real world impact on actual criminal investigations and prosecutions by State and Federal officials.

The presence or absence of the ''federally protected activity'' requirement frequently determines whether state and local resources must be used to prosecute these crimes or whether the Federal Government can bring its full weight to bear on the case.

Hate crime investigations tend to be expensive, requiring considerable law enforcement legwork and extensive use of investigative grand juries. State officials regularly seek federal assistance in bringing hate crime offenders to justice under current law. This bill expands the opportunity for the Justice Department to provide that support.

Our bill fully respects the primary role of State and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the state and local level. The bill authorizes the Justice Department to assist state and local authorities in hate crimes cases, it authorizes Federal prosecutions only when a State does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence.

In other words, the bill establishes an appropriate back-up for State and local law enforcement to deal with hate crimes in cases where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

The symbolic value of the bill is equally important. Hate crimes target whole communities, not just individuals. They are intended to send messages of fear that extend beyond the moment and beyond the individual victim of the attack. Attacking people because they are gay, or African-American, or Jewish, or any other criteria in the bill is bigotry at its worst. Hate crimes are designed to de-humanize and diminish, and we must say loud and clear to those inclined to commit them that they'll go to prison if they do.

The vast majority of us in Congress recognized the importance of making that statement last year. This year, we can make the statement even louder, by turning this bill into law.

Mr. SMITH. Mr. President, as I have done so many times before, I rise today to speak about the need for hate crimes legislation and to introduce the Local Law Enforcement Enhancement Act of 2005. I first sponsored this bill with my colleague, Senator KENNEDY, in 1999 and again in 2001 and 2003.

In the Senate, this legislation passed as an amendment to the Commerce, Justice, State appropriations bill in 1999 and the Defense Department authorization bill in 2000 and 2004, but removed in conference in each case. In 2003, it was introduced as an amendment to the Foreign Relations Authorization Act, but did not pass due to a procedural vote. Clearly, hate crimes legislation has strong support in the Senate.

Senator KENNEDY and I are reintroducing this bill again today because the need for Federal hate crimes legislation is greater than ever. The high prevalence of hate crimes is staggering. Every day there is another America that is attacked or even murdered in an act solely motivated by hate.

Hate crimes tear at the very fabric of our Nation by intimidating entire groups of Americans and creating fear across communities. No one in America should be victimized because of who they are, how they look, or what religion they worship. And the Federal Government should be able to come to the aid of those who have been wronged and protect victims.

Since 1969, Federal law has permitted prosecution of hate crimes motivated by race, religion, national origin, or color, if the victim was engaging in one of six ''Federally protected'' activities. It has become clear that the statue needs to be amended—and that is what our legislation does. Our legislation would expand on current laws to encompass sexual orientation, gender and disability. It would enable Federal prosecutors to pursue hate crimes cases where local authorities often lack the resources or the ability to prosecute such crimes.

Nobel laureate Eli Wiesel once said: ''To hate is to deny another person's humanity.'' As a Nation that serves as the beacon of justice, freedom and liberty everywhere, we simply cannot tolerate violence against our own citizens based on their race, color, religion, or national origin. No matter how far the United States has come and the progress we have made in protecting American's civil rights, much work remains. We cannot fight terror abroad and bow down to terror at home.

This legislation is a symbol that can become substance. As I have often said, the law is a teacher, and we should teach our fellow Americans that bigotry will not be tolerated. Our government must have the ability to persuade, to pursue, and to prosecute when hate is the motive of violence against another American, no matter their race, sexual orientation, religion, disability, or gender. By changing the law, I truly believe we can change hearts and minds as well.

I urge my colleagues to help me to change the hearts and minds and to make it widely known that we live in a society and a country that does not tolerate those who impose on the civil rights of others simply because they are different.

This year, Congress needs to act. I look forward to President Bush signing this legislation into law.

By Mrs. BOXER:

S. 1146. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, in March 2000, I introduced legislation to deal with the high price of gasoline. At the time, the price of gasoline had reached a startlingly high $2.15 per gallon in California. Today, gasoline prices on average in California are $2.43 per gallon, 13 percent higher. The problem is getting worse, not better, and so today I am reintroducing my bill to control the manipulation of gasoline prices.

We have heard that higher gasoline prices are due solely to higher crude oil prices. I just do not buy it.

According to the U.S. Energy Information Administration, from January 17 through April 11, the cost of crude oil rose 10.8 percent. During the same time period, the average retail price of gasoline in the United States rose 24.9 percent. Something is not right.

Look at the profits that are being pocketed by the big oil companies. Compared to the same time last year, oil companies' first-quarter profits are dramatically higher.

Look at the number of mergers and acquisitions in the industry over the past several months. The continued consolidation only reduces competition and increases energy costs.

Look at the refiners that may be taking plants off-line at will for ''routine

maintenance,'' which is reminiscent of the electricity crisis when generators took their plants off-line for ''routine maintenance'' in order to artificially increase prices.

My legislation will shed light on manipulation and hopefully curtail it.

The bill requires the Federal Trade Commission to automatically investigate the gasoline market for manipulation anytime average gasoline prices increase in any State by 20 percent in a period of 3 months or less and remain at that level for 7 days or more.

Market manipulation would include, but it is not limited to, collusion or the creation of artificial shortages such as unnecessarily taking refineries off-line. In determining the trigger, the gasoline price used would be the Energy Information Agency's weekly pricing of regular grade gasoline. A report on the FTC's investigation would be due to Congress 14 days after the price trigger.

Under the bill, the FTC would be required within 2 weeks of issuing the report to hold a public meeting to discuss the findings. If the finings indicate that there is market manipulation, then the FTC would work with the State's attorney general to determine the penalties.

If the findings indicate that there is no market manipulation, then the U.S. Department of Energy must officially decide, within 2 weeks, the Strategic Petroleum Reserve should be used in order to ease prices and stabilize supply.

We need to deter market manipulation. Otherwise, we risk serious price gouging with no accountability to consumers. My legislation offers a reasonable standard for an investigation and a reasonable time frame in which to complete that investigation. I believe the threat of these investigations and the public light that would be shed on the system will keep gasoline prices down.

I urge my colleagues to cosponsor this bill.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. BURNS, Mr. SCHUMER, Mr. BUNNING, and Ms. CANTWELL):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am introducing legislation that would accelerate the deployment of advanced broadband internet access technologies in rural and underserved regions. This bipartisan legislation is very similar to bills that I have introduced in the last several Congresses. I want to thank Senators SNOWE, BAUCUS, BURNS, SCHUMER, CANTWELL, and BUNNING for cosponsoring this bill.

The convergence of computing and communications has fundamentally and forever changed the way Americans live and work. Individuals, businesses, schools, libraries, hospitals, and many others share information through computer networks. We shop online. Some of us work at home, or in other locations, using networked computers to interact with our colleagues and associates. Distance learning and telemedicine provide important services in remote locations. In our personal lives we look to our networked computers for entertainment and to communicate with family and friends. These trends are accelerating dramatically.

A decade ago, telephone-based low-bandwidth services met most of our limited data communications needs. Today this technology is obsolete. Most businesses and many individuals find that they require the ability to transmit information much faster, using what is commonly known as broadband communications. Several technologies compete to provide customers with broadband communications. Among the most prominent are optical fiber, wireless, digital-subscriber lines, cable modems, power line transmission, and satellites.

Indeed, as the need for faster services compounds, the technologies must be improved and even the definition of broadband communications must be revised and updated. The now-obsolete telephone-based systems transmit data at up to 56 thousand bits per second. Today, internet service providers commonly install first generation broadband systems that transmit data at rates between 256 thousand bits per second and 4 million bits per second. But we can now see clearly that these current-generation systems will be superseded by second-generation systems, already being installed in a few areas, which operate at data rates of up to 30 million bits per second. In other countries, services that transmit and receive data at 100 million bits per second are already available to individuals. Some industry experts predict that within 5 to 10 years there will be a substantial demand for systems that operate at 1 billion bits per second.

Despite the industry downturn over the past few years, America's telecommunications providers are working to make higher speed communications more widely available. Progress is fastest, and the business case for investment is most attractive, in affluent urban and suburban areas, especially newly developing areas. Rural areas are less fortunate. Low population densities, rugged terrain, and other factors make these areas difficult and expensive to serve. Similarly, the business case for providers to invest in underserved areas, mostly low income areas, is generally weak.

As was the case with electric power and telephone systems in the 20th century, financial incentives will be necessary to assure the extension of broadband communications infrastructure into rural and underserved regions. These incentives will also provide a substantial benefit to the American economy. In the same way that extending electric power systems into rural areas stimulated a new demand for electric appliances and other products, the wider availability of broadband communications will stimulate electronic commerce and new commercial services.

For my State of West Virginia, and other rural and low income States, the availability of advanced communications systems will allow residents to participate in the 21st century economy and have access to the economic and cultural benefits of urban living while retaining their cherished rural values and lifestyles.

The consequences of failing to act are serious. Businesses in infrastructure-rich regions will prosper at the expense of those in rural and underserved regions. New businesses will locate where the information infrastructure is strong. The migration of jobs to urban and affluent areas will accelerate and tax revenue in rural and underserved areas will continue to decline. Residents of West Virginia and other rural states will continue to be at an economic and educational disadvantage. The ''digital divide'' will widen and the gap between ''have'' and ''have-not'' regions will expand.

Decisions on how this country chooses to deploy information technology have the power to fundamentally transform the future of rural America. I firmly believe, and I am sure this view is shared by many of my colleagues, that rural communities deserve the same opportunities as their wealthier urban and suburban counterparts. We must make a commitment to them now, while there is still time, that their communications infrastructure will not always be a generation or more behind that of urban and suburban areas.

My bill would provide incentives for broadband deployment by allowing providers, under certain conditions, to treat their investments in broadband technologies as current-tax-year expenses. Under my legislation, the incentives provided by this bill would be differentiated to favor investments in technologies that will continue to meet communications needs further into the future.

Half of investments in systems that permit data to be received at rates of 1.0 million bits per second and transmitted at rates of 128 thousand bits per second would qualify. This is a substantial incentive to provide residents of rural and underserved areas the capabilities already enjoyed by individuals and businesses in urban and suburban areas.

Investments in systems that permit data to be received at 22 million bits per second and transmitted at 5 million bits per second would fully qualify. This more powerful incentive challenges internet service providers to provide the capabilities that they have already begun to introduce in urban and suburban areas. Forward-looking

providers will use this opportunity to invest in technologies that can be upgraded further as the demand grows.

Americans believe strongly in equal opportunity. This bill is just one part of an effort to make sure that all Americans have equal access to modern communications systems and the opportunities that those systems are bringing in the 21st century.

I hope that the Members of this body will support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1147

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

SECTION 1. EXPENSING OF BROADBAND INTERNET ACCESS EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 190 the following new section:

"SEC. 191. BROADBAND EXPENDITURES.

''(a) TREATMENT OF EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to treat any qualified broadband expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction.

''(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may prescribe by regulation.

''(b) QUALIFIED BROADBAND EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified broadband expenditure' means, with respect to any taxable year, any direct or indirect costs incurred after the date of the enactment of this Act and before the date which is 10 years after such date and properly taken into account with respect to—

''(A) the purchase or installation of qualified equipment (including any upgrades thereto), and

''(B) the connection of such qualified equipment to any qualified subscriber.

''(2) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any costs incurred with respect to the launching of any satellite equipment.

''(3) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of qualified equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in paragraph (1).

''(4) LIMITATION WITH REGARD TO CURRENT GENERATION BROADBAND SERVICES.—Only 50 percent of the amounts taken into account under paragraph (1) with respect to qualified equipment through which current generation broadband services are provided shall be treated as qualified broadband expenditures.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service, after the date of the enactment of this Act.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after the date of the enactment of this Act by any person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of—

''(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

''(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means any person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of any digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

''(A) a cable operator,

''(B) a commercial mobile service carrier,

''(C) an open video system operator,

''(D) a satellite carrier,

''(E) a telecommunications carrier, or

''(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by 1 or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) any residential subscriber.

''(15) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

''(16) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(17) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(18) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

''(19) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

''(20) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(21) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include a commercial mobile service carrier.

''(22) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(23) UNDERSERVED AREA.—The term 'underserved area' means—

''(A) any census tract which is located in—

''(i) an empowerment zone or enterprise community designated under section 1391, or

''(ii) the District of Columbia Enterprise Zone established under section 1400, or

''(B) any census tract—

''(i) the poverty level of which is at least 30 percent (based on the most recent census data), and

''(ii) the median family income of which does not exceed—

''(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income, and

''(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

''(24) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(f) SPECIAL RULES.—

''(1) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No expenditures shall be taken into account under subsection (a)(1) with respect to the portion of the cost of any property referred to in section 50(b) or with respect to the portion of the cost of any property specified in an election under section 179.

''(2) BASIS REDUCTION.—

''(A) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a)(1).

''(B) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a)(1) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

''(3) COORDINATION WITH SECTION 38.—No credit shall be allowed under section 38 with respect to any amount for which a deduction is allowed under subsection (a)(1).''.

(b) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 512(b) of the Internal Revenue Code of 1986 (relating to modifications) is amended by adding at the end the following new paragraph:

''(18) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—A mutual or cooperative telephone company which for the taxable year satisfies the requirements of section 501(c)(12)(A) may elect to reduce its unrelated business taxable income for such year, if any, by an amount that does not exceed the qualified broadband expenditures which would be taken into account under section 191 for such year by such company if such company was not exempt from taxation. Any amount which is allowed as a deduction under this paragraph shall not be allowed as a deduction under section 191 and the basis of any property to which this paragraph applies shall be reduced under section 1016(a)(32).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) of the Internal Revenue Code of 1986 (relating to capital expenditures) is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by adding at the end the following new subparagraph:

''(J) expenditures for which a deduction is allowed under section 191.''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) to the extent provided in section 191(f)(2).''.

(3) The table of sections for part VI of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 190 the following new item:

''Sec. 191. Broadband expenditures.''.

(d) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (16), (22), and (23) of section 191(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(19) of such section 191—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(e) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any deduction or portion thereof allowed under section 191 of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the election to deduct qualified broadband expenditures under section 191 of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 191 of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 191 of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 191 of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. BINGAMAN, Mrs. MURRAY, Mr. CORZINE, Mr. JOHNSON, and Mr. INOUYE):

S. 1148. A bill to amend title XVIII of the Social Security Act to permit direct payment under the medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, in honor of Older Americans' Mental Health Week, I rise today to introduce the Clinical Social Work Medicare Equity Act of 2005. I am proud to sponsor this legislation that will ensure that clinical social workers can receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers may not be paid for services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services. Congressmen STARK and LEACH are introducing a companion bill today in the House of Representatives.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever gets treated. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carryout activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

As a former social worker, I understand the role that social workers play in the overall care of patients and seniors. This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and also seniors residing in rural environments. But unlike other mental health providers, clinical social workers cannot bill directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers can help make sure that our most vulnerable citizens get the quality, affordable mental health care they need and deserve. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services provided in nursing facilities to each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the prospective payment system, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This billis about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2005 is strongly supported by the National Association of Social Workers and the Association for Geriatric Psychiatry. I also want to thank Senators STABENOW, BINGAMAN, MURRAY, CORZINE, JOHNSON, and INOUYE for their cosponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

NATIONAL ASSOCIATION OF SOCIAL WORKERS—POLITICAL ACTION FOR CANDIDATE ELECTION,

Washington, DC, May 25, 2005.

Senator BARBARA MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization with over 153,000 members nationwide. NASW promotes, develops, and protects the affective practice of social work and social workers. NASW also seeks to enhance the well being of individuals, families, and communities through its work, service, and advocacy.

NASW strongly supports the Clinical Social Work Medicare Equity Act of 2005, which will end the unfair treatment of clinical social workers under the Medicare Part B Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

Section 4432 of the Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of daily services provided to SNF patients is bundled into a single amount. Prior to PPS, a separate Medicare Part B claim was filed by the

provider for each individual service rendered to a patient. Congress made this change in an attempt to capitate the rapidly rising costs of additional patient services delivered by Medicare providers to SNF patients, with the precise target being physical, occupational, and speech-language therapy services. However, Congress recognized that some services, such as mental health and anesthesia, are best provided on an individual basis rather than as part of the bundle of services. Thus, the following types of providers are specifically excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an unintentional oversight during the drafting process, clinical social workers were not listed among the aforementioned providers in the legislation.

In 1996, Department of Health and Human Services Inspector General June Gibbs Brown published a report entitled ''Mental Health Services in Nursing Facilities''. The purpose of the report was to describe the types of mental health services provided in nursing facilities and identify potential vulnerabilities in the mental health services covered by Medicare. One critical finding of the report was 70% of nursing home respondents stated that permitting clinical social workers and clinical psychologists to bill independently had a beneficial effect on the provision of mental health services in nursing facilities. The Clinical Social Work Medicare Equity will maintain this beneficial effect on SNF patients by ensuring the continuation of direct Medicare billing by clinical social workers for mental health services rendered to SNF patients.

Your efforts on behalf of mental health patients and professional social workers nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to this important issue as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

DAVID DEMPSEY,
Manager, Government Relations and PACE.

AMERICAN ASSOCIATION FOR GERIATRIC PSYCHIATRY,
Bethesda, MD, May 25, 2005.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the American Association for Geriatric Psychiatry (AAGP), I am writing to endorse the ''Clinical Social Work Medicare Equity Act of 2005.''

AAGP is a professional membership organization dedicated to promoting the mental health and well-being of older people and improving the care of those with late-life mental disorders. AAGP's membership consists of 2,000 geriatric psychiatrists, as well as other health professionals who focus on the mental health problems faced by senior citizens.

This legislation would permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities. The numbers of mental health professionals available to treat older adults, including residents of nursing homes, are already inadequate, and as the baby boom generation ages, the needs will only increase. Clinical social workers constitute a crucial component of the team of mental health professionals who are able to deliver this care, and assuring that they are able to bill for their services in the same way as psychiatrists and psychologists is not only fair but also necessary if nursing home residents are to have access to the mental health care they need.

AAGP commends you for your introduction of this important legislation, and we look forward to working with you towards its enactment.

Sincerely,

CHRISTINE M. de VRIES,
Executive Director.

S. 1148

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clinical Social Work Medicare Equity Act of 2005''.

SEC. 2. PERMITTING DIRECT PAYMENT UNDER THE MEDICARE PROGRAM FOR CLINICAL SOCIAL WORKER SERVICES PROVIDED TO RESIDENTS OF SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''clinical social worker services,'' after ''qualified psychologist services,''.

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date that regulations relating to payment for physicians' services for calendar year 2005 take effect, but in no case later than the first day of the third month beginning after the date of the enactment of this Act.

By Mr. ISAKSON (for himself and Mr. KENNEDY):

S. 1149. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ISAKSON. Mr. President, I am pleased to rise and join Senator KENNEDY in introducing the Improving Access to Workers' Compensation for Injured Federal Workers Act.

One of Congress's biggest challenges year in and year out is providing access to affordable quality healthcare for the American people. Today, I am pleased to announce that Senator KENNEDY and I have found an opportunity to provide injured Federal workers with a better system of reimbursable healthcare for their workers compensation claims.

Physicians assistants and nurse practitioners are vital contributors to our healthcare system. Together, they provide economical quality medical care to the American people. Unfortunately, however, they are currently not recognized in the current FECA statute. When Federal workers' compensation claims are signed by NPs or PAs, the Federal Government denies these claims. With the introduction of this bill, Senator KENNEDY and I want to correct this hurdle to economical medical care.

The need for this straightforward legislation is clear. In some rural area health clinics, NPs and PAs are the only full-time providers of medical care. Likewise, NPs and PAs may be the only healthcare professionals on-site after hours at local clinics.

These professions are regulated by all States and are covered providers within Medicare, Tri-Care, and nearly all private insurance plans. Indeed, many Federal workers already regularly receive medical care from NPs and PAs through their Federal Employee Health Benefits Plan. NPs and PAs are also employed by the Federal Government, including the Department of Veterans Affairs, Department of State, Department of Defense, and the Public and Indian Health Services. In fact, most State workers' compensation programs cover NPs and PAs as reimbursable providers.

Again, I thank Senator KENNEDY for his cooperation in ensuring cost-effective quality medical care is available to injured Federal workers.

Mr. KENNEDY. Mr. President, today, with my distinguished colleague Senator ISAKSON, I am pleased to introduce the Improving Access to Workers' Compensation for Injured Federal Workers Act.

Our federal employees serve the American public. Day in and day out, they keep our homeland secure, protect our environment, and oversee and care for those in need. They ensure the safety of our food and our medicines, deliver our daily mail, and undertake countless other duties that, while they sometimes go unnoticed, should never be taken for granted.

More than two-and-a-half million of these workers are covered by the Federal Employees' Compensation Act (FECA). In addition to compensating workers for lost wages, FECA provides medical treatment to Federal workers injured on the job, to help them return to health and to work quickly.

FECA is an effective and fair compensation system. This bill will make it even better by expanding it to cover services provided by nurse practitioners and physician assistants. This will protect many workers who are now without access to needed care when a job-related injury strikes.

Nurse practitioners and physicians' assistants play growing role in medical care, with more than 100,000 nurse practitioners and 46,000 physicians' assistants across the country. They provide crucial services—diagnosing and treating illnesses, ordering and interpreting diagnostic and laboratory tests and educating and counseling patients and families. In many States they can also prescribe medications.

Nurse practitioners and physicians' assistants provide these top quality services in a cost-effective way. The Department of Health and Human Services reports that an office visit to see a nurse practitioner costs 10 percent to 40 percent less than comparable services from a physician, and the Bureau of Labor Statistics calls physicians' assistants ''cost-effective and

productive members of the healthcare team.''

While their impact is felt throughout our nation, these care providers play a particularly important role in rural and low-income urban areas, which are often underserved by doctors. In fact, in some rural areas, an injured Federal worker may be required to travel more than one-hundred miles to see a physician and receive care that is covered under FECA. This bill would expand Federal workers' service options to include physicians' assistants or nurse practitioners who are more likely to be located nearby.

I urge my colleagues to join me in supporting this bill and recognizing the invaluable work done by our Federal employees and the high-quality cost-effective care provided by nurse practitioners and physicians' assistants.

By Mrs. CLINTON:

S. 1150. A bill to increase the security of radiation sources, and for other purposes; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, I rise to discuss the Dirty Bomb Prevention Act of 2005, which I am introducing today in the Senate, and Congressman MARKEY is introducing in the House.

Since September 11, we have increased our focus on dirty bombs, and rightly so.

Most Americans are not aware of how common this radioactive material is in our country. Often we think of warheads or rods used in nuclear reactors. However, we use less radioactive materials in positive ways in our hospitals, research laboratories, food irradiation plants, oil drilling facilities, airport runway lighting, and even in smoke detectors.

And although these materials have beneficial uses, the fact is that some of them, in the hands of a terrorist, could be used to make a dirty bomb that could be used to contaminate a wide area in New York City or in many other places across the country.

According to the Federation of American Scientists, ''material that could easily be lost or stolen from U.S. research institutions and commercial sites could contaminate tens of city blocks at a level that would require prompt evacuation . . . Areas as large as tens of square miles could be contaminated at levels that exceed recommended civilian exposure limits. ''

Even if such contamination caused by a dirty bomb did not pose severe health threats, efforts to determine the extent of contamination and clean it up would be both expensive and disruptive.

And we know that radiation sources are numerous in the United States. The Nuclear Regulatory Commission (NRC) reports that about 157,000 general and specific licenses have been issued authorizing the use of radioactive materials for industrial, medical, and other uses. About 1.8 million devices containing radioactive sources have been distributed under these licenses.

And we know that some of these sources get lost or stolen. A 2003 GAO report found that since 1998, there have been more than 1,300 incidents where radiation sources were lost, stolen or abandoned.

While not all of these sources and incidents present potential dirty bomb threats, it's clear that we need to do a better job.

This legislation fills in remaining gaps to enable the U.S. to more effectively control radiation sources.

First, the bill would give the Nuclear Regulatory Commission the authority and the mandate to control Radium-226 and other naturally occurring radioactive materials that for historical reasons have remained outside of federal control.

Radium-226 is of particular concern, as it is on the list of radiation sources that the United States has agreed to control as part of adhering to the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources.

Radium-226 was used in medicine, starting early in the 20th century. Its use increased until the 1950s, when there were more than 5,000 radium users in the U.S. Since then, its use declined, and we don't have a good handle on what is left out there. Because it is naturally occurring, it has stayed out federal regulatory net. So we need to give the NRC the authority to go out and get control of it.

Second, the bill requires the NRC to develop within 6 months of enactment a ''cradle-to-grave'' tracking system to ensure that we know where radiation sources of concern are at all times. That's just common sense, and if FedEx can do it, I think we ought to be able to do it for materials that could be used in a dirty bomb.

Third, the bill requires the establishment of import and export controls for radiation sources. This is obvious—we need to know what's coming and going as part of our efforts to control these materials.

These 3 provisions are fundamental steps that we know we need to take today to reduce the risk that radioactive materials will fall into the wrong hands.

But the bill also looks forward in several ways.

First, the bill requires an inter-agency task force on radiation source protection to make periodic recommendations to Congress and the NRC about the safety and security of radiation sources. That way we will know how we're doing, and what we need to do in the future.

Second, the bill requires a National Academy of Sciences study of whether some current industrial uses of radiation sources could be replaced with non-radioactive or less dangerous radioactive materials. As I stated early on, there are many beneficial and necessary uses of radioactive materials, such as in medicine.

But there are some cases where use of radioactive materials can be replaced with newer technologies. Just to give one example, some steel mills have been replacing nuclear process gauges with other technologies.

By exploring other opportunities to reduce the use of radioactive materials where possible and appropriate, we can shrink the pool of radioactive materials that are available to make a dirty bomb in the future.

So I hope we can take action on this legislation soon. Here in the Senate I will be working with my colleagues to see whether we can include this legislation in a nuclear plant security bill that the committee will be marking up in June.

I ask unanimous consent that the text of bill be printed in the RECORD.

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

S. 1150

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dirty Bomb Prevention Act''.

SEC. 2. RADIATION SOURCE PROTECTION.

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

''SEC. 170C. RADIATION SOURCE PROTECTION. —

''a. NUCLEAR REGULATORY COMMISSION APPROVAL.—Not later than 180 days after the date of enactment of this section, the Nuclear Regulatory Commission shall issue regulations prohibiting a person from—

''(1) exporting a radiation source unless the Nuclear Regulatory Commission has specifically found, with respect to that export, that—

''(A) the appropriate regulatory agency in the recipient country—

''(i) has been informed of the proposed export; and

''(ii) has determined that the proposed export will be made in accordance with the recipient nation's laws and regulations;

''(B) the recipient nation has the appropriate technical and administrative capability, resources, and regulatory structure to ensure that the radiation source will be managed in a safe and secure manner; and

''(C) the person exporting the radiation source has made arrangements to retake possession of it when the recipient is no longer using it;

''(2) importing a radiation source unless the Nuclear Regulatory Commission has specifically found, with respect to that import, that—

''(A) the proposed recipient is authorized under law to receive the shipment; and

''(B) the shipment will be made in accordance with all applicable Federal and State laws and regulations; and

''(3) selling or otherwise transferring ownership of a radiation source unless the Nuclear Regulatory Commission has specifically found, with respect to that sale or transfer, that—

''(A) the proposed recipient is authorized under law to receive the radiation source; and

''(B) the transfer will be made in accordance with all applicable Federal and State laws and regulations.

''b. TRACKING SYSTEM.—Not later than 180 days after the date of enactment of this section, the Nuclear Regulatory Commission

shall issue regulations establishing a mandatory tracking system for all radiation sources in the United States. Such system shall—

''(1) enable the identification of each radiation source by serial number or other unique identifier;

''(2) require reporting within 24 hours of any change of geographic location or ownership of a radiation source, including any change of geographic location that occurs while the radiation source is being transported;

''(3) require reporting within 24 hours of any loss of control of or accountability for a radiation source; and

''(4) provide for reporting through a secure Internet connection.

''c. PENALTY.—Each violation of regulations issued under subsection a. or b. shall be punishable by a civil penalty of up to $1,000,000.

''d. NATIONAL ACADEMY OF SCIENCES STUDY.—Not later than 60 days after the date of enactment of this section, the Nuclear Regulatory Commission shall enter into an arrangement with the National Academy of Sciences for a study of industrial, research, and commercial uses for radiation sources. The study shall review the current uses for radiation sources, identifying industrial or other processes that utilize radiation sources that could be replaced with economically and technically equivalent (or improved) processes that do not require the use of radiation sources, or that can be used with radiation sources that would pose a lesser risk to public health and safety in the event of an accident or attack involving the radiation source. The Nuclear Regulatory Commission shall transmit the results of the study to Congress not later than 24 months after the date of enactment of this section.

''e. COMMISSION ACTIONS.—Not later than 60 days after receipt by Congress and the President of a report required under subsection f.(3)(B), the Nuclear Regulatory Commission, in accordance with the recommendations of the task force, shall take any appropriate actions, including commencing revision of its system for licensing radiation sources, and shall take necessary steps to ensure that States that have entered into an agreement under section 274 b. establish compatible programs in a timely manner.

''f. TASK FORCE ON RADIATION SOURCE PROTECTION AND SECURITY.—

''(1) ESTABLISHMENT.—There is hereby established a task force on radiation source protection and security.

''(2) MEMBERSHIP.—The task force shall be headed by the Chairman of the Nuclear Regulatory Commission or the Chairman's designee. Its members shall be the following:

''(A) The Secretary of Homeland Security or the Secretary's designee.

''(B) The Secretary of Defense or the Secretary's designee.

''(C) The Secretary of Energy or the Secretary's designee.

''(D) The Secretary of Transportation or the Secretary's designee.

''(E) The Attorney General or the Attorney General's designee.

''(F) The Secretary of State or the Secretary's designee.

''(G) The Director of National Intelligence or the Director's designee.

''(H) The Director of the Central Intelligence Agency or the Director's designee.

''(I) The Director of the Federal Emergency Management Agency or the Director's designee.

''(J) The Director of the Federal Bureau of Investigation or the Director's designee.

''(3) DUTIES.—

''(A) IN GENERAL.—The task force, in consultation with other State, Federal, and local agencies and appropriate members of the public, after public notice and an opportunity for public comment, shall evaluate and provide recommendations to ensure the security of radiation sources from potential terrorist threats, including acts of sabotage, theft, or use of such radiation sources in a radiological dispersal device.

''(B) RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—Not later than 1 year after the date of enactment of this section, and not less than once every 3 years thereafter, the task force shall submit a report to Congress and to the President, in unclassified form with a classified annex if necessary, providing recommendations, including recommendations for appropriate regulatory and legislative changes, for—

''(i) a list of additional radiation sources that should be required to be secured under this Act, based on their potential attractiveness to terrorists and the extent of the threat to public health and safety, taking into account radiation source radioactivity levels, dispersability, chemical and material form, and, for radiopharmaceuticals, the availability of these substances to physicians and patients whose medical treatments relies on them, and other factors as appropriate;

''(ii) the establishment of or modifications to a national system for recovery of radiation sources that have been lost or stolen;

''(iii) the storage of radiation sources not currently in use in a safe and secure manner;

''(iv) modification to the national tracking system for radiation sources;

''(v) the establishment of or modifications to a national system to impose fees to be collected from users of radiation sources, to be refunded when the radiation sources are properly disposed of, or any other method to ensure the proper disposal of radiation sources;

''(vi) any modifications to export controls on radiation sources necessary to ensure that foreign recipients of radiation sources are able and willing to control United States-origin radiation sources in the same manner as United States recipients;

''(vii) whether alternative technologies are available that can perform some or all of the functions currently performed by devices or processes that employ radiation sources, and if so, the establishment of appropriate regulations and incentives for the replacement of such devices or processes with alternative technologies in order to reduce the number of radiation sources in the United States, or with radiation sources that would pose a lesser risk to public health and safety in the event of an accident or attack involving the radiation source; and

''(viii) the creation of or modifications to procedures for improving the security of radiation sources in use, transportation, and storage, which may include periodic Nuclear Regulatory Commission audits or inspections to ensure that radiation sources are properly secured and can be fully accounted for, Nuclear Regulatory Commission evaluation of security measures, increased fines for violations of Nuclear Regulatory Commission regulations relating to security and safety measures applicable to licensees who possess radiation sources, criminal and security background checks for certain individuals with access to radiation sources (including individuals involved with transporting radiation sources), assurances of the physical security of facilities that contain radiation sources (including facilities used to temporarily store radiation sources being transported), requirements and a mechanism for effective and timely exchanges of information regarding the results of such criminal and security background checks between the Nuclear Regulatory Commission and States with which the Commission has entered into an agreement under section 274 b., and the screening of shipments to facilities particularly at risk for sabotage of radiation sources to ensure that they do not contain explosives.

''g. DEFINITION.—For purposes of this section, the term 'radiation source' means any sealed or unsealed source whose activity levels are within Category 1, Category 2, or Category 3 as defined under the Code of Conduct on the Safety and Security of Radioactive Sources, approved by the Board of Governors of the International Atomic Energy Agency on September 8, 2003.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of the Atomic Energy Act of 1954 is amended by adding at the end of the items relating to chapter 14 the following new items:

''Sec. 170B. Uranium supply

''Sec. 170C. Radiation source protection''.

SEC. 3. TREATMENT OF ACCELERATOR-PRODUCED AND OTHER RADIOACTIVE MATERIAL AS BY-PRODUCT MATERIAL.

(a) DEFINITION OF BYPRODUCT MATERIAL.—Section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)) is amended—

(1) by striking ''means (1) any radioactive'' and inserting ''means—

''(1) any radioactive'';

(2) by striking ''material, and (2) the tailings'' and inserting ''material;

''(2) the tailings''; and

(3) by striking ''content.'' and inserting ''content;

''(3)(A) any discrete source of radium that is produced, extracted, or converted after extraction, before, on, or after the date of enactment of this paragraph for use in commercial, medical, or research activity; or

''(B) any material that—

''(i) has been made radioactive by use of a particle accelerator; and

''(ii) is produced, extracted, or converted after extraction, before, on, or after the date of enactment of this paragraph for use in commercial, medical, or research activity; and

''(4) any discrete source of naturally occurring radioactive material, other than source material, that—

''(A) has been removed from the natural environment and has been concentrated to levels greater than that found in the natural environment due to human activities; and

''(B) before, on, or after the date of enactment of this paragraph, is extracted or converted after extraction for use in commercial, medical, or research activity.''.

(b) AGREEMENTS.—Section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) byproduct materials (as defined in section 11 e.);'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, after consultation with States and other stakeholders, shall promulgate final regulations as the Commission considers necessary to implement this Act and the amendments made by this Act. Such regulations shall include a definition of the term ''discrete'' for purposes of paragraphs (3) and (4) of section 11 e. of the Atomic Energy Act of 1954 (as added by subsection (a)) that is designed to ensure that byproduct material is controlled in a manner consistent with other materials that pose the same threat to public health and safety and the common defense and security.

(2) COOPERATION.—The Commission shall cooperate with the States in formulating the regulations under paragraph (1), and to the extent practicable shall use existing State consensus standards.

(3) TRANSITION.—To ensure an orderly transition of regulatory authority with respect to byproduct material as defined in paragraphs (3) and (4) of section 11 e. of the Atomic Energy Act of 1954 (as added by subsection (a)), the regulations promulgated under paragraph (1) shall include a transition plan, developed in coordination with States, for—

(A) States that have not, before such plan is issued, entered into an agreement with the Commission under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)); and

(B) States that have entered into such an agreement with the Commission, including, in the case of a State that has entered into such an agreement and has certified that it has an existing State program for licensing of the byproduct material defined in paragraphs (3) and (4) of section 11 e. of the Atomic Energy Act of 1954 (as added by subsection (a)) that is adequate to protect public health and safety, provision for assumption by the State of regulatory responsibility for such byproduct material through an administrative process that—

(i) provides interim provisional recognition of an existing State program for licensing the byproduct material until adoption of an amended agreement under section 274 b.; and

(ii) requires that the byproduct material is included in the periodic reviews of the State programs for adequacy and compatibility required under section 274 j.(1).

(4) AVAILABILITY OF RADIOPHARMACEUTICALS.—In its promulgation of final rules under paragraph (1), the Commission shall consider the impact on the availability of radiopharmaceuticals to the physicians and patients whose medical treatment relies on them.

(d) WASTE DISPOSAL.—

(1) IN GENERAL.—Section 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2111) is amended by adding at the end the following: ''Byproduct material may only be transferred to and disposed of in a disposal facility licensed by the Commission, if the disposal facility meets the licensing requirements of the Commission and is adequate to protect public health and safety, or a disposal facility licensed by a State that has entered into an agreement with the Commission under section 274 b., if the disposal facility meets requirements of the State that are compatible with the licensing requirements of the Commission and is adequate to protect public health and safety.''.

(2) BYPRODUCT MATERIAL NOT CONSIDERED LOW-LEVEL RADIOACTIVE WASTE.—Section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)) is amended by adding after subparagraph (B) the following:

''Such term shall not include byproduct material as defined in paragraphs (3) and (4) of section 11 e. of the Atomic Energy Act of 1954.''.

(e) EFFECTIVE DATE.—Subsections (a), (b), and (d) shall take effect 1 year after the date of enactment of this Act.

SEC. 4. RADIATION SOURCES CONTROLLED BY DEPARTMENT OF ENERGY.

(a) NUCLEAR FUEL.—

(1) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report accounting for the location and status of all nuclear fuel that has been exported by the Federal Government.

(2) REACQUISITION.—

(A) IN GENERAL.—The Secretary of Energy shall, to the maximum extent practicable, reacquire nuclear fuel described in paragraph (1) for disposal, giving highest priority to nuclear fuel that is—

(i) in a location that is not secure; or

(ii) in a country that does not have sufficient resources to either properly dispose of the nuclear fuel or return the nuclear fuel to the United States for disposal.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $50,000,000 for each of the fiscal years 2006 through 2010 for carrying out subparagraph (A).

(b) RADIATION SOURCES AND SEALED SOURCES OF PLUTONIUM.—

(1) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report accounting for the location and status of all radiation sources (as defined in section 170C(g) of the Atomic Energy Act of 1954, as added by section 1 of this Act) and sealed sources of plutonium weighing more than 1 gram that have been exported by the Federal Government.

(2) REACQUISITION.—

(A) IN GENERAL.—The Secretary of Energy shall, to the maximum extent practicable, reacquire radiation sources and sealed sources of plutonium described in paragraph (1) for disposal that are—

(i) in a location that is not secure; or

(ii) in a country that does not have sufficient resources to either properly dispose of the radiation sources and sealed sources of plutonium or return the radiation sources and sealed sources of plutonium to the United States for disposal.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $30,000,000 for each of the fiscal years 2006 through 2010 for carrying out subparagraph (A).

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1151. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers; to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I am pleased to join with Senator LIEBERMAN today in introducing an amended version of the Climate Stewardship Act, which we introduced in February.

The legislation we submit today incorporates the provisions of S. 342, the Climate Stewardship Act of 2005, in its entirety, along with a new comprehensive title regarding the development and deployment of climate change reduction technologies. This new title, when combined with the ''cap and trade'' provisions of the previously introduced bill, will promote the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the Nation's energy independence. And, it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found.

In fact, the ''cap and trade'' provisions and the new technology title are complementary parts of a comprehensive program that will allow us to usher in an new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The ''cap and trade'' portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Because of the multiple benefits promised by this comprehensive program, we expect that the new bill will attract additional support for the vital purposes of the Climate Stewardship Act. We simply need the political will to match the public's concern about climate change, the economic interests of business and consumers, and American technological ingenuity and expertise.

Our comprehensive bill sets forth a sound course toward a productive, secure, and clean energy future. Its provisions are based on the important efforts undertaken by academia, Government, and business over the past decade to determine the best ways and means towards This energy future. Most of these studies have shared two common findings. First, significant reductions in greenhouse gases—well beyond the modest goals of our bill—are feasible over the next 10 to 20 years using technologies available today. Second, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what spurs our action today.

Before describing the details of this legislation, I think it is important to talk about what has occurred since the Senate vote on this issue in October 2003. For example, the scientific evidence of human-induced climate change has grown even more abundant. But just since February of this year, when I highlighted the results of the Arctic Climate Impact Assessment, even more startling evidence about the Arctic region has been revealed. In a recent Congressional briefing, Dr. Robert Corell, chair of Arctic Climate Impact Assessment, presented recent data indicating that climate change in the Arctic is occurring more rapidly than previously thought. Annual average arctic temperatures have increased at

twice the rate of global temperatures over the past several decades, with some regions increasing by five to ten times the global average.

The latest observations show Alaska's 2004 June–July–August mean temperature to be nearly 5 degrees Fahrenheit, 2.8 degrees Celsius, above the 1971–2000 historic mean, and permafrost temperature increasing enough to cause it to start melting. Dr. Corell said the Greenland ice sheet is melting more rapidly than thought even 5 years ago, and that the climate models indicate that warming over Greenland is likely to be up to three times the global average, with warming projected to be in the range of 5 to 11 degrees Fahrenheit, 3 to 6 degrees Celsius, which will most certainly lead to sea-level rise. These are remarkable new scientific findings.

It isn't surprising that just this past Tuesday, indigenous leaders from Arctic regions called on the European Union to do more to fight global warming and to consider giving aid to their peoples, saying their way of life is at risk. Global warming is said to be causing the arrival in the far north of mosquitoes bearing infectious diseases. And in Scandinavia, more frequent rains in the winter are causing sheets of ice to develop on top of snow, causing animals to die of hunger because they cannot reach the grass underneath.

> We are not asking for sympathy, said Larisa Abrutina of the Russian Association of Indigenous Peoples of the North. We are asking each country in the world to examine if it is truly doing its part to slow climate change.

The efforts taking place globally to address climate change have gained even greater prominence. For example, British Prime Minister Tony Blair has made climate change one of his top two issues during his Presidency of the G8. Mr. Blair's commitment to addressing climate change should be commended. He has chosen to take action and not to hide behind the uncertainties that the science community will soon resolve. The Prime Minister made it clear in a January speech at World Economic Forum in Davos as to his intentions when he said:

> . . . if America wants the rest of the world to be a part of the agenda it has set, it must be a part of their agenda too.

The top two issues that Prime Minister Blair has chosen to deal with are climate change and poverty in Africa. It is interesting to note that a recent article in the New York Times highlighted the connection between the two issues. The article highlights that a 50-year-long drying trend is likely to continue and appears to be tightly linked to substantial warming of the Indian Ocean. According to Dr. James Hurrell, a scientist at the National Center for Atmospheric Research:

> . . . the Indian Oceans shows very clear and dramatic warming into the future, which means more and more drought for southern Africa. It is consistent with what we would expect from an increase in greenhouse gases.

It appears that Mr. Blair's two priorities are quickly becoming one enormous challenge.

In its September 2004 issue, The National Geographic devotes 74 pages laying out in great detail the necessity of tackling our planet's problem of global warming. In an introductory piece, Editor-in-Chief Bill Allen described just how important he thinks this particular series of articles is:

> Why would I publish articles that make people angry enough to stop subscribing? That's easy. These three stories cover subjects that are too important to ignore. From Antarctica to Alaska to Bangladesh, a global warming trend is altering habitats, with devastating ecological and economic effects. . . This isn't science fiction or a Hollywood movie. We're not going to show you waves swamping the Statue of Liberty. But we are going to take you all over the world to show you the hard truth as scientists see it. I can live with some canceled memberships. I'd have a harder time looking at myself in the mirror if I didn't bring you the biggest story in geography today.

The articles highlight many interesting facts. Dr. Lonnie Thompson of Ohio State University collects ice cores from glaciers around the world, including the famed snows of Kilimanjaro, which could vanish in 15 years. According to Dr. Thompson, ''What glaciers are telling us, is that it is now warmer than it has been in the past 2,000 years over vast areas of the planet.'' Many of the ice cores he has in his freezer may soon contain the only remains of the glaciers from which they came from.

Highlighted quotes from the articles include: Things that normally happen in geologic time are happening during the span of a human lifetime. The future breakdown of the thermohaline circulation remains a disturbing possibility. More than a hundred million people worldwide live within 3 feet of mean sea level. At some point, as temperatures continue to rise, species will have no room to run. The natural cycles of interdependent creatures may fall out of sync. We will have a better idea of the actual changes in 30 years. But it is going to be a very different world.

Global warming demands urgent action on all fronts, and we have an obligation to promote the technologies that can help us meet the challenge. Our aim has never been simply to introduce climate stewardship legislation. Rather our purpose is to have legislation enacted to begin to address the urgent global warming crisis that is upon us. This effort cannot be about political expediency. It must be about practical realities and addressing the most pressing issue facing not only our nation, but the world. We believe that our legislation offers practical and effective solutions and we urge each members careful consideration and support.

I will include for the Record a more detailed description of the various components of the new technology title. However, I do want to describe some of the key provisions designed to enhance innovation and commercialization in key areas. These include zero and low greenhouse gas emitting power generation, such as nuclear, coal gasification, solar and other renewables, geological carbon sequestration, and biofuels:

The bill directs the Secretary of Commerce, through the former Technology Administration, which would be renamed the Innovation Administration, to develop and implement new policies that foster technological innovation to address global warming. These new directives include: developing and implementing strategic plans to promote technological innovation; identifying and removing barriers to the research, development, and commercialization of key technologies; prioritizing and maximizing key federal R&D programs to aid innovation; (establishing public/private partnerships to meet vital innovation goals; and promoting national infrastructure and educational initiatives that support innovation objectives.

It also authorizes the Secretary of Energy to establish public/private partnerships to promote the commercialization of climate change technologies by working with industry to advance the design and demonstration of zero and low emission technologies in the transportation and electric generation sectors. Specifically, the Secretary would be authorized to partner with industry to share the cost, 50/50, of ''first-of-a-kind'' designs for advanced coal, nuclear energy, solar and biofuels. Moreover, each time that a utility builds a plant based on the ''first-of-a-kind engineering'' design authorized by this bill, a ''royalty'' type payment will be paid by the utility to reimburse the original amount provided by the Government.

After the detail design phase is complete, the Secretary would be able to provide loans or loan guarantees, Up to 80 percent, for the construction of these new designs including three nuclear plant designs certified by the NRC that would produce zero greenhouse gas emissions; three advanced coal gasification plants with carbon capture and storage that make use of our abundant coal resources while storing carbon emissions underground; three large scale solar energy plants to begin to tap the enormous potential of this completely clean energy source; and three large scale facilities to produce the clean, efficient, and plentiful biofuel of the future—cellulosic ethanol.

The loan program will be administered by a Climate Technology Financing Board, whose membership will include the Secretary of Energy, a representative from the Climate Change Credit Corporation, as would be created in the bill, and others with pertinent expertise. Once each plant is operational, the private partner will be obligated to pay back these loans from the government, as is the case with any construction loan.

I think it is important to be very clear about this ambitious, but necessary, technology title. We intend that much, if not all, of the costs of the demonstration initiatives, along with the loan program, will be financed by the early sale of emission allowances through the Climate Change Credit Corporation under the cap and trade program, so that industry and the market will foot much of the bill, not the taxpayers. And, as I already mentioned, the bill requires that any Federal money used to build plants will be repaid by the utility when the plant becomes operational.

Finally, the bill contains a mechanism requiring utilities to pay reimbursement ''royalties'' as they build plants based on zero and low emission designs created with Federal assistance. These funding provisions are more fair and certain than requiring taxpayers to cover the entire costs of these programs and depending upon future appropriations. But there will be some costs involved. That is why it is important to weigh these expenditures against the staggering cost of inaction on global warming. I think we will find more than a justified cost-benefit outcome.

In addition to promoting new or underutilized technologies, the bill also includes a provision to aid in the deployment of available and efficient energy technologies. This would be accomplished through a ''reverse auction'' provision, which would establish a cost effective and proven mechanism for Federal procurement and incentives. Providers' ''bids'' would be evaluated by the Secretary on their ability to reduce, eliminate, or sequester greenhouse gas emissions.

The ''reverse auction'' program would be funded initially by the taxpayers but eventually would be funded by the proceeds from the annual auction of tradeable allowances conducted by the Climate Change Credit Corporation under the cap and trade program.

I want to clarify that this bill doesn't propose to dictate to industry what is economically prudent for their particular operations. Rather, it provides a basis for the selection and implementation of their own market-based solutions, using a flexible emissions trading system model that has successfully reduced acid rain pollution under the Clean Air Act at a fraction of anticipated costs—less than 10 percent of the costs that some had predicted when the legislation was enacted. That successful model can and must be used to address this urgent and growing global warming crisis.

The ''cap and trade'' approach to emission management is a method endorsed by Congress and free-market proponents for over 15 years after it was first applied to sulfur dioxide pollution. Applying the same model to carbon dioxide and other greenhouse gases is a matter of good policy and simple, common sense. It is an approach endorsed by industry leaders such as Jeffrey Immelt, CEO of General Electric, one of the largest companies in the U.S.

Moreover, using the proven market principles that underlie cap and trade will harness American ingenuity and innovation and do more to spur the innovation and commercialization of advanced environmental technologies than any system of previous energy-bill style subsidies that Congress can devise.

Three decades of assorted energy bills prove that while subsidies to promote alternative energy technologies may sometimes help, alone they are not transformational. In the 1970s, Americans were waiting in line for limited supplies of high priced gasoline. We created a Department of Energy to help us find a better way. Yet today, 30 years later, we remain wedded to fossil fuels, economically beholden to the Middle East and we continue to alter the makeup of the upper atmosphere with the ever-increasing volume of greenhouse gas emissions. Our dividend is continued energy dependence and global warming that places our nation and the globe at enormous environmental and economic risk. Not a very good deal.

Cap and trade is the transformational mechanism for reducing carbon dioxide emissions, protecting the global environment, diversifying the Nation's energy mix, advancing our economy, and spurring the development and deployment of new and improved technologies that can do the job. It is indispensable to the task before us.

The Climate Stewardship and Innovation Act does not prescribe the exact formula by which allowances will be allocated under a cap and trade system. This should be determined administratively through a process developed with great care to achieve the principles and purposes of the Act. This includes assuring that high emitting utilities have ample incentives to clean up and can make emission reductions economically and that low emitting utilities are treated justly and recognized for their efficiency. Getting this balance right will not be easy, but it can and must be done.

The fact remains that, if enacted, the bill's emission cap will not go into effect for another 5 years. In the interim there is much that the country can and should do to promote the most environmentally and economically promising technologies. This includes removing unnecessary barriers to commercialization of new technologies so that new plants, products, and processes can move more efficiently from design and development, to demonstration and, ultimately, to the marketplace. Again, without cap and trade, these efforts will pale, but the new technology title we propose will work hand in glove with the emission cap and trade system to meet our objectives.

As I mentioned, the new title contains a host of measures to promote the commercialization of zero and low-emission electric generation technologies, including nuclear, clean coal, solar and other renewable energies, and biofuels.

I want to take some time to address the bill's nuclear provisions. Although these provisions are only part of the comprehensive technology package, I am sure they will be the focus of much attention.

I know that some of our friends in the environmental community maintain strong objections to nuclear energy, even though it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that aren't exactly known for their environmental disregard. But the fact is, nuclear is clean, producing zero emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities

The idea that nuclear power should play no role in our energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next 15 years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, the level of carbon in the atmosphere will skyrocket, intensifying the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher emitting alternatives. I, for one, believe it can and should play an even greater role, not because I have some inordinate love affair with splitting the atom, but for the very simple reason that we must support sustainable, zero-emission alternatives such as nuclear if we are serious about addressing the problem of global warming.

I would like to submit for the record a piece written by Nicholas Kristof of the New York Times. Mr. Kristof made the following observation: ''It's increasingly clear that the biggest environmental threat we face is actually global warming and that leads to a corollary: nuclear energy is green.'' He goes on to quote James Lovelock, a British scientist who created the Gaia principle that holds the earth is a self-regulating organism. He quoted Mr. Lovelock as follows:

I am a Green, and I entreat my friends in the movement to drop their wrongheaded objection to nuclear energy. Every year that we continue burning carbon makes it worse for our descendents. Only one immediately available source does not cause global warming, and that is nuclear energy.

I have always been and will remain a committed supporter of solar and renewable energy. Renewables hold great promise, and, indeed, the technology title contains equally strong incentives in their favor. But today solar and renewables account for only about 3 percent our energy mix. We have a long way to go, and that is one of the objectives of this legislation—to help promote these energy technologies.

I want to stress nothing in this title alters, in any way, the responsibilities and authorities of the Nuclear Regulatory Commission. Safety and security will remain, as they should, paramount in the citing, design, construction and operation of nuclear power plants. And the winnowing effect of the free market, as it should, will still determine which technologies succeed or fail in the market place. But the idea that a zero-emission technology such as nuclear has little or no place in our energy mix is just as antiquated, out-of-step and counter-productive as our continued dependence on fossil fuels. Should it prevail, our climate stewardship and clean air goals will be virtually impossible to meet.

The environmental benefit of nuclear energy is exactly why during his tenure, my friend, Morris Udall, one of the greatest environmental champions the United States has ever known, sponsored legislation in the House, as I did in the Senate, to develop a standardized nuclear reactor that would maximize safety, security, and efficiency. The Department of Energy has done much of the work called for by that legislation. Now it is time for the logical next steps. The new title of this legislation promotes these steps by authorizing Federal partnership to develop first of a kind engineering for the latest reactor designs, and then to construct three demonstration plants. Once the demonstration has been made, free-market competition will take it from there. And the bill provides similar partnership mechanisms for the other clean technologies, so we are in no way favoring one technology over another.

No doubt, some people will object to the idea of the Federal Government playing any role in helping demonstrate and commercialize new and beneficial nuclear designs. I have spent 20 years in this body fighting for the responsible use of taxpayer dollars and against porkbarrel spending and corporate welfare. I will continue to do so.

The fact remains that fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet it is a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It is also inescapable that the ability to ''externalize'' these costs places clean competitors at a great disadvantage. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place where they can compete, and either sink or swim, is responsible public policy, and a matter of simple public necessity, particularly, as we enact a cap on carbon emissions.

The Navy has operated nuclear powered submarine for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of the underpinning of its safety record is the approach used in its reactor designs, which is to learn and build upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

I want to close my comments on the nuclear provisions with two thoughts. A recent article in Technology Review seems particularly pertinent to those with reservations about nuclear power. It stated:

> The best way for doubters to control a new technology is to embrace it, lest it remain in the hands of the enthusiasts.

This is particularly sage advice because, frankly, the facts make it inescapably clear—those who are serious about the problem of global warming are serious about finding a solution. And the rule of nuclear energy which has no emissions has to be given due consideration.

Mr. President, don't simply take my word regarding the magnitude of the global warming problem. Consider the National Academy of Sciences which reported in 2001 that:

> Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities. . . .

Also consider the warning on NASA's website which states:

> With the possible exception of another world war, a giant asteroid, or an incurable plague, global warming may be the single largest threat to our planet.

Consider the words of the EPA that

> Rising global temperatures are expected to raise sea level, and change precipitation and other local climate conditions. Changing regional climate could alter forest, crop yields and water supplies. . . .

And, let's consider the views of President Bush's Science Advisor, Dr. John Marburger who says that,

> Global warming exists, an we have to do something about it, and what we have to do about it is reduce carbon dioxide.

Again, the chief science advisor to the President of the United States says that global warming exists, and what we have to do about it is to reduce carbon dioxide.

The road ahead on climate change is a difficult and challenging one. However, with the appropriate investments in technology and the innovation process, we can and will prevail. Innovation and technology have helped us face many of our national challenges in the past, and can be equally important in this latest global challenge.

Advocates of the status quo seem to suggest that we do nothing, or next to nothing, about global warming because we don't know how bad the problem might become, and many of the worst effects of climate change are expected to occur in the future. This attitude reflects a selfish, live-for-today attitude unworthy of a great nation, and thankfully, not one practiced by preceding generations of Americans who devoted themselves to securing a bright and prosperous tomorrow for future generations, not just their own.

When looking back at Earth from space, the astronauts of Apollo 11 could see features such as the Great Wall of China and forest fires dotting the globe. They were moved by how small, solitary and fragile the earth looked from space. Our small, solitary and fragile planet is the only one we have and the United States of America is privileged to lead in all areas bearing on the advance of mankind. And lead again, we must, Mr. President. It is our privilege and sacred obligation as Americans.

I ask unanimous consent an editorial from the New York Times be printed in the RECORD.

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

[From the New York Times, Apr. 12, 2005]

NUCLEAR POWER HAS BECOME A GREEN SOURCE OF ENERGY

(By Nicholas Kristof)

If only one thing used to be crystal clear to any environmentalist, it was that nuclear energy was the deadliest threat this planet faced. That's why Dick Gregory pledged at a huge antinuke demonstration in 1979 that he would eat no solid food until all U.S. nuclear plants were shut down.

Gregory may be getting hungry.

But it's time for the rest of us to drop that hostility to nuclear power. It's increasingly clear that the biggest environmental threat we face is actually global warming, and that leads to a corollary: Nuclear energy is green.

Nuclear power, in contrast to other sources, produces no greenhouse gases. President Bush's overall environmental policy gives me the shivers, but he's right to push ahead for nuclear energy. There haven't been any successful orders for new nuclear plants since 1973, but several proposals for new plants are now moving ahead—and that's good for the world we live in.

Global energy demand will rise 60 percent during the next 25 years, according to the International Energy Agency, and nuclear power is the cleanest and best bet to fill that gap.

Solar power is a disappointment, still accounting for only about one-fifth of 1 percent of the nation's electricity and costing about five times as much as other sources. Wind is promising because its costs have fallen 80 percent, but it suffers from one big problem: Wind doesn't blow all the time. It's difficult to rely on a source that comes and goes.

In contrast, nuclear energy already makes up 20 percent of America's power, not to mention 75 percent of France's. A sensible energy plan must encourage conservation—far more than Bush's plans do—and promote things like hybrid vehicles and hydrogen fuel cells. But for now, nuclear power is the only source that doesn't contribute to global warming and that can quickly become a mainstay of the grid.

Is it safe? No, not entirely. Three Mile Island and Chernobyl demonstrated that, and there are also risks from terrorists.

Then again, the world now has a half-century of experience with nuclear power plants, 440 of them around the world, and they have proved safer so far than the alternatives. America's biggest power source is now coal, which kills about 25,000 people a year through soot in the air.

To put it another way, nuclear energy seems much safer than our dependency on coal, which kills more than 60 people every day.

Moreover, nuclear technology has become far safer through the years. The future may belong to pebble-bed reactors, a new design that promises to be both highly efficient and incapable of a meltdown.

Radioactive wastes are a challenge. But burdening future generations with nuclear wastes in deep shafts is probably more reasonable than burdening them with a warmer world in which Manhattan is under water.

Right now, the only significant U.S. source of electricity that does not involve carbon emissions is hydropower. But salmon runs have declined so much that we should be ripping out dams, not adding more.

What killed nuclear power in the past was cold economics. Major studies at MIT and elsewhere show that nuclear power is still a bit more expensive than new coal or natural gas plants, but in the same ballpark if fossil fuel prices rise. And if a $200-per-ton tax were imposed on carbon emissions, nuclear energy would become cheaper than coal from new plants.

So it's time to welcome nuclear energy as green (though not to subsidize it with direct handouts, as the nuclear industry would like). Indeed, some environmentalists are already climbing onboard. For example, the National Commission on Energy Policy, a privately financed effort involving environmentalists, academics and industry representatives, issued a report in December that favors new nuclear plants.

One of the most eloquent advocates of nuclear energy is James Lovelock, the British scientist who created the Gaia hypothesis, which holds that Earth is, in effect, a self-regulating organism.

''I am a Green, and I entreat my friends in the movement to drop their wrongheaded objection to nuclear energy,'' Lovelock writes, adding: ''Every year that we continue burning carbon makes it worse for our descendents. Only one immediately available source does not cause global warming, and that is nuclear energy.''

Mr. LIEBERMAN. Mr. President, I rise today with my friend and colleague Senator JOHN MCCAIN to introduce a second version of our Climate Stewardship Act with improvements—the Climate Stewardship AND Innovation Act (CSIA).

In the computer age, we might call this Climate Stewardship 2.0. In this new version we take the time-tested strengths of the Climate Stewardship Act—like the emissions cap and trade program—and add new features to spur innovation and lead us into a 21st Century energy economy that prizes zero- or low-carbon emission technologies.

And we do all this with market-driven programs that will promote a competition for efficient technologies and that don't drain the federal budget.

Let me start with the basics.

Climate change is real and its costs to the economy will be devastating if we don't act.

Consider this very real example: 184 Alaskan coastal villages already need to be relocated because their land and infrastructure are being destroyed by advancing seas and warmer temperatures that are melting the permafrost.

It will cost more than $100 million to relocate just one of these towns.

What would be the price if we needed to do the same for New Orleans, Miami, or Santa Cruz, California?

SwissRe, North America's leading reinsurer, projects that climate driven disasters could cost global financial centers more than $150 billion per year within the next ten years.

The original Climate Stewardship Act asked the American people and businesses to reduce their carbon emissions to 2000 levels—which were quite close to today's levels by the end of the decade.

All we are saying is ''Don't make the problem worse! Do no further harm.''

Our proposal—then and now—will reduce carbon emissions by putting a price on them with a cap and trade policy similar to the one used so successfully in the Clean Air Act of 1990 which reduced acid rain.

Simply put, a business that doesn't reach its emissions target can buy emissions credits from those under the target.

And, by the way, at the time we debated the acid rain program, industry estimated it would cost $1,000 a ton to comply and would ruin the economy. Today those emissions credits sell for between $100 and $200 a ton.

America's innovators found a way to make it work for the economy and the environment—twin challenges that can and must move together in concert, not conflict.

Because ''cap-and-trade'' creates a price for greenhouse emissions, it exposes the true cost of burning fossil fuels and will drive investment toward lower-emitting technologies.

If we are going to meet the challenge of climate change, while making sure that our economy remains strong, we need a program that gives business and industry both a push and pull.

The push will come from requiring business and industry to cut their greenhouse gas pollution; the pull from giving them incentives to innovate, along with financial support for bringing the best innovations forward.

There are many actions we can take today to meet the targets set in our original bill, ranging from increasing the efficiency of our operations, to boosting the use of renewable energy, for which so many states are now admirably pushing. But to advance beyond this goal and maintain emissions reductions in the future with a growing economy, we will need to push both innovation and the deployment of climate friendly technologies that already exist.

While we're on the subject of technology and investment, I want to be sure that everybody sees that our emissions trading market itself will unleash a multi-billion dollar flow of capital into technology and innovation. Our opponents insist that everybody see the emissions reduction requirements of this bill as costs. The truth is that these so-called costs are vital investment flows necessary to bring about innovation, invention and technological change in an era where our climate, our economy and even our national security depend on our ability to wean ourselves from our dependence on oil, so much of which is imported from unstable regions in the world.

Because technological change and innovation are so important for both climate change and energy independence, our bill creates a dedicated public sector mechanism for ensuring that some of that investment flow is directed at the technologies we need—including, for example, biofuels and clean ways of burning coal, to name just two examples from a potentially open-ended menu of climate-friendly technology choices.

The new bill we are introducing today helps assure that the most important and efficient technological alternatives are supported. We do not pick winners or losers. That's for the market to do. Our bill is technology neutral, but does make sure that if there are barriers to developing or using new technologies, the resources are available to knock those barriers down.

This bill provides support for first-of-its-kind innovation or early-adoption of new energy technologies with minimal cost to the federal budget.

Instead of turning to the taxpayer, our bill uses a self-funding mechanism by empowering the Secretary of Energy to use some of the money generated through the purchase of emissions credits, funneled through a new public corporation our bill creates, to help bring innovations to market. And this is not small change. It is a substantial multibillion dollar contribution every year.

Mr. President, this kind of public sector support has many encouraging precedents.

From the telegraph to the Internet, it was the timely intervention of the

federal government that helped bring new technologies to market.

And, if we don't help bring these new low-carbon or zero-carbon technologies to market, we will be buying them from the nations that do.

We only need look at the popular hybrid cars—low-emitting vehicles that consumers have shown they want by the long waiting lists that exist to buy them. And then remember that American manufacturers must license this technology from Japan.

Our bill also ensures that assistance is provided to help with the transition to new technology and energy production with programs to reduce consumer costs, to help dislocated workers and communities, and to substantially support the deployment of climate friendly technology and energy production.

We also know that some regions—like my State of Connecticut—and businesses like DuPont, BP, and Kodak have already acted pro actively and are working to reduce emissions on their own. We commend these actions. Even more important, our bill ensures that credit will be given to them for their good work.

Just a few months ago, the head of the international panel on climate change, Dr. R. Pachauri, said that ''we are already at a dangerous point when it comes to global warming. . . . Immediate and very deep cuts in greenhouse gases are needed if humanity is to survive.''

Let me repeat those last words, ''If humanity is to survive.''

When I quoted Dr. Pachauri on this floor in February, I reminded the Senate that the Bush Administration lobbied heavily for Dr. Pachauri's appointment to the IPCC leadership because it considered him a more cautious and pragmatic scientist.

I quote him today because his warning words are so clear and strong.

Global warming is truly one of the great challenges of our age—a challenge where the Heavens and the Earth meet.

It is a challenge of Biblical proportions—to meet God's call in Corinthians to be ''stewards'' of His mysteries—and in Genesis to go forth and ''replenish the earth'' to both work and guard the garden.

If we don't take these simple steps now—steps that are well within both our technological and financial grasp—the generations to come will rightfully look back at us with scorn and ask why we acted so selfishly . . . why we cared only for our own short-term profits and comforts . . . and why we left them a world environment in danger. We must act on our vision of a better future, a future that is most definitely within our reach.

That is what Senator MCCAIN and I are convinced our CSIA will do.

We put forth this innovation and technology proposal to start a conversation here in the Senate with colleagues whose support we need to get to a majority, and to provide some ideas for how to accelerate and build a climate friendly future. We hope that our colleagues will join us in this conversation so we can put forth—and pass—the best proposal possible.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Ms. COLLINS):

S. 1152. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Health Copayment Equity Act of 2005 with my colleagues, Senator JOHN KERRY, Senator GORDON SMITH, and Senator SUSAN COLLINS.

Briefly, our bill would correct a serious disparity in Medicare payment policy for mental health treatment. Medicare beneficiaries typically pay 20 percent of the cost of covered outpatient services, including doctor's visits, as a ''copayment'' or coinsurance, and Medicare pays the remaining 80 percent. But Medicare law imposes a special limitation for outpatient mental health services which requires patients to pay a much higher copayment, 50 percent. As a result, Medicare beneficiaries pay two and a half times as much—50 percent coinsurance—for treatment of any mental disorders.

Our bill will eliminate the disparity in payment by reducing this discriminatory copayment over a 6-year period, starting in 2006, from the current 50 percent to the standard 20 percent. This means that, in 2012, patients seeking outpatient treatment for mental illness will pay the same 20 percent copayment that is required of Medicare patients today who receive outpatient treatment for other illnesses. The goal of our bill is ultimately to achieve ''copayment equity'' for Medicare mental health services.

Let me give an example of the current disparity in copayments. If a Medicare patient sees a doctor in an office for treatment of cancer, heart disease, or the flu, the patient must pay 20 percent of the fee for the visit. But if a Medicare patient sees a psychiatrist, psychologist, social worker, or other professional in an office for treatment of depression, schizophrenia, or any other type of mental illness, the patient must pay 50 percent of the fee. What sense does this make?

Indeed, our bill has a larger purpose, to help end an outdated distinction—between treatment of physical and mental disorders—and to ensure that Medicare beneficiaries have equal access to treatment for all their health conditions. Perhaps this disparity would not matter so much if mental disorders were less prevalent. But the Surgeon General has told us otherwise.

A landmark report of the Surgeon General in 1999 emphasized the importance of access to treatment for mental disorders. The Surgeon General found that mental illness was a leading cause—second only to cardiovascular diseases—of otherwise healthy years of life lost to premature death or disability. The Surgeon General found that the occurrence of mental illness among older adults is widespread, with a substantial portion of the population aged 55 and older—almost 20 percent—experiencing specific disorders that are not a part of ''normal'' aging.

Older Americans also have the highest rate of suicide in the country, and the risk of suicide increases with age. In fact, in the State of Maine, the suicide rate for seniors is three times as high as the rate for adolescents. It is not surprising, therefore, to find that untreated depression among the elderly has substantially increased their risk of death by suicide.

Another sad irony involves individuals with disabilities. Medicare is often viewed as health insurance for people over age 65 but it also provides health insurance for those with severe disabilities. The single most frequent cause of disability for both Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, Medicare pays far less for the critical mental health services needed by these beneficiaries than it does for medical treatment for their physical disabilities.

However, the good news is that, today, there are increasingly effective treatments for mental illness. The majority of people with mental disorders who receive proper treatment can lead productive lives. Congress should remove disincentives that inhibit access to mental health services so that those seeking treatment for these disorders do not have to face financial barriers to care. It is time to remove stigmas and overcome the lack of understanding of mental disorders by equalizing Medicare copayment requirements for mental health services.

I urge my colleagues to join with me and bring Medicare payment policy into the 21st century.

I would also like to submit letters from the American Psychiatric Association and the Mental Health Liaison Group, 36 national organizations supporting this legislation, and I ask unanimous consent that these letters of support be printed in the RECORD.

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

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, May 26, 2005.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE AND SENATOR KERRY: Later today you will receive a letter, initiated by the American Psychiatric Association, from some 35 members of the Mental Health Liaison Group (MHLG) thanking you for your leadership in again introducing legislation to phase out Medicare's discriminatory 50 percent coinsurance.

We are of course a cosigner of the MHLG letter, but I wanted to add my own personal thanks for your tireless efforts to end 40 years of discrimination against patients seeking outpatient mental health services under Medicare Part B. It should be simply unacceptable to compel such patients to pay 50 percent of the cost of their care out of their own pockets. The real ''winners'' under your legislation are patients.

I also wish to specifically acknowledge the hard work and dedication of Sue Walden, Heather Mizeur, and Aaron Jenkins of your staffs. You are each extremely well served by their efforts.

Sincerely,

JAMES H. SCULLY, Jr.,
Medical Director.

MENTAL HEALTH LIAISON GROUP,
Washington, DC, May 26, 2005.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

Hon. JOHN KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SNOWE AND KERRY: The undersigned organizations in the Mental Health Liaison Group, representing patients, health professionals and family members, are pleased to support your legislation, the Medicare Mental Health Copayment Equity Act. Under your legislation, Medicare's historic discriminatory 50 percent coinsurance for outpatient mental health care would be reduced over six years to 20 percent, bringing the coinsurance into line with that required of Medicare beneficiaries for other Part B services.

Simply put, current law discriminates against Medicare beneficiaries who seek treatment for mental illness. This affects elderly and non-elderly Medicare beneficiaries alike when they seek mental health care. According to the 1999 U.S. Surgeon General's report on mental health, almost 20 percent of elderly individuals have some type of mental disorder uncommon in typical aging. In addition, elderly individuals have the highest rate of suicide in the U.S., often the result of depression. The Surgeon General's report states, ''Late-life depression is particularly costly because of the excess disability that it causes and its deleterious interaction with physical health. Older primary care patients with depression visit the doctor and emergency rooms more often, use more medication, incur higher outpatient charges, and stay longer at the hospital.''

The 50 percent coinsurance requirement also is unfair to the non-elderly disabled Medicare population. Because many of these individuals have severe mental illnesses combined with low incomes and high medical expenses, a 50 percent coinsurance obligation is a serious patient burden. For elderly and non-elderly Medicare beneficiaries alike, Medicare is a critical source of care. Your legislation to ensure that Medicare beneficiaries needing mental health care incur only the same cost-sharing obligations as required of all other Medicare patients would end the statutory discrimination against Medicare beneficiaries seeking treatment for mental disorders.

Thank you for your leadership in addressing this important issue for the nation's 40 million Medicare patients.

Sincerely,

Alliance for Children and Families; American Academy of Child and Adolescent Psychiatry; American Association for Geriatric Psychiatry; American Association of Children's Residential Centers; American Association of Pastoral Counselors; American Association of Practicing Psychiatrists; American Group Psychotherapy Association; American Managed Behavioral Healthcare Association; American Mental Health Counselors Association; American Occupational Therapy Association; American Psychiatric Association; American Psychiatric Nurses Association.

American Psychoanalytic Association; American Psychological Association; American Psychotherapy Association; Anxiety Disorders Association of America; Association for the Advancement of Psychology; Association for Ambulatory Behavioral Healthcare; Bazelon Center for Mental Health Law; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Clinical Social Work Federation; Clinical Social Work Guild; Depression and Bipolar Support Alliance; Eating Disorders Coalition for Research, Policy & Action.

Ensuring Solutions to Alcohol Problems; International Society of Psychiatric-Mental Health Nurses; NAADAC, The Association for Addiction Professionals; National Alliance for the Mentally Ill; National Association for Children's Behavioral Health; National Association for Rural Mental Health; National Association of Anorexia Nervosa and Associated Disorders (ANAD); National Association of Mental Health Planning & Advisory Councils; National Association of Protection and Advocacy Systems; National Association of Psychiatric Health Systems; National Mental Health Association; and Suicide Prevention Action Network USA.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1154. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, I rise today to introduce the Acadia National Park Improvement Act of 2005. This legislation takes important steps to ensure the long-term health of one of America's most beloved national parks. It would increase the land acquisition ceiling at Acadia by $10 million; facilitate an off-site intermodal transportation center for the Island Explorer bus system; and extend the Acadia National Park Advisory Commission.

In 1986, Congress enacted legislation designating the boundary of Acadia National Park. However, many private lands were contained within the permanent authorized boundary. Congress authorized the Park to spend $9.1 million to acquire those lands from willing sellers only. While all of that money has now been spent, rising land prices have prevented the money from going as far as Congress originally intended.

There are over 100 private tracts left within the official park boundary. Nearly 20 of these tracts are currently available from willing sellers, but the park does not have the funds to purchase them. My legislation would authorize an additional $10 million to help acquire these lands. Since these lands already fall within the congressionally authorized boundary, this effort would ''fill in the holes'' at Acadia, rather than enlarging the park.

My legislation will also facilitate the development of an intermodal transportation center as part of the Island Explorer bus system. The Island Explorer has been extremely successful over its first 5 years. These low-emission propane-powered vehicles have carried more than 1.5 million riders since 1999. In doing so, they removed 424,000 vehicles from the park and reduced pollution by 24 tons.

Unfortunately, the system lacks a central parking and bus boarding area. As a result, day use visitors do not have ready access to the Island Explorer. My legislation would authorize the Secretary of the Interior to provide assistance in the planning, construction, and operation of an intermodal transportation center in Trenton, ME. This center will include parking for day users, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage. This center, which will be built in partnership with the Federal Highway Administration, U.S. Department of Transportation, Maine Department of Transportation, and other partners, will reduce traffic congestion, preserve park resources and the visitor experience, and ensure a vibrant tourist economy.

Finally, my legislation would extend the 16-member Acadia National Park Advisory Commission for an additional 20-year period. This commission was created by Congress in 1986 and is currently due to expire in 2006. That would be a mistake. The commission consists of three Federal representatives, three State representatives, four representatives from local towns on Mount Desert Island, three from adjacent mainland communities, and three from adjacent offshore islands. These representatives have provided invaluable advice relating to the management and development of the Park. The commission has proven its worth many times over and deserves to be extended for an additional 20 years.

Acadia National Park is a true gem of the Maine coastline. The park is one of Maine's most popular tourist destinations, with nearly 3 million visitors every year. While unsurpassed in beauty, the park's ecosystem is also very fragile. Unless we are careful, we risk substantial harm to the very place that Mainers and Americans hold so dear.

In 11 years, Acadia will be 100 years old. Age has brought both increasing popularity and greater pressures. By providing an extra $10 million to protect sensitive lands, expanding the highly successful Island Explorer transportation system, and extending the Acadia National Park Advisory Commission, this legislation will help make the park stronger and healthier than ever on the occasion of its centennial anniversary.

Ms. SNOWE. Mr. President, I rise today to offer my cosponsorship to the Acadia National Park Improvement Act of 2005. For those of you who have not had the good fortune to visit one of the crown jewels in the National Park system, Acadia National Park, the first national park established east of the

Mississippi, is located on the rugged coast of Maine, encompassing over 47,000 acres that follow the shoreline, go up mountains of sheer granite, dotted with numerous lakes and ponds, diverse habitats that create striking scenery and make the park a haven for wildlife and plants. This past Earth Day was celebrated by one of my staff members along with devotees of the Park on the South Ridge Trail of Cadillac Mountain, the highest point on the U.S. Atlantic coast, on the same ground where the Wabanaki Indians walked over 6,000 years ago. They called the surrounding Mount Desert Island Pemetic, ''the sloping land''.

Acadia National Park certainly covers a land of contrast and diversity, with a variety of freshwater, estuarine, forest and intertidal resources and is one of the most visited Parks in the national park system, and rightfully so, as it offers magnificent views from Cadillac Mountain that sweep down 1,530 feet to the rocky coast and ocean below. Besides its natural beauty, the Park brings in $130 million a year into the State's economy.

It is because of the great beauty of the Park and its scenic views that I have continued my efforts to achieve cleaner air for the area and for the entire State. The pristine Park is, unfortunately, a good example of how the State is affected by dirty air that blows in from away, estimated to be around 80 percent, that is affecting both the air we breathe and our ability to enjoy the natural beauty of the 47,000 acres of the Park.

I am a devoted fan of the Island Explorer bus system, whose clean propane-powered vehicles offer visitors and residents free transportation to hiking trails, the unique carriage roads, the island beaches and for in-town shopping. It is estimated that the Island Explorer buses took the place of an estimated 300,000 vehicles during the last four years, and prevented the release of 24 tons of nitrogen oxide and volatile organic compounds from car exhaust. I understand that other national parks are considering using the positive benefits of the Island Explorer system as a transportation model for parks all around the country. A great deal of thanks should go to the surrounding towns and to L.L. Bean for financing this successful system that helps to make the air cleaner and adds to our enjoyment of the activities the Park provides.

The legislation introduced today will help the Park in three specific areas; one, it will help the Park by extending the Acadia National Park Advisory Commission for 20 years giving local residents the opportunity for input into the management of the Park; two, it will increase the authorized ceiling for land acquisition funding by $10 million to $28 million to realize the sharp rise in real estate prices so that properties from willing sellers within the Park's boundaries can be included into the Park; and, three, the legislation will allow the Park to locate an intermodal center outside of park boundaries off of Mt. Desert Island to give even more assistance to the one road entering and exiting the Park by alleviating auto traffic to and on the island and to achieve cleaner air.

I will continue to take actions for additions within the Park boundaries, for local input into the management process, for a better public transportation system for the Island that will create a healthier environment, and better support the Park's ecological protections. I look forward to continue working with the people of Mt. Desert Island, the Park's Supervisor, and the Friends of Acadia, a devoted, independent philanthropy that has raised $15 million in private endowments for the Park, on issues important to all of us for the preservation of the beautiful landscape, the ocean's coastline, and for environmental improvements in Acadia National Park, the very place where the first light of day shines on our glorious Nation.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BUNNING, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. MCCAIN, Mr. SANTORUM, Mr. SESSIONS, Mr. SUNUNU, Mr. TALENT and Mr. THUNE):

S. 1155. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Commission on the Accountability and Review of Federal Agencies, CARFA, Act with over 20 original cosponsors.

This is an important measure that I have been developing and advocating over the past few years. CARFA's premise is simple: Members of Congress need a tool that will help them use taxpayer dollars more efficiently.

Members of Congress need a tool like CARFA because the special interest in keeping a program alive is almost always more powerful than the general interest to realign or even end a Federal program.

A good example of this is tobacco. While there is a general interest in discouraging smoking—and while we spend many taxpayer dollars to this end—there is also strong special interest pressure to keep taxpayer tobacco subsidies alive. Thus, the Federal Government both subsidizes and discourages tobacco.

CARFA is the tool that would give members a chance to advance the general interest. CARFA would take all Federal Government agencies and programs—both discretionary and entitlement—and put them under the review of a bipartisan commission. Members of the commission would be appointed by both majority and minority leaders in both House of Congress and by the President.

The commission would review Federal agencies and programs in order to present draft legislation to the Congress that would realign or eliminate duplicative, wasteful, inefficient, outdated, irrelevant, or failed agencies and programs.

Each House of Congress would get one vote on the draft legislation—up or down—without amendment.

CARFA would create a new approach to increase the efficiency of the Federal Government by giving the general interest a stronger voice in the system. For example, there might be a program that is important to my home State of Kansas that would be cut by the proposed legislation, but I only get one vote and there are a variety of other programs that I really do think need to be eliminated.

Since I only have one vote, I can justify voting for the measure when I go back home by showing to my constituents that there were a number of other programs that needed to be realigned or cut. Thus, CARFA makes the overall goal of balancing the Federal budget more achievable.

We need CARFA now more than ever. The Federal Government spends $2,292,000,000 per year on discretionary and mandatory spending. That is a lot of money. My Kansas constituents often say: ''I don't mind paying my taxes, but make sure my hard-earned money is well spent.'' At a time when Federal spending is at an all time high, topping $20,000 per household, we owe our constituents the accountability that would result from CARFA.

Last year, we had a bipartisan hearing on CARFA, at which all witnesses supported the CARFA concept. We have incorporated some of the suggestions made at that hearing, and I believe this year's version of CARFA is even better.

I am pleased that the Senate is already on record supporting the CARFA concept through Section 502 of this year's budget resolution, and it is my hope that we will be able to work with leadership to see CARFA become a reality this year.

By Mr. HATCH:

S. 1156. A bill to amend the Internal Revenue Code of 1986 to extend the credit period for electricity produced from renewable resources at certain facilities, to extend the credit for electricity produced from certain renewable resources, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill, S. 1156, to extend and enhance a provision in the Internal Revenue Code that gives tax incentives for the production of electricity from renewable resources.

The legislation I am introducing today is central to our Nation's goal of achieving energy independence, which is at the heart of the energy bill that will soon be considered by the Senate. The Committee on Energy and Natural Resources has included in its energy bill a renewable energy title that directs the Federal Government ''to the extent economically feasible and technically practicable'' to implement programs that will produce at least 7.5 percent of the electricity from renewable sources by 2013.

The Senate Committee on Finance, on which I serve, will soon consider an energy tax bill to complement the bill from the Energy and Natural Resources Committee. The legislation I am introducing today is designed to provide incentives to help us reach this level of renewable energy production.

Specifically, my bill would amend the Internal Revenue Code to extend the Section 45 production tax credit for electricity produced from renewable resources for facilities placed in service before January 1, 2011, pursuant to a written binding contract in effect on December 31, 2007. This extension is designed to take into account the extended length of time it takes for many renewable energy facilities, particularly geothermal facilities, to be built.

In addition, my bill would provide for a 10-year credit period for all renewable energy sources covered by this tax credit. Current law allows a 10-year credit period for certain renewable sources, such as wind, but only a 5-year credit period for other renewable sources, such as geothermal. This results in an uneven playing field under current law that tilts investors toward certain renewable energy resources over others. This represents poor energy policy and it represents poor tax policy.

I believe this disparity in credit periods undermines the development of all of our renewable energy resources and thereby inhibits our goal of energy independence. This legislation would equalize the tax credit period for all renewable resources and even up the playing field.

I would like my colleagues to know more about the importance of our Nation's vast supply of geothermal energy resources. Geothermal is a clean, renewable energy resource that presently contributes over 2,718 megawatts to the U.S. energy supply. Renewable energy, excluding hydroelectric, makes up 2 percent of U.S. energy consumption; of that 2 percent, geothermal energy accounts for .44 percent, solar .06 percent and wind 1 percent. Geothermal technology is used in commercial, industrial and residential application in 26 States.

However, geothermal energy generation has not been fully exploited. According to the U.S. Department of Energy, there is almost 25,000 megawatts of undeveloped geothermal energy production potential in the United States. This is enough power to serve more than 22 million homes. Furthermore, this is an energy source that is not subject to the price and supply volatility of fossil fuels. Our energy policy should not overlook this potential or sell short its potential.

My home State of Utah has an abundance of high and low temperature geothermal resources that this bill would allow to be economically developed. For example, a new 36 megawatt geothermal plant near Cove Fort, UT, is scheduled to be under construction by the spring of 2006 with completion expected by the end of 2007. Without this legislation, it is unlikely that this plant, as well as others around the Nation, would be able to be built. That would be very unfortunate.

The area around Cove Fort has one of the largest, proven geothermal resources in the Nation. There are 3,000 contiguous acres of leased land associated with the project now on the drawing boards. At 2,000 feet underground, the geothermal resource there is relatively shallow and is considered by most geologic experts to be one of the largest underground hot water reservoirs in North America. A leading geothermal engineering company recently issued a report indicating that the Cove Fort hot water resource can support and sustain power production in excess of 100 megawatts.

Utah is but one State with geothermal resources that can help lead our Nation toward energy independence. Other States with considerable geothermal resources include Nevada, California, Montana, Washington, Oregon, Idaho, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Arizona, New Mexico, Texas, Pennsylvania, West Virginia, Louisiana, Hawaii, and Kansas. We need to get the process of developing these resources started, and the bill I am introducing today would make sure that happens.

This legislation would provide the necessary boost to the development of our geothermal energy resources as well as all other renewable energy resources available to our Nation. I urge my colleagues to join me by cosponsoring this bill.

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

S. 1156

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

SECTION 1. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING ELECTRICITY FROM RENEWABLE RESOURCES.

(a) EXTENSION OF CREDIT PERIOD FOR ELECTRICITY PRODUCED AT CERTAIN FACILITIES.—Subparagraph (B) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) CREDIT PERIOD.—In the case of any facility described in subsection (d)(3)(A)(ii) placed in service before October 22, 2004, the 5-year period beginning on October 22, 2004, shall be substituted for the 10-year period in subsection (a)(2)(A)(ii).''.

(b) EXTENSION OF CREDIT.—Subsection (d) of section 45 of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking ''January 1, 2006'' each place it appears and inserting ''January 1, 2008''.

(c) BINDING CONTRACTS FOR FACILITIES.—Subsection (d) of section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''For purposes of this subsection, a facility shall be treated as placed in service before January 1, 2008, if such facility is placed in service before January 1, 2011, pursuant to a written binding contract in effect on December 31, 2007, and at all times thereafter before such facility is placed in service.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(2) SUBSECTION (a).—The amendment made by subsection (a) shall apply to electricity produced and sold after December 31, 2004, in taxable years ending after such date.

By Mr. KENNEDY (for himself, Mr. AKAKA, and Mr. LAUTENBERG):

S. 1158. A bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the bill we are introducing today is urgently needed to protect the pension benefits of workers across America.

A decent retirement in today's world depends on Social Security, private pensions, and private savings. But today's working families find their retirement severely threatened. President Bush wants to privatize Social Security. Private savings are at an all-time low, and now private pensions are in great jeopardy, too.

This challenge has been brought home all too clearly by United Airlines' recent announcement that it intends to end its pension plans and turn them over to the Pension Benefit Guaranty Corporation. The pensions of over 120,000 workers are at stake. Over $3 billion in their benefits are not guaranteed by the corporation, and the future pensions they have been promised will be lost as well.

These hard-working Americans include thousands of flight attendants like Patrice Anderson, who have made only a modest wage throughout their working lives and for whom ''the possible loss of hundreds of dollars a month in old age changes a dignified retirement into a subsistence-level retirement.''

The loss is particularly painful because so many of the employees have accepted lower pay or given back wages and other benefits in order to keep their pension plans. Marilyn King of California worked for United for 25 years. She says: ''I used to be proud of working for United. Now, I am embarrassed and angry. I am angry that we

took 25 percent in pay cuts, that we gave other concessions; and then our COO and CEO get their bonuses and perks.''

We have heard from families and workers across the country. In Massachusetts, Kevin Creighan and his wife Cathy Hampton in Lynn have spent a lifetime with United, ''working hard, earning a living, and all along expecting a pension.'' They hoped to retire in 7 years, with a combined 70 years of loyal service between them. Now, if they want the retirement they were promised by the United Airlines pension plan, they will have to work for an additional 15 years.

George Raymond of Arizona retired at the age of 60 after 38 years. He writes that because of this pension termination, he will not be able to afford his medical bills. Richard Myer of California retired after 32 years as a United pilot, and now he has to go back to work and sell his home to support his children and his elderly father-in-law.

Americans who work hard and play by the rules should not be victimized by these broken promises. No wonder they feel betrayed. They share the view of Robert Lamica of Virginia, who says, ''I kept my promise to United for 36 years by working in rain, snow, heat, and whatever else nature would throw our way . . . My back and knees have been destroyed along with my ability to get another job . . . We need not be left on the curb just because United can.''

These loyal men and women cannot turn back the clock and make different decisions. But Congress can stop that clock and reach a fair solution.

This legislation we are introducing will prevent bankrupt companies from abandoning their pension plans for the next 6 months.

Our action will also ease the growing threat to all defined benefit pension plans. The Pension Benefit Guaranty Corporation estimates that if it takes over the remaining airline defined benefit pension plans, 90 percent of the claims it must cover will come from airline companies or steel companies, even though such plans include only 5 percent of the employees covered by the corporation. The legislation will buy time for us to develop real solutions for the serious problems of these ailing industries.

I urge my colleagues to join me in support of this bill. We owe it to all these hard working Americans whose retirement has been put at risk.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. SMITH, Mr. SCHUMER, Mr. CRAPO, Mr. LOTT, Mr. KYL, and Mrs. LINCOLN):

S. 1159. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill, S. 1159, to make permanent a provision under subpart F of the Internal Revenue Code regarding active financial services income earned abroad. I am joined in this effort by my colleagues Senators BAUCUS, SMITH, SCHUMER, CRAPO, LOTT, KYL, and LINCOLN. Under current law, the provision will expire at the end of next year.

This legislation would ensure that U.S. financial services firms and U.S. manufacturing companies with financial services operations are subject to U.S. tax on income from their active overseas financial services operations only when such earnings are sent home to the U.S. parent company. As my colleagues know, this is the treatment provided under the U.S. tax law for other active business income earned overseas. Our legislation simply extends, on a permanent basis, the expiring provision that ensures this same treatment for the financial services industry.

The permanent extension of this provision is critically important in today's global marketplace. Over the last few years, the financial services industry has seen technological and global changes that have altered the very nature of the way these corporations do business, both here and abroad. The U.S. financial industry is a worldwide leader that plays a pivotal role in maintaining confidence in the international marketplace and positively contributes to the U.S. international trade balance. We believe it is essential that our tax laws not impose anti-competitive burdens on this important U.S. industry.

If we allow the active financial services provision to lapse, U.S. companies would have to pay both local tax and current U.S. tax on the financial services income they generate overseas. While some of this double taxation is often alleviated by the foreign tax credit, we all know that this system works imperfectly. The result is that U.S. firms end up with a cost that is not borne by their European and Asian competitors, because companies based in these areas do not face current home country taxation on financial services income. In an industry where companies compete on price and a few basis points can mean the difference between getting the business or losing it to a competitor, the imposition of this additional tax cost on U.S.-based companies would translate into a competitive disadvantage for U.S. companies and a competitive advantage for their foreign counterparts. Given the thousands of U.S. jobs at stake, many of them in Utah, we do not believe our tax policy should allow this to happen.

While this provision may seem far removed from the average Utahn or the average American, I can assure you that this is not true. For example, the Salt Lake City area serves as the headquarters location for the banking operations of American Express Centurion Bank and American Express Bank, FSB, which are important parts of the worldwide American Express Card system. Salt Lake City is also the headquarters of American Express Travelers Cheques, with its Utah facility servicing Travelers Cheques clients on a worldwide basis. Thousands of Utahns are employed by these companies.

These businesses are tied to the international marketplace through the competitive strength of the American Express global franchise. For American Express and other U.S. companies to compete on par with their foreign competitors, the U.S. tax rules need to provide fair and equitable treatment of their overseas operations. To the extent foreign competitors can take business away from U.S. firms because of an uneven playing field, U.S. jobs are at risk.

The bill we are introducing today would provide equitable and consistent tax treatment for this important component of our economy. Making this provision permanent would provide American companies much-needed stability. The current provision has been renewed several times, most recently for 5 years in the Job Creation and Worker Assistance Act of 2002. Our ''on-again, off-again'' habit of extensions prevents U.S.-based firms from competing fully in the global marketplace by interfering with their ability to make business decisions and plan on a long-term basis. The permanent extension of this subpart F provision would ensure that the U.S. financial services industry is on a competitive footing with their foreign-based competitors and would provide tax treatment that is consistent with the tax treatment accorded other U.S. businesses.

The Congress and the administration took an important step toward modernizing our international tax rules with the enactment of the American Jobs Creation Act of 2004. The legislation we introduce today furthers that act's goals of ensuring that American firms can compete in the 21st century economy.

I urge my colleagues to support this important bill and ask that the text of the bill be printed in the RECORD.

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

S. 1159

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

SECTION 1. PERMANENT EXTENSION OF SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—Section 954(h)(9) of the Internal Revenue Code of 1986 is amended by striking ''and before January 1, 2007,''.

(b) CONFORMING AMENDMENTS.—Section 953(e)(10) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and before January 1, 2007,'', and

(2) by striking the second sentence thereof.

Mr. BAUCUS. Mr. President, today I am pleased to join my friend and colleague, Senator HATCH, in introducing legislation to make permanent the subpart F provision for active financial serviced income earned abroad.

The legislation we are filing today is identical to a bill we filed in the 107th Congress. Since then, this exemption has been temporarily extended but that will expire at the end of next year. This exemption ensures that the active financial services income earned abroad by U.S. financial services companies, or U.S. manufacturing firms with a financial service operation, is not subject to U.S. tax until that income is brought home to the U.S. parent company.

By making this provision permanent, our legislation will put the U.S. financial services industry on an equal footing with its foreign-based competitors, which do not face current home country taxation on active financial services income. I will tell my colleagues that this bill is about jobs in Montana, and in each of our States. In fact, one of these competitive U.S. financial services companies employs hundreds of Montanans in Great Falls alone, so the health of that company is critically important to my constituents.

American financial services companies successfully compete in world financial markets. We need to make sure, however, that the U.S. tax rules do not change that situation and make them less competitive in the world arena. This legislation will extend a provision that I believe preserves the international competitiveness of U.S.-based financial service companies, including finance and credit companies, commercial banks, securities firms, and insurance companies. This provision also contains appropriate safeguards to ensure that only truly active businesses benefit.

As my colleagues have heard year after year, the active financial services provision is critically important in today's global economy. Our U.S. financial services industry is a global leader playing a pivotal role in maintaining confidence in the international marketplace. It is a fiercely competitive business. And U.S.-based companies would surely be disadvantaged with an additional tax burden if we allow this exemption to lapse. Through our network of trade treaties, we have made tremendous progress in gaining access to new foreign markets for this industry in recent years. Our tax laws should complement, rather than undermine, this effort.

The temporary nature of the active financial services provision, like other expiring provisions, denies U.S. companies the stability enjoyed by their foreign competitors. It is time to make permanent this subpart F active financial services provision in order to allow U.S. business companies to make business decisions on a long-term basis. I ask my colleagues to join us in supporting this legislation, providing consistent, equitable, and stable tax treatment for the U.S. financial services industry.

By Mr. WYDEN (for himself and Mr. SUNUNU):

S. 1128. A bill to amend title XIX of the Social Security Act to provide for increased rebates under the medicaid program for prescription drugs that are directly advertised to consumers, to require other Federal programs purchasing or reimbursing for such drugs to establish payment and reimbursement mechanisms that reduce the costs of those drugs, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Madam President, the cost of medicine is a matter of concern to every Senator. Today, Senator SUNUNU and I have introduced legislation to take a fresh approach to holding down the cost of medicines in our country. Under our bipartisan legislation, the Federal Government would pay less for pharmaceuticals that are advertise when the Federal Government buys those medicines for Medicaid, the Veterans' Administration, the Department of Defense, and the Public Health Service.

One can barely turn on the television or open a magazine these days without getting the hard sale on a hot new medicine. There is no doubt that medical science is making miracles for our citizens who need help with their health. For that, we are, of course, grateful. But the advent of advertising for prescription drugs presents pitfalls as well, not just for patients but for every American taxpayer.

Senator SUNUNU and I introduced our legislation today because as the marketing gets savvier, the Federal Government needs to get smarter and contain costs wherever possible for these popular and expensive drugs. The fresh approach that Senator SUNUNU and I unveil today will amp up the Government's purchasing power on prescription drugs that are advertised directly to consumers. The Pharmaceutical Advertising and Prudent Purchasing Act will reduce drug costs for the beneficiaries of Medicaid and other Federal programs. It will ease the burden on States struggling to stretch their health care dollars through Medicaid, and it will lower the overall costs for taxpayers footing the bill for these advertised drugs.

When a drug company figures the price of a pill, it passes along the advertising costs to consumers. Right now, Medicare and Medicaid pay that cost like any other consumer. But it is time to take the advertising costs out of the equation for taxpayer funded programs. The Federal Government, of course, gives drug companies a tax break for advertising which, of course, every other American company gets for its business expenses. There is no need for a double subsidy. There is a need for more prudent purchasing of prescription drugs by the Federal Government. If that is going to happen, the changes in the pharmaceutical market that have been caused by the explosion of advertising cannot be ignored any longer.

I do not have to tell our colleagues that drug advertising in the United States is an immense and growing industry. The Wall Street Journal reported last week that the pharmaceutical industry spent nearly $4.5 billion on advertising to consumers. The penetration of this advertising may be more than most people realize. A recent Kaiser Family Foundation poll found that 90 percent of Americans had seen or heard an advertisement for prescription drugs. Today, more and more Americans can go to their doctor and ask to have a medication they have seen advertised on TV, in a magazine, on the radio or on the Internet. Of course, that is what is happening.

There is a proven direct connection between the advertising of drugs and a big uptick in the rate of prescriptions written for them. Take a look at the 10 most advertised drugs in the United States. That is 2003, and I would guess that few Americans would say they have not heard of any of these drugs.

On each of these drugs, at least $100 million was spent in 2003 alone on direct consumer advertising. The advertising works. A study published in the April issue of the Journal of the American Medical Association demonstrates the link. Researchers sent actors to doctors' offices to complain of mild depression. Those who mentioned seeing an ad were five times more likely to get a prescription for an antidepressant as those who simply described their supposed symptoms without talking about a drug ad they had seen. It is no wonder the heavily advertised drugs make up most of the top 10 medicines prescribed under Federal health programs like Medicare, Medicaid, and others. Take a look.

These are the 10 drugs on which Medicare spends the most total money for outpatient care. Nine are advised directly to consumers.

Here are the 10 drugs on which Medicaid spends the most money. Four of the ten are advised directly to consumers. The next 4 drugs, Nos. 11 through 14, are advertised as well. It is the view of Senator SUNUNU and I that the Federal Government is one consumer that does not need to receive advertising from the drug companies.

The Federal Government is buying medicine for a lot of people with a limited pool of funds. It is vital to get a handle now on the connection between advertising and increased sales and to insist on more prudent purchasing.

Our legislation does just that. It makes the Government a more prudent purchaser in a straightforward way. It will require Medicaid and other vital programs under Health and Human Services and the Veterans' Administration to get a discount that cuts out the advertising costs figured in each pill. In Medicaid, this would be done by adjustments in the Medicaid rebate program. That is an existing program that requires a pricing agreement between drug manufacturers and the Federal Government for any drug to be sold through the Medicaid program.

The Health and Human Services Secretary and the VA Secretary will also

be able to negotiate reduced prices for other Federal programs such as the Public Health Service, programs administered by the Indian Health Service, the Department of Veterans Affairs, the Department of Defense and the Defense Health Program.

This is smart and effective spending. It ends the spending of taxpayer dollars to fund advertising that has already received a tax break. It is a commonsense step, the kind of common sense that is all too uncommon when the Federal Government buys drugs.

Our legislation will address another issue that speaks both to the taxpayers' interests and the health of patients in these programs. When advertised drugs are purchased, it is not enough to make sure the price is right, although that is important. It is vital the drug is right for the patient's particular problem. Taxpayer dollars should buy drugs that will work best for patients by a doctor's best judgment. Just because a patient recognizes a drug's name enough to request it from their provider does not mean it is the best medicine.

More and more drug companies are treating doctors as a middleman they wish to skip. They make a lot more money if patients, without medical degrees, are encouraged to start writing their own prescriptions, whether the drug is the right one or not. Medicare, Medicaid, and other Federal programs have a charge to keep for their patients and a trust to maintain with American taxpayers. They should not be exploited financially by the pharmaceutical ''flavor of the month.''

I close by expressing my thanks to the Senator from New Hampshire. This is a bipartisan approach that is going to hold down the cost of medicine for taxpayers in our country. It will be a benefit to beneficiaries certainly at a time when the Medicaid Commission is trying to find responsible savings. We ensure that we take the time to study how this approach would work for other programs such as Medicare. And because I see my friend in the Chamber, I will wrap up simply by saying that it is time to take out a sharp pencil and eliminate the hidden costs for taxpayers from advertised drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I am pleased to join Senator WYDEN in the introduction of this legislation, which is a good-faith effort to try to find that fresh approach Senator WYDEN talked about, a fresh approach to deal with costs in health care, specifically in those areas where the Federal Government is directly purchasing pharmaceuticals: in the VA, where we have a very large direct purchase program that exists today, and within Medicaid, where both the Federal Government and the States are directly involved in purchasing and negotiating the pricing of drugs.

We are focusing on direct-to-consumer advertising. This is an area where activity and cost have exploded over the last 6 or 7 years. Since 1997, when the Federal Government changed the regulations associated with direct-to-consumer advertising, we have seen advertising outlays for pharmaceuticals go from a little bit over $1 billion to nearly $5 billion per year this year. Those costs, as any costs would be, are passed on to consumers. In the case of these programs where the Federal Government is purchasing the pharmaceuticals in the VA and in Medicaid, that means that the cost, the impact, is disproportionately felt by the taxpayer.

This is an effort to try to find a way to reduce those costs, to give the Federal Government the power to make a distinction, as they negotiate prices—to make a distinction between those drugs that are advertised directly to consumers or marketed directly to consumers and those that are not, and to provide discounts to those companies or those drugs that avoid the additional costs of advertising.

This advertising, as I say, is expensive. The cost is passed on to taxpayers in these particular programs. I think there are also a lot of questions about the value that a flood of advertising might provide.

We have all been inundated by different types of advertisement, on TV or in magazines. It is costly, as I mentioned, but it also carries with it some risk of overutilization; of, in some cases, encouraging or leading consumers to believe that they need or would benefit by a particular medicine when it is not necessarily the best approach for them.

In some cases it is clear this advertising has been used to drive consumers away from lower priced generic drugs. I think this is one of the most problematic areas, and that has been seen and discussed at some length in the States, in their Medicaid programs.

This legislation presents an opportunity to get our hands around the cost issue, to fund some important studies, to take a closer look at questions of overutilization and the substitution I described. It represents a good start, I think, opening the debate with this discussion about dealing directly with health care costs in areas of the Federal Government as the principal purchaser.

There may be other options. In fact, Senator WYDEN and I talked about a few other approaches that are not included in this legislation. I think I can speak for the Senator from Oregon when I say we look forward to talking to our colleagues about other ideas that might be out there. We look forward to sharing ideas and information with producers themselves who, I hope, are willing to look at ways to help save the consumers money, help save taxpayers money, and help deal with direct-to-consumer advertising in a more responsible way.

We are going to do a Medicaid bill this year in the Senate. While we also deal with some issues at HHS and the VA in this bill, certainly the costs associated with Medicaid and our recommendations with regard to Medicaid are a central part of the bill. I will work with Senator WYDEN and any of my interested colleagues to try to include and capture some of these ideas in Medicaid legislation this year.

It is a great opportunity to look at the issue of health costs and drug costs in a fresh way, in a different way. I very much appreciate the work Senator WYDEN has done in helping to craft this legislation and his willingness to lend his strong support, as a longstanding and more senior Member than I, as a member of the Senate Finance Committee, and as a Member of the Senate on the other side of the aisle.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 157—CONGRATULATING CARRIE UNDERWOOD FOR WINNING THE ''AMERICAN IDOL'' TELEVISION PROGRAM AND THANKING HER FOR BEING A POSITIVE ROLE MODEL

Mr. COBURN (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 157

Whereas Carrie Underwood was born in Muskogee, Oklahoma, on March 10, 1983, but Checotah, Oklahoma, lays complete claim to her as a native;

Whereas Carrie's parents are Stephen and Carole Underwood of the Onapa area of Oklahoma;

Whereas Carrie has two older sisters, Shanna Underwood Means, who teaches in Liberty Mounds, Oklahoma, and Stephanie Underwood Shelton, who teaches in Arkhoma, Oklahoma;

Whereas Carrie has delighted the residents of Checotah with her singing since her elementary school days;

Whereas during high school, Carrie sang in the Checotah High School's award winning chorus and excited audiences every year at the Robbin Emerson Memorial Talent Show, which raises money for scholarships;

Whereas Carrie was often kind enough to sing the National Anthem at high school basketball games;

Whereas Carrie excelled academically in high school and was the salutatorian of her 2001 Checotah High School graduating class;

Whereas Carrie began attending Northeastern State University after high school, where she is a senior majoring in mass communications with an emphasis in journalism;

Whereas Carrie performed for 2 years in Northeastern's Downtown Country Show in Tahlequah, Oklahoma;

Whereas Carrie auditioned in August 2004, in St. Louis, Missouri, for the ''American Idol'' television show;

Whereas Carrie was named to the top 24 on ''American Idol'' in mid-February 2005, and has been in Hollywood, California, performing weekly since;

Whereas although people in Checotah and Oklahoma are extremely proud of Carrie's phenomenal talent, they are even more proud of the kind of young person she has always been; and

Whereas Carrie Underwood is intelligent, kind, and considerate—undoubtedly one of

the finest young women anyone will ever meet: Now, therefore, be it

Resolved, That the Senate—

(1) takes great pride in congratulating Carrie Underwood of Checotah, Oklahoma, for winning the television program ''American Idol''; and

(2) thanks Carrie Underwood for being a positive public role model and representing Oklahoma so superbly before an audience of millions of television viewers in this nation and around the world.

SENATE RESOLUTION 158—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 11, 2005, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BUNNING, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DODD, Mr. DURBIN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Ms. MIKULSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SPECTER, Mr. TALENT, Mr. VOINOVICH, Mr. SCHUMER, Mr. BROWNBACK, Mr. OBAMA, and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 11, 2005, as ''National Historically Black Colleges and Universities Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 11, 2005, as ''National Historically Black Colleges and Universities Week''; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 159—RECOGNIZING THE 50TH ANNIVERSARY OF THE OKLAHOMA INDEPENDENT PETROLEUM ASSOCIATION AND ITS MEMBERS VITAL CONTRIBUTION TO THE OIL AND GAS INDUSTRY OF THE UNITED STATES

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 159

Whereas the Oklahoma Independent Petroleum Association was founded and incorporated in the State of Oklahoma on January 13, 1955;

Whereas the Oklahoma Independent Petroleum Association was founded by independent oil and natural gas producers, and its membership is still comprised of independent producers, both large and small;

Whereas the founders of the Oklahoma Independent Petroleum Association possessed the leadership and vision to establish a unified voice for independent crude oil and natural gas producers;

Whereas the Oklahoma Independent Petroleum Association is the largest oil and gas advocacy group in the State, representing over 1,500 member companies in the crude oil and natural gas exploration and production industry and affiliated businesses;

Whereas the mission of the Oklahoma Independent Petroleum Association is to enhance and protect the ability of independent oil and natural gas producers in Oklahoma to conduct their business and to ensure energy supply;

Whereas the Oklahoma Independent Petroleum Association is a rarity in State oil and gas associations, with a full-time governmental affairs specialist and a full-time regulatory affairs specialist working with agencies that regulate the oil and gas industry;

Whereas the Oklahoma Independent Petroleum Association is a proactive and diverse organization striving to provide a broad range of services to its members and the industry it supports;

Whereas the leaders of the Oklahoma Independent Petroleum Association have worked successfully on behalf of Oklahoma independent producers on State and national issues, advocating for State and national governmental policies that protect and enhance the ability of Oklahoma independent producers to do business; and

Whereas the Oklahoma Independent Petroleum Association will continue to look toward the future by forging alliances within the oil and gas industry and with other organizations devoted to a more prosperous Oklahoma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary of the Oklahoma Independent Petroleum Association;

(2) congratulates the Oklahoma Independent Petroleum Association for its 50-year history of contributions to the oil and gas industry of Oklahoma and the United States;

(3) recognizes that the Oklahoma Independent Petroleum Association has been and will continue to be an invaluable asset in developing and promoting the oil and gas industry in the United States; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Oklahoma Independent Petroleum Association as an expression of appreciation and for public display at the 50th annual meeting of the Oklahoma Independent Petroleum Association.

SENATE CONCURRENT RESOLUTION 39—TO EXPRESS THE SENSE OF CONGRESS ON THE PURPLE HEART

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 39

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

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

(1) supports the goals and ideals of National Purple Heart Recognition Day;

(2) encourages all people of the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart.

SENATE CONCURRENT RESOLUTION 40—RECOGNIZING AND COMMENDING THE PRESIDENT AND THE GOVERNMENTS OF OTHER COUNTRIES THAT HAVE PARTICIPATED IN THE PROLIFERATION SECURITY INITIATIVE FOR THE HISTORIC EFFORTS AND SUCCESSES OF THE PROLIFERATION SECURITY INITIATIVE IN REDUCING THE THREAT POSED BY ILLICIT TRAFFICKING IN WEAPONS OF MASS DESTRUCTION, THEIR MEANS OF DELIVERY, AND RELATED MATERIALS, ON THE OCCASION OF THE SECOND ANNIVERSARY OF THE ESTABLISHMENT OF THE PROLIFERATION SECURITY INITIATIVE

Mr. LUGAR submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 40

Whereas, on May 31, 2003, at Wawel Royal Castle, Krakow, Poland, President George W. Bush declared that ''today I announce a new

effort to fight proliferation called the Proliferation Security Initiative. The United States and a number of our close allies, including Poland, have begun working on new agreements to search planes and ships carrying suspect cargo and to seize illegal weapons or missile technologies. Over time, we will extend this partnership as broadly as possible to keep the world's most destructive weapons away from our shores and out of the hands of our common enemies'';

Whereas, since May 2003, more than 60 countries have indicated their support for the Proliferation Security Initiative;

Whereas, in September 2003, 11 countries agreed to and published the Proliferation Security Initiative Statement of Interdiction Principles, which, among other things, identifies specific steps for effectively interdicting shipments of weapons of mass destruction, their means of delivery, and related materials and for preventing proliferation facilitators, brokers, and middlemen from engaging in this deadly trade;

Whereas the Proliferation Security Initiative has led to the negotiation of bilateral ship boarding agreements designed to facilitate the interdiction of weapons of mass destruction, their means of delivery, and related materials, including agreements with the Governments of Panama, Liberia, and the Marshall Islands;

Whereas, United Nations Security Council Resolution 1540, proposed by President Bush and adopted unanimously by the Security Council on April 28, 2004, calls on all countries to take cooperative action to prevent trafficking in weapons of mass destruction, their means of delivery, and related materials;

Whereas the actions of the United States and its Proliferation Security Initiative partners Germany and Italy contributed to the interdiction of the ship ''BBC China'', a commercial ship carrying centrifuge components for Libya's illicit nuclear program, en route to Tripoli, and also contributed to the constructive decision made by the Government of Libya on December 19, 2003, to acknowledge its illegal weapons of mass destruction programs and its agreement to eliminate its weapons of mass destruction and long-range missile programs and rejoin the international community by eliminating all elements of its chemical and nuclear weapons programs, declaring all nuclear materials and activities to the International Atomic Energy Agency (IAEA), eliminating ballistic missiles with a range greater than 300 kilometers with payloads of 500 or more kilograms, accepting international inspections to ensure Libya's complete adherence to the Nuclear Non-proliferation Treaty, signing the Additional Protocol, eliminating all chemical weapons stocks and munitions and acceding to the Chemical Weapons Convention, and allowing immediate inspections and monitoring to verify all of these actions;

Whereas the Report of the United Nations Secretary-General's High Level Panel on Threats, Challenges, and Changes finds that ''[r]ecent experience of the activities of the A.Q. Khan network has demonstrated the need for and the value of measures taken to interdict the illicit and clandestine trade in components for nuclear programs'';

Whereas the same Report also welcomes ''the voluntary Proliferation Security Initiative, under which more and more states are cooperating to prevent illicit trafficking in nuclear, biological and chemical weapons'';

Whereas, acknowledging that existing nonproliferation agreements and export control regimes are necessary but no longer sufficient, the Secretary-General of the United Nations has stated: ''I applaud the efforts of the Proliferation Security Initiative to fill a gap in our defenses'';

Whereas the United States and many of its Proliferation Security Initiative partners have conducted 14 ground, air, maritime, and tabletop interdiction exercises over the last 2 years, beginning with the Australian-led exercise Pacific Protector in September 2003; and

Whereas multiple countries have now participated in and observed air, land, and sea interdiction training exercises, in particular the October 2004 Team Samurai exercise, in which Japan, the United States, Australia, and France contributed operational assets and Canada, Cambodia, Germany, Greece, Italy, the Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Russia, Singapore, Spain, Sweden, Thailand, Turkey, and the United Kingdom participated as observers, and most recently in Exercise Ninfa '05, a joint maritime and ground interdiction exercise led by Portugal: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President is to be commended on the occasion of the second anniversary of the creation of the Proliferation Security Initiative for its broadening membership, increasing international support, and successful operational training and exercises;

(2) all the governments of countries coordinating and cooperating in intelligence sharing, training exercises, and legal agreements with the United States under the Proliferation Security Initiative, in particular the meetings of the PSI Operational Experts Group, are to be commended for their support in the global effort to prevent the proliferation of weapons of mass destruction, their means of delivery, and related materials;

(3) the Proliferation Security Initiative constitutes an important tool for coordinating diplomatic, law enforcement, customs, intelligence, and military capabilities against the illicit trade in weapons of mass destruction, their means of delivery, and related materials;

(4) all countries must work together, particularly under the auspices of the committee established pursuant to operative paragraph 4 of United Nations Security Council Resolution 1540, popularly called the ''1540 Committee'', to further the implementation of the provisions of Resolution 1540 relating to the international legal bases for continued, aggressive enforcement of all agreements, treaties, and regimes that aim through interdiction activities to end the illicit trade in weapons of mass destruction, their means of delivery, and related materials;

(5) the governments of all responsible countries should endorse the PSI Statement of Interdiction Principles and cooperate actively to interdict and disrupt illicit trade in weapons of mass destruction, their means of delivery, and related materials; and

(6) as evidenced in the historic December 19, 2003, decision of Libya to acknowledge and convert or dismantle its illegal weapons of mass destruction programs, the Proliferation Security Initiative can provide significantly enhanced enforcement of and adherence to the Treaty on the Non-proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty''), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with Annexes, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the ''Chemical Weapons Convention''), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972, and entered into force March 26, 1975 (commonly known as the ''Biological Weapons Convention''), the safeguards system of the International Atomic Energy Agency, and the commitments and control lists of the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers Group.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 26, 2005, at 10 a.m., to conduct a hearing on ''The Report to the Congress on International Economic and Exchange Rate Policies.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 26, at 9:30 a.m., to consider comprehensive energy legislation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 26, 2005, at 10:30 a.m., to hold a hearing on nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 26, 2005, at 2:30 p.m., to hold a hearing on nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, May 26, 2005 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 26, 2005, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Brett M. Kavanaugh, to be U.S. Circuit Judge for the District of Columbia; Richard Griffin, to be U.S. Circuit Court Judge for the Sixth Circuit; David McKeague, to be U.S. Circuit Court Judge for the Sixth Circuit; Paul Clement, to be Solicitor General of the United States; Anthony Jerome Jenkins, to be U.S. Attorney for the

District of the Virgin Islands; Stephen Joseph Murphy III, to be U.S. Attorney for the Eastern District of Michigan; Gretchen C.F. Shappert, to be U.S. Attorney for the Western District of North Carolina; Rachel Brand, to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher, to be an Assistant Attorney General for the Criminal Division; and Regina B. Schofield, to be an Assistant Attorney General for the Office of Justice Programs.

II. Bills: S. 852, A bill to Create a Fair and Efficient System to Resolve Claims of Victims for Bodily Injury Caused by Asbestos Exposure, and for Other Purposes. [SPECTER, LEAHY, HATCH, FEINSTEIN, GRASSLEY, DEWINE, GRAHAM].

III. Matters: Senate Judiciary Committee Rules.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Committee on Veterans' Affairs be authorized to meet during The session of The Senate on Thursday, May 26, 2005, for a committee hearing titled ''Battling The Backlog: Challenges Facing The VA Claims Adjudication and Appeal Process''.

The hearing will take place in Room 418 of the Russell Senate Office Building at 2 p.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Permanent Subcommittee on Investigations be authorized to meet on Thursday, May 26, 2005, at 9 a.m., for a hearing entitled ''The Container Security Initiative and The Customs-Trade Partnership Against Terrorism: Securing The Global Supply Chain or Trojan Horse?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENSIGN. Mr. President, I ask unanimous consent, pursuant to Rule 26.5(a) of The Standing Rules of The Senate, that The Select Committee on Intelligence be authorized to meet after conclusion of the first two hours after the meeting of The Senate commences on May 26, 2005.

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

SUBCOMMITTEE ON AVIATION

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Subcommittee on Aviation be authorized to meet on Thursday, May 26, 2005, at 10 a.m. on Aviation Capacity and Congestion Challenges-Summer 2005 and Future Demand.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, May 26, 2005 at 9 a.m. to conduct an oversight hearing on the Nuclear Regulatory Commission.

The hearing will be held in SD 406.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 26, 2005, at 2:30 p.m., for a hearing regarding ''An Assessment of Federal Funding for Private Research and Development.''

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

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on ''The Need for Comprehensive Immigration Reform: Serving Our National Economy'' on Thursday, May 26, 2005, at 2:30 p.m. in SD–226.

Witness List

Panel I: The Honorable Steven Law, Deputy Secretary, U.S. Department of Labor, Washington, DC.

Panel II: Tom Donahue, President and CEO, U.S. Chamber of Commerce, Washington, DC; Dan Griswold, Director of the Center for Trade Policy Studies, The CATO Institute, Washington, DC; and Douglas S. Massey, Ph.D., Professor, Princeton University, Princeton, NJ.

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

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Rexon Ryu with Senator HAGEL's staff be granted the privilege of the floor during today's session.

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

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Represenatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 3) entitled ''An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes,'' and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRIST. Mr. President, I move that the Senate insist on its amendment, agree to the request for a conference, and the Chair appoint conferees, with a ratio of 16 to 14, with the names submitted at the desk.

The motion was agreed to, and the Presiding Officer appointed Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. THUNE, Mr. DEMINT, Mr. ISAKSON, Mr. VITTER, Mr. GRASSLEY, Mr. HATCH, Mr. SHELBY, Mr. ALLARD, Mr. STEVENS, Mr. LOTT, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, Mr. CONRAD, Mr. INOUYE, Mr. ROCKEFELLER, Mr. SARBANES, Mr. REED, Mr. JOHNSON conferees on the part of the Senate.

SMALL BUSINESS ACT

Ms. SNOWE. Mr. President, I rise today to address the consideration of H.R. 3, the Highway bill, in conference between the Senate and the House, and to engage the majority leader and Chairman INHOFE in a colloquy. It has come to my attention that the version of H.R. 3 passed by the House contains changes to the Small Business Act, which is under the exclusive jurisdiction of the small business committees in both chambers. Section 1821 of H.R. 3 as passed by the House would extend the benefits of the Historically Underutilized Business, HUBZone, program to non-metropolitan areas designated as Difficult Development Areas, DDAs, by the Secretary of Housing and Urban Development, but only if these DDAs are located in states and territories outside the continental United States. The HUBZone program exists to generate market-based development solutions in economically distressed areas by providing federal contracting advantages to small businesses which locate in HUBZones and employ HUB Zone residents.

The HUBZone contracting program is codified in the Small Business Act and is administered by the Office of Government Contracting and Business Development of the Small Business Administration. While the HUBZone provision was not included in the Senate version of H.R. 3, had the provision in the House bill proceeded through the Senate committee process, I would have certainly exercised my prerogatives as the Committee Chair.

Although I am not requesting a formal appointment as a conferee, I would like to ask my distinguished colleagues, the majority leader and the chairman of the Senate Committee on Environment and Public Works, to commit that no change to the Small Business Act or any program relating to the SBA will be negotiated or agreed to in the Highway bill conference without my consent as the Chair of the Senate Committee on Small Business and Entrepreneurship.

Mr. FRIST. The Senator from Maine, the distinguished chair of the Small Business Committee, is correct that while the vast majority of the Highway bill does not concern the Small Business Act or the Small Business Administration, the Highway bill conferees should secure the consent of the Chair of the Senate committee on Small Business and Entrepreneurship before making any changes to legislation or programs within that committee's jurisdiction.

Mr. INHOFE. I am grateful to the chair of the Small Business Committee for her concern about the interests of small business. As chairman of the Senate Environment and Public Works Committee and the manager of the Highway bill on the part of the Senate, I agree that the Senate conferees on the Highway bill will secure the Senate Small Business Committee's consent before negotiating or agreeing to any changes to the Small Business Act or to any program relating to the Small Business Administration.

Ms. SNOWE. I thank Chairman INHOFE and the majority leader for their commitment and support.

EXECUTIVE SESSION

NOMINATION OF JANICE R. BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 72, the nomination of Janice R. Brown to be U.S. Circuit Judge for the DC Circuit.

The legislative clerk read the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 100, the nomination of William Pryor, of Alabama, to be U.S. Circuit Judge for the Eleventh Circuit.

The legislative clerk read the nomination of William H. Pryor, of Alabama, to be United States Circuit Judge for the Eleventh District.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum with respect to both cloture votes be waived.

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

NOMINATION OF ROBERT JOSEPH TO BE UNDER SECRETARY OF STATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Joseph, PN 301, to be Under Secretary of State for Arms Control and International Security; provided further that the Senate proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.

JOINT REFERRAL

Mr. FRIST. Mr. President, I ask unanimous consent that the nomination of Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, received on Thursday, May 26, 2005, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs.

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

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's Executive Calendar: Nos. 104, 105, 106 through 111, 112, with the exception of BG Rita Broadway, 0473, Nos. 113, 114, with the exception of COL Donald M. Bradshaw, 5796, Nos. 115 through 132, 133, 134, 135, 136, and all nominations on the Secretary's desk. I further ask unanimous consent that the Commerce Committee be discharged from further consideration of Coast Guard nominations lists, PN 236 and PN 527, and a NOAA list, PN 452; provided further that the Senate proceed to their consideration, the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF EDUCATION

Raymond Simon, of Arkansas, to be Deputy Secretary of Education.

DEPARTMENT OF DEFENSE

Kenneth J. Kreig, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

IN THE AIR FORCE

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 brigadier general

Col. Kathleen D. Close, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles E. Croom, Jr., 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Benjamin J. Spraggins, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Ronald E. Keys, 0000

IN THE ARMY

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. Benjamin C. Freakley, 0000

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., section 10506:

To be lieutenant general

Maj. Gen. Clyde A. Vaughn, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General William H. Johnson, 0000
Brigadier General Dennis E. Lutz, 0000

To be brigadier general

Colonel William H. Gerety, 0000
Colonel William D. Frink, Jr., 0000
Colonel Geoffrey A. Freeman, 0000
Colonel Stuart M. Dyer, 0000
Colonel Paul E. Crandall, 0000
Colonel Lie-Ping Chang, 0000

To be major general

Brigadier General Bruce E. Zukauskas, 0000
Brigadier General William Terpeluk,0000
Brigadier General Robert A. Pollmann, 0000

To be brigadier general

Colonel Richard A. Stone, 0000
Colonel Steven W. Smith, 0000
Colonel Eldon P. Regua, 0000
Colonel Bert K. Mizusawa, 0000
Colonel Charles D. Luckey, 0000
Colonel Douglas E. Lee, 0000
Colonel Dempsey D. Kee, 0000
Colonel Jeffrey A. Jacobs, 0000
Colonel George R. Harris, 0000
Colonel Margaret C. Wilmoth, 0000
Colonel Robin B. Umberg, 0000

To be major general

Brigadier General Larry Knightner, 0000
Brigadier General David L. Evans, 0000
Brigadier General Bruce A. Casella, 0000

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. Neil Dial, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David A. Rubenstein, 0000
Col. James K. Gilman, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John W. Bergman, 0000

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. Robert R. Blackman, Jr., 0000

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

Vice Adm. Gary Roughead, 0000

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 (lower half)

Captain William R. Burke, 0000
Captain Nevin P. Carr, Jr., 0000
Captain Philip H. Cullom, 0000
Captain Mark I. Fox, 0000
Captain William D. French, 0000
Captain Michael S. Frick, 0000
Captain Timothy M. Giardina, 0000
Captain Robert S. Harward, Jr., 0000
Captain William H. Hilarides, 0000
Captain Daniel P. Holloway, 0000
Captain Douglas J. McAneny, 0000
Captain Terence E. McKnight, 0000
Captain John W. Miller, 0000
Captain Michael S. Obryan, 0000
Captain Frank C. Pandolfe, 0000
Captain David L. Philman, 0000
Captain Brian C. Prindle, 0000
Captain Donald P. Quinn, 0000
Captain William E. Shannon, III, 0000
Captain James A. Symonds, 0000
Captain Stephen S. Voetsch, 0000
Captain James P. Wisecup, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Alan S. Thompson, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Nancy J. Lescavage, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jeffrey A. Brooks, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Robert B. Murrett, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Victor C. See, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

To be rear admiral (lower half)

Capt. Christine M. Bruzek-Kohler

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

To be rear admiral (lower half)

Capt. Mark W. Balmert, 0000

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 (lower half)

Capt. Raymond E. Berube, 0000
Capt. John J. Prendegast, III, 0000

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 (lower half)

Capt. Kevin M. McCoy, 0000
Capt. William D. Rodriguez, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

To be rear admiral

Rear Adm. (lh) David J. Venlet, 0000

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) Bruce W. Clingan, 0000
Rear Adm. (lh) Derwood C. Curtis, 0000
Rear Adm. (lh) Peter H. Daly, 0000
Rear Adm. (lh) Kenneth W. Deutsch, 0000
Rear Adm. (lh) Mark T. Emerson, 0000
Rear Adm. (lh) Jeffrey L. Fowler, 0000
Rear Adm. (lh) Garry E. Hall, 0000
Rear Adm. (lh) Leendert R. Hering, Sr., 0000
Rear Adm. (lh) Alan B. Hicks, 0000
Rear Adm. (lh) Stephen E. Johnson, 0000
Rear Adm. (lh) Carl V. Mauney, 0000
Rear Adm. (lh) Bernard J. McCullough, III
Rear Adm. (lh) Michael Miller, 0000
Rear Adm. (lh) Allen G. Myers, 0000
Rear Adm. (lh) Joseph A. Walsh, 0000
Rear Adm. (lh) Melvin G. Williams, Jr., 0000
Rear Adm. (lh) James A. Winnefeld, Jr., 0000

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C. section 12203:

To be rear admiral (lower half)

Capt. Carol M. Pottenger, 0000

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. Nathan E. Jones, 0000

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C. section 12203:

To be rear admiral (lower half)

Capt. Albert Garcia, III, 0000

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2008. (Reappointment)

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Kin Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009. (Reappointment)

POSTAL RATE COMMISSION

Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010. (Reappointment)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN311 AIR FORCE nominations (445) beginning DONNELLE E. ADAMS, and ending DANIEL J. ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN499 AIR FORCE nomination of Michael E. Van Valkenburg, which was received by the Senate and appeared in the Congressional Record of May 9, 2005.

IN THE ARMY

PN222 ARMY nominations (12) beginning ROBERT D. BOWMAN, and ending THERESA M. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN500 ARMY nominations (75) beginning CATHERINE D. SCHOONOVER, and ending VINCENT M. YZNAGA, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2005.

IN THE NAVY

PN435 NAVY nominations (35) beginning JOEL P. BERNARD, and ending MARC K.

WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2005.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Larry L. Hereth, 0000
Rear Adm. (lh) Robert J. Papp, 0000
Rear Adm. (lh) Clifford I. Pearson, 0000
Rear Adm. (lh) James C. Van Sice, 0000

The following named individual for appointment as a permanent regular officer in the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 211:

To be lieutenant commander

Kathryn C. Dunbar, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration.

To be lieutenant

Daniel J Price
Stephen Z Kroening
Jessica S Kondel
Shannon M Ristau
Nicole S Lambert
Chadwick A Brown
Nicole D Colasacco
Chad M Cary
Jennifer E Pralgo
Sean D Cimilluca
Charles J Yoos III
Keith A Golden
Shawn Maddock
William D Whitmore
Douglas E MacIntyre
Sarah L Dunsford
Sarah K Mrozek
Joshua D Bauman

To be lieutenant (junior grade)

Michael C Davidson
David E Fischman
Silas M Ayers
Paul A Householder
Nicola Samuelson
Patrick L Murphy
Colin D Little
Lean A Harman
Jason R Mansour
Michael J Stevenson
Briana J Welton
Abigail S Higgins
Brent J Pounds
Amanda L Goeller
Sarah E Jackson
Timothy D Salisbury
Benjamin S Sniffen
Mark A Blankenship
Fionna J Matheson
Jonathan E Taylor
Andrew P Halbach
Nathan S Priester
William I Wells
Sarah K Jones
Stephen P Barry

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations:

Victoria Nuland, PN 511, permanent representative on the Council of NATO; John Tefft, PN 523, Ambassador to Georgia; David Wilkins, PN–455, Ambassador to Canada; William Eaton, PN–503, Ambassador to Republic of Panama; James Derham, PN–480, Ambassador to Guatemala; Paul Trivelli, PN–509, Ambassador to Republic of Nicaragua; Linda Jewell, PN–522, Ambassador to Republic of Ecuador; Sean Ian McCormack, PN–351, Assistant Secretary of State; provided further that the Senate proceed to their consideration en bloc, the nominations be confirmed, that the motions to reconsider be laid upon the table, 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.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Victoria Nuland, of Connecticut, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Permanent Representative of the United States of America on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

David Horton Wilkins, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

William Alan Eaton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

James M. Derham, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Paul A. Trivelli, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Linda Jewell, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Sean Ian McCormack, of the District of Columbia, to be an Assistant Secretary of State (Public Affairs).

LEGISLATIVE SESSION

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

PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 167, the adjournment resolution, which is at the desk. I further ask consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 167) was agreed to, as follows:

H. CON. RES. 167

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 7, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 6, 2005, or Tuesday, June 7, 2005, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law and by concurrent action of the two Houses or by order of the Senate.

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

SIGNING AUTHORIZATION

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader, majority whip, and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on June 1 from 10 a.m. to 12 noon.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of majority and minority leaders of the Senate and Speaker minority leader of the House of Representatives, pursuant to section 301 of Public Law 104–1, as amended by Public Law 108–349, announces the joint redesignation of the following individual, as Chair of the Board of Directors of the Office of Compliance: Susan S. Robfogel of New York.

The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to section 301 of Public Law 104–1, as amended by Public Law 108–349, announces the joint reappointment of the following individual as members of the Board of Directors of the Office of Compliance: Barbara L. Camens of the District of Columbia and Roberta L. Holzwarth of Illinois.

DESIGNATING THE ''ROBERT M. LA FOLLETTE, SR., POST OFFICE BUILDING''

Mr. FRIST. I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 1760 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1760) to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr., Boulevard in Madison, Wisconsin, as the ''Robert M. La Follette, Sr., Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. KOHL. Mr. President, I rise today in support of H.R. 1760, which would name a Post Office in Madison, WI as the ''Robert M. La Follette, Sr. Post Office Building.'' This passage of this legislation is timely, coming shortly before what would have been La Follette's 150th birthday next month.

Robert La Follette was born into a farming family in Primrose, WI, on June 14, 1855. After graduating from the University of Wisconsin in Madison, he served as the District Attorney for Dane County. He would go on to serve the State of Wisconsin as a Congressman, the Governor, and a U.S. Senator. Throughout his career, he fought on behalf of the people, not the politics. He truly embodied the ''fighting'' spirit of the people of Wisconsin.

As Governor, La Follette instituted direct primary elections, allowing the people to choose their representatives, rather than having the party leaders chose them. His reform efforts in the State, and his excellent speaking style, placed him in the national spotlight. In 1906, La Follette joined the U.S. Senate, where he would remain until his death in 1925.

It was as a U.S. Senator that La Follette truly launched a national progressive movement. He protested the corruption of government and the influence of large corporations on political leaders. He argued in favor of women's suffrage, worker's rights and racial equality. He fought for economic and social reform to remove power from the few and place it in the hands of the many.

La Follette's fighting spirit and drive for reform have prevented him from falling out of the Naion's consciousness. Nowhere is this truer than in Wisconsin, the State he served so tirelessly for more than 30 years. His legacy is alive in the people of Wisconsin, who so often embody his pioneering spirit of reform. His legacy is alive in the United States Senate, where we continue to fight for honesty in politics. For all these reasons, I urge my colleague to join me in support of H.R. 1760, to commemorate the legacy, and celebrate the life of Robert ''Fighting Bob'' La Follette.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1760) was read the third time and passed.

50TH ANNIVERSARY OF THE OKLAHOMA INDEPENDENT PETROLEUM ASSOCIATION

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 159, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 159) recognizing the 50th anniversary of the Oklahoma Independent Petroleum Association and its members' vital contribution to the oil and gas industry of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, today I rise in support of this resolution recognizing the Oklahoma Independent Petroleum Association on its 50th anniversary and also recognizing its members' vital contribution to the oil and gas industry of the United States.

The Oklahoma Independent Petroleum Association—OIPA—was founded by Roy Woods on January 13, 1955. Roy Woods and other founders possessed the leadership and vision to establish a unified voice for independent crude oil and natural gas producers.

The founders were independent oil and natural gas producers, and its membership still comprises independents, both large and small.

OIPA is my State's largest oil and gas advocacy group, representing over 1,500 member companies in the crude oil and natural gas exploration/production industry, as well as affiliated businesses. OIPA is also a member of the Independent Petroleum Association of America.

OIPA's mission is to enhance and protect the ability of Oklahoma's independent oil and natural gas producers to conduct their business and to ensure a strong energy supply.

OIPA is a proactive and diverse organization striving to provide a broad range of services to its members and the industry it supports.

OIPA has worked successfully on behalf of Oklahoma independent producers on State and national issues, advocating for State and national governmental policies that protect and enhance the Oklahoma independent producers' ability to do business.

Most recently, I have worked with OIPA in the introduction of the Natural Gas Production Act of 2005—S. 926, which I introduced, that would extend section 29 to include natural gas produced from depths below 15,000 feet. This bill is strongly supported by OIPA members and I thank them for their support.

The Oklahoma Independent Petroleum Association has been and will continue to be an invaluable asset in developing and promoting the oil and gas industry in the United States.

I am introducing this resolution as an expression of my appreciation. I congratulate the Oklahoma Independent Petroleum Association for its 50-year history and its contributions to the oil and gas industry in Oklahoma and the United States.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 159

Whereas the Oklahoma Independent Petroleum Association was founded and incorporated in the State of Oklahoma on January 13, 1955;

Whereas the Oklahoma Independent Petroleum Association was founded by independent oil and natural gas producers, and its membership is still comprised of independent producers, both large and small;

Whereas the founders of the Oklahoma Independent Petroleum Association possessed the leadership and vision to establish a unified voice for independent crude oil and natural gas producers;

Whereas the Oklahoma Independent Petroleum Association is the largest oil and gas advocacy group in the State, representing over 1,500 member companies in the crude oil and natural gas exploration and production industry and affiliated businesses;

Whereas the mission of the Oklahoma Independent Petroleum Association is to enhance and protect the ability of independent oil and natural gas producers in Oklahoma to conduct their business and to ensure energy supply;

Whereas the Oklahoma Independent Petroleum Association is a rarity in State oil and

gas associations, with a full-time governmental affairs specialist and a full-time regulatory affairs specialist working with agencies that regulate the oil and gas industry;

Whereas the Oklahoma Independent Petroleum Association is a proactive and diverse organization striving to provide a broad range of services to its members and the industry it supports;

Whereas the leaders of the Oklahoma Independent Petroleum Association have worked successfully on behalf of Oklahoma independent producers on State and national issues, advocating for State and national governmental policies that protect and enhance the ability of Oklahoma independent producers to do business; and

Whereas the Oklahoma Independent Petroleum Association will continue to look toward the future by forging alliances within the oil and gas industry and with other organizations devoted to a more prosperous Oklahoma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary of the Oklahoma Independent Petroleum Association;

(2) congratulates the Oklahoma Independent Petroleum Association for its 50-year history of contributions to the oil and gas industry of Oklahoma and the United States;

(3) recognizes that the Oklahoma Independent Petroleum Association has been and will continue to be an invaluable asset in developing and promoting the oil and gas industry in the United States; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Oklahoma Independent Petroleum Association as an expression of appreciation and for public display at the 50th annual meeting of the Oklahoma Independent Petroleum Association.

MEASURE PLACED ON THE CALENDAR—S. 1127

Mr. FRIST. I understand there is a bill at the desk due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1127) to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 810

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report.

The legislative clerk read as follows:

A bill (H.R. 810) to amend the Public Service Act to provide for human embryonic stem cell research.

Mr. FRIST. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, JUNE 6, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 6. I further ask that following the morning 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, and the Senate then return to executive session to resume consideration of the nomination of Janice Rogers Brown to be United States Circuit Judge for the DC Court of Appeals; I further ask consent that the vote invoking cloture on the Brown nomination occur at 12 noon on Tuesday, June 7.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, June 6, the Senate will return from the Memorial Day recess and resume consideration of the nomination of Janice Rogers Brown for the DC Circuit. There will be no rollcall votes on June 6, but Senators are encouraged to come to the floor that day to speak on the Brown nomination.

As a reminder, cloture was just filed on the Brown nomination and the nomination of William Pryor to the Eleventh Circuit. Thus, we will vote on the cloture motion with respect to the Brown nomination on Tuesday, June 7, at noon.

Given the agreement reached this week, I expect cloture to be invoked and hope that we can proceed to the confirmation vote on Judge Brown early Tuesday afternoon. I also would like to remind my colleagues that we have time agreements with respect to the nominations of Griffith, McKeague, and Griffin to the circuit courts, as well. It is my intention to move to these nominations at an early time, as well.

Finally, since we were unable to finish our work on the Bolton nomination to be ambassador to the United Nations, we will revisit this issue following the break, as well.

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. 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.

THANKING THE PAGES

Mr. FRIST. Mr. President, we are going to be out in just a couple minutes, but I want to take the opportunity, before closing, to thank the pages, who are sitting here before me, for all the tremendous work they do. It is very rare that we have the opportunity to thank them publicly, and I want to take that opportunity right now.

They are here from early in the morning, and they are here tonight at 9 o'clock. It is a little bit after 9 right now. I will slip out, and they will still be here cleaning up and getting things in order.

They do a tremendous job, the pages, representing really most parts of the country, and I want to say thank you on behalf of the Democratic leader, the Republican leader, and both sides of the aisle.

SPENDING TIME IN HOME STATES

Mr. FRIST. We will be going on recess here for about 8 days, a much-needed recess for many people. A recess means we, for the most part, go back to our home States and spend time with people. So we all look forward to that opportunity to get back and travel around the country and get outside of Washington, DC, and listen very directly to the American people.

ADJOURNMENT UNTIL MONDAY, JUNE 6, 2005, AT 2 P.M.

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 provisions of H. Con. Res. 167.

There being no objection, the Senate, at 9:02 p.m., adjourned until Monday, June 6, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate May 26, 2005:

DEPARTMENT OF DEFENSE

WILLIAM ANDERSON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE NELSON F. GIBBS.

DEPARTMENT OF AGRICULTURE

RICHARD A. RAYMOND, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE ELSA A. MURANO, RESIGNED.

DEPARTMENT OF THE TREASURY

RANDAL QUARLES, OF UTAH, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE BRIAN CARLTON ROSEBORO.

DEPARTMENT OF COMMERCE

ISRAEL HERNANDEZ, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE RHONDA KEENUM.

DEPARTMENT OF THE TREASURY

PHILIP D. MORRISON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PAMELA F. OLSON, RESIGNED.

DEPARTMENT OF STATE

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL ATOMIC ENERGY AGENCY

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO

THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C SECTIONS 624 AND 531:

To Be Major

BRIAN F. * ABELL, 0000
SEAN P. ABELL, 0000
BRENT F. * ADAMS, 0000
DEANA C. * ADAMS, 0000
MATTHEW C. J. ADAMS, 0000
JODY A. * ADDISON, 0000
BRIAN P. AFFLERBAUGH, 0000
EDWARD L. * AGUILAR, 0000
MATTHEW C. AHNER, 0000
STEWART R. * AITKENCADE, 0000
IVAN AKERMAN, 0000
GEOFFREY A. * AKERS, 0000
ARTURO * ALAIZA, JR., 0000
PATRICK M. * ALBRITTON, 0000
BRIAN C. * ALEXANDER, 0000
CHRISTOPHER M. * ALEXANDER, 0000
JEFFREY D. ALEXANDER, 0000
JOSEPH B. * ALFORD, 0000
ALBERT P. * ALLARD, 0000
GARY L. ALLEN, JR., 0000
JASON N. ALLEN, 0000
JEFFREY T. ALLISON, 0000
MICHAEL P. ALLISON, 0000
CLARK L. ALLRED, 0000
KEVIN D. ALLRED, 0000
DAVID P. * ALLSOP, 0000
ALAN S. * ALSOP, 0000
JUAN A. ALVAREZ, 0000
JUSTIN C. * AMANN, 0000
DAVID R. AMAYA, 0000
MARY K. * AMBROSE, 0000
DANIEL G. AMEGIN, 0000
CHRISTOPHER R. AMRHEIN, 0000
ANTHONY J. * ANDERSON, 0000
CYNTHIA G. * ANDERSON, 0000
DAVID R. * ANDERSON, 0000
JEREMY S. * ANDERSON, 0000
KRISHAAN G. * ANDERSON, 0000
PONG K. * ANDERSON, 0000
SCOTT W. * ANDERSON, 0000
SHERRI M. * ANDERSON, 0000
STEVEN C. ANDERSON, 0000
TANYA J. * ANDERSON, 0000
JAMES M. * ANDES, 0000
JOHN G. * ANDRADE, 0000
SHAWN E. ANGER, 0000
RICHARD D. * ANTON, 0000
NICHOLAS G. ANTONOPULOS, 0000
JOSEPH M. * APPEL, 0000
RICHARD L. * APPLE, 0000
MORSHE D. * ARAUJO, 0000
CLAUDE M. * ARCHAMBAULT, 0000
ALEXANDER M. ARCHIBALD III, 0000
EARL ARDALES, 0000
GARTH J. * AREVALO, 0000
BRADLEY J. * ARMSTRONG, 0000
CHARLES C. * ARMSTRONG, 0000
MICHAEL C. * ARNDT, 0000
MATTHEW B. * ARNOLD, 0000
JUAN C. * ARROYOGARCIA, 0000
MICHAEL J. ARTELLI, 0000
PAUL B. * ASHLEY, 0000
MICHAEL * ASTAHOFF, 0000
FREDERICK H. * ATWATER III, 0000
ROBERT J. * AUGUGLIARO, 0000
WILLIAM L. * AUSTIN, 0000
ELIZABETH A. * AUTREY, 0000
JON C. * AUTREY, 0000
NELSON * AVILA, JR., 0000
JASON B. AVRAM, 0000
MATTHEW L. AYRES, 0000
ANTHONY D. BABCOCK, 0000
LISLE H. BABCOCK, 0000
STEVEN N. * BABCOCK, 0000
SVEN A. * BACKLUND, 0000
CHRISTOPHER A. BACON, 0000
JENNIFER N. * BACON, 0000
DANTE C. BADIA, 0000
WILLIAM F. * BAGBY, 0000
BRAD C. * BAILEY, 0000
KAREN * BAILEY, 0000
JASON E. * BAKER, 0000
PAUL D. BAKER, 0000
TRACY T. * BAKER, 0000
BRIAN K. BAKSHAS, 0000
DARRYL D. * BALDEOSINGH, 0000
ARNOLD C. * BALDOZA, 0000
HEATHER M. * BALDWIN, 0000
JERRY B. * BANCROFT, JR., 0000
GREGORY D. * BANFIELD, 0000
MICHAEL S. * BANZET, 0000
JOHN E. * BAQUET, 0000
CHRISTOPHER T. BARBER, 0000
JOSE B. * BARENG, 0000
JAMES C. * BARGER, 0000
WILLIE R. * BARKER, 0000
EUGENE * BARLOW, JR., 0000
DANIELLE L. * BARNES, 0000
GREGORY D. * BARNETT, 0000
RYAN R. BARNEY, 0000
ANTHONY R. BARRETT, 0000
BARRINGTON M. * BARRETT, 0000
ROBERT M. * BARRY, JR., 0000
CLAYTON B. BARTELS, 0000
BRENDAN C. * BARTLETT, 0000
JEFFREY L. * BARTLETT, 0000
JAMES EARL * BASS, 0000
BRIAN R. BAUDE, 0000
MATTHEW R. * BAUGHER, 0000
MICHAEL A. * BAYER, 0000
KEVIN A. BAYLIS, 0000
BRADLEY A. * BEABOUT, 0000
LAURA H. * BEALES, 0000
DANIEL J. * BEARD, 0000
VIDA V. * BEARD, 0000
OMAR E. * BECERRIL, 0000
CHARLES E. * BECKER, 0000
TARA B. BEEDLE, 0000
KEVIN R. BEEKER, 0000
MATTHEW R. * BEER, 0000
JEFFREY A. BEERS, 0000
TIMOTHY E. BEERS, 0000
DANIEL J. BEGIN, 0000
LEE A. * BEIERMANN, 0000
MICHAEL E. * BELKO, 0000
BRIAN T. BELL, 0000
GREGORY C. * BELL, 0000
JOHN J. BELL, 0000
NICHOLAS A. * BELL, 0000
TIMOTHY D. * BELL, 0000
JONATHAN B. BELLCASE, 0000
EUGENIO J. * BELTRAN, 0000
DIANE C. * BENAVIDEZ, 0000
JOHN D. * BENEDICT, 0000
MICHAEL L. BENNETT, 0000
KEVIN C. * BENTLEY, 0000
GARY W. * BENTON, 0000
WILLIAM A. * BERCK, 0000
CHRISTOPHER C. * BERG, 0000
TIMOTHY M. * BERGMAN, 0000
TAMARA L. * BERGTHOLDT, 0000
PETER E. * BERMES, 0000
SCOTT D. * BERNDT, 0000
WILLIAM L. * BERNHARD, 0000
FREDERICK S. BERRIAN, 0000
RAYMOND J. * BESSON, 0000
JAMES A. * BEYER, 0000
DANNY R. * BIAS, 0000
TIMOTHY J. BICE, JR., 0000
THOMAS * BICKERSTAFF, 0000
ERIK D. BIEBIGHAUSER, 0000
JACQUELINE M. * BIEKER, 0000
SEKOU T. * BILLINGS, 0000
MATTHEW E. * BILTON, 0000
PAUL R. BIRCH, 0000
ROBERT L. * BIRCHUM, 0000
GORDON N. * BIRDSALL, 0000
MICHAEL B. BIRDWELL, 0000
ROGER C. * BISHOP, JR., 0000
JOHN C. * BISSELL, 0000
JOEL R. * BIUS, 0000
JENNIFER L. BIVENS, 0000
KIM D. * BLACK, 0000
RICHARD M. * BLACK, 0000
MARK J. * BLACKMAN, JR., 0000
ALLEN P. * BLANCHFIELD, 0000
JOSEPH O. * BLAND, 0000
KEITH H. * BLAND, 0000
WILLIAM B. * BLAUSER, 0000
LIZA O. *BLECHER, 0000
JOHN J. *BLEIL, 0000
DAVID A. *BLITCH, 0000
DEREK S. BLOUGH, 0000
MARK A. *BLUMKE, 0000
JAMES W. BODNAR, 0000
THOMAS T. *BODNAR, 0000
KYLE J. BOECKMAN, 0000
ELIZABETH C. BOEHM, 0000
JOHN M. BOEHM, 0000
STEVEN G. *BOGSTIE, 0000
KENNETH R. BOILLOT, 0000
CLINTON L. *BOIT, 0000
PATRICK B. BOLAND, 0000
RHETT CAMERON *BOLDENOW, 0000
TIMOTHY J. *BOLEN, 0000
SEAN P. BOLES, 0000
ELIZABETH A. *BOLL, 0000
SCOTT B. *BONZER, 0000
RONALD K. *BOOKER, 0000
BRENT W. BORCHERS, 0000
RALPH E. *BORDNER III, 0000
DAVID M. *BORGESON, 0000
ARTHUR W. *BOTTIGLIERI, 0000
RICHARD L. *BOURQUIN, 0000
JASON E. *BOUSQUET, 0000
BERNADETTE P. *BOWMAN, 0000
STEVEN K. *BOWMAN, 0000
DENISE N. *BOYD, 0000
IAN T. *BOYD, 0000
MARTIN F. *BRABHAM, 0000
MICHAEL K. *BRADFIELD, 0000
SEAN A. BRADLEY, 0000
WILLIAM S. *BRADLEY, 0000
JOHN *BRADY, 0000
KATHY K. *BRADY, 0000
WARREN B. *BRAINARD, 0000
EDWARD P. *BRANSON, 0000
JAMES P. BRASSELL, 0000
CECILIA S. BRAWNER, 0000
DOUGLAS T. *BRAY, 0000
JED T. *BREDEMUS, 0000
CHARLES R. *BREDFIELD, 0000
THOMAS M. BREEN, 0000
RAYMOND J. *BRENNAN, 0000
TYR RICHARD *BRENNER, 0000
CHRISTOPHER A. BRIDGES, 0000
KENNETH K. *BRIDGES, 0000
ROBERT T. *BRIDGES, 0000
SIDNEY J. *BRIDGES, 0000
SCOTT E. BRIESE, 0000
MICHAEL J. *BRIGGS, 0000
RONALD S. *BRIGHT, 0000
DANIEL S. BRINGS, 0000
EARL J. *BRINSON, 0000
JOEL L. *BRISKE, 0000
JAMES T. *BROADDUS, 0000
LARRY R. BROADWELL, JR., 0000
DOUGLAS F. BROCK, 0000
BRIAN E. *BROEKEMEIER, 0000
LAMETRA F. *BROOKS, 0000
MATTHEW R. BROOKS, 0000
DEBORAH L. *BROSTEK, 0000
BARRY W. *BROWN, 0000
CARLOS J. *BROWN, 0000
DARRYL V. D. BROWN, JR., 0000
MICHAEL R. *BROWN, 0000
RENARDO M. BROWN, 0000
CRISTOFER V. *BROWNING, 0000
CURTUS L. *BROWNING, 0000
JASON E. *BROWNING, 0000
MATTHEW A. BRUHN, 0000
MELINDA W. *BRUNER, 0000
DONALD R. BRUNK, 0000
BYRON T. BRUNSON, 0000
SANORA F. *BRUNSON, 0000
ROBERT H. BRYANT III, 0000
MARK R. *BRYKOWYTCH, 0000
JOHN L. *BUCHANAN II, 0000
RONALD J. *BUCHSEN, JR., 0000
JULIAN *BUCUR, 0000
MATTHEW J. *BUDDE, 0000
FRANK J. *BUFFINGTON, 0000
JONATHAN C. BUFFINGTON, 0000
DAVID L. *BULLARD, 0000
ARVIN J. *BULLOCK, 0000
TIMOTHY D. BUNNELL, 0000
ANN MARIE *BUNTON, 0000
STEVEN L. *BURKE, 0000
MELINDA A. *BURKHART, 0000
LANCE C. *BURNETT, 0000
CURTIS W. BURNEY, 0000
HARRY M. *BURNS, 0000
STEVEN J. *BURNS, 0000
BRIAN E. BURR, 0000
KELLY D. *BURT, 0000
JOHN S. *BURTOFT, 0000
HENRI J. *BUSQUE, 0000
JASON M. BUSS, 0000
WALTER A. *BUSTELO, 0000
ROBERT V. *BUTKOVICH, 0000
MATTHEW J. *BUTLER, 0000
STEVEN M. *BUTLER, 0000
TODD C. *BUTLER, 0000
DAVID L. *BUTTERFIELD, JR., 0000
CHRISTOPHER D. *BUZO, 0000
ADRIAN R. *BYERS, 0000
HOWARD E. *BYRD, JR., 0000
EDWARD P. *BYRNE, 0000
JENNIFER A. CABALLERO, 0000
MICHAEL R. CABRAL, 0000
GABRIEL *CABRERA, 0000
BRYAN J. CAHILL, 0000
REGINA LOUISE *CAIN, 0000
MAURIZIO D. CALABRESE, 0000
BRADY D. *CALDWELL, 0000
MATTHEW D. CALHOUN, 0000
CHRISTOPHER J. *CALLIS, 0000
MICHAEL A. CALVARESI, 0000
BRIAN C. *CAMPBELL, 0000
JACOB T. CAMPBELL, 0000
KATHLEEN M. CAMPBELL, 0000
SHAWN W. *CAMPBELL, 0000
THOMAS W. *CAMPBELL, 0000
JEFFREY A. CANNON, 0000
NORMAN J. CANNON, 0000
RALPH T. CANNON, 0000
EDWARD K. *CANTRELL, 0000
ANTHONY J. CAPARELLA, 0000
JOSEPH M. CAPASSO, 0000
SHAY R. CAPEHART, 0000
JOHN T. *CARANTA III, 0000
STAN E. *CARDER, 0000
KRISTA K. *CARLOS, 0000
PAUL K. CARLTON III, 0000
KENNIS D. *CARMICHAEL, 0000
STEPHEN V. *CAROCCI, 0000
CAMERON W. CAROOM, 0000
CLINTON D. *CARPENTER, 0000
SEAN M. *CARPENTER, 0000
STEPHEN M. CARR, 0000
ALLAN A. *CARREIRO, 0000
CARLOS *CARRILLO, 0000
JENISE M. *CARROLL, 0000
JUSTIN M. *CARROLL, 0000
RAFAEL D. *CARROLL, 0000
SCOTT G. *CARROLL, 0000
CHRISTOPHER C. *CARTER, 0000
IVORY D. *CARTER, 0000
WILLIAM J. *CARTER, 0000
JONATHAN D. CARY, 0000
MICHAEL B. CASEY, 0000
CLINTON L. *CASH, 0000
JOSEPH J. *CASSIDY II, 0000
DAVID M. *CASSTEVENS, 0000
ANNE M. *CATINO, 0000
DEIRDRE C. CATLIN, 0000
GREGORY A. *CAUDLE, 0000
PAUL S. *CAZIER, 0000
ROBERT A. *CERA, 0000
MARSHA W. *CERVANTEZ, 0000
MICHAEL A. CERVANTEZ, 0000
WILL C. CHAFFEE IV, 0000
MARK D. CHAGARIS, 0000
JAMES D. *CHALIFOUX, 0000
ROBERT W. *CHAMBERS, 0000
ROBERT E. *CHAMPION, 0000
JASON S. *CHANDLER, 0000
JOHN C. *CHAPMAN, 0000
JOSEPH *CHARGUALAF, 0000

KELLEY A. CHASE, 0000
RONALD J. CHASTAIN, 0000
MICHAEL R. *CHATAGNIER, 0000
EDWARD P. *CHATTERS IV, 0000
KEITH N. *CHAURET, 0000
MICHAEL G. *CHAVIS, 0000
RONALD E. CHEATHAM, 0000
RAYMOND A. CHEHY, JR., 0000
DEAN T. *CHERER, 0000
JON E. *CHESSER II, 0000
TROY W. *CHEVALIER, 0000
NATHAN A. CHINE, 0000
WAYNE M. CHITMON, 0000
JOHN S. *CHOBERKA, JR., 0000
MICHAEL L. *CHONG, 0000
JOHN A. CHRIST, 0000
JENNY M. *CHRISTIAN, 0000
BRADLEY D. *CHRISTIANSEN, 0000
REGGIE A. *CHRISTIANSON, 0000
WILLIAM V. *CHUDKO, 0000
LORNE E. *CHUI, 0000
WILLIAM R. *CHURCH, 0000
LISA A. *CICCARELLI, 0000
DAVID J. CIESIELSKI, 0000
MICHAEL T. CLANCY, 0000
AARON W. *CLARK, 0000
ANDREW M. *CLARK, 0000
CHRISTOPHER F. *CLARK, 0000
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TABETHA J. *CLARK, 0000
TAD D. CLARK, 0000
WILL CLARK, 0000
WILLIAM M. *CLARKE, 0000
ELIZABETH A. CLAY, 0000
SPENCER E. *CLEAVELAND, 0000
PAUL P. *CLEMANS, 0000
DOMINIC P. CLEMENTZ, 0000
NATHAN D. *CLEMMER, 0000
LEVITICOUS C. *CLEVELAND, 0000
SARAH U. *CLEVELAND, 0000
SCOTT A. * CLYMAN, 0000
THOMAS F. * COAKLEY, 0000
TOM G. * COATE, 0000
GREGORY M. * COATES, 0000
BRUCE C. * COFFE, 0000
MARK D. * COGGINS, 0000
CAROLYN C. COLEMAN, 0000
LADONNA WYATT * COLEMAN, 0000
LAMONT A. * COLEMAN, 0000
LESTER G. * COLES, JR., 0000
CHARLES W. COLLIER, 0000
JOANNA L. * COLLINS, 0000
PERSIVIA * COLLINS II, 0000
STERLING V. * COLLINS, 0000
BRIAN A. * COLLORD, 0000
MICHAEL J. * COLVARD, 0000
THEODORE E. CONKLIN, JR., 0000
JAMES A. CONLEY, 0000
MICHAEL E. CONLEY, 0000
NATHAN G. * CONNELL, 0000
DANIEL A. * CONNELLY, 0000
RYAN C. * CONNER, 0000
TERENCE J. * CONNOLLY, 0000
DANIEL E. * COOK, 0000
GERALD M. COOK, 0000
HEATHER A. * COOK, 0000
JOSEPH COOK, 0000
KENNETH R. * COOK, 0000
TODD W. COOK, 0000
TRYON J. * COOK, 0000
JASON C. COOKE, 0000
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DAVID L. * COOPER, 0000
PHILIP J. * COOPER, 0000
DAX CORNELIUS, 0000
JOSHUA J. * CORNER, 0000
JASON E. * CORROTHERS, 0000
DAVID A. * CORTEZ, 0000
LARRY M. * CORZINE, 0000
GERALD C. * COTTRILL, 0000
BARRY W. COUCH, 0000
JOHN R. * COUSINS, 0000
SHAWN C. COVAULT, 0000
WILLIAM K. * COWHERD, 0000
AARON S. * COWLEY, 0000
JOHN R. * COX, JR., 0000
STEPHEN B. * COX, 0000
JOHN A. * COY, 0000
JOHN C. COYLE, 0000
ERIK C. COYNE, 0000
RYAN M. * COYNE, 0000
TRACY L. COYNE, 0000
PETER N. * CRABTREE, 0000
DONNA L. B. CRAIN, 0000
DIALLO O. CREAL, 0000
DEWAYNE J. CREAMER, 0000
MICHAEL A. * CREIGHTON, 0000
BRIAN H. CRISMORE, 0000
KEVIN R. * CROCCO, 0000
RYAN L. * CROCKETTE, 0000
JOHN M. * CRONIN, 0000
THOMAS C. * CROSSON, 0000
JEFFREY C. CROUSE, 0000
MARGARET M. * CROWE, 0000
CHRISTOPHER L. * CRUISE, 0000
KEVIN E. * CUBSTEAD, 0000
ROBERT A. CUELLAR, 0000
CHRISTOPHER A. CULLENBINE, 0000
KRISTIN S. CUMMINGS, 0000
TIMOTHY W. CUMMINS, 0000
JAMES H. CUNNINGHAM III, 0000
JEFFREY M. CUNNINGHAM, 0000
JOHN D. * CUNNINGHAM, 0000
MELISSA S. CUNNINGHAM, 0000
WILLIAM M. * CURLIN, 0000
JAYSON A. * CURRIER, 0000
MACK W. * CURRY II, 0000
TYREL J. * CURRY, 0000
MELANIE K. * CURTIS, 0000
LIBORIO L. * CURTO, 0000
KENNETH T. CUSHING, 0000
WILLIAM R. * CUSICK, 0000
VINCENT E. CYRAN, 0000
MARTIN T. DAACK, JR., 0000
SARAH D. * DAHL, 0000
VON A. * DAILEY, 0000
STEPHEN G. DAMICO, 0000
PASCAL * DANET, 0000
PATRICK E. * DANIEL, 0000
CALVIN E. DANIELS, JR., 0000
HUMPHREY * DANIELS III, 0000
KIMBERLY A. * DANIELS, 0000
TIMOTHY B. * DANN, 0000
MICHAEL W. * DARWIN, 0000
RENEE D. * DAUGHTRY, 0000
JOHN C. DAVIDSON, 0000
JEFFREY W. DAVIES, 0000
BRIAN S. * DAVIS, 0000
PAUL E. * DAVIS, JR., 0000
ROBERT D. DAVIS, 0000
RONDELL C. * DAVIS, 0000
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SCOTT F. * DAVIS, 0000
THOMAS P. DAVIS, 0000
JENNA M. * DAVISRICHARDSON, 0000
NATHAN R. DAWN, 0000
RICHARD E. * DAY, 0000
CHAD S. * DEAL, 0000
ALAN R. * DEAN, 0000
SARA B. * DEAVER, 0000
CRAIG * DEBONI, 0000
MICHAEL D. DEE, 0000
EDUARDO * DEFENDINI, 0000
MARK W. DEGIRONIMO, 0000
ROBERT M. * DEGREGORIO, 0000
ROBERT A. * DEKA, 0000
JASON R. * DELAMATER, 0000
DIANA N. * DELATORRE, 0000
ROBIN L. * DELAVEGA, 0000
PHILIP B. * DELVECCHIO, 0000
ERIC R. DELWICHE, 0000
HOED AART W. * DEN III, 0000
NATHAN R. * DENNES, 0000
NADINE A. * DENNIS, 0000
JASON A. * DENSLEY, 0000
THOMAS A. DENT, 0000
KEITH A. DERBENWICK, 0000
DANIEL W. * DETZI, 0000
JOHAN A. DEUTSCHER, 0000
ROBERT J. * DEVENS, 0000
NICHOLAS S. * DEVEREAUX, 0000
JEFFERSON D. * DEVINE, JR., 0000
RONNIE V. * DEVLIN, 0000
SCOT A. * DEWERTH, 0000
ERIN * DICK, 0000
MICHAEL J. * DIDIO, 0000
JEFFREY M. DILL, 0000
LAURA KELLY * DINUZZO, 0000
DOUGLAS J. DISTASO, 0000
JODY L. * DIXON, 0000
KIPLING B. DIXON, 0000
MATTHEW CHRISTOPHER * DIXON, 0000
PATRICE R. * DIXON, 0000
MINH C. * DO, 0000
THANG T. * DOAN, 0000
JAMES M. * DOBBS, 0000
RICHARD R. DODGE, 0000
CHRISTOPHER Y. * DOGUET, 0000
EDGAR M. DOMINGUEZ, 0000
ROBERT M. * DOMINGUEZ, 0000
MICHAEL R. DONAGHY, 0000
JAMES B. * DONKIN, 0000
JEFFREY A. * DONNELL, 0000
JOEL A. * DOPSON, 0000
SHERARD C. * DORROH, 0000
ANCIE E. * DOTSON III, 0000
REBECCA SUE DOTY, 0000
CHRISTOPHER F. DOUGHERTY, 0000
MATTHEW A. * DOUGLAS, 0000
ENRIQUE DOVALO, JR., 0000
DARCENE R. * DOWLING, 0000
KEVIN S. DOWLING, 0000
JONATHAN G. DOWNING, 0000
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BRADLEY C. DOWNS, 0000
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DAVID T. * DOZIER, 0000
MICHAEL R. DROWLEY, 0000
DARON J. DROWN, 0000
ALLEN E. DUCKWORTH, 0000
ANTHONY W. DUDLEY, 0000
EMORY H. * DUEITT, JR., 0000
NOLAN J. * DUFFIN, 0000
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JAMES S. * DUKE, 0000
CRAIG L. DUMAS, 0000
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RONALD E. * DUNLAP III, 0000
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PAUL L. * DUPUIS, 0000
LAURA E. * DURR, 0000
SCOTT A. * DUTKUS, 0000
RICHARD E. DWYER, 0000
DAMON C. DYKES, 0000
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EVAN C. * EAST, 0000
MARTY W. * EASTER, 0000
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BRIAN A. * EBERLING, 0000
KENNETH R. * EBI, 0000
DANIEL J. * EBRECHT, 0000
KRISTOPHER J. ECKER, 0000
JAMES G. * EDDLEMAN, JR., 0000
JARRETT E. * EDGE, 0000
DARREN M. * EDMONDS, 0000
ADAM L. EDWARDS, 0000
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CAREY N. * EICHHORST, 0000
GARY J. EILERS, 0000
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KERRE E. ELLIS, 0000
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MATTHEW K. *ENCE, 0000
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HARRY A. *EPPERSON III, 0000
OLIVER D. ERICKSON, 0000
MARIO J. ESCALANTE, 0000
LORNE E. *ESHELMAN, 0000
MATTHEW J. ESKER, 0000
THOMAS P. *ESSER, 0000
RAYMUNDO *ESTRADA, JR., 0000
ALDWIN V. *ESTRELLADO, 0000
MATTHEW C. ESTREM, 0000
DAVID A. *EVANS, 0000
SAMUEL E. *EVANS III, 0000
TIMOTHY J. EVERETT, 0000
JAMES S. *EVRIDGE, 0000
WILSHELIA S. *EZELL, 0000
ERIC S. *FAJARDO, 0000
FRED A. *FALGIANO, 0000
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ADAM MICHAEL *FAULKNER, 0000
CHRISTIAN D. *FAUST, 0000
ERIC D. *FEIL, 0000
CRISTINA CAMERON *FEKKES, 0000
MICHAEL J. FELLONA, 0000
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RANDALL E. *FELTNER, 0000
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TODD L. *FINE, 0000
STEVEN A. FINO, 0000
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SHAWN D. *FISHER, 0000
MICHAEL B. *FITZPATRICK, 0000
JOHN R. *FLEMING, JR., 0000
LEIGH A. *FLETCHER, 0000
ADAM C. FLOOD, 0000
CLARENCE L. *FLORY, JR., 0000
STEVEN J. *FOLDS, 0000
MORRIS M. FONTENOT, JR., 0000
ROUVEN M. FORBES, 0000
JOHN T. *FORINO, 0000
KRISTI L. FORINO, 0000
ROBERT A. FORINO, 0000
GREGORY S. *FORMANSKI, 0000
SCOTT W. *FORN, 0000
CHARLES D. *FORRESTAL, 0000
GREGORY D. *FOX, 0000
KIMBERLY E. *FOX, 0000
STEFANIE M. FOX, 0000
GALO A. *FRANCO, 0000
STEPHEN P. FRANK, 0000
ALBERT E. *FRANKE IV, 0000
DAVID M. *FRANKLIN, 0000
JEFFREY G. *FRANTZ, 0000
RICHARD C. *FREEMAN, 0000
WILLIAM C. FREEMAN, 0000
ROYCE C. *FRENGLE, 0000
JESSE J. FRIEDEL, 0000
KEITH D. *FRIEDMAN, 0000
MARK A. *FRIEND, 0000
ROY L. *FRIERSON II, 0000
JOHN C. FRIZZELL, JR., 0000
LEAH R. *FRY, 0000
WILLIAM F. FRY, 0000
WILLIAM J. FRY, 0000
ROBERT J. *FUDGE, 0000
ROY L. FULLER III, 0000
DOUGLAS E. *GAETA, 0000
DARRICK V. GALACGAC, 0000
JOSEPH K. GALLAHAN, JR., 0000
ROGER D. *GALLAN, JR., 0000
OSCAR L. *GALLEGOS, JR., 0000
GEORGE T. GALLOWAY, 0000
ALEJANDRO *GARCIA, JR., 0000
BRADLEY E. J. GARCIA, 0000
JUAN F. *GARCIA, 0000

BRIAN W. *GARINO, 0000
STEPHEN D. *GARMON, 0000
ELLIS E. GARNER, 0000
TIMOTHY T. *GARRETSON, 0000
SOLOMON M. GARRETT IV, 0000
JOHN A. *GARZA, 0000
JAMES P. GATCH, 0000
TOMMY M. GATES III, 0000
EMIL D. *GAWARAN, 0000
FREDERICK K. *GEARHART, 0000
THEODORE W. GEASLEY, 0000
PHILIP M. *GEELHOOD, 0000
DAVID L. *GEHRICH, 0000
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ALLEN J. *GEISLER, 0000
ALLEN A. *GEIST, 0000
TRAVIS N. *GEORGE, 0000
CHRISTOPHER J. GERMANN, 0000
JOHN M. GERST, 0000
OMMID J. *GHAEMMAGHAMI, 0000
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KEITH E. *GIBELING, 0000
JAY S. GIBSON, 0000
LORI N. *GIBSON, 0000
MATTHEW P. GIESE, 0000
TY S. *GILBERT, 0000
ALFRED C. *GILES, JR., 0000
CECILIO A. *GILL, 0000
DANIEL P. GILLEN, 0000
ROBERT W. *GILLILAND, 0000
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ANTONIO GIUSTINO, 0000
RICHARD J. *GLADON, 0000
TED D. GLASCO, 0000
CHARLES G. *GLASSCOCK, 0000
SEAN M. *GODFREY, 0000
MICHAEL L. *GOERINGER, 0000
JEFFREY L. GOGGIN, 0000
MARTIN J. *GOLDEN, 0000
CHAD R. GOLDIZEN, 0000
JONATHAN S. *GOMES, 0000
JULIO M. *GOMEZ, 0000
PAUL J. GOMEZ, JR., 0000
JOHN F. GONZALES, 0000
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MARC A. *GONZALEZ, 0000
ALLEN W. *GOODWIN, 0000
JASON C. GOODWIN, 0000
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DAVID J. *GORDON, 0000
KEVIN P. *GORDON, 0000
RUSSELL J. GORECKI, 0000
CASSIE M. *GORR, 0000
STEVEN M. GORSKI, 0000
FREDRICK D. *GOW, 0000
PAUL G. GRADDON, 0000
JILL M. *GRADY, 0000
JEFFREY C. *GRAHAM, 0000
LOREN R. *GRAHAM, 0000
STEPHEN A. GRAHAM, JR., 0000
MARION *GRANT, 0000
BRIAN J. GRASKY, 0000
AMY L. GRAVELEY, 0000
ERIC M. *GRAVES, 0000
DWAYNE A. *GRAY, 0000
ELTON R. *GRAY, 0000
AARON R. *GREAVER, 0000
DEMETRIUS R. *GREEN, 0000
TYLER S. *GREEN, 0000
LANNY B. *GREENBAUM, JR., 0000
PETER A. *GREENBURG, 0000
NOLAND T. GREENE, 0000
RICHARD M. GREENE, 0000
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TRENT A. GREENWELL, 0000
JASON B. *GREGGA, 0000
LYDIA K. GREGORITSCH, 0000
DONALD J. GREGSON, 0000
JAMES R. *GRESIS, 0000
DAVID M. GRETZ, 0000
ANDREW C. *GRIFFIN, 0000
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TERRENCE R. *GRIMM, 0000
MARK C. *GRUNSKY, 0000
JOSEPH C. GUECK, 0000
MATTHEW S. GUENTHER, 0000
CAMILO GUERRERO, 0000
JULIO *GUERRERO, 0000
EMMANUEL V. *GUEVARRA, 0000
RYAN J. *GULDEN, 0000
GARRETT L. GULISH, 0000
KEITH D. GURNICK, 0000
JOEL D. *GUSSY, 0000
YASHUA WILLIAM *GUSTAFSON, 0000
JOSE A. *GUTIERREZ, 0000
BRIAN C. GWINNUP, 0000
DAVID A. *GWISDALLA, 0000
PHILIP LUTHER *HAAR, 0000
ALEXANDER J. HADDAD, 0000
ADRIAN C. *HAGEMAN, 0000
SEAN W. *HAGLUND, 0000
ALLISON M. HAHN, 0000
BRIAN S. *HAINES, 0000
DAX R. *HAIR, 0000
MARKUS P. *HALBRITTER, 0000
DEDE S. *HALFHILL, 0000
CLARK D. *HALL, 0000
DAVID S. *HALL, 0000
JAMES B. HALL, 0000
JAMES C. HALL, 0000
RYAN C. HALL, 0000
SARAH L. *HALL, 0000
HUGH G. * HAMILTON III, 0000
JOHNNY L. * HAMILTON, 0000
JENNIFER HAMMERSTEDT, 0000
JAMES K. * HAMMOND, 0000
JAMES R. * HANAMEAN, JR., 0000
WILLIAM J. * HANBY, JR., 0000
JOHN S. * HANCOCK, 0000
JUSTIN A. HANSEN, 0000
HUGH S. * HANSENS, 0000
JEREMY R. * HANSON, 0000
JOHN D. * HARBOUR, 0000
JAMES E. * HARBUCK, 0000
JOHN M. HARDEE, 0000
EDWARD J. HARDER, 0000
NICHOLAS S. * HARDMAN, 0000
JEFFREY C. * HARDY, 0000
AGGA L. HAREN, 0000
STEVEN L. * HAREN, 0000
GRANT M. * HARGROVE, 0000
JAMES B. * HARLOW, 0000
PAUL K. HARMER, 0000
DUANE F. * HARMON, 0000
GREGORY S. * HARMON, 0000
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COREY W. HARRIS, 0000
JAMES D. HARRIS, JR., 0000
JOSE T. * HARRIS, 0000
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VANESSA * HARRIS, 0000
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BRETT W. * HARRY, 0000
JAMES A. HART, 0000
WILLIAM D. * HART, 0000
JAMES L. * HARTLE, 0000
BRIAN S. HARTLESS, 0000
CHARITY A. HARTLEY, 0000
SCOTT A. HARTMAN, 0000
DANIEL N. HARVALA, 0000
JAMES C. HARWOOD, 0000
MICHAEL C. * HASS, 0000
BILLY E. * HASSELL, 0000
TYLER E. HATCH, 0000
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KARAMO D. HAYWARD, 0000
SCOTT H. * HAZZARD, 0000
JENNIFER T. S. HEALY, 0000
TRACY L. HEALY, 0000
DARIN D. * HEESCH, 0000
ERIC J. * HEIGEL, 0000
PAUL R. HEITMEYER, JR., 0000
THOMAS B. * HELMS, 0000
JOEL W. * HEMPHILL, 0000
ELIZABETH M. * HENDERSON, 0000
JULIE D. * HENDERSON, 0000
MICHAEL R. HENDERSON, 0000
PHILIP G. * HENDERSON, JR., 0000
TIAA E. HENDERSON, 0000
STEVEN D. HENDRICKS, 0000
JOHNATHAN E. HENDRIX, 0000
JOHN A. * HENLEY, 0000
TODD A. * HENNINGER, 0000
ELWOOD * HENRY, 0000
DAVID A. HENSHAW, 0000
CHRISTOPHER S. * HENSLEE, 0000
KEITH G. * HEPLER, JR., 0000
BLAIR A. HERDRICK, 0000
SCOTT A. HERITSCH, 0000
MICHAEL W. * HERMAN, 0000
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KENNETH B. * HERNDON, 0000
MARC C. HERRERA, 0000
MARC E. * HERRERA, 0000
JAMES W. HERRINGTON, 0000
JOHN D. * HESS, 0000
NATHANIEL B. HESSE, 0000
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CHAD L. * HEYEN, 0000
MICHAEL J. * HICKS, 0000
ROBERT S. HILLIARD, 0000
ROLAND K. HILLIER, JR., 0000
BRENT R. HIMES, 0000
JASON T. * HINDS, 0000
TAMMY S. * HINSKTON, 0000
ADISA A. * HINTON, 0000
BRIAN E. * HIPPEL, 0000
MARK A. * HIRSELJ, 0000
RYEN S. * HITZLER, 0000
KEVIN R. * HOBBS, 0000
ANDREW R. HODGES, 0000
WALTER R. HODGES, 0000
HARLAN K. * HODGSON, 0000
DARIN L. HOENLE, 0000
ROBERT J. HOERITZ, JR., 0000
ERIK K. HOFFMAN, 0000
LISA L. * HOFFMAN, 0000
SCOTT R. * HOFFMAN, 0000
GREGORY G. * HOFFMANN, 0000
RONALD P. * HOFFMEYER, 0000
JEFFREY A. HOGAN, 0000
CHRISTOPHER M. * HOGUE, 0000
DAWN Q. HOKAJ, 0000
MARIA C. HOLBROOK, 0000
CHRISTOPHER L. * HOLLINGER, 0000
DAVID N. HOLLOMAN, 0000
MICHAEL W. * HOLMES, 0000
TONY D. * HOLMES, 0000
JOHN D. * HOLST, 0000
THOMAS J. * HOLTS, 0000
GARY T. * HONSINGER, 0000
BRYAN K. * HOOPER, 0000
JOSEPH E. HOPKINS, 0000
RONALD A. * HOPKINS, 0000
LANCE A. * HOPPER, 0000
RORY T. * HORAN, 0000
CHRISTOPHER D. * HORNBURG, 0000
ALLEN J. HORSENS, 0000
MICHAEL L. * HORSEY, 0000
ROBERT A. * HORTON, 0000
JASON D. HOSKINS, 0000
CATHERINE J. * HOWARD, 0000
FRANCIS F. HOWARD, JR., 0000
JOSEPH M. HOWARD, 0000
MARK T. * HOWARD, 0000
SCOTT J. HOWE, 0000
TRICIA S. * HOWE, 0000
JOHN P. * HOWELL, 0000
ERIC J. * HOWLAND, 0000
ERIC D. * HRESKO, 0000
MERNA H. H. HSU, 0000
VICTOR P. * HUBENKO, JR., 0000
DAVID A. * HUBER, 0000
JAMES J. * HUBERT, 0000
ODARO J. * HUCKSTEP, 0000
LERON D. HUDGINS, 0000
GERALD J. * HUERTA, 0000
BRYAN R. HUFFMAN, 0000
JAMES P. HUGHES, JR., 0000
JASON K. * HUMPHREY, 0000
MICHAEL G. * HUNSBERGER, 0000
DON R. * HUNT, 0000
ANGELA F. * HUNTER, 0000
EMILY E. * HUNTER, 0000
MATTHEW R. HUNTER, 0000
JOSEPH A. * HURD, 0000
STACY J. * HUSER, 0000
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JEREMY J. * HUTCHINS, 0000
KENGI A. * HUTCHINS, 0000
JARED J. HUTCHINSON, 0000
VERONICA J. HUTFLES, 0000
DAVID B. * HUXSOLL, 0000
TIMOTHY L. HYER, 0000
STEPHEN J. * HYLAND, 0000
RICHARD W. * HYMAN, 0000
LATEEF M. * HYNSON, 0000
JAVIER M. IBARRA, 0000
ANN M. IGL, 0000
CHADWICK D. IGL, 0000
RYAN J. * INMAN, 0000
DEREK G. * INNARELLI, 0000
AMY L. IRELAND, 0000
DAVID J. IRVIN, JR., 0000
PAUL A. ISRAEL, 0000
DAVID T. * ISUE, 0000
NATHAN L. * IVEN, 0000
CLAYTON K. * IZUMI, 0000
ZIGMUND W. JACKIM, 0000
BENJI B. * JACKSON, 0000
FORREST W. * JACKSON, 0000
JASON M. * JACKSON, 0000
JOSHUA A. * JACKSON, 0000
WILLIAM B. * JACKSON, 0000
ANTHONY C. * JACOBS, 0000
CODY J. * JACOBS, 0000
CHRISTOPHER V. * JAMES, 0000
STEPHEN E. * JAMES, 0000
MATTHEW A. * JAMISON, 0000
KEITH E. * JANSA, 0000
MICHAEL F. * JARRELLS, 0000
JEFFREY C. * JARRY, 0000
ETIENNE P. * JEANJACQUES III, 0000
PAUL HENRI * JEANNEL, 0000
DERRICK W. JEE, 0000
JENNIFER R. * JEFFRIES, 0000
DEREK C. * JENKINS, 0000
RANDY N. * JENKINS, 0000
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REGINA S. * JENNINGS, 0000
SHAWN J. * JENSEN, 0000
DONALD J. * JENTGENS, JR., 0000
ANTONIO D. JESURUN, 0000
MICHAEL S. * JETT, 0000
DEREK D. * JEWELL, 0000
JACQUE M. JOFFRION, 0000
CHRISTOPHER T. JOHANNSSEN, 0000
CRISTINA * JOHNS, 0000
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DEDAN Y. * JOHNSON, 0000
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GEORGE W. * JOHNSON, JR., 0000
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JAMES A. JONES, 0000
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KEITH W. JONES, 0000
STEPHEN R. JONES, 0000
TERRENCE M. JOYCE, 0000
JASON M. JULIANA, 0000
ERIC L. JURGENSEN, 0000
ANDREA M. *JUSTICE, 0000
REGINALD W. *KABBAN, 0000
SCOTT L. *KADAR, 0000
BLAIR I. KAISER, 0000
CHRISTOPHER P. *KAISER, 0000
JAMES E. KAJDASZ, 0000
JON J. KALBERER, 0000
JONATHAN E. *KARNES, 0000
JASON B. *KARREN, 0000
LAWRENCE C. *KARVER, JR., 0000
CHAD C. KASCHAK, 0000

DEREK J. KECK, 0000
MICHAEL A. *KEEFE, 0000
DON C. *KEEN, 0000
KEVIN A. KEENE, 0000
ERIKA D. *KELLEY, 0000
MARY F. *KELLYHORNING, 0000
JOHN P. *KELLY, 0000
ROBERT H. KELLY, 0000
CHARLES O. *KELM, 0000
BURL E. *KELTON III, 0000
FRANK J. *KENNEDY, 0000
WILLIAM T. *KENNEDY, 0000
JOHN A. KENT IV, 0000
KRISTEN L. KENT, 0000
SEAN C. G. *KERN, 0000
JEFFREY W. *KERNEKLIAN, 0000
DENISE A. *KERR, 0000
JOHN R. *KERR, 0000
G. SUNDRI K. *KHALSA, 0000
MUHAMMAD S. *KHAN, 0000
SHAYNE K. KIEFER, 0000
STEPHEN R. *KIFER, 0000
DWAYNE R. *KILLEBREW, 0000
EDWIN J. *KILPATRICK, 0000
THOMAS A. *KILROY, 0000
ANGELA Y. *KIM, 0000
LARRY D. *KIMBRELL, JR., 0000
CAROL J. *KINCH, 0000
BRETT A. KING, 0000
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DANIEL R. KING, 0000
HOWARD D. *KING, 0000
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ROBERT E. *KING, JR., 0000
JEFF C. *KINGSLEY, 0000
SHANE L. *KINKAID, 0000
GEORGE B. *KINNEY III, 0000
JAMES B. *KINNIBURGH, 0000
AARON M. *KINSER, 0000
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STEVEN M. *KIRCHMYER, 0000
PAUL H. *KIRK, 0000
WESLEY D. *KIRK, 0000
DONALD R. *KIRKLAND, JR., 0000
DAVID C. *KIRKMAN, 0000
CARYN L. *KIRKPATRICK, 0000
ROBERT C. *KITCHEN, 0000
ERIK A. KJELLBERG, 0000
PAUL E. KLADITIS, 0000
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COLIN A. *KNAPP, 0000
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THOMAS A. *KNOWLES, 0000
TRICIA H. *KOBBERDAHL, 0000
JAY C. *KOELB, 0000
ILA L. *KOLB, 0000
KYLE F. *KOLSTI, 0000
PAUL P. *KONYHA III, 0000
KEITH J. *KOSNIC, 0000
MATTHEW H. KOUCHOUKOS, 0000
NATHAN L. *KOWALSKI, 0000
STOSH *KOWALSKI, 0000
KEVIN D. KOZUCH, 0000
JUSTIN R. *KRAFT, 0000
MICHAEL S. *KRAUSS, 0000
KURT F. KREMSER, 0000
VINCENT M. KREPPS, 0000
RYAN R. *KRIETSCH, 0000
ANDREA D. *KRINGLE, 0000
JENNIFER M. *KROLIKOWSKI, 0000
CHRISTOPHER L. KROSSCHELL, 0000
LISA *KRUGER, 0000
JAY F. *KUCKO, 0000
TERENCE Y. KUDO, 0000
THOMAS M. *KUHN, JR., 0000
TIMOTHY A. *KUNTZ, 0000
DEE B. *KUNZLER, 0000
REGINALD J. *KUO, 0000
MAFWA M. *KUVIBIDILA, 0000
MICHAEL A. *KWASNOSKI, 0000
JEFFREY D. *KWOK, 0000
ALICE V. *LA MERE, 0000
KRISTOFER S. *LABOWSKI, 0000
EILEEN M. *LABRECQUE, 0000
STEPHEN R. *LACH, 0000
CHRISTOPHER K. LACOUTURE, 0000
GYORGY *LACZKO, 0000
DARIN A. LADD, 0000
JOEL A. LAFLEUR, 0000
ELVIRA Y. LAFORTUNE, 0000
EDWARD J. *LAGERMAN, 0000
CHARLES S. *LAING, 0000
JEFFREY T. *LAKEY, 0000
DAT V. *LAM, 0000
ANTHONY *LAMAR, 0000
ROBERT C. LANDIS, JR., 0000
JOSHUA A. *LANE, 0000
SHAWN T. LANE, 0000
RANDOLPH N. *LANGER, 0000
TAMMIELI *LANGLEY, 0000
CHRISTOPHER M. LANIER, 0000
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CHRISTOPHER E. LANTAGNE, 0000
KEN M. LANTAGNE, 0000
STEVEN K. *LANZ, 0000
CHARLES W. *LAPPE, 0000
CLEMENTE E. LARA, JR., 0000
JON E. *LARSEN, 0000
ERIC C. LARSON, 0000
GREGORY M. LASSERE, 0000
TISHA L. *LATHAN, 0000
DALE A. *LATHROP, 0000
MIKKO R. *LAVALLEY, 0000
PATRICK J. LAVERTY, 0000
SEAN M. *LAVIGNE, 0000
CHARLIE L. LAW, 0000
TIMOTHY R. *LAWRENCE, 0000
ANTHONY W. *LEARNED, 0000
DAVID A. LEE, 0000
GAIL MARIE *LEE, 0000
MUN K. *LEE, 0000
WILLIAM M. LEE, JR., 0000
WINSTON S. W. *LEE, 0000
ROBERT S. *LEEDS, JR., 0000
CHRISTINE FALAVOL *LEGAWIEC, 0000
PHILLIP A. *LEGG, 0000
BRIAN A. *LEIBUNDGUTH, 0000
TRAVIS K. LEIGHTON, 0000
PATRICK E. *LEMIEUX, 0000
JUSTIN A. *LEMIRE, 0000
MATTHEW J. LENGEL, 0000
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JONATHAN B. *LESLIE, 0000
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STEVE J. *LEVE, 0000
CICELY R. LEVINGSTON, 0000
BRIAN C. *LEWIS, 0000
NIKO S. LEWIS, 0000
AMAR Q. LIANG, 0000
EDWARD J. *LIBERMAN, 0000
ROBERT A. *LIGHT, 0000
GAR J. *LIGHTNER, 0000
KENJI *LIGON, 0000
JOANNA L. *LIMBACHER, 0000
DALE D. *LINAFELTER, 0000
DEREK M. LINCOLN, 0000
TODD M. LINDELL, 0000
STEVEN C. *LINDMARK, 0000
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JASON E. *LINDSEY, 0000
JOHN F. *LINGELBACH, 0000
RYAN A. LINK, 0000
MATTHEW D. LINNELL, 0000
LOREEN L. *LISLE, 0000
ZACHARY J. *LISTER, 0000
GRAHAM *LITTLE, 0000
VINCENT R. *LITTRELL, 0000
IAN C. *LIVINGSTON, 0000
STUART A. *LLOYD, 0000
STEVEN W. LO, 0000
MICHAEL S. LOCK, 0000
MATTHEW E. *LOCKWOOD, 0000
JOHN D. *LOFTIS, 0000
RYAN W. LOGAN, 0000
SCOTT W. LOGAN, 0000
GEOFFREY E. LOHMILLER, 0000
JASON D. *LOLLAR, 0000
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PATRICK V. LONG, 0000
ROY P. *LONGLEY, 0000
JAMES PHILIP *LONIER, 0000
DAVID R. *LOPEZ, 0000
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TERRALUS J. *LOWE, 0000
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SAMUEL R. *LOWRANCE, 0000
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ANGEL L. *LOZADA, 0000
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MICHAEL W. *LUCAS, 0000
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DANIEL L. LUCE, 0000
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GEORGE C. * LUGO, 0000
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KEVIN K. * LUKA, 0000
MARK H. * LUNARDI, 0000
BLAKE T. * LUNSFORD, 0000
RYAN S. * LUTHER, 0000
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DARCY C. LYDAY, 0000
SEAN H. * LYNCH, 0000
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ARMAND D. LYONS, 0000
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ERIC G. MACK, 0000
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DONALD R. * MACLEOD III, 0000
JOSEPH A. * MACRI, 0000
CURTIS J. MADELEY, 0000
RAYMOND A. * MADRID, 0000
LESLIE A. * MAHER, 0000
APRIL D. * MAJOR, 0000
NICOLE M. E. MALACHOWSKI, 0000
DAVID N. * MALAKOFF, 0000
MARK A. MALAN, 0000
TIMOTHY A. * MALCHOW, 0000
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JOHN ALLEN * MALPASS, 0000
TRENTON J. * MALY, 0000
FRANCHESCA J. MALZAHN, 0000
PAUL A. MANCINELLI, 0000
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MICHAEL P. MANION, 0000
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MATTHEW A. * MARANO, 0000
STEVEN R. * MARIN, 0000
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CRAIG A. * MARION, 0000
GAVIN P. MARKS, 0000
RICHARD M. * MARNIN, JR., 0000
RYAN P. * MARR, 0000
EDWARD W. MARSH, 0000
LETITIA A. C. * MARSH, 0000
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JOHN A. * MARTIN, 0000
MARGARET C. MARTIN, 0000
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JOSEPH A. * MARTUCCI, 0000
GREGORY A. * MARTY, 0000
JACQUELINE S. * MARTYNDOW, 0000
MARK A. * MARUS, 0000
JOSHUA O. MASKOVICH, 0000
JESSICA A. * MASSEY, 0000
LEE A. * MASZTAK, 0000
RAY P. * MATHERNE, 0000
STEPHEN B. MATTHEWS, 0000
RYAN P. MATTSON, 0000
ROBERT E. * MAXWELL, JR., 0000
CHRISTOPHER C. * MAY, 0000
CHRISTOPHER J. * MAY, 0000
DAVID W. * MAY, 0000
MATTHEW L. * MAY, 0000
MICHAEL A. * MAYO, 0000
SCOTT H. MAYTAN, 0000
DAVID J. * MAZZARA, 0000
KEVIN J. * MCADOO, 0000
DENISE A. * MCALLISTER, 0000
JAMES G. * MCARTHUR, 0000
TRACI ANN * MCCABE, 0000
WILLIAM C. * MCCALLUM, 0000
GARY M. * MCCARRA, 0000
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WILLIAM J. MCCRINK III, 0000
MICHAEL F. * MCCULLOUGH, JR., 0000
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LYNN E. * MCDONALD, 0000
ESTHER O. MCELHINNEY, 0000
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JOHN D. * MCELROY, 0000
CHAD V. MCGARRY, 0000
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JEFFREY L. * MCGAW, 0000
ELLIS D. * MCGEE, 0000
DAVID J. * MCGINN, 0000
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MICHAEL P. * MCGIVERN, 0000
DIONNE L. MCGLOTHIN, 0000
KEVIN J. MCGOWAN, 0000
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THOMAS C. MCINTYRE, 0000
MARK L. * MCKAMEY, 0000
SEAN A. * MCKAY, 0000
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MATTHEW R. * MCLAUGHLIN, 0000
ROBERT N. * MCLAUGHLIN, 0000
MARK R. * MCLOUTH, 0000
JACOB C. MCMANUS, 0000
ANDRE A. MCMILLIAN, 0000
SONYA A. H. * MCMULLEN, 0000
SEAN K. * MCMURRAY, 0000
BRIDGET M. MCNAMARA, 0000
BARRETT L. * MCQUEARY, 0000
ANDREW L. MCWHORTER, 0000
BRIAN E. * MEAD, 0000
JEFFREY MEADE, 0000
ANDREW J. * MEADOR, 0000
THOMAS M. MEER, 0000
EDUARDO C. MEIDUNAS, 0000
DAVID C. MEIER, 0000
MARK L. MEIER, 0000
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GEORGE E. * MELLIZA, 0000
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STEPHEN A. * MERROW, 0000
DAVID S. MERTENS, 0000
AARON P. * METZ, 0000
CHARLES J. METZGAR, 0000
JILL M. * METZGER, 0000
TIMOTHY J. * MEWES, 0000
JOSHUA W. * MEYER, 0000
ERIC A. MICAI, 0000
STEPHEN A. * MICHAEL, 0000
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ERIC A. MITCHELL, 0000
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MARK W. MITCHUM, 0000
JOHN S. MIZELL, 0000
MATTHEW R. * MODARELLI, 0000
PATRICK B. * MONAHAN, 0000
ERIC T. * MONICO, 0000
BRIAN R. * MONTGOMERY, 0000
RUBEN A. * MONTOYA, 0000
ERIC R. * MOOMEY, 0000
ARGIE S. * MOORE, 0000
BRANDON M. * MOORE, 0000
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IAN P. MORENO, 0000
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SHAWN D. MORGENSTERN, 0000
RICHARD N. * MORNEAU, 0000
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DAVID R. * MORROW, 0000
JOHN A. MORSE, JR., 0000
KEVIN S. * MORTENSEN, 0000
DARRYL E. * MOSLEY, 0000
KALE M. MOSLEY, 0000
ERIC J. *MOTTICE, 0000
WILLIAM K. *MOUNTCASTLE, 0000
ERIC A. MULERT, 0000
CARL R. *MULLEN II, 0000
ANTHONY J. *MULLINAX, 0000
DAVID A. *MUNDRICK, 0000
ALAN J. *MUNDY, 0000
SANTOS O. *MUNOZ, 0000
JAMES R. *MUNROE, 0000
ELIZABETH A. *MURCHISON, 0000
JORDAN E. *MURPHY, 0000
JULIA A. *MURRAY, 0000
MARK W. MURRAY, 0000
SEAN C. *MURRAY, 0000
JOSEPH A. MUSACCHIA, 0000
THOMAS M. *MUSTICO, 0000
PATRICIA A. *MUTH, 0000
HARRY D. *MYERS, 0000
MICHAEL M. NACHSHEN, 0000
STACEY N. *NADER, 0000
WADITH S. *NADER, 0000
VINOD D. NAGA, 0000
SCOTT J. *NAHRGANG, 0000
KEVIN R. *NALETTE, 0000
RICHARD J. *NAMETH, 0000
ANDRES R. *NAZARIO, 0000
LATIMER B. NEAL IV, 0000
MOLLIE A. *NEAL, 0000
MONROE *NEAL, JR., 0000
ROBERT S. *NEIPER, 0000
ERIC B. NELSON, 0000
MARK R. *NELSON, 0000
PETER M. *NELSON, 0000
RAYMOND P. *NELSON, 0000
WILLIAM C. *NELSON, JR., 0000
CHRISTOPHER J. NEMETH, 0000
SHELLY C. *NENTWIG, 0000
JENNIFER L. *NEVIUS, 0000
MARK J. *NEWBILL, 0000
NEAL NEWELL III, 0000
JULIE S. *NEWLIN, 0000
MICHAEL S. NEWSOM, 0000
JEFFERY B. *NEWTON, 0000
STEWART H. *NEWTON, 0000
BACH X. *NGUYEN, 0000
JAMES P. *NICHOL, 0000
PAUL S. *NICHOLS, 0000
JAMES B. *NICHOLSON, JR., 0000
MATTHEW J. NICHOLSON, 0000
DANIEL S. NIELSEN, JR., 0000
BETTY LOU *NIESET, 0000
JEFFREY M. *NISHIKAWA, JR., 0000
PAUL W. *NIX, 0000
TERI R. *NOFFSINGER, 0000
DAVID J. *NOLAN, 0000
JONATHAN P. NOLAN, 0000
BRIAN D. *NOPPER, 0000
MARCUS J. *NORTH, 0000
BOBBY L. NORTHERN, JR., 0000
PETER M. *NORTON, 0000
JOHN M. *NOTTESTAD, 0000
TAMMIE L. *NOTTESTAD, 0000
RYAN M. NOVAK, 0000
DAVID B. *NOVY, 0000
ABEL S. *NUNEZ, 0000
JOHN G. *NYGAARD, 0000
RANDY P. OAKLAND, 0000
LESTER N. *OBERG III, 0000
KIMBERLY A. OBERST, 0000
PATRICK H. *OBRIEN, 0000
THOMAS A. OBROCHTA, 0000
PATRICK J. OBRUBA, 0000
NICHOLAS J. *ODELL, JR., 0000
JEFFERSON JAMES *ODONNELL, 0000
RYAN J. *OGAN, 0000
SCOTT A. OGLEDZINSKI, 0000
THEODORE G. *OGLESBEE, 0000
GREGORY T. *OGOREK, 0000
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DANIEL JL *OLMSTEAD, 0000
PETER F. *OLSEN, 0000
ROBERT N. OLSON, 0000
SHERWOOD L. *OLSON, 0000
DEREK J. OMALLEY, 0000
CHRISTOPHER N. *OMDAL, 0000
JEFFRY S. *ONAN, 0000
DAVID R. *ONEIL, 0000
TRACY L. *ONUFER, 0000
ARVID E. *OPRY, 0000
JOHN T. ORCHARD, JR., 0000
TRACY L. *ORFIELD, 0000
KENYON S. *ORME, 0000
ROBIN E. ORTH, 0000
JILL H. *ORTIZ, 0000
MICHAEL A. *ORTIZ, 0000
OLIVO VILMA E. ORTIZ, 0000
VERNON L. *OSBORNE, 0000
PATRICK M. *OSULLIVAN, 0000
SHERYL A. E. OTT, 0000
JOSEPH T. OTTO, 0000
MATTHEW T. *OUDING, 0000
RACHEL R. OUELLETTE, 0000
THOMAS R. OWEN, 0000
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JOSEPH A. *PABALAN, 0000
JULIAN L. PACHECO, 0000
MARC L. *PACKLER, 0000
DOMENIQUE J. *PAGAN, 0000
JEFFERY R. *PAGET, 0000
KARIE K. *PAHIA, 0000
PAUL E. *PAIM, 0000
STEPHEN C. PAINE, 0000
DARREN A. PALADINO, 0000
BRIAN K. *PALERMO, 0000
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JOSEPH M. *PANKEY, 0000
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CHARLES N. *PARADA, 0000
CEASAR M. *PARAZO, 0000
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MARCO J. PARZYCH, 0000
CHAD P. *PATE, 0000
MARK A. *PATOKA, 0000
JARED B. *PATRICK, 0000
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CARRIE G. PEDERSEN, 0000
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DAVID L. *PEEK, 0000
PAUL E. *PENDLETON, 0000
DEVIN R. *PEPPER, 0000
THOMAS M. *PERALTA, 0000
DAVID D. *PEREZ, 0000
RITA C. PEREZ, 0000
RICHARD A. *PERRON, JR., 0000
DEBRA A. *PERRY, 0000
MICHAEL J. *PERRY, 0000
JERALD K. *PERRYMAN, 0000
TIMOTHY E. *PERTUIS, 0000
JOSEPH P. PESTANA, 0000
BRIAN A. PETE, 0000
ELISA BETH JOHNSEN *PETERS, 0000
CORBETT M. *PETERSON, 0000
LANCE E. *PETERSON, 0000
EDWARD F. PETKA, JR., 0000
MATTHEW W. *PETRO, 0000
ORVAL E. *PHELPS, 0000
BRIAN K. *PHILLIPPY, 0000
BRIAN S. *PHILLIPS, 0000
CRAIG J. PHILLIPS, 0000
DANIEL WADE *PHILLIPS, 0000
EDWARD P. PHILLIPS, 0000
JEFFREY E. *PHILLIPS, 0000
MELISSA K. PHILLIPS, 0000
STEPHEN E. *PHILLIPS, 0000
KENNETH R. *PICHA, 0000
ALLEN A. PICHON, 0000
MICHAEL S. *PINKSTAFF, 0000
STEPHEN P. PIRNER, 0000
CURTIS L. PITTS, 0000
JOSEPH B. *PITZER, 0000
JAMISON F. *PIXLEY, 0000
MATTHEW R. *PIXLEY, 0000
JON E. PLASTERER II, 0000
WILLIAM C. *POLSON, 0000
JAMES J. *POND, 0000
HANS M. *POOLE, 0000
JAI R. POPE, 0000
SERGIO A. *PORRES, 0000
JASON B. PORTER, 0000
RYAN D. PORTERFIELD, 0000
WILLIAM S. POTEET, 0000
GREGORY T. POUND, 0000
MICHAEL P. *PREMO, 0000
MICHAEL D. *PRESNAR, 0000
GINA L. *PREVETT, 0000
STEVEN C. *PRIEST, 0000
MARCUS C. PRINCE, 0000
ANTHONY J. PRINCIPI, 0000
PHILIP D. *PRINCIPI, 0000
CAMERON S. PRINGLE, 0000
ELBERT R. *PRINGLE II, 0000
MICHAEL J. *PRODELINE, 0000
MARK P. PRODEN, 0000
CHRISTOPHER T. *PROTT, 0000
SCOTT C. *PUKAY, 0000
CRAIG A. PUNCHES, 0000
DONALD D. *PURDY, 0000
MATTHEW D. *PURSIFULL, 0000
ERIN P. PYLE, 0000
ADAM M. *QUALE, 0000
JEREMY D. QUATACKER, 0000
JASON M. *QUIGLEY, 0000
MARCIA L. *QUIGLEY, 0000
PAUL R. *QUIGLEY, 0000
MICHAEL J. *QUIJANO, 0000
MARC A. *QUILLEN, 0000
JOSEPH A. *QUINN, 0000
LOUIS *QUINN, 0000
ARISTOTLE H. *RABANAL, 0000
MICHAEL E. *RADLE, 0000
GARY B. RAFNSON, 0000
JUNAID M. *RAHMAN, 0000
NICOLE D. *RAHMER, 0000
ANDREA K. RAMBAROSE, 0000
MARC J. *RAPHAEL, 0000
BRANDON L. RASMUSSEN, 0000
REID F. RASMUSSEN, 0000
STEVEN A. *RASPET, 0000
SEAN M. RASSAS, 0000
CHRISTOPHER R. RATIGAN, 0000
BRETT A. RAWALD, 0000
SAMANTHA D. *RAY, 0000
TOMMY L. *RAY, 0000
KIRK L. REAGAN, 0000
THOMAS W. *REAGAN, JR., 0000
DAVID R. *REASLAND, JR., 0000
TIMOTHY E. *REBURN, 0000
JOHN H. *REDFIELD, 0000
JONATHAN B. *REED, 0000
NICHOLAS J. REED, 0000
EVETTE *REES, 0000
MICHAEL T. REESE, 0000
THOMAS J. *REGEN, 0000
RICHARD F. *REICH, JR., 0000
ANDREW L. *REID, 0000
GERARD J. *REIDY, 0000
CURTIS P. *REINHART, 0000
THOMAS G. *RENWICK, 0000
RANDY M. *RESCH, 0000
AARON R. *RESSLER, 0000
JONATHAN A. REYES, 0000
GONZALO REYNA, 0000
SILVANO E. *REYNOSO, JR., 0000
KIMBERLY P. *RHOADES, 0000
PAUL D. G. RIBEIRO, 0000
CHARLES A. *RICE, 0000
MICHAEL R. *RICH, 0000
DANIEL R. *RICHARDS, JR., 0000
KENNETH G. *RICHARDS, 0000
STEVEN L. *RICHARDS, 0000
BLAKE E. RICHARDSON, 0000
STEVEN E. *RICKENBACHER, 0000
JAMES W. *RICKMAN, 0000
BRIAN L. *RICO, 0000
DALE A. RIEDEL, 0000
ROBERT B. *RIEGEL, 0000
KIRK L. *RIGGS, 0000
JONATHAN *RILEY, 0000
MICHAEL P. RILEY, 0000
STEPHEN E. *RINEHART, 0000
GLENN A. RINEHEART, 0000
MATTHEW G. RIPPEN, 0000
KEVIN *RIPPLE, 0000
PATRICK A. *RITCHIE, JR., 0000
KATE RITZEL, 0000
SCOTT M. *RITZEL, 0000
ANTHONY A. RIVERA, 0000
FRANCISCO *RIVERA, 0000
JUAN CARLOS *RIVERA, 0000
CHAD ROBBINS, 0000
THOMAS R. *ROBBINS, 0000
TODD A. ROBBINS, 0000
DANIEL K. ROBERTS, 0000
JASON N. *ROBERTS, 0000
RANDALL L. ROBERTS, 0000
RICHARD J. *ROBERTS, 0000
THEODORE G. ROBERTS, 0000
ROBERT J. *ROBESKI, 0000
MICHAEL E. *ROBIDOUX, 0000
CHRISTOPHER P. *ROBINSON, 0000
DAVID J. *ROBINSON, 0000
DEREK A. *ROBINSON, 0000
JEFFREY D. ROBINSON, 0000
JON T. *ROBINSON, 0000
MARK S. ROBINSON, 0000
KEVIN G. *ROBLING, 0000
MICHAEL F. *ROBOHN, 0000
KEITH P. *ROCKOW, 0000
ROMULO R. *RODAS, 0000
FRANCISCO E. *RODRIGUEZ, 0000
DANIEL A. *ROESCH, 0000
DARRELL T. *ROGERS, 0000
MICHAEL S. *ROONEY, 0000
JEFFREY T. *ROSA, 0000
MIGUEL *ROSALES, JR., 0000
RUSSELL B. ROSLEWSKI, 0000

STEVEN M. ROSS, 0000
JACOB J. A. ROSSER, 0000
MARLYCE K. *ROTH, 0000
SCOTT A. ROTHERMEL, 0000
BARNABUS M. *ROUNDTREE, 0000
BRYAN J. *ROUNDTREE, 0000
ANDY H. ROWE, 0000
MATTHEW C. *ROWLAND, 0000
JAMES W. ROY III, 0000
GIULIANO J. *RUBINI, 0000
JASON B. RUDD, 0000
WENDY B. *RUFFNER, 0000
RICHARD D. *RUIZ, 0000
TODD D. *RUPRIGHT, 0000
RADOSLAW RUSEK, 0000
MEG E. *RUSSELL, 0000
ROBERT B. RUSSELL, 0000
RODNEY M. RUSSELL II, 0000
MICHAEL W. *RYAN, 0000
RICHARD L. *RYNEARSON, 0000
SHANE C. *SAARI, 0000
F. TERRANCE SAFFORLD, 0000
JOEL W. SAFRANEK, 0000
BRIAN DARNELL *SALLEY, 0000
JUSTIN P. *SALTER, 0000
ASSAD *SAMAD, 0000
CHARLES S. SAMMONS, 0000
BURNETT JOHN G. SAMUEL, 0000
JUAN S. SANCHEZ, 0000
RODERICK I. *SANTULAN, 0000
FREDERICK M. *SAPP, 0000
JOHN C. SAPP, 0000
GINO *SARCOMO, 0000
ANTHONY J. *SARICA, 0000
JON M. *SAUL, 0000
BRIAN D. *SAVAGE, JR., 0000
ERIC D. *SAWALL, 0000
IQBAL A. *SAYEED, 0000
TIMOTHY D. SCARBOROUGH, 0000
LAWRENCE J. *SCHAD, JR., 0000
JASON A. *SCHAFER, 0000
MATTHEW E. SCHEXNYDER, 0000
DEREK F. SCHIN, 0000
SHANE W. *SCHLEUSNER, 0000
JOHN L. *SCHLUTER, JR., 0000
DONALD W. SCHMIDT, 0000
JEFFREY G. SCHMIDT, 0000
LEAH C. SCHMIDT, 0000
ROBERT M. *SCHMIDT, 0000
ROBERT J. SCHMOLDT, 0000
ANNA MARIE SCHNEIDER, 0000
JOSEPH J. *SCHNEIDER, 0000
IAN G. *SCHNELLER, 0000
ANDREW L. SCHOEN, 0000
MEGAN M. *SCHOEPF, 0000
SIEGFRIED *SCHOEPF, 0000
KARL R. SCHRADER, 0000
STEVEN M. *SCHRADER, 0000
CHAD W. SCHRECENGOST, 0000
STEVEN P. *SCHREFFLER, 0000
FRANK B. SCHREIBER, 0000
JEFFREY T. SCHREINER, 0000
MARC A. *SCHUESSLER, 0000
TODD S. *SCHUG, 0000
TIMOTHY M. SCHWAMB, 0000
GEORGE N. SCHWARTZ, 0000
BONNIE L. *SCHWARTZKOPF, 0000
RANDALL T. SCOGGINS, 0000
SIMON M. *SCOGGINS, 0000
JASON C. *SCOTT, 0000
JENIPHER E. *SCOTT, 0000
WENDY L. *SEAMAN, 0000
TERRY A. *SEARS, JR., 0000
STANLEY H. *SEBASTIAN, 0000
CHRISTOPHER T. *SEBORA, 0000
GEORGE H. SEBREN, JR., 0000
KRISTIN RONDEAU *SEHNEM, 0000
KURT C. SELKO, 0000
ERIK M. SELL, 0000
LORNE V. *SERPA, 0000
ALBERT *SETO, 0000
DAVID A. *SETTJE, 0000
CHARLES F. *SEYMOUR, 0000
DOUGLAS G. SEYMOUR, 0000
JEFFREY R. *SGARLATA, 0000
DOUGLAS B. SHAFFER, 0000
KIRK M. *SHAFFER, 0000
BRADLEY D. *SHANK, 0000
THOMAS S. *SHARPE, 0000
CHARLES L. *SHAW, 0000
ERIC A. SHAW, 0000
SAMUEL R. *SHEARER, 0000
JACOB C. *SHEDDAN, 0000
NEAL B. *SHEERAN, 0000
AMANDA M. *SHEETS, 0000
JOHN J. *SHEETS, 0000
PHILLIP L. *SHEIRICH, 0000
BRYAN J. SHELTON, 0000
NORMAN F. *SHELTON II, 0000
ROBERT A. *SHELTON, 0000
KEITH L. *SHEPHERD, 0000
CHRISTOPHER J. SHEPPARD, 0000
JOHN A. *SHERMAN, 0000
WHITNEY A. *SHERRILL, 0000
RICHARD N. SHERROW, 0000
GEORGE L. *SHERWOOD, JR., 0000
VICTOR O. SHIRLEY, JR., 0000
ADAM J. *SHIRRIFF, 0000
DEBRA E. *SHOCK, 0000
BRYAN F. SHUMWAY, 0000
KENNETH A. *SIERRA, 0000
KEVIN O. SILKNITTER, 0000
BRYCE A. SILVER, 0000
ADAM G. *SILVERMAN, 0000
CRAIG R. SIMMONS, 0000
MATTHEW R. SIMMONS, 0000
LUKE A. SIMON, 0000
JAMES A. SIMONDS, 0000
ROBERT M. SIMPSON, 0000
CHRISTOPHER J. SIMS, 0000
CLARENCE G. *SINGLETON, JR., 0000
MICHAEL A. SINKS, 0000
ADAM R. SITLER, 0000
BRIAN C. * SITLER, 0000
VINCENT RICHARD * SIWICKI, 0000
WILLIAM T. SKEETERS, 0000
DALE B. * SKINNER, 0000
ROXANNE R. SKINNER, 0000
MARK W. SLATON, 0000
DANNY A. * SLIFER, 0000
JEREMY C. * SLOGER, 0000
SABINE * SLOVER, 0000
DAVID P. * SLYE, 0000
JOHN P. SMAIL, 0000
CRAIG M. * SMALLS, 0000
MICHAEL S. * SMID, 0000
BRYAN J. * SMITH, 0000
DAN W. * SMITH, 0000
DOUGLAS C. * SMITH, 0000
GORDON B. SMITH, 0000
JESSE C. SMITH, 0000
JIMMY L. * SMITH, 0000
LAVINIA * SMITH, 0000
MICHAEL Z. * SMITH, JR., 0000
RANDY M. * SMITH II, 0000
SAMUEL D. * SMITH, 0000
SAMUEL J. * SMITH, 0000
SCOTT W. SMITH, 0000
STEVEN M. * SMITH, 0000
SUSANA C. * SMITH, 0000
TAMARA A. SMITH, 0000
KEVIN M. * SMOOT, 0000
CHRISTOPHER S. * SNODGRASS, 0000
JOSHUA D. * SNODGRASS, 0000
CHRIS H. SNYDER, 0000
GREGORY D. SODERSTROM, 0000
JORGE E. * SOLARES, 0000
JIMMY R. * SOLES, JR., 0000
PATRICK SAMUEL * SOLLAMI, 0000
ROBERTO SOMARRIBA, 0000
CADE R. * SONNICHSEN, 0000
PAUL P. * SONSTEIN, 0000
MARK J. * SORAPURU, 0000
JONATHAN J. * SORBET, 0000
MATTHEW L. SORIA, 0000
STEVEN J. * SOTO, 0000
BRETT D. * SOWELL, 0000
WILLIAM K. * SPARKS, JR., 0000
MACKJAN H. SPENCER, 0000
JOHN A. * SPERO, 0000
CHARLES S. * SPICER II, 0000
CHRISTOHER J. SPINELLI, 0000
STEPHANIE * SPOSATOJOHNSON, 0000
SEAN S. * SPRADLIN, 0000
CORBAN D. SPRAKER, 0000
KIRSTEN A. SPRAKER, 0000
KEITH M. * SPUDIC, 0000
BRANDON L. STADEL, 0000
JOSHUA L. * STAHL, 0000
CURTIS J. STAMAND, 0000
MYRON O. STAMPS, 0000
BRUCE B. * STANSBURY, 0000
BENJAMIN J. STAPERA, 0000
SHANNAN M. * STARLING, 0000
MICHAEL S. STARR, 0000
MICHAEL K. * STEDMAN, 0000
PATRICK J. * STEEN, 0000
ROUVEN J. N. STEEVES, 0000
KYLE D. * STEINFADT, 0000
THOMAS R. STEMARIE, 0000
ARTHUR J. * STENGELL, JR., 0000
JULIAN D. STEPHENS, 0000
KATRINA COMPTON * STEPHENS, 0000
PATRICK R. * STEPHENS, 0000
JOHN D. * STEPHENSON, 0000
DOUGLAS W. * STERRITT, 0000
DAVID L. * STEVENS, 0000
KELLEY C. STEVENS, 0000
RANDY L. * STEVENS, 0000
JOHN R. STEVENSON, 0000
DEMETRIUS R. STEWART, 0000
SCOTT D. STEWART, 0000
JEFFREY P. * STIFT, 0000
JASON B. STINCHCOMB, 0000
HUGH B. STMARTIN, JR., 0000
DAVID J. STOCK, 0000
JEFFREY D. STOCKWELL, 0000
PHILIP L. STODICK, 0000
DANIEL J. * STONER, 0000
CHRISTOPHER M. STOPPEL, 0000
JOYCE R. STORM, 0000
DANIEL D. * STOUT, 0000
JEFFERY T. STRICKER, 0000
DAVID C. * STRINGER, 0000
BRIAN R. STUART, 0000
DEREK S. * STUART, 0000
TIMOTHY J. * STUART, 0000
BRIAN M. * STUMPE, 0000
JENNIFER A. * SUAREZ, 0000
JESUS G. * SUAREZ, 0000
NOELIA * SUAREZ, 0000
GREGORY * SUBERO, 0000
ERIC D. * SUCIU, 0000
AMY I. * SUFAK, 0000
EDWARD M. * SULINSKI, 0000
CHRISTOPHER M. SULLIVAN, 0000
TODD W. * SULLIVAN, 0000
BRADLEY R. * SUMTER, 0000
WILLIAM P. * SURREY, 0000
RYAN J. SUTTLEMYRE, 0000
DUSTIN G. * SUTTON, 0000
JEFFREY S. SUTTON, 0000
RICHARD P. * SWANK, 0000
SCOTT A. * SWARTSFAGER, 0000
BRETT J. * SWEETMAN, 0000
DAVID C. * SWENSON, 0000
BRIAN M. SWYT, 0000
HAZEL C. * SYNCO, 0000
JOSEPH B. SZUCS, 0000
PETER A. * TACY III, 0000
ERIC J. * TALCOTT, 0000
RANDLE W. TANKERSLEY, 0000
CHARLES S. TAPP II, 0000
RICHARD W. * TARBOX, 0000
DANIEL T. * TARLETON, 0000
CHRISTOPHER S. * TARRANT, 0000
ROY F. * TARTARO, 0000
TREVOR S. * TASIN, 0000
RASHONE J. * TATE, 0000
DAVID T. * TATRO, 0000
AARON T. TAYLOR, 0000
ANGELA G. * TAYLOR, 0000
CHARLES M. * TAYLOR, 0000
DAMON D. * TAYLOR, 0000
DONYE J. TAYLOR, 0000
JONATHAN B. TAYLOR, 0000
KATRINA A. TAYLOR, 0000
NEIL P. * TAYLOR, 0000
RALPH E. * TAYLOR, JR., 0000
JAMES L. * TECHAM, 0000
JASON A. TELLEZ, 0000
KRISTEN A. * TEMPLET, 0000
MONA A. TENORIO, 0000
JASON B. TERRY, 0000
CHAD R. * TESKE, 0000
CARL P. * TESTA, 0000
BRIAN C. * THILL, 0000
BRIAN G. THOMAS, 0000
DAVID L. * THOMAS, 0000
DEREK E. THOMAS, 0000
DON R. * THOMAS, 0000
JOHN M. THOMAS, 0000
MICHAEL D. THOMAS, 0000
MICHAEL T. * THOMAS, 0000
NEIL B. * THOMAS, JR., 0000
PATRICIA * THOMAS, 0000
CHRISTOPHER R. THOMPSON, 0000
JAMES W. * THOMPSON, 0000
JOHN B. THOMPSON, 0000
KEVIN C. * THOMPSON, 0000
SCOTT J. * THOMPSON, 0000
ROY D. * THRAILKILL, 0000
CHRISTOPHER C. * THROWER, 0000
MATTHEW A. TIEMAN, 0000
DAVID M. * TIFFORD, JR., 0000
RICHARD J. * TIMMERMANN, 0000
JUSTIN K. * TINDAL, 0000
JASON W. * TORGERSON, 0000
RONALD L. * TOUGAW, JR., 0000
MATTHEW J. TRACY, 0000
RAYMOND J. * TRAMPOSCH, 0000
KASANDRA T. * TRAWEEK, 0000
DEVIN S. TRAYNOR, 0000
JAMES D. TREADWELL III, 0000
JAMES A. * TREVINO, 0000
VINH G. * TRINH, 0000
HENRY H. * TRIPLETT III, 0000
ERIC D. * TRISMEN, 0000
TIMOTHY E. * TROGDON, 0000
GARY S. * TROY, 0000
MATTHEW P. * TRUMBLE, 0000
MATTHEW F. TUCKER, 0000
RANDY L. * TULLIS, 0000
JASON T. * TURNER, 0000
JOBIE S. TURNER, 0000
MICHAEL S. * TURNER, 0000
SCOTT J. TURNER, 0000
SCOTT R. * TWESME, 0000
BRIAN J. TYLER, 0000
ROBERT C. * TYLS, 0000
MICHAEL C. UFFELMAN, 0000
JAMES D. * UPCHURCH, 0000
OREN K. * UPTON, 0000
VLADIMIR * URBANCEK, 0000
KEVIN N. * VACCARI, 0000
LINDA M. * VADNAIS, 0000
JOHN F. * VAN STEENBURGH, 0000
JOHNNIE A. VANCE, 0000
LARRY D. * VANCE, 0000
MARK J. * VANDERKINTER, 0000
ALEXIS * VANGELDER, 0000
TIMOTHY J. * VANHOESEN, 0000
CHRISTOPHER L. VANHOOF, 0000
MICHAEL T. * VANONE, 0000
JAMES G. * VAP, 0000
JOSE V. * VARELA, 0000
JOHN E. VARGAS, JR., 0000
KELLY L. * VARITZ, 0000
MICHAEL W. VARNER, 0000
BRIAN E. * VAUGHN, 0000
JAY D. * VAUGHN, 0000
JERMAINE E. * VAUGHNS, 0000
GILBERTO R. * VAZQUEZ, 0000
ENRICO W. * VENDITTI, JR., 0000
DAVID G. * VERNAL, 0000
DAVID J. VETTER, 0000
JEREMY S. VICKERS, 0000
SCOTT A. VICKERY, 0000
JOHN R. * VICKREY, 0000
MARCOS A. * VIGIL, 0000
JAIME * VILLA, 0000
WILLIAM M. * VILLEGAS II, 0000
JAMES T. * VINSON, 0000
HARMEN P. * VISSER, 0000
PETER D. VITT, 0000
DAVID R. * VOLLMER, 0000
CHRISTOPHER A. * VORSE, 0000
NORMAN P. VUCHETICH, 0000
MICHAEL N. * WADDLE, 0000
PATRICK E. * WAGMAN, 0000
DAWN R. WAGNER, 0000

JAMES M. WALKER, 0000
KEVIN P. * WALKER, 0000
SCOTT W. WALKER, 0000
DAVID B. * WALL, 0000
DANIEL P. WALLS, 0000
STEPHEN R. * WALMSLEY, 0000
MARK R. * WALSH, 0000
ANDREW J. WALTER, 0000
DANNY L. * WALTERS, JR., 0000
JAMES T. * WANDMACHER, 0000
JEFFREY B. WARD, 0000
WILLIAM N. WARD, 0000
DEAN C. * WARDELL, 0000
JAMES W. * WARF III, 0000
BRETT A. WARING, 0000
JEFFREY B. * WARNER, 0000
TIFFANY J. WARNKE, 0000
DALIAN A. * WASHINGTON, 0000
THOMAS A. * WASHINGTON, 0000
DONNA E. * WATSON, 0000
FRANK W. WATSON, JR., 0000
KAREN M. * WATSON, 0000
JEREMY R. WATTS, 0000
JILL VAN ESS WATTS, 0000
MATTHEW W. WEAVER, 0000
GREGORY S. * WEBB, 0000
PAUL T. * WEBSTER, 0000
CURTIS L. * WEEKS, 0000
JOHN K. WEIGLE, 0000
BRENT E. WEISNER, 0000
WADE R. * WEISS, 0000
JOHN A. WELLMAN, 0000
CHRISTOPHER M. * WELLS, 0000
MATHEW C. WENTHE, 0000
TODD H. * WENTZLAFF, 0000
SCOTT J. * WEST, 0000
BRENT P. * WESTBROOK, 0000
THOMAS C. * WESTBROOK, 0000
KARL D. * WESTERLUND, 0000
WILLIAM D. * WESTFAHL, 0000
CHRISTOPHER D. * WESTON, 0000
DAVID S. * WESTOVER, JR., 0000
DERRICK R. * WHEELDON, 0000
JON S. WHEELER, JR., 0000
ROBERT E. * WHETZEL, 0000
MARC A. * WHIRLEDGE, 0000
CHRISTOPHER P. * WHITE, 0000
CURTIS C. * WHITE, 0000
SEAN P. * WHITE, 0000
TARA E. * WHITE, 0000
TODD G. * WHITE, 0000
MICHAEL F. * WHITEHEAD, JR., 0000
MICHAEL D. * WHITING, 0000
ARTHUR E. * WICKBERG, 0000
JOSHUA M. WIELAND, 0000
JUSTIN B. WIELAND, 0000
ALAN J. WIGDAHL, 0000
BRIAN J. WIGTON, 0000
DAMIAN O. * WILBORNE, 0000
TIMOTHY W. * WILCOX, 0000
TIMOTHY T. WILDAY, 0000
ANDREW C. WILES, 0000
BRANDON L. WILKERSON, 0000
WESTON L. * WILKINSON, 0000
CHRISTINA L. * WILLARD, 0000
ADRIENNE L. WILLIAMS, 0000
ANTHONY D. * WILLIAMS, 0000
CHRISTOPHER J. WILLIAMS, 0000
DARIN C. * WILLIAMS, 0000
DARRELL L. * WILLIAMS, 0000
IKE H. WILLIAMS, 0000
JASON T. * WILLIAMS, 0000
JOSEPH * WILLIAMS, JR., 0000
KINAMO J. WILLIAMS, 0000
PAUL D. * WILLIAMS, 0000
SEAN * WILLIAMS, 0000
TREVOR L. * WILLIAMS, 0000
WENDY E. * WILLIAMS, 0000
ROBERT A. WILLIAMSON, 0000
PAUL B. WILLINGHAM, 0000
DANIELLE L. * WILLIS, 0000
BRIAN L. WILLITS, 0000
JAMES M. WILMER, 0000
DEMETRIUS M. * WILSON, 0000
MARK S. * WILSON, 0000
WALTER J. WILSON, 0000
WILLIAM H. * WILSON, 0000
TROY H. * WINCAPAW, 0000
DAVID J. WINEBRENER, 0000
TROY E. * WING, 0000
CHARLES K. * WINN, 0000
PATRICK C. * WINSTEAD, 0000
MARK R. * WISHER, 0000
KELLY N. * WITCHER, 0000
ERIC J. * WITTENDORFER, 0000
CHRISTIAN S. WOHLWEND, 0000
BRANDON C. WOOD, 0000
JASON K. * WOOD, 0000
TRACY A. * WOODARD, 0000
MICHELE J. * WOODCOCK, 0000
BRINT A. * WOODRUFF, 0000
SARAH E. * WOODS, 0000
THADDEUS R. WOODS, 0000
SHANNON J. * WOODWORTH, 0000
GREGORY W. * WOOSLEY, 0000
ADAM R. * WORDEN, 0000
JASON C. WORLEY, 0000
BRIAN W. * WORTHINGTON, 0000
TIMOTHY K. * WOZNIAK, 0000
ANDREW R. * WRIGHT, 0000
JEFFREY C. * WRIGHT, 0000
PARKER H. WRIGHT, 0000
JAYSON M. * WRONA, 0000
TODD A. WYDRA, 0000
BRUCE L. * WYKES, 0000
GEORGE R. WYSE, 0000
CHRISTOPHER T. * YANE, 0000
GERALD T. YAP, 0000
ERIC * YARRELL, 0000
JARED C. * YARRINGTON, 0000
ARCHER M. YATES, JR., 0000
BART P. * YATES, 0000
KEVIN A. YATES, 0000
MICHAEL * YATES, 0000
ANGELIC L. * YBARRABELTRAN, 0000
THOMAS E. * YEAGER, 0000
MARK T. YETMAN, JR., 0000
MICHAEL S. YI, 0000
SHAYNE R. YORTON, 0000
BRIAN G. * YOUNG, 0000
CONSTANCE H. YOUNG, 0000
DAVID W. * YUNT, 0000
PAUL A. * ZACKRISON, 0000
JEREMY P. * ZADEL, 0000
VINCENT ZALESKI, 0000
JONATHAN E. * ZALL, 0000
JASON P. * ZENCUCH, 0000
CHRIS W. * ZENTNER, 0000
KRISTIAN J. * ZHEA, 0000
JAMES M. * ZICK, 0000
MATTHEW W. * ZIMMERMAN, 0000
MICHAEL S. * ZIMMERMAN, 0000
BRANISLAV B. * ZIVOJINOVIC, 0000
JACOB A. ZOCHERT, 0000
BRIAN K. ZOELLNER, 0000
BRIAN D. ZULLO, 0000
DEBORAH L. P. * ZUNIGA, 0000
RAY A. * ZUNIGA, 0000

Confirmations

Executive nominations confirmed by the Senate: Thursday, May 26, 2005

DEPARTMENT OF EDUCATION

RAYMOND SIMON, OF ARKANSAS, TO BE DEPUTY SECRETARY OF EDUCATION.

DEPARTMENT OF DEFENSE

KENNETH J. KRIEG, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

CHARLES P. RUCH, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009.

POSTAL RATE COMMISSION

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2010.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (IH) LARRY L. HERETH
REAR ADM. (IH) ROBERT J. PAPP
REAR ADM. (IH) CLIFFORD I. PEARSON
REAR ADM. (IH) JAMES C. VAN SICE

DEPARTMENT OF STATE

ROBERT JOSEPH, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

SEAN IAN MCCORMACK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

DAVID HORTON WILKINS, OF SOUTH CAROLINA, TO BE AMBASSADOR TO CANADA.

JAMES M. DERHAM, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF GUATEMALA.

WILLIAM ALAN EATON, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF PANAMA.

PAUL A. TRIVELLI, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF NICARAGUA.

VICTORIA NULAND, OF CONNECTICUT, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR.

LINDA JEWELL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF ECUADOR.

JOHN F. TEFFT, OF VIRGINIA, TO BE AMBASSADOR TO GEORGIA.

IN THE AIR FORCE

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 brigadier general

COL. KATHLEEN D. CLOSE

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. CHARLES E. CROOM, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BENJAMIN J. SPRAGGINS

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. RONALD E. KEYS

IN THE ARMY

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. BENJAMIN C. FREAKLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10506:

To be lieutenant general

MAJ. GEN. CLYDE A. VAUGHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL BRUCE A. CASELLA
BRIGADIER GENERAL DAVID L. EVANS
BRIGADIER GENERAL WILLIAM H. JOHNSON
BRIGADIER GENERAL LARRY KNIGHTNER
BRIGADIER GENERAL DENNIS E. LUTZ
BRIGADIER GENERAL ROBERT A. POLLMANN
BRIGADIER GENERAL WILLIAM TERPELUK
BRIGADIER GENERAL BRUCE E. ZUKAUSKAS

To be brigadier general

COLONEL LIE-PING CHANG
COLONEL PAUL E. CRANDALL
COLONEL STUART M. DYER
COLONEL GEOFFREY A. FREEMAN
COLONEL WILLIAM D. FRINK, JR.
COLONEL WILLIAM H. GERETY
COLONEL GEORGE R. HARRIS
COLONEL JEFFREY A. JACOBS
COLONEL DEMPSEY D. KEE
COLONEL DOUGLAS E. LEE
COLONEL CHARLES D. LUCKEY
COLONEL BERT K. MIZUSAWA
COLONEL ELDON P. REGUA
COLONEL STEVEN W. SMITH
COLONEL RICHARD A. STONE
COLONEL ROBIN B. UMBERG
COLONEL MARGARET C. WILMOTH

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. NEIL DIAL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES K. GILMAN
COL. DAVID A. RUBENSTEIN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. BERGMAN

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. ROBERT R. BLACKMAN, JR.

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

VICE ADM. GARY ROUGHEAD

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 (lower half)

CAPTAIN WILLIAM R. BURKE
CAPTAIN NEVIN P. CARR, JR.
CAPTAIN PHILIP H. CULLOM
CAPTAIN MARK I. FOX
CAPTAIN WILLIAM D. FRENCH
CAPTAIN MICHAEL S. FRICK
CAPTAIN TIMOTHY M. GIARDINA
CAPTAIN ROBERT S. HARWARD, JR.
CAPTAIN WILLIAM H. HILARIDES
CAPTAIN DANIEL P. HOLLOWAY
CAPTAIN DOUGLAS J. MCANENY
CAPTAIN TERENCE E. MCKNIGHT
CAPTAIN JOHN W. MILLER
CAPTAIN MICHAEL S. OBRYAN
CAPTAIN FRANK C. PANDOLFE
CAPTAIN DAVID L. PHILMAN
CAPTAIN BRIAN C. PRINDLE
CAPTAIN DONALD P. QUINN
CAPTAIN WILLIAM E. SHANNON III
CAPTAIN JAMES A. SYMONDS
CAPTAIN STEPHEN S. VOETSCH
CAPTAIN JAMES P. WISECUP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALAN S. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY J. LESCAVAGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. BROOKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ROBERT B. MURRETT

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. VICTOR C. SEE, 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. CHRISTINE M. BRUZEK-KOHLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK W. BALMERT

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 (lower half)

CAPT. RAYMOND E. BERUBE
CAPT. JOHN J. PRENDERGAST III

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 (lower half)

CAPT. KEVIN M. MCCOY
CAPT. WILLIAM D. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID J. VENLET

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) BRUCE W. CLINGAN
REAR ADM. (LH) DERWOOD C. CURTIS
REAR ADM. (LH) PETER H. DALY
REAR ADM. (LH) KENNETH W. DEUTSCH
REAR ADM. (LH) MARK T. EMERSON
REAR ADM. (LH) JEFFREY L. FOWLER
REAR ADM. (LH) GARRY E. HALL
REAR ADM. (LH) LEENDERT R. HERING, SR.
REAR ADM. (LH) ALAN B. HICKS
REAR ADM. (LH) STEPHEN E. JOHNSON
REAR ADM. (LH) CARL V. MAUNEY
REAR ADM. (LH) BERNARD J. MCCULLOUGH III
REAR ADM. (LH) MICHAEL H. MILLER
REAR ADM. (LH) ALLEN G. MYERS
REAR ADM. (LH) JOSEPH A. WALSH
REAR ADM. (LH) MELVIN G. WILLIAMS, JR.
REAR ADM. (LH) JAMES A. WINNEFELD, 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. CAROL M. POTTENGER

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. NATHAN E. JONES

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. ALBERT GARCIA III

IN THE COAST GUARD

COAST GUARD NOMINATION OF KATHRYN C. DUNBAR TO BE LIEUTENANT COMMANDER.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH DANIEL J. PRICE AND ENDING WITH STEPHEN P. BARRY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2005.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DONNELL E. ADAMS AND ENDING WITH DANIEL J. ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATION OF MICHAEL E. VAN VALKENBURG TO BE COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBERT D. BOWMAN AND ENDING WITH THERESA M. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATIONS BEGINNING WITH CATHERINE D. SCHOONOVER AND ENDING WITH VINCENT M. YZNAGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JOEL P. BERNARD AND ENDING WITH MARC K. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2005.