

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, let me take a minute to thank the two managers for their hard work on this Defense bill. As I stated before, this is the 11th day of consideration of this bill.

Although I think we have made real demonstrable progress today, I am concerned that we are not quite certain when we will be able to finish the bill and how many amendments may still be offered.

I have had discussions with the chairman and the Democratic leadership, and I am prepared to file a cloture motion this evening.

With that said, I still hope we can work out an agreement to allow us to finish the bill after a certain number of amendments, and with a time certain for passage. I will continue to discuss our options with the managers of the bill and hope that we can proceed in a balanced way to finish the bill.

CLOTURE MOTION

I send the cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the 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 Calendar No. 503, S. 2400, an original bill to authorize appropriations for fiscal year 2005 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 services, and for other purposes.

Bill Frist, John Warner, Bob Bennett, John Cornyn, Mitch McConnell, Norm Coleman, Susan Collins, Lamar Alexander, Kay Bailey Hutchison, Rick Santorum, Lisa Murkowski, Gordon Smith, Thad Cochran, Wayne Allard, Chuck Hagel, Craig Thomas, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

Under the previous order, the Senator from Alabama is recognized to offer an amendment on which there will be 10 minutes of debate.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and be notified at

the conclusion of the 5 minutes, and the senior Senator from New York, Mr. SCHUMER, be recognized.

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

AMENDMENT NO. 3372, AS MODIFIED

Mr. SESSIONS. Mr. President, for decades, civilian employees of the United States working overseas were shielded from prosecution for criminal acts that were committed abroad. These persons were outside the scope of military justice, and they were beyond the jurisdiction of Federal courts in the United States, and also our State courts. Often, foreign countries, when incapable of investigating and prosecuting the cases, or they didn't have adequate laws, or they were not even criminal offenses in the foreign country, did not prosecute. Maybe the foreign country had no interest in prosecuting a fraud against the United States.

In 1999, one of my constituents approached me with a terrible story of how two innocent children were molested while living overseas with their father, who was an Army service person. Because the perpetrator of the crime did the act overseas, he was beyond the scope of jurisdiction in the United States. Moreover, German law didn't cover this, so the person was completely unprosecutable at that time.

After hearing this story, I began to work on and introduce the Military Extraterritorial Jurisdiction Act, which was signed into law eventually in the year 2000.

It provided U.S. Federal courts with jurisdiction over civilian employees, contractors, and subcontractors affiliated with the Department of Defense who commit crimes, and would have subjected that person to at least 1 year of prison had the offense occurred in the United States.

We worked with the Department of Defense, the Department of Justice, and the Department of State and produced legislation which I think was very helpful.

Now, in the war on terrorism, the Department of Justice is finding this statute very helpful. In fact, the contractors involved in the Abu Ghraib prison would probably not be prosecutable had we not passed this law some time ago.

But as we have looked at it, we understand there are some gaps that still exist.

Senator SCHUMER raised this issue in the Judiciary Committee, and I began to work on dealing with those loopholes.

This act will deal with what our previous act dealt with—those who were directly related to the Department of Defense, either contractors or civilian employees. But the abuses in Abu Ghraib involved private contractors who may not have in every instance been directly associated with the Department of Defense, and as such, perhaps those people—or some of them at

least—might not be prosecutable under this statute. So it highlighted our need to clarify and expand the coverage of the act.

I offer an amendment today, and I am pleased that Chairman WARNER and Ranking Member LEVIN have agreed to it. I believe it has been cleared on both sides and accepted by the managers.

This amendment would give the Justice Department authority to prosecute civilian contractors employed not only by the Department of Defense but by any Federal agency that is supporting the American military mission overseas.

The number of private contractors working in Iraq is about 10 times as great as it was in the Persian Gulf conflict.

Private contractors are necessary to rebuilding a healthy Iraq. Yet we cannot allow them to escape justice for crimes they may commit overseas.

I am not sure right now the Iraqi government has the ability or the interest in prosecuting a contractor who may have defrauded the United States. It clearly remains true that if they are to be prosecuted, it needs to be done here.

Our mission overseas is an honorable endeavor. It should not be tainted by illegal acts by any, particularly a few, who embarrass our country. Recent events have brought to light the need to ensure that those acting improperly are held accountable in a court of law.

This amendment clarifies existing precedent and leaves no doubt whether wrongdoers can be brought to justice. This includes physical acts against personnel by contractors. It also includes frauds that could be committed against the Department of Defense such as overcharging. Fraudulent activities of any kind could be prosecuted under this act.

I yield the remainder of my time to the Senator from New York, who, having suffered the blows of terrorism firsthand, has taken an interest in these matters for some time now. I am delighted to work with the Senator on this legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is an important amendment to this bill. It is passing with bipartisan cosponsorship, both the House and the Senate unanimously. It shows we can get things done in a bipartisan way. In good part that is because of my colleague from Alabama. I salute him for his leadership on this issue. He originally discovered the loophole about contractors who work for DOE, that they could not be prosecuted should they commit crimes abroad. He successfully passed a law last year about this issue.

When we discovered all the problems in the prisons in Iraq, it was clear that not all the contractors were contracted to by DOD. Other agencies contracted them. It made sense to me that we prosecute them as well. I believe it

made sense to everybody. So I suggest to my colleague from Alabama that we work together to expand the amendment to include all contractors who work abroad who commit crimes or potential crimes.

As usual, we worked very well together on this. I thank the Senator for his leadership in passing the original bill, now law, and now amending this to broaden it.

The amendment Senator SESSIONS and I are offering today will close a dangerous loophole in our criminal law that would have allowed civilian contractors who do the crime to escape doing the time. As I mentioned, Senator SESSIONS closed part of this loophole a few years ago when he passed the Military Extraterritorial Jurisdiction Act and showed a great deal of foresight with that legislation.

The problem is that aside from Senator SESSIONS' bill there are negligently few provisions that give DOJ the power to go after civilian contractors. In short, if they do not contract with DOD, there is too strong a likelihood they will escape prosecution. Nothing in this amendment should be interpreted as undermining ongoing DOJ investigations or providing a basis for argument that DOJ does not have jurisdiction to prosecute contractor crimes in Iraq. Title 18, section 7, of the Criminal Code clearly confers such jurisdiction. This amendment covers contractors and territory for which title 18, section 7, does not confer jurisdiction.

I am proud to have worked with my colleague from Alabama to get this done. By passing this amendment today, this body gains stature because an important amendment is passed in a bipartisan way, and our country gains stature because the world sees when a crime is committed, unlike in so many other places in America, it is prosecuted.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. SCHUMER, proposes an amendment numbered 3372, as modified.

The amendment is as follows:

(Purpose: To extend military extraterritorial jurisdiction to cover not only personnel and contractor personnel of the Department of Defense, but also personnel and contractor personnel of any Federal agency or provisional authority supporting the mission of the Department of Defense overseas, and for other purposes)

At the appropriate place, insert the following:

**SEC. \_\_. CONTRACTOR ACCOUNTABILITY.**

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

“(A) employed as—

“(i) a civilian employee of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(II) any other Federal agency, or any provisional authority, to the extent such em-

ployment relates to supporting the mission of the Department of Defense overseas;

“(ii) a contractor (including a subcontractor at any tier) of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

“(iii) an employee of a contractor (or subcontractor at any tier) of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;”.

**SEC. \_\_. DEFINITION OF UNITED STATES.**

Section 2340(3) of title 18, United States Code, is amended to read as follows:

“(3) ‘United States’ means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.”.

Mr. LEAHY. Mr. President, 4 years ago, I worked with Senators SESSIONS and DEWINE to pass the Military Extraterritorial Jurisdiction Act, MEJA, which established Federal jurisdiction over crimes committed by civilians employed by, or accompanying, our military overseas. The Sessions-Schumer amendment further extends the jurisdictional authority we created in MEJA by closing a possible jurisdictional gap that could allow persons who commit crimes while accompanying our military overseas to escape justice. I support this amendment, and am pleased that the Senate has adopted it today. In addition, I thank the sponsors for accepting my addition to their amendment, which closes a similar jurisdictional loophole in Federal law.

Attorney General Ashcroft referred to this loophole last week, during his annual appearance before the Senate Judiciary Committee, while attempting to defend the Administration's position on torture. Interestingly, this loophole was created by legislative language that was proposed by the Department of Justice as a means of broadening, not shrinking, Federal criminal jurisdiction. This language, enacted as part of the USA PATRIOT Act, redefined the “special maritime and territorial jurisdiction of the United States” to include U.S. military bases and other U.S. Government properties in foreign States. The administration's summary of its proposal explained that it would “extend” Federal jurisdiction to ensure that crimes committed by or against U.S. nationals abroad on U.S. Government property did not go unpunished.

Unfortunately, the administration drafters of this proposal neglected to mention to Congress how it would impact on the Federal anti-torture statute. That statute prohibits torture committed “outside the United States” by persons acting under color of law, and defines the term “United States” to include the “special maritime and

territorial jurisdiction of the United States.” By extending the special maritime and territorial jurisdiction of the United States, the PATRIOT Act effectively narrowed the reach of the anti-torture statute. Post-PATRIOT Act, the anti-torture statute may not allow for the prosecution of an individual who commits torture on a U.S. military base outside the United States.

My addition to the Sessions-Schumer amendment corrects this problem in a simple and straightforward way. It extends the anti-torture statute to apply, without exception, to acts committed outside the 50 States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

It may be that we should go further. Arguably, the anti-torture statute should be extended to apply anywhere in the world—both inside and outside the United States. I would welcome the views of the Department of Justice on this question. In the meantime, there are other Federal statutes that prohibit violence or excessive force by those acting under color of law within our borders.

Torture is one of the most serious crimes imaginable. I can think of no reason why the Federal Government should create safe havens for torturers anywhere in the world. To the contrary, we should use every means available to track them down and bring them to justice. The language that I have proposed, and that the Senate has accepted, will assist the Justice Department in doing just that.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment.

The amendment (No. 3372) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I rise to thank Chairman WARNER and Ranking Member LEVIN for their acceptance of a very important amendment last evening that was offered by me along with Senators SMITH, CORZINE, KENNEDY, and AKAKA to clarify the important role that the Department of Defense Vaccine Healthcare Centers Network plays in increasing training and competency in understanding vaccine associated adverse events, their diagnosis, treatment and medical exemption management.

My amendment, No. 3392, expands upon the language that originally created the Vaccine Healthcare Centers, or VHCs, in 2001, to better reflect their current function and mission, and recognize the growing importance the Network will play in the future with the recent passage of the BioShield Act.

As one example, the original language referenced only the anthrax vaccine program but the VHCs have played a fundamental role in developing and

testing the DoD Smallpox Vaccine Program with clinical and research follow-up. These functions should be reflected in the authorization of the VHCs and the Bingaman-Smith-Corzine-Kennedy-Akaka amendment does that.

Mr. President, Congress created the Vaccine Healthcare Centers, VHC, Network as part of the National Defense Authorization Act of 2001, but focused the VHCs on establishing "a system for monitoring adverse events of members of the armed forces to the anthrax vaccine."

The Vaccine Healthcare Center at Walter Reed Army Medical Center was created in 2001 to respond to that congressional requirement. Subsequently, with the creation of three additional regional centers at Naval Medical Center Portsmouth in Virginia, Womack Army Medical Center in North Carolina, and Wilford Hall Medical Center at Lackland Air Force Base in Texas, the VHC Network today provides educational and clinical support services that are available to 2.4 million Active Duty and Reserve servicemembers and over 6 million family members for all immunizations—not just the anthrax vaccine.

The importance of the VHCs to both servicemembers and the military cannot be understated. The VHCs, particularly the one at Walter Reed Army Medical Center, has established itself as an unbiased, objective source of clinical vaccine-related information to servicemembers, providers, the military and Congress, which is rather a remarkable accomplishment.

In fact, there are strong feelings with respect to the anthrax and smallpox vaccines, and it is no secret that I have grave concerns with the military's policies with respect to the mandatory nature of those vaccines at this time. However, regardless of how you feel about the policy, few would disagree that the VHCs have provided a strong scientific, and unbiased clinical perspective that all sides respect and appreciate.

As the Armed Forces Epidemiological Board, or AFEB, found in a report it published on April 14, 2004, "The VHC Network has become an integral component of the referral and consultation services available on vaccine adverse event issues for the DoD and can play an important role in the study and evaluation of cases or clusters of possible rare vaccine-induced adverse events."

Furthermore, in testimony before the House Armed Services Committee on February 25, 2004, Dr. William Winkenwerder, Jr., Assistant Secretary for Defense Health Affairs stated, "And we are delighted to say we now have on-site in the Vaccine Healthcare Center Network, a network of specialty clinics to provide the best possible care in rare situations where serious adverse events follow vaccination. In all our vaccination efforts, we focus on keeping individual service members healthy, so they can return home safely to their families and loved ones.

Although I do not always agree with Dr. Winkenwerder on force protection policy, I do on the importance of the Vaccine Healthcare Centers Network. My amendment with Senators SMITH, CORZINE, KENNEDY, and AKAKA updates and recognizes the importance of the VHCs to our Nation's servicemembers.

The original stated purpose of the language in 2001 was narrowly focused on the creation of a DoD Center of Excellence treatment faculty focused on providing treatment and follow-up as part of a system of monitoring adverse events of servicemembers for the anthrax vaccine. In fulfilling that original mission, DoD found that the VHC Network was needed to improve vaccine safety and efficacy for all vaccines, and not just limited to the anthrax vaccine.

To achieve this purpose, VHCs provide education, expert consultations and problem resolution, medical exemption management, disability assessments, and clinical research. These functions are not adequately recognized in the current DoD authorization language and my amendment reflects these expanded roles on behalf of our Nation's servicemembers.

In fact, during fiscal year 2003 alone, the VHCs responded to over 160,000 contacts and provided case management for over 600 complicated vaccine-related cases for servicemembers. Moreover, just 4 days ago, the Chicago Tribune reported that a study by a researcher at Walter Reed Army Medical Center in conjunction with the Vaccine Healthcare Center there has conducted research that indicates "military personnel inoculated against smallpox face a seven to eight times greater risk of heart inflammation" than those who had never been vaccinated.

The study finds that, since the smallpox vaccination program was resumed in 2002, 615,000 servicemembers have been inoculated and that there have been 77 confirmed or suspected cases of heart inflammation, including at least one in my state.

As exemplified by the myopericarditis issue with smallpox vaccine, the VHCs also provide a place to identify uncommon adverse events and help provide early recognition and interdiction which drives policy changes in real time to protect the health and well-being of our Nation's military personnel.

Mr. President, vaccines are a prescription drug and, like any prescription drug, carry risk and side effects. We, as a Nation, cannot ask our servicemembers to continue with a vaccination policy and not recognize this critical fact. The VHC Network serves everybody by providing objective clinical education, services, and research into these matters that better inform all parties, including policymakers, of both the risk and benefits vaccines carry. Moreover, the Network serves to minimize those risks as best as they can.

Army Surgeon General, Lt. General James Peake, urged repeatedly in a

memorandum dated February 10, 2004, to commanders and regional medical commands that clinicians utilize the VHC Network resources, while noting the "U.S. Army lost a valuable Soldier, Rachel Lacy, in April 2003, a month after receiving five vaccinations during mobilization."

Unfortunately, this critical resource could have been lost or severely limited without the passage of our amendment. That would be unacceptable, particularly in light of the high praise from Dr. Winkenwerder, Lt. Gen. James Peake and the Armed Forces Epidemiological Board for the critical work VHCs perform. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the memorandum from Dr. Peake.

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

(See exhibit 1)

Mr. BINGAMAN. And finally, as the use of passive immune globulin and other immune modulators increases, complex interactions and expert evaluation of adverse events will be needed more than ever in support of both our Nation's servicemembers and to guide both military readiness and homeland defense policy. The VHCs are a critical component in that endeavor.

So again, I thank the managers of the bill, Chairman WARNER and Ranking Member LEVIN, for agreeing to the Bingaman-Smith-Corzine-Kennedy-Akaka amendment to appropriately reflect and confirm congressional support for the activities undertaken by the VHC Network, as their role is critical to the health and well-being of our Nation's servicemembers.

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

(EXHIBIT 1.)

DEPARTMENT OF THE ARMY, HEAD-  
QUARTERS, UNITED STATES ARMY  
MEDICAL COMMAND,

Fort Sam Houston, TX, February 10, 2004.

Memorandum for Commanders, Regional  
Medical Commands

Subject: Learning from Adverse Events After  
Vaccination—Action Memorandum.

1. Immunization is one of the most valuable tools available to keep Soldiers healthy. The overwhelming majority of immunizations are followed by mild symptoms, such as soreness at the injection site; severe adverse reactions are extremely rare. Unfortunately, the U.S. Army lost a valuable Soldier in April 2003, a month after receiving five vaccinations during mobilization. Although the evidence was inconclusive, medical experts determined that vaccination may have contributed to her death (Tab A). Additional information about the case is available at [www.vaccines.mil/panelreport.asp](http://www.vaccines.mil/panelreport.asp).

2. Please relay this message to clinicians in your command, noting these key points: Remind vaccinees to seek medical care if they experience medical problems, or they can call the DoD Vaccine Clinical Call Center at 866-210-6469; Remind clinicians to take a vaccination history during patient assessments. Be particularly alert in post-vaccination cases of fever, chest symptoms (e.g., dyspnea, chest pain), or clinical findings such as pleural or pericardial inflammation;

In conditions not responding to antibiotics, consider the possibility of autoimmune disease and appropriate treatments for such conditions; Seek specialty consultation as clinically appropriate. Consider the unique consultation resources within the Vaccine Healthcare Center (VHC) Network ([www.vhinfo.org](http://www.vhinfo.org), 202-782-0411 (DSN: 662); [askVHC@na.amedd.army.mil](mailto:askVHC@na.amedd.army.mil)); Continue to report adverse events after vaccination to the Vaccine Adverse Events Reporting System (VAERS, [www.vaers.org](http://www.vaers.org)); Continue to follow guidelines for managing adverse events after vaccination ([www.vaccines.mil/pdf/cpguidelines.pdf](http://www.vaccines.mil/pdf/cpguidelines.pdf)). Note there are new guidelines for the evaluation and treatment of myocarditis after smallpox vaccination; Grant medical exemptions when clinically appropriate. When needed, use consultation services for a second opinion (e.g., Vaccine Healthcare Center Network);

3. For more vaccine resources, take advantage of the experts at the Vaccine Healthcare Center Network ([www.vhinfo.org](http://www.vhinfo.org)) and the Military Vaccine Agency ([www.vaccines.mil](http://www.vaccines.mil)).

4. My points of contact for this action are COL John Grabenstein at 703-681-5101 and COL Renata Engler at 202-782-0411.

JAMES B. PEAKE,

*Lieutenant General, Commanding.*

Mr. HARKIN. Mr. President, I thank the managers of the Department of Defense authorization bill, Senators WARNER and LEVIN, for their assistance earlier this week in adopting an important amendment. I offered the amendment, now a provision of this bill, to express the sense of the Senate concerning programming on American Forces Radio and Television Service, AFRTS.

As my colleagues know, for American service members and their families stationed in more than 177 countries and U.S. territories around the world, as well as for DOD civilians and their families, AFRTS is intended to broadcast a "touch of home" by providing programming that reflects a cross section of what is widely available to stateside audiences. According to the AFRTS website, its programming is meant to "represent what is seen and heard in the United States."

I support AFRTS in its mission. Making U.S. entertainment and news programming available to American service members wherever they are located is important for their morale and to keep them informed. I believe the fiscal year 2004 funding level of \$47 million for AFRTS is justified.

Several weeks ago, however, it came to my attention that the programming on one AFRTS service—its "uninterrupted voice," or talk radio, service—has what I consider to be a political bias in its social and political commentary.

For the information of my colleagues, the radio broadcast component of AFRTS, which is American Forces Radio, consists of 13 channels, or "services." Seven of these radio services focus on music, with news briefs at the top of every hour. Two are continuous news information services. One service broadcasts National Public Radio 24 hours a day, 7 days a week. Two services are continuous sports talk. The final service is what the network calls

uninterrupted voice service, or talk radio service.

Based on conversations between my staff and personnel at AFRTS, I believe the bias that exists in the social and political commentary portions of this talk radio service is not intentional. I commend the openness of American Forces Radio officials in the dialogue we have now begun on this topic. But in my view the bias in this programming is real.

Public criticism of American Forces Radio content has focused on the fact that Rush Limbaugh's commentary is carried daily on the talk radio service. I generally do not agree with Rush Limbaugh's commentaries. But I do not object to the fact that they are run on a daily basis on this service. Some people do object. However, what I do take issue with is the fact that there is no commentary on the service that would even begin to balance the extreme right-wing views that Rush Limbaugh routinely expresses on his program.

Critics have specifically cited Rush Limbaugh's use of his show to condone and trivialize the abuse of Iraqi prisoners by U.S. guards at the Abu Ghraib prison in Iraq. As many of my colleagues know, and as has been pointed out previously here on the Senate floor, Mr. Limbaugh reportedly likened the abuse of Iraqi prisoners by U.S. guards at Abu Ghraib to a fraternity initiation. He called some of the abusive tactics a "brilliant maneuver." I think the critics are right. Limbaugh's remarks—and there are many more offensive remarks by Mr. Limbaugh on this topic than I have mentioned here—are repugnant. They do damage to the American image when they are heard around the world. I would guess that Limbaugh's comments on Abu Ghraib also probably offend a large majority of American service members.

Still, I am not calling for American Forces Radio to pull Rush Limbaugh's commentaries from their talk radio service. I am asking, and I am pleased that the Senate is now on record asking, that AFRTS meet its own mandate, as generally articulated in Department of Defense Regulation 5120.20R. That regulation calls for AFRTS political programming that is "characterized by its fairness and balance," as well as news programming guided by a "principle of fairness" that requires "reasonable opportunities for the presentation of conflicting views on important controversial public issues."

Liberals, moderates and independents contribute to funding for American Forces Radio through payment of their taxes, just like conservatives do. There is no reason that American service members should receive lengthy right-wing commentaries with regularity on American Forces Radio's talk service, without some balance from competing views as part of that same service. For the good of its listeners, and to meet its own mandate, American Forces

Radio needs to make a greater effort to give a balanced, fair representation of varying political viewpoints on its talk radio service.

In conversations with my staff, individuals at AFRTS have said that their programming of Rush Limbaugh on the talk service is driven strictly by national ratings here in the States. That was not the position taken by a DOD official on CNN earlier this month, however. According to news coverage posted on CNN.com, Deputy Assistant Secretary of Defense Allison Barber has said that the appropriateness of content is a factor in deciding what commentaries are broadcast on American Forces Radio.

I agree with the Deputy Assistant Secretary's statement. Content is a factor in deciding which commentaries to run on American Forces Radio. At the same time, I also agree with stated AFRTS policy. There should be fairness and balance in political programming on American Forces Radio.

My amendment in no way prescribes specific content or programming at AFRTS. That is not the role of the Senate. What my amendment does do, appropriately, is state that it is the sense of the Senate that the Secretary of Defense should ensure that AFRTS policies of fairness and balance are being fully implemented. The amendment calls on the Secretary to develop appropriate methods of oversight in this regard. I look forward to working with the Department and others to see that AFRTS meets these proper goals.

Mr. JEFFORDS. Mr. President, I rise to express my strong support for the amendment adopted yesterday to the Department of Defense authorization bill that would strengthen Federal hate crime laws.

This amendment would strengthen Federal hate crimes law in two important ways. First, it would remove the requirement that the victim be engaged in a federally protected activity when the crime occurs. This change will make it easier for hate crimes to be prosecuted and local officials to be assisted when the hate crime is based on race, religion, or national origin. Second, the current statute is expanded to cover hate crimes based on gender, sexual orientation, and disability.

Since the Federal Bureau of Investigation began to track hate crimes in 1991, the incidents of hate crimes based on sexual orientation have more than tripled. If the changes to the Federal hate crimes statute incorporated in this amendment are enacted, it will allow the Federal government to prosecute these crimes and assist local law enforcement officials in dealing with these violent hate crimes.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Many States, including my own State of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor.

An important principle of the amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these same crimes.

The adoption of this amendment by the Senate is an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and I call upon the conferees to retain this important provision during the conference on this legislation.

Mr. LEVIN. I will ask unanimous consent the resolution relative to the Detroit Pistons victory be introduced in 1 minute, but first I ask unanimous consent that I temporarily turn the floor over to Senator BIDEN. Then I will introduce this unanimous consent resolution, Senator STABENOW will be recognized for 5 minutes, I will be recognized for 5 minutes, and then Senator MILLER will be recognized for 8 minutes after that.

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

The Senator from Delaware.

#### A TRIBUTE TO BETTY STRONG: THE POLITICS OF DECENCY

Mr. BIDEN. Mr. President, I rise today to pay tribute to an incredible woman. There are a number of benefits that flow, as my friend, the Presiding Officer, knows, even from failed Presidential efforts seeking to get the nomination as he and I have both done. We meet some extraordinary people who put their lives on hold for you because they believe in what you are trying to do. There was such a woman who just passed away in Iowa, in Sioux City. Her name is Betty Strong.

Theodore Roosevelt said:

The most practical politics is the politics of decency.

There was none more practical or more decent than Betty Strong, the matriarch of the Democratic politics of Iowa. She was a wonderful woman whose friendship and memory I will always cherish and whose friendship with her husband I still cherish.

Anyone who knows Iowa politics—and I know the Presiding Officer knows Iowa politics at least from the Republican side of the effort—knows the name Betty Strong. Senator HARKIN and I have been reminiscing all day with wonderful stories we have about her. Time will not permit me to speak to all of these, but she was a master political craftsman. She understood grassroots organizational politics better than anyone. She was a community leader in the best sense of the word. She brought people together around the process and around the issues.

She was a woman of uncanny insight and extraordinary good sense, basic honest judgment, and something that seems altogether too uncommon these days: a depth of good will, unmatched by anyone I have met in politics.

We can find thousands of examples of strong, tough-minded, powerful women

in our history who have left their mark, big and small, on our lives, from Helen Keller to Eleanor Roosevelt. All of them inspired a Nation. All of them gave us hope. But few have had as much of a personal impact as Betty Strong of Iowa, who just followed her heart, got involved, did what she wanted to do, and did what she believed was right for the community.

She was tough, strong, and smart. She started in politics in the early 1950s at a time when back rooms were still smoke filled and the sound of a woman's voice was a cause for heads to turn. I can only imagine that Betty did not hesitate to cut through that smoke and speak her mind, even back in the 1950s, and when she did, I imagine she caused those old party bosses to turn their heads on more than one occasion. When she spoke, everyone listened. I know I did.

Margaret Thatcher said:

Success is having a flair for the thing that you are doing, and knowing that it is not enough, you have to work hard and have a sense of purpose.

Betty was a success because she worked as hard as anyone I have ever had the pleasure to work with and she had a powerful sense of purpose. She absolutely loved politics as much as she absolutely loved Iowa. She loved the process, and everyone respected her for that.

She was a rare woman who had the depth of an abiding commitment to the rough and tumble of organizational door-to-door politics. Boy, did she know how to work a room. You had to see her work. She could read people. She had, as my mother would say, the sixth sense about how to persuade and bring people to her side, how to convince them she was right. She was, indeed, a very persuasive woman. There was no doubt that when you were with her, you wanted to be on her side.

But I don't think winning was Betty's real goal. It was not what drove her. I think she cared deeply about the fact that people need to be engaged and they contribute to making things better, they find a cause and take a side, they fight for what is in their heart and their gut, and they move the system in the right direction.

For Betty Strong, it was community that mattered most. It was the democratic process she cared about, and she believed that it worked best when you have maximum participation.

That is not to say that she did not have a deeply held set of values and beliefs that drove her politics; she did.

First and foremost, she was a Democrat—a Democrat Democrat, as the folks in Alabama used to say: a Yellow Dog Democrat. She had the hash marks and battle scars of more than 40 years of engagement to prove it.

If I had to categorize her politics, I would say she was an old-fashioned but practical FDR Democrat, an accomplished activist who fought on behalf of organized labor and through the Central Labor Council for the basic dignity of American workers.

I remember how she welcomed my wife Jill and me to her home as she welcomed a host of Democratic candidates over the years. And she did not hesitate to make her opinions known. She did not hesitate to share her love and affection with you.

But partisanship is not a word I think of when I remember Betty Strong. The word I think of is "democracy." To watch her in action was to understand what Teddy Roosevelt meant when he said, "the politics of decency." She was a decent person, as decent as any I have ever met in my public life. She was as engaged as she was engaging, as warm as she was tough, and as wise as she was shrewd.

To see her build a coalition, to watch her rally support, was to realize that all she wanted to do was bring the best out in people.

I first met her in 1987. I stayed in contact with her over the entire time until her death. She was a friend of mine, a friend of Senator HARKIN's, and a friend of many of us here.

I only wish we had more like her in both parties. You have them in your party, as I have them in mine. And, God, they are beloved. They are beloved people. But it seems like the generation is passing of the people who made the commitment she made.

She knew all politics was local, but she also knew local politics made up what this Nation is. She was a nation builder. She was a great woman. I miss her. Our sympathies to Darrell and her family.

I thank the Chair and I thank my colleagues for their graciousness. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### HONORING THE DETROIT PISTONS ON WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 380, submitted earlier today by myself and Senator STABENOW.

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

The legislative clerk read as follows:

A resolution (S. Res. 380) honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator STABENOW be recognized for her approximately 5-minute statement, and that I then be recognized for my statement.

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

The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Michigan.