

skill in close combat and small unit tactics. Colonel Walker was highly regarded for his tactical and leadership skills. His decorations included two Silver Stars, the Purple Heart, a Presidential Unit Citation, a Navy Unit Commendation and the Legion of Merit.

A devoted military historian, he published two books and numerous articles, many on the Revolutionary War. His book, "So Few the Brave," is the definitive history of the Rhode Island regiments in the Revolution.

Colonel Walker served as president of Middletown Little League and was a volunteer for the Sachuest Point Wildlife Sanctuary. He was a member of the Sons of the American Revolution, the Marine Corps Heritage Foundation, and the Middletown Historical Society.

Colonel Walker leaves behind Judith Walker, his wife of 57 years, three sons, William W. Walker of Winston-Salem, NC, Daniel A. Walker of Hartford, CT, and Lt. Col. Andrew D. Walker, USMC, retired, of Poolesville, MD; and six grandchildren.

Colonel Walker was a man of integrity and honesty, a leader respected and loved by his family, friends, colleagues and military alumni in the Newport area. He will truly be missed.

#### CWO DAVID H. GARDNER JR.

Mr. GRASSLEY. Mr. President, I rise today to honor CWO David H. Gardner Jr., an Iowa native who was killed when his UH-60 Black Hawk helicopter went down near Fort Hood in Texas. A 1991 graduate of Mason City High School in Mason City, IA, David Gardner served as a helicopter pilot assigned to the 4th Infantry Division's A Company, 2nd Battalion, 4th Aviation Regiment. He had previously served in the Iowa National Guard before going on active duty in the 1990s. From October of 2003 until the following April, Chief Warrant Officer Gardner served his country in Iraq.

I ask my colleagues in the Senate and all Americans to join me today in paying tribute to Chief Warrant Officer Gardner. My deepest sympathy goes out to his friends and family, and particularly the 7-year-old daughter he leaves behind. It is my hope that she grows up knowing of the tremendous sacrifice her father made for his country and the deep appreciation America has for him. Chief Warrant Officer Gardner will always be honored as a hero who gave his life for his country, and he will be greatly missed.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of a letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC, November 19, 2004.

Hon. BILL FRIST,

Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Department of Defense takes great pride in its longstanding

and rich tradition of support to the Boy Scouts of America. Accordingly, the Department of Defense supports the proposed Concurrent Resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Sincerely,

DONALD RUMSFELD.

#### GEORGIA AND THE TRUTH ABOUT SOUTH OSETIA

Mr. KYL. Mr. President, I rise today to talk about the republic of Georgia, America's ally in the war on terror and partner in Iraq.

I am not sure if you are aware of this, but the republic of Georgia has dispatched 150 of its troops to participate in the coalition that liberated Iraq and is now assisting in the rebuilding of that country. Last month, the Georgian government announced that it would nearly quintuple its number of forces in Iraq.

In recent weeks, much has been heard and seen of the political crisis in Ukraine. A little more than 1 year ago, a similar crisis befell Georgia following its November presidential election. As with Ukraine, the election results appeared rigged in favor of the ruling party candidate.

As we all know, the people of Georgia, through a group of brave, young reformers, patriots, and democrats, brought about historic political change in that country. Known now as the Rose Revolution, the forces of democracy, led by Mikhail Saakashvili, prevailed in Georgia and forced then-President Eduard Shevardnadze to resign. During the past year, President Saakashvili's government has dramatically reformed the Georgian government, instituting far-reaching political, economic, and legal reforms. And, just last month, the U.S. Senate passed S. Res. 472 honoring the 1-year anniversary of the Rose Revolution and recognizing the achievements the Georgian government has made in democratizing that country.

I would like to focus the remainder of my remarks on a small region in the republic of Georgia called South Ossetia, a place I'm sure relatively few Americans have heard of. But the potential for violence in this region was highlighted by the vicious terrorist attack in September of this year against a school in North Ossetia—in Beslan, Russia, just over the border from Georgian South Ossetia.

In 1991, the Soviet Union dissolved and many republics gained independence, including Georgia. But almost since the beginning, some in Russia did not accept the end of the Soviet empire. Russian overt and covert pressure worked to undermine the new-found sovereignty among bordering countries. No former republic was subject to more pressure than Georgia. Russia refused to withdraw its troops—a refusal that continues even today, some 13

years after the collapse of the Soviet Union.

In South Ossetia (in north central Georgia), as well as in Abkhazia (in western Georgia), disputes broke out shortly after independence. In both South Ossetia and Abkhazia, Russian forces aided ethnic separatists as a way to weaken Georgia. They sent arms, money, "volunteers" and military advisers. In South Ossetia, Russian President Boris Yeltsin negotiated a ceasefire in 1992 and forced Georgia to accept Russian and North Ossetian "peacekeepers." In 1994, the Conference on Security and Cooperation in Europe (now the Organization on Security and Cooperation in Europe or OSCE) took responsibility for diplomatic efforts and monitoring in South Ossetia with the full support of the Georgian government. In 1999, the OSCE added monitoring of the Chechen-Georgian border, and later the Ingush and Dagestani portions of the Georgian border.

For 10 years following the OSCE's involvement in South Ossetia, several things happened. First, it became clear that the OSCE was unwilling or unable to take effective measures to resolve the separatist conflict—chiefly because Russia has a veto in the OSCE. The "peacekeeping" force has the Georgians outnumbered and out-gunned by South Ossetians, North Ossetians, and Russians. Any effort to expand the OSCE beyond its limited monitoring role or limited geographical area is opposed by Russia. The OSCE mission is unable to monitor Russian violations of Georgian airspace and only rarely uncovers illegal arms shipments. While individuals working in the OSCE mission perform admirably under difficult conditions, the unavoidable fact remains: the OSCE mission in Georgia is deeply and structurally flawed.

The second major development was in the economy of South Ossetia. Deeply isolated from the rest of Georgia but having a land link to the Russian Federation, South Ossetia became a giant smuggler's market—in effect criminalizing its entire economy. Cigarettes, alcohol, drugs, arms, and foodstuffs all came in duty-and-tax free. A massive open-air black market operated with impunity in Tskhinvali, the provincial capital of South Ossetia. Profit from the contraband smuggling and sale was distributed among Russian border guards, Russian military officers, and corrupt South Ossetian officials. Some foreign diplomats even suggested this smugglers paradise was positive because it provided employment and low-cost goods.

Earlier this summer, Georgian President Saakashvili decided the long-festering status quo was unacceptable—as it would be to the head of state of any democracy. What leader could tolerate separatists armed and sustained by a foreign power, the same foreign power that refuses to withdraw its own illegally stationed troops? What leader could tolerate a massive contraband market supplied directly from Russian

territory and operating under the noses of international monitors? What leader could tolerate threats against ethnic Georgians in South Ossetia while foreign “volunteers” from Kuban, Abkhazia and Trans-Dniester arrived to fight Georgians—as happened in July 2004? What leader could tolerate separatists whose loyalty is to a foreign country and whose closest connections are with the intelligence services and criminal mafias of that country?

It should surprise no one that President Saakashvili began to take steps for the peaceful reincorporation of South Ossetia into Georgia. It should surprise no one that the Russian media portrayed President Saakashvili as rash, reckless, and irresponsible for his efforts. Surprisingly, Russian propaganda was picked up by some in the western media who portrayed democratically elected President Saakashvili's efforts toward national integration as impulsive or erratic. They were not. They were a legitimate effort to reach a peaceful resolution in accordance with international law.

In July, South Ossetian forces captured Georgian policemen operating legally in Georgian territory. The Georgian police were disarmed, detained, and paraded in a deliberately humiliating fashion—made to kneel in the town square before Ossetian women while TV cameras filmed everything. Yet, Georgia did not retaliate. In July, Georgian forces intercepted an illegal shipment of air-to-ground missiles for helicopters. The Russians claimed they were for their “peacekeepers” who didn't even have helicopters—a claim so dubious as to be ludicrous. Yet, the Georgians promptly offered to return the missiles to the Russians.

Despite relentless provocations, Georgia continues to search for a peaceful political solution. President Saakashvili has offered far-reaching autonomy status for South Ossetia, including complete freedom to use the Ossetian language—the issue that originally sparked conflict in 1991. Georgia has continually tried to expand the mandate and mission of the OSCE, including monitoring of the vital road link at the Roki tunnel between Georgia and Russia. Russia blocks any expansion, and the OSCE remains paralyzed.

This is where things stand today. On one side is a democratic ally of the United States backed by international law. On the other side is a criminal regime sustained by Russians who have not reconciled themselves to the loss of the Soviet Empire. The United States needs to do more to help our Georgian friends. We should work with the European Union on a joint diplomatic approach so that democratic Georgia is not outnumbered and to avoid the ever-present Russian veto. In the OSCE and the U.N., we should push for expanded monitoring and for genuine peacekeeping forces independent of Russian military and intelligence forces. If this draws a Russian veto, let Russia ex-

plain its veto. In the wake of appropriate sympathy for all the Russian victims of separatist terrorism, we should force Russia to explain and justify its continued support for separatists in Georgia. We must also be clear about the ultimate outcome. There will be no independence and there will be no incorporation into Russia for South Ossetia. The only solution for South Ossetia is within a sovereign Georgia.

Finally, the U.S. should increase our assistance to Georgia, especially our military assistance. The Georgia Train and Equip Program, GTEP, was very successful in improving Georgian capabilities so that terrorists in Georgia's Pankisi Gorge were killed, apprehended, or forced out. Unfortunately, GTEP was halted after the training of one battalion. GTEP should be reinstated to further increase Georgian capabilities. A strong Georgia is the best guarantee of deterring Russian or South Ossetian military action. A strong and secure Georgia is the best guarantee for the patience required for a multilateral diplomatic solution. And a strong and secure Georgia is in America's interest. Despite all the problems Georgia faces internally and externally, they have deployed troops to fight at our side in Afghanistan and in Iraq. Georgia is a steadfast ally in the war on terror.

#### THANKING BOB KENNEY AND WISHING HIM WELL

Mr. LAUTENBERG. Mr. President, I rise today to thank Robert (“Bob”) Kenney, a lawyer with the Environmental Protection Agency, EPA, for his significant contributions to my office this year as a Brookings Legislative fellow. We will miss his contributions, experience and knowledge, but it is heartening to know that EPA's rank and file includes dedicated and capable civil servants like Bob.

Bob has worked at EPA for over 30 years implementing our clean air, clean water, and toxics laws. This is Bob's second year as a fellow in the Senate. In 1990, he helped draft parts of the Clean Air Act Amendments, the Oil Pollution Act, and Clean Water Act. He will return later this month to his role as senior counsel at EPA, and I hope his experience in the Senate this year proves helpful to him in his future endeavors.

I would like to mention some of the specific contributions Bob made to my office and to our country. Bob took the lead in developing legislation I am introducing today to amend the Oil Pollution Act. Two weeks ago, my home State of New Jersey suffered a devastating oil spill in the Delaware River. The consequences for our natural resources and economy will take some time to assess, but it is clear they will be substantial. In response to that spill and to provide incentives to shippers to shift to safer double-hull vessels faster, the Oil Spill Liability Act of 2004 would phase out the liabil-

ity cap for single-hull tankers. The bill would double the liability limits for double-hull vessels and facilities since those limits have not changed since they were established 14 years ago. I thank Bob for his hard work on this important bill.

Bob also took the lead on the brownfields tax provision that was successfully added to the JOBS bill which became law this year, Public Law 108-357. We all have so-called brownfields in our States—the long-abandoned manufacturing facilities—and we know how important it is to get these properties cleaned up and put back productive use. My amendment provides developers interested in brownfields with greater access to capital—alleviating what developers say is their number one problem when it comes to investing in these properties and sites. It does this by exempting funds which originate with tax-exempt entities, such as pension funds and university endowments, from being subject to the “unrelated business income tax” or UBIT, when those funds are used to clean up and re-sell large brownfield properties. This provision will give developers access to up to \$7 trillion in assets. It represents a tremendous opportunity, potentially, for new jobs and a cleaner environment.

Based on Bob's research and recommendation, I worked to ensure that fiscal year 2005 funding to control the Asian longhorned beetle, ALB, ended up being more than triple the President's budget request. The ALB is a wood-boring insect native to China and Korea that has invaded New York, Illinois, and New Jersey via shipping containers. The beetle kills a wide variety of hardwood trees, but has a preference for sugar maples. In New Jersey, this insect's lethal damage to our forests is spreading, and these extra funds will help to combat that destruction.

I also thank Bob for his work on the New Jersey Coastal Heritage Trail, a Coastal Restoration bill, a bill to protect captive exotic animals, and many other projects. It has not been an easy year to promote, what I believe, are common sense environmental protections and initiatives, so we did not achieve all the successes we had hoped for during the year. But Bob's impact will last far beyond his stay here in the Senate.

It has become fashionable in some quarters to bash Government employees. This is unfortunate and unfair. I have to say that since I became a United States Senator, I have been impressed by the hard work and professionalism of the public servants I have encountered. Bob is no exception. He has tremendous expertise, he is diligent, and he obviously cares for our country. I appreciate his service during the past year he has been a member of my staff, more importantly, I appreciate an entire career spent in selfless service to our Nation. I extend my best wishes to Bob as he returns to EPA and resumes his career there.