

for, children with disabilities or special health care needs;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

“(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

“(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

“(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

“(C) With respect to fiscal year 2008, such centers shall be developed in all States.

“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”.

SEC. 5. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting “(aa)” after “(II)”;
(2) by striking “) and” and inserting “and”;

(3) by striking “section or who are” and inserting “(section), (bb) who are”; and

(4) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

The PRESIDING OFFICER. There is 5½ hours equally divided. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I direct a parliamentary inquiry to the Chair. Would the Chair describe at the outset of this debate the unanimous consent agreement and the allocation of 5½ hours of time?

The PRESIDING OFFICER. The 5½ hours for debate is equally divided between the chairman and the ranking member of the committee.

Mr. LUGAR. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LUGAR. Mr. President, today the Senate considers the nomination of Ambassador John Negroponte to be U.S. Ambassador to Iraq. This position will clearly be one of the most consequential ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel—1,000 Americans from as many as 15 different agencies of our Federal Government, and 700 Iraqis—but he will also be the focal point of international efforts to secure and reconstruct Iraq and to provide the developing Iraqi government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in the war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to redirect the Middle East toward a more productive and peaceful future beyond the grip of terrorist influences. Helping the Iraqi people achieve a secure, independent state is a vital United States national security priority that requires the highest level of national commitment. With so much at stake, I am pleased the President has nominated a veteran diplomat and manager to lead the American presence in Iraq.

Ambassador John Negroponte has served as U.S. Ambassador to Honduras, to Mexico, and to the Philippines. He has also served as an Assistant Secretary of State and Deputy Assistant for National Security Affairs under President Ronald Reagan. He has been the U.S. Ambassador to the United Nations since September 18, 2001, 7 days after the September 11 attacks. The contacts and credibility he has developed at the United Nations will be invaluable.

If we are to be successful in Iraq, the United Nations and the international community must play a more central role. The United Nations’ involvement can help us generate greater international participation, improve the po-

litical legitimacy of the interim Iraqi government, and take the American face off of the occupation of Iraq. The appointment of an ambassador who occupies such a high and visible post underscores for our coalition partners and the Iraqis that the American commitment to Iraq is strong and we mean to succeed.

In April, the Foreign Relations Committee held three hearings to examine whether American and Iraqi authorities are ready for the transition to Iraqi sovereignty on June 30. These hearings greatly advanced our understanding of the situation in Iraq and answered many questions. We will hold additional hearings this month to monitor developments and to illuminate for the American people the challenges and responsibility we face in Iraq.

The President and other leaders, including Members of Congress, must communicate with the American people about our plan in Iraq. American lives will continue to be at risk in Iraq, and substantial American resources will continue to be spent there for the foreseeable future. I am convinced that the confidence and commitment demonstrated by the pronouncement of a flexible but detailed plan for Iraq is necessary for our success, and such a plan would prove to our allies and to Iraqis that we have a strategy and we are committed to making it work. If we cannot provide this clarity, we risk the loss of support of the American people, the loss of potential contributions from our allies, and the disillusionment of Iraqis.

During Foreign Relations Committee hearings, I posed six detailed questions as a way of fleshing out a plan for Iraq. Answers to these questions would constitute a coherent transition strategy.

We discussed issues surrounding Ambassador Brahimi’s efforts, the status of American Armed Forces in Iraq after the transition, the role of the U.N. Security Council resolutions, plans for elections, the composition of the U.S. Embassy, efforts to provide security for its personnel, and how we intend to pay for the continued U.S. involvement in Iraq.

Under Secretary of State Mark Grossman testified about the reporting of engaging the interim Iraq government as soon as it is selected. We cannot simply turn on the lights in the Embassy on June 30 and expect everything to go well. We must be rehearsing with Iraqi authorities and our coalition partners on how decisionmaking and administrative power will be distributed and exercised.

It is critical, therefore, that Ambassador Negroponte and his team be in place at the earliest possible moment. For this reason, the Foreign Relations Committee made a bipartisan decision to take up Ambassador Negroponte’s nomination in an expedited fashion. Processing the diplomatic nomination often requires weeks and sometimes months from the time the President announces it. Through the diligent efforts of the State Department and our

own committee staff on both sides of the aisle, we accelerated the normal timetable to give Ambassador Negroponte and the administration a chance to stand up the U.S. Embassy in Iraq as soon as possible.

I thank Senator JOE BIDEN and all the members of the Foreign Relations Committee for their help in moving this nomination forward unanimously.

Ambassador Negroponte, with the support of his family, has made an extraordinary personal commitment to undertake this difficult assignment. Our Nation is fortunate that a leader of his stature and experience is willing to step forward. The Senate must do our part by supporting his efforts with the necessary attention and resources by allowing him to take his post as soon as possible.

I am grateful to the leaders on both sides of the aisle for allowing us to commence this debate this morning.

I add that Ambassador Negroponte's appearance before the Foreign Relations Committee—that led to a business meeting and the unanimous vote 19 to 0 on behalf of this nomination—was very important in terms of fleshing out the plan I mentioned in this comment.

We specifically asked Ambassador Negroponte questions regarding what could be very difficult conversations even within our own Government—specifically, a chain of command with the Ambassador, the Embassy, with the thousand Americans from 12 to 15 agencies, as submitted in Under Secretary Mark Grossman's testimony, that these people coordinate the chain of command responsible for security in Iraq, the chain of command going from the President of the United States as Commander in Chief through the Secretary of Defense and through the Pentagon, through General Abizaid and General Sanchez presently on the ground in command in Iraq. We asked specifically: What if there are disagreements or differences of judgment as to how the security functions ought to proceed, given political considerations, given international considerations that Ambassador Negroponte, if confirmed, would bring to the fore? These are issues that can only be worked out in the field. But it is important to raise the issues now.

Our current CPA Director, Ambassador Jerry Bremmer, understands this situation very specifically. He told me in a telephone conversation yesterday that he has been visiting with General Abizaid and General Sanchez specifically on these issues.

It is important for Ambassador Negroponte to be confirmed, to be a part of this conversation at the earliest possible moment.

Ambassador Negroponte responded to our questioning by pointing out that he will physically be in New York during many days of this month because of his responsibilities as our Ambassador to the U.N. and that is a very important and pivotal position in the Iraq planning.

Ambassador Negroponte returned, in fact, from our public hearing before the Foreign Relations Committee to the U.N. to consult with Ambassador Brahimi who was, in fact, making a presentation before the Security Council that very afternoon.

Ambassador Brahimi is now in Iraq. He is, once again, proceeding through consultation with Iraq authorities and others. He estimates around the 1st of June coming forward with those who have been suggested by all parties to be the interim government: Apparently, 29 persons, including a Prime Minister, a President, two Vice Presidents, 25 members of the consulting counsel.

It is very important, and we asked Ambassador Negroponte about this issue, that Ambassador Negroponte and those who he is going to have with him—he has mentioned a DCM, Mr. Jeffrey, probably onboard within the next 10 days in Baghdad—be in consultation with the 29 members, if they prove to be acceptable to the Iraqis and to other parties involved because, in addition to conversations between our Ambassador and the chain of command, there will need to be intensive consultation with the Iraqi leadership to which this measure of sovereignty is to be extended beginning July 1.

On security issues and likewise on political issues, Ambassador Negroponte understands the Iraqi officials will believe, correctly, that the governors of Iraq have Iraqi constituents, that on their part, as described in our hearing, there could be a certain amount of push-back from time to time by what they think are American measures or decisions that are not wise, in their judgment, for either the security or the politics or the economy of Iraq.

Accommodating these three channels of thought requires what I describe as a time for rehearsal during June. Before the curtain opens July 1, it is extremely important that all of these parties have had intensive conversations, because the success demands—at least of the Iraqi transition government, working with Ambassador Brahimi and other U.N. officials on the plans for elections now estimated to occur anytime from the end of December of this year to January of calendar 2005—those preparations go smoothly.

These elections are the basis that many Iraqis have suggested provide legitimacy for some Iraqis then to proceed to build a constitution and a structure for governance of the country while security is provided by Americans, by other coalition members, and increasingly, apparently by the Iraqis themselves, and as the vetting of those who were previously in the army takes place, the continuing training of police so not only numbers are increased but equally important the quality of service and, therefore, the possibility for a security situation that involves Iraqis and the expertise they may bring to that, well coordinated with the military figures we have onboard now.

In our hearing, we also raised with Ambassador Negroponte the probability of a U.N. Security Council resolution that brings some certainty to these arrangements I have been describing and does so at least in as timely a way as possible. Clearly, Ambassador Negroponte's current duties—he has worked with colleagues on the Security Council—will be very important in the careful drafting and execution of that resolution. He believes it is important, and so do members of our committee.

Likewise, we would like to see worked out, although this may not be possible, after July 1, the greatest possible certainty about the status of our forces and the forces of other foreign countries that are a part of the coalition in Iraq—that issue is not at all a certainty—and precisely who is competent, given the governance situation to give it is still an open question, but it is a question that must be resolved. That is why we have laid it on the table as a part of our confirmation proceeding with Ambassador Negroponte.

We have asked the Ambassador, likewise, about his enthusiasm for this post. I simply want to say, as I have in my earlier comments, we admire his ability to take hold on fairly short notice of such a momentous responsibility. He is a professional in every sense of the word, a man of great experience.

The committee was mindful from previous confirmation hearings on Ambassador Negroponte that questions have been raised about his tenure in Honduras. There have been, at the time of his U.N. confirmation, those questions and others, at least, that members had.

I mention this because this has not always been smooth sailing with regard to these confirmation proceedings, nor should it be. Our members take very seriously what happens in various countries during the tenure of Ambassadorships or what has been taking place at the United Nations during the current responsibilities of Ambassador Negroponte.

The committee also is mindful simply of the hazards, the dangers, the political and security difficulties, that will attend not only our Ambassador but all of our American personnel who may be proceeding to set up the largest embassy we have had in any country at any time, in a very short period of time, in which responsibilities have to be carefully defined.

I am pleased a great number of brave Americans have, in fact, stepped forward and volunteered for positions in the American Embassy complex, not only as a part of the State Department contingent, but from the other agencies that will be represented. That is the spirit with which Ambassador Negroponte approaches this responsibility. I find it not only admirable but very fulfilling to see and to witness this kind of responsiveness on his part.

Therefore, it is a privilege to commence this debate, indicating the nature of our hearing and the nature of other hearings we have had on Ambassador Negroponte in the past and our observation of his conduct and his achievements as an American public servant over the years. I believe the record is very complete on those achievements and on his qualifications. I am most hopeful during the course of the day our debate will do much to boost the prospects for his success and will lead to a favorable vote of confirmation for him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak to the Negroponte nomination. Let me begin where I end up: I think we owe Ambassador Negroponte and his wife Diana, quite frankly, a debt of gratitude. It takes political courage, physical courage, and moral courage to take on this assignment. I cannot think in my years in the Senate of a circumstance where we have placed an individual into a position where the degree of difficulty in accomplishing his mission has been as high and the stakes as profound as Ambassador Negroponte is being positioned now.

It is unusual, in all my years here of speaking to and voting on the Ambassadorships and positions of the State Department, for me to start off by thanking the nominee for being willing to take on this responsibility.

Although the circumstance we find ourselves in in Iraq, I think, is still redeemable, the degree of difficulty in accomplishing our mission has been made extraordinarily more difficult by the events of the past year and particularly by the revelations of the past several days.

Let me define at the outset once again—and I apologize to my friend and my chairman for having to hear me say this again and again and again and again and again—what I would consider to constitute success, what our mission is. For me—and I have said this from before we went in, and consistently since then—it is leaving the Iraqi people with a representative government of their choosing that is secure within its own borders and poses no threat to its neighbors and does not possess or seek to possess weapons of mass destruction or harbor terrorists. That is difficult but doable. It is my hope that if we are able to help the Iraqi people accomplish that, in time they could build political and economic institutions that we would recognize as a liberal democracy. But I want to make it clear what I believe the test of success or failure is.

Unfortunately, the Negroponte nomination has been swamped by the debate and the crisis we now face in Iraq and in the Middle East. So it is necessary to talk about the policy in Iraq more than about the personality of the individual we are about to put in place to carry out American policy.

As complicated as Iraq seems, in one sense it is fairly simple. We have three basic options as a nation. One, we can continue to try to seek the objective I have stated, or even a broader objective of liberal democratization on the western model as some in the administration state, by ourselves in the hope that more of the same of we have been prescribing will bring about success.

Or we can conclude—as some have in this body, although they have refrained from stating it; as some have in the American public, and they have stated it; and as some serious press people and political pundits and think-tank types have—that this is not doable, meaning the objective I stated, and that we should figure out how, as rapidly as possible, to leave Iraq before it implodes.

There is a third option, which seems to me the only rational option, notwithstanding the fact that the degree of difficulty has increased; and that is, we can get the Iraqi people more engaged and the world's major powers to help us invest in helping the Iraqi people accomplish the goal of self-government. Nothing, in my view, from this point on will be easy—nothing. Not a single aspect of this undertaking will be easy.

The chairman and I, from different perspectives, independently have been characterized as critics of administration policy. We both voted for this. We both, in differing degrees, but I think on balance in agreement, laid out—this is not 20/20 hindsight—how difficult we thought the task would be before we went in, and the predicates that should have been laid down to increase the prospects of success before we went in, and have independently, together and with others, from the moment we went in, met privately, publicly, within the committee and through our personal relationship, with administration officials and others, argued for a different approach or a ratcheting up of the effort in Iraq in a way that could and would allow for legitimacy for whatever government came forward and more security on the ground. Because security is a precondition, in my view, for getting the Iraqi people into a position where they are willing to take the risk—and there will be risk—of raising their heads in an effort to form a government that is not an Iranian model and not a strongman model.

This has been made more difficult by the fact that, in my view—speaking for myself only—we have squandered every opportunity since the statue of Saddam was pulled down by ropes. Since that moment we have squandered every major opportunity we have had to get this endeavor on the right track. I want to make clear for anyone who is listening that an incredibly large dose of humility is in order for anyone who stands and suggests that they know the answer in Iraq. I am not suggesting that I know with any degree of certainty whether the prescription that I and others laid out in detail in July,

August and September the year before we went to war, in innumerable speeches and presentations on the Senate floor and other places since we went to war, whether if had every single thing that I and others had suggested been done, I could guarantee the American public I am certain we would succeed.

This is an incredible undertaking. There has been no time in the history of the modern nation state where what we are attempting to do in that region of the world has succeeded.

As I said to Ambassador Bremer, when Mr. Talwar and I were there a few months after Saddam fell: “Mr. Ambassador, I want you to understand that I believe if the Lord Almighty came down and gave you the absolute correct answer to the first 20 major decisions you have to make, you still only have a 65 percent of getting this right.”

I want to make clear, I understand this is a difficult deal. I understand that mistakes would be made no matter who had been President, no matter who had been in charge. But I do think we put ourselves in a position where we started off this occupation having made three very fundamental mistakes that have to be corrected.

One, we can correct. I believe the administration significantly exaggerated the imminence of the threat posed by Saddam, thereby squandering an opportunity to build the international consensus we needed, not to win the war but secure the peace. Committee reports we wrote, Democrats and Republicans in the committee, repeatedly started off saying: We do not need international help to win the war, but it will be essential in winning the peace.

As a consequence of the exaggeration of the threat in terms of how imminent it was, we squandered the opportunity to isolate the French and the Germans, who I believe were taking advantage of President Bush's misstatements and/or mistakes—unfairly taking advantage. We lost and squandered the opportunity to isolate them and, as a consequence of that, at the same time to generate much broader international support so when we did go, there was a genuine coalition; that there was more legitimacy for the undertaking from the outset.

The second serious mistake we made is going in with too few forces, squandering the opportunity to wipe out the Republican Guard, to prevent looting and street crime, to secure nearly 1 million tons of weapons that are now being used against our troops that were left in open depots, to avoid a security vacuum that is now being filled by common criminals, insurgents and rogue militias, and outside “foreign fighters.” It was not as if this was not a topic of debate before we went. The way we treated and approached the Turks when we wanted the 4th ID to come through, the arrogance of suggesting that we didn't need that, we could still move anyway. What would be the status, I ask my friend from

Connecticut, of the Sunni triangle, had the 4th ID come down from the north through the Kurdish area into the triangle?

Can I guarantee it would have been crushed? No. Can I say with certainty we would be better off than we are now? Yes. We went with too little force, too little power.

That brings us to the third fundamental mistake we made—and I say this not to criticize but to set up what I think we have to do from this point on. If we can't determine individually or collectively what the mistakes were that put us in this position, how in the devil are we going to get to the right decision now, if there is one? The third fundamental mistake in getting this right was, we went in with too little legitimacy. Not only didn't we have the rest of the world with us, we decided for some reason unknown to me—and I don't want to bash anybody—that Ahmed Chalabi and the expatriates were the answer to legitimacy, and that initially General Garner, on the one hand, and Chalabi on the other, would move along very quickly.

As a consequence, we squandered the opportunity to generate wider support inside Iraq and in the Arab world and among the major powers.

Now I have to add to the list of serious mistakes that were made these horribly degrading abuses of jailed Iraqis that have made the problem exponentially worse. I don't pretend to be an expert on Islam. I don't pretend to be an expert in terms of the culture in the Arab world.

But I, like my chairman, have gone out and tried to hire for my staff serious experts. I have, as he has and my friend from Connecticut has and my friend from New Mexico has—we have, over the last couple of years, sought out the most informed voices in this country about Islam, about the Arab culture. I went so far, 2½ years or 3 years ago, as to go to Harvard and hire a professor whose expertise is Islam, because I was aware of how little I knew about the 1.2 billion Muslims in the world.

One of the fairly clear conclusions I have arrived at, which is no revelation to anyone, is that, as horrible as this sounds, we probably would have done less damage to our image and our legitimacy and our motive had the Iraqi prisoners been shot, like Saddam and other despots in that region do, than to have forced them, in some circumstances at least, to engage in degrading, sexually embarrassing, humiliating positions.

If I am not mistaken, a picture I saw in the paper today was of a naked Iraqi prisoner with a leash around his neck. There are certain things that certain cultures take on as a degree of gravity and depravity that don't occur in other communities.

So now these mistakes have complicated our mission and, I believe, genuinely jeopardized our objective: a stable Iraq, with a representative gov-

ernment that poses no threat to its neighbors, does not possess weapons of mass destruction, or cradle terrorists.

To find our way from here, it seems to me we have to go back to first principles. I think one of those first principles is that we cannot want freedom for the Iraqi people more than they want it. My premise has been—and it is beginning to evaporate—that the vast silent majority of Iraqis want freedom. They want a representative government, but they have been brutalized for three decades and they have learned to keep their heads down, not merely as a consequence of the despot who ruled them, but also because of a sense that the outside world won't stick with them. So they are keeping a pretty low profile. Consequently, the "insurgents" and others are the face of Iraq, in many cases right now.

The second part of the first principle is that we have to create a condition on the ground which will let them raise their heads above the crowd and begin to take charge of their own country. The most important condition, in my view—so you understand where I am coming from—the necessary precondition for that is security in the neighborhood, security in the streets, security so you can send your daughter from your home to the corner store to pick up sundries needed for the meal. That is the overwhelming majority of Iraqis, in the personal experience of all of us who have been there, as well as what the polling data shows.

So that raises a very difficult question: How could we create security or a condition for security? There is no single step, in my view, that we can take. There is a coordinated series of steps that would move us toward real security in Iraq for the purpose of letting the Iraqis begin to work out their own governmental circumstances. The first is very unpopular. As my Democratic friends here can tell you, when I raise it in the caucus, it is not very popular. One is more American troops now.

I have, as you have, surveyed not only the existing military force and generals, but I have been in contact recently with a total of seven former CENTCOM commanders, supreme allied commanders, and/or generals in charge of the distribution of our forces for the Joint Chiefs of Staff over the last several years. There is an absolutely common thread they all have. They have differences as to how many troops we could garner quickly and from where we could get them. But they all agree on several things. We need more troops, if only for troop protection. We clearly need more troops, as well, to begin to create the environment of greater security on the ground. These generals also tell me—these are four-star folks, people who have run these shows—that we need to demonstrate our resolve to our NATO friends, European friends, Arab friends, Pakistani friends, all of whom have the capacity to help us in one form or another in this. But as strange as it

sounds to us, they are doubtful of our commitment. Are we going to stay? So I think we need more forces.

Do I expect any Delawarean listening to this to be happy with me saying that? No, not one. Am I frustrated that the failure to have the forces we recommended, that General Shinseki recommended, and others recommended but was not followed puts me in the position of being the guy calling for more forces? Purely personally, it makes me angry that I am in the spot of having to be the one to deliver bad news to folks at home, as if this is my idea. But the fact is, no matter what we say, in my view, security requires more force.

It is going to require more sacrifice from the middle class and the poor. We have to do a much better job of sharing the burden here. I want to warn everybody now. I am going to vote for more money for Iraq, but I will introduce my amendment again, that people who are willing and able to pay for it now—pay for it, us, and not hand the bill to my granddaughters. I will get back to that at another time.

The second thing in terms of security that we have to do is get a buy-in from the world's major powers. It is going to be years before Iraq can handle their own security. But we cannot sustain the effort on our own for years. We are providing nearly 90 percent of the troops, taking 90 percent of the non-Iraqi casualties, and spending the bulk of the reconstruction costs. Our troops have to be bolstered with troops from NATO, from India and Pakistan, and from the region.

Am I suggesting to you that I am naive enough to think we can do it in a big way now? No. But I have done the homework we have all done. I have spoken with our Supreme Allied Commander; I have gone to NATO; I have sat down with these generals. This is what they tell me.

Immediately, if there is a consensus among our NATO allies, we could get somewhere between as few as 3,000 and as many as 7,000 NATO troops. Immediately they could take over the border patrol. Immediately they could take over what is left in the north, although we depleted many of our forces in the north in the Kurdish area, and/or coordinate the Polish division in the south, freeing up American forces that are now doing those functions.

Why is that important? You say: BIDEN, out of 150,000, 160,000 folks, another 3,000, 4,000, 5,000, 6,000 troops are not going to make much difference here. I argue it makes a significant difference in the buy-in of the major powers in the world. That, in turn, would open the door for an appropriate resolution authorizing—this from the U.N., not U.N. blue helmets—an authorization for NATO forces. I believe that would bring in, with a lot of diplomacy and Presidential leadership, significant numbers of troops from India, Pakistan, Bangladesh, and from the region. But it is a process.

I do not know what the folks in South Carolina are saying, but I know

what they are saying in Delaware: "I ain't doing this alone, JOE." And they know if NATO is in, the prestige of the major powers is on the line, as well as ours, to stay the course.

Our troops have to be bolstered and NATO and the surrounding Arab countries must be convinced to take on the urgent responsibility of training Iraqi armed forces and police.

I might add, the Germans and the French offered that right after Saddam's statue fell if, in fact, we were willing to get authorization for that from the U.N.

The neighboring Arab countries are fully capable of training some of these forces. Clearly, the Europeans have even greater experience in training police forces, all of which are urgently needed.

Many say this cannot be done. I know from the very serious people in the press, they look at me and privately say to me: Senator, great idea, too late, man; get real. What can really be done?

Look, the President does not collect his paycheck—no President collects his paycheck—by managing. He gets paid to lead.

We had before our committee two men I have high regard for, Mark Grossman from the State Department and Peter Rodman from the Defense Department. I asked Secretary Rodman what we're doing to get NATO to participate. He said, and I'm paraphrasing here: We have already asked, which is mildly disingenuous. I do not know anybody who has been here very long who can name for me anything, other than declaring article V invoked, that NATO has done spontaneously without U.S. leadership without a specific plan being brought to NATO, sold to NATO, and negotiating with NATO in Brussels through Presidential leadership. The President has to commit to sell this.

Going to the U.N. is necessary, but it is not sufficient. Let's not get into this sort of ideological war that has taken place in the 30 years I have been here about the U.N. The President has to win support of key countries first before he goes to the U.N., or before someone goes to the U.N., and then the U.N. has to engage a Security Council resolution to give those major countries the political justification for going to their constituencies and saying: I want to get in a deal you didn't want me in, in the first place; it looks like it is going bad now, but is necessary for our security—ours, meaning France, England, Germany, wherever, any country.

The President should immediately, in my view, in light of the recent revelations convene a summit of the major powers with the most at stake in Iraq, including those from the Arab world. The objectives for this group should be to endorse the Brahimi plan for a caretaker government, propose a senior international figure to referee the political disputes that are going to take

place between June 30 and elections being held in January, and call for and authorize a multinational security force under NATO command and U.S. leadership to be the vehicle that provides the security.

Then, as a final step, I think this group—call it a new contact group—should go to the U.N. and seek a security council blessing for this agreement.

I have no illusions about the U.N. being able to bring anything special to Iraq, but its blessing is necessary to provide political cover to leaders whose people oppose the war and who will now be asked to sacrifice to build the peace. To paraphrase George Will, it may be a necessary mask to hide the American face. And George Will is no fan of the U.N.

Simultaneously, the President should be going to NATO. NATO cannot take it on right away, and I will not go back through this again, but it can do a lot. It would free up, I am told, as many as 20,000 American troops, open the door to participation by countries such as India and Pakistan, and send an important message to the American people that we are not bearing the security burden in Iraq virtually alone.

By the way, when I go home, the people say to me: Well, the Brits are with us, JOE? Americans do not know there are only 7,500 Brits there, God bless them, in all their bravery—7,500. We have, what, 160,000 Americans in the region? As JOHN KERRY suggested, it seems to me we should also make the training of Iraqi security forces a much more urgent mission than we have thus far but we must understand it will take time and that it needs to be done right.

When I was in Iraq last summer, our specialists told me it would take five years to recruit and train a police force of 75,000 and three years to recruit and train an army of 40,000. Instead, the Administration rushed 150,000 Iraqis into uniform with minimal vetting and training. When trouble came, many abandoned their posts.

Here, too, other countries could play a potentially decisive role. For example, the Europeans have greater expertise than we do in training police. Even the French told me that under the right conditions they would be willing to train Iraqi police. Our friends in the region, including Jordan, Egypt, and Morocco, could host training sessions for Iraqi police, border security forces, and the military. They could, in fact, take American-trained Arab officers from Morocco, Egypt, and Jordan and embed them with Iraqi forces in Iraq now, a la Fallujah.

There are a lot of specific ideas I will not bore my colleagues with now that are not new to me. I am getting these from serious people who have run the show in that region of the world, military forces. But by doing this, it seems to me, we can significantly speed up the day when the Iraqis can provide their own security and Americans can come home.

Why would other countries join what looks like a lost cause they did not support in the first place? It is a reasonable question to ask. For one simple reason: It is in their naked self-interest. For Europeans, Iraq's failure endangers the security of their oil supply. They get a significantly higher percentage of their oil from the region than we do. It is in their interest because they have large Muslim populations that could be radicalized. It is in their interest because of the threatening destabilization of refugee flows that would be created if a civil war breaks out. It is in their interest because it is their front yard, and we may be creating a new, huge source of terrorism if the result is not a civil election, but a civil war.

For Iraq's neighbors, a civil war in Iraq would draw them in—i.e., the Kurds, the Turks, the Iranians. It would put moderates in the region on the shelf for another generation. It would put radicals in the driver's seat, and I think it would threaten the very survival of the regimes in Jordan, Egypt, and Saudi Arabia.

Would what I am suggesting be difficult to achieve? You bet. The bar has been raised here. The degree of difficulty is exponentially greater. Will it guarantee success? No. But I know of no other alternative than to try.

In light of all the mistakes we made, no one can guarantee success, but if we do not do this, I think success will, in fact, be near impossible.

If the President does do all of what we are talking about, it is not going to be enough to put us on the path to success given the revelations of this week, the abuse of Iraqi prisoners. As I said before, no single act I can think of, other than maybe the bombing of the holiest shrines in Najaf loaded with pilgrims, could have been worse for America's image than what has happened, notwithstanding the fact that it does not represent American troops, it does not represent American values, it does not represent what the American people believe needs to be done.

The facts are appalling and so is the symbolism. Ironically, the abuses took place in the same prison that Saddam made himself famous for his torture of his opponents. As a result, I am concerned that even if we do everything I just outlined in which several of us have been advocating for months, we will not be able to muddle through the so-called transition of sovereignty on June 30 and then the elections next year. The revelations have so damaged our prospects of success that I believe the only way to recover is to do something equally dramatic in a positive sense. I think we need to make this less about us and more about the Iraqi people.

The Iraqi people are going to wake up on July 1 and still see 140,000 American troops out their window, patrols going by in Humvees at 40 miles an hour. They will still lack security and they will still be seething about the abuse of

the prison scandal. And they will continue to blame us for everything that has gone wrong in the country.

I ask any of my colleagues who are listening whether there is any possibility, no matter what the interim government is, that they will be able to, even if they want to, vote to keep American forces in their country after July 1, when they are ostensibly in charge? Even as we move to increase security and bring the rest of the world in, there are four things we have to do right away, and I will end with this.

First, we should today announce that the Red Crescent, the Red Cross, the international community, should be able to come into every prison in Iraq, open them up and put the international community permanently in the prisons as observers.

Second, we have to establish a credible, independent investigation of the abuses and go as high in the command chain as the facts lead us and demand accountability.

Third, we should close the Abu Ghraib prison, work with the Iraqi people on a plan to destroy it or convert it to a monument. We cannot do that precipitously because we need to build other facilities to house 5,000 prisoners. Possibly we should do as was recommended by the State Department and release a significant number of those prisoners who, according to some in the State Department, need not be detained in the first place.

Fourthly, and this is the most controversial thing I suspect I am going to say in the minds of my colleagues, in coordination with the Brahimi plan, we should hold snap elections now, ideally early this summer, to create the equivalent of a *loya jirga* where on a community level across Iraq they will hold down and dirty elections to elect those who will write this new constitution.

I want to see pictures and debates about whether people are getting shot going to the polls, scrambling going to the polls, arguing about whether the election is free or not. I want this about the Iraqi people.

This election will be far from perfect, but they could use their oil-for-food ration cards as proof of registration and get on with it quickly as part of the transition that is already envisioned for the total free election in November of 2006 of an actual government.

The Iraqis would elect government representatives at a local level who would come together, as I said, the equivalent of a *loya jirga*.

Until now, I believed that, provided the caretaker government was selected by a respected international figure with buy-in from the Iraqis, not the U.S., it would pass the legitimacy test. In the wake of the prison incident, I do not think that is possible.

The big obstacle would be security, especially in the Sunni triangle. And there is the certain prospect that some people will be elected that we will not like.

But the vast bulk of the country could handle elections now. In the

Shi'a south, it is a gamble, but it is better than an even chance that moderate Shi'a would emerge if given an opportunity for elections, and they would finally use their power and influence to defeat Sadr and other radicals among them.

The U.N. has a team in place now to prepare for elections in January. Let's speak with Brahimi and see if we can speed up that process and make elections the next step in the transition plan.

I realize this is a fairly radical proposal, but I believe we need a fairly radical proposal. This should focus on what the Iraqi people need now, and we should demonstrate that everything in our mission is to turn this over as rapidly and clearly as possible.

I close with this one rhetorical question: The chairman of the Foreign Relations Committee has been pointing out, what about the conundrum when the interim government is appointed and it concludes we should not be sending troops to Fallujah? I think there is a more basic question than that. What happens now that 70 percent of the Iraqi people now think we should get out? By the time this prison scandal is over, it is going to be 90 percent. What happens when we appoint the new Iraqi government and give it partial sovereignty and right out of the box they say, Get out of Dodge?

We better do something quickly or Negroponte's Herculean efforts are likely to be for naught.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I support the nomination of Ambassador Negroponte. He is assuming an extremely difficult position. I wish him well in this new position, and I commend him for his willingness to take it on, quite frankly.

One of the most difficult problems he will face is how we correct the perceptions and the reality that have come to light with regard to abuse and humiliation of prisoners in Iraq. I want to say a few words about that issue today as well.

I congratulate and commend BG Mark Kimmitt for the statement he made yesterday at a press briefing in Baghdad. He gave what I consider to be a straightforward, unambiguous apology to the Iraqi people for what has occurred. In my view, that is the message that all of us in positions of responsibility should be conveying to the Iraqi people on this issue. His statement was as follows:

My Army's been embarrassed by this. My Army's been shamed by this. And on behalf of my Army, I apologize for what those soldiers did to your citizens. It was reprehensible and it was unacceptable. And it is more than just words, that we have to take those words into action and ensure that never happens again. And we will make a full-faith effort to ensure that never happens again.

Frankly, I regret the President did not use his opportunity in his interviews to make the same straight-

forward apology to the Iraqi people. I hope this Senate, in the resolution the leadership of Republican and Democratic leaders is drafting for consideration in the Senate on this issue will contain that kind of straightforward apology to the Iraqi people. I think that is an appropriate message for all of us to embrace.

Much needs to be done in order to correct the situation that has occurred. I suggest one starting point would be the following.

First, a full accounting about who we have detained and what the administration plan has been and is for these detainees; not just in Iraq but in Afghanistan, in Guantanamo, wherever our military is detaining foreigners, we need to come clean about what our intentions are and what actions we have taken.

Second, as to all detainees, we need to fully comply with the Geneva Convention. That means providing each of them an opportunity for a hearing, an opportunity to argue to someone they are improperly being detained. As to detainees who are not a threat to our troops or to our national interests and about whom we do not have evidence of criminal activity, we need to release those detainees. Obviously, if they pose a threat to U.S. forces or a threat to U.S. interests, then they should be charged and they should be prosecuted. But if they pose no such threat, they should be released.

According to the morning paper, the President has privately chided the Secretary of Defense. This is an unusual way to conduct business here in Washington, but I am never surprised anymore about how business is conducted. I heard the statement on the news that the President was standing behind the Secretary of Defense. Then I opened the paper this morning and it said a senior White House official said the President has privately admonished the Secretary of Defense; that:

... Bush is "not satisfied" and "not happy" with the way that Rumsfeld informed him about the investigation into the abuses of U.S. soldiers at Baghdad's Abu Ghraib prison or the quantity of information that Rumsfeld provided, the senior White House official said.

Then it goes on to point out the senior White House official did:

... refuse to be named, so that he could speak more candidly.

As I say, I am always amazed by the goings on in our Government. But I am glad to see the President shares some of the frustration I and many of us here in Congress have had about the lack of full information, the lack of adequate knowledge about what is going on. In order to remedy the situation, I recommend the President start by demanding a quick and a full response to the following questions: How many people have we detained in Iraq, in Afghanistan, and in other parts of the world? Who have we detained? Who have we taken into custody? How many of them are still in custody, and to

those who are not still in custody, what has happened to them?

There is a report that there are investigations about 25 deaths that have occurred among detainees in Iraq. Where are these prisoners being detained? Where in Iraq are they being detained? Which prisons? How many in each prison? Where in Afghanistan are they being detained? Which prisons? Where are they located? How long have these detainees been in custody? How many have been charged with crimes? Are we intending to charge these detainees with crimes? If not, what are we intending with regard to these detainees?

What is our position regarding our obligations under the Geneva Convention with regard to military detainees, with regard to civilian detainees? How can we justify continued detention of people in each of these categories?

Another set of questions I believe the President should insist upon answers to, is what has happened to any prisoners we have transferred to third countries? How many captives have we in fact turned over to other countries for questioning? Which countries? Pakistan? Israel? Other nations? What are the policies and practices of those countries with regard to torture of prisoners and treatment of prisoners? Have they been afforded their Geneva Convention rights in those countries? What is the status of those prisoners now?

This is obviously a partial list of questions. The American public deserves answers to these questions. The President deserves answers to these questions. Those of us in Congress deserve answers to these questions. If we are serious about taking corrective action to deal with the abuses that have been disclosed, then in my view, at least, answering these kinds of basic questions is an essential starting point.

I yield the floor.

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

Mr. DODD. Mr. President, before he leaves the floor, let me thank my colleague from New Mexico for his thoughtful comments. I certainly want to associate myself with them. I, too, want to commend General Kimmett for his very concise, clear, unambiguous statement yesterday. I was moved by it.

I was moved by the personal pronoun "my," too—"my Army." This is someone who dedicated his life—in fact, the Kimmett family has one of the most distinguished records of any American family when it comes to serving the U.S. Government in uniform. Mark and his family have worn that uniform proudly. Over the years, numerous members of his family have. I could feel the pain of Mark Kimmett's sentiments in those brief comments he made so eloquently yesterday.

It is on that note that I would like to begin my remarks. Clearly the events of the last several days, the revelations we have become aware of, the events

going back now apparently as late as last November, indicate a very serious problem. But before getting into the details of that, speaking for myself—and I am quite confident that I speak for my colleagues here, and others—it is very clear that while this is a serious problem, the overwhelming majority of the more than 130,000 American men and women in uniform who are operating in Iraq are good, decent and caring people, who would never allow this kind of activity to occur on their watch. So I want to begin by thanking them. This is a very difficult service they are engaged in.

Certainly those who are responsible for these acts and those who condoned or allowed them to happen need to be brought to a bar of justice as soon as possible.

But I think it would be a mistake if we allowed our disgust with these abuses to somehow cause those who are in uniform, serving in Iraq today, to believe that there is any feeling here that this is an indictment of all of them. It certainly is not.

Let me be clear—my disagreements with U.S. policy and how this whole matter of Iraq has been handled, as well as the actions of what seem to be only a few, in no way diminish my admiration and respect for those in uniform who are serving in Iraq or anywhere else.

However, these reports of abuses are very disturbing. And they are not only unacceptable, they are possibly violations of United States law and international law. Moreover, it is obvious that this matter has not been treated with the urgency it warrants. If in fact the reports are accurate, these events may have occurred as early as last November or December, and they are only now coming to light—primarily, it appears, because there are photographs. I suspect that had this been an account reported in some written document, without any photographic evidence, it might not be receiving the kind of attention it deserves.

Obviously these allegations of abuse must be quickly investigated, and those responsible for these reprehensible acts brought to justice. Those in the chain of command as well, who failed to discharge their duties effectively to detect and prevent such actions, need to be sanctioned, including, to put it simply, fired.

Again, I want to emphasize that the majority of our service men and women are not to blame. I can not stress this point enough. The overwhelming majority of our troops are doing a superb job under very difficult circumstances. They are putting their lives at risk every single day for this country.

Indeed, what has happened here, what has occurred, also puts all of these honorable men and women who are serving, not only in Iraq but elsewhere, at risk. These abuses damage not only the victims, but our troops. And they also damage America—they do great damage to our country. This

is not who we are. This is not what we stand for. We are a nation of laws. That is what we have stated over and over again.

A few moments ago, my colleague from New Mexico and I were having a conversation about these abuses. He eloquently pointed out that our Constitution is based on the fundamental concept and idea that it is not just what we do, but how we do things. The founders of this country could have set up any kind of a system. But they picked a system that in many ways is terribly inefficient. That is because they wanted to make sure not only that we would do the right thing, but that we do it the right way—that the ends do not justify the means; the means are also important.

It is why a generation ago when there were trials to prosecute those who were guilty of the crimes committed by the Nazi regime, every single one of those defendants at Nuremberg had a lawyer and had the right to present evidence. Some people suggested that those on trial in Nuremberg ought to be summarily executed—that they shouldn't have a trial. After all, these were dreadful human beings who committed dreadful and unspeakable crimes. But cooler heads and wiser heads prevailed and asserted that there is a huge difference between Western civilization and the Nazis, not the least of which is that we do things differently. And by holding these trials, we set an example.

Unfortunately, the events that have just become known over the last several days indicate, at least in this instance, that we did not do things any differently in the eyes of many than the dreadful regime we overthrew a year ago—the regime of Saddam Hussein. That is what I worry about. This does damage to the United States. It does damage to people like Mark Kimmett who spoke eloquently yesterday about his Army. And I worry about our men and women all over the globe who put themselves in jeopardy for our country—not only in that the reports of these abuses could cause an increase in violence against them, but I worry about what might happen if, heaven forbid, they are apprehended, and how they may be treated.

I know the matter before the Senate is the nomination of John Negroponte. I support that nomination. We have had our difficulties over the years, one going back to his days in Honduras when there were issues of human rights violations. I know Ambassador Negroponte. He has been a good ambassador in other capacities, a good ambassador at the U.N. He has done a good job in Mexico. We have worked together since our days of difficulty more than 20 years ago. I am confident John Negroponte can do a good job, particularly, I hope, in the area of human rights. He will be in charge of what I am told will become the largest U.S. mission anywhere on the globe. And I am hopeful that John Negroponte, when he is confirmed—and I believe he

will be—will grab this issue and do what has to be done to get our work in Iraq on track.

The responsibility for these abuses that have occurred in Iraq goes beyond a few low-level bad apples. That is what worries me. This is clearly a problem of mismanagement at very high levels, which the Bush administration needs to get a handle on, and quickly. If that means high-ranking officials need to be replaced, then that is a judgment that we shouldn't dismiss out of hand.

After all, we are currently in the throes of trying to prove that we want to help Iraqis create a new and democratic Iraq, and that in doing so we will respect Iraqi and Arab culture and tradition. It does not take much of an imagination to figure out the disastrous consequences of these abuses, not only with respect to U.S. policy in Iraq but with respect to our policies throughout the greater Middle East.

Over the past week, newspapers throughout the world have carried headlines about these abuses. Not only in English speaking countries, obviously—Arab language newspapers have also carried the stories with headlines such as "The Scandal" and "The Shame."

Anyone who knows anything about Arab culture will know this much: Honor and respect are valued highly. Many of these abuses with sexual overtones were directly aimed at damaging the honor of Iraqis or forcing them to do things in contravention of their most deeply held beliefs.

Let's not forget these abuses occurred in the very same prison Saddam Hussein used to torture Iraqis. Now this prison has served as a source of allegations of sexual abuse, psychological torture, and even murder.

In the minds of Iraqis and those in the Arab world, what is to separate these acts from past abuses?

Certainly the scope of these abuses does not compare to those that occurred under Saddam Hussein, but the unacceptability of these acts is not something we should attempt to measure in quantitative terms. Surely we hold ourselves, I hope, to an entirely different and higher standard than that with which we judged Saddam Hussein.

Moreover, diplomacy is a delicate game, and one mistake by the world's superpower reverberates around the globe to the detriment of our foreign policy. It is going to make the job of Ambassador Negroponte—when the majority leader decides to move on his nomination—all the more difficult. As difficult as his job was going to be prior to the emergence of these allegations, it is exponentially more so today.

Given the situation, I urge Ambassador Negroponte, when he is confirmed, to draw on his previous experience to make the protections of human rights in Iraq a top priority.

I am stating the obvious. But these abuses must not occur again.

Moreover, we owe it to the more than 130,000 honorable and dedicated U.S. troops currently risking their lives in Iraq to ensure that those who are found guilty of these crimes be punished to the fullest extent possible. Anything less would be a great disservice to all of these brave men and women in uniform who now face a much more difficult task than winning the hearts and minds of the Iraqi people.

Equally troubling is that these disgraceful acts have been made possible by the administration's rigid philosophy of outsourcing jobs and responsibility. This time, though, it outsourced much of our mission in Iraq, responsibilities that should be given to well-trained military personnel. The administration has outsourced these responsibilities to private military firms (PMFs), that are virtually unregulated by our Government or any other.

I don't support the outsourcing American jobs abroad and I don't think we should give our military duties to independent contractors, either. Indeed, reportedly, there are as many as 20,000 private military firm personnel currently working in Iraq. It appears that no chain of accountability exists for their actions, that no universal rules exist to govern their operation in coordination with U.S. and coalition troops. Most disturbing, according to reports, these private military firms' personnel have been directly involved in some of these crimes.

I ask my colleagues, is it any surprise to learn that members of an unregulated group of paramilitaries is alleged to have committed human rights abuses?

And I would ask the President of the United States and the Secretary of Defense—why were private contractors taking part in U.S. military interrogations? And since when do we assign to non-official personnel the most critical and delicate task to our military operations—unregulated personnel, I might add.

I am sure many agree that the use of these companies in sensitive military situations certainly raises some ominous questions. That is why last week I sent a letter to the GAO along with four of my colleagues—Senator FEINGOLD, Senator REID, Senator LEAHY, and Senator CORZINE—requesting that GAO investigators undertake an extensive investigation into the employment of these firms in Iraq.

I am hopeful, given the increasing violence in that country and recent reports of abuse, including reports of abuse by private contractors, that the General Accounting Office will expedite this investigation and answer all of the questions posed. Our troops, our mission in Iraq, and the American taxpayer deserve a prompt, independent, and careful look into this matter.

Mr. President, if we are lucky, we may get a second chance to demonstrate to the Iraqi people and the Arab world that we came to Iraq for good—not abuse.

But we will only get that chance if we make amends fully and completely. That is why the administration must move quickly and publicly to bring the criminals who committed these abuses to justice. We must also take back direct responsibilities related to the administration of Iraq from private contractors and assume responsibility for what are clearly official and delicate functions which have profound foreign policy implications if not handled properly.

Mr. President, the sooner we do these things, the sooner we can get back on track helping the Iraqi people build a democratic and just society that reflects their own values and aspirations.

Ambassador Negroponte can play a critical role in making that happen, and I am therefore pleased that the Senate is poised to approve his nomination today. I fully support moving ahead to confirm him for this critical post.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. DODD. Mr. President, if I might have an additional minute or 2.

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

NATIONAL DAY OF PRAYER

Mr. DODD. Mr. President, I would also like to bring to the attention of my colleagues an article from today's Washington Post. It was on page A-3 carried over to page A-6, and it worries me deeply because it goes to what I am fearful may have had some underlying and undercurrent effect on the events of the last several days. It seems to speak to the extent that we are dehumanizing and minimizing and casting this pall of accusation over an entire religious group in the world.

Senator BIDEN pointed out in his remarks here this morning that 1.2 billion people are observers of the Muslim faith.

And today is a national day of prayer in the U.S. It began with a resolution adopted in the Truman administration in 1952 and has been followed every year since then. When Harry Truman signed the congressional resolution he called for "a suitable day each year other than a Sunday to be set aside for common prayer." Every administration since 1952 has taken that day out of the calendar year to focus on common prayer. And it was under the Reagan administration that the first Thursday of May was set aside as the permanent day each year.

I cannot tell you how disturbing it was to read in this morning's paper a quote from one of the organizers of this year's day of prayer. The quote was buried away, but let me read it, because it actually goes to the heart of what we are talking about. We are told here, this morning, that they would make "no apologies" in today's celebration of prayer "about the exclusion of Muslims and others outside of the 'Judeo-Christian tradition' from ceremonies planned by the task force on Capitol Hill and in state capitals across the country."

"They are free to have their own national day of prayer if they want to," she said.

Well, if you have that attitude about common prayer today, and you exclude religious groups from a national day of prayer, then what have we come to?

I might point out as well, because the Presiding Officer will appreciate this—my wife pointed this out to me this morning—in Salt Lake City, Mormons have complained that they are not allowed to lead prayers during today's observance. I don't know how you have a national prayer day in Salt Lake City and exclude the Mormons from participating.

But this sort of attitude where we are going to selectively choose religious groups that can be involved, and the particular reference here to the exclusion of anyone who might be of the Muslim faith, is troubling to me because it is that sort of an attitude that contributes to the dehumanization of people and casts aspersions on an entire group of people.

Indeed, as we talk about what has occurred as a result of the actions of a few bad apples, I point out the story in today's newspaper because I think that the attitude of exclusion expressed in the story contributes to an environment, if you will, that somehow makes these abuses permissible in the minds of some—that somehow these people are undeserving of the kind of treatment that every other human ought to receive—particularly in the hands of a nation that prides itself on being governed by the rule of law and which respects individual rights.

Mr. President, I ask unanimous consent that the article in today's Washington Post entitled "Bush to Appear On Christian TV For Prayer Day" be printed in the RECORD.

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

BUSH TO APPEAR ON CHRISTIAN TV FOR
PRAYER DAY
(By Alan Cooperman)

President Bush's participation in a National Day of Prayer ceremony with evangelical Christian leaders at the White House will be shown tonight, for the first time in prime-time viewing hours, on Christian cable and satellite TV outlets nationwide.

For Bush, the broadcast is an opportunity to address a sympathetic evangelical audience without the risk of alienating secular or non-Christian viewers, because it will not be carried in full by the major television networks. Frank Wright, president of the National Association of Religious Broadcasters, said more than a million evangelicals are expected to see the broadcast.

Some civil liberties groups and religious minorities charged that the National Day of Prayer has lost its nonpartisan veneer and is being turned into a platform for evangelical groups to endorse Bush—and vice versa.

"Over the years, the National Day of Prayer has gradually been adopted more and more by the religious right, and this year in particular there is such an undercurrent of partisanship because for the first time they are broadcasting Bush's message in an election year," said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State.

The event's organizers denied that it amounts to a tacit political endorsement.

"We're in an election year, and we believe God cares who's in those positions of authority," said Mark Fried, spokesman for the National Day of Prayer Task Force. "But we're not endorsing a candidate—just praying that God's hand will be on the election."

The private task force, which operates from the Colorado headquarters of the Christian organization Focus on the Family, has encouraged the nation's churches to organize potluck suppers and pipe the ceremony into their sanctuaries. It will be taped in mid-afternoon in the East Room and re-broadcast during a three-hour, late evening "Concert of Prayer" featuring Christian music stars and other luminaries, such as Bruce Wilkinson, author of the best-selling "Prayer of Jabez." "This feed is available to any network anywhere in the world free of charge, but only religious networks have an inclination to pick it up," Wright said.

Fried said this year's theme is "Let Freedom Ring." He described it as the evangelical response to efforts to remove the words "under God" from the Pledge of Allegiance and keep the Ten Commandments out of public buildings.

"Our theme is, there is a small group of activists unleashing an all-out assault on our religious freedoms. They are targeting the Christian faith," he said.

The National Day of Prayer has been celebrated every year since 1952, when President Harry S. Truman signed a congressional resolution calling for "a suitable day each year, other than a Sunday to be set aside for common prayer."

Under President Ronald Reagan, the date was set permanently as the first Thursday in May. Since the mid-1980s, the ceremony has been organized by the nonprofit task force headed by two prominent evangelical women: Vonette Bright, widow of Campus Crusade for Christ founder Bill Bright, and Shirley Dobson, wife of Focus on the Family founder James C. Dobson.

As in recent years, today's observances will begin with a congressional prayer session on Capitol Hill in the morning, followed by the afternoon ceremony at the White House. Under President Bill Clinton, Bright said in an interview this week, the White House observance was private and "very definitely lower key" than under Bush, who has invited print and television coverage each year.

Although "we were disappointed" with Clinton's low-profile celebration, Bright said, evangelicals did not make that sentiment public. "We have as enthusiastically promoted the Day of Prayer when Democrats were in office as when they were not," she said, adding that any "politicization" of the Day of Prayer "would be so unfortunate."

Bright did not hesitate, however, to express admiration for Bush: "I don't think he has a political agenda of his own. I think he's really trying to do what would please God."

She also made no apologies about the exclusion of Muslims and others outside of the "Judeo-Christian tradition" from ceremonies planned by the task force on Capitol Hill and in state capitals across the country. "They are free to have their own national day of prayer if they want to," she said. "We are a Christian task force."

The White House press office and presidential adviser Karl Rove's office did not respond to calls seeking comment on the National Day of Prayer observances.

Organizers said some Jewish rabbis, Catholic clergy and mainline Protestants have been invited to the congressional and White House ceremonies. But the exclusion of religious minorities has led to protests in several cities.

In Salt Lake City, Mormons have complained that they are not allowed to lead prayers during the local observance.

In Oklahoma City, the Rev. W. Bruce Prescott has planned an interfaith ceremony on the steps of the state Capitol today to protest the exclusively Christian ceremony inside the building. "As a Baptist preacher, it's hard for me to protest prayer," he said. "What I'd rather do is see if we can't find a way to do it right."

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

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that in addition to my time, I receive 10 minutes from Senator HARKIN.

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

Mr. REED. Thank you, Mr. President.

Mr. President, we are currently engaged in a fierce battle to salvage something, anything, from the administration's effort at regime change and reconstruction in Iraq. Each day, the costs in lives and dollars accumulate, as the Iraqi people become more restive and impatient. International and regional support for our efforts is eroding at a time when an international effort, as distinct from the administration's unilateral approach, may be the only effective way to change the political dynamic and allow us to avoid being trapped in a long, bloody, and uncertain conflict.

Many Americans are asking how we came to this point. Some are asking why we must remain. The President has responded with a slogan: "We must not waiver." What we need is a plan, a plan based on reality, not on ideology.

The administration launched the preemptive attack on Iraq to counter, according to their claims, the overwhelming danger of Iraqi weapons of mass destruction and alleged ties between Saddam Hussein and terrorists. In the last year, no weapons of mass destruction have been found, and no strong link has been established between Saddam and terrorists. Ironically, today, there is no shortage of terrorists in Iraq. They have been drawn there not by Saddam but by his demise.

Now, the administration returns to the subtext of its justification for preemptive action in the fall of 2002, the unalloyed evil of Saddam. That, of course, is a point beyond debate; indeed, a point that was acknowledged by all sides during the debate in the fall of 2002.

When Secretary Wolfowitz testified recently before the Senate Armed Services Committee, he continually reiterated the depravity of Saddam stressing, in his words, the "density of evil" that gripped Iraq under Saddam. Looking backward at Saddam will not help us find a way ahead today. Today, more relevant than the "density of evil" that gripped Iraq is the "density of illusion" that continues to grip the

administration and the Pentagon. The administration and the Pentagon stubbornly cling to illusions about the situation in Iraq. Let me suggest some of the most salient.

For months, they have attempted to convince the world—and, perhaps, themselves—that Iraqi security forces were capable of making a significant contribution to establish order and to defeat the insurgency. No such capability exists at this time, and it may take years to train a competent and cohesive force that can assume the security role in Iraq that currently falls primarily upon the United States.

For months, the Pentagon regaled us with charts showing the astronomical and rapid growth of Iraqi security forces from mere handfuls to hundreds of thousands. They repeatedly stressed the proportional decrease of the American presence as a sign of progress. All this was wishful thinking and political spinning.

The last few weeks have revealed the fact that a significant number of Iraqi security forces are ill prepared, ill equipped, and unmotivated.

A Washington Post article pointed out that on April 5, a new Iraqi battalion of several hundred Iraqi soldiers refused to join U.S. Marines in the offensive in Fallujah. In the south, police units as well as members of the Iraqi Civilian Defense Corps, equivalent to the National Guard of the United States, refused to engage Sadr's forces. MG Martin Dempsey, commander of the 1st Armored Division in Iraq, estimated that one in 10 members of the Iraqi security forces actually worked against the U.S. forces and 40 percent simply walked away from their post because of intimidation during the recent violence in Fallujah and in the south of Iraq.

The Pentagon likely had indications of problems with these forces. Several months ago MG Karl Eikenberry was dispatched to Iraq to conduct a survey of Iraqi security forces. General Eikenberry is an extremely competent and experienced officer who played a key role in establishing the new national army in Afghanistan after Operation Enduring Freedom.

For many weeks, I have been attempting to obtain this report to become informed and to inform my colleagues about the state of readiness of the Iraqi security forces. The Pentagon has been completely uncooperative. This lack of cooperation and respect for the responsibilities of Congress to perform oversight over the Department of Defense has been characteristic of this administration's approach throughout the conduct of operations in Iraq, and it has contributed to the predicament we find ourselves in today. Too often a small group of civilians in the Pentagon has displaced normal planning functions and instead, insulated from appropriate congressional oversight, has hatched plans for the occupation in Iraq that have proven to be misguided and inept. The formation of

credible and effective Iraqi security forces is imperative, but not just because it reduces the burden and the threat to our forces. It is imperative we establish these forces because today our goals for Iraq are being thwarted by a climate of violence that affects every Iraqi and saps their willingness to commit to the reform of their country.

We often see the violence in Iraq as those attacks against our forces. When we do, we miss the pervasive and disturbing violence that touches the lives of every Iraqi and, in a cruel irony, has many Iraqis comparing the order under Saddam with the chronic disorder under the United States.

The following is an article, translated from Arabic, in the April 25th edition of *Al Manar*, a newspaper from Baghdad:

The Iraqi society has never known or, even in U.S. gang movies, seen such acts of looting, robbery, and murder as the current crimes taking place in Iraq today, which cause newborn's hair to turn gray. The crimes have become so common that hardly an hour passes without hearing that some people are being plundered or a number of cars are being stolen. The drivers of the new and expensive cars have become a target for the thieves and burglars.

Someone may think that such crimes occur in other places at night; however, the strange thing is that in Iraq, they take place during the day for everyone to see. In addition, the numbers of these looting gangs have become very well known to the ordinary citizens of Baghdad.

A few days ago, my relative's car was stolen at gun point in Baghdad, but he managed to escape without being physically harmed or injured in the incident. Having recovered from the shock a few days later, his friends advised him to meet with a former gang leader who enjoyed considerable status and reputation among the members of the other criminal gangs. Having no other option, my relative went to see the guy who promised to take him to the gangs operating in the zone where his car was stolen.

As promised, the man secretly took my relative to meet well known gangsters where one of them congratulated him [my relative] for his good luck because his car was stolen by a gang "that only steals cars but does not kill the owners; otherwise, you would have been killed if it was another gang." The strange thing is that most of the gangsters are young boys between the age of 15 and 20 years.

After several terrifying trips, my relative found his car when tough negotiations began. He was asked to pay \$500, a special offer out of honor and respect for their repentant comrade who brought him to get his car back.

This true story is an example of dozens of other similar robbery, looting, and murder crimes taking place in Baghdad where stealing and murdering gangs have dramatically increased. Unless we are able to protect the people of Iraq from criminal gangs and from situations as illustrated in these comments in the newspaper, we will fail in our mission because we have a situation where the basic elements of order, the basic sense of safety and security have been completely eviscerated for a vast number of Iraqis.

These are off the TV screens. But this is one of the constant drumbeats

that is turning the people of Iraq to become resentful of our presence.

The administration has also, together with the Pentagon, consistently underestimated the number of troops necessary for the successful occupation of Iraq. Secretary Rumsfeld and General Franks adroitly planned the air and ground campaign that shattered the Iraqi army in a matter of days. They correctly judged our overwhelming technological advantages, together with the extraordinary courage and skill of our fighting forces, would quickly overwhelm the much larger Iraqi forces. But winning a swift victory over a conventional military force is not the same as successfully occupying a large country with a population of 25 million.

From the beginning, our forces, including international allies, were insufficient to physically and psychologically dominate the scene. The absence or limited presence of coalition forces in many parts of Iraq gave the insurgents opportunities to organize and the perception they could initiate hostile actions against our forces. One of the first clues I had suggesting a lack of adequate forces was the briefing I received last July from the 4th Infantry Division in Kirkuk on my first trip to Iraq. I was taken aback, frankly, to learn there were hundreds, if not thousands, of Iraqi ammo dumps. Many of them were totally unsecured while others had some security barriers but were not secured by military personnel. This was the case all over the country.

Today munitions in these ammo dumps are being used to craft the improvised explosive devices that bedevil our forces. This is one example indicating additional troops could have been used effectively.

Another indication of the insufficient number of coalition military forces is the proliferation of private security forces. Why is it necessary to have 20,000 armed private security guards in Iraq performing essential military duties? The answer is simple. We did not deploy sufficient military forces. These private security forces are generally highly trained professionals, typically veterans of our special operations forces. But their presence raises numerous questions.

How, for example, do they coordinate with our military forces? What rules of engagement may they use? What is their legal status, particularly after June 30, when limited sovereignty is transferred to some Iraqi authority? I am still awaiting the answer to these questions from the Pentagon. Once again, my request has not been responded to promptly with detailed information or any information.

Last September, Senator HAGEL and I proposed an amendment to the supplemental appropriations bill to increase the size of our Army by 10,000 soldiers. That is a necessary initial step to provide the manpower to continue to commit further forces to Iraq and to continue to meet the worldwide demands

upon our Army. The Senate supported that amendment. Unfortunately, the administration vociferously opposed it. They claimed Iraq was just a spike and that in the months ahead, the Army could begin to withdraw forces.

In January, they suddenly reversed this position and announced they would take steps to increase the Army by 30,000 soldiers by tapping into the supplemental appropriations bill. I am pleased the Pentagon is finally convinced we need more forces for our Army, but they still maintain this is a temporary emergency condition that is best funded through the supplemental appropriations process.

The reality is, this condition is not temporary. If we are serious about succeeding in Iraq and meeting other demands throughout the world, we must admit this is a task that will take many years and a larger army for many years. We must provide for increases in end strength for our Army in the regular budget process, not the supplemental, by directing more resources to the Army from the other services or by increasing the overall defense budget.

The administration and the Pentagon continually insist that we are being opposed by a small group of unrepentant holdouts from the former Baathist regime and an even smaller cadre of terrorists who have flocked to Iraq after the defeat of Saddam.

This view dangerously misconstrues the growing resentment of the Iraq population to our presence and the very real possibility that many Iraqis will sympathize with the insurgents not because they agree with their political or religious views but because they see them as fellow Iraqis resisting a foreign occupation.

Anthony Cordesman, a very prescient analyst at the Center for Strategic and International Studies, pointed out that "it is important to note that an ABC poll in February found a large core of hostility to the Coalition before the tensions unleashed by current fighting, and that core involved many Shi'ites as well as Sunnis." And, as reported in a new USA TODAY/CNN/Gallup poll, "only a third of the Iraqi people now believe that the American-led occupation of their country is doing more good than harm, and a solid majority support an immediate pullout even though they fear that could put them in greater danger . . ." Although half the Iraqis who responded to the poll said that they and their families were better off now than under Saddam, 71 percent of the respondents when asked to classify the Americans as "liberators" or "occupiers" chose "occupier." The figure increases to 81 percent if you exclude respondents from the semi-autonomous Kurdish region. More startling is the fact that more than half the respondents outside of the Kurdish region "say killing U.S. troops can be justified in at least some cases."

What might have begun as the desperate acts of diehards from Saddam's

regime has rapidly morphed into a widespread resentment of the United States as "occupiers." The insurgents have touched a nationalistic nerve that vastly complicates our efforts. Popular support is the critical element in political warfare, and the administration is squandering that support.

The latest revelations of gross abuse of Iraqi prisoners at the Abu Ghraib prison have further fanned the flames of resentment and anger. It is an aberration in the conduct of American soldiers, but its occurrence has confirmed in a very suspicious population the worst lies spread by our adversaries. In addition, these actions have poisoned our already strained relations with many countries and their citizens around the world.

For months now, the Coalition Provisional Authority has been in power, and the administration touted that as an example of our reconstruction efforts. Frankly, I believe it has been dysfunctional from the beginning.

The President vested the Department of Defense with extraordinary powers in the occupation and reconstruction of Iraq. Even before the initiation of military operations, the decision was made to exclude experts from the State Department from planning for the reconstruction and administration of Iraq. The task was given to a small group of ideologues in the Department of Defense. They relied on the self-serving declarations of Chalabi and the exile crowd to assume away most of the problems that we later encountered in Iraq. Problems such as a dilapidated infrastructure, ancient rivalries between religious and ethnic factions were conveniently ignored as the "neocons" predicted that we would be welcomed with open arms in a country that was economically and culturally ready for a rapid transition to democracy.

The institutional responsibilities for the transformation of Iraq were given to Ambassador Bremer and the Coalition Provisional Authority, the "CPA". And, in this regard, the record is one of confusion and ineptness.

The decision to disband the Iraqi army threw thousands of desperate and dangerous individuals onto the streets of Iraq. Many of these individuals formed the heart of the insurgency that continues to attack our troops.

The decision to eliminate the Baath party from the civic life of Iraq was quite correct in principle, but carried to such extremes that it alienated the Sunni community and provided additional fuel for the growing fires of resistance. To add insult to injury, the process of debaathification was placed under the control of Chalabi, a figure of immense distrust and dislike in Iraq.

I first heard these complaints from our military commanders last November during one of my trips to Iraq. They complained that thousands of teachers were being excluded from schools at a time when there was a concerted effort to reopen schools

throughout the country. These officers explained that membership in the Baath Party was obligatory for anyone who hoped to obtain a job like teaching in Iraq. Most of these individuals were motivated not by political impulses but by economic and career goals. Nevertheless, they were categorically excluded subject to the discretion of Chalabi. It was a situation that further antagonized the Sunni community. The policy has been belatedly amended but not after doing great damage.

This episode also illustrates the gap between the CPA and the military commanders that actually were doing the work of rebuilding Iraq. The CPA existed in a security bubble in Baghdad disconnected from the field where Army division commanders and their staffs were taking pragmatic actions to restore services, rebuild communities and instill hope in the people of Iraq. The CPA added little to these actions except indecision that simply complicated the action of commanders on the ground.

In the past few days, a revealing memorandum by someone who served in the CPA has surfaced that provided additional details illustrating the incompetence of the CPA. The anonymous author of the memo is a fan of Chalabi and is hopeful for success in Iraq. This makes his criticism even more telling.

He describes the CPA as handling "an issue like six-year-olds play soccer: Someone kicks the ball and one hundred people chase after it hoping to be noticed, without a care as to what happens on the field." My view is that the CPA quickly became a 30-day summer camp for "neocons." Subject-matter experts were displaced by ideological true believers who rotated in and out at a dizzying rate.

The CPA installed the Iraqi Governing Council composed of representatives from the major factions and then allowed the Governing Council to pick ministers to run the major ministries, like Oil and Public Works. The result was nepotism and corruption. As the memo points out, "both for political and organizational reasons, the decision to allow the Governing Council to pick 25 ministers did the greatest damage. Not only did we endorse nepotism, with men choosing their sons and brothers-in-law; but we also failed to use our prerogative to shape a system that would work . . . our failure to promote accountability has hurt us."

I met with a member of the Iraqi Governing Council on March 17 in Baghdad. He explained to me the importance of the June 30 date. As Chalabi explained it to him, it is important because on that date they get to "write the checks." I am sure there are competent and patriotic Iraqis involved in the Governing Council, but I am deeply skeptical of many, like Chalabi, who seem interested only in self-promotion based on deceit and deception.

Despite the institutional failings of the CPA, it has acquired some hard-

won experience. That experience disappears on July 1 as our new Embassy replaces the CPA. I fear that we will witness once again a lack of coordination and direction as a new team tries to organize itself in the complicated and unforgiving environment of Iraq. I was hoping to hear Ambassador Negroponte describe in detail the organization and policies that will guide the new Embassy. I didn't hear much.

There are numerous questions. What is the status of contracts with the CPA, particularly contracts with security firms? Will American civilian contractors in Iraq be subject to Iraq law or United States jurisdiction? How will the Embassy be organized to avoid being "captive" in the Green Zone in Baghdad? How will responsibilities be divided between the Department of State and the Department of Defense? I'm still waiting for good answers.

We are in danger of repeating the mistakes we made a year ago. Once again, we are approaching a critical juncture without a plan, just a new set of players. And the clock is ticking.

The administration is pinning most of its hopes for political progress in Iraq on the transfer of sovereignty to an Iraqi entity on June 30. In doing so, they confuse the difference between sovereignty and legitimacy. The new Iraqi entity—yet to be devised or to be fleshed out with Iraqis—may have some formal powers that may qualify it as a sovereign for the purposes of international law, but I doubt that the vast majority of Iraqi citizens will see it as a legitimate government. This new entity lacks the key components that people ascribe to legitimate governments. Legitimate governments are created by internal political forces, preferably by elections, and legitimate governments control their territory.

This new entity will be a creation of the United States with the belated and uncertain participation of the United Nations, and this new government will exist because American military forces control the territory of Iraq.

In a sense, the administration has already made June 30 both irreversible and irrelevant. Having held out the prospect of a transition to Iraqi rule on June 30, it is impossible to turn back. But on July 1, a prevailing sentiment in Iraq is likely to be disappointment and a sense that the United States has, once again, failed to carry out its word. This will further aggravate tensions, not diminish them.

We can hope the participation of the United Nations will give us a reprieve from this fate, but the administration's disdain for and distrust of the United Nations suggests to me that the current arrangement of necessity will not be sufficient to truly give a sense of legitimacy despite recent efforts.

The surest route to legitimacy is through elections, but we are far from that day. Indeed, that day may continue to recede. Recent polling in Iraq underlines a disturbing fact:

Seventy-five percent of the Iraqis polled—that's the largest percentage of people agree-

ing on virtually any issue—say they would never join a political party and oppose the existence of a political party.

If that is the case, the likelihood of a democratic Iraq is many years away.

The administration's gravest illusion has been and continues to be that the United States can do it alone.

Recent events show the necessity for significant international involvement, not unilateral action. The administration has made overtures to the United Nations, but, as I have suggested, these overtures smack more of political expediency than a new realization of the value of broad-based collective action.

The monetary cost alone to the United States is staggering. We have spent \$100 billion on the effort in Iraq with no end in sight. More importantly, we have lost 767 men and women of our Armed Forces. Indeed, according to an article in today's Washington Post, Yale economist William D. Nordhaus has estimated that the additional \$25 billion just requested for the war in Iraq will make it more costly than the inflation-adjusted expenditures of the Revolutionary War, the War of 1812, the Mexican-American war, the Spanish-American War, and the Persian Gulf war combined.

These monetary costs are just a fraction of what we will end up paying. Each day we are accruing significant costs to recapitalize the equipment and materiel we are using up at alarming rates. The aircraft and the tactical and logistical vehicles will require massive overhauls and replacement. None of these costs are being adequately addressed in or outside the supplemental budgetary process or the regular budgetary process.

Without broad-based international support, we will be unable to accomplish our political goals, and we will be hard pressed to sustain the billions of dollars necessary to sustain our effort in Iraq. As long as we dominate the military and political forces deployed to Iraq, we will be seen as occupiers serving our self-interest rather than a force to advance the interests of the Iraqi people.

The administration has long maintained that Iraq is the "central front" in the war on terrorism. They are badly mistaken. The "central front" in the war on terrorism is the United States. The ultimate objective of our terrorist adversaries is to once again inflict a catastrophic attack against the United States. They are not distracted in this objective by Iraq. We should not be either.

Today, al-Qaida and sympathetic terrorist cells throughout the world continue to plot to conduct an attack against the United States or the homelands of our allies.

The insurgents that we are engaging in Iraq may hate us with the same intensity as an al-Qaida operative, but they have chosen a different path—a path of guerrilla war against our military forces and the citizens of Iraq. The majority are Iraqis motivated by spe-

cific grievances involving our presence in Iraq. The "foreign fighters" who are in Iraq are drawn by the desire to fight the infidel. They are temperamentally and technically much different than the plotters who attacked us on September 11. In contrast, there are still many al-Qaida and associated operatives who continue to plan stealthy attacks against Americans rather than seek out a guerilla war against our military forces. To assume we will lure these terrorists into Iraq and destroy them there is a dangerous misperception.

Once again, the value of a truly international approach to the war on terror becomes more evident. The key element in this struggle is intelligence, not simply military might. This intelligence is not the province of one country, even a country with the resources of the United States. It is the sum of the collective efforts of many countries. To the extent we have alienated other countries or made their intelligence contributions more difficult, then we have diminished the key element in defeating those who continue to plot to strike our homeland.

The PRESIDING OFFICER. The Senator's time expired.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes and that the other side be given an additional 5 minutes.

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

Mr. REED. Mr. President, considering all of this, it is alarming to see the inattention that the administration is paying to homeland security.

What is also very disconcerting about the administration's view is that they see al-Qaida as an institution rather than an ideology. It is an ideology, and it is an ideology that is spreading in the Islamic world despite our huge efforts in Iraq, some might say even because of our efforts in Iraq.

This ideological battle will not be won by military means alone. It will be won by providing Muslim populations around the world with a compelling alternative to the jihad as a means of enhancing their sense of empowerment and defusing their sense of frustration.

Education and economic development spring to mind as ways to begin to counter the appeal of the jihad. Once again, our choice of massive military involvement in Iraq has constrained the resources that we can deploy throughout the Muslim world to directly challenge the ideology of al-Qaida through education and economic development. Here also is another example of where an international approach would have given us much more credibility and, potentially, more resources to advance this agenda of education and economic development.

The administration entered Iraq with illusions, and they struggle today in Iraq because of these illusions. The unfolding crisis in Iraq can no longer tolerate illusion. It demands a realistic assessment of the risks and resources, and a pragmatic plan to prevail.

The administration must develop a true plan for the war's financing with realistic numbers in a timely manner.

The administration must commit more soldiers to the struggle in Iraq. This means increasing the overall end strength of the Army through the regular budget process.

The administration must recognize that the struggle in Iraq is separate from the war on terrorism and that the war on terrorism requires more robust funding at home to protect America.

The administration must recognize and admit that we are committed to a long and dangerous struggle in Iraq that will cover many years and cost many billions of dollars. The administration must seek to truly institutionalize our efforts in Iraq.

A government that deceives its people may sustain itself for a while. Lincoln reminded us that "you can fool some of the people some of the time," but a government that deceives itself is doomed to failure, and its policies are doomed to failure.

I yield back the remainder of my time.

THE PRESIDING OFFICER. Who yields time?

Mr. REED. 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. KENNEDY. 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. KENNEDY. Mr. President, I know we have a time limitation. I think I was allocated some time earlier. Is that correct?

THE PRESIDING OFFICER. The Senator is allocated 20 minutes.

Mr. KENNEDY. Mr. President, I will support John Negroponte to be America's first ambassador to Iraq since the gulf war, and I will speak about it in more detail in a moment.

First I want to say a few words about the larger issues of Iraq and the enormously important challenge we face at an enormously important time for our Nation. The stakes could not be higher for the safety of 135,000 American soldiers serving in Iraq, for the future of Iraq and its 25 million citizens, for America's role in the world in the years ahead, and for America's own security in the weeks, let alone the years, ahead.

For the stability of the entire Middle East, America's ambassador must convey to the new Iraqi government and the Iraqi people America's hopes for Iraq that it soon become a free, stable and prosperous and peaceful nation that respects the rights of its own citizens.

We pray that mission accomplished has not become mission impossible. America's respect and reputation in the world have never been lower in the entire history of our Nation. Where do

we go to get our respect and reputation back? Where do we go to bring a respectable end to the nightmare for America that Iraq has become?

I worry that the actions of our Government may no longer keep America true to the ideals of the Nation's Founders so long ago.

I hope the appointment of Ambassador Negroponte, a career diplomat, will mark a new beginning of serious American engagement in the real problems in Iraq.

Too often, the Bush administration has been blinded by its arrogance on Iraq and refused to recognize the cold, hard truth about its failed policies. Time and again, the President has looked at events in Iraq through rose-colored glasses, ignored the administration's many mistakes in Iraq, and has failed to speak with candor either to the American or the Iraqi people.

Ambassador Negroponte could not be entering this position at a more challenging time. The allegations of prisoner abuse have shaken the faith of the Iraqi people and the international community in the benevolence of the U.S. involvement in Iraq. The new ambassador must start to rebuild their trust.

In his April 20, testimony to the Senate Armed Services Committee, Deputy Secretary of Defense Paul Wolfowitz spoke at length about the human rights abuses under Saddam. Seven of the 23 pages of his prepared testimony addressed the atrocities committed by Saddam Hussein.

One of the goals of the U.S. occupation of Iraq should have been to herald a new day of human rights for the Iraqi people. Instead, many Iraqis are equating America's crimes to those committed by Saddam Hussein, using the same prison and the same torture rooms.

There is no question that this is not the case. There is no question that Saddam's crimes were crueler and more horrific and more widespread by any objective standard.

But the reports of torture by American soldiers, and the reports that these abuses took place at the direction of Army intelligence officers, CIA agents, and private contractors, are deeply damaging to our cause in Iraq and our reputation and interests in the world.

Nobody questions the commitment and skill of the vast majority of our soldiers. They are performing admirably under extraordinarily difficult circumstances. I have no doubt that these despicable incidents are even more painful for them than they are for the rest of America. I am concerned, however, that allegations of prisoner abuse are not limited to this one Baghdad prison. GEN. George Casey has said that this military has conducted at least 25 criminal investigations into deaths and 10 criminal investigations into other allegations of misconduct involving detainees in Iraq and Afghanistan.

Without a question, these reports of abuse strike at the heart of the moral

argument for the administration's war in Iraq.

It is clear that we need a full and independent investigation. The American people need the truth. Congress needs answers. There must be a full investigation and full accountability, including a comprehensive review of all detention and interrogation policies used by military and intelligence officials abroad, in Iraq, Afghanistan, Guantanamo, and elsewhere.

We need to know when the torture started, why was it kept secret for so long, and why we had to learn about it from the media. No one should be immune to questions, including the President.

This is President Bush's war. It is the result of his radical doctrine of preventive war and American unilateralism run amok.

President Bush has spoken frequently about the dignity and human rights of the Iraqi people, and he made it a major justification for the war.

In the East Room of the White House on March 19, 2004, President Bush asked: "Who would prefer that Saddam's torture chambers still be open?"

In the Cabinet room on December 24, 2003, the day Saddam was captured, President Bush said:

For the vast majority of Iraqi citizens who wish to live as free men and women, this event brings further assurance that the torture chambers and the secret police are gone forever.

The President has failed the Iraqi people, and he has failed America. He has presided over America's steepest and deepest fall from grace in the history of our country.

The buck stops at the Oval Office. The tragedy unfolding in Iraq is the direct result of a colossal failure of leadership. It is a failure of calamitous proportions. The President should apologize to the Iraqi people and accept full responsibility.

In the wake of this tragedy, Ambassador Negroponte will face an uphill battle regaining the enormous ground we have lost in winning the hearts and minds of the Iraqi people.

America's vision to rebuild Iraq and provide new hope and opportunity was grand and noble, but we have not delivered on our promise. Far too many Iraqis have come to the conclusion that America is able, but unwilling, to meet their basic needs. The frustration with our unfulfilled promises is feeding into massive hatred for America and our soldiers, who are paying with their lives.

Last fall, President Bush requested \$20 billion in emergency reconstruction assistance from Congress to provide basic services for the Iraqi people. Congress wrote a large check to the Iraqi people, but the administration still has not delivered it.

Ambassador Bremer spoke of the urgent need for this assistance in the Senate Appropriations Committee on September 22, 2003:

This is urgent. . . . Most Iraqis welcomed us as liberators. Now the reality of foreign troops on the streets is starting to chafe. Some Iraqis are beginning to regard us as occupiers and not liberators. This was perhaps inevitable, but faster progress on reconstruction will help.

Acting in good faith, the Congress approved this funding 3 weeks later.

Despite the desperate need for reconstruction assistance in Iraq, the Bush administration has spent only a small portion of these funds. A mere 14 percent of the billions provided by Congress last October has been obligated for reconstruction projects. The administration has not clearly told the Congress how much has actually been spent. It may not even know.

According to the most recent report to the Congress from the Office of Management and Budget: Nearly \$3.6 billion was intended for public works projects, including nearly \$3 billion for drinking water, but only \$32 million has been obligated overall, and only \$14 million has been obligated on drinking water; \$443 million was intended for improvements in hospitals and health clinics, but the coalition government has obligated nothing.

Mr. President, \$300 million was designated for health care equipment and modernization, but nothing has been obligated and \$90 million was designated to build and repair schools, but less than a quarter of it has been obligated.

Our half-hearted attempt to take the face of America off the occupation will inevitably exacerbate Ambassador Negroponte's diplomatic challenges.

Our proposal to transfer sovereignty to the Iraqi people on June 30th and take the face of America off the occupation is nothing more than that—a proposal. It's not even a real transfer of sovereignty.

At the very time we are talking about transferring sovereignty, President Bush is developing a grandiose plan to build a super embassy in Baghdad, staffed by 1,000 Americans. We will still have 135,000 American soldiers on the ground in Iraq for the foreseeable future.

The new embassy's significance is clear. This administration wants Baghdad to be America's new colonial beachhead in the Middle East. As one American official said it will be just like "Saigon, circa 1969."

By comparison, 147 Americans now work at the American Embassy in Afghanistan, a country with 4 million more people than Iraq; 500 Americans work at the American Embassy in Egypt, a country nearly three times the population of Iraq; and 293 Americans work at the American Embassy in India, a country of 1.8 billion people.

In fact, the administration is diverting funds intended for Iraq's reconstruction to support this Fortress America Embassy. According to an April 30th article in the Washington Post, \$184 million has been reassigned from drinking water projects to pay for the operations of the U.S. embassy. An-

other \$29 million has been reallocated from projects such as democracy building to the administrative expenses of USAID.

And we wonder why the Iraqis hate us, why hatred for the American occupation continues to grow.

We all have a stake in Iraq's success—the administration, the American people, the Iraqi people. Ambassador Negroponte has an enormous responsibility to ensure that our policy toward Iraq is based in reality and shaped by the facts on the ground.

As the Ambassador embarks on this new assignment, he must not gloss over the truth, even if it is painful. He must speak with candor to the American people and the Iraqi people about America's objectives, our strategy, and our successes, and he must be equally candid about our failures.

He would be wise not to follow in the footsteps of so many in the Bush administration who may have spoken candidly about the bleak situation in Iraq to the President in private, but who constantly sought in public to put a positive face on the clear failures.

The stakes are high and the challenges are many. I wish Ambassador Negroponte great success and the best of luck. He will need both if America is to succeed in stabilizing Iraq, delivering on our promise of freedom and democracy, and bringing our troops home with dignity and honor. I urge my colleagues to approve his nomination.

Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum.

Mr. REID. I request the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, parliamentary inquiry: Does the Senator from Iowa have a certain amount of time? And if so, what is that?

The PRESIDING OFFICER. The Senator from Iowa has been allocated 20 minutes.

Mr. HARKIN. I appreciate that.

Mr. President, I rise in opposition to the nomination of John D. Negroponte to serve as U.S. Ambassador to Iraq. I understand and agree America needs a representative there, more so now than ever. We need someone in Iraq who has a sterling record, an unassailable record in terms of his or her support for fundamental human rights and for the rule of law, someone who has no blot on their career record of having been involved in the kind of abuses that have come to light recently in Iraq under our military jurisdiction.

After the terrible revelations of the abuses under our watch at the prison at

Abu Ghraib—more is coming to light in Afghanistan, and we do not know what is happening in Guantanamo—I believe nominating Ambassador Negroponte to this vital post would send entirely the wrong message. He is not the right person for this job at this time.

Why do I say that? Ambassador Negroponte served as U.S. Ambassador to Honduras from October 1981 through May of 1985. During this time, Mr. Negroponte showed a callous disregard for human rights abuses through his tenure as U.S. Ambassador to Honduras. I speak of this from firsthand knowledge. I traveled to Honduras during this period and I visited one of the Contra camps along the border of Honduras and Nicaragua with then Ambassador Negroponte. At that time, there were many allegations that a so-called Battalion 316—which was supervised and trained by our CIA and by some of our military personnel—had been involved in some very egregious human rights abuses, including the disappearances of people, including the disappearance and alleged torture and murder of a Catholic priest.

At the time of my visit to the camp with Mr. Negroponte, I asked a number of questions about Battalion 316 and the alleged human rights abuses. I was told there were no such human rights abuses committed by the Honduran military. It became clear to me I was misled, and quite frankly I was not given answers to my questions about the human rights abuses being committed by Battalion 316. I believe Ambassador Negroponte knowingly misinformed me and knowingly misinformed the U.S. State Department about gross violations of human rights in Honduras during his tenure.

I refer to a series of articles written in the Baltimore Sun in 1995. A June 19, 1995 article was talking about Ambassador Negroponte.

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

I will read further from this article:

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so,

he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in the Honduran newspapers that year alone. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

I ask unanimous consent to have the articles from June 19, 1995, printed in the RECORD.

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

[From the Baltimore Sun, June 19, 1995]

HEAR NO EVIL, SEE NO EVIL . . .

An ambassador, someone cynically once said, is sent abroad to lie for his country. U.S. career diplomat John D. Negroponte confused that with lying to his country. As U.S. ambassador to Honduras during the early '80s, Mr. Negroponte systematically suppressed reports to Washington describing kidnappings and murders of political dissidents by a secret unit of the Honduran army. Instead he was responsible for false reports to Washington that portrayed the Honduran regime as committed to democracy and the rule of law.

Why should an experienced U.S. diplomat send false reports to the State Department concealing damaging information about the nation he was assigned to? Simple. For one thing, some of his superiors wanted it that way. They weren't fooled. They were part of a conspiracy to mislead Congress and the U.S. public. The Reagan administration, which dispatched Mr. Negroponte to replace an ambassador who was reporting unwelcome facts, had an overriding policy objective in Central America: to stop what it perceived as a threatened communist takeover. Nothing else mattered.

Each year, U.S. embassies report on human rights abuses and the State Department passes the information on to Congress. Nations that consistently violate human rights are barred from receiving U.S. military aid. By ignoring the clear, unavoidable evidence that Hondurans were being kidnapped, tortured, raped and murdered by a special unit under the command of the army chief of staff, the Reagan administration was able to boost military aid to Honduras from \$3.9 million in 1980 to \$77.4 million four years later.

Mr. Negroponte later told a Senate panel he never saw any "convincing substantiation" that the notorious unit was "involved in death squad type activities." If so, he outdid the three monkeys who saw no evil, heard no evil and spoke no evil. The evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information. More than 300 articles about military abuses appeared in Honduran newspapers that year. Hundreds marched through the capital in protests. A dissident Honduran legislator personally appealed to Mr. Negroponte.

In the last of four articles resulting from a 14-month investigation, Sun reporters Ginger Thompson and Gary Cohn quote liberally from the 1982 and 1983 human rights reports on Honduras. Each quotation is matched by persuasive evidence it is a shameless lie. Even the Honduran government has now acknowledged the atrocities. But not Mr. Negroponte, the hard-line cold warrior who considered Henry Kissinger a softie on Vietnam.

Now ambassador to the Philippines, Mr. Negroponte has refused to respond to ques-

tions repeatedly directed at him by The Sun. But he can't ignore pointed questions from President Clinton, whose personal representative in Manila is Mr. Negroponte. Despite the State Department's support of Mr. Negroponte, the president can't possibly want someone of this ilk representing the U.S. abroad.

Mr. HARKIN. Ambassador Negroponte's reports to his superiors in the State Department resulted in the Congress being misled as to the scope and nature of gross human rights violations that were committed by Battalion 316, an elite U.S. trained unit of the Honduran military involved in some of the worst human rights abuses in Central America.

In a letter to The Economist in 1982, Ambassador Negroponte wrote, it is simply untrue that death squads have made appearances in Honduras.

This is from our Ambassador to Honduras at the very time death squads were openly operating in Honduras under Battalion 316. Yet he said it is untrue that they have made an appearance in Honduras.

We now have history. We now know Mr. Negroponte was not telling us the truth.

From 1981 to 1984, over 150 people disappeared in Honduras, including an American priest, Father James Carney. His body has never been recovered. All indications at that time pointed to Battalion 316. There had been reports that they interrogated him and he was severely tortured and killed. I am not suggesting Ambassador Negroponte was responsible for Father Carney's disappearance. What I am saying, however, is Ambassador Negroponte turned a blind eye and a deaf ear to the human rights abuses in Honduras during his watch. During that period, Ambassador Negroponte was in very close contact, perhaps almost on a daily basis, with GEN Gustavo Alvarez, the Commander in Chief of the Honduran military, and the architect of Battalion 316.

For Ambassador Negroponte in 1982 to say it is simply untrue that death squads have made appearances in Honduras—this is going to be our Ambassador to Iraq at this time?

In 1989, during a hearing before the Senate Foreign Relations Committee, on his nomination to be Ambassador to Mexico, Ambassador Negroponte was questioned about the human rights violations by this elite battalion which became known as Battalion 316. His response was that he had "never seen any convincing substantiation they were involved in death-squad type activities." Yet, as a Baltimore Sun article pointed out, the evidence was all around him, including in his own embassy. A diplomat who tried to write a truthful human rights report was ordered to remove the damaging information, and Mr. Negroponte was the Ambassador at that time.

Mr. President, the Baltimore Sun, in 1995, devoted a series of articles on what happened in Honduras and what happened in terms of Mr. Negroponte's involvement at that time. For the ben-

efit of those who might want to read the RECORD and catch up on Mr. Negroponte's past and what he did while he was Ambassador to Honduras, I commend these articles to them.

Mr. President, I think it should be clear to all of us why human rights questions and concerns should be at the forefront of today's debate and why someone with the background of Mr. Negroponte is not the right person to send to Iraq, because it is going to come out, it will come out about Mr. Negroponte's involvement with Battalion 316. It will come out about Mr. Negroponte's efforts in Honduras to suppress information Congress needed at that time. It will come out that Mr. Negroponte was untruthful to his superiors at the State Department. It should be clear to us why he should not go there at this time.

We are shocked and shaken by the pictures of abuse against Iraqis at the hands of U.S. personnel. Our image as a country is at stake. But it is not just our image, it is the very essence of our Nation, our fundamental respect for human rights, our fundamental respect for the dignity and worth of each individual, the essence of what we are trying to tell the world, that we are for freedom, that we are for individual liberties, that we oppose torture in all its forms. There is no reason why people should be tortured in prisons, and we should not be involved in it.

The photographs we have seen also have a personal association for me. When I first saw these pictures, I was taken back in time—34 years to be exact—to 1970, July of 1970, when I was a staff person in the House of Representatives, and I was sent with a commission to Vietnam.

We had heard all these reports about these tiger cages in which people were brutally tortured, killed. Our State Department denied their existence, our military denied the existence of them; these were all just Communist conspiracy stories.

Well, I had heard enough about them and others had heard enough about them that I began to look into it, and because of some luck, because of the courage of Congressman William Anderson of Tennessee, and Congressman Augustus Hawkins of California, a young man by the name of Don Luce, and the bravery of a young Vietnamese man who gave us the maps on how to find this prison, we were able to uncover the notorious tiger cages on Con Son Island.

Fortunately, I had a camera. Fortunately, I had a hidden tape recorder. Because when I came back and we reported on this, we were told they were not that bad. Well, then LIFE magazine published my pictures and the world saw how bad they really were. North Vietnamese, Vietcong, and civilian opponents of the war in South Vietnam were all bunched into these tiger cages, in clear violation of human rights, fundamental human rights, and in clear violation of the Geneva Convention. We had been asking the North

Vietnamese to abide by the Geneva Convention in terms of their treatment of our prisoners in North Vietnam. Yet, here we were condoning, supervising, the very same kind of abuses of people, in clear violation of the Geneva Convention.

Well, then I was told, well, as to what these people were telling me—because the interpreter was pro-Communist—that he was telling me the wrong things, because I did not speak Vietnamese, you see. I did not speak Vietnamese, and they said the person interpreting for me had a bias toward the Communists, so I could not believe what I was being told. So they sent another group over to hear all these glowing reports. What they did not know at the time is that I had a hidden tape recorder. No one knew that except me. I tape recorded everything that was said.

I was fired from my job. I was told I would never again work in the U.S. Congress because of my actions in letting these pictures out and telling the truth about what was happening on Con Son Island. I was brought before a congressional committee and was charged that what I was reporting was false because I did not speak Vietnamese, and that my interpreter was a well-known “Communist sympathizer.” But I had my tape recorder and I taped everything that was said.

I turned it over to the Library of Congress to transcribe, and they transcribed every single word. Not only what I had been saying was confirmed, but there was even more on the recording that was not interpreted for me, more evidence of the cruel, torturous conditions in these tiger cages, how people had been tortured and killed, and how we, the U.S. Government, had provided not only the funding but the supervision for these prisons.

So when I saw these pictures from Iraq, it brought back Con Son Island and the tiger cages. I thought we had learned our lesson. Yes, war is not a nice thing. War is terrible. But that is why we have Geneva Conventions. That is why we have these international treaties. I thought we learned after Con Son and the tiger cages that we ought not to be involved in those things, that we ought to make sure whoever runs these prisons, whoever has charge of prisoners of war, treats the prisoners according to the Geneva Convention. Yet here we are back again—34 years later—and we see the same kinds of things happening in this prison.

I do not know who took those pictures. I read in the paper today it was a young man and that he may be in some serious trouble. Well, whoever took those pictures, I want them to know they have a friend and an ally in this Senator from Iowa. I will do whatever I can to ensure that no harm in any way comes to them, that they are able to speak out without fear of any reprisal about what they saw and what went on in those prisons.

We have to let the sunlight in—the best disinfectant. Let's show it for

what it was. Let's show what happened there. And let's tell the world, once again, that we are going to make sure we have in place policies, programs, things that will never let this happen again.

The lead editorial in this morning's Washington Post made it very clear when they said:

Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured, and murdered—and in which, until recently, no one has been held accountable.

I agree with those who want a full investigation. I believe we should investigate. But I don't want to see this just pinned on a few soldiers at the bottom. Yes, they have to be held responsible, too. No military person has to follow an illegitimate order of anyone placed in authority above him or her. These were illegitimate orders. If they were ordered to do such things, who gave those orders? Who supervised it? How far up the chain of command did it go?

The bottom line is, the Constitution of the United States puts a civilian in charge of our military. It is that civilian, by his or her actions, statements, policies, programs, that filter down to that private, that sergeant out in the field. Mr. Rumsfeld, because of his actions and his statements and his policies during his tenure as Secretary of Defense, is ultimately responsible. That is why I have called today for his resignation. If he doesn't resign, the President of the United States should dismiss him forthwith.

Seeing no one else asking for time on the floor, I ask unanimous consent that I have an additional 5 minutes.

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

Mr. HARKIN. Because of what has happened, and for our country, we speak of patriotism a lot, patriotism of our brave soldiers and airmen and seamen in Iraq and around the world, the patriotism of those in our country who fight for justice, fight for those less fortunate. Patriotism takes on a lot of different forms. I think Mr. Rumsfeld has to show some patriotism. He has to put the good of his country above his own self-interest and his own self-esteem. It is time for him to recognize that we need a new Secretary of Defense to change the policies and the programs that Mr. Rumsfeld instituted, that, as the Washington Post editorial said, led to this kind of a situation.

I ask unanimous consent that the editorial in the Washington Post this morning, May 6, be printed in the RECORD.

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

[From the Washington Post, May 6, 2004]

MR. RUMSFELD'S RESPONSIBILITY

The horrific abuses by American interrogators and guards at the Abu Ghraib prison and at other facilities maintained by the U.S. military in Iraq and Afghanistan can be traced, in part, to policy decisions and public statements of Secretary of Defense Donald H. Rumsfeld. Beginning more than two years ago, Mr. Rumsfeld decided to overturn decades of previous practice by the U.S. military in its handling of detainees in foreign countries. His Pentagon ruled that the United States would no longer be bound by the Geneva Conventions; that Army regulations on the interrogation of prisoners would not be observed; and that many detainees would be held incommunicado and without any independent mechanism of review. Abuses will take place in any prison system. But Mr. Rumsfeld's decisions helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered—and in which, until recently, no one has been held accountable.

The lawlessness began in January 2002 when Mr. Rumsfeld publicly declared that hundreds of people detained by U.S. and allied forces in Afghanistan “do not have any rights” under the Geneva Conventions. That was not the case: At a minimum, all those arrested in the war zone were entitled under the conventions to a formal hearing to determine whether they were prisoners of war or unlawful combatants. No such hearings were held, but then Mr. Rumsfeld made clear that U.S. observance of the convention was now optional. Prisoners, he said, would be treated “for the most part” in “a manner that is reasonably consistent” with the conventions—which, the secretary breezily suggested, was outdated.

In one important respect, Mr. Rumsfeld was correct: Not only could captured al Qaeda members be legitimately deprived of Geneva Convention guarantees (once the required hearing was held) but such treatment was in many cases necessary to obtain vital intelligence and prevent terrorists from communicating with confederates abroad. But if the United States was to resort to that exceptional practice, Mr. Rumsfeld should have established procedures to ensure that it did so without violating international conventions against torture and that only suspects who truly needed such extraordinary handling were treated that way. Outside controls or independent reviews could have provided such safeguards. Instead, Mr. Rumsfeld allowed detainees to be indiscriminately designated as beyond the law—and made humane treatment dependent on the goodwill of U.S. personnel.

Much of what has happened at the U.S. detention center in Guantanamo Bay is shrouded in secrecy. But according to an official Army report, a system was established at the camp under which military guards were expected to “set the conditions” for intelligence investigations. The report by Maj. Gen. Antonio M. Taguba says the system was later introduced at military facilities at Bagram airbase in Afghanistan and the Abu Ghraib prison in Iraq, even though it violates Army regulations forbidding guards to participate in interrogations.

The Taguba report and others by human rights groups reveal that the detention system Mr. Rumsfeld oversees has become so grossly distorted that military police have abused or tortured prisoners under the direction of civilian contractors and intelligence officers outside the military chain of command—not in “exceptional” cases, as Mr.

Rumsfeld said Tuesday, but systematically. Army guards have held "ghost" prisoners detained by the CIA and even hidden these prisoners from the International Red Cross. Meanwhile, Mr. Rumsfeld's contempt for the Geneva Conventions has trickled down: The Taguba report says that guards at Abu Ghraib had not been instructed on them and that no copies were posted in the facility.

The abuses that have done so much harm to the U.S. mission in Iraq might have been prevented had Mr. Rumsfeld been responsive to earlier reports of violations. Instead, he publicly dismissed or minimized such accounts. He and his staff ignored detailed reports by respected human rights groups about criminal activity at U.S.-run prisons in Afghanistan, and they refused to provide access to facilities or respond to most questions. In December 2002, two Afghan detainees died in events that were ruled homicides by medical officials; only when the New York Times obtained the story did the Pentagon confirm that an investigation was underway, and no results have yet been announced. Not until other media obtained the photos from Abu Ghraib did Mr. Rumsfeld fully acknowledge what had happened, and not until Tuesday did his department disclose that 25 prisoners have died in U.S. custody in Iraq and Afghanistan. Accountability for those deaths has been virtually nonexistent: One soldier was punished with a dishonorable discharge.

On Monday Mr. Rumsfeld's spokesman said that the secretary had not read Mr. Taguba's report, which was completed in early March. Yesterday Mr. Rumsfeld told a television interviewer that he still hadn't finished reading it, and he repeated his view that the Geneva Conventions "did not precisely apply" but were only "basic rules" for handling prisoners. His message remains the same: that the United States need not be bound by international law and that the crimes Mr. Taguba reported are not, for him, a priority. That attitude has undermined the American military's observance of basic human rights and damaged this country's ability to prevail in the war on terrorism.

Mr. HARKIN. We are all upset about what happened. Our country was founded on the principles of democracy, the inalienable rights of individuals. We were right to condemn Saddam Hussein for his state-sponsored torture in Iraq. We are right to condemn anyone, whether it is in Uganda or those who led the Rwandan massacre, the generals who now run Burma, or those who set up the Soviet gulags during that long cold war where so many were tortured and killed by the Soviets. We have always been right to speak out against those and to do what we can to uphold the inalienable rights of individuals. We are not perfect. No country is; no individual is. But our obligation is to make sure that when this country makes a mistake, we right it. We don't try to cover it up. We don't try to excuse it. We bring it out, show it for what it is, and then institute policies, programs, procedures to make sure that human rights abuses under our watch will never happen again.

The bravery of our men and women in Iraq, under intolerable conditions, is a source of pride to all of us. As Senator KENNEDY said, what has happened with these pictures, these terrible human rights abuses, I believe, has to pain our wonderful young men and

women in uniform more than it pains us. Most of them, I am sure, are as abhorred by this as we are. I know they are wondering how something like this could have happened. It has to be demoralizing for our military as it is demoralizing for us. That is why 34 years ago, when the pictures of the tiger cages came out, it led to reforms. I believe it helped lead to the end of that terrible conflict in Vietnam and brought our troops home.

I hope these pictures, as awful as they are, about what happened in the Abu Ghraib prison, will now provoke us to act, to straighten out the system, to make sure this does not happen again.

The PRESIDING OFFICER. The Senator has used his additional 5 minutes.

Mr. HARKIN. I ask unanimous consent for an additional 5 minutes.

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

Mr. HARKIN. I believe that our President has to apologize to the Iraqi people. He went on television yesterday. As I understand from all the articles I read, he gave a slight slap on the wrist to Secretary Rumsfeld and said he still supported him. I am sorry. Sometimes it takes a big person to admit wrong and to apologize. I believe that is what we need to do for the Iraqi people, to let them know, not by words but by deeds, that this does not reflect who we are as a people. We are better than that. We are bigger than that.

Because of what has happened, because of the pall this has cast over our involvement in Iraq, for those reasons and for the history of John Negroponte and what he did during his tenure in Honduras during a time of gross violations of human rights, he should not be the highest ranking diplomat in Iraq. I suppose the skids are greased for him to get this appointment. But I don't think there are too many here who remember Mr. Negroponte and what he did in Honduras, but I don't forget. I don't forget what happened there. I don't forget that Mr. Negroponte was one of those individuals closely aligned with General Gustavo Alvarez and Battalion 316. I don't forget that it was Mr. Negroponte who turned a blind eye and a deaf ear to the human rights abuses in Honduras at that time.

So to send Mr. Negroponte to Iraq would send entirely the wrong message at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that the time under the quorum call be charged equally to both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call 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. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes using the time that Senator LEVIN had.

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

Mrs. BOXER. Mr. President, at 5 o'clock we are going to vote on whether to confirm Mr. Negroponte to be our Ambassador. I want to make clear a couple of points. I voted against Mr. Negroponte for the very issues Senator HARKIN talked about in his history when he was in Latin America, during what I believed to be a massive coverup of human rights abuses, which was very troubling. When Mr. Negroponte went there, there was a meeting with him and I said: You are now in a new job, and although I am not voting for you, I want to work with you. We did work together on a treaty banning child soldiers. He worked very well with us on that. There were times when I called him to talk about issues of concern and he was very accommodating.

I am going to vote for him today to give him another chance at a job that is so dangerous and so worrisome, because we have a policy in Iraq that is not working. He is willing to go there. I give him tremendous credit for that and I give credit to his family. I also think his ties with people in the United Nations, as we try to get more nations involved, could be helpful. I am not sure, but it could be helpful.

I want to express my reservation, now that we see on the agenda of the United States of America one of the worst scandals I think we have seen in a very long time—this prison scandal, which has such enormous ramifications. As one of my colleagues said, it has undone a thousand gestures of kindness and goodness our troops have demonstrated to the Iraqi people and to the people of Afghanistan.

People say, Senator, you should not vote for Mr. Negroponte because now we have this other human rights scandal. Well, I feel Mr. Negroponte knows we are watching everything now. America has a way of getting to the truth. The other day I made a speech about making sure that truth will not be a casualty of this war. We need to know the truth. I can tell you, I have never seen anything uglier.

When the press came to me and asked how I am going to vote for Mr. Negroponte, I said I want to give him this opportunity. I also feel we ought to be looking to the Commander in Chief right now.

It isn't Mr. Negroponte who is responsible for what has gone on here. It

is, in the end, the Commander in Chief, and I wish this Commander in Chief would do what others of both political parties did and step up to the plate and admit it. We all make mistakes. God knows I have made many. We do not like to admit them because it shows our fallibility, perhaps our lack of wisdom or experience. But in the end, you have to do that.

There have been so many mistakes made since this Iraq situation turned into the nightmare that it is—and let me put it right on the table because I do not come to this table without a certain point of view. I did not vote to go it alone in this war. I worried about going it alone in this war. Now we have to ask ourselves, whether we voted for it or against it, what do we do now? Of course, that is the important question. And what mistakes have been made? There are so many mistakes.

The military campaign was brilliant.

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

Mrs. BOXER. I ask for an additional 2 minutes per side, and I will finish up. Excuse me, I ask if I can have an additional 5 minutes from leader time, and then I will finish up.

Mr. MCCAIN. Reserving the right to object, 5 minutes?

Mrs. BOXER. Yes, and I will be done.

Mr. MCCAIN. I do not object.

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

Mrs. BOXER. Mr. President, I see Senator MCCAIN here, one of our heroes in America. He is my chairman and friend. I went over to him one day—I don't know if he remembers this. I was so worried about this war, and he said something that turned out to be true. He said: It will be over in 2 weeks. He was right, in essence. It was maybe a little longer. That first military campaign was brilliant. And I said: But, Senator, I am worried about how many we are going to lose.

He said: It's going to be OK, Barbara.

He was right. But there wasn't a plan in place after that, and we all know that. Yet when the President was asked by the press, Did you ever make any mistakes, couldn't he think of that one?

DICK LUGAR, chairman of the Foreign Relations Committee, Senator BIDEN, Senator HAGEL, Senator KERRY, Senator DODD, Senator CHAFEE, myself, and others on the Foreign Relations Committee came together and said: Where is the plan? We said that before the first shot was fired. So that was a mistake.

Then when the President landed on the carrier and he said major combat was over, "Mission Accomplished" behind him, that was a mistake.

Then when the world said—after that moment, we had them in our hands that day, the whole world when the President landed on that carrier: Can we help you in Iraq? The President said: If you did not go in with us, you cannot rebuild; you are not getting anything. So the spoils of the war were

not going to be shared with anyone except those who went into Iraq. It was a mistake in the end. We would have had everyone in there with us. It would have been different.

When the United Nations building was blown up, an opportunity to say then and show leadership that this has turned into a war against terror and the terrorists are here now—and by the way, they were not before. We know that from State Department documents. They are there now. We had an opportunity to say: United Nations, you have been attacked; come with us. We did not do that.

Now this horrific vision in these prisons. I heard one commentator say: What about the vision of the Americans who were slaughtered and hung on the bridges? Yes, sickening, horrifying, hellish. We cannot go down that road because this is America.

When I was growing up, I knew America was different. This editorial that ran today in the Washington Post opened up my mind because I did not call for anybody's firing. I think the Commander in Chief is responsible, and he has to decide who he is holding responsible. This is an interesting editorial. It said, When did the trouble start? It is when Don Rumsfeld, and I assume with the permission of the President, said: We are not going to pay any attention to the Geneva Convention. None of these rules are going to apply. And now what has happened?

We don't know all the details, but if it is true, and we do not know that yet, what we see in the paper—and these are real photographs—I do not know that for sure, but if it is true, what we are seeing is something that has stained this country, that has burdened this country and scarred this country, that has undermined everything in which we all believe, Democrats, Republicans, Independents, Greens. It does not matter what party; it is about America.

I think it is mistake after mistake after mistake after mistake after mistake. What do we do now? I think JOE BIDEN has great ideas on that. He says the Iraqi people have to want democracy as much as we want it for them. I do believe it is time to test that. We are sending our people into a caldron. We cannot keep going down this course. We have to modify it and change it.

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

Mrs. BOXER. I thank the Chair.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from California be allowed 2 additional minutes to finish up.

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

Mrs. BOXER. Mr. President, as usual, my friend is very generous of spirit.

Stay the course, modify the course, change the course—we need to change the dynamics of this. Some have suggested tearing down the prison. I think that might be an excellent idea to show

our remorse, our sorrow, and our outrage. They say a picture is worth a thousand words. These pictures say terrible things, and we by our actions have to undo those pictures.

My understanding is that a lot of these people who were conducting themselves in this atrocious fashion were kids. They were never trained. They did not understand. They were told: Just do whatever you have to do to get people to talk.

I do not know if that is all true. We will get to the bottom of it. But one thing I do know is, you do not stay on a course when it is not working. We have lost over 700 of our beautiful people, some young, 18, 19, some 30, 40 years old leaving behind children. Some 3,000 plus have been wounded. And why doesn't Paul Wolfowitz know these numbers? What is wrong with him that he doesn't know these numbers? It is wrong. These are lives. These young people are not just some faceless, nameless cutout of a soldier.

Mr. President, I am so filled with sadness. Every time I come to the Senate floor to read the name of Californians who have died—I know they are the best.

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

Mrs. BOXER. My word to them is: You are the best, and we will get to the bottom of this.

Mr. President, I thank Senator MCCAIN for his generosity.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from California. I do remember our conversation. I also remember she and I discussed the fact that the post-conflict era was going to be extremely difficult. She made a very balanced statement today, and I thank her for that as we all go through this very difficult time in the history of our country.

Mr. President, we will be having a hearing tomorrow with Secretary Rumsfeld, and after that hearing, a lot of us, I hope, will be better informed, not just members of the committee, but others will be better informed as to the dimensions of this terrible situation which we have seen so graphically demonstrated on the abuse of human rights.

I also am convinced again that the sooner we get this issue resolved and move forward and make sure it never happens again, it is very important because we have to go about the business of winning this conflict. We cannot let this terrible situation, as tragic as it is, divert us from our purpose of winning this conflict which we cannot afford to lose. We have plenty of time to debate and discuss that in the future.

I also would like to comment on my friend John Negroponte. I have known John Negroponte ever since he was ambassador to Mexico, where he did an outstanding job. He has held a broad variety of positions in both Republican and Democrat administrations. I believe he will perform admirably in the

position for which the President of the United States has nominated him.

There probably would have been a lot less discussion about Mr. Negroponte's qualifications if it had not been for the difficulties we are experiencing in Iraq at the moment, but I would also point out it also lends some urgency to getting this highly qualified, patriotic American in position as we prepare to turn over the government of Iraq to the Iraqi people, which I think all of us are in agreement should be done as quickly as possible.

SUDAN

Mr. President, I rise to speak about the situation in Sudan. Before I do, often citizens, opinion leaders, and people who are viewed with some respect by the American people have, unfortunately, the opportunity or the obligation to say: Never again. We said "never again" after the Holocaust. We said "never again" after the slaughter of 800,000 innocent people in Rwanda, and we have said "never again" on a number of occasions where acts of genocide have taken place.

We are seeing a situation in the Sudan where I do not want us as a nation or as individuals to look back and say some years from now, after these innocent people are being ethnically cleansed and victims of a genocidal plan of orchestrated atrocities, that we would say never again without us attempting to do what we can to stop what is happening in the Sudan as we speak.

Our thoughts and prayers are with the brave Americans serving in Iraq and with the Iraqi people we have liberated, but at the same time the situation in Sudan is dire and it is getting worse.

I applaud Senator BROWNBACK and Senator FEINGOLD for introducing a resolution on this situation, and I am proud to cosponsor it. I would like to take a few moments to describe what the world faces today in Sudan.

The region of Darfur, in western Sudan, is one of the most strife-ridden places on Earth. The largely Arab Sudanese government has teamed with the janjaweed, a group of allied militias, to crush an insurgency in Darfur. This is not the same as the conflict between the Sudanese government and the Sudanese People's Liberation Movement in the south, but rather a separate, brutal conflict. The methods that the government and the janjaweed have employed to put down the insurgents are nothing short of horrific. They are not only targeting rebels, but civilians as well.

Reports emerging from Darfur indicate that the government and the militias are killing civilians, engaging in widespread rape, abducting children and adults, looting civilian property, deliberately destroying homes and water sources, and forcing villagers into government-run concentration camps. The government continues to block access to the region for international humanitarian organizations and ceasefire monitors.

I urge my colleagues to listen to the words of a student from the town of Jorboke. He told Human Rights Watch:

I was at the well with my animals, about half a kilometer from the village, when the planes came. . . . The Antonovs came first, they were very high, like small birds, and they dropped eight bombs around Jorboke. We have two wells and both were hit, the others landed outside the village. . . . The MiGs came about fifteen minutes later and they bombed two of the houses in the village. I heard later that the janjaweed came and looted and burned the rest of the village, but I had left by then; my family put me on a camel to come out to Chad.

A recent article in the New York Times reported an Antonov pilot ordering a ground commander: "Any village you pass through you must burn. That way, when the villagers come back they'll have a surprise waiting for them."

My colleagues heard correctly. The government of Sudan is actually using Russian made Antonov bombers and MiG fighters to kill the civilian population. They are not simply attacking military targets but are focusing on civilian targets such as water wells, granaries, houses, and crops.

Jan England, the UN Under-Secretary General for Humanitarian Affairs describes the situation in Darfur as a "scorched-earth" policy of ethnic cleansing in Darfur, and Andrew Natsios, Administrator of USAID described it last week as "the worst humanitarian disaster in the world right now." The cost to the local population has been enormous. In the last year alone, possibly up to 30,000 people have been killed and another million people have been displaced. Many of the displaced are farmers, who have been unable to plant their crops. Famine looms.

As we stand here today, a nominal cease fire is in place, but there is little evidence that the government and its allied militias are honoring the agreement. Refugees continue to pour across the border into Chad, fleeing for their lives.

If any of this sounds familiar, it should. Just weeks ago we commemorated the 10th anniversary of the Rwandan genocide. Just weeks ago we wrung our hands and said, "If only we knew what was to come, we would have acted." We should have acted. But the international community remained silent and idle, and 800,000 Rwandans lost their lives, under the most horrible circumstances.

This cannot happen again. We do not yet face a Rwanda-type situation in Sudan, and must ensure that we never do. The situation in Darfur offends America's values, and threatens our interests. The continued flight of refugees into Chad, the tenuous peace between Eritrea and Ethiopia, as well as the ongoing conflicts in Somalia could further escalate if we allow Sudan to go up in flames.

Now is the time to act to stop the killing in Sudan before it becomes genocide. I am encouraged that Presi-

dent Bush has spoken out against atrocities in Sudan, and that the State Department and USAID have been very engaged. But we must do more. As the rainy season approaches and threatens to hinder the delivery of aid and medicine, we are running out of time.

The United States must first make clear to the Government of Sudan that its behavior and the actions of its allied militias are totally unacceptable. If the government believes that it will get a free pass in Darfur in exchange for brokering peace with rebels in the south of the country, it is sorely mistaken, as the administration has rightly made clear. We must maintain all sanctions related to human rights violations until real progress is made in Darfur, and consider other ways we can increase pressure on the government.

The international community must also join with us in pressuring the regime. The situation in Darfur should be no more acceptable to responsible European and African governments than it is to the American people. The United Nations Security Council must condemn, in the strongest terms, the gross abuses of international humanitarian law and human rights in Darfur. It should further demand that the Sudanese government immediately disarm and disband its militias, allow full and unhindered access to Darfur by humanitarian agencies and ceasefire monitors, and allow all displaced persons safe passage back to their homes. The Secretary General should report back to the Security Council within weeks, noting the degree to which the Government of Sudan is complying with these demands. At that point, if necessary, the Security Council should consider stronger action under Chapter VII authority.

In the meantime, we must examine whether and what size international contingent it would take to stop this disaster. If troops are required, we should figure out how to get troops, possibly African troops, on the ground. If we need financial and logistical support, the United States and others should provide it.

Some will say that this is going too far, that we face other, more important crises around the world. Dealing with ethnic strife is never easy, and it is all the more tempting to turn our heads when Sudan seems a far-off, obscure place in Africa. Yet 10 years ago, we looked the other way when the public was unaware of the war between the Hutu and the Tutsi in Rwanda. In 1998, President Clinton apologized for our lack of action. I do not want to stand on the Senate floor 10 years from now and remark about the hundreds of thousands of innocent Sudanese who perished under our watch.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise to comment on the critical importance of moving ahead on many of the pending nominations for the ambassadorial and foreign affairs post, and to speak to