

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Corporal Henderson.

STAFF SERGEANT JOSEPH GARYANTES

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Army SSG Joseph Garyantes. Joe epitomized the best of our country's brave men and women who are fighting to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Joe reminds each of us how good we can be.

Joe was born in Wilmington, DE, to Geraldine and the late James Garyantes. When he was 5 years old, his family moved to the Rehoboth Beach area. Joe attended Rehoboth Elementary School and Epworth Christian School. At Epworth, Joe was remembered as a man with a dynamic personality and a good sense of humor. He always was loyal to his fellow friends and teammates and won the most valuable player award in 10th grade for basketball. His family later moved to Florida.

When Joe was 18, he seriously considered spending life in the ministry helping people. Ultimately, though, this Delaware native enlisted in the Army and became a soldier at the young age of 20. His mission always remained the same though—helping people. When Joe was stationed in Kosovo before going to Iraq, he asked his family to send care packages. These packages were not for him. They were meant for needy kids in the area. During the holiday season, Joe would bring over single soldiers for Christmas dinners and make them feel as though they were part of the family.

Joe spent the last several years in Germany, where he lived with his wife, Monika, and their two sons, Tevin, 6, and Ryan, 4. He was killed by a sniper in Muqadiyah, Iraq. Joe was assigned to B Company, 1st Battalion, 63rd Armor Regiment, 1st Infantry Division, Vilseck, Germany.

I rise today to commemorate Joe, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss. Our country is deeply grateful for his noble service to others, his idealism and for the example that he provided to all Americans by the way he led his life.

#### KOBY MANDELL ACT OF 2003

Mr. LEAHY. Mr. President, I am pleased to cosponsor the Koby Mandell Act of 2003. This bill is intended to ensure that all terrorists who commit violent acts against American citizens overseas are punished to the full extent of the law. I have already been working to ensure that the Koby Mandell Act is considered by the Senate and, I expect passed into law.

Three years ago, Koby Mandell was beaten to death in a cave near the Jew-

ish settlement of Tekoa on the West Bank in Israel. Koby Mandell was 13 years old. No one was caught or charged with responsibility for this murder. This tragic story is only one among dozens in which U.S. citizens have been harmed by terrorists, and the U.S. Government has been hindered in its ability to hunt down and prosecute the criminals.

The bill would establish within the Department of Justice an office to ensure that all American citizens who are killed or injured by terrorists operating overseas receive equal treatment by the U.S. Government in its efforts to solve the crime and bring the perpetrators to justice. There would be no difference among cases based on the origin of the terrorists or where they carry out their heinous acts. The investigators and prosecutors associated with this new DOJ office could investigate each incident aggressively, whether the victim is a diplomat, a volunteer teacher like Ted Burgon of Oregon, who was killed in Indonesia in 2002, or a child like Koby Mandell.

Specifically, this bill will create the Office of Justice for Victims of Overseas Terrorism. The Office will ensure that rewards are offered for the capture of terrorists involved in attacks that harm American citizens. It will advertise such rewards and publicize the names and photos of suspects. The Office will establish a notification system to keep victims' families updated on the status of investigations and efforts to capture suspects in each case. It will seek to ensure that suspects are not able to obtain visas to travel to the U.S. In addition, the Office will seek to determine if terrorist suspects who are believed to have participated in attacks on American citizens are employed by local or national police forces. If it finds that suspects are so employed, the Office will seek to curtail any American foreign assistance to those forces. Finally, the Office will undertake a comprehensive assessment of indictments and prosecutions by the U.S. Government against suspected terrorists. It will seek to identify any patterns that would determine the reasons for the absence of indictments in certain cases or in certain countries. This assessment will be conveyed to the Attorney General with recommendations for correcting any shortcomings in attempts to pursue, capture, and prosecute suspects.

Just as we must do all we can to prevent terrorist attacks from occurring on our soil, we must take additional steps to protect our citizens from attack overseas. Where they are targeted and harmed, it is the duty of the U.S. Government to pursue each case of murder or injury vigorously until every terrorist knows that he or she will not escape justice. The Koby Mandell Act is a step toward honoring those who have been lost or harmed, and a step toward deterring future attacks. I am honored to join Senator SMITH, Senator WYDEN, and the other

sponsors of this measure as a cosponsor.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that adds new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On Long Island, NY, in November 2000, Michael Ashley was charged with allegedly assaulting his roommate. Ashley believed he was gay.

Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

#### IN SUPPORT OF S. RES. 364

Mr. FEINGOLD. Mr. President, I would like to express my support as a cosponsor for S. Res. 364, a sense-of-the-Senate resolution that addresses growing concern about oil markets. Over the past few months, oil prices have skyrocketed to a high of over \$40 per barrel. High gasoline prices are inextricably linked to high crude oil prices, and these high oil and gas prices hurt Americans across the Nation and from all walks of life. Farmers, teachers, and small business owners across the country and in Wisconsin in particular, are getting hit hard by these outrageous costs. This week the people in my home State of Wisconsin are seeing gas prices of over \$2.00 a gallon. Making matters worse, a recent refinery breakdown in Minnesota may further reduce the supply of gasoline in the State.

I am proud to cosponsor this resolution because it sends a powerful message to the administration that it needs to directly, and aggressively, confront this oil and gasoline problem now. First, the resolution expresses the sense of the Senate that the administration should directly confront OPEC and challenge OPEC to immediately increase oil production. The eleven countries that make up the Organization of Petroleum Exporting Countries, OPEC, produce 40 percent of the world's crude oil and control three-quarters of proven reserves, including much of the spare production capacity. Ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is vital to United States foreign and economic policy.

The 2004 OPEC production cuts have resulted in outrageous increases in oil prices. OPEC instituted its production cut in February 2004, which reduced production by 2,000,000 barrels per day.

From February to March 2004, crude oil prices rose from \$28 to \$38 per barrel. In April, OPEC announced its commitment to further cut oil production by 1,000,000 barrels a day, and crude oil prices now exceed \$40 per barrel. We cannot allow this foreign oil cartel to wreak havoc on our economy. The administration must use its diplomatic pressure to persuade OPEC to increase production. The actions of this cartel have real consequences for Americans.

Second, the resolution states that the administration should direct the Federal Trade Commission and the Attorney General to exercise vigorous oversight over the oil markets to protect the American people from price gouging. Mega-mergers throughout the oil industry have resulted in consolidation in the market, and we have, in essence, rebuilt the Rockefeller trust through these mergers. The gasoline market in Wisconsin and at least 27 other States are now considered to be "tight oligopolies" with 4 companies controlling more than 60 percent of the gasoline supplies. In tightly concentrated markets, numerous studies have found oil company practices are driving independent wholesalers and dealers out of the market.

Investigations have also found large consolidated oil companies control not just the buying choices of local gas stations, but also the selling prices of gasoline distributors. As a result, independent stations must buy their gasoline directly from the oil company, usually at a higher price than the company's own brand-name stations pay. With these higher costs, the independent stations cannot compete. The company bases prices not on the cost of producing gasoline, but on the maximum a neighborhood will pay. The FTC and the Attorney General must keep a watchful eye on these anti-competitive practices and use all the tools available to them to protect consumers from price fixing and other practices that result in escalating gas prices.

Finally, the resolution calls upon the administration to suspend deliveries of the oil to the Strategic Petroleum Reserve and release 1,000,000 million barrels of oil a day for 30 days. History indicates that releasing oil from the SPR provides consumers with relief from high gas prices. Within hours of the first air strike against Iraq in January 1991, the first President Bush authorized a drawdown of the SPR. The day after the plan was approved, crude prices dropped by nearly \$10 a barrel. During the fall of 2000, the Clinton administration decided to release oil from the SPR. The day after the oil was released from the SPR, crude oil prices fell from \$37 a barrel to less than \$31 a barrel. In addition, releasing the oil will not affect our security interests because the SPR is almost full. It currently holds 659 million barrels, and its capacity of the is 700 million barrels. The resolution only calls for releasing 30 million barrels.

American consumers need relief from high gas prices now. I urge my colleagues to support this resolution.

#### CONFIRMATION OF DEBBIE HERSMAN

Mr. HOLLINGS. Mr. President, the Senate recently confirmed Debbie Hersman to become a member of the National Transportation Safety Board. She has served the Commerce Committee for 5 years, and all of us will miss her presence. We all wish her the best in her new position and know that she will serve with honor and integrity.

I ask unanimous consent that the following statements that are part of the hearing record on her nomination be printed in the RECORD.

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

#### STATEMENT OF SENATOR ERNEST HOLLINGS ON THE NOMINATION OF DEBBIE HERSMAN

Mr. Chairman, I know Senator Hutchison would agree that the most important character a member of the National Transportation Safety Board can have is independent thinking. I don't want someone going to an accident, mind already made up, sharp elbows telling everybody what they are supposed to find, and everything like that.

What I want is someone who can look at all sides of the issue. Someone who can challenge people to make the right decisions. Someone who can manage the non-partisan professionals doing the work. And someone, who at the end of the day, will give a fair and unvarnished response on what happened.

I pick NTSB members like George Bush picks vice presidents. You can search the country, far and wide, but the best of the best in transportation safety, is right here in the room, everyday with us, Debbie Hersman.

She has worked for the committee for almost 5 years. I've had her focus on rail, because of the tremendous needs we have to modernize Amtrak and improve passenger and safety issues.

But she also has taken on oversight of truck and bus safety, pipeline safety, hazardous materials transportation safety. And post 9-11, I've asked her to oversee transportation security issues, insofar as air, rail, ports, and trucking. In other words, she is well-rounded in all aspects of transportation. Her experience belies her youthful appearance.

Prior to joining our staff, Debbie was the staff director for Congressman Bob Wise of West Virginia, who served on key transportation and infrastructure committees. She holds a bachelor's degree from Virginia Tech and a master's degree from George Mason.

We still have much work to do on this committee on transportation issues, and I hate to lose my right arm. She is as hard a worker, as smart as any, as competent a professional as any Senator could ask for. But I know the country is better off, if Debbie is at NTSB, and I proudly endorse her nomination.

Mr. ROCKEFELLER. Mr. President, we hold many nomination hearings in this committee, and we say many things about the nominees, usually in praise of them, but at times questioning them. This nomination is a personal one for many of us, as we have all watched Debbie work tirelessly on behalf of us and our constituents.

Before I discuss all of the reasons that Debbie is absolutely the right person for this position, I want to proudly state she is a West Virginian. Both of her parents were raised in Roane County, WV. In addition, she has many proud relatives in Spencer and Charleston, WV. I know that the people of West Virginia share my pride in all of Debbie's accomplishments.

Before coming to the Senate Commerce Committee, Debbie worked for then Congressman Wise of West Virginia in many capacities, including chief of staff. Governor Wise called me to support her nomination, and we wholeheartedly agreed that there was no better person for the job. Debbie has spent a career for the people of West Virginia, and I know the entire country will benefit from her presence on the National Transportation Safety Board.

Each of us has had to call on the National Transportation Safety Board, or watched on CNN, the work that they do in sifting through a disaster site and in dealing with family members following an aviation tragedy. We rely on their independence to provide Congress and the transportation regulatory agencies recommendations to improve safety. It is a critical role that they play, and one divorced from politics and partisanship. The National Transportation Safety Board deals with situations where tragedies affect many people and that makes it all the more important that we select someone with both the technical knowledge to contribute to the board's work and the human compassion needed in the context of these tragedies. Debbie melds these two important requirements in a particularly special manner.

Each Board member is an independent source of knowledge and information. While the Board votes on matters, and we hope that all agree on the safety recommendations, each is charged with independently making a decision based on the facts and analysis of its expert staff. A small agency, with some 429 employees, its expertise and knowledge is recognized around the world.

Debbie, who has worked on this committee for 5 years, has worked with all of us on transportation safety and regulatory issues, using her expertise and talents to push for improvements. Her primary focus has been surface transportation, but I know that she has spent a considerable amount of time on aviation safety issues, and helped with aviation security matters following 9/11. I know she worked on the highway bill while a House staff member, and that knowledge will help her in her new position.

Her talents, wit, charm and expertise will be sorely missed. I wish her the best of luck in her new position, and while none of us hope to see her about a tragedy in our states, we know that whatever the situation, the NTSB will be in good hands with Debbie there.

Mr. BREAUX. Mr. President, today we are honored by the nomination of