

2004 which may be used to correct this problem. I would like to ask the chairman if my understanding of this situation is correct, and would be grateful for the chairman's view of this matter.

Mr. INHOFE. The Senator from Virginia is correct that the several transportation extension bills enacted this year require that the next legislation we enact must address the "donor" State issue for fiscal year 2004. I remain committed to guaranteeing that all States receive a minimum of 90.5 percent rate of return for their trust fund contributions in fiscal year 2004. As some funding remains in the fiscal year, I am committed to maintaining the Minimum Guarantee program for this year so that no State receives less than a 90.5 percent return on their trust fund contributions.

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

Mr. REID. Mr. President, I will speak very briefly. People watching sometimes wonder what is going on in the quorum call. This is hours' worth of quorum call right here. It took only 20 seconds to read it. It is one reason we have the quorum calls.

No objection.

Mr. FRIST. Many hours, many hours.

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

The bill (H.R. 4916) was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 5 p.m. on Tuesday, September 7, the Senate proceed to executive session for the consideration en bloc of Calendar Nos. 791 and 792; provided further that the time until 5:30 be equally divided between the chairman and the ranking member or their designees.

I further ask consent at 5:30 the Senate proceed to a vote on the confirmation of No. 791, the nomination of Virginia Maria Hernandez Covington, to be followed immediately by a vote on the confirmation of No. 792, the nomination of Michael Schneider, Sr.

I further ask immediately following the vote, the President immediately be notified of the Senate's action and proceed to Calendar No. 787, the nomination of Michael Watson.

Mr. REID. No objection.

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

Mr. FRIST. Mr. President, in consultation with the Democratic leader, what we did with that unanimous consent would allow two judges to be voted on at 5:30, with the expectation that the third, which is Mr. Michael Watson, be confirmed by voice vote after that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 695, 796, 803, 804, 810, 811, and 812, and all nominations on the Secretary's desk. I further ask consent that the nomination of John Miller, PN 1763, be discharged from the Foreign Relations Committee, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

THE JUDICIARY

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

DEPARTMENT OF THE TREASURY

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

CENTRAL INTELLIGENCE

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

DEPARTMENT OF HOMELAND SECURITY

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Read Adm. (1h) Dale G. Gabel, 0000

Rear Adm. (1h) Jeffrey M. Garrett, 0000

Rear Adm. (1h) Stephen W. Rochon, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O-8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O-7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1557 COAST GUARD nomination of Craig S. Toomey, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1791 COAST GUARD nomination of Laurie J. Mosier, which was received by the Sen-

ate and appeared in the Congressional Record of July 8, 2004.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PH1646 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (163) beginning Michael S. Abbott, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

DEPARTMENT OF STATE

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

UNANIMOUS AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that during the upcoming adjournment of the Senate, all nominations remain status quo with the exception of Deborah P. Majoras to be a Federal Trade Commissioner, (PN 1613) and Jon D. Leibowitz, (PN 1496).

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

Mr. FRIST. I thank everyone for their cooperation in getting these agreements for the judges, as well as confirming some important timely nominations, such as the Assistant Secretary of Homeland Security, Mr. Stone. There are a number of other nominations that remain on the calendar, including a number of diplomatic positions which include the Ambassador to Qatar, the Ambassador to Estonia, several representatives to the United Nations. I was prepared to ask consent for these, although I will withhold that request, but I would ask my colleagues on the other side to look at these nominations and see if there is a way to allow us to proceed to these ambassadorships. I will not belabor the point this evening, but there are so many additional nominations we have that are pending and that we should have acted upon. I hope they will give those every consideration.

Today, more have been reported out, several Commerce Department nominations, Albert Frink, Brett Palmer, Benjamin Wu. These will be added to the growing list of nominations now available. These people deserve action from the Senate.

Mr. REID. Mr. President, I briefly say it should be noted in the Executive Calendar we just approved there is not a single member of the minority in this. We have tried to show our good faith. We have received the assurance of the majority leader and others in the administration that we will work to release some of the people we want through, people nominated by Senator DASCHLE. We are going to work to try to do a good job as soon as we get back.

I want the record also to reflect that Admiral Stone was approved tonight, with the Transportation Security Agency. That simply would not have happened but for the good work of Senator ENSIGN who worked very hard on that, working to get this man's name

cleared. But for him, that would not have been done tonight.

MEASURES PLACED ON THE CALENDAR—S. 2704 AND S. 2714

Mr. FRIST. I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2704) to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs.

A bill (S. 2714) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

Mr. FRIST. I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 133, which was submitted earlier today.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 133) declaring genocide in Darfur, Sudan.

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

Mr. CORZINE. Mr. President, today the Senate is taking historic action, stating clearly that the atrocities occurring in Darfur are genocide, reminding the world of its obligations under the Genocide Convention, and calling on the administration to lead an international effort to stop the genocide. This resolution, which I introduced with my colleague, SAM BROWNBACK, has broad, bipartisan support, and its unanimous approval by the U.S. Senate sends a powerful message—that this body will not remain silent as genocide occurs.

The situation remains, as U.N. officials have called it, “the world’s worst humanitarian catastrophe.” At least 30,000 have been killed. Mr. President, 1.2 million have been violently displaced from their villages, of whom 200,000 have fled to Chad. The potential death toll is horrifying. Andrew Natsios, Administrator of the U.S. Agency for International Development, has predicted that 300,000 will die this year, even in an “optimistic” scenario in which humanitarian assistance is provided, and that up to one million are at risk.

This disaster is the result of the deliberate policies of the Government of

Sudan and the “janjaweed” militias under its control. Earlier this week, Human Rights Watch reported how Sudanese government documents themselves prove Khartoum’s complicity. Those documents describe, in plain terms, the government’s military support for the militias—its, quote “loyalist tribes”—and its policy of tolerating the abuse of civilians by the militias.

What has been the result? Janjaweed militias, along with Sudanese forces, have engaged in systematic attacks against civilians in Darfur. As recently confirmed by U.S. Government satellite photographs, villages have been burnt to the ground. Livestock and food stock have been destroyed, and water sources poisoned. Humanitarian assistance has been denied. Militias have murdered civilians and abducted children.

Just this week, on Monday, Amnesty International issued a report describing how rape has been used as a weapon of war in Darfur. Amnesty described how women and girls as young as 8 have been raped and abducted, often with the involvement or acquiescence of Sudanese authorities. Janjaweed militia have raped women in public, in front of their families, with the intent of adding humiliation to the violence. Amnesty reports gang rapes, rapes of pregnant women, and torture and killings in the context of sexual violence. Darfuri women, who are often reluctant to talk about these experiences, nonetheless described how they were abducted and held captive during the day, when militia members were looting villages, so that they could be raped at night. Amnesty reported how rapes have occurred during attacks on villages, during the flight of civilians, and in the camps, all with total impunity. Not a single member of the janjaweed or the Sudanese armed forces have been charged with committing rape or abducting civilians.

In addition to stopping this violence, we must act now to prevent death from starvation and disease. Hundreds of thousands of civilians are currently crowded into camps, where conditions are simply stated, horrendous. Humanitarian organizations now estimate that nearly half of the internationally displaced civilians in Darfur have inadequate food and shelter, that 61 percent lack sufficient water, and that 87 percent lack adequate sanitation. Many of the camps are off limits to international relief workers, and much of the countryside is inaccessible as well.

The rains are adding to the obstacles presented to the humanitarian organizations. So, too, is the lack of security created by the militias and Sudanese forces. The result may be a complete break in the food pipeline, and the deaths of hundreds of thousands. As U.N. Under Secretary General for Humanitarian Affairs Jan Egeland said last week, “We are now in this moment of truth, which will last for some weeks.”

Along with my colleague, Senator BROWNBACK, I have introduced a resolu-

tion declaring the situation in Darfur to be genocide. Why is this so? To begin with, it is undisputed that the murders, rapes, abductions of children, displacements and denial of humanitarian assistance have been directed at particular ethnic groups, specifically the ethnically African groups—the Fur, Zaghawa, and Massalit. Both the U.S. and the U.N. have stated that “ethnic cleansing” is occurring. The U.S. Ambassador for War Crimes, Pierre-Richard Prosper, has said that there are “indicators of genocide.”

What does the Genocide Convention of 1948 state? It defines genocide as killing, causing serious bodily harm, and deliberately inflicting conditions of life calculated to bring about its physical destruction—all of which have occurred in Darfur—committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. The Convention does not require that a certain number have died before it is genocide, only that the acts are occurring.

This declaration is important because of our obligation—and that of the world—to stop genocide before it is too late. After all, the full name of the Genocide Convention is the “Convention on the Prevention and Punishment of the Crime of Genocide.” Article I of the Convention states that the contracting parties “undertake to prevent and punish” genocide. The United States and every other permanent member of the U.N. Security Council is a party to the Genocide Convention.

The Genocide Convention arose out of the horror of the Holocaust, in a moment of history in which the world vowed never again to permit this evil. But the world has spoken much more recently. In late January 2004, 55 governments participated in the Stockholm International Forum, “Preventing Genocide; Threats and Responsibilities.” Those governments, which included the U.S., the U.K., France and Russia, declared, quote:

The Holocaust . . . challenged the foundations of human civilization . . . We are committed to shouldering our responsibility to protect groups identified as potential victims of genocide, mass murder or ethnic cleansing, drawing upon the range of tools at our disposal to prevent such atrocities in accordance with international law and fully upholding the Convention on the Prevention and Punishment of the Crime of Genocide.

This was this January. What do these words mean without action? More words, mere condemnations are not sufficient. Nor is humanitarian assistance possible without real intervention. The lack of food, water and sanitation have reached critical levels. But the problem is caused, and compounded, by the lack of security. As Jan Egeland said last week, quote “The number one problem now is lack of security. Our trucks are looted, our humanitarian workers are threatened and attacked.”

We must find ways to stop this catastrophe. This resolution calls on the President to lead an international effort to stop this genocide. In my view,