

September 2005, “When this great institution’s member states choose notorious abusers of human rights to sit on the U.N. Human Rights Commission, they discredit a noble effort, and undermine the credibility of the whole organization. If member countries want the United Nations to be respected—respected and effective, they should begin by making sure it is worthy of respect.”

Mr. President, I am proud that the United States stood firm and opposed the creation of this fatally flawed Human Rights Council. Our country understood that to affirm this new council with our vote would have granted it legitimacy. The United States should be consistent. We should decline to participate on the council and fund the council for the very same reason we voted against it. Our country should not support a U.N. Human Rights Council which permits countries found complicit in sustained human rights abuses to be eligible for membership.

Mr. President, I am embarrassed to say that some in the State Department are suggesting that even though we voted against the creation of the council we should take a wait-and-see approach and support it in the interim. That makes no sense. If this council had a chance to work, then the U.S. should have voted for it.

Mr. President, other nations may not like what we stand for—but they know where we stand. U.S. human rights policy needs to be consistent and clear. We need to take a different wait-and-see approach. No participation and no funding until the U.N. proves that member states will not elect human rights violators.

#### THE PROBLEM WITH KITCHEN-TABLE GUN DEALERS

Mr. LEVIN. Mr. President, last week, the Violence Policy Center, VPC, released a report which analyzes statistics related to basic Federal Firearms License, FFL, holders in the United States since 1992. The report warns of a large group of current FFL holders it calls “kitchen-table dealers.” The VPC defines this group as “individuals who conduct business out of their homes and offices and do not operate actual gun or sporting goods stores” and estimates that more than half of current FFL holders fit into this group. Disturbingly, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ATF, found in 2000 that 23 percent of its illegal gun trafficking investigations involved “kitchen-table dealers” who were responsible for the illegal trafficking of more than 40,000 guns.

According to the VPC, many “kitchen-table dealers” have no interest in actually selling firearms, but they obtain an FFL because of the exemptions it provides from Federal requirements including background checks, waiting periods, and limits on the number of guns that can be purchased. Under cur-

rent law, an FFL holder must be a person who “devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.” However, a February 2000 ATF report found that 31 percent of FFL holders had not reported selling a single firearm in the previous year. Unfortunately, rather than allowing the ATF to work within the law to revoke illegitimate FFLs and help to eliminate a source of illegally trafficked firearms, opponents of commonsense gun safety laws inserted a provision in the fiscal year 2006 Department of Justice Appropriations bill which prevents the ATF from denying the application or renewal of a FFL due to a lack of business activity.

In its report, the VPC calls on Congress to rescind this provision and proposes a number of other ideas to help eliminate the abuse of FFLs. Among other things, the VPC proposes that all FFL holders be required to operate from a storefront business devoted primarily to the sale of firearms, rather than a residence, and securely store inventories of firearms. Additionally, the VPC suggests an expansion of ATF’s ability to inspect FFL businesses for compliance with record keeping and safety requirements.

We must do more to eliminate the abuse of FFLs in order to reduce the number of guns that are illegally bought and sold in our communities.

#### KENYA

Mr. FEINGOLD. Mr. President, I wish to bring attention to troubling political developments in Kenya. Earlier this week, Kenyans witnessed the most aggressive assault on media since the country’s independence in 1963, when elite police and paramilitary commandos armed with AK-47s stormed the offices of the Standard Group’s TV station, Kenya Television Network and the Standard newspaper. Internal Security Minister John Michuki ordered the event in an apparent attempt to prevent the newspaper from publishing a story on a sensitive political matter. Saying little more than “when you rattle a snake you must prepare to be bitten,” President Kibaki has failed to take swift and sufficient action to condemn this event.

Unfortunately, this event, while deeply troubling in itself, is but the latest manifestation of a larger problem in Kenya today. Over the last year, President Kibaki and senior members of his government have presided over a growing level of turmoil concerning corruption charges, mismanagement of public funds, insufficient anti-corruption efforts, and political favoritism. Particularly troubling are allegations that senior members of Kibaki’s government have been involved in a number of large, illegal business dealings with public money. The most visible of these allegations—which Mr. Kibaki

apparently knew about more than a year ago—came to light in a report written by the man who was appointed by the president himself to help expose corruption. He is now in London in exile after receiving death threats.

I am concerned that Kenya may be backsliding. Just 4 years ago, the Kenyan people went to the polls and marked an historic event in the country’s political history. Kenyans unambiguously rejected years of mismanagement, corruption, and declining economic growth experienced under previous regimes. The opposition National Rainbow Coalition, NARC, was overwhelmingly elected to power, ending more than 40 years of rule by the Kenya African National Union, KANU. Now, only 4 years after these elections, President Kibaki’s government is beginning to revert to strong-man tactics as evidenced in this week’s raid. It also apparently unwilling to take seriously the significant corruption present throughout senior levels of Kenya’s government and in the president’s own cabinet.

While these are discouraging developments, I am heartened that the Kenyan people have responded with such passion. Kenyans are rightfully outraged. Thousands of demonstrators filled the streets of Nairobi on Tuesday, and a range of media sources denounced the raid as “thuggish” and “corrupt.” Radio programs, TV shows, and newspapers are devoting significant attention to the government’s inept management of corruption charges and the recent raid. Resignations of key ministers, new court cases, and active opposition parties are all testaments to the positive political developments Kenya has made. It is essential that Kenyans do not lose this progress.

We have an opportunity to send a firm message to President Kibaki that this type of behavior does not benefit his government or the Kenyan people. Kenya is a critical partner in a particularly important region. It has served as a leader in the region and in Africa, and will continue to be a friend to the United States. But if Kenya’s government wants to maintain its credibility as a government representative of the Kenyan people and a leader in the region, it must take immediate actions to address recent developments and renew its pledge to fight corruption.

In conclusion, the international community must condemn in the strongest manner possible the Kenyan government’s use of security forces to limit political discussion and the freedom of the press. The international community must also support efforts of Kenyan citizens to hold their government accountable for weeding out corruption and political favoritism. As the country turns its attention toward the 2007 general elections, the international community must help Kenyans strengthen democratic processes, advance political freedoms, and fight corruption—and perhaps most importantly, signal to President Kibaki that

too much progress has been made in Kenya to allow for a reversion to old, corrupt, violent political practices.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 13, 2002, Paul Chmiel was murdered in a Michigan prison by Michael Keep. According to reports, Keep confronted Chmiel after he had made a sexual advance toward him. During the altercation, Keep slapped Chmiel, crushed his ribs, and strangled him to death.

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

#### ADDITIONAL STATEMENTS

##### HONORING OFFICER PETER ALFRED KOE

• Mr. BAYH. Mr. President, I rise today to pay tribute to Indianapolis police officer Peter Alfred Koe for his extraordinary valor above and beyond the call of duty. Today, in honor of his courageous service, Officer Koe received the Public Safety Officers Medal of Valor from President Bush. Officer Koe is one of only five public safety officers selected nationwide to receive the medal, and I could not be more proud that a Hoosier like Officer Koe is the recipient of such a prestigious award.

On August 18, 2004, Officer Koe of the Indianapolis Police Department received information that several fellow officers had been shot by a violent gunman. He and other officers responded immediately to the scene, where a hidden gunman shot and wounded Officer Koe. He suffered a gunshot wound to his left leg and additional injuries to his face and body from flying glass and debris. However, rather than succumbing to his own injuries, Officer Koe charged the gunman to prevent him from further harming any of the other wounded officers. Despite his own critical injuries, he exchanged fire with the attacker and effectively subdued him. When medical personnel responded to the scene, Officer Koe urged them to assist the other officers, selflessly deflecting attention from his own serious wounds.

Throughout this encounter, Officer Koe displayed remarkable valor and composure under fire. For this, I commend him and offer my sincere gratitude on behalf of Indiana for his outstanding service to the citizens of our state.

While the events of August 18 demonstrated Officer Koe's abilities, I also want to thank him for his day-to-day work that may not generate the same headlines as a shoot-out or enjoy the glamour of an award but is equally crucial to the safety of Indianapolis residents.

Officer Koe and all of his colleagues at the Indianapolis Police Department make daily sacrifices to ensure the safety of our Indianapolis streets, keeping our families safe and our neighborhoods secure. In an increasingly dangerous world, we depend on our first responders to defend us against violence and other threats to our communities, and I know that many Indianapolis families sleep better at night knowing that people like Officer Koe are protecting them.

Officer Koe and countless others like him dedicate each day to justice as they protect and serve all Hoosiers. I am sure I speak for many Indianapolis area residents when saying thank you to Officer Koe. He went above and beyond the call of duty, and we are forever indebted to him for the lives that he has saved.

On behalf of the State of Indiana, it is my honor to enter this tribute in the official record of the Senate in recognition of Officer Koe's award and his many years of service.●

##### COMMEMORATING DR. JOE AGUILLARD

• Mr. VITTER. Mr. President, today I rise to recognize Dr. Joe Aguiard, who will be inaugurated as the eighth president of Louisiana College on March 23. Dr. Aguiard has been serving as president of this Christian liberal arts school since January of 2005.

Joe Aguiard has been on faculty at Louisiana College since 2000, but his personal history with the college is a long and storied one. Both of Dr. Aguiard's parents attended Louisiana College and met at the liberal arts school. He and his wife also met at Louisiana College, and all three of their children have attended their parents' alma mater.

On top of having a close connection to Louisiana College, Dr. Aguiard also has a proven academic track record. In addition to a bachelor's degree from Louisiana College, he also has two master's degrees from McNeese State University, as well as a doctorate in education from Nova Southeastern University. Dr. Aguiard previously held the positions of chair of the Division of Education, coordinator of the Department of Teacher Education, and Associate Professor of Education.

Joe Aguiard is a top notch educator whose ability is sure to lead Louisiana

College to its greatest days. Under his leadership the Teacher Education Department has consistently received high marks from the Louisiana Board of Regents, among others. He also led a group of Louisiana College education students in researching and writing the curriculum for the Heart of Spain art exhibit at the Alexandria Museum of Art in 2003, and that curriculum was used by teachers and their students around the world.

Dr. Aguiard has maintained a lifetime commitment to learning and educating, and his contribution to the state of Louisiana is greatly appreciated. I come to the Senate floor today to join the students and faculty of Louisiana College in personally commending Dr. Joe Aguiard and wishing him great success in his new post.●

##### A TRIBUTE TO ROBERT E. BAUTE, M.D.

• Mr. CHAFEE. Mr. President, I am pleased to pay special tribute to Dr. Robert E. Baute of Warwick, RI.

Since 1970, Dr. Baute has tended to the needs of Rhode Islanders in various capacities, specializing in internal medicine and pulmonary diseases. For the past 10 years, he has served with distinction as the President and CEO of Kent County Memorial Hospital in Warwick, RI. On March 30, 2006, Dr. Baute will retire after 36 years as a member of the Kent medical staff, and nearly 20 years as an administrator.

A graduate of Yale University in 1959, Dr. Baute went on to serve with distinction in the U.S. Navy and received his degree from the Hahnemann University School of Medicine in 1966. Following in the footsteps of his father, he engaged in a private medical practice for 18 years, and simultaneously emerged as a leader in the administration at Kent County Hospital. Throughout his distinguished administrative career, Dr. Baute served as chief of internal medicine, vice president and medical director, and as a member of the board of trustees. In 1995, he was named as president and chief executive officer.

In all of these capacities, Dr. Baute fought tirelessly to further the scope and quality of care provided by Kent Hospital, and successfully brought new services and modern treatments to the community, while holding himself and his staff to the highest standards of quality, safety, and patient satisfaction. His support for the creation of the Care New England Health Care System was instrumental in its success, and his lifelong pursuit of quality, affordable, and accessible health care services has been nothing short of remarkable.

I join with all Rhode Islanders in expressing gratitude for Dr. Baute's efforts to advance the scope and quality of medical treatment in our State, and I congratulate him for the many achievements in his outstanding career.●