

today in loving memory and honor of 1st Lt Robert Lewis Henderson II.

Lieutenant Henderson of Alvaton, KY, served with the 2123rd Transportation Company in the Kentucky Army National Guard, based in Owensboro, KY. On April 17, 2004, he gave his life in defense of our country in the city of Ad Diwaniyah, Iraq. He had served his Nation as a citizen-soldier for 16 years—nearly half his life. Lieutenant Henderson was 33 years old.

On that day in April 2 years ago, as night approached, Lieutenant Henderson and three of his fellow soldiers were escorting a convoy of the Army's 1st Armored Division.

Their mission was to transport the 1st Armored Division, with its essential M1A1 Abrams tanks and missile launchers, toward the fierce fighting in Al Najaf, where Coalition forces battled the terrorists.

Staff Sergeant Michael Grimes, a fellow Kentuckian who was with Lieutenant Henderson in the Humvee, recalls that Rob "was proud to be in the Kentucky Guard and on the mission that day."

Lieutenant Henderson and his team drove through an area of Ad Diwaniyah that our troops have come to call "ambush alley." The foreboding nickname proved apt as Lieutenant Henderson's convoy, driving up the street, came upon an overturned tractor trailer in an intersection.

Lieutenant Henderson, who was driving the lead Humvee, tried to go around the obstacle, but as the escort team slowed, terrorists ambushed them.

Lieutenant Henderson sustained what proved to be a fatal gunshot in the leg, but he still managed to drive his team to a strategic position where they could return fire and then warn the convoy of impending danger. His final act was to protect his friends and fellow soldiers.

His actions "probably saved hundreds of lives," said Kentucky National Guard Adjutant GEN Donald Storm.

For his valorous service, Lieutenant Henderson was awarded the Bronze Star Medal and the Purple Heart. And he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties, and accomplishing his mission.

Rob enlisted in the Kentucky National Guard in 1988, when he was just 17 years old, as a student at Warren Central High School in Bowling Green, KY. His mother, Lillian Henderson, recalls when he told her, "If you don't sign for me at 17, I'll sign for myself at 18."

Surely Rob knew the honor and the sacrifice that came with serving one's country. Rob's father, Robert "Lou" Henderson, served in the Army during the Korean War. Lou passed away after a struggle with cancer in 1994, but his son continued the family legacy.

After 8 years as an enlisted soldier, Rob felt he still had more to give. In 1997, he went to Officer Candidate School at Fort Eustis, VA. By 1998, he had made first lieutenant.

Lieutenant Henderson deployed to Kuwait in January 2004. Rob and his unit were charged with transporting convoys of heavy armored units which traveled from Kuwait to the front lines in Iraq.

As platoon leader, Rob was tasked with overseeing the complicated logistics of these missions. From scheduling maintenance on the heavy trucks to securing fuel, Rob's duties encompassed "most everything," recalled his friend SGT Doug Pollard, who also served in the Kentucky Guard.

Sergeant Pollard, who met Rob when Rob first enlisted, said that "from day one, Rob was about nothing less than hard work and taking care of other soldiers."

Lieutenant Henderson "led from the front," a popular Army expression for officers who lead by example on the front lines. Sergeant Grimes said, "Rob would never ask a man to do anything that he wouldn't have done himself."

1SG Michael Oliver, also of the Kentucky Guard, agreed. "Normally, as an officer you sit back, supervise and direct," he said. "Lieutenant Henderson loved . . . to get right in there."

Rob's passion for life shone through in his civilian duties as well. He worked as a sales manager at a Lowe's hardware store in Bowling Green. He had worked at several Lowe's stores throughout Kentucky, being promoted with each new post.

Working as much as 60-plus hours a week, Rob fulfilled his Guard training on the weekends, with the same commitment he showed in all aspects of life. While working at Lowe's, Rob also met Lisa, the love of his life. They married in January 2003.

Raised in Rockfield, a small Warren County town outside Bowling Green, Rob Henderson grew up playing football and baseball and cheering for the University of Notre Dame. He also had a fascination with trucks.

Rob worked hard on his home—especially the outside. Lisa Henderson recalls her husband's attention to detail, saying, "he was obsessed with mowing the grass, and just insisted that our yard look better than any of our neighbors." Often seen in jeans and work boots, he loved playing with his and Lisa's two dogs.

Rob was excitedly awaiting the birth of his and Lisa's first child. Lisa recalls hearing the excitement in Rob's voice when she called to tell him they would be having a baby. Rob was training with his platoon in Greenville, KY, and he was so thrilled that he raced off the phone to go tell his whole unit.

Peyton Joshua Henderson was born in July 2004, 3 months after a memorial service was held for Lieutenant Henderson in a small chapel erected at Camp Arifjan, Kuwait.

More than 150 of Lieutenant Henderson's fellow soldiers gathered inside.

Dozens more clustered outside the entrance, all to pay their respects to their fallen leader, brother soldier, and friend.

We thank Rob's wife Lisa for sharing her stories of Rob with us. She and young Peyton join us in the Capitol today. We are also honored that Rob's mother, Lillian Henderson, has shared her memories of her son. And today we are thinking of Rob's sister, Jackie Hawkins, and his half-sister, Monica Walker, as well.

Mr. President, I cannot help but feel humbled when I think of Lieutenant Henderson's final selfless act. A good soldier to the end, he put his men first. It is easy to see his heroism now, but when I look back at the brave 17-year-old who stepped forward to honor his father and his country, I can see the heroism was already there.

This Nation can never repay our heroes or their families, but we will never forget them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### FORMATION OF A NEW IRAQI GOVERNMENT

Mr. LEVIN. Mr. President, last evening, during his press conference with Prime Minister Blair relative to Iraq, President Bush stated:

The formation of a new government represents a new beginning for Iraq and a new beginning for the relationship between Iraq and our coalition.

I hope that is not overly optimistic, but, frankly, I am afraid that it is because of the incompleteness of the Iraqi Government. Its two most important positions—the Minister of Defense and the Minister of the Interior—have not been filled. These are critical positions because numerous police and army units have been dominated by militia members who are loyal to sectarian or political leaders and not to the central Government, and because many militia members outside the police and the army are engaged in a rampage against innocent civilians.

While there have been disagreements on a number of issues related to Iraq, almost everyone has agreed that the new Iraqi Government would have to be a government of national unity with specific emphasis on independent non-sectarian choices for the positions of Minister of Defense and Minister of the Interior if there was to be a chance of quelling the sectarian violence and defeating the insurgency.

Our senior military leaders have been telling us for years that there is no military solution to the violence in Iraq and no way to defeat the insurgency without a political solution among the Iraqis themselves.

The Government that was announced last weekend and approved by the Iraqi Council of Representatives does not represent a political solution because it did not include the two most important ministries: the Ministry of Defense and the Ministry of the Interior.

The plain truth is that the various Iraqi political actors were not willing to make the compromises necessary to bring about a government of national unity within the time allotted by the Iraqi Constitution. And they still haven't. We hope they will at any time, but they still haven't.

Secretary of State Condoleezza Rice, appearing on FOX News last Sunday, minimized the lack of selections for these two positions when she said:

People are dramatizing the fact that they didn't get certain posts that they hoped to get.

She went on to say:

... let's give them three days or four days, or five or six days, to come up with the best possible interior ministry. You know, the five days that they will take to vet people more thoroughly, to make sure they have the right person, will be well worth it.

On "Meet the Press" that afternoon, Secretary Rice even spoke of that failure as a plus, a positive, saying:

... I think it actually shows some maturity that they were able to go ahead with the formation of the government so that they can start working, but that they can take a little bit longer.

How is that a sign of maturity? In my view, both the mature and the necessary thing under the constitution of Iraq was for the Iraqi political leaders to make the compromises necessary to form the entire Government, including, in particular, the Minister of Defense and the Minister of the Interior, the two most important ministries.

It was also disappointing that neither President Bush nor our Secretary of State mentioned anything about the need to amend the Iraqi Constitution. General Casey noted in testimony before the Senate Armed Services Committee:

We've looked for the constitution to be a national compact, and the perception now is that it's not, particularly among the Sunni.

The Iraqi Constitution itself provides for the appointment of a committee to propose amendments to their constitution. That committee has 4 months to complete its work and to recommend amendments to the constitution to the full Parliament.

For a long time, I have been calling for President Bush and officials of his administration to put pressure on the Iraqis, to meet the timetables they have set in their own constitution to form a unity government and to make the changes in the constitution that would make it a unifying document. I have called for that pressure to be in the form of conditioning our continued presence in Iraq on Iraqis meeting their self-imposed deadlines.

The President told me in the presence of several Members of the Congress and in the presence of his own security team that position is actually helpful. For us to tell the Iraqis that our continued presence depends upon their doing what only they can do, which is to meet their self-imposed deadlines for a full government to be appointed and for them to amend their

constitution to make it a unifying document.

These are critically important matters. There needs to be a government of national unity. We can't save Iraqis from themselves. We can't form a government of national unity. We can't amend their constitution. If they want a nation, it is up to them to get on with it according to their own constitutional deadlines.

It is not going to happen if we just tell the Iraqis we are there as long as they need us. That is an open-ended commitment which cannot stand because the American people will not stand for it and should not stand for it.

I hope the President and the Secretary of State and the U.S. Ambassador are saying privately what they haven't yet said publicly: that it is up to the Iraqis to determine their fate and to pull together a national unity government because that is the only hope they have of defeating the insurgency and avoiding civil war.

#### THE ENRON CONVICTIONS

Mr. LEVIN. Mr. President, 5 years ago, the Enron Corporation, the seventh largest publicly traded corporation in America with a \$100 billion in annual revenue, collapsed. Its sudden plunge into bankruptcy destroyed the savings of thousands, eliminated the jobs of tens of thousands more, and, more fundamentally, damaged Americans' faith in U.S. capital markets. In the years following, the extent of Enron's misconduct became clear—the dishonest accounting, nonpayment of taxes, excessive executive compensation, collusion with banks and brokers, the lies to the investing public and their own employees.

Many Enron executives have since pleaded guilty and accepted responsibility for their role in the Enron disaster. Enron's two most senior executives, however, did not. They spent the last 5 years denying responsibility and fighting all efforts to hold them accountable. But yesterday, a jury found Ken Lay and Jeffrey Skilling guilty of 25 counts of securities fraud, wire fraud, false statements, and other misconduct. The jury held both men accountable for Enron's misdeeds.

Some want to portray those convictions as the end of an era of corporate corruption. They are already urging Congress to weaken the Sarbanes-Oxley Act, the law enacted to prevent future Enron catastrophes. For example, they want to exempt 80 percent of the publicly traded companies from rules requiring internal controls to ensure that their books accurately reflect their finances. They want to weaken or eliminate the Public Company Accounting Oversight Board that now polices the accounting industry. They want to weaken other corporate reforms as well, from rules requiring oversight of hedge funds to rules requiring mutual funds to have independent directors.

But corporate corruption is not over. Just this year, AIG, one of the country's largest financial firms, agreed to pay \$1.6 billion to settle State and Federal allegations of securities fraud and bid-rigging. Fannie Mae, an American symbol of financial success and affordable housing, paid \$400 million to settle allegations of accounting fraud. In April, the former chief executive of Computer Associates, a leading high tech company, pled guilty to securities fraud and obstruction of justice. Another 20 publicly traded corporations are currently under investigation for playing games with the timing of stock option grants to maximize the profits that their top executives could pocket. The list, unfortunately, goes on.

The message that should be taken from the Enron convictions is not that corporate oversight is too tough, but that corporate executives must and can be held accountable when they misuse funds, abuse their positions, and mislead the investing public.

I am told that some corporations are waiting for my good friend, PAUL SARBANES to leave the Senate before attacking the law that he championed. They want him out of the way first. But my friend fought too hard and too long for the corporate reforms embodied in Sarbanes-Oxley to be tossed aside or watered down. This country cannot afford more Enrons, and I, for one, believe the Senate cannot and will not turn back the clock on corporate oversight.

#### SENATOR ROBERT BYRD AND ERMA BYRD

Mr. LEVIN. Mr. President, I wish to add one comment to Senator MCCONNELL about Senator BYRD's comments about his holy marriage, a marriage which has inspired every person and every couple who is familiar with Robert and Erma Byrd.

My wife Barbara and I have been here now for 28 years. When we came here, we noted right away this wonderful love affair between Robert and his beloved wife Erma. Many things that Senator BYRD does inspires every one of us in the Senate—his love of this institution, his passionate commitment to this institution, and all the unique features of it, his love affair with the constitution of the United States. But I guess as powerful and potent as those two commitments are and remain and always will in his heart and in our hearts, hopefully, his relationship with his wonderful, extraordinary wife Erma tops them all.

I thank him for that inspiration and thank him for all those other things that he does which help to keep this body, this unique body in the history of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I shant leave this floor until I have said thank you to my noble friend, the able Senator from Michigan, the chairman of