

close of business on June 30 to submit such statements.

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

ORDERS FOR TUESDAY, JUNE 20, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided further that at 5 p.m. on Monday the Senate proceed to executive session for the consideration of Calendar No. 103, John Bolton to be Ambassador to the United Nations; I further ask consent that the time until 6 p.m. be equally divided between the two leaders or their designees and at 6 p.m. the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider then be agreed to, and the Senate then proceed to a vote on cloture on the Bolton nomination.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the Energy bill. We began the Energy bill earlier this week, and we do plan to continue working aggressively on that bill with amendments also Monday afternoon and with the hope that we will be able to debate amendments and set votes in relation to those amendments as needed.

At 6 p.m. on Monday, as we just agreed to, we will vote on a motion to invoke cloture on the Bolton nomination.

With respect to the Energy bill, as we have said again and again, next week will be the final week for consideration. It is vitally important we finally complete action on a national energy policy, and we need to bring this bill to a close soon.

Having said that, as the Democratic leader and I had a colloquy earlier today and pointed out, it may be necessary to file cloture. If so, we will do so, in all likelihood, on Tuesday night to ensure that we finish next week. If that cloture motion is necessary, the vote would not occur until Thursday. Therefore, Members would have ample time to offer and consider their amendments prior to that vote.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order,

following the remarks of Senator SESSIONS.

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

The Senator from Alabama.

THE TREATMENT OF PRISONERS AT GUANTANAMO

Mr. SESSIONS. Mr. President, I heard a good deal of the remarks of the distinguished Senator from Arizona, Mr. KYL, as he discussed the issues surrounding the treatment of prisoners at Guantanamo and the actions of our military. I could not agree with him more. He is one of the Senate's finest lawyers. He is on the Judiciary Committee, where we just had hearings, and has been involved in these issues for some time. In fact, I serve with him on the Judiciary Committee and am also a Member of the Armed Services Committee.

I would have to say to this body that our Congress has had a total of 29-plus hearings involving the handling of prisoners since the war on terrorism began. I think I have been at most of them. Most of them have been before the Armed Services Committee and Judiciary Committee. We have had a host of these hearings. We have had witnesses and complainants and issues brought up to us time and time again.

Yesterday, at our hearing in Judiciary, I really reached a point where I just felt I had to speak out. It was in the morning before Senator DURBIN made his remarks. But it was something I felt deeply, and it became more and more clear to me: that is, we in this Senate are creating an impression around the world that wholesale violations of human rights are occurring in our prisons, and this is absolutely not true.

Members of our own Congress have suggested and even stated that it is the policy of our country to abuse and violate prisoners' rights. This is completely misstating the true facts that are occurring. Anyone who visits the Guantanamo prison—and I believe that some 60-odd Congressmen and Senators have been there, including my own visit to the temporary facility several years ago—would find a new \$150-million prison right on the top of the island overlooking the water. It is a beautiful site where they built this prison. It is a shame really that a prison was built there, but it is part of the military base where it is located. These prisoners are being given tremendous medical care. They are being treated for their diseases, for the parasites with which many of them have become infested. They have been cared for effectively. They have gained weight. They are provided food at a financial cost substantially exceeding that of other prisoners in America and soldiers in the U.S. military. We have treated the Koran with respect and the highest esteem and tried to handle these prisoners in a way that is appropriate.

I will say a couple of things. It is important we treat these prisoners hu-

manely, because we have high ideals as Americans. There are thousands of prisoners and we have thousands of soldiers involved in this area. That someone would overstep their bounds is not something we would not expect. It happens in American prisons every day. Prison guards are fined, they are removed, they are fired, they are prosecuted for abuse. We do not like to admit that, but it happens. We take care of it in America. We do not allow this to continue.

The facts are these detainees at Guantanamo are detainees who are being held consistent with the general principles of the Geneva Conventions but are not covered by that convention. As Senator KYL noted, they are not lawful combatants, they are unlawful combatants. They are people who sneak into a country. They do not wear a uniform. They are not part of any state army. Their goal is to kill innocent civilians, men and women and children not involved in a war effort at all. The purpose of the Geneva Conventions is to help one army identify the members of the other army and to encourage those armies not to endanger civilians, but to focus their attention on their enemy and to deal with them. These prisoners are entirely different. They do not qualify for those conventions. But we provide them great protections, anyway.

We have spent \$109 million on the prison there at Guantanamo. We are going to spend another \$50 million making it even better. I don't see that there is any basis to move those prisoners, to alter what we are doing there and to create a new prison. How would that make us any safer if that were to occur?

Let me share this about the 500 or so prisoners who are there. In the course of this war on terrorism, our country has apprehended 10,000 detainees, individuals who have been captured. Each one has been screened carefully. As a result, some 750 have been identified for incarceration at Guantanamo, the worst of the worst. Since that time, we have continued to monitor them. Each one of them has had a full review. As that has occurred, another 200 have been released and we are down now to a little more than 500 at Guantanamo. I note of the 200 released, some 12 have already been rearrested as they go about their efforts to kill Americans and American soldiers. They have been rearrested, because they returned to battle. This clearly suggest that of those other 500 detainees remaining, many of those are dedicated totally to killing American citizens. They believe in what they are doing. They are sold on this effort. They are implacable in their goal and intentions and should not be confused with the normal prisoners of war where you have a soldier who was drafted into an army and they go out and get captured and they dutifully stay in their prison until the war is over.

What do you do with prisoners of war or these kind of prisoners? Prisoners of

war are held until the war is over. You do not turn them loose so they can then re-engage in killing your soldiers. That is the crisis.

When will the war end? I am not sure. So we have people say, they have to all be released. You cannot hold them because this war might go on forever.

Might, might, might. We are talking about now. It has not been going on that long. Most have only been held 1, 2, 3 years. This is not the time to be wholesale releasing these people. This battle is tough and hot right now. If you do not believe it, look at what is happening in Iraq and how many are killed by these attacks, surreptitious sneak attacks by roadside bombs in that country. This war is not over. It is ongoing.

We are lucky and have been fortunate that because we were aggressive, we as a nation have not had another attack on our homeland since September 11. But we know they would like to do that. We know they are attacking places all over the globe.

A number of Supreme Court decisions has impacted how these prisoners are to be held. The Department of Defense created, therefore, as a result of the court rulings what is called the combatant status review tribunal. Every prisoner in Guantanamo has been reviewed by the combatant status review tribunal. Annually, each prisoner there goes before the ARB, which is an annual review board, sort of like a parole board. If they can justify letting these prisoners go on that annual review, they let them go because the last thing we need is to be housing a bunch of prisoners that do not amount to a threat to our people.

I will share this. I will not continue too long tonight. I want to share a few facts that are important. We are committed as a nation to high standards of duty in handling those we capture. Since this war has begun, there have been 10 major commissions and investigations empaneled to review allegations of misconduct. We have had commission after commission, review after review and, as I said, 29 plus congressional hearings. We have been alert to ensuring that prisoners are not abused in any systematic way and that those who violate the law are prosecuted for it.

Let me carry on. There have been 1,700 interviews as a part of these investigations; 16,000 pages of documents delivered to Congress. Detention operation enhancements to improve our detention operations range from increased oversight to expanded training of the guards to improved facilities and new doctrines.

When we have had a problem, we have dealt with it, we have confronted it, and we have improved the situation.

Mr. President, 390-plus criminal investigations of American soldiers and Guards have been completed or are ongoing. More than 40 staff briefings have been given to the staff members of the

Congress. People are being held accountable. They are really being held accountable. One general officer has been removed from command, received a general officer memorandum of reprimand. Thirty-five soldiers have been referred to trial by court-martial—35. Sixty-eight soldiers have received nonjudicial punishment, which is a career ender. Twenty-two memoranda of reprimand have been issued. Eighteen soldiers have been administratively separated from the Army. The Navy has had nine receive nonjudicial punishment. Fifteen marines have been convicted by court-martial. Seven received nonjudicial punishment, and four have been reprimanded.

We know in Abu Ghraib there was this uproar. This story had been broken by the media, one Senator said yesterday at our hearing. But if you remember, it was the general who made the briefing every day to the news media who announced, days before the media had any report of these abuses in Abu Ghraib, he had reports of abuses in Abu Ghraib prison and investigations were being commenced. And they commenced immediately. People were removed from command immediately and no more abuses took place in that prison from that date onward.

We know since then, because we have had hearings and newspaper articles and investigative reports on TV, that these people who violated the rights of those prisoners were tried and convicted and are being sent to jail for long periods of time.

Although none were seriously physically injured, as I recall, they were humiliated and handled in a way unbecoming of an American soldier. Those soldiers have been disciplined severely for their errors, and rightly so. I think it is something we should be proud of.

Do you remember the colonel whose soldiers were under attack? He needed information from an Iraqi, and to get it, he fired a gun near the Iraqi's head. He did not hurt him in any way. And this terrorist gave information that helped save soldiers' lives. And they cashiered him out of the Army because he was not allowed to use that kind of action. We had a marine officer—who after 9/11 gave up his stock brokerage job to go and serve his country—be prosecuted, it now appears falsely, by a lower ranking soldier who made complaints against him, a soldier he had referred for disciplinary action. After full review, they dismissed all charges.

This record is clear. This Government, our Nation, does not tolerate abuse. We have taken strong actions to see that it is not allowed and does not continue. But we have a duty to protect the people of our Nation. These detainees, these terrorists, who are being held, these unlawful combatants present a risk to us.

Some say, well, somehow we have made this all happen by being aggressive militarily. But I would remind my colleagues that for almost 20 years al-Qaida, and groups like that, have been

attacking our embassies, our marines, our soldiers—our warships, the USS *Cole*—around the globe. We had been in a constant state of combat with Saddam Hussein truthfully since the gulf war in 1991. Up until the actual commencement of these hostilities, we were flying missions to enforce the no-fly zone under the U.N. resolutions. He was firing missiles at our aircraft, and we were dropping bombs on him.

This is a dangerous part of the globe. That is why the Congress, when President Clinton was President, passed a resolution setting the policy of this Government to effect a regime change in Iraq.

So this is what it is all about. It is a dangerous world out there. I want to call on my colleagues, with the greatest sincerity, to be careful what we say. Do not be telling the media, the world, speaking out in ways that suggest it is a policy in the actions of our military routinely to abuse prisoners. If prisoners are unlawfully treated, the guards are prosecuted. And the people who did it are prosecuted. It is not our policy to abuse prisoners. It does not happen on a regular basis. We do not tolerate it. We will not tolerate it. We will comply with the law and treat people appropriately.

But when Senators come in hearings and to this floor and make statements in the news media—and when the news media writes reports, as was done about the Koran, saying it was flushed down the toilet—they had to retract that story, bad things happen. After the false Koran incident a riot occurred because people in the Middle East believed that was true. They believed what they read in our national news, that we were unfairly or disrespectfully treating the Koran. Whereas in Guantanamo, our guards use gloves. They hold the Koran with both hands, in every way try to treat it in a respectful manner and make sure that every prisoner there is provided a copy, if they desire.

So this is bad when we create a climate in this body that falsely characterizes our people. Yes, we make mistakes. Yes, if we do, they need to be fixed, and people ought to be punished. And I have shown we are punishing them. But it is wrong and irresponsible, and it places our soldiers whom we have sent in harm's way at greater risk when we suggest to that entire region of the world that we do not respect the faith of Islamic peoples, that we do not treat respectfully the prisoners who we apprehend, and that we are irresponsible, maybe even carrying on activities that are so bad as to be compared with Hitler, Pol Pot, or the Soviet Union. Those irresponsible comments can cost soldiers' lives. We need to be careful about it. If someone has proof of an individual act that amounts to a crime, let's see them bring it forward. Let's have an investigation. If somebody deserves to be prosecuted, let's prosecute them. But if not, quit making these statements. I think we

have had enough hearings. As far as I am concerned, 29-plus is enough.

The military has demonstrated, with all clarity, that they are prepared and willing to honestly and aggressively prosecute wrongdoers. They are also committed to protecting our citizens. They have given their lives, many of them, in that effort. They volunteered to serve in our military. They are the finest military this world has ever known. In the heat of combat they have shown restraint. They have not used heavy weapons, and they have held back in order to be sure innocent civilians are not injured. They do everything they can on a daily basis to reach out to the people of Iraq and Afghanistan, to appeal to their hearts and minds, to encourage them on the road to building a new and better life for themselves and their families. They do the things that Americans have no idea of on a daily basis to try to reach out and reconcile and improve our relationship with the people in that area of the globe.

It is positively damaging to that effort when Members of Congress make the kinds of statements that have been made, when news media outlets, great organs of information, make mistakes, twist, exaggerate, misrepresent things that have occurred. It is not right. We need to show more responsibility. We need to show more discipline. It is not justified. No matter how strongly one feels politically and wants to try to blame the President for all these things, it is not just being heard in this body, it is not just the American people who are hearing criticisms of the President. These comments are being heard throughout the globe. It is not helpful to our efforts to build a better and more peaceful world.

I thank the Chair for the opportunity to say these words, late at night though it is. I believe we are at a point where our Congress needs to improve its behavior. We need to show more restraint. If we do so, this will allow our soldiers to have a better chance to succeed at the difficult mission they have and the one they are working at so ably and so courageously.

I yield the floor.

ADJOURNMENT UNTIL 2 P.M.
MONDAY, JUNE 20, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 20, 2005.

Thereupon, the Senate, at 7:35 p.m., adjourned until Monday, June 20, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2005:

DEPARTMENT OF DEFENSE

JOHN G. GRIMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN P. STENBIT.

DEPARTMENT OF JUSTICE

WAN J. KIM, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RENE ACOSTA, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOMINATED, SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be commander

PAUL L SCHATTTGEN
HARRIS B HALVERSON II
BARRY K CHOY
MICHAEL D FRANCISCO
MARK P MORAN
DOUGLAS D BAIRD, JR
DANIEL S MORRIS, JR
DAVID A SCORE
STEPHEN F BECKWITH

To be lieutenant commander

JAMES A ILLG
ALEXANDRA R VON SAUNDER
ROBERT A KAMPHAUS
RICHARD T BRENNAN
ADAM D DUNBAR
PETER C FISCHER
JEREMY M ADAMS
DAVID J DEMERS
MICHAEL J SILAH
SCOTT M SIROIS
DEVIN R BRAKOB
SARAH L SCHERER
DAVID J ZEZULA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. PETERSON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 16, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007.

OVERSEAS PRIVATE INVESTMENT CORPORATION

CHRISTOPHER J. HANLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2006.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO BE AMBASSADOR TO FRANCE.

EDUARDO AGUIRRE, JR., OF TEXAS, TO BE AMBASSADOR TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO ANDORRA.

ROGER DWAYNE PIERCE, OF VIRGINIA, TO BE AMBASSADOR TO REPUBLIC OF CAPE VERDE.

DONALD E. BOOTH, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

ROBERT JOHANN DIETER, OF COLORADO, TO BE AMBASSADOR TO BELIZE.

ZALMAY KHALILZAD, OF MARYLAND, TO BE AMBASSADOR TO IRAQ.

RODOLPHE M. VALLEE, OF VERMONT, TO BE AMBASSADOR TO THE SLOVAK REPUBLIC.

PAMELA E. BRIDGEWATER, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF GHANA.

ANN LOUISE WAGNER, OF MISSOURI, TO BE AMBASSADOR TO LUXEMBOURG.

TERENCE PATRICK MCCULLLEY, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALI.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DONALD B. CLARK AND ENDING WITH MICHAEL T. FRITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 24, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTINE ELDER AND ENDING WITH SAMANTHA CARL YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TODD B. AVERY AND ENDING WITH JOHN P. YORRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL HUTCHINSON AND ENDING WITH MARIE ZULUETA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHARLES W. HOWELL AND ENDING WITH HECTOR U. ZUCCOLOTTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 16, 2005, withdrawing from further Senate consideration the following nomination:

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.