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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 4, 2004, at 12:30 p.m.

## Senate

MONDAY, MAY 3, 2004

The Senate met at 1 p.m. and was called to order by the Honorable GORDON SMITH, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace, glory, and power, the battle belongs to You. Thank You that though the storms rage, we can still anchor our hopes in Your might. Lord, we hear the sounds of conflict as people imagine vain things about Your loving providence. Forgive us for our fear of the future when we forget how You have led us in the past. Forgive us also for our haste to paint a caricature of the many because of the pathology of the few. Remind us that fierce winds bring no anxiety to those who keep their eyes on You.

Lord, the challenges that we face are too complex for human reasoning alone, so imbue our leaders with Your wisdom that they may know the road to take. Sustain those who courageously bear the weight of combat and battle the fog of armed conflict. We praise You for the joy of those who are experiencing reunion with loved ones who have been rescued from danger. But we ask that You would bring comfort to those who mourn and to those who know the terror of anticipatory grief.

And, Lord, we pray also for our enemies, that they may know the clarity of Your will. Carve tunnels of hope through mountains of despair and let the peace we seek in our world be conceived first in our hearts. Hasten the

day when we will lay down our swords and shields and study war no more.

We pray this in the name of the Prince of Peace. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GORDON H. SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 3, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SMITH thereupon assumed the Chair.

### LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

### SCHEDULE

Mr. McCONNELL. Today, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. We have locked in a limited list of amendments to that bill, and it is the leader's intention to complete action on the bill this week. The chairman and ranking member of the Finance Committee will be here throughout the afternoon to work through these amendments. It is our hope that amendments will be offered and debated during today's session.

As announced last week, there will be no rollcall votes today. Any votes ordered with respect to amendments during today's session will be set aside to occur tomorrow.

I ask unanimous consent the morning business time be equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MEASURES PLACED ON THE CALENDAR—H.R. 4181 AND S. 2370, EN BLOC

Mr. McCONNELL. Mr. President, I understand that there are two bills at the desk due a second reading. I ask

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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unanimous consent that the clerk read the titles of the bills for a second time en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

A bill (S. 2370) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes.

Mr. McCONNELL. I object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with Senators permitted to speak for up to 10 minutes each, time being divided equally between the two sides.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the previous quorum call and any other quorum calls during this morning's business be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENEMY COMBATANTS

Mr. BINGAMAN. Mr. President, there are a couple of news events in the last 24 hours or 48 hours that I thought deserve some comment.

Let me first talk a moment about the atrocities and abuse of enemy combatants—prisoners—in Iraq which has been a major concern. Many of my colleagues have commented upon the horrific images that have come out on television and in the papers. I have not seen as yet many comments about the Pentagon's response. That is what I wanted to comment on briefly.

Officials within the Department of Defense have known at least since January that prisoners held as enemy combatants in Iraq have been subject to maltreatment, and to physical and sexual abuse. We know this because in January the Department of Defense re-

lieved the camp commander of her duties and ordered an investigation. The investigation was completed in February. The 54-page report that was issued, as I understand it, contains horrifying details about these abuses.

Yesterday, on the CBS news program "Face the Nation," Bob Schieffer, the host of that program, interviewed General Myers, Chairman of the Joint Chiefs of Staff. Bob Schieffer asked about this report. He said, "There is a 53-page report that Sy Hersh of the New Yorker has obtained which says that the situation was even worse. How could this have happened? What is going to occur?"

The part that I thought was most disturbing was the response by General Myers to the question: "Why would you not have seen the report?" The investigation was carried out in December. The report was completed in February. "Why would you not have seen report?" And the response was: "It is working its way up, up the chain. I will see this report. I am sure it just hasn't come to me yet."

This is an unacceptable response. If this is a concern of our Department of Defense, if this is a concern of the Chairman of the Joint Chiefs of Staff, how can he state in May that he has not seen the report or demanded to see the report, and that it is, as he understands it, "working its way up" and will eventually come to him?

I don't think that is the level of concern we ought to be demonstrating in our Department of Defense for this kind of circumstance. It is not the level of concern the American people would expect of their military commanders for this type of conduct.

I would think if the general believed swift action was required he might have directed those in the command—in his command and, of course, that is everyone in the military—to get that report to him immediately upon completion, and to give him concrete action items they were intending to take to deal with the situation.

Leadership and responsibility flow from the top in our military. We all know that. For the Chairman of the Joint Chiefs of Staff to handle this matter in this way and indicate that, on May first, he has not seen the report but he assumes it is working its way up through the chain of command, demonstrates to all members of the military that humane treatment of prisoners is not a priority for our military in Iraq.

That is unacceptable. That is unacceptable to this Senator. It is unacceptable, I believe, to the American public. I hope we can get a different reaction from the Pentagon and a more acceptable reaction from the Pentagon to this horrific state of affairs that has come to our attention.

#### ENSURING AMERICA'S FUTURE COMPETITIVENESS

Mr. BINGAMAN. Mr. President, I also want to comment about another

subject which is not as much on the minds of the American public, but it clearly is on the minds of some.

There is an article that I ask unanimous consent be printed in the RECORD immediately following my remarks from today's New York Times by William Broad entitled "U.S. Is Losing Its Dominance in the Sciences."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that a speech Senator DASCHLE gave 2 weeks ago to the American Association for the Advancement of Science be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, the author of this report on the front page of the New York Times today, Mr. Broad, points to several trends that are working against the United States with regard to our world leadership position in science and technology. He points out the percentage of patents issued to Americans is declining. He points out the portion of published research attributable to Americans in top physics journals is decreasing. He points out the number of Nobel Prizes awarded in the basic sciences to Americans is decreasing. He points out the number of doctoral degrees granted in science and engineering in this country is on the decline. He points out the declining percentage of science and engineering doctoral degree candidates from foreign countries who are planning to stay in the United States after they graduate. This last phenomenon I referred to has been dubbed "the reverse brain drain." He talks extensively about that.

The simple fact is, the world has become a highly competitive place with regard to science and technology leadership and talent and investments. We have historically believed we were the leaders in the world in this arena, and we have taken for granted the fact that promising young scientists and engineers from other countries would all want to come here, to stay here, and contribute to our continued world leadership. All of that is now in danger of changing.

We ignore this challenge to our long-term economic security at our own peril. This challenge requires strong efforts by our Government and our industry to counter the strong efforts that are being made in other countries, and to match the strong efforts that are being made in other countries in this field.

So what needs to be done? Let me list briefly six areas on which I think we ought to take aggressive action. The first area relates to research frontiers. We need to start by focusing on broad support for basic science and engineering research across the board, as well -