might go to the Department of Education and get that funded, as opposed to sitting back and hoping that money comes to us.''

Other ideas include appealing to foundations and seeking revenue-generating activity on the Web, making the Smithsonian's extensive photography collection available for commercial purposes, for instance. ''We're not looking to make a profit,'' he said. ''We're just looking to recover our costs.''

During his nearly 14 years as president of Georgia Tech, Dr. Clough oversaw two capital campaigns that raised nearly $1.5 billion in private gifts. Annual research expenditures increased to $425 million from $212 million and enrollment to more than 18,000 from 13,000. Georgia Tech has consistently ranked among the nation's Top 10 public research universities.

At the Smithsonian, Dr. Clough said he planned to spend the next year developing a strategic plan ''to help us get a fix on where we are'' and to set fund-raising priorities. He said he wanted to consult people across the institution, with the added dividend that it ''will help restore some of the morale.''

The Smithsonian needs to be lean, but it must maintain the basic levels of staffing that, for instance, allow the zoo to keep feeding the animals, Dr. Clough said. The institution's employment levels have shrunk in recent years, declining by nearly 600 employees since fiscal year 1993 to the current level of 5,960.

''We have to stabilize it,'' Dr. Clough said. ''We can't be the institution we hope to be if we sit around and let that happen.''

At the same time he understands Congress's concerns and says he is ready to be grilled when the time arrives, perhaps next spring, when appropriations hearings are usually held.

''It's O.K. for us to be asked our relevance and what we're doing for the country,'' he said. ''I think we can make that case.''

This article has been revised to reflect the following correction: An article on Monday about plans for the Smithsonian Institution outlined by G. Wayne Clough, its new chief executive, misstated the goal of the institution's capital campaign. It is to raise more than $1 billion over five to seven years, not $5 million to $7 million.

KIDS ACT

Mr. SCHUMER. Mr. President, I rise today to address a pressing issue that deserves our immediate attention: the improved protection of children on the Internet. That is why, at the beginning of this Congress, I authored and introduced S. 431, the Keeping the Internet Devoid of Sexual Predators, or KIDS, Act.

The increasing popularity of social networking Web sites and their ready availability to children has made these sites potential hotbeds for sexual predators, who can easily camouflage themselves amidst the throng of users on these sites, while furtively pursuing their own despicable designs. In the 21st century, just as we protect children in our physical neighborhoods, we must protect them in our online communities as well. The KIDS Act, S. 431, is a bipartisan bill that does just that.

The KIDS Act requires convicted sex offenders to register their e-mail addresses, instant message names, and all other Internet identifiers with the National Sex Offender Registry. The Department of Justice, DOJ, would then make this information, on a qualified basis, available to social networking sites to compare the catalogued identifiers with those of their users. And it will do so in a way that carefully preserves the privacy of the users of any such Web site.

The Sex Offender Registration and Notification Act, SORNA, passed as part of the Adam Walsh Act, granted the Attorney General the authority to require the registration of certain identifying information, 42 U.S.C. 16914(a). While DOJ recently exercised its authority to collect ''other information required'' to issue final rules concerning the collection and release of Internet identifiers, this legislation permanently mandates that certain Internet identifier information be required in the registration process.

The amended bill continues to exempt Internet identifiers from public disclosure by States or DOJ.

The amended legislation requires the Attorney General to ensure that there are procedures in place to notify sex offenders of changes in requirements.

The legislation clarifies the definition of ''social networking site'' to assure that access to Internet identifiers is targeted to the bill's purpose of protecting children from solicitation by sex offenders on social networking sites. Sites may obtain information from DOJ only if they are focused on social interaction and their users include a significant number of minors. A ''significant number'' of minors, of course, clearly does not mean that the majority of users, or even a substantial minority, must be minors to qualify a Web site to participate, nor does it mean any particular quantity. The intent here is simply to permit the participation of any Web site that draws many minors; otherwise the law's purpose and effectiveness would be undermined.

As amended, the bill further allows social networking sites to employ contractors to assist with the checking process, but intends that these contractors will be subject to the same requirements that protect privacy interests.

The legislation still sets out a system for checking Internet identifiers and includes more robust privacy protections. Web sites may obtain a list of offenders' Internet identifiers from DOJ but only in a protected and secure form. Only after making a match can the Web site view the Internet identifier in unprotected form and request specific additional items of personal information about the registered sex offender. Web sites will require this additional information in order to ensure that people who are not registered offenders are not wrongly blocked from using their Web sites.

Moreover, as a qualification for the use of the checking system, social networking Web sites must provide the Attorney General a description of policies and procedures for protecting all shared information and policies for allowing users the ability to challenge their denial of access. This mechanism seeks to ensure a process to identify and remove false positives from sex offender registries. If a Web site discovers incorrect information, the Web site is required to inform DOJ and the State registry so that they can correct the information.

There is now a new section modifying minimum standards required for electronic monitoring units used in the sexual offender monitoring pilot program established under the Adam Walsh Act. DOJ agrees that this change is needed. This will open up program participation to many more States and companies.

The legislation no longer includes the stand-alone criminal offense for knowing failure to register an Internet identifier. That provision was deemed unnecessary because existing law clearly criminalizes the failure to register information that the Attorney General requires convicted sex offenders to register under SORNA. The KIDS Act, relying on section 114(a)(7) of SORNA, specifically mandates that this required information include Internet identifiers. Thus, under the existing SORNA framework, as enhanced by the KIDS Act, failure to register Internet identifiers as required will be treated as any other registration violation punishable under 18 USC § 2250(a)(3).

This bill represents a vital step toward giving both law enforcement and businesses the tools they need to protect children from online sexual predators and toward making the Internet a safer place for children to communicate with their peers.

The use of the Internet as a communications tool will continue to expand, and it is important that we put safeguards in place, so that our children can continue to benefit from advances in communications technology without putting them in harm's way.

I thank the National Center for Missing and Exploited Children, NCMEC, MySpace, Facebook, Enough is Enough, RAINN, the American Family Association, the National Association of School Resource Officers, and the American Association of Christian Schools for endorsing the KIDS Act. I thank my colleagues for their support of this important bill and urge the President to sign it quickly into law.

TORTURE

Mr. FEINGOLD. Mr. President, since 2001, top officials in the Bush administration have secretly authorized the use of abusive interrogation techniques that in some cases have risen to the level of torture. In doing so, they have shown flagrant disregard for statutes, for treaties ratified by the United States, and for our own Constitution. They have misled the American people, undermined our values, and damaged our efforts to defeat al-Qaida.

There are some who downplay the abusive treatment of detainees that

has been uncovered at Abu Ghraib, Guantanamo Bay and elsewhere as isolated incidents, conducted by a handful of rogue low-level interrogators. But the facts indicate where the true responsibility lies: with an administration that gave the green light to torture and a Justice Department that said anything goes.

Make no mistake, torture is against the law. The United States is a party to the Convention Against Torture, the Geneva Conventions, and the International Covenant on Civil and Political Rights. The United States Code criminalizes any act ''specifically intended to inflict severe physical or mental pain or suffering.'' And in 2005, Congress reiterated in the Detainee Treatment Act that cruel, inhumane or degrading treatment of detainees in U.S. custody is not permitted, no matter where those detainees are held.

Notwithstanding these obligations, top administration officials have continuously sought and found ways to disregard the legal and ethical boundaries on acceptable detainee treatment. On January 25, 2002, Alberto Gonzales, in his capacity as counsel to the President, signed a memo arguing that Taliban and al-Qaida detainees were not protected by the Third Geneva Convention on the Treatment of Prisoners of War. He stated that ''[i]n my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions . . .''

On February 2, 2002, the President issued an order determining that al-Qaida and Taliban detainees were entitled to neither prisoner of war protections under the Geneva Conventions nor the protections of Common Article Three. Gonzales also solicited from the Department of Justice Office of Legal Counsel, the now infamous ''Bybee memo,'' issued in August 2002, which in the context of the criminal prohibition on torture defined torture narrowly as the infliction of ''intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant bodily function will likely result.'' The memo also contained the extreme—and dangerous—legal theory that the President, as commander in chief, could disregard any congressional enactment that interfered with his ability to interrogate enemy combatants. These positions were reiterated in March 2003, when another OLC memo was sent to William J. Haynes, general counsel of the Department of Defense.

And the OLC did not stop at general guidance. In a hearing this year before a House subcommittee, Steven Bradbury, Principal Deputy Assistant Attorney General at OLC, confirmed that his office had advised the CIA that the regulated use of waterboarding did not constitute torture for purposes of the criminal prohibition against torture.

High-level administration officials also have not hesitated to issue policies permitting abusive treatment of detainees. On November 27, 2002, Haynes sent a memo to Secretary of Defense Donald Rumsfeld that asked him to approve 15 interrogation techniques for use at Guantanamo Bay, including hooding, 20-hour interrogations, isolation, sensory deprivation, forced nudity, threatening detainees with dogs, and putting detainees in ''stress positions'' for up to four hours. Rumsfeld not only approved the techniques, he added a hand-written note: ''I stand for 8–10 hours a day. Why is standing limited to 4 hours?''

Rumsfeld later rescinded the authorization of some of these techniques for use at Guantanamo, and reauthorized the use of others. But the consequences of these high-level approvals were far-reaching. A recent report by the Department of Justice Office of the Inspector General revealed that techniques authorized by Rumsfeld were used on detainees at Guantanamo Bay, both during the period they were authorized and after they had been rescinded. And such behavior was not limited to Guantanamo Bay. According to the 2004 ''Review of Department of Defense Detention Operations and Detainee Interrogation Techniques,'' known as the Church Report, the Combined Joint Task Force in Afghanistan also developed, authorized and implemented interrogation procedures similar to those Rumsfeld had approved in 2002. The Church Report and the ''Final Report of the Independent Panel to Review DOD Detention Operations,'' known as the Schlesinger Report, also document how, in August 2003, MG Geoffrey Miller was sent from Guantanamo Bay to Iraq, and brought with him Guantanamo policies allowing the use of harsher interrogation techniques. Shortly thereafter, LTG Ricardo A. Sanchez, the top military official in Iraq, formally adopted techniques heavily influenced by those in use at Guantanamo, such as stress positions, forced sleep adjustment, and the use of dogs, although some of these were later rescinded.

While OLC was issuing memos effectively saying there were no legal restrictions on interrogations and high-level officials were authorizing abusive techniques, there is evidence to suggest that interrogators on the ground were given very little information about exactly what was and was not permitted. During a Judiciary Committee hearing on interrogation policy in June, I asked Department of Justice inspector general Glenn Fine whether he thought that military interrogators had clear guidance on what techniques were permissible, given the administration's shifting policies. He responded that changes in policy ''didn't always get down to the level of the interrogators'' and that, at times, ''they weren't sure or aware of what exactly was authorized.'' Likewise, the Schlesinger Report stated that ''[t]he existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned.'' In light of all this, the administration's insistence that low-level interrogators are solely to blame for incidents of detainee abuse simply is not plausible.

Many individuals who were aware of what was happening raised concerns. Secretary of State Colin Powell wrote a January 2002 memo that weighed the costs and benefits of trying to evade the Geneva Conventions, noting that to do so would ''reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the rule of law for our troops.'' Others raised concerns as well. According to the DOJ inspector general's report on the involvement of the FBI in military interrogations, several FBI agents ''became deeply concerned not only about the efficacy of these techniques but also about their legality.'' In 2002, the FBI Director decided unequivocally that FBI agents would not participate in interrogations that used abusive techniques. In a November 7, 2002, memorandum for the Office of the Army General Counsel, Army COL John Ley stated that he believed that some of the techniques that the Pentagon was considering for use at Guantanamo Bay and that were later approved by Rumsfeld—could violate both the Federal criminal prohibition on torture and the Uniform Code of Military Justice. He expressed concern not only about the legality of the interrogation techniques, but also about eroding public support and losing the moral high ground. And in a hearing before the Senate Armed Services Committee in June, RADM Jane Dalton, who served as legal adviser to the Chairman of the Joint Chiefs of Staff from June of 2000 until June of 2003, testified that all four of the Armed Services were concerned about authorizing new interrogation techniques.

Fortunately, in 2006 after the Detainee Treatment Act became law, the Department of Defense finally agreed it would no longer authorize the use of harsh interrogation techniques by military personnel, and ordered that all personnel follow the interrogation policies laid out in the Army Field Manual. I have strongly supported proposals to require all intelligence agencies—specifically the CIA—to do the same. For far too long, this administration has failed to abide by the law and to protect our values. The use of abusive interrogation techniques is unsupportable on moral, legal or national security grounds. It does not represent who we are as a nation, and it does not make America safer.

The responsibility for the use of immoral, illegal and counter-productive interrogation techniques does not stop with the interrogators who employed them. It extends to those in the highest echelons of the Bush administration that sought to encourage these

techniques, who confused interrogators with constantly shifting policies, and that ignored the many voices who told them that what they were doing was unlawful and that it was not the American way. And it extends to the President himself, who has acknowledged publicly that in 2003 he approved meetings of his most senior national security officials to consider and sign off on so-called enhanced interrogation techniques. The abuses that have occurred under this administration's watch have constituted one of the darkest episodes in this Nation's recent history. They have fed growing anger at and opposition to U.S. policies, and in the process have undermined our efforts to combat al-Qaida and associated extremist groups. The next administration will have to work long and hard to undo the damage that has been done to our country's reputation and national security and to restore the rule of law.

RESOURCE FAMILY RECRUITMENT AND RETENTION ACT

Mr. ROCKEFELLER. Mr. President, I rise today to voice my support for the Resource Family Recruitment and Retention Act of 2008, which was introduced on September 16, 2008, by my good friend Senator BLANCHE LINCOLN of Arkansas. This is an important piece of legislation, and I am proud to be an original cosponsor.

I have long been a member of the Congressional Coalition on Adoption and worked in a bipartisan manner to support adoptive and foster parents and children. In 1997, I strongly advocated for the passage of the Adoption and Safe Families Act which has made a significant difference in the lives of vulnerable children. Since the implementation of the Adoption and Safe Families Act, the number of children adopted out of foster care has more than doubled. In West Virginia alone, more than 3,600 children have been adopted out of the West Virginia foster care system. This is a real victory for these children who deserve the love and comfort of a safe, permanent home.

However, with more than 500,000 children still in foster care, it is clear that more needs to be done. This is why I was so pleased when the Senate passed the Fostering Connections to Success and Increasing Adoptions Act by unanimous consent. This legislation will provide additional support for grandparents and other relatives who provide a safe home for children in foster care. Additionally, this legislation will allow states to continue to assist older foster children, those who are 18, 19, 20, or 21 years old, so that these children aging out of the system do not have to choose between pursuing an education or working to prevent becoming homeless. I believe that this legislation is another step towards the ultimate goal of each child having a safe, permanent home.

Senator LINCOLN's legislation would also help bring us closer to this goal. A study conducted in 2005 by the U.S. Department of Health and Human Services found that one in five foster homes leaves the system each year. One-fifth of the foster parent population provides 60 to 80 percent of all foster care. Foster parents sacrifice in tremendous ways to provide a home for vulnerable children. The Resource Family Recruitment and Retention Act would support their efforts by awarding grants to States to improve the leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

It is my hope that organizations and individuals such as Mr. Dennis Sutton of the Children's Home Society of West Virginia, who has worked tirelessly in his effort to secure a home for all of West Virginia's vulnerable children, will have the financial support to find and retain enough foster parents to make this goal a reality. Foster and adoptive parents will greatly benefit from the Resource Family Recruitment and Retention Act, but the big winners will be the children who are placed loving homes. We need to invest and focus on these families.

AFRICOM

Mr. FEINGOLD. Mr. President, today marks the full operational launch of the U.S. Africa Command, known as AFRICOM. I have long supported the idea of a unified regional combatant command for Africa that recognizes the continent's growing strategic importance for U.S. security and that is coordinated with other U.S. agencies. As I have discussed many times on the Senate floor, we can not pretend that weak and failing states, protracted violent conflicts, maritime insecurity, narcotics and weapons trafficking, large-scale corruption, and the misappropriation and exploitation of natural resources are not relevant to our long-term interests. At the same time, there are exciting economic and social developments underway across Africa that provide openings for the United States to help save lives, strengthen governance institutions, and build long-term partnerships. It is not a question of whether the United States needs to work proactively and collaboratively with African nations in these areas but a question of how we should do so to maximize our efficacy while minimizing potential backlash.

Toward that end, the standup of AFRICOM presents both opportunities and risks. Indisputably, our Nation's military strength is one of our greatest assets and may be necessary to deal with some of the emerging national and transnational threats, such as narcotics trafficking, piracy, and terrorism. Military training, equipping, and logistical support are essential to develop strong, disciplined national militaries and also strengthen regional peacekeeping, especially with African Union missions currently operating in Somalia and Sudan. Furthermore, in many postconflict societies, such as Liberia, our military expertise can assist in demobilization, disarmament, and reintegration while also helping to rebuild that country's army.

However, while militaries make important contributions in these areas, they are insufficient to address the underlying causes of violence and instability in Africa. Lasting security requires reconciling political grievances, improving governance, strengthening the rule of law, and promoting economic development: tasks for which our military, or any military for that matter, cannot be the lead. To advance and support those tasks, the United States needs to continue to invest in our diplomatic, economic, humanitarian, and development capacities on the continent. We need a unified interagency approach to these challenges in which AFRICOM is supporting, not eclipsing, the work of our diplomats, our aid workers, and other key partners.

I am concerned that the opposite is happening. Despite initial ambitions to have 25 percent of AFRICOM's headquarters' positions filled by nonmilitary staff, that number has been severely reduced because of resource and staffing limitations in civilian agencies. Furthermore, a report by the Government Accountability Office published this July stated that concerns persist among civilian agencies and nongovernmental organizations that the military is becoming the lead for U.S. policy in Africa. Even as Pentagon officials claim this is not their intention, it is hard to argue with the numbers. While civilian agencies operating abroad continue to face resource constraints, more and more resources are being invested in military relationships and assistance in Africa.

Given this context, it is not surprising that some are casting AFRICOM's emergence as a signal of further militarization of U.S. Africa policy. Such perceptions of militarization are dangerous and risk undermining our ability to engage local populations. As I have said many times, the military has a critical role to play in helping Africans address their security challenges, but we must be careful that it does not outweigh or overshadow other forms of engagement. This is especially true in cases where local security forces are engaging in repressive tactics or committing serious human rights abuses, such as in Chad or Ethiopia. In these cases, we run a very real risk that U.S. military engagement could be seen by local populations as complicit in those abuses and become a target of resulting grievances. Before we jump at short-term opportunities to exert military influence, we need to consider seriously the long-term risks to U.S. stature and interests.

Mr. President, this is not to say that AFRICOM is not capable of such nuanced strategic planning and interagency coordination. I have met with