



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, OCTOBER 23, 2001

No. 142

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths.—Proverbs 3:5-6.

Let us pray:

Gracious God, You only ask from us what You generally and generously offer to give to us. You initiate this conversation we call prayer because You want to bless us with exactly what we will need to live faithful, confident, productive, joyous lives today. You are for us and not against us. Help us to live the hours of today knowing You are beside, are on our side, and offer us unlimited strength and courage besides. You will provide us insight and inspiration to confront and solve the problems we face. You will give us peace when our hearts are distressed by the turbulence of our times. You will comfort us when we are afraid and need Your peace. You will make us overcomers when we feel overwhelmed. In response we relinquish our imagined control over people and circumstances. We thank You for the power of faith that we feel surging into our minds and hearts. We trust in You, dear God, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDENT pro tempore. The Senator from Nevada.

MEASURE PLACED ON THE CALENDAR—S. 1564

Mr. REID. I understand S. 1564 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1564) to convey lands to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

Mr. REID. Mr. President, I object to further proceedings. I understand it has been read a second time.

The PRESIDENT pro tempore. Objection to further proceedings having been made, the bill will go on the calendar of general orders.

SCHEDULE

Mr. REID. Mr. President, we are going to vote at 10 o'clock this morning on cloture on the motion to proceed to foreign operations appropriations. The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

Because of Senators not being able to come to their offices today, I want to make an announcement that tomorrow morning we are going to have our weekly prayer breakfast in S-115. The breakfast will be led by Imam Yusuf Saleem, who is the resident Imam of Mas Jid Muhammad and the National

Education Director for the Muslim American Society. Also, he is going to offer the prayer here tomorrow morning to open our Senate.

Mr. President, as I indicated, we are going to vote at 10 o'clock on a motion to proceed to this most important piece of legislation. This is now the third week the legislation has been held up. The filibusters for this bill alone have been more than 2 weeks. It is very important legislation dealing with issues about which the country must be concerned, especially with all that is going on in the world.

I say to my friends on the other side of the aisle who think they will get some advantage as a result of this filibuster in relation to judges, we are going to go ahead and process these. Senator LEAHY is fully aware of the need to approve judges. For example, at 2:15 today, if the minority has no objection, we will vote on four district court judges, Federal district court judges.

We are moving along as quickly as possible. I don't think it takes a rocket scientist, for lack of a better description, to understand that Senator LEAHY and the Judiciary Committee have been working under some tremendous constraints. First of all, after September 11 several weeks were spent coming up with legislation dealing with antiterrorism. It goes without saying that last week, in spite of all the difficulties involved, Senator LEAHY held, back here, an emergency markup in the President's Room. Then later in the day he held a meeting to have a hearing on various judges. It was held in S-128.

If Senator LEAHY were in some way trying to avoid having judges approved and holding hearings, he has every excuse in the world, I think. But instead of doing that, he prevailed upon the chairman of the Appropriations Committee, the Presiding Officer today, to use the appropriations room to do these hearings.

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



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So I think there may be more to this—this is my personal belief—than simply judges. It seems to me perhaps there is some effort to not have any more appropriations bills; that there may be some effort to have a big bill, an omnibus bill that the President would try to work on with the leadership—whatever that means—on occasion.

I hope the Presiding Officer—I know I will—will keep a close eye on this. We should be very careful. We have had experiences in the past where these large bills were not good for the country. They are not good for my State. They are not good for the country.

As I say, I think there may be more to this than simply judges because Senator LEAHY is moving judges as quickly as we can, more quickly than the times really allow. So I hope the people on the other side allow us to go forward on this bill. We have other important appropriations bills we should be doing—Agriculture, to mention just one.

Is there going to be an effort by the minority to hold up the Defense appropriations bill, or do they want a big lump of appropriations matters sent to the President in one form?

I hope we will be allowed to take up this bill. This is an extremely important measure to assist our war-related efforts. The President just returned from China where he met with leaders of 21 different nations where he talked to them about things that are needed to help them.

I traveled with Senator Simon and others to Uzbekistan a number of years ago. We were taken to the Aral Sea—a sea that dried up as a result of very bad practices by the former Soviet Union. It is the fourth largest sea in the world. The shoreline is now 80 miles from where it used to be. Weather patterns have changed in that part of the world.

On the second page of the Post: One of the islands in that great sea was used for development of biological weapons.

We are going to help Uzbekistan rid that island of anthrax. That is going to take money. That money is in this bill. I do not know how they proposed to do that without the specific appropriations to allow it to happen.

The full Senate, with the permission of the minority, is going to vote on four judicial nominations this afternoon. I hope everyone will understand there is a time and place for everything. This certainly does not appear to be the time to continue a filibuster on this most important legislation.

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate equally divided between the chairman and ranking member, or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the time I used be counted as time against the majority's time on the 30 minutes.

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

The Senator from Wyoming.

Mr. THOMAS. Mr. President, before I yield to my friend from Kentucky, I wanted to say that I think all of us join with the Senator from Nevada in suggesting that we need to move forward. The fact is, we have a reason for not moving. We need a commitment to move more quickly. In spite of all the excuses and all the reasons, we haven't moved quickly. We are very much behind. We have a good many vacancies that need to be filled. I just have to say that there is a way to solve it—by committing ourselves to doing this very quickly.

I yield the floor.

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

Mr. MCCONNELL. Mr. President, I am pleased to hear the Senator from Nevada indicate that we might be able to confirm four district judges this afternoon. I can't speak for the minority leader, but I assume he would think that would be a wonderful idea and would be a step in the right direction.

I am in a curious position of being the ranking member on the Subcommittee on Foreign Operations supporting the underlying bill and thinking it is necessary that it be passed sometime soon. At the same time, as a member of the Judiciary Committee, I am terribly concerned about the slow pace of the confirmation of judges. This is a serious situation.

Just last week we lost another judge. Charles Wolle of the Southern District of Iowa announced he was taking a senior status. The vacancy situation has now risen to 109, which is 13 percent of the Federal bench. That means more than 1 of every 10 seats is unfilled.

As we all know, justice delayed is justice denied. If there isn't a judge on the bench, there isn't a way to get justice. Unfortunately, we still don't have any specific commitments from our friends on the other side of the aisle to move ahead. As of this moment, only eight judges have been confirmed this entire year. Therefore, I urge my colleagues on this side of the aisle to vote exactly as they did 1 week and 1 day ago on this issue until we can get some resolution of where we are headed to deal with the issue of justice being denied by substantial vacancies in the Federal judiciary.

There have been a number of different fallacies that have been put forward by my friends on the other side of the aisle related to this whole situation.

Fallacy No. 1: That we shouldn't oppose cloture because this bill contains money for embassy security.

There is no embassy security money in this bill. That is in the Commerce-Justice-State appropriations bill.

Fallacy No. 2: That somehow it is actually President Bush's fault that there are not more than eight judges confirmed.

That is not only incorrect but it is decidedly unfair. President Bush submitted to the Senate more nominees at

a faster pace than any President in recent memory. He submitted his first batch of nominees in May—3 months earlier than President Clinton. By the August recess, the President had submitted 44 judicial nominees, which is a historic high—more nominees before August than any President ever. Fallacy No. 3 is another attempt to shift blame to the President.

Our friends on the other side of the aisle assert that the paperwork on the President's nominees isn't complete. That is also incorrect.

As of last week, the paperwork was done on at least 14 circuit court nominees and on at least 15 district court nominees. That is 29 nominees who are right now ready to go.

Fallacy No. 4: That our lack of progress on judges is due to the change in control of the Senate and the time it took to get a new organizing resolution.

That, too, is false. After the change of Senate control and before the organizing resolution was finally adopted, nine different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed. And one of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

Let's go over that one more time.

During the period of reorganization, nine different Senate committees held 16 different nomination hearings for 44 different nominees before the reorganization was completed. One of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

My colleagues, it is clear that none of these reasons that have been put forth have any merit. We have to look elsewhere. I submit that one reason we haven't made better progress is inefficiency. As I have said, while we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most.

From 1999 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year, by contrast, we were averaging only 1.4 judicial nominees per hearing.

We had a hearing but we didn't have people there to testify. That is a pace that is three times as slow as in the past.

I was glad to hear that the chairman put four judges in last week's confirmation hearings. I am pleased to hear the assistant majority leader say that we will confirm four of those nominees today. I hope we will do that. But that sort of effort which we have made to date leaves us way behind.

I think it is clear that we can do a lot better on judges. It is not too late for us to act on the remaining 36 pre-August nominees.

In the last three administrations in the first year all but one of the nominees submitted prior to the August recess were confirmed before the end of the year. In the last three administrations, looking at the first year, all of the nominees submitted before the August recess but one were confirmed before the end of the year. Admittedly, many of those nominees were confirmed in the latter part of the year.

It is not too late for us to achieve the same standard that was achieved in each of the last three Presidential administrations.

I see my friend from Arizona is here who has really been our leader in an effort to get judges confirmed. I want to make sure he has adequate time.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes twenty-two seconds.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 4 minutes 22 seconds.

Mr. KYL. Thank you, Mr. President. I will not take the entire time.

I marvel at how directly the rule of law in the United States is connected to this attack on the United States and how the judges play a crucial role in that, which simply brings home to me again the urgency of getting these judicial nominations confirmed so these judges can take their place on the bench.

I just finished a meeting with a group of victims' advocates who are preparing to deal with the problems that have resulted or will result from the terrible tragedy of September 11 and its aftermath. There will undoubtedly be a lot of trials. There will undoubtedly be a lot of people prosecuted, even if the primary perpetrators are not brought to justice in American courts but brought to justice in other ways. But there are cases pending right now all over this country against people who peripherally were involved, and questions about who the victims are and how those victims will be treated in court by judges are now beginning to bubble up, as they did at the time of the Oklahoma City bombing case and other tragedies.

It reminds me again of what distinguishes the United States from these other people. In the West generally, and in the United States specifically, the rule of law is everything to us. Ultimately, the judges are the arbiters of that law. We have an obligation, as the Senate, to act upon these nominations of the President, either to confirm them or to reject them, but to give the President our advice and consent. That is our constitutional responsibility. We abdicate that responsibility if we put it off either because we are too busy

doing other things or because, for political reasons, we do not want to confirm more of Bush's nominees than were confirmed in the Clinton administration, or some similar kind of political consideration. That would be wrong.

I hope my colleagues will help us bring these nominees to the floor and get them confirmed. At the conclusion of today, if I understand the comments of my colleague correctly, we will have reached a sum total of 12 confirmations for the entire year. That is woefully inadequate. There are 36 nominees pending whose nominations were made prior to the August recess. Surely we can act upon all of them.

The final point I will make is there has been some suggestion that in some cases paperwork is not done. Do not be deceived by this, my colleagues. We have a moving goalpost problem here. After all of the paperwork has been completed for weeks, new questions are submitted by colleagues, thereby creating the situation in which they can say: Well, not all the paperwork is in. There has to be an end to that at some point. The new questions have to be terminated, and it is time to have a vote.

So I urge my colleagues to help us get these nominations to the floor, find a time to vote on them, and get the votes done so we can fill the vacant court positions with these important judges.

Remember, there are 42 judges identified as emergency nominations. They have been emergencies from the beginning of the year. So we have to fulfill our responsibilities as the Senate and take action on these nominations. Until we are able to do that, it is our view that we should call a timeout on other certain portions of the Senate business so we have the ability to take up those nominations and bring them to the floor.

I hope my colleagues will permit us to take up those nominations and will defeat the motion to proceed on the appropriations bill. The ranking member of that committee, Senator MCCONNELL, has made the point that we can afford, at this point, to lay that aside temporarily to take up these judges and then return to that business.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, last Thursday I went into some detail outlining what has happened since we have taken control of the Senate. We have moved judges expeditiously. The average time for an appellate judge during the short time we have been in control of the Senate has been 100 days. Theirs was 345 days. It seems to me the questions they have raised are fallacy one, two, and, three, things they are making up.

The fact is, some Republicans seem to be in utter fear that Democrats will treat Republican nominees as unfairly as they treated Democratic nominees. The fact is, since July, when the Sen-

ate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. It is not pay-back time.

Democrats have no intention of perpetuating the shameful ways the Republican Senate treated President Clinton's nominees. We will consider nominations thoroughly and in a timely way. Maybe some Republican Senators believe the public will not know or care that they have taken the bill to fund U.S. foreign interests as their hostage.

The American people deserve to know what is at stake when the Senate is kept from acting on a foreign operations appropriations bill, especially when it is clearer than ever that our security is linked to events outside our borders.

This bill contains \$5 billion in aid to Israel, Egypt, and Jordan, allies that are crucial to short-term and long-term stability in the Middle East. There is \$175 million in this bill to strengthen surveillance and response to outbreaks of infectious disease overseas. These are the same programs that help give us early warning of some of the world's deadliest infections, now just an air flight or postal stamp away, including anthrax and other agents using bioterrorism. It is foolish and absurd to hold these funds hostage.

There is \$327 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders and their nuclear, biological, and chemical weapons facilities, as well as programs to get rid of landmines, a serious problem, for example, in Afghanistan where there are believed to be as many as 100 million landmines. There is \$450 million for steps to combat HIV/AIDS, the worst global health crisis in half a millennium. Each day this bill is being held up, another 17,000 people are infected with AIDS.

There is \$3.9 billion in this bill for military assistance aid to NATO allies and to countries of eastern Europe and central Asia. We are asking these nations for overflight and refueling rights for aircraft and other support for Air Force personnel who are risking their lives in the war on terrorism.

There are hundreds of millions of dollars to be used to help fight poverty, help provide basic education, health care, jobs, sanitation, housing, and other efforts in the poorest countries, steps that help eradicate the breeding grounds for terrorists.

For them to tell us we can do it later is pure poppycock. I think it is very clear that the whole effort is to make sure we have no further appropriations bills. I think the judges thing is only a diversion. Other things in the bill include \$856 million in export assistance to help U.S. firms claim markets for products abroad. Certainly that is needed now.

We need to move this legislation. I think it is as clear as the light of day what is happening here; that is, there

is an effort, using judges as an excuse, not to move forward on appropriations bills. I think it is bad. It is bad policy. It is bad for the country, and I think it is shameful.

Mr. President, I end by saying global leadership means acting as a leader. We have tried to support the President's priorities in every facet of his campaign against terrorism. We have maintained a steady schedule of hearings and have confirmed twice as many judges as in the same period of time during the previous two administrations, even though we have been in control only 4 months.

Alongside the added imperative of passing the antiterrorism bill, we have continued to hold hearings on judicial nominations and bring them to the Senate floor. At a time when we have tried to support the President's priorities in every way, it is unfortunate that so soon after September 11 the Republican leadership seems to care more, in this case, about its partisan political priorities.

That is what is happening, plain and simple. Of all times to be holding up the business of the Senate and this country, when our office buildings are closed because of anthrax and the U.S. military is fighting half a world away, it is more obvious than ever that the U.S. influence is needed around the world. It is petty, shortsighted, and dangerous. We can have the best foreign policies, but without the funds to implement them, what good are they?

I hope my friends on the other side of the aisle will take a different approach today. It appears, though, they are not going to vote to proceed to this bill.

The PRESIDING OFFICER (Mr. CARPER). Who seeks time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, is there time remaining on this side?

The PRESIDING OFFICER. All time has expired on your side. There is 1 minute 15 seconds on the Democratic side, the majority side.

Mr. REID. Mr. President, I yield back that time and ask that the vote proceed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 2506, the Foreign Operations Appropriations bill:

Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed, Barbara Mikulski, Herb Kohl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2506, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

1[Rollcall Vote No. 306 Leg.]

YEAS—50

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NAYS—47

Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Craig	Hutchison	Thomas
Crapo	Kyl	Thompson
Daschle	Lott	Thurmond
DeWine	Lugar	Warner
Domenici	McCain	

ANSWERED "PRESENT"—1

Stevens

NOT VOTING—2

Inhofe Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47, and 1 Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am increasingly concerned about the situation. We have sent two appropriations

bills to the President for his signature, which leaves us with 11 appropriations bills to go. Several of these appropriations bills are in conference between the two Houses. Of course, the situation affecting the conferences is one that is well known, but I would hope that we could find a way to break this logjam in the Senate and get these appropriations bills moving.

We are well into our third CR. It is now October 23. Thanksgiving is fast approaching, and what do the American people see in this Senate? We appear to be dallying. We have work to do. We have a very emergent situation in this country. People look to us for leadership.

Why can we not get on with our Appropriations Committee work? I would like for someone to tell me. I am waiting for an answer. We have appropriations bills that are ready to go, and I beg my colleagues to let us get on with the appropriations bills. If we cannot move forward on the foreign ops bill, let us try to move forward on some other appropriations bill. There are others awaiting action.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I voted "present" because, as a partner of my good friend from West Virginia in Appropriations, we do not have time for any further delay. The Agriculture bill would be acceptable, as far as I am concerned. I have not checked with our leader, but I do think the Senate should move forward on another bill as soon as possible. We are very constrained because of the loss of our physical facilities in Dirksen. There are some bills that could move forward in the interim.

I have said before that in my judgment we have to get these bills to the President by November 6 if we are going to be able to leave by November 16 for Thanksgiving because the President must have his 10 days to review the bill. Hopefully, there will not be any vetoes, but it is possible.

I join the Senator from West Virginia in urging the joint leadership to find a way to allow us to take up another bill. I do believe the Agriculture bill is ready, and it is possible we could move on it very rapidly. I am hopeful we will find a spirit of comity and find a way to limit amendments on these bills and let us catch up.

The problem with the conferences is the House facilities are still tied up by the investigations concerning anthrax, but I hope we can find some way to handle that, too.

I do not believe these are crime scene investigations that are necessary to determine whether anthrax is present and might threaten our people, which is one thing, but to deter us from going about our business because someone might call our facilities crime scenes, I think is wrong. I thank the President of the Senate for yielding to me.

Mr. LEAHY. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes, I yield.

Mr. LEAHY. Mr. President, first, I thank the Senator from West Virginia. Last week, when it seemed as if everybody, except the Senator from West Virginia, the Senator from South Dakota, the Senator from Mississippi, and the Senator from Alaska were bailing out of this place, the Senator from West Virginia was very kind to let me use his office for a hearing. I say this for the benefit of the Senator from Alaska, who is present, that we can find space for these things. We had, I believe, five judges for whom we held hearings. While everybody else was leaving, the Senator from West Virginia made his office available so we could hold those hearings.

I do want to thank the one Republican who came for part of those hearings to help us out with the hearings. Of course, I thank the distinguished Senators from New York and Massachusetts and others on the Democratic side who stayed during the hearings.

As the Senator from West Virginia knows—and he knows these appropriations bills better than anybody else, but for those who might not know—this foreign operations bill has, of course, \$5 million for our Middle East Camp David partners: Israel, Egypt, and Jordan. It also has one item that people may not be aware of: \$175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas, a very interesting part because the Ebola plague or anything else is only an airplane flight away from our shores, and we have this money to alert us about anything that is coming from overseas, including anthrax and other matters that might be an airplane ride or a postage stamp away from our shores. We have \$175 million that we put in before these attacks, but we cannot get it to the President for signature.

We also have \$327 million for antiterrorism efforts helping other nations strengthen the security of their borders and their nuclear and biological and chemical weapons programs. I know the President has been telling these other nations we will get the money to them, but it is stuck in this bill. And the \$450 million for steps to combat HIV and AIDS—each day this bill is being held up, another 17,000 people are infected with AIDS.

We have \$3.9 billion in military assistance included for a number of those countries in eastern Europe and central Asia that we are asking to help us in overflight and refueling. We have a whole lot of money saying the check is in the mail but, of course, we cannot send it. We have a billion dollars in refugee and disaster aid to deal with the humanitarian crisis around the world from Afghanistan to Sudan, also money the President wants to use but we cannot move forward with it.

We have hundreds of millions of dollars to reduce poverty and disease in

countries where the Osama bin Ladens of the world tried to foment resentment against the United States. We have money to help those countries but, of course, it is held up.

I mention that not because the Senator from West Virginia does not know. I daresay there is nobody in the administration, the Congress, or anywhere else who knows every jot and tittle of these bills the way the Senator from West Virginia does, but I thought I would let some of the other Members know and the White House know all the various things the President has promised and we are holding up by not going forward with this bill.

I thank the distinguished Senator from West Virginia for his help because he has been like the granite quarries of Vermont. He stands rock solid, as he always has.

Ms. LANDRIEU. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. I will be happy to yield.

Ms. LANDRIEU. I wish to congratulate our leaders, both our majority leader and minority leader, for the excellent way they have handled the quite difficult situation we are in. As a Chair of a committee that has a finished bill which has passed in committee and is ready for floor action, I thank the Senator from West Virginia for urging us to move our bills.

I also assure him that the District of Columbia appropriations bill is ready to come to the floor, and I would be willing to work with him and with the leader to limit amendments so we could have votes on some of the items where there is disagreement, but there are not many items, and to remind everyone that Senator DEWINE and I have worked very closely, particularly on a provision to reform and strengthen the court system in D.C. to protect children who are in foster care, to strengthen the District's school system which is so important.

Most importantly, today there is money in this bill for security measures for the District of Columbia. That is very important as we work on our emergency plans regionally as well as coordinate what is happening in the postal situation today, and the Capitol complex.

I thank the Senator from West Virginia for bringing this to our attention and, as one of the Chairs on our side, I am most certainly willing to work with him as to any suggestions he might have to move our bill, have limited debate, limited time and move this support bill through the process in an expedited fashion.

Mr. BYRD. I thank the distinguished Senator from Louisiana for her comments.

Mr. President, I have been increasingly concerned we are moving toward an omnibus appropriations bill. I am afraid if we continue on this path we are going to end up with an omnibus CR in which a good many or most of the agencies of this Government will be operating probably on the same level of

appropriations they received for fiscal year 2001.

Mr. STEVENS. Mr. President, in time of war to have the administration be tied to a CR, to have interpretations by lawyers throughout the Government as to what they can and cannot do, I think is putting the country in a straitjacket. I happened to have been chief counsel of a department in the Eisenhower days, and it is impossible for administrators to proceed during a period of emergency under what we call a continuing resolution. We must have individual bills and we must have them cleared, particularly in the areas where there is great concern in the country.

I think agriculture is one, defense is another, but clearly we should not be operating under a CR, in my judgment. It is impossible to proceed under the concept of having to have every single dollar checked against a question of whether it was involved in the last year. A CR is really continuing the problems of the past fiscal year into the next fiscal year. At a time of war we should not have that happen.

So I urge we move separately on the bills and get them done as quickly as possible, I say to the Senator. I think we should get our caucuses today at noon to make a pledge to the leader that we are ready to proceed as rapidly as we can to get these bills done.

Mr. BYRD. I thank my friend on the Appropriations Committee.

Mr. President, I do not intend to hold the floor much longer. But I appeal to all Senators to work together to get these appropriations bills up before the Senate, and let's act upon them. We should not go home with an omnibus bill, an omnibus CR.

I don't know what the problem is, but I do know we need to get on with the appropriations bills. I don't see why appropriations should be held up because of nominations. I don't have any dog in that fight. I am ready to vote for nominations. I am ready to go on to the appropriations. But we simply can't hold up the appropriations bills like we are doing. It would seem to me Senators ought to get together on both sides of the aisle and work out this problem. For those who are concerned about nominations, I don't think appropriations should be held up because of nominations. What does the one have to do with the other? Many of these appropriations bills have been on the calendar now for more than 3 months, and they are just sitting there.

So I appeal to our Members on both sides of the aisle to try to work together and let's get on with the appropriations bills. We are just marking time. We are not doing any good. The people out there, they are not concerned about our little problems—nominations versus appropriations. What does the one have to do with the other?

We are going to be held responsible for the fact that we are not working; we are not acting; we are not getting things done. What about our Rangers

who are facing great odds and great problems in Afghanistan; what would they think of the way we are operating and acting?

What do the people back home expect us to do? They expect us to get things done. These agencies are operating without any knowledge of whether or not they are going to have funding above this year's level. They don't know. They can't plan for programs and projects that are very important to the American people, very important to this cause in which we find ourselves engaged.

Mr. DASCHLE. Will the Senator from West Virginia be so kind as to yield for a unanimous consent request?

Mr. BYRD. Yes, I yield the floor.

Mr. DASCHLE. I thank the Senator from West Virginia. Again, as Senator LEAHY and others have done, I applaud him and thank him for the admonition he has shared with all of us this morning. The importance of getting these bills cannot be overemphasized. The importance of recognizing this particular bill could not be overemphasized.

We are fighting a war. This is helping fund that war. The longer we delay the funding of that war, the more complicated our circumstances and, frankly, the more problematic, it would seem to me, the message to those on the front lines.

So I applaud the Senator from West Virginia and the Senator from Alaska. I hope we can clarify this matter. I, frankly, do not see the linkage either, and I am not going to be susceptible to that linkage.

The administration has to make its decision about whether it wants these bills completed or not. If they are not prepared to weigh in, there is only so much I can do as well.

We will do the best we can. I thank the chairman of the Judiciary Committee for his work on nominations. He had hearings last week. We are going to have four Judiciary Committee votes on nominations on judges this afternoon—I was prepared to have them this morning—and that would not have happened were it not for the leadership of the Senator from Vermont, who has worked on these matters and I thank him for that.

It is in that regard that I want to propound a unanimous consent request. He is in the Chamber, but I will make sure our colleagues are aware the Republican leader and I have discussed this matter. I would make the request at this time.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate proceed to executive session and consider the following nominations: Calendar Nos. 472 through 475; that the Senate immediately vote on each nominee with the first vote being for the usual time, and subsequent votes being 10 minutes in length; that upon

the disposition of these nominations the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I had thought there would be five judges in this group. These are, I believe, four district judges. There was a hearing and I thought there was a plan to report out a circuit judge, but I notice she is not on this list. I inquire about the nominee—I believe a woman for whom a hearing had been held, for the fifth circuit. What happened on that nomination?

Mr. DASCHLE. Mr. President, I yield to the Senator from Vermont to answer that question.

Mr. LEAHY. To answer that question, there are some—this is a nominee I have a feeling will go through all right but some questions have been asked. The answers are not back. For all we know, they may have been mailed in to the Judiciary Committee office. We don't know.

As the Republican leader knows, we have been somewhat stymied moving papers around here. But this is one where a Senator had asked a question. I notified Senator HATCH. I thought it would be a lot easier to get the questions answered than to bring the name up. Once they are answered, I expect the nominee to go through easily. That follows the tradition our committee has followed for 25 years under both Republicans and Democrats. If they have a question, we put them on the docket, I hope the question would be answered, and she would be on the next Exec.

I hope we will get back into our offices so we can find out if that material is there.

Mr. LOTT. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. I now ask unanimous consent it be in order to ask for the yeas and nays on each of the nominees with one show of seconds.

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

Mr. DASCHLE. As in executive session, I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. If the Senator will yield for a moment, I also point out the U.S. attorney of North Carolina, U.S. attorney of Michigan, other U.S. attorneys—of North Carolina, one of Arkansas, one of Mississippi, one of Missouri, one of Nevada, one of Maryland, one of

West Virginia, one of Louisiana, one of Illinois, one of Washington, one of West Virginia—are also cleared. That could be done, I assume, on a voice vote. They are all nominated by President Bush. The vast majority of them were recommended by Republican Senators. They have all been cleared, and they are ready to go.

Mr. DASCHLE. I thank the Senator from Vermont. We will attempt to schedule votes on those nominees as well. As you say, it may not require a rollcall. If that is the case, perhaps we could do those as well today.

For the interest and information of all Senators, beginning at 2:15 then, this afternoon we will have four rollcall votes. The first will be 15 minutes, followed by a subsequent 10-minute vote on the three remaining judicial nominees.

So Senators ought to be here, stay on the floor, and vote so we can expedite these votes at that time.

I also say it is my desire to move to proceed to the foreign operations appropriations bill unless there is a colleague on the Senate floor. This will not be a matter that will be taken lightly. If for whatever reason Senators choose to leave the floor, and there is an opportunity for me to make that motion, it will be made.

I warn Senators about that possibility between now and the hour of 2:15 this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, before the Senator from Vermont leaves, I noted there are two nominations on the calendar: Thomas E. Johnston of West Virginia to be United States Attorney for the Northern District of West Virginia, and Karl K. Warner, II, to be United States Attorney for the Southern District of West Virginia. Have these been cleared?

Mr. LEAHY. I have just checked this morning. I am hoping they are going to be cleared by the end of the day, I tell the distinguished senior Senator from West Virginia.

Again, as he knows, he having let us use his office as temporary quarters for hearings, we have been operating under some difficulty. A lot of our paperwork is in the Judiciary Committee rooms in Dirksen or in my office in the Russell Building. Normally, I could answer his question immediately.

I asked this morning that we make sure they are cleared. I know they want to get them in West Virginia. I know they have been approved by the distinguished senior Senator from West Virginia and by his colleague. I am hoping that we can have them cleared quickly.

Incidentally, nominations were reported last Thursday after most of the Capitol closed down. We were still able to get a quorum because of the Members who stayed in town so we could report them, even though we had recommendations from the other side to get out of here. I appreciate those Senators who stayed so we could get that quorum and get them out.

Again, I appreciate the Senator from West Virginia in allowing us the use of his office. We had a number of judicial nominations that came up. Virtually all Republican Senators took the time to come to introduce their judicial nominees. I appreciate that, too.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the distinguished chairman of the Judiciary Committee. We had some hearings last week and some movement toward judicial confirmations, for which I am happy. I am glad one judicial nominee from Alabama was one of those which was moved. Of course, there was no controversy, I believe, about any of those nominees. Traditionally, it has not been necessary to have a big hearing if everybody is happy and respectful of the nominees. That is the way it has always been. If people have questions and concerns, they come.

I think it is a good thing that we are seeing some movement. But I would like to see more. That is why we have not been able to have an agreement on the foreign ops bill. I think that bill could move at any time we could get a fairly reasonable consensus on processing nominees.

I know there is a nominee from Alabama who is unanimously rated as well qualified by the ABA in a district which has had two of the three judges vacant for over 2 years. It is probably the No. 1 critical district in the country. We critically need a hearing on that judge.

We have others who are pending. In fact, President Bush nominated 11 individuals on May 11, a highly qualified group. But only three of those have received a hearing, and only two have been confirmed out of that group.

We have a growing backlog. We confirmed some judges. We went down from 110 vacancies to 108, I believe.

Mr. LEAHY. Mr. President, will the Senator yield? I don't want to interrupt him.

Mr. SESSIONS. Please.

Mr. LEAHY. I can actually speak about those better than he can because I have heard his speech enough times.

I believe the Senator mentioned a judgeship from Alabama that was qualified last week. I am sorry the Senator from Alabama was unable to be there. I do appreciate him being there for the markup earlier. I thank our colleague, Senator SHELBY, for his fine words about the nominee. We are trying to move that nominee from Alabama very quickly. We are doing that to try to help the other Senator from Alabama, Mr. SESSIONS. We will keep on the pace, and someday we can go past, if we ever get our offices back.

Mr. SESSIONS. I thank the chairman. I remember so vividly how aggressive he was to make sure President Clinton's nominees were moved

promptly. I can give his speech because I have heard it many times. Basically, his complaint was that the Republican majority, under Chairman HATCH at that time, was not moving Federal judges effectively enough. At that time, when we finished this last Congress and President Clinton was in his last days, there were 67 vacancies in the Federal courts. He said that was unacceptable, and he thought it should have been lower than that, although there were only 41 nominees.

President Clinton submitted only 41 nominees for the 67 vacancies, which was what was left. There were 41 nominees unconfirmed when President Clinton left office. Now we are pushing probably 60 nominees. And the vacancies have gone from 67 to 108. It may now be back up to 109, even though we confirmed 2.

You can constantly have judges out of the 800 or so taking retirement. As you do, if you do not have a constant flow of nominees being confirmed, the vacancy rate grows. Senator LEAHY declared that the 67 vacancies we had last year was a crisis in the judiciary, and there was something awful about that. I thought we were moving pretty fast. Frankly, 60 or so vacancies is about the standard. It is hard to get it below that because when a judge retires, then the President has to decide who he would like to consider for nomination. There have to be background checks on them and ABA reports. It takes some time to move forward.

But when the number gets up to nearly twice that to 108 or 109, 110 vacancies, then we have a bigger problem. I think we ought to be able to keep that number close to the 60.

We are not moving fast enough. I think all of us agree. I know former Chairman HATCH feels strongly about this, as do others. We need to see what we can do to reach an accord.

There is some suggestion—I am not one who necessarily thinks we will do so—that we will be finishing up a little earlier this year than normal. That means we may not have more than 4 weeks or so left. If we are going to do just a couple of judges a week, we are going to end up with well over 100 or so vacancies when we leave this time. That is too many. We could do a better job of moving the nominees for which there is no objection to nominees that have bipartisan support—nominees that received “qualified” and “well-qualified” ratings.

We believe that is the way we ought to go. I also say in addition to the foreign operations appropriations bill, there are a lot of important pieces of legislation that come before this Senate. There are a lot of things that need to be moved. There are a lot of appropriations bills that we could be debating and discussing.

I suggest we keep working with the majority leader and the chairman of the Judiciary Committee. Let's see if we can't get some sort of commitment to give an extra effort to reduce some-

what the number of judges who are pending but have not been confirmed and get that number down, or else I think those of us on this side have to conclude that we have some sort of slowdown going on. I think it is the right thing for us to ask. It is a just thing to ask.

If it is a vacancy rate that far exceeds that which occurred under President Clinton's time in office, the very same people who were critical of this Congress moving President Clinton's nominees for judges are now creating a much larger vacancy rate.

I believe we can do better. I know we can. I know we can move the non-controversial judges better than we are doing.

I urge us to spend some extra time on that. If so, we will be able to eliminate this hurdle that is creating a problem with the foreign operations appropriations bill. Hopefully, we will have a good bill that we can all support. Hopefully, we will have an agreement that is fair and just and reasonable which would allow more nominees to be moved.

I am sure we are not going to be able to get our vacancy rate down to the level of the 1960s, which is where it ought to be. But we ought to be able to get it moving down well under 100 in some sort of agreement that could be reached.

That is my observation and my concern at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we have a number of nominations that are on the Executive Calendar. This evening we are going to try to move a number of these nominations, beginning on page 3. We ask every Senator and every staff member to make sure they review these. If there are problems that a Senator has, they should make contact with leadership offices and/or the cloakroom and indicate that they have some problem with some of these nominees. Otherwise, we are going to try to approve a number of them this evening. We have on the Executive Calendar a number of names we would normally send out with a hot line.

There is nobody in the office to listen to the hotline, so we would ask everyone to specifically look at the Executive Calendar and determine if there are any people they do not wish to clear, or if they have any questions, whatever the question might be.

We have heard, on a number of occasions the last several days during this filibuster, they hope something can be done to arrive at some agreement so as to move judges.

I think the good faith of the majority has been shown by our literally voting on every judge that has come through the committee and has been marked up and reported to the floor. It would have been easy for us the past several weeks, during these extended filibusters on several bills, to just hold all these

judges and vote on them at one time later on, as was done to us when we were in the minority; but we have decided not to do that. As soon as they are ready, we are moving them forward. The record is replete with the case we have made, indicating that we are doing the very best we can under very difficult circumstances.

There is no need to belabor the point, other than to say we took control of the Senate in June. During the first 6 months of this session, there was not a single confirmation hearing held, not a single one, which is in keeping with what has gone on in the past.

In the past, for example, in the 6½ years the Republicans chaired the Judiciary Committee, from 1995 to 2001—34 months; that is almost 3 years—during that period of time, they held no confirmation hearings for judicial nominations and for 30 months they held a single confirmation hearing.

So we are moving forward. We have six office buildings—three in the House, three in the Senate—closed down. Staff is having a very difficult time working, as has been laid out in this Chamber on a number of occasions.

Senator LEAHY, in spite of that, held an emergency meeting in the President's Room in the Capitol. They went to the Appropriations meeting room and held a hearing there on judges. He reported out of the President's Room these four judges we are going to vote on today.

I have to say, if this case were being tried by a jury, the jury would be out 5 minutes and we would win. This is a case where if this were given to a jury, we would win easily. The jury is the American people. We are going to win this. We are doing the right thing. We are moving the judges as quickly as we can. In spite of the September 11 terrorism attack and the anthrax attack, we are still moving the judges as quickly as we can.

What is being done by the minority is they are holding up appropriations bills. We are going to vote again on a motion to proceed to this foreign operations appropriations bill.

Just 8 days ago, the entire Republican side voted to block consideration of the foreign operations appropriations bill, which funds U.S. foreign policy. It was not because they disagree with what is in the bill supposedly, since it was written by Senator LEAHY and Senator MCCONNELL. These two Senators worked on this bill. Supposedly, it is a bipartisan bill which responds to the concerns and interests of both Democrats and Republicans, as well as the President's foreign policy priorities.

No, the Republican leadership did not oppose the bill itself. Instead, they said it was because of the Judiciary Committee which Senator LEAHY chairs. They say they have not acted quickly enough on judicial nominations. That is a very serious accusation.

I have been a prosecutor, and I have defended lots of people charged with

crimes—not so serious crimes and really serious crimes, such as murder. So I take seriously our responsibility of the Federal judiciary. In fact, after reporting out four more judges last Thursday, we have acted three times as fast in approving nominees as was done during the first 9½ months of the first Bush administration or the Clinton administration.

Today we are going with the unanimous consent agreement that has been entered. We are going to confirm four more judges. For the minority to suggest we are moving too slowly is a bit, I guess, like the orphan accused of killing his parents and who then begs for the court's mercy because he is an orphan.

When the Republicans controlled the Senate during the Clinton administration, they created many of the judicial vacancies they are complaining about today, as has been indicated by the Senator from Alabama.

Some of President Clinton's nominees languished for years. Many qualified nominees, because of the impact this had on their ability to lead normal lives, withdrew. They withdrew from their law practices, waiting for a hearing, waiting to be confirmed. They withdrew their names after waiting years. Some of them said: We cannot wait any longer. They did not want to subject their families to further unfairness.

We know about all this. We know that. We are not going to be unfair. We have a record that indicates maybe it should be payback time, but it is not. We are not going to treat the Republicans as they treated us. That is already evidenced by what has been done.

Some on the other side might fear that they are going to be treated as we were treated, but that is not the case. The fact is, since July when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. I repeat, we have no intention of perpetuating the shameful ways the Republicans treated President Clinton's nominees. We have and we will consider these nominees fairly and act on them in a timely way.

Maybe some Republican Senators believe the public will not know or care that they have taken the bill that funds U.S. foreign interests as hostage. That is their hostage this week—and last week.

I was happy to see the senior Senator from Alaska—the former chairman of the committee, now the ranking member of the committee—vote “present.” It appears quite clearly that he does not like what is going on, as indicated in his statements he made afterwards.

We are in a time of war, and we are going to have a continuing resolution—meaning that every line in that continuing resolution will have to be reviewed by some lawyer to find out if it is more than was done the preceding year. It does not sound as though that is the right way to go.

The American people deserve to know what is at stake when the Senate

is kept from acting on this bill, especially when it is clearer than ever that our security is linked to events outside our borders—and then for people on the other side to stand and say, let them go a little more quickly than they did and we will work something out.

As of next week, there will be 3 weeks left until Thanksgiving. We are running out of time to do things. This foreign operations appropriations bill, as bipartisan as it is, will have amendments offered on it. We cannot whip through this bill in a matter of a couple hours. Agriculture appropriations—the same thing. They are holding up the work of the country.

What does this bill contain? We have talked in generalities, and I talked a little bit specifically earlier today, but let's talk about what is in this bill.

We have three countries that have really been good to America in recent years—Egypt, Jordan, and Israel—but they need our help. These are countries that depend on our assistance. And these are not gifts. We do not write them out a check and throw them money and say, spend it any way you want. Most of the money goes for them to purchase American products. That is what foreign aid is about in modern-day America.

So not only does it hurt those countries that are not getting this money, these vouchers, these opportunities to buy American products; it is hurting American companies. Who are these countries? Israel, Egypt, and Jordan, allies that are crucial to the stability of the Middle East.

I read an interview last night of President Mubarak. It was very impressive. It was in Newsweek magazine—a question—and then his answer. I was so impressed, among other things, when they asked him about Arafat.

He specifically said: Arafat has bad people around him. He mentioned a person's name. This is a gutsy guy. I was impressed. We know he has criticized Israel. He did in this same Newsweek article, when questioned. He said that President Sharon has made promises to him and he hasn't kept them. But Mubarak has been good for America. We are holding up money going to Egypt.

A couple weeks ago I had the pleasure of meeting just a few feet from here with the King of Jordan, King Abdallah I, of course, cared a lot about his father. I liked his father a great deal. This young man has assumed the leadership of his country in very tough times. The majority of the people in Jordan are Palestinians. He is an American ally. His country is favorably disposed to America. It is a country that has made great progress but still has a long way to go. They are dependent upon our helping them. This bill is being held up.

Sure, we can, as Chairman BYRD said, write an omnibus bill and lump it all in and maybe they will get some of what they need. This bill was worked on for

months, making sure that Egypt and Jordan get what they need, not what was in last year's bill.

That is what is being held up here—not today, not yesterday, but all last week and part of the week before.

There is specifically in this bill, as a result of what has been going on since September 11, \$175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas. These are the programs that help give us early warning against some of the world's deadliest infections, now just an air flight or a postage stamp away, including anthrax and other agents used in bioterrorism. It is especially foolish and absurd to hold these funds hostage when our own citizens are now the targets of such attacks.

Two postal workers died with anthrax poisoning. What we are asking is that \$175 million be set aside to strengthen surveillance and response to outbreaks of infectious disease overseas. That is in this bill. If they have some big omnibus bill, is that money going to get where it is supposed to? Of course not.

This bill should not be held up. It is being held up, and that is wrong. We have almost \$330 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders against nuclear, biological, and chemical weapons facilities as well as programs to get rid of landmines. Landmines are a serious problem all over the world. They are a problem in Afghanistan.

I traveled a number of years ago, just to give an example, to Angola. Angola in Africa had the potential of South Africa. It had natural resources such as oil and diamonds. It was part of the jungle we studied as kids where these African animals roamed. It was good for agriculture, potentially a strong country. But it has been involved in a civil war.

There are 10 million people in Angola. There are 20 million landmines. There are two landmines for every person in Angola. If there was a bustling business when Senator Simon and I and a number of other Senators traveled there a number of years ago, the business was artificial limbs, mostly of women and children. That is where this money is going.

We are held up over Senator LEAHY not moving judges fast enough. No one criticizes the fact that he is moving them. Our three office buildings are closed. On the floor there was a question asked by the minority leader, Senator LOTT: Where is the appellate judge, the circuit judge? Senator LEAHY said: One of the Senators—I know the Senator's name—on the committee asked a question and wanted it answered. The question may be answered. It may be in the mail. But we have not gotten the mail. I haven't gotten mail since they found the stuff in Senator DASCHLE's office. No one else has. The answer might be out there someplace. Maybe we could get

the woman—it is a female judge—to fax the answer, call, if she knew where to call or where to fax. No one is criticizing Senator LEAHY for not moving. They are saying he is not moving fast enough.

As I mentioned earlier today, the second page of the Washington Post newspaper talks about the United States going to help Uzbekistan. Uzbekistan was one of the first countries to step forward. They have a relatively small border with Afghanistan. They stepped forward and said: Yes, you can use our airbases. We have now, I understand, over 1,000 soldiers on the ground there—not just airmen but soldiers. They said: Yes, you can use our land.

One of the things I am so glad we are going to help them with is, according to the newspaper, there is an island loaded with anthrax. The Soviet Union used this island for testing biological agents. They dumped lots and lots of anthrax on this island. The island at one time was safe. It was in the middle of the Aral Sea, the third or fourth largest sea in the whole world. But the Soviet Union diverted water from that area to grow cotton and therefore dried up this sea.

I went to where the shore used to be and where it now is. You can drive 80 to 90 miles on the dirt and see hulls of ships along the way. The sea has receded that far. The place that used to be an island is no longer an island. You can drive to the anthrax.

One of the things in this legislation is money to allow this Government, the United States, to help Uzbekistan, as indicated we want to do on page 2 of the Washington Post newspaper today.

We are not dealing with that. We are concerned about Senator LEAHY moving judges quickly. We could go through the statistical analysis again. I am sure no one wants to be bored, but it is all in the CONGRESSIONAL RECORD of Thursday where we established that we have done a good job in the short time we have had control of the Judiciary Committee.

This bill has \$450 million for steps to combat HIV/AIDS. In Africa today, about 7,000 people will die of AIDS. Tomorrow 7,000 more will die. Thursday, 7,000 more will die. Friday, 7,000 more will die. Seven days a week—weekends are not taken off—they continue to die in Africa because of AIDS. This number is going up, not down.

In 15 years that figure will be up over 10,000 people a day dying in Africa of AIDS. Talk about a plague. This legislation has \$450 million for steps to combat HIV/AIDS, maybe the worst global health crisis the world has ever seen. Maybe the bubonic plague, proportionately, was worse. Each day this bill is being held up another 17,000 people are infected with this virus. This money seems to be a lot, but considering the disaster I told you about, it may not be a lot of money. So \$450 million is in this bill to combat HIV/AIDS.

What are we doing? We are concerned and are holding up legislation for 3

weeks because Senator LEAHY isn't moving judges fast enough. So 17,000 people a day are infected with AIDS. There are programs—educational and medical—that we have that are fairly cheap now that we can use to stop these infections from running across that continent the way they are.

In this legislation, we have about \$4 billion in military assistance, including aid to NATO allies and countries in eastern Europe and central Asia. We are asking some of these countries, as we speak, to help America. We are asking them for overflight and refueling rights for our aircraft and for other support for military personnel. They are risking their lives on the war on terrorism.

We have money—millions of dollars, actually hundreds of millions of dollars—in this bill for programs for poverty which could provide basic education regarding health care, job creation, sanitation, housing, and other efforts in the poorest countries in the world.

We are the only superpower in the world. Don't we have an obligation to spend a tiny bit of the largess of this country to help those who are not as fortunate as we are. In this legislation, there are funds to help eradicate conditions that create breeding grounds for terrorists. Poverty breeds some of the things that we are fighting now. This legislation to help that situation is being held up. Why? Because the Judiciary Committee is not moving judges fast enough. They are moving them but not fast enough.

Next week it will be 3 weeks until Thanksgiving and they want us to do, during that period of time, all these appropriations bills. It can't be done. We need to get to work right now. I would think—but I haven't heard a peep—that the President would be embarrassed. These are his appropriations bills, his programs.

There is a very close breakdown of the numbers of Democrats and Republicans, so these appropriations bills that come to the floor are really bipartisan in nature. So the administration has tremendous input in what we have in our appropriations bills—in this one specifically because it deals with foreign aid.

This bill has a billion dollars in refugee and disaster aid to deal with humanitarian crises around the world. We all know what is happening in Afghanistan. People are trying to get out of there. They don't like the conditions there. They are afraid. They don't like the oppressive conditions, or the war conditions, which existed prior to the United States taking this action. They need help. All these agencies around the world need help. There is a billion dollars for refugee and disaster aid to deal with humanitarian crises around the world. They are not just in Afghanistan. We have millions of human beings around the world on the brink of dying from starvation. That is what this bill is all about. Try to tell one of

those people, most of whom are illiterate, that the Judiciary Committee is moving judges but not quite enough; therefore, we are going to hold up any money that goes to these refugees, all this disaster aid. Millions are at risk of starvation.

In this bill is \$856 million in export assistance to help U.S. firms find markets for American products abroad. What does that do? It generates jobs here in America. For that money that we spend, it will come back to us tenfold—or what we would like to spend. But, remember, we can't do that because Senator LEAHY is not moving the judges—fast enough.

It would seem to me if there were ever a time in the history of this country where there is a need for leadership by this country, the United States, now is the time for urgency—here and abroad. Yet at the very time when the President of the United States and his Secretary of State have been traveling—the President just returned from China, where he met with 21 other world leaders, and Secretary of State Powell has been all over, including Pakistan, India, and China, and various capitals around the world, to shore up an international coalition against terrorism—some Republican Senators suggest we should take a timeout because we are not moving judges fast enough.

Should we tell those nations that want our help in combating terrorism that, well, we would like to help everyone, but we are taking a timeout because we need some more judges? I understand the importance of judges. I have already talked about that. Judges are important.

One of the people we are going to vote on this afternoon is a judge from Nevada. We have the most rapidly growing State in the Union and we need judges. We have another vacancy, but the ABA hasn't approved his paperwork. We want his paperwork to be completed. That is the right way. I know Judge Mahan, and I am sure the paperwork is going to come back perfect. I am from Nevada and I know him. Other Senators, other than Senator ENSIGN, do not know him, and we should go through the normal process. That is what Senator LEAHY is doing—going through the ordinary, normal process, which is quite difficult now. Our three office buildings are closed. I am fortunate enough to have an office right off the floor. I had some of my Senate friends drop by yesterday. There is no mail coming into my office or their offices. They needed someplace to go. They dropped in my office. We, I guess, will tell the countries that as for combating terrorism, we have taken a timeout because of the judges.

I understand the importance of judges and all this talk about justice delayed is justice denied. That is talk. These Federal judges work real hard. They are not denying anyone justice.

It is interesting to note that the Chief Justice of the U.S. Supreme Court is not going around the country

lecturing about why the Senate is not moving judges more quickly. No one can question Chief Justice Rehnquist's political leanings. He was appointed by a Republican and everyone knows how Republican he is. But he, knowing it was the right thing to do, criticized the Republican majority in the Senate for not moving judges and for holding them up. He is not doing that now.

We are doing the very best we can for these judges under very difficult circumstances. I said this morning, there may be a different agenda here than just judges. Maybe they do not want to move these appropriations bills. Maybe they want the appropriations in one lump sum. Maybe that is what they want. That is what they are going to get. It is a terrible mistake for the country.

Shall we tell our NATO allies or those suffering from AIDS, tuberculosis, or other deadly or preventable diseases that we are going to take a timeout because judges are not moving fast enough? That is the only thing we can tell them. Should we tell the American workers hurt by this slowing economy that we have taken a timeout because Senator LEAHY is not moving judges fast enough—he is moving them but not fast enough?

If he was trying to delay the appointment of judges, would he have held a meeting last Thursday in the President's room to report out judges? Of course not. If he is trying to delay, did he have an excuse not to hold hearings on these judges? He had to prevail upon the Appropriations Committee to get room S-128. As I said, what a disappointment it would have been for my friend, Larry Hicks, who is going to be a Federal judge from the State of Nevada, if Senator LEAHY had canceled that hearing. He had every reason to do so: the anthrax scare, the office buildings closed. But he did not. Larry Hicks was jammed into that hearing room with everybody else.

It was also interesting at that hearing, which I attended because of Larry Hicks, the judge from Nevada, the only people at the hearing were Democratic Senators. We had a few Republican Senators introducing nominees, but I am talking about members of the committee. I did not stay for the whole hearing. Maybe they showed up later.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I ask my friend from Nevada if he can explain what happened with the vote this morning on the floor of the Senate.

Mr. REID. I will be happy to explain to my friend.

Mr. DURBIN. This was a vote for cloture to bring a bill before the Senate to be debated; is that correct?

Mr. REID. That is all it is.

Mr. DURBIN. And the bill was the foreign operations appropriations bill.

Mr. REID. That is right.

Mr. DURBIN. It has the request of the Bush administration for foreign op-

erations, and we—at least on the Democratic side—have been trying to bring this bill to the floor for the administration and for the President.

Mr. REID. For weeks.

Mr. DURBIN. For weeks. Included in that bill, is it correct, there is \$175 million for infectious disease surveillance programs?

Mr. REID. Yes.

Mr. DURBIN. And \$255 million for sheltering of Afghan refugees, the ones we see on the television?

Mr. REID. Yes. I say to my friend, I talked about the \$175 million. I did not talk today about the \$255 million for Afghan refugees. I say to my friend from Illinois, all one has to do is turn on the news by mistake and in an instant one will find out the problems of these refugees. They are trying to escape the Taliban. They are trying to get out of that country. They want to get anywhere they can to escape the Taliban. They are starving. Their families are spread out all over. Sometimes they are together; sometimes they are not. Some have walked over the passes, such as the Khyber pass and other passes that are almost impassible. They have done it.

The Senator from Illinois is right, that money is being held up.

Mr. DURBIN. Is it not true President Bush has said our war is not against the Afghan people; it is against the Taliban, the terrorists, al-Qaida, and Osama bin Laden? It is not against the Afghan people, is that not correct? Is that not what the President has said?

Mr. REID. The only reason I am pausing before answering—the answer is absolutely yes—I say to my friend from Illinois, the legislation is being held up because Senator LEAHY—if I am not mistaken, my friend is a member of that Judiciary Committee.

Mr. DURBIN. Yes, I am.

Mr. REID. Nobody is criticizing Senator LEAHY for not doing anything. They say he is not doing it well enough, fast enough, and, as a result, we have been in a 3-week filibuster.

Mr. DURBIN. I have not looked closely at this morning's rollcall vote, but is it a party breakdown, Democrats and Republicans?

Mr. REID. One courageous man, TED STEVENS, voted "present," and then he gave a speech from his assigned seat in the Senate Chamber saying, in effect: What in the world is going on here? He said if we have a continuing resolution, and that is what this is all leading up to—I am paraphrasing what he said—but the \$255 million the Senator from Illinois suggested for these Afghan refugees will not be there because that is an add-on. A continuing resolution takes into consideration what took place last year.

Mr. DURBIN. So this morning in the Senate Chamber—

Mr. REID. Senator STEVENS said: What is going on here?

Mr. DURBIN. This morning in the Senate Chamber, we had a motion to bring up a bill, which President Bush is

asking for, on foreign operations, part of which is to deal with infectious disease surveillance, \$175 million, and \$255 million to feed these Afghan refugees who are literally dying on our TV screens every night, and we had a party-line vote: The Democrats saying go along with the President, move the bill, give him the money and the resources, do what is important for America, and the Republicans, with the exception of one Senator, Mr. STEVENS who voted "present," all voted not to go to the President's bill on foreign operations appropriations. The reason they have decided to hold back the money for this emergency aid to feed, clothe, and shelter the Afghan refugees is because the number of judges coming out of the Judiciary Committee is not coming out fast enough; is that the argument?

Mr. REID. I am embarrassed for my minority friends to say that is right, they are not moving fast enough.

Mr. DURBIN. I ask, if I may, the Senator from Nevada, is it not also true that more than, I guess, 2 weeks ago we passed an aviation security bill in the Senate 100-0, a bill that was brought to the floor by Senator FRITZ HOLLINGS, a Democrat from South Carolina, and Senator JOHN MCCAIN, a Republican from Arizona? They brought this bipartisan aviation security bill before the Senate to finally have a Federal response to the problem of security at our airports. We passed it unanimously and sent it to the House of Representatives where it has not been called for a vote in almost 2 weeks; is that a fact?

Mr. REID. I respond to my friend in answer to his question, he is absolutely right. It is being held up and it is very clear why: Because the majority whip in the House has said he does not want these employees to be federalized. He wants them to be let out to the lowest bidder, as we have now. The majority whip said, from what I read in the newspaper, that he cannot allow the bill to come up because he does not have enough votes to have his position prevail, so he is just stopping it from coming to the floor.

Mr. DURBIN. Has the Senator from Nevada had the same experience I have since September 11 where he has gone back to his home State and, more often than not, people come up to him and say: Thank you for addressing this problem threatening America in a bipartisan fashion, in working together, standing with the President to fight these battles? Has the Senator heard that in Nevada as often as I have heard it in Illinois?

Mr. REID. I went to a breakfast this morning in Washington, and they say the same thing in Washington that people say in Nevada: What in the world is wrong? Why can't you get this done; why can we not make these people who check our bags, who put food on the airplane, who put fuel in the airplanes, Federal employees so we can make sure they are paid a livable wage?

Mr. DURBIN. And with a background check, with training, with supervision.

Mr. REID. Yes. As the people said this morning and people say in Nevada, and as the Senator said they say in Illinois, that does not sound like too much of a wild concept.

Mr. DURBIN. I ask the Senator from Nevada, is it not a curious situation that the Democrats are now backing the President and wanting to move these things forward and the Republicans are stopping the President's agenda? It is the Republicans stopping the President's request for foreign operations funds to feed the Afghan refugees, \$255 million to feed and clothe these helpless innocent people who are literally dying in these terrible conditions. It is the Republican Party of the President that stopped our consideration of this bill this morning, with the exception of one Senator, Mr. STEVENS. And when we are asked time and again, Will you please stand behind the President, maybe we should say to our friends across America who follow this debate: We are standing behind the President; please ask the President's party to stand behind the President. It appears that is where it has broken down.

Mr. REID. I say to my friend in response to his question, we have not seen the pain and suffering and despair in Afghanistan that is going to occur in about 2 or 3 weeks when winter hits.

Afghan winters are known for their brutality. These people know that, and the reason they are trying to get out of there is because of the brutal winters they have in Afghanistan.

The Senator is absolutely right. And I also respond to his question in this manner: The President has received bipartisan support on his issues, whether it was the \$40 billion for New York, whether it was the airline bailout, whether it was the work we have done in counterterrorism. Name whatever it is he felt was important, we stood shoulder to shoulder by him.

I say to my friend from Illinois, the distinguished senior Senator from Illinois, I am a little bit disappointed in President Bush. I think he should be trying to help us on this issue and tell his party to back off. He should work with Senator DASCHLE, try to maybe speed things up a little bit, or let him talk to Senator LEAHY or Senator HATCH, but he should be helping us move this bill. This is his bill.

So I say to my friend, in spite of the weeks of bipartisanship, 6 weeks as of today, we have shown this President, the administration has been silent on this 3-week roving filibuster.

Mr. DURBIN. I ask the Senator from Nevada, in this bill, the foreign operations appropriations bill which the Republicans stopped this morning from coming up for consideration, in the committee report on the bill, this bipartisan committee report, it refers to the situation in Afghanistan as, and I quote, "the most urgent massive humanitarian crisis anywhere."

We are having this bill held up, but we are turning on our televisions at night, as I saw last night, to see this gripping scene that no father or mother could stand to watch for more than a few seconds of a child lying on the dirt in one of these refugee camps, this Afghan family that fled their country because of their fear of the Taliban and fear of the war. This little child was literally lying there, swathed in blankets and rags, listless and clearly sick, with flies all over her face, and her father trying to swat them away saying: I have nothing to give her. I have no money to buy medicine, nothing.

We see these scenes at night and it tears at our hearts because our war is not against the Afghan people. It is against the terrorists and the Taliban that harbors them. Yet when the President brings us a bill to do something to help those people, the Democrats stand with him and want to call the bill, while the Republicans, his own party, turn their backs on him in what has been described as the most massive humanitarian crisis anywhere.

To say that is a battle worth fighting for, these poor, defenseless, dying people, so the Judiciary Committee could turn out a few more judges to the satisfaction of some of the Senate Republicans, I do not think can be defended.

Mr. REID. I say to my friend, the then-majority leader, Senator LOTT—and this is not a direct quote, but it is pretty close—when there was a question which came up last year or the year before about judges, said when he went home he did not have anybody ask him about judges.

Well, that is about right. But I do have people ask about anthrax. I do have them ask about threats of smallpox, threats of influenza virus, threats of terrorists generally.

Also, I say to my friend, I spoke very briefly this morning about another crisis we tend not to focus on, but in this bill there is \$475 million to help people with AIDS. I say to my friend, as I said earlier, 7,000 people are dying every day in Africa because of AIDS. We have money in this bill to help that plague.

Mr. DURBIN. Yes, we do.

Mr. REID. And that is what it is; it is a plague. The Senator not only is a member of the Judiciary Committee, the Senator is a member of the Appropriations Committee. We work very hard recognizing that AIDS is not an African problem; it is our problem, too.

The money for AIDS education and treatment will be held up. Now they can say all they want, they meaning the minority: We will pass a bill as soon as you give us more judges.

It is not that easy, I say to my friend from Illinois. Thanksgiving is 3 weeks away as of next week. We have conference reports. We have terrorism issues we have to work on, bioterrorism, counterterrorism, and these appropriations bills do not go that quickly. People have the right to offer amendments.

Do they think some magic is going to happen and we are going to do a foreign

operations bill in an hour? People want to offer amendments. They want to do things a little differently. That is the American way. That is the way we have been doing things for more than 200 years, but we are in a 3-week fun and games with a filibuster.

Mr. DURBIN. I will give the Senator from Nevada an illustration and then ask him a question. Last Thursday, the Senate Judiciary Committee, when we were operating out of the Capitol, had a hearing for five judges who were brought before us. Of those five judges, it is my understanding four of them will be voted on this afternoon. As to the fifth judge, who is a circuit court judge who has been suggested and was brought before us, we came to learn this circuit court judge has perhaps a thousand unpublished opinions. We have asked this judge to come back once we have seen his unpublished opinions so that before we give him the circuit judge position for life we understand who he is and whether he is the man for the job.

There were some objections raised at the hearing about asking for a second hearing for this judicial candidate. We checked the record, and on at least six occasions during the Clinton administration, a second hearing was requested. Then we asked for the timeframe between the first and second hearing on Clinton judges, when the Republicans were in control. In one case, the nominee waited 2½ years for the second hearing, and in several other cases more than a year for the second hearing.

Now we have the Republicans coming to the floor saying we are not moving this process fast enough. Second hearings are being called for and it could take weeks, when they took the lives of individuals and let them languish for a year or 2 years in this situation.

I say to the Senator from Nevada, Senator PATRICK LEAHY has moved with dispatch with hearings on these judicial candidates. He has held hearings during the recess. He held a hearing last Thursday when the Senate was in a very peculiar situation because of the security concerns on Capitol Hill. He has moved them forward. He has asked that before we approve a person we know their background. I ask the Senator from Nevada, who was in the Senate during the Clinton administration and saw the way Senator HATCH and the Republicans in control of the committee dealt with the nominees, are the Republicans today asking for the same treatment of their nominees as they gave to President Clinton's nominees?

Mr. REID. I say to my friend, one of the biggest fears they have in the world is that we will treat them as they treated us.

Mr. KYL. Will the Senator yield? That was a question directed to my party.

Mr. REID. I say to the Senator from Illinois, I believe in the Golden Rule which says you should treat people the

way you want to be treated, and we are not going to treat the Republicans the way they treated us.

I say to my friend from Illinois, he is right. Senator LEAHY has been moving these things very quickly—maybe not quickly enough for some, but he has been moving them.

Since September 11, the Senator from Illinois, as a member of the Judiciary Committee, has been involved in a number of other things. I say to my friend that in addition, we have had in Senator DASCHLE's office this evil person or people send this envelope full of anthrax which has shut down the office buildings in the Senate. Senator LEAHY and the Judiciary Committee and all committees have been working under tremendous hardship, and Senator LEAHY, if we could give him some kind of a medal, he deserves it.

In the President's Room last Thursday, when the House had already gone home and we were in the process of going home, Senator LEAHY held a hearing to report out these four judges. Anyway, he held a hearing back there, a markup back there, and then he held a hearing later in the day down in S-128 on some judges. If he ever had an excuse or ever wanted to slow up these nominations, he certainly would not have proceeded in that manner.

Mr. DURBIN. I add to the Senator from Nevada, I believe there were some 12 U.S. attorneys who were moved in that hearing in the back room, under extraordinary circumstances.

I ask the Senator from Nevada, is he aware of the fact the Judiciary Committee, under Senator LEAHY's leadership, has held seven nomination hearings thus far this year?

In 1989 and 1993, when the Republicans were in control of the same committee, it was November before they held their fifth hearing. So Senator LEAHY has held more hearings, even though we have not been in control for the full calendar year, than Republicans did when they had control of the same committee under a Democrat President, and after that seventh hearing the committee will have held multiple hearings in the same month on three separate occasions, something the Republicans in the Judiciary Committee managed to do only 12 times in 6½ years of leadership.

For those who are complaining about Senator LEAHY's dispatch in dealing with those nominees, I might also say this: The Judiciary Committee has already confirmed eight judges, four for the Federal courts of appeals with several more in the pipeline. This afternoon we will have some district judges considered. That is more appellate judges confirmed in the last 4 months than the Senate confirmed during the entire first year of President Clinton's administration.

Senator LEAHY has brought more Republican nominees for Federal judgeships to the floor in the first 4 months than the Republicans did in an entire calendar year. And they are stopping

legislation to provide humanitarian assistance to the Afghan refugees because it is not fast enough? Is that what I understand?

Mr. REID. The Senator is absolutely correct. I would say also that not only has Senator LEAHY and the committee moved the number the Senator has indicated, but he has done it in a short period of time.

Remember, the Democrats only took control of the Senate in June. During the first 6 months of this year, the Republicans did not hold a single confirmation hearing or confirm one.

I will be happy to yield for a question to my friend from Arizona.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Arizona.

Mr. KYL. Mr. President, I guess I will ask a question. I thought there was a question posed to the minority by the distinguished Senator who said, would Republicans like it if he treated them as they treated us? And I thought, as a Republican, I might be in a better position to answer that than a Democratic Senator.

Mr. REID. Does the Senator have a question?

Mr. KYL. The Senator had an interesting question. I guess I will ask the question to you this way.

Since the distinguished Senator from Nevada has said on more than one occasion that this is not about payback—I think that is a direct quotation, on several occasions—I wonder why, if the withholding of confirmations on judicial nominations is not about payback, that most of the argument that the Senator from Illinois and the Senator from Nevada keep making is how poorly they believe that President Clinton's nominees were treated by Republicans. What relevance would that have, if their action today isn't about payback?

Mr. REID. I will be happy to respond to that question. The purpose of going into what has taken place in the past is, by comparison, to show what was done to President Clinton and was not done for him, compared to what we are doing now.

I spent a lot of time here in the Chamber. The few judges that we got, those were usually held in bundles until we had acted appropriately by virtue of how the majority then thought we should act and then we would get a whole bunch at one time.

We are moving these judges as quickly as we can. We are not holding anybody who is ready for approval. We are holding these hearings as quickly as we can. We hope there will even be a hearing this week, although we don't know where it will be.

I say to my friend, for whom I have the greatest respect, the junior Senator from Arizona—I know he feels strongly about the number of judges. But I think the Senator is not doing the right thing for the country. I think it is very important we move forward on these appropriations bills. I think the situation on judges—whatever number is going to come, we are going

to do it regardless of this filibuster. We are going to move the same number of judges that we could and should.

As far as it being payback time, we are not going to have payback time. As I told the Senator from Illinois, the way I feel about this, I believe we should set an example.

You know, you just want people to treat you the way you treat them. We are going to try to do our very best to show the country we are not going to treat the minority, the Republicans, during the time we are in the majority, the way we were treated. We are not going to have people wait around for years for a hearing. We are not, in effect, going to have people wait until they withdraw their nomination.

With all that is going on in the country today—office buildings being closed—I think it is a terrible mistake. We are going to move as quickly, as expeditiously as we can.

As I was saying when the Senator from Illinois stepped on the floor, we have \$3.9 billion in this bill for military assistance, including aid to NATO allies, countries in eastern Europe and central Asia. We are asking some of these same countries to really do good things for us. Should we tell our NATO allies that we have taken a timeout? Should we tell American workers hurt by the slowing economy that we have taken a timeout?

I believe global leadership means acting as a leader. We are the only superpower left in the world and we have an obligation to support those who are less fortunate than us. We simply have not done that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for a question.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If I understand what the President has told us repeatedly, our war is not against Islam or the Afghan people. It is against terrorism and the countries that harbor terrorists. In this bill the Republicans have stopped on the Senate floor this morning, the foreign assistance and operations bill which President Bush asked us to pass, which Secretary of State Colin Powell said is important for his operation, the State Department, as he builds this coalition, is it not true we also include in this bill nutrition and health programs for the less fortunate around the world? Is it not also true that many of these programs will be the evidence that many of these people have that the United States is not at war with Islamic people, not at war with a certain religion, that we are, in fact, prepared to help them and help their children?

The fact that this Senate refuses to take up the bill the President has asked for is really hurting the administration's effort. What they are trying to do is send a message around the world. That is how I see it. I ask the Senator from Nevada if he reaches the same conclusion?

Mr. REID. I reach the same conclusion, I say to my friend from Illinois. I

studied a map yesterday of Afghanistan and the countries that surround Afghanistan and tried to learn a little more about Afghanistan, as we all are trying to do.

The life expectancy in Afghanistan today is 48 years for a man, 47 years for a woman. That is the life expectancy. In the United States, it is about 80 for both men and women.

Having been in Congress for a number of years, I have had the good fortune, for a number of reasons, to travel to other countries. I can remember going to a number of those refugee camps where food comes from the United States, money comes from the United States, to feed these orphans. A lot of them are orphans. When you go there, they know you are from America and they come, little kids, hanging on to you—some of them with very bloated stomachs, meaning they are malnourished. It is very sad that children who have done nothing to hurt anybody are victims of all this terrorism that is going on. They are victims of all the maldistribution of things around the world.

This bill is an effort by the United States, the way I see it in my eyes, to give just a little bit of the plenty that we have to help some of the less fortunate around the world.

This foreign aid bill is just a small amount of money of the trillions of dollars that we deal with here in Washington. But it is important to those countries. The Senator from Illinois is absolutely right. This money goes to people, mainly children around the world, who need help.

Mr. DURBIN. I ask the Senator from Nevada, I had the same experience he did in India and Bangladesh, India, a Hindu country and Bangladesh, largely Muslim. What I found was the poorest of God's creatures on Earth, people, literally mothers trying to raise children with nothing—nothing—who worried day to day whether they could feed them, and the United States, in its compassion, its understanding of its obligation to those less fortunate, provides financial assistance to the charitable organizations. In one case, in India it was Mother Teresa who was taking the money and feeding the poorest people. In Bangladesh, it was other organizations.

To make certain the record is clear, the money that these organizations would receive would come through this bill, this foreign operations appropriations bill which has been stopped on the floor of the Senate—according to the Senator from Nevada for almost 3 weeks or more—because some, in fact all Republican Senators but one—believe they want to stop the President's bill that would provide this food and medical care for the poorest children on Earth because they are not getting judges through the Senate Judiciary Committee at a fast enough pace.

Is that their argument?

Mr. REID. The Senator is absolutely right.

I want to stress this again. They acknowledge that they are getting judges, but they are not getting them fast enough, in spite of the September 11 terrorist acts and in spite of the anthrax terrorism. They should join with us to move this as quickly as possible.

The Judiciary Committee has maintained a steady schedule of hearings on judicial nominees of President Bush. We have confirmed twice as many judges as were confirmed in the same period of time during the two previous administrations. Remember that in one of those administrations there was a Democratic President and a Democratic Senate. Alongside the passing of an antiterrorism bill, we have continued to hold hearings on judicial nominees and to bring them to the Senate floor.

I don't know what more we can say. We have brought them to the floor for confirmation.

At a time when we have tried in every way to support the President's priorities, it is unfortunate that so soon after September 11 the Republican leadership seems to care more about its partisan political priorities than it does moving these nominees.

I think this deals with more than just judicial nominees. I think some people do not like foreign aid and the foreign aid bill. This is their way to kill something they really do not like. They are afraid to come on the floor and vote against this bill and offer amendments to this bill. They are going to do indirectly what they cannot do directly. They are saying this is about judges. I think what they want is a foreign aid bill such as we had last year with no new items in it: The Afghans—they will survive for centuries. A few will die. Let them die. So we cause a few problems. They deserve it.

I don't know what is going on here. But I think there is a different agenda. I think it is more than judges. I think they don't want this bill to go forward.

We have all been to townhall meetings. It is hard to defend foreign aid. Why are we giving money to those countries when we have people in America who are hungry?

I always supported foreign aid in the International Relations Committee in the House. I have always supported foreign aid bills. I have never voted against a foreign aid bill, and I don't intend to, because this superpower, of which I am a proud citizen, has the obligation to dispense a tiny bit of its largess on those who are less fortunate.

I think there is a different agenda here. I think people do not want to come forward and vote against a foreign aid bill. I think they want to be able to go home and say, we passed a foreign aid bill that is no bigger than it was last year.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Nevada.

Our friends are talking about the consequences for this particular piece of legislation. I guess I see other consequences as well. I would like to ask the assistant majority leader and the distinguished Senator from Illinois a question.

We have been through this process before. The clock is ticking. As the Senator from Nevada said earlier, there are only 3 weeks until Thanksgiving, and I assume we want to go home for Thanksgiving. Then there are a few more weeks until Christmas and New Year's. I assume people want to go.

I look at the agenda in terms of the prescription drug coverage for senior citizens, which is something about which I have been concerned and I know the seniors in Minnesota are desperately concerned.

I want to ask the Senators who have been here longer than I: When we go home for the holidays or adjourn for the year, and we are out of time to deal with some of these other important issues as well, should I tell the senior citizens from Minnesota that the reason we couldn't get prescription drug coverage is that we were sitting here week after week getting delayed on these votes and not even getting to the bills, so we did not have time to go on to anything else?

It looks as if that is another one of the consequences of what is going on. Is that the case?

Mr. REID. It appears very clear that we don't have time to do all the things that need to be done. Those issues about which we felt so strongly prior to September 11 are issues that are still important to the American people: Senior citizens, and the cost of medicine. The cost of health care is going up. Prescription drug costs are going up.

People are literally having to make decisions whether they are going to eat or get drugs. I have talked to them. People are supposed to take one pill a day. They break the pill in half. They take one-half of a pill each day. That isn't good for them. But it is better than nothing. We have people simply making the choice of whether they are going to eat this week or whether they are going to buy their medicine.

We know there are important issues dealing with education that we haven't talked about for weeks. We know there are things we need to do about people who are working. We have a lot of minimum-wage jobs around the country. These are not people who are working at McDonald's flipping hamburgers. Sixty percent of the people who draw minimum wage are women. That is the only money they get for them and their families.

Do we need a minimum wage adjustment? You bet we do. Things such as the Patients' Bill of Rights—that is just as important today as it was prior to September 11.

What about campaign finance reform? That is important. But these are issues we have pushed way back on the calendar.

I am willing to recognize that we have had many important things to do. But wouldn't it be nice if we were not in a filibuster, to have finished our appropriations bills by now and spent a little time on education? President Bush said that is his No. 1 priority. All he has to do is tell his friends over here to let us move on some of these appropriations bills.

I also say to my friend from Minnesota that not only do we have these things that are important which we need to deal with, but we also have counterterrorism legislation which is not yet completed.

The Senator from Illinois and I talked a little on the floor today about airline security legislation which is hung up over in the House because of the evil of federalism.

We have a lot to do with very little time to do it. Certain things we can adjust but time we can't. Time moves on. We cannot stop the movement of time. We can only do certain things for a certain period of time. Time runs out. Time is running out. The fiscal year ended a long time ago. We are having a series of short-term funding resolutions, which in the long term hurts the country. We should have the appropriations bills finished and not be doing them at last year's level. We have different problems than we had last year. That is an understatement.

I hope there will be some serious discussion about whether or not we are going to continue this filibuster for another few weeks. It is obvious to me that they are together on it. We had one person vote "present." Everybody else voted like lemmings going over the cliff.

I have the good fortune of being a lawyer. I am proud that I am a lawyer. I am proud that I was a trial lawyer. I tried lots of cases before juries. As I said earlier today, I wish I could try this case to a jury. We would win it so easily. They have no case. Hopefully, with the discussion today, maybe there is a jury out there; it is a jury that I can't see. There are not 12 people in the jury box here to whom I am speaking, but maybe this is the unseen jury of the American people. Maybe they can see through this facade. Maybe they can see. They know what it is. It is a political trip that is not good for the American people. It is holding up judges when we have people who need programs that this bill will fund.

Other bills are being held up. Agriculture appropriations and other bills are being held up. My friend is certainly on the right track.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

I have been asked by the people in Minnesota as to our agenda—for example, why we have not taken up agriculture. We have sugar beet farmers in Minnesota who are literally going bankrupt and are waiting for that appropriations bill to see if there is funding included that will rescue their operations from bankruptcy. We have

seniors in Minnesota who are asking why we have not taken up prescription drug coverage.

Why are we meeting here? As the Senator said, when we have education matters, which the President has said are a priority, when we have an economic stimulus package that the President has asked us to act on, when all these matters are not addressed, as I read the calendar, they could be left undone this year.

When I go back to Minnesota and am asked why we have not gotten them any of this broad agenda that affects people not just in Minnesota but all over this country, the answer should be because we sit here week after week not being able to take up legislation that is bipartisan because they are not happy with the pace of judges. It all comes down to that. Is that the Senator's understanding?

Mr. REID. I say directly to my friend from Minnesota, you are exactly right. You go back to Minnesota and tell your sugar beet farmers, we cannot take up an appropriations bill because we are not moving judges fast enough, according to the Republicans.

I went to Minnesota. You and I met with some seniors when we were campaigning. That was your No. 1 issue. You can tell them you are sorry we have not been able to take this up, but we have been tied up with a very important issue; that is, we are not moving judges fast enough. So you can tell them that. That is basically what you can tell them.

Mr. DAYTON. I say to the Senator, "fast enough" is a relative term, as I understand it. It is sort of in the eye of the beholder.

As I understand it, Senator LEAHY, chairman of the Judiciary Committee, held a hearing and squeezed it in here, literally and figuratively, last week so we could move judges forward. I know the bench is full in Minnesota.

The people's agenda, the whole agenda of the United States of America is on hold because a group says we are not moving judges fast enough. Is there a measure of what is "fast enough" in the Senate?

Mr. REID. The answer to the question is, you are correct; it is in the eye of the beholder. It absolutely is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. I thank the Senator from Minnesota for addressing other items on the agenda which we cannot get to because of this Republican filibuster over the pace of judges.

I say to the Senator from Nevada, what we are looking for now, if I am not mistaken, is what—eight or nine more Republican Senators who will decide that it is time to put an end to this charade that has gone on for so many weeks. If we can get eight or nine Republican Senators to come forward, we can finally invoke cloture, bring the President's bill that he requested to the floor, and provide the

assistance for these starving refugees who are coming out of Afghanistan.

I ask the Senator from Nevada, am I correct that is what we are looking for, another eight or nine Senators to come forward on the Republican side?

Mr. REID. I answer my friend, the distinguished Senator from Illinois, by saying it would be patriotic, in my view, to have a few people break away over there, step forward and say, I think this has gone on long enough. A 3-week filibuster is pretty good in holding up legislation for a period of time.

I think if we had nine Senators step forward, we would be able to break the filibuster and move forward on these appropriations bills. And then, as the Senator from Minnesota said, maybe this bowl of jello that says how many judges the American people are entitled to can work out somewhat.

I want everyone to be reminded that Senator LEAHY is a veteran legislator. On September 11, Senator LEAHY was forced into a new direction. He had to tell the members of his committee, such as the Senator from Illinois, that we had to do different things. As a result of that, he, as the leader of that committee, worked day and night for weeks to come up with a counterterrorism bill. It is not as if he has not had anything else to do. And then, I repeat, we have had the anthrax problem.

Again, he does not even know if some of the judges have responded to some of the questions sent to them. He is not doing anything that unique or different. He may be asking some questions a little differently, but from the beginning of time in the Senate, when we have confirmed Federal judges, people on the Judiciary Committee have had the right to ask questions. I am not on the Judiciary Committee, but I can send a question to you, and you can ask a question that is entirely appropriate. Or when a judge is placed on the calendar—like I made an announcement earlier today on behalf of Senator DASCHLE. I said, we cannot hotline everybody as we normally do, but we have nominations on the Executive Calendar, and we are going to try to clear a lot of them. So if anybody has any objection to these people, such as John Marburger, to be Director of the Office of Science and Technology Policy, let us know. If you have a problem with CPT Duncan Smith, let us know. If you have a problem with Eugene Scalia, to be Solicitor for the Department of Labor, let us know. There is a whole list.

We have a lot of U.S. attorneys who have been cleared. We have a couple people on the Executive Calendar from Nevada, such as Jay Bybee, to be an assistant attorney general, a very fine man. Anyway, we have a lot of people. We have a nominee to be U.S. Attorney for the District of Nevada.

Mr. DURBIN. May I ask the Senator from Nevada a question?

Mr. REID. I am just amazed at this kind of loosely knit problem we have

where they say we are not moving fast enough. The Senator from Minnesota asked, what is "fast enough"?

Mr. DURBIN. I might ask the Senator this.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If the Senator would respond, this foreign operations appropriations bill, which the President has requested, which the Democrats are prepared to bring to the floor to help the President in this effort against terrorism, stopped by the Republicans again this morning, with the exception of Senator STEVENS—and I applaud him; he has always been a man who has charted his own course. He broke ranks with the Republicans and said: Enough is enough. I salute him for that.

This bill, which the Senator from Nevada appreciates, I am sure, as I and other Members do, is a life-and-death bill for a lot of people around the world. The Senator from Nevada earlier mentioned the AIDS victims in Africa where 25 million people are infected and there are 15 million AIDS orphans. There is money in this bill to help these children and to help these families try to cope with this health crisis. There is no doubt in my mind, the failure to send the money is going to lead to the loss of life.

When it comes to feeding programs for the Afghan refugees, there is \$255 million. The failure of the United States to send the money President Bush has asked for to help these Afghan refugees will take lives. People will die because we do not move as fast as we should.

Does the Senator from Nevada have a suggestion from the Republican side that if we give them a certain number of judges, then they will be willing to give a certain amount of money to send to people who are starving to death around the world? Are they negotiating in those terms as to how many judges they will need before they can support their own President's foreign operations appropriations bill?

Mr. REID. If I could just take a minute to answer the Senator's question, this negotiating has been a little bizarre, for lack of a better description. I personally negotiated with a number of Senators on the other side. Finally, the majority leader said: You keep coming to me with different people negotiating for judges. Who is speaking for the minority as to the number of judges? I think that was a pretty good question Senator DASCHLE came up with.

Then I was told I could negotiate with my counterpart, the minority whip, Senator NICKLES. So we met on a couple occasions, and I thought we had a good understanding of what they wanted and what we could do. But that all fell apart because other people now are speaking for the other side.

So the direction I had to work with Senator NICKLES is no longer the case. I do not know what they want. That is why I think there may be some other

agenda. I think it may be more than just judges, although maybe they are holding up all this important legislation for judges.

Before the Senator asks another question, let me also say this: The Senator is a veteran legislator, having come to be elected in 1982. You know how this institution works. And you have served in the Senate for a number of years. You can remember the trouble we had getting Ambassadors when they were in the majority. They would load them up and finally we would have them. It was hard to get Ambassadors.

There has not been a peep out of them for Ambassadors. Why? Because we have been approving Ambassadors every time. Senator BIDEN gets these people out just as quickly as possible. We do not want a single post to be vacant, like they were vacant under President Clinton because they would not even give some of these people hearings.

So we are doing what is right for the country. We are not holding up Ambassadors, as they did to us. We are not holding up judges, as they did to us. We are treating them as they did not treat us. That is the right thing to do.

I would be happy to respond to another question from my friend from Illinois.

Mr. DURBIN. I say to the Senator from Nevada, based on what he just told me—that the Republicans have not even come forward with a request, a negotiated plan on these judges—I have to agree with the Senator from Nevada; I do not understand what their agenda is.

I can tell you what the result will be. Because they refused to bring President Bush's bill up to fund the State Department and other critical agencies, they are taking away from their President part of the authority he is asking for Congress to give him to wage this war successfully, part of which obviously has to do with military expenditures, intelligence expenditures. Another has to do with building a global coalition.

What the Republicans have said is: Mr. President, we are not going to stand with you. You can wait for an indeterminate amount of time for an indeterminate reason before we will give you our support.

The Democrats in the Senate are standing with the President. The Republicans in the Senate have shunned him, turned their backs on him. The net result of this, as we delay, is clearly going to be the loss of life. It clearly means that refugee children and others around the world who are waiting for U.S. assistance will not receive it in a timely fashion because of the Republican agenda on the Senate floor. That is certainly unfair to the President. It is certainly inhumane when it comes to these poor children and others around the world.

I sincerely hope that a number of Republican Senators, at the luncheon they are about to have, will stand up

with Senator STEVENS and say enough is enough. It is time for us to get behind the President, get the business of the Senate moving forward in a bipartisan fashion again.

I might ask the Senator from Nevada, before I close and yield to others who might ask questions: A similar thing is happening with aviation security, is it not, in the House? This is a bill we passed 100-0. People have come up to me on the street in Chicago, at Marshall Fields department store on Sunday. I was spending a few minutes looking around. A couple fellows asked: Aren't you Senator DURBIN? We want to talk to you about aviation security, airport security. And we want to know whether it is safe to fly.

We passed a bill which has sky marshals, which has perimeter security around airports, which professionalizes the screening at airports so we can have confidence that we have the best people with background checks and training and supervision and national standards, just as we had with air traffic controllers, having them working security at airports. That bill has been stopped in the House of Representatives by the majority whip, TOM DELAY of Texas, who objects to the idea of Federal employees being involved. So here in the Senate we can't move the President's bill for foreign operations to deal with our war against terrorism, and over in the House of Representatives they can't move the bill for aviation security.

In both instances, is it not true it is the President's party that is stopping a bill the President is asking for?

Mr. REID. The Senator from Illinois is absolutely right.

The Senator asked the question about the negotiation part of it. Our leader is Senator TOM DASCHLE. He has 50 people who support him in our caucus on everything. He is our leader. We recognize that. He is a man of great patience. I have worked with him, served with him in the House. We were elected to the Senate at the same time. We work very closely together. I have never served politically with anyone with as much patience as he has.

Mr. DURBIN. I agree with the Senator.

Mr. REID. Even TOM DASCHLE's patience has run out on this roving filibuster on judges. The Senator asked me what has happened on the negotiations. This is foolishness. We have three office buildings closed. Senator LEAHY just came upon the floor. He can't go into his office. He can't go into his personal office. He can't go into the Judiciary Committee office.

What in the world is the man supposed to do? Can't we move forward on these appropriations bills? This is a travesty. It is a travesty of the American political system to hold these programs up because we are not approving enough judges because this man here is not leading the Judiciary Committee properly.

I was on the floor Thursday. This is one thing I said. The Senator was not

on the floor. I want to say it right here again, the last thing I said:

Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I have an ounce of breath left in my body.

That is how I feel about it. This man is being slandered. I think it is awful what is happening here, what is happening to this man and to this institution. I have lived on the Senate floor. I have worked day and night helping them move appropriations bills, helping them, going to you and to you and to you, saying, don't offer that amendment; we need to move this; it is for the country. And we came through every time.

Here we have this bill being held up because we are not moving enough judges. I think it is horrible. I think it is wrong.

I yield to the Senator from Vermont for a question.

Mr. LEAHY. I am sure the distinguished senior Senator from Nevada knows how much I appreciate his kind words of support. And of course our friendship, of nearly a generation now, I value as much as any friendship in this body. It is interesting, I wonder if the Senator from Nevada knows that last week when a number of buildings were being closed down and all, I had several members of the other party come to me and tell me privately: I assume, of course, you won't have an executive meeting and pass out judges; you certainly aren't going to be able to have any hearings on judges.

In fact, some of them were saying they not only assumed that, they hoped I wouldn't because they wanted to get out of town.

The Senator from Nevada told me one of President Bush's nominees had made a 3,000 mile trip here and is there some way we could hold the hearing for this Republican judge, having made the trip. Of course, I had the hearing. Of course, we met. In fact, we had a picture in one of the papers showing we had about 100-some-odd people crowded into the President's room and a couple other people crowded into Senator BYRD's Appropriations committee room to have both of the hearings. We voted out about 20 nominees between U.S. attorneys and judges. And then we had a hearing on four or five more judges that afternoon, even including one from a State where the Republican Senator didn't bother to show up.

Mr. REID. Before we go out, I want to respond to the Senator's question. First of all, I appreciate the friendship that we have. I say this for the institution, I say to my friend for the institution. I would have stood to defend this institution. You are part of this institution, and the institution we call the U.S. Senate is also being defamed. This is not the way to legislate.

Yes, Larry Hicks flew from Nevada to here, as did other people fly from

around the country. What a disappointment it would have been to Larry Hicks and to the other people if they had come back here to find out the meeting was canceled. No one could have criticized you for canceling that meeting.

Anthrax was present. People were being treated for anthrax poison. No one could have criticized you. But you not only held a markup back here; you went down on the first floor and held a hearing. I said earlier today, if we passed out medals in the Senate, you would deserve a medal for what you did last week. To have people criticizing you and your committee for not moving fast enough is disgraceful.

Mr. LEAHY. I thank my colleague.

Mr. DAYTON. Will the Senator yield?

Mr. REID. Our time is up. I think it is time to go out.

The PRESIDING OFFICER. Forty-five seconds remain.

Mr. DAYTON. I was going to ask how many of these instances have occurred. The U.S. attorney from Minnesota, a Republican friend of mine, high school classmate who was appointed, Senator LEAHY went to finish the paperwork himself to get him expedited through the process. I wonder how many of these have occurred.

Mr. REID. I think we are going to report out 13 of these today that he did not have to do but he did.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. In my capacity as a Senator from Georgia, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF JAMES H. PAYNE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of James H. Payne, of Oklahoma, which the clerk will report.

The assistant legislative clerk read the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma.

Mr. LEAHY. Mr. President, today the Senate will confirm four additional

Federal judges. These nominees all participated in hearings on October 4 and were reported unanimously by the Judiciary Committee last Thursday, when the committee persevered with our previously scheduled meeting in spite of the extraordinary circumstances that prevailed here on Capitol Hill.

In spite of the postponement of other matters by other committees, in spite of the closure of the Dirksen Senate Office Building and the unavailability of our hearing and meeting room and in spite of our continuing focus and efforts to finalize an antiterrorism bill, last Thursday the Senate Judiciary Committee proceeded to meet and report these 4 judicial nominees, 13 nominees to be U.S. attorneys for districts around the country and an Assistant Attorney General for the Department of Justice. Then, last Thursday afternoon we held a hearing for an additional five judicial nominees that was chaired by Senator SCHUMER, which I attended along with Senators KENNEDY, DURBIN, and DEWINE.

Thus, last week while Republicans were voting as a bloc to filibuster the foreign operations appropriations bill and stall initiatives vital to building an international anti-terrorism coalition, the Senate Judiciary Committee continued to do its work. Two weeks ago the Senate confirmed our fourth court of appeals judge for the year, topping the total confirmed in the first year of the Clinton administration and topping the zero from 1996 when a Republican majority in the Senate refused to confirm even a single nominee to the courts of appeals all year.

Two weeks ago the Senate also confirmed another district court nominee. That brought the total judges confirmed so far this year to eight, exactly twice the number that had been confirmed by the same time in the first year of the first Bush administration and by the same time in the first year of the Clinton administration. In spite of our record pace since July in confirming judicial nominees, every Republican Senator voted last week to stall Senate consideration of a vital appropriations bill ostensibly to "protest" what they contend is a supposed "slowdown" on the consideration of judicial nominees. The facts belie their unfounded contention.

The Senate's continuing progress in spite of the numerous roadblocks and obstructions erected by Republicans throughout the year was evidenced again last Thursday and will be again today when the Senate votes to confirm another four judges.

At the end of this series of rollcall votes on these district court nominees to fill vacancies in Oklahoma, Kentucky, and Nebraska, the Senate will have confirmed 12 judges since July. Since I became chairman, Republicans finally allowed the Senate to reorganize at the end of June and Members were assigned to the Judiciary Committee on July 10, the committee has

held seven hearings involving judicial nominees.

We have already held as many hearings for judicial nominees as were held during the first year of the first Bush administration and more than were held during the first year of the Clinton administration. In addition, I have scheduled an eighth hearing involving judicial nominees for this week.

Our Republican critics have come up with a new statistic in an effort to diminish our accomplishments. Last week they took to talking in terms of average judges per hearing. Since it is their statistic, I guess they can figure it any way they want. I would observe that I can find no time this year when we had included only 1.4 judicial nominees per hearing. I should also observe that after the hearing on Thursday we will have included 23 judicial nominees at eight hearings. Even "fuzzy math" would have to concede that we are at more than double the "average" Republicans cite.

They do not explain that when President Bush unilaterally decided to change the more than 50-year-old practice of involving the American Bar Association in professional peer reviews while nominations were being considered, and that his decision has had consequences at other stages of the process. They do not acknowledge that only two of this President's first 18 nominees were for district court vacancies. They are oblivious to the fact that when early hearings were noticed and held many of these nominees had not completed paperwork and complete files.

They ignore the structure and practice for judicial confirmation hearings that has been followed by Republican and Democratic chairmen of the committee for more than 25 years in including three to five district court nominees with a nominee to a court of appeals and to the extent district court nominees did not have completed files or were controversial and not rushed into a hearing there might be a good explanation for the lack of a full complement of nominees at a hearing. They refuse to acknowledge the extraordinary parallel effort we continue to make to hold hearings for the numerous executive branch nominees that are simultaneously pending.

They are apparently frustrated that we have already confirmed four nominees to the courts of appeals and will match and likely exceed the number of court of appeals nominees confirmed in either 1989 or 1993. They seek to discount the judges confirmed by referring to three of them as "Democrats." These are nominees from President Bush that they have somehow determined are "Democrats" and whose confirmations should not be considered or counted in their partisan view, I guess.

The answer to their criticism is very simple: Since July 11 we have held 7 hearings and included 19 judicial nominees. That is more nominees than received hearings by October 18 in the

first year of the first Bush administration or by October 18 in the first year of the Clinton administration. Thus, whether measured by confirmations or by judicial nominees who have received hearings, in spite of the change in majority in the middle of this year and the delays that Republicans have caused in the process of reorganizing, we are ahead of the pace of the first year of the Clinton administration and the first year of the first Bush administration. The Republicans' charges of a slowdown could not be farther from the truth.

The Senate Judiciary Committee and the Senate are on pace to match or exceed the confirmations of judges at the end of the first year of the Clinton administration and at the end of the first year of the first Bush administration.

In order to obscure this record pace, our Republican critics compare where we are now, on October 23, with where those Senate's were after they adjourned in late November. The facts are that on October 23, 1989, the Senate had confirmed only seven of President George H.W. Bush's judicial nominees. On October 23, 2001, this year we will have confirmed 12 of the judicial nominees of President George W. Bush.

Among the seven nominees confirmed by October 23, 1989 were three to the courts of appeals. This year we have already confirmed four judges for the courts of appeals.

By October 23, 1993, the Senate had confirmed eight judicial nominees for President Clinton. Today we confirm our 9th, 10th, 11th, and 12th judicial nominees since July this year. Among the nominees confirmed by this date in 1993 were two nominees to the courts of appeals. This year we have already confirmed four judges to the courts of appeals.

We are actually confirming more judges and confirming them faster than in either of the first years of either the Clinton or first Bush administration. In addition, I suspect that we are acting faster with respect to more judges, including more nominees to the courts of appeals, than at virtually any time during the last several years in which a Republican majority controlled the Senate and the Judiciary Committee and President Clinton was doing the nominating.

Further, in addition to the 12 judges the Senate has confirmed, the Senate Judiciary Committee has included seven additional nominees in confirmation hearings and I have scheduled another hearing later this week for another four judicial nominees, as well as another Department of Justice nominee. Thus, by the end of this week, in addition to the dozen judges confirmed, another 11 will have had hearings before the committee. If the Senate remains in session this year as late into November as it did in 1989 and 1993, we may have the opportunity for another hearing involving several more judicial nominees.

The record of the Senate since July is a good one. In spite of unfair criticism and the wrongheaded delays and obstruction of Republicans, the Senate remains on track to meet and exceed the judicial confirmation totals for the first year of the first Bush administration and the first year of the Clinton administration.

Mr. NICKLES. Mr. President I am pleased that the Senate today will confirm two outstanding jurists, Claire V. Eagan and James H. Payne, to be U.S. District Court judges in my State of Oklahoma.

President Bush could not have chosen two finer individuals to serve our country as district court judges.

These individuals are exceptionally well-qualified and will prove to be great assets to the judicial system in Oklahoma and our country.

Judge Eagan has been confirmed to serve as district judge for the Northern District of Oklahoma. She is currently a U.S. magistrate judge for the northern district where she has served for 3 years. Prior to that she served as a litigation attorney with the firm of Hall, Estill for 20 years. During that time, she handled a wide array of litigation as well as significant pro bono work and bar activities.

As a magistrate, she has gained judicial experience in criminal, civil, habeas, and bankruptcy matters. She also supervised the court's settlement program and devoted considerable time to early case resolution.

Judge Eagan is recognized as both a leader and instructor in the fields of trial and appellate practice and alternative dispute resolution. She has served on the faculty at the University of Tulsa College of Law and as an adjunct settlement judge for Tulsa County District Court.

Judge Payne has been confirmed to serve as district judge for the Eastern District of Oklahoma. He is currently a U.S. magistrate judge for the Eastern District of Oklahoma where he has served for 13 years. Prior to that he served as a private practice attorney with the firm of Sandlin and Payne for 15 years, handling civil matters. He also served 3 years as an assistant U.S. attorney for the eastern district. He has maintained an active role in the community by providing pro bono services to several local charitable organizations.

As a magistrate, he has gained experience in a broad range of criminal and civil issues. He has implemented an Alternative Dispute Resolution Program for the Eastern District of Oklahoma, which has allowed him to conduct an average of 100 settlement conferences per year.

Following graduation from the University of Oklahoma College of Law, Judge Payne's 30-year legal career has included military service as an Air Force Judge Advocate General officer.

I thank Chairman LEAHY, Ranking Member HATCH, and the Judiciary Committee for their work on these nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 307 Ex.]

YEAS—100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to make an announcement.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there were a number of hearings scheduled for today and tomorrow in the Judiciary Committee, hearings to be chaired by Senators SCHUMER, BIDEN, and FEINSTEIN, which have been postponed. The reason we have done this is because of all the conditions of rooms and all, so we can save the time for the nominations hearing which has been scheduled for Thursday afternoon to be chaired by Senator EDWARDS, provided we can find the room for it. That will go on. The others are routine hearings which can be done at any time.

NOMINATION OF KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the nomination of Karen K. Caldwell, of Kentucky, which the clerk will report.

The assistant legislative clerk read the nomination of Karen K. Caldwell of Kentucky, to be a United States District Judge for the Eastern District of Kentucky.

Mr. BUNNING. Mr. President, I rise in strong support of the nomination of Karen Caldwell to be a Federal District Court Judge for the Eastern District of Kentucky.

Karen has the qualities that will make her a fine judge—knowledge of the law, calm and respected demeanor, and obvious intelligence.

She has had an outstanding professional career that has prepared her well to sit on the bench. She is a former Assistant U.S. attorney for the district, rising to become Deputy Chief of the Civil Division. From 1991 to 1993, she served as the U.S. attorney for the eastern district. Among the notable prosecutions during her tenure was her office's prosecution as part of Operation Boptrout, the Federal sting operation that led to the conviction of a number of public officials and lobbyists in Kentucky.

It was a difficult and complex case, both legally and politically, and she handled it with great skill. In short, Karen's work helped restore public confidence in elected officials in our Commonwealth.

Since leaving the U.S. attorney's post, Karen has specialized in complex civil and criminal litigation at one of Kentucky's leading firms. She has won numerous awards for the quality of her work, and has truly made a mark in Kentucky. It is only natural now that she rise to the bench.

I urge the Senate to support this nomination. The President made a great choice by selecting her for the bench, and she is going to be a fine judge, not just for the people of the eastern district, but for our entire Nation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Karen K. Caldwell, of Kentucky, to be a United States District Judge for the Eastern District of Kentucky?

On this question the yeas and nays have been ordered. Under the previous order this will be a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—100

Akaka	Campbell	DeWine
Allard	Cantwell	Dodd
Allen	Carnahan	Domenici
Baucus	Carper	Dorgan
Bayh	Chafee	Durbin
Bennett	Cleland	Edwards
Biden	Clinton	Ensign
Bingaman	Cochran	Enzi
Bond	Collins	Feingold
Boxer	Conrad	Feinstein
Breaux	Corzine	Fitzgerald
Brownback	Craig	Frist
Bunning	Crapo	Graham
Burns	Daschle	Gramm
Byrd	Dayton	Grassley

Gregg	Lieberman	Schumer
Hagel	Lincoln	Sessions
Harkin	Lott	Shelby
Hatch	Lugar	Smith (NH)
Helms	McCain	Smith (OR)
Hollings	McConnell	Snowe
Hutchinson	Mikulski	Specter
Hutchison	Miller	Stabenow
Inhofe	Murkowski	Stevens
Inouye	Murray	Thomas
Jeffords	Nelson (FL)	Thompson
Johnson	Nelson (NE)	Thurmond
Kennedy	Nickles	Torricelli
Kerry	Reed	Voinovich
Kohl	Reid	Warner
Kyl	Roberts	Wellstone
Landrieu	Rockefeller	Wyden
Leahy	Santorum	
Levin	Sarbanes	

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA

The PRESIDING OFFICER (Ms. STABENOW). The Senate will now proceed to the consideration of the nomination of Laurie Smith Camp, of Nebraska, which the clerk will report.

The assistant legislative clerk read the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska? On this question the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 309 Ex.]

YEAS—100

Akaka	Domenici	Lieberman
Allard	Dorgan	Lincoln
Allen	Durbin	Lott
Baucus	Edwards	Lugar
Bayh	Ensign	McCain
Bennett	Enzi	McConnell
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Boxer	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carnahan	Helms	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kennedy	Specter
Craig	Kerry	Stabenow
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
Dayton	Landrieu	Thompson
DeWine	Leahy	
Dodd	Levin	

Thurmond	Voinovich	Wellstone
Torricelli	Warner	Wyden

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The Senate will now proceed to consideration of the nomination of Claire V. Eagan, of Oklahoma, which the clerk will report.

The legislative clerk read the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 310 ex.]

YEAS—99

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NOT VOTING—1

Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time between now and 4:45 be equally divided between the majority and minority for morning business, with Senators allowed to speak therein for up to 10 minutes, with the exception of Senator DODD who wishes to speak for 10 minutes; that at 4:45 the Senate would move to H.R. 2506, that the committee substitute be agreed to, that it be considered original text for the purpose of further amendment, and that no point of order be waived.

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

The Senator from Connecticut.

PHARMACEUTICAL PRODUCTS, BIOTERRORISM AND OUR CHILDREN

Mr. DODD. Madam President, I have two subject matters I want to address. I will take the first 10 minutes or so with my colleague from Ohio to talk about the issue of children and bioterrorism, a matter I shared for many years working with the Senator from Ohio particularly dealing with pharmaceutical products and testing for pediatric cases, children. I want to take a few minutes to talk about some thoughts we share together about the subject matter.

The second subject matter is about the recent, very positive news today coming out of Northern Ireland. In the midst of a lot of bad news, we have heard the news today out of Northern Ireland that a decommissioning process has begun and is underway as I speak, and that finally, the real opportunity for lasting peace in Northern Ireland is at hand. I am sure my colleague from Massachusetts, Senator KENNEDY, who spent has worked tirelessly over many years to reach this day, will shortly have some comments and thoughts he would like to express on this subject matter as well.

Let me express, on this first subject—and I see my colleague from Ohio—and talk about the issue of bioterrorism and children. We know there is a lot of work going on right now in trying to put something together.

Last week, as some of our colleagues may know, Senator DEWINE and I were able to pass unanimously in this body—by the way, we thank all of our colleagues for their support. Certainly, the chairman of the committee, Senator KENNEDY, deserves a great deal of credit for working out a package for which we were able to garner the unanimous support of our colleagues to pass the Best Pharmaceuticals for Children Act, which is designed, as I think many of our colleagues know, to induce the industry to develop products specifically designed for children.

Less than 20 percent of all pharmaceutical products on the shelves today are for children. Senator DEWINE and I thought we ought to fix that. We, in 1997, passed a 3-year bill as a trial more than anything else. We had no idea whether or not it would work, but by providing a very limited 6-month period of exclusivity, we hoped we might induce the industry to do a lot more in this area.

In the previous 7 years before 1997, there had been 11 clinical trials and two new products on the shelves of America for children. In the 36 months since we passed that bill in 1997, there were 400 clinical trials and 40 new products on the shelves. As a result of that tremendous, beyond-our-wildest-imagination result, the other day, we were able, with the full support of this body, to pass a 5-year bill that will extend that very concept, with some additional provisions in it.

Why do we mention that particularly? It is because we believe today, in this era of bioterrorism we are now very painfully aware of, that we want to make sure children are going to get properly tested, that products will be developed for children that will be especially vulnerable to release of chemical or biological toxins. So we outlined some provisions. That is first of all.

We want to see legislation that will certainly take into account children's needs. We identify antibiotics or vaccines to prevent or treat illnesses related to bioterrorism. We adults certainly need to know how children will be affected as well, particularly during the critical growth periods for children and the development that occurs then that could lead to detrimental effects later in life. So we must have proper medications to prevent those risks.

Secondly, we want to make sure the public health community will have emergency response personnel, doctors, and nurses who are properly trained to address the special needs of children.

Thirdly, we think our children's mental health is as important as their physical health. There are a lot of issues we cannot even begin to calculate yet. Certainly, everyone in this Chamber can speak about the great fear many in our Nation are experiencing as a result of the recent bioterrorism attacks.

Just imagine the fear our children are experiencing as a result of those same acts. We need to do everything in our means to address those particular anxieties.

Fourthly, we need to make sure all places where children gather, from schools, child care centers, Head Start, and the like, are going to be prepared to deal with these emergency situations. The old way would have been for them to be prepared for a fire, but today, as we know only too well, emergency situations require a new response.

In times of bioterrorism, the children may not need to just exit the building

and stand on the sidewalk. We need to plan to potentially address a far more grave crisis, as we have painfully learned in the Congress of the United States in the last several days.

We know people are working on this. We know the Senator from Massachusetts is working on it. The Senator from Ohio and I have some very strong feelings about children and their need to be protected in this area, and we wanted to take a few minutes today to share those thoughts with our colleagues.

I yield to my friend from Ohio for whatever time he may need to respond to make some comments.

Mr. DEWINE. I thank my colleague and congratulate him for the great job he has done during his career in the Senate as an advocate for children. The bill he and I worked on several years ago, I think it is safe to say, we anticipated would do good things, but neither one of us had a full appreciation of what it would do until we saw several years later the advances and the help it has given to children.

We hope, by the bill we were able to pass last week unanimously in this body, we will continue and actually expand that work. The whole idea that when new drugs come on the market they would be appropriately labeled for children so pediatricians and parents understand and will know exactly, based on scientific data, what the best and proper dosage of that drug is. So I thank him for that work.

He and I have also been working in the last few days on the bioterrorism bill. Many people are involved in putting this legislation together. We are going to be drafting and ultimately debating this legislation to protect our Nation against chemical and biological terrorism. Senator FRIST and Senator KENNEDY are working on that bioterrorism bill. Senator DODD and I are working to help them on it.

Several weeks ago, Senator CLINTON introduced a bill that would address some of these issues. This is going to be a real bipartisan bill.

As we develop this legislation, it is absolutely essential we remember our children. It is critical that any measure we develop addresses the unique risk children face against the threat of chemical and biological terrorism. Children are not just small adults. My wife Fran and I, with our eight children, grandparents of six, we are well aware of that. We can't treat children the same way we treat adults.

So, again, as we consider steps to protect adults against bioterrorism, it is really absolutely essential that any measures we employ also protect our children.

The sad fact is that currently little scientific data are available about how the chemicals and microbes that terrorists might use, from anthrax to sarin gas, could affect children. It is not a leap in logic, however, to suggest that children, because of their size, their developing immune system, and

higher respiratory rates, are at a very high risk.

Our Nation today is not fully prepared to treat the specific needs of children in the event of a large-scale chemical or bioterrorist attack. That is the sad truth.

Health care professionals, childcare providers, educators, and parents lack basic information about how to identify and treat biological attacks. Furthermore, we lack research on antidotes and antibiotics, and their effects on children. We need more information on the proper drug dosages for children, and we need to learn if certain drugs can or even should be administered to children at all.

My point is very simple. Any legislation that we consider to address the chemical and biological terrorism must, absolutely must at a minimum contain provisions to protect the needs of our children. In doing so, I believe there are four primary areas that must be addressed.

First, we need to fund more drug research for children. Our Best Pharmaceuticals For Children bill is a step in making sure children are protected. We need to continue to ensure that drugs are tested and used appropriately for children.

Basically we need to do two things. One is to spend more money on research for children, and we need to put the resources behind developing the protocols and the testing so once the drugs are developed we know how they can be best used for children.

Second, we need to train health care workers to recognize and treat symptoms of chemical and biological attacks. Pediatricians must be included in disaster planning and such plans should take into account the need for special equipment and medications for children. Parents and emergency response personnel also should be given information on the care and treatment of children in the event of an attack.

Third, we need to provide adequate mental health services for children to address the very real psychological effects of terrorism. Children are scared just as adults are. We have to focus on how children are perceiving the world around them. We have to listen to them. We have to hear their concerns.

Fourth, we need to educate childcare providers, teachers, schools, daycare providers, childcare facilities—anyone who takes care of children. They all need to have information available so they are prepared to act in the case of a bioterrorist attack.

Ultimately, all the measures we debate to fight against terrorism are about the future, about making our world safe, stable, and secure. This is all about the future. Children, of course, are our future.

When I think about that I am often reminded of something very powerful that the great American President Abraham Lincoln once said:

A child is a person who is going to carry on what you have started. He is going to sit

where you are sitting and when you are gone attend to those things which you think are important. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, your schools, your universities and corporations. The fate of humanity is in his hands.

Lincoln's words are as true today as they were more than a century and a half ago. There is no question that we have an obligation to protect our children to make sure they are safe now so they can grow into healthy, happy adults. So I urge my colleagues to remember that and to support antiterrorist efforts that will protect our children.

I thank my colleague for his kind comments. I, again, congratulate him on the birth of his child. We talked about that a little last week. I know what a wonderful occasion that is, what a great joy. I had the opportunity to see my colleague come into the Senate office building, probably for the first time, with his baby and see what a happy time that was. I thank him again for his deep and longstanding commitment to the children of this country.

Mr. DODD. Madam President, I thank my colleague from Ohio. As I said before, he not only brings an intellectual commitment to this issue but, with eight children and six grandchildren, he is a wellspring of good practical advice as well. If you have a bill about children and you want to know whether or not it is practically going to work, MIKE DEWINE is the fellow you want to talk to, given his family.

I thank him and point out, as he has said so eloquently here, that we have learned a lot in the last several days and weeks. The thing we have learned the most I guess is how little we know and how ill-prepared we are in many ways and how vulnerable we are. People take advantage of our freedoms to use those freedoms against us in many ways. The best answer to that is to not give up these freedoms but be better prepared to face the challenges. That is what Senator DEWINE advocated in his outline of four or five points that are to be included in any bill on bioterrorism where children are concerned.

Senator KENNEDY graciously has provided some time for us to have some hearings. It may not be possible this Friday. We had hoped to this Friday, but a couple of key witnesses we wanted to have testify may not be able to appear because of the demands that are being placed on them dealing with the present situation here in the Halls of Congress. But we may postpone it a week or so.

We want to look at this issue in a broad way. I have always thought some of the most important functions we engage in are not only legislating but providing a forum where people can be heard in order to educate people. So we would like to craft as well a comprehensive bill as we can to deal with children. We may not get it all done in a bioterrorism bill. We may look fur-

ther than that in the coming months, as to how best prepare America—families, parents, schools, childcare centers, others, as the Senator pointed out—how to deal with these situations, how to be well educated in their own response. The Subcommittee on Children and Families, which I serve now as chairman and on which I worked very closely with my colleague from Ohio on a number of bills in the past, will be holding a number of hearings on children and the effects of recent events in New York and Washington, the savage attacks on September 11 and then, of course, the most recent attacks here in Washington, Florida, New York, New Jersey, and elsewhere with anthrax. It is just an indication of the kinds of exposures to which we are all vulnerable.

We have a lot of work to do here but we welcome the challenge. I can't tell you how much I look forward to working with my colleague from Ohio and others. The Senator from Ohio properly pointed out there are a lot of our colleagues who are interested in this subject matter. Certainly Senator KENNEDY is, Senator FRIST has done a lot of work here, our colleague from New York, Senator CLINTON, has a deep interest in the subject matter and has made various proposals. We hope to be able to marshal all of this together and come out with the best ideas we can to deal with the immediate problems, and then recognize this must be an important part of our agenda in the coming months.

It is regretful to say that, but the world has changed. You can pretend it didn't happen, pretend it doesn't exist and leave yourself vulnerable to further attacks. Or you can address it. I think what the Senator from Ohio and I are suggesting this afternoon is that we address these problems.

I thank my colleague from Ohio for his comments and kind words.

Mr. DEWINE. I thank my colleague.

THE NORTHERN IRELAND PEACE PROCESS

Mr. DODD. Madam President, a second subject matter I want to address is that with the bad news that we have daily been subjected to in this country since September 11 regarding international and domestic terrorism and finding and bringing those to justice who are responsible it is refreshing to be able to report on some good news. Today, it appears that a major obstacle to the full implementation of the Good Friday accords on the Northern Ireland peace process has been removed with the announcement by the IRA that it has begun to permanently put beyond use all its weapons. I believe that General de Chastelain, on behalf of the International Commission on Decommissioning, will shortly confirm that this has, in fact, been done.

For those of us, and there are many in this Chamber and the other body who have been involved in these issues

over the past 8 or 10 years, this is a very significant moment indeed.

It means that the sectarian differences which have torn Northern Ireland apart for nearly thirty years, and shed the blood of too many Irish men, women and children can now be addressed through dialog and compromise rather than by bullets and bombs.

In many ways the issue of decommissioning has been an unfortunate distraction that has delayed the implementation of key provisions of the 1998 Good Friday Accords—provisions that were specifically designed to address the problems that have plagued the six counties of the North for decades. Now Northern Ireland's political leadership should no longer be paralyzed by this side issue. Finally they can begin to deal with injustice and inequality—the real causes of the Troubles, as those who signed the Peace Accords committed themselves to do within the context of that agreement. There is no mystery as to what needs to be done—the issues of police reform, domestic security, human rights and equal opportunity for all the citizens of Northern Ireland must be tackled in good faith.

It has taken a great deal of courage on the part of Ireland's political leaders to bring us to where we are today. Many have done so at great personal risk to themselves. They have been willing to do so because they are mindful of the historical significance of their actions. I want to commend Gerry Adams and Martin McGuinness of Sinn Féin for their tireless efforts to convince the IRA to trust in the political process as the only way to remedy past grievances. I commend as well David Trimble—Ulster Unionist Leader—for his courage in standing up to those elements of unionism who will not or cannot accept that all the peoples of the North are equal in the eyes of God and man. I cannot fail to mention the role that British and Irish political leaders Tony Blair and Bertie Ahern played in this drama—they stuck with the peace process even when it seemed as though it seemed at times that the obstacles were insurmountable. I believe that President Bush also should be commended for continuing President Clinton's policy of prodding all the parties to move forward to implement the Good Friday Accords so that Irish weapons will be silenced once and for all. I would be remiss if I did not also mention our former colleague, the former majority leader of this body, Senator George Mitchell of Maine, who played a key and pivotal role in crafting those Good Friday accords. I have not had the chance to speak to him today, but I am sure he is gratified by these recent developments. But most of all I want to heap praise on the individual who had the vision and determination to work for the last thirty years so that this day would happen, I am speaking of John Hume, among the greatest civil rights activists of his generation. Obviously there

are others, Albert Reynolds, Jean Kennedy Smith—who played very significant roles in moving this process along step by step over the last many years.

I hope that the significance of this event does not get lost in other news today. I would ask our colleagues to take time out and reflect upon the significance of today's announcement. Sometimes we think problems are intractable that we will never be able to solve them—problems of the Middle East, problems of central Asia—that there is no hope of ever resolving civil conflicts. Certainly many put Northern Ireland in that category as well.

Just as the signing of the 1998 Peace Accords created new opportunities for the people of Northern Ireland to find peace, so too does today's announcement by the IRA. But let me stress that it is just that, an opportunity, which can be made the most of or squandered. It can be approached with generosity and reciprocity or it can be denigrated as insufficient. The people of Northern Ireland have suffered for too long. They are desperate to live in peace—desperate for a better life for themselves and for their children. I hope and pray that the political leaders of Northern Ireland will find that spirit of generosity as well as the vision and courage that the people of Northern Ireland expect from them and move forward to fully implement the Good Friday Accords. If that comes to pass, then we will be able to look back on this day—a day otherwise clouded by threats of terrorism—and recognize that there was a ray of light breaking through that cloud.

I hope, Mr. President, that this ray of light can someday shine brightly in all corners of the globe so that matters which can affect us so deeply here at home, in the Middle East, and central Asia can also be the beneficiaries of that light, and that one day we will stand here and talk about the end of terrorism and peace in all quarters of the world where people today believe peace and security are not achievable.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST— H.R. 1552

Mr. ALLEN. Mr. President, I rise in the matter of Internet taxes. As you and others across this country who are following this issue very closely well know, the 3-year moratorium on access taxes as well as the 3-year moratorium on discriminatory taxes on the Internet that had been passed by the Senate and the House 3 years ago expired on

Sunday, October 21—just a couple of days ago.

The Internet is important to our economy. The taxes that could be imposed on the Internet would be harmful to the economy. It would be harmful to technology. I think it would be very harmful especially to lower-income families and thereby widen the digital divide. In my view, there is no time to dawdle; there is no time for conference committees.

So I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 1552, the House-passed 2-year clean extension of the Internet access tax moratorium currently being held at the desk, and that it be considered, read three times, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object—and I shall object—let me say to the Senator from Virginia, he and I have had long discussions about this subject. I very much respect his views. He is proposing a 2-year extension of the Internet tax moratorium. I proposed an 8-month extension last week, I believe it was. But my 8-month extension to June 30 of next year included an additional proviso, and that proviso, at the end of the legislation, would have had Congress on record saying to both State governments and also to Internet and other remote sellers that we want them to, A, simplify the sales and use tax system and, B, when that is done, be able to allow the remote sellers to collect the sales and use taxes on the sale.

There are two issues here. The Senator from Virginia and I do not disagree on the first. I am not someone who supports taxing access to the Internet. As far as I am concerned, we can extend the prohibition on that forever. I also do not support punitive and discriminatory taxation with respect to Internet sales. So we have no disagreement about that. But however there is a second area of difficulty. The Senator from Virginia raises the first.

If I might continue under my reservation, Mr. President, the first issue is taxation with respect to the Internet. It actually is taxation with respect to remote sales, which is a broader issue. The second is the question, How do you effect a collection of the tax that is already owed on remote sales? As the Senator from Virginia knows, almost no one is paying that use tax and States are losing a substantial amount of money, most of which is used for funding education.

So what I want to do is find a way to solve both problems, not just one. And on the first piece, the Senator from Virginia and I will not find great disagreement. I understand his view and will support his view with respect to extension and prohibiting taxing access, et cetera.

I hope he will similarly support my view that we also ought to solve the

other problems State and local governments have, and remote sellers have, for that matter, with respect to the complexity of the sales tax and the collection or lack of collection of sales taxes and use taxes. My colleague from Wyoming is, in fact, working on another piece of legislation on that issue even as we speak. I know he has consulted with the Senator from Virginia.

So, Mr. President, for those reasons, I object to the request by the Senator from Virginia.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST— S. 1504

Mr. DORGAN. Mr. President, as long as the Senator from Virginia is here, I ask unanimous consent, again, that we discharge S. 1504 and proceed to it: that it be read a third time, and passed, and the motion to reconsider be laid upon the table.

Incidentally, in my request is an extension of the Internet tax moratorium. The extension would last until next June 30. The Senator from Virginia wants the extension. I say, yes, let's have an extension. I will not support the 2 years at the moment. I support him until June 30, 2002. I will be prepared to support much longer than that when we are able to reach agreement on the other piece.

The second piece I have in S. 1504 is a statement by Congress saying to both sides, on the second problem: State and local governments, simplify your sales and use tax system. And then it says to them: When you have done so, when you have substantially simplified that system, we will then allow consideration of the opportunity for you to enforce collection of sales and use taxes with respect to remote sellers. It is a two-pronged approach to solve the second problem.

The Senator from Virginia, I might say, addresses the first. I would ask Congress to address the first and second piece of this. I understand it is horribly complicated. But, by the same token, I think we need to address both problems.

So I have objected to the 2-year extension proposed by the Senator from Virginia and would like to continue to work with him on these issues.

I have now proposed and asked consent that we discharge S. 1504, proceed to it, that it be read a third time, passed, and the motion to reconsider be laid upon the table. As I have indicated, it has an extension to June 30, 2002 and has a paragraph at the end of the legislation that deals with the second important issue as well. I make such a request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I respect the creativity, diligence, and ardor

with which the Senator from North Dakota pursues this issue. This issue of taxing or requiring retailers or sellers to tax that are not located within the State, that do not have a physical presence in the State, do not have a nexus in the State, is an argument that is as old as our Republic.

One of the problems our Founders had, in going from the Articles of Confederation to our current Federal Republic, was that different States were imposing fines, taxes, and tariffs on interstate commerce. So that was one of the reasons we went to the current form we have—to at least have within our country a free trade zone and not have burdensome taxes on the flow of interstate commerce.

The idea the Senator from North Dakota, Mr. DORGAN, proposes, with long, deliberative examination, may be worthwhile. But the issue at hand at this moment is that the moratorium on Internet access taxes and discriminatory taxes expired last Sunday, October 21.

This issue in recent years has been worked on time after time. It first came up in the midst of the *Bellas Hess* decision and then came up more recently in the Supreme Court *Quill* decision. In those situations, the issue was catalog sales. But whether the catalog company is in Maine or New Hampshire or Oregon or whatever other State, the Supreme Court ruled that these States could not compel those companies—*Quill* at that particular time—to remit sales taxes to a State in which they had no physical presence. So that is the constitutional parameter we are under.

This issue of trying to get around the Supreme Court decisions, trying to come up with simplification, and hamstringing the Senate in the future to vote on whatever this may be as far as simplification is concerned, while it is a very creative and, I think, very thoughtful approach, to me, we really have no time to act.

Let's recognize that the other body, the House, has already acted. It is a 2-year extension on the very simple, clear, and clean issue of having a moratorium on access taxes and discriminatory taxes on the Internet by States or localities.

Please note, Mr. President, when this moratorium was first put on 3 years ago, several States and localities had imposed access taxes and discriminatory taxes, and they are now grandfathered. So here we are today generally stuck with those taxes being imposed in those jurisdictions, in those States.

The longer this lapses, the more likely the legislative process will apply, whether in a local jurisdiction or in a State. We will end up with more of these taxes, and we will never be able to get rid of them. They will be like the Spanish-American War tax, the luxury tax that was put on telephone service to finance the Spanish-American War. We won that war 100 years

ago, but that tax is still on telephone service.

While this is a good idea and something that can be worked on over the years, if something such as this should pass the Senate, it is obviously different from what has passed the House, which means it would have to go to a conference committee. Who knows when that might meet? We may be here only a few more weeks, and most likely those differences would not be ironed out.

It is fine to work on simplification. It has been worked on for decades. I don't think this issue of access taxes on the Internet or discriminatory taxes ought to be held hostage to that very problematic although understandable concern of the Senator from North Dakota and many others.

With that, I object to the request of the Senator from North Dakota.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Virginia and I have had some nice conversations on this subject. I know he feels strongly about this. I did want to clear up a couple things.

First of all, when someone purchases something on the Internet or from a catalog, there is actually a tax owed in most cases. It is just that it is never paid. Most Americans when they order something from a catalog are required to submit a use tax to the State, because the seller wasn't required to collect the sales tax. The buyer is supposed to send a use tax to the State government, but they never do and never will because it would require literally millions of tax returns being filed for a \$1.20 or \$2.80 purchase. That is why it was always much more effective to collect a sales tax at the source.

I agree with those who say we don't think catalog sellers or Internet sellers or remote sellers ought to be required to subscribe to 7,000 different taxing jurisdictions; that is not fair. I agree with that. That is why I say, if you are going to simplify the collection system and allow it to have the remote sellers collect it, then you really need to simplify it in a way that is substantive.

Let me make this point also: It is not the case that the Supreme Court has said there is no inherent right for State governments to tax in these circumstances. That is not what the Supreme Court has said. They said the sole arbiter of what the States can or can't do with respect to what is called nexus or whether they have jurisdiction is the Congress because it deals with the commerce clause. That decision is only reserved for the Congress, not for the States. That is what the Supreme Court decision said.

That is why Congress has to decide what to do and how to do it at this point. While we perhaps have a disagreement at this moment, I hope we might be able to figure out how to resolve it. It does not make any sense to

me, if we are going to lose \$20 or \$30 or \$40 billion in local revenues, to have somebody hire tens of thousands of tax collectors to go knock on doors and ask for them to submit their \$3.38 in use tax they owe. That doesn't make any sense. I don't believe the Senator from Virginia or anyone else would want to do that. All you do is add to the employment rolls of the Government and hassle people.

It makes far more sense to require State and local governments to simplify their local sales and use tax base and then to say to the remote sellers, those above \$5 million a year in sales: Collect this now and remit it to the States and save everybody from trouble. We simplified the system for you. We simplified it for the consumer. Everybody wins. That is the point of all of this.

With respect to the question of the tax incidence that the Senator from Virginia mentioned, as I said before, there is no new tax here. This is not a discussion about a new tax versus an old tax or whether there is a tax versus not a tax; this is a question of how you collect a tax that is owed, in what circumstances would it be fair to require a remote seller to collect it; that is all.

On the final subject of this issue of an expiring moratorium, I supported the moratorium. I was on the floor of the Senate at that point and worked with Senators WYDEN, MCCAIN, and others. I supported the moratorium. I now support it and would be willing to extend it until June 30, 2002 at this point. We can perhaps extend it beyond that as we go along.

My expectation is that the narrow time-frame in which this moratorium has expired will not give opportunity to those who might want to take advantage of it. I frankly don't think that is going to happen. I am here on the floor perfectly prepared to work with the Senator from Virginia and others to extend this moratorium, if he will work with me and Senators ENZI, VOINOVICH, GRAHAM, KERRY and other colleagues to help solve the other side of the equation. And we may not solve it all now, but put a provision in that says this is congressional intent. If he will work with me to solve the second side of the issue, I will work with him to solve the first side. We will make some progress on this issue.

This is a complicated issue. I admit that. It is one of some consequence with more and more remote sales occurring. More than forty Governors have now written letters saying: We have literally tens of billions of dollars we are not going to collect, much of which is needed to run our school system. You need to help us find a way to collect that revenue that is owed.

We say to the Governors: God bless you. You have a problem. We will help you solve that problem, but you have to do something for us. You have to simplify your system so that we are not going to whipsaw businesses out there that have to comply with thousands of different jurisdictions.

I want to do two things. I want to require dramatic simplification on the part of State and local governments and require the collection of a tax that is owed on the part of remote sellers, and I want to extend the moratorium so that we don't have discriminatory and punitive taxes applied anywhere in the system, with Internet sellers, remote sellers, and so on.

I certainly am someone who works in the Commerce Committee with the Senator from Virginia. I am proud to do that. I believe technology is critically important to our country. It is an accelerator to the growth of our economy. There are a lot of important things that are happening with respect to technology. That is the reason I, too, am interested in extending this moratorium. That is why I offered the consent request last week, why I offer it today, and I will continue to offer it. It is my hope that others will continue to join me in trying to solve the second side of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, this issue is foundational to the formation of our Republic. It is actually similar to what Patrick Henry talked about, taxation without representation. Obviously, the use taxes are to be collected by the States.

This is not a decision to be made by the States. If it were up to the States, obviously, they would be collecting and compelling retailers who do not have a physical presence in their State, who don't vote in their State, who do not receive any fire services, any police services, any services whatsoever from that State. If it were up to the States, for their convenience, they would be requiring them to collect and remit these taxes. This really becomes an issue of convenience for the tax collectors at a locality or at a State.

It is, as Senator DORGAN rightly stated, a decision for Congress to make. It does deal with interstate commerce. However, Congress, in all the decades this has been considered, has never said, before the Internet was even contemplated for use of communications or commerce or education, when people were more concerned about catalog sales, even then Congress said, no, we are not going to burden interstate commerce.

So that is the reason why Congress has never agreed. Now, the States and the localities can simplify. There is a ZIP code reported to me in the Denver, CO, area, that within that same code there are four different sales taxes applied to the very same product. I agree with Senator DORGAN that all of this ought to be simplified. I think if the States on their own, along with their subdivisions—counties, cities, or municipalities—worked to simplify, they will find many, especially the larger retailers that are from out of State, willing to comply as long as it is simplified and there is auditing, which is

logical, and they get a reasonable remittance back for collecting and sending in those sales taxes, as is accorded to most retailers within a State. Then I think you will find it all being handled in that regard.

Again, all of this is separate from the most pressing issue, which is these access taxes and discriminatory taxes which on Senator DORGAN and I would be in absolute agreement; we would not want to see more of them coming on, and there are many in effect now. Indeed, I am researching South Carolina, where the legislature has enacted a moratorium on State sales taxes on charges for Internet access effective from October 1998 through October 2001. Outside of this moratorium period, South Carolina can subject charges for Internet access to the State's sales tax. It may be automatic, by virtue of that law in South Carolina, that such taxes can be imposed even if the legislature may not be meeting. So for the most part I don't suspect many are going to be able to go to public hearings to get them done. But this is how this may be applying in South Carolina, unless the Governor said let's hold off on this and see what happens in Washington.

Mr. DORGAN. If the Senator will yield, I believe the Senator from Virginia raised the question of South Carolina. I am not familiar with that circumstance, but I think the Senator said South Carolina could, in fact, begin collecting. I don't know that he said they would or are collecting. I say this to the Senator. We will, in my judgment, extend the moratorium. When we do that, I will be willing to join him in extending it retroactively until October 22, 2001, to say to State and local governments: Beware, if you are thinking of messing around with public policy and taking advantage of a window when we extend this—and we will, in my judgment—Congress will intend to extend it retroactively to October 22. It is not unprecedented. I would be happy to join the Senator in sending that message if that is the message he would like to send. That resolves the issue he has just discussed.

Mr. ALLEN. I say to the Senator from North Dakota, I join with him. Although we have a contentious issue on some parts, we are in agreement there. I hope that message goes out to States and localities. Just because this has lapsed, please do not rush to tax the Internet access or impose discriminatory taxes.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 5:15. For a brief explanation, some of the papers the two managers of the bill need are not readily available because of problems with the offices. They are trying to get them now.

Mr. KENNEDY. Mr. President, reserving the right to object, may I reserve 7 minutes out of that time?

Mr. REID. Mr. President, I add to that request that Senator KENNEDY be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE IRELAND PEACE PROCESS

Mr. KENNEDY. Mr. President, early this afternoon, my friend and colleague, Senator DODD, addressed the Senate about a very significant development that occurred today in the Northern Ireland peace process. I join him and so many others in the Senate, in the House of Representatives, and across the country in welcoming these developments. They are especially welcome at a time when we are still experiencing the dark emotions and feelings from the September 11 terrorist attacks that killed thousands. We have been further disturbed in recent days by the anthrax attacks that have taken the lives of dedicated public servants in this community.

In the midst of these tragic events, I welcome this opportunity to bring to the attention of my colleagues an historic breakthrough in the Northern Ireland peace process that occurred earlier today. This afternoon the IRA issued a statement indicating that it had begun the process of decommissioning its weapons. General de Chastelain, who chairs the international group responsible for overseeing the process, has confirmed that the decommissioning of some weapons has occurred. These actions are unprecedented in scope and are a watershed in the peace process that began a decade ago.

In 1994, after 30 years of violence, the IRA announced a historic cease-fire. That cease-fire led to the discussions, ably led by Senator Mitchell and strongly supported by President Clinton, which culminated in the 1998 Good Friday Peace Agreement. As a part of that visionary Agreement, commitments were made by the British and Irish governments and the political leaders on all sides of Northern Ireland to advance the peace process. Each party to the Agreement made important sacrifices to advance the common good and the process of peace.

The Agreement provided for a power-sharing local government and cross-border institutions. It called for dramatic reform of the police service in Northern Ireland to ensure that it would be representative of both communities. It called for equal treatment and equal opportunity for all in Northern Ireland. It called for a reduction in the presence of British troops and on all paramilitary organizations to decommission their weapons.

This bold and historic action by the IRA to decommission its weapons will

liberate the peace process, advance the cause of peace, and enable the issue of IRA decommissioning to take its rightful place as one of many reforms essential to the full implementation of the Good Friday Peace Agreement and the achievement of lasting peace for Northern Ireland.

Now the Irish and British governments and the political leaders of Northern Ireland must commit to implement all aspects of the Agreement fairly and fully, especially the critical provisions on reductions of the presence of British troops, reform of the police service, and equal treatment and equal opportunity for all of the people of Northern Ireland. Through this action, the IRA has enhanced the prospect for peace.

Sinn Fein President Gerry Adams' public call for the IRA to decommission its weapons was strong and bold, and I commend him for his leadership on this difficult issue at this critical time. This extraordinary breakthrough could never have happened without the skillful and constant leadership of Prime Minister Blair of Great Britain and Prime Minister Ahern of Ireland. I also commend President Bush and his envoy to Northern Ireland, Ambassador Richard Haass, for their skillful assistance in helping to break this extremely serious impasse.

I commend as well the leaders in Ireland, and Great Britain, and the U.S. who, over the years, have contributed so much to the beginnings and continuation of this all important peace process. They all deserve great credit for their vision and leadership in the cause of peace.

I am mindful of the extraordinary role of John Hume, who shared the Nobel Peace Prize with David Trimble. I can remember many years ago meeting John Hume, who at that time was a local political leader and who had exhibited extraordinary political courage.

His life has been one of commitment and dedication to peace. He played an instrumental role in securing the cease-fire. His voice for tolerance and understanding and his call for respect for the two great traditions in the north—the Protestant and Catholic faiths—have been eloquent.

He has recently retired as political leader for his party, the SDLP in Northern Ireland. His contribution to a political resolution of the conflict in Northern Ireland will be forever emblazoned in history.

All who share the goal of peace should welcome the action that has been taken today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Dakota.

FUNDING OF A FARM BILL

Mr. CONRAD. Mr. President, I rise today to talk about the question of funding a farm bill. A number of the commodity groups have written to leadership suggesting we do not have to worry about moving with expedition to deal with a farm bill this year because, they suggest, they have received a commitment from the administration, and I will quote from the letter:

The administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 23, 2001.

Senator TOM DASCHLE,
Senate Majority Leader,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: The following organizations would like to offer our thoughts on the current consideration of the farm bill in the Senate. To date, the debate has reflected the assumption that the additional funding for the bill provided in the FY-2002 Budget Resolution will only be available if the legislation is completed by the end of the First Session of the 107th Congress. This premise has led a number of interested parties to support a process that would limit the amount of time for consideration and development of a farm bill.

The Administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year. In light of this commitment, we would support the Senate Agriculture Committee continuing a deliberative process with a goal of reaching Senate passage early in the Second Session of the 107th Congress. We believe that a careful and deliberative process will provide an opportunity for all parties involved to fully address the needs and implications of the next farm bill on U.S. agriculture and on consumers at home and around the world.

We believe it is also important to recognize that the attention of the Administration and Congress today is appropriately focused on conducting the war against international terrorism. Rushing the process of developing comprehensive farm legislation at this critical time without full and careful consideration could well result in policies and programs that do not effectively address today's needs.

Based on the Administration's support for a deliberative Committee process and the necessary levels of funding, we urge you to set a goal of finalizing the farm bill by the spring of 2002. We feel this schedule will enable all of us to address the needs of all farmers, ranchers, and other interested parties, and to chart a successful course for agriculture and consumers for years to come.

Sincerely,

American Soybean Association; National Cattlemen's Beef Association; National Corn Growers Association; National Chicken Council; National Pork Producers Council; National Sunflower Association; National Turkey Federation; United Fresh Fruit & Vegetable Association; U.S. Canola Association.

Mr. CONRAD. That assurance is meaningless. That assurance by the ad-

ministration that the resources are going to be available next year is meaningless. Why is it meaningless? It is meaningless because the administration plays no role in the writing of the budget resolution. That is purely a congressional document. It does not even go to the President. It is considered in the House and in the Senate, and it is conferenced between the House and the Senate and it never goes to the President.

I am the chairman of the Senate Budget Committee. I want to alert my colleagues that anyone who believes the same amount of money is going to be available next year as is available this year is absolutely in a dream world.

I understand the Secretary of Agriculture has called Members in the last few days telling them money is not a problem, that she has been assured by the Director of the Office of Management and Budget, Mr. Daniels, that money is not a problem. Wrong. Money is a problem. Money is going to be a big problem. We have funding in the current year budget to write a new farm bill. We have \$74 billion over the so-called baseline with which to write a new farm bill. Those resources were provided because it was understood without additional resources we could not write an adequate farm bill because the so-called baseline is based on the previous farm bill that has proved to be such a failure. It has been a disaster itself.

If it has not been a disaster, why have we had to write four economic disaster bills in a row to keep our farmers from mass liquidation? That is what would have happened without the disaster assistance bills we have passed in each of the last 4 years.

The administration says—and these farm organizations people who they are supposed to represent send a letter to the leadership saying—the administration has provided assurances the resources necessary to fund a farm bill above the current baseline will be available next year? How much above the baseline? Seventy-four billion dollars above the baseline because that is what is available now.

So they are buying a pig in a poke? They are saying to those of us who represent farmers all across America: You just line up there and you wait and do not worry about it because we are going to have money above the baseline? Really? How do you know? Where is the money coming from?

Is it going to be \$74 billion, or is it going to be \$1 billion above the baseline? The administration would meet its supposed assurance if they provided \$1 billion instead of the \$74 billion that is available in the budget now.

I have never been so disappointed in farm organizations as in the farm organizations that wrote this letter to our leadership telling them do not worry about getting the job done this year because they have gotten assurances that the money is going to be there; that

some amount of money—they do not know how much—theoretically is going to be available and they have taken assurances from the administration, which plays no role in determining what resources are available in the next budget resolution to write a farm bill.

It is a dereliction of duty. I think they have let down the people who they purport to represent by sending up a letter like this saying: Do not worry about it, the money is somehow going to be there. I say to my colleagues, do not be fooled. The money is in the budget now. If we do not use the money that is in the budget now, it is very likely not going to be available next year.

When we write the next budget resolution, we are going to be facing a totally different circumstance than we faced in the spring of this year when we wrote the budget. Does anybody not understand that? Does anybody not see the dramatic transformation from a weakening economy, from a sneak attack on this country, from the need for substantial funds for rebuilding the country, for defending the Nation for counterterrorism efforts?

Somehow the money is going to come from somewhere to write a new farm bill. I say to my colleagues, there is money in the budget this year to write a new farm bill, and if we do not use the money that is available this year, you can forget that same amount of money being available next year. It is not going to happen.

The economy is weakening. That means less revenue. On the spending side, we are having to spend more money on defense, on counterterrorism, and on rebuilding those areas that were damaged in the attacks. That means everything else next year is going to be very squeezed. That means there is not going to be the same amount of money available next year to write a decent farm bill. Frankly, the money that has been provided in this year's budget is just barely enough to write a decent farm bill. It is, in fact, less—it will provide less than farmers have gotten each of the last 3 years. Not just a little bit less, substantially less; in fact, 26 percent less on average than they have gotten under the disaster assistance bills of the last 3 years.

So nobody should be under any illusion about the money being available next year. Nobody should be under any illusion. The administration is in no position to help with this problem because they have no role—none, zero—in writing the budget resolution that will be adopted next spring. So these farm organizations that have run out, supposedly representing their members, and told the leadership here, don't worry about getting the job done this year, have done an enormous disservice to their membership—enormous.

What are they going to say when we get to write a new farm bill next year and the money is dramatically re-

duced? What are they going to say to their members then, after counseling delay? What are they going to say to them? What is the administration going to say? Because this administration has made clear they don't want us to write a new farm bill this year; they don't want to spend the amount of money that is in the budget. Unfortunately, what that means is that the rural parts of this country, those that are dependent on agriculture, are going to be in very grave danger of being left out and left behind as we write, ironically enough, a stimulus package for the national economy.

These farm organizations that have written the leadership here saying the resources necessary to fund a farm bill above the current baseline will be available next year are giving very bad advice. They are wrong. They are just as wrong as wrong can be. It is really hard to understand how they would ever have written such a letter without doing their homework first because they have let down their membership.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DAYTON. I say to the distinguished chairman of the Budget Committee, who you might say was instrumental in getting this \$73 billion into the budget resolution for the sake of the farmers from North Dakota, Minnesota, and elsewhere across the country, I received one of these phone calls asking if we couldn't hold off on the farm bill until next year. It seems not coincidental that this letter follows that conversation by just a day, in fact, in my case.

I am wondering if the Senator from North Dakota thinks there is some connection with these organizations, that they have been persuaded somehow to write a letter. As you say, why would they be contrary to the interest of their own member farmers? As part of this desire of some, and I guess the administration, to delay a farm bill until next year, what do you think the consequences of that will be?

Mr. CONRAD. I say to my colleague, there is no question in my mind what the consequences will be. No. 1, substantially less money to write a new farm bill than the money left in this budget.

No. 2, that means a totally inadequate farm bill.

No. 3, that means hard-pressed farmers would be in even more serious shape because we failed to use the money that was available in this year's budget to write a farm bill that would strengthen their economic condition.

I want to make this as clear as it can be. They say they have received assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

No. 1, there is no statement there about how much above the current baseline. The current baseline was predicated on the old farm bill—the old farm bill that was a total failure, the

old farm bill that required us to write four disaster assistance bills in the last 4 years. This has no assurance that it is going to be the same amount of money that is in the budget this year. In fact, we know the administration doesn't want us to have the same amount of money. They have proposed a dramatic cut from what is in the budget this year to write a new farm bill. That is the dirty little secret.

They proposed a substantial cut. Instead of over the next 5 years \$40 billion being available, they have said only \$25 billion ought to be available. Guess what. You can't write a decent farm bill with \$25 billion when the money that is in this year's budget is already substantially below what we had the last 3 years to assist farmers at this time of economic crisis. We are already, in the funding that is in this budget, 26 percent below what has been provided in each of the last 3 years.

These farm organizations, somehow, got sold a bill of goods. I suspect it is from the Secretary of Agriculture, who is calling colleagues, trying to sell them the same bill of goods, telling them: Don't worry, the money is going to be available; we have been assured by the Office of Management and Budget.

Please, don't anybody be misled. The Office of Management and Budget has nothing, zero, to do with writing the next budget resolution. I am chairman of the Senate Budget Committee. I can tell you the same amount of money is not going to be available next year as is available now. If anybody will just do a quick reality check, they will understand that what I am saying is true.

No. 1, on the revenue side, the revenues are going down as a result of the economic slowdown and as a result of this sneak attack on the United States. The economy is weaker. It is generating less revenue, so less money will be available on that side of the equation.

On the spending side of the equation, the expenditures are going up, and up dramatically. There is more money to defend the Nation, more money for counterterrorism, more money for item after item that is coming to our attention as a result of this vicious attack on our country on September 11. Just a commonsense approach would tell you less money is going to be available next year—perhaps dramatically less money.

For anybody to suggest that they have an assurance from the administration—or anybody else who is outside of the Congress where these issues are decided—that resources are going to be available, they are not dealing with reality. They are not dealing with reality. For these farm organizations to send a letter to our leadership telling them, oh, don't worry about getting the job done this year with the money that is available in this budget because they have gotten assurance from the administration that the money is going to be available next year—they have

not done their homework. They have done an enormous disservice to their members, in my judgment. And I will say that to them directly when they come to see me about this farm bill. They have done an enormous disservice by telling people money is available, don't worry about it, when, with absolute assurance, we can see the money is not going to be available in the same amount that is available in this year's budget.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DAYTON. If I understand the chairman of the Senate Budget Committee correctly, in this body, the Senate, we have to pass a farm bill this year. Then do we also have to have it conferenced and sent to the President in this calendar year as well, in order to protect these funds?

Mr. CONRAD. We do. The hard reality is this, in my judgment. In the budget resolution, those funds are available to us until the next budget resolution is passed. But there is another thing that is going to happen. In January of next year a new economic assessment is going to be made by the Congressional Budget Office, by the Office of Management and Budget, and it is going to show significant deterioration. That is going to change the dynamics very significantly, and that is going to make the ability to use this money in this budget resolution now to write a new farm bill much less real next year.

So nobody should be under any illusions. A lot is at stake for agriculture. This is not agriculture somehow separate and distinct from the rest of the economy because we know agriculture plays a key role, right at the heart of this economy. We know if agriculture is hurting, Main Street businesses are hurting. Certainly that is true in our State. Certainly that is true in the State of the distinguished Chair.

The irony is, right at the time we are considering writing a stimulus package for the national economy, we are getting advice to forget about writing a strong farm bill this year when we know the money that is available now will not be available next year. That is reality.

For these farm groups to write to our leadership and say to them, don't worry about it, we have assurances that the resources necessary to fund a farm bill that is above the baseline will be there next year, they have completely bought a pig in a poke.

I hope the members of these organizations will call their associations and ask them: What are you doing? What kind of advice are you giving down there? It is not advice that is good for the people you represent. This may be good advice for the administration. This may be the advice the administration wants to give. Why are they signing up for that? Why are they endorsing the administration's position when the administration is taking the posi-

tion that is totally counter to what is good for not only I believe the farmers of America but for the national economy?

One of the things the economists have been telling us about the stimulus package is that one of the most effective things you can do is get money into the agricultural sector because, No. 1, that money gets out quickly to the farmers and, No. 2, because there is such economic hard times for farmers.

We have the lowest farm prices in real terms in 50 years. That makes farmers have a greater dispensation to spend the money that is part of the farm program.

Mr. DAYTON. Mr. President, the Senator and I share a common border. I know our farmers are in a similar predicament. These dollars are going to be central to the survival of farmers in Minnesota, and I dare say in North Dakota as well.

It seems to me that somebody is playing a very dangerous game with literally the lives and the livelihoods of a lot of farmers in my home State of Minnesota, and I expect others as well. It makes me wonder who is looking out for whom here. How could it be there are those who are so active in trying to postpone action on a bill with the result being that farmers are going to receive less money. It will take longer one way or the other.

The bottom line, from what I hear from the Senator from North Dakota on the Budget Committee, is that they may be out of money entirely if we don't act this calendar year.

Mr. CONRAD. I believe these groups have been flimflammed. I do not know a nice way to say it. I don't think they understand how the budget process works—for them to be realigned on the representation from the administration about money that is going to be available in the next budget resolution. The administration doesn't have any role in writing the next budget resolution. That is written in the House of Representatives and the Senate. The administration has absolutely nothing to do with writing the budget resolution. That is what makes the resources available next year. Just a little bit of commonsense analysis would tell you that the same amount of money is not going to be available next year. Receipts are going down. Expenses are going up. That means there will be less money available.

When a budget resolution is written next year, there will not be anywhere close to this amount of money available for writing a farm bill. That puts all of the people who we represent in jeopardy. That puts their financial lives on the line.

For the farm organizations that are supposed to represent these very people to send up a letter such as this tells me one of two things: No. 1, either they have been totally hoodwinked about the budget circumstances we face next year, or, No. 2, they aren't thinking very carefully about who they have a

responsibility to represent. No. 3, perhaps they have just not done their homework and don't know the circumstances that we will be facing.

Mr. DAYTON. I know the time under the previous order is about to expire. I thank the Senator from North Dakota for sounding this alarm. I was not aware of this situation. I thank the Senator for making it very clear to the Members of the Senate and to farmers throughout this country what is at stake. My hope is that our colleagues will join with us in insisting that we have a farm bill passed so we don't leave our farmers back home seriously in the lurch.

Mr. CONRAD. I thank the Senator from our neighboring State, who is a member of the Senate Agriculture Committee. Already, just in the first months of his term, he has demonstrated a real commitment to family farmers, and also to an understanding of the budget process. I wish that same understanding had been evidenced by these farm organizations that sent this advice to the leadership that could be so very harmful to the very people they seek to represent.

I conclude by saying to my colleagues that we need to write the farm bill now. We need to use the money that is in the budget resolution now. No one should be under any illusion that this money is going to be available next year. Most assuredly it is not.

Let's be crystal clear about what is at stake; that is, the economic lives of tens of thousands of farm families.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during

the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$753,323,000 to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$64,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$38,608,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program

may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,024,000, to remain available until September 30, 2003.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, family planning/reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, \$1,455,500,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed \$125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: \$325,000,000 for child survival and maternal health; \$25,000,000 for vulnerable children; \$415,000,000 for HIV/AIDS including \$40,000,000 which may be made available, notwithstanding any other provision of law, for a United States contribution to a global fund to combat HIV/AIDS, malaria, and tuberculosis, and not less than \$15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; \$175,000,000 for other infectious diseases; \$120,000,000 for UNICEF: Provided further, That of the funds appropriated under this Act, not less than \$450,000,000 shall be made available to carry out the purposes of section 104(b) of the Foreign Assistance Act of 1961, of which not less than \$395,000,000 shall be made available from funds appropriated under this heading and not less than \$55,000,000 shall be made available from funds appropriated under other headings in this title: Provided further, That of the funds appropriated under this heading, up to \$50,500,000 may be made available for a United States contribution to The Vaccine Fund, and up to \$10,000,000 may be made available for the International AIDS Vaccine Initiative: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary

sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,235,000,000, to remain available until September 30, 2003: Provided, That \$135,000,000 should be allocated for children's

basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than \$2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than \$500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than \$19,000,000 shall be made available for the American Schools and Hospitals Abroad program.

ENVIRONMENT, CLEAN ENERGY, AND ENERGY CONSERVATION PROGRAMS FUND

Of the funds appropriated under the heading "Development Assistance", not less than \$295,000,000 should be made available for programs and activities which directly protect tropical forests, biodiversity and endangered species, promote the sustainable use of natural resources, and promote a wide range of clean energy and energy conservation activities, including the transfer of cleaner and environmentally sustainable energy technologies, and related activities: Provided, That of the funds appropriated by this Act, not less than \$175,000,000 should be made available to support policies and actions in developing countries and countries in transition that measure, monitor, report, verify, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

CYPRUS

Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the heading "Economic Support Fund", not less than \$35,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That, notwithstanding section 534(a) of this Act, none of the funds appropriated under the heading "Economic Support Fund" may be made available for assistance for the Central Government of Lebanon until the Secretary of State determines and certifies to the Committees on Appropriations that the Government of Lebanon has enforced the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund", "Child Survival and Health Programs Fund" and "Development Assistance", not less than \$135,000,000 should be made available for Indonesia: Provided, That not less than \$10,000,000 should be made available for humanitarian, economic rehabilitation, and related activities in Aceh, West Papua and Maluku: Provided further, That funds made

available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives.

BURMA

Of the funds appropriated under the heading "Economic Support Fund", not less than \$6,500,000 should be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by section 101(a) of Public Law 106-429, is amended, under the heading "Burma", by inserting ", 'Child Survival and Disease Programs Fund'," after "Fund".

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$255,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$52,500,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, up to \$25,000,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading "Assistance for Eastern Europe and the Baltic States": Provided further, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$44,880,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$549,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 may remain available until expended for overseas facilities construction, leasing, and other security-related costs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$32,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,239,500,000, to remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, not less than \$720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That not less than \$655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$160,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, \$150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for East Timor of which up to \$1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, \$12,000,000 should be made available for Mongolia: Provided further, That up to \$10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term

"assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

ASSISTANCE FOR EASTERN EUROPE AND THE
BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$603,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and

that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF
THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$800,000,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading not less than \$20,000,000 shall be made available solely for the Russian Far East.

(b) Of the funds appropriated under this heading, not less than \$180,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than \$25,000,000 should be made available for nuclear reactor safety initiatives: Provided further, That not later than 60 days after the date of enactment of this Act, and 120 days thereafter, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists.

(c) Of the funds appropriated under this heading, not less than \$90,000,000 shall be made available for assistance for Armenia: Provided, That of this amount, not less than \$5,000,000 shall be made available to the Government of Armenia to support an education initiative in Armenia, including the provision of computer equipment and internet access to Armenian primary and secondary schools.

(d) Of the funds appropriated under this heading, not less than \$90,000,000 shall be made available for assistance for Georgia, of which not less than \$3,000,000 should be made available for a small business development project.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

- (1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;
- (2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);
- (3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;
- (4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);
- (5) any financing provided under the Export-Import Bank Act of 1945; or
- (6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

- (A) has terminated implementation of arrangements to provide Iran with technical expertise,

training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Of the funds appropriated under this heading, not less than \$45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

INDEPENDENT AGENCIES
PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), \$13,106,950.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), \$16,542,000: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW
ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees

on Appropriations: Provided further, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than \$16,660,000 shall be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, \$567,000,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not less than \$200,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals for aerial coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Secretary of the Department of Health and Human Services and the Surgeon General, determines and reports to the Committees on Appropriations that (1) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose an undue risk to human health or safety; (2) that aerial coca fumigation is being carried out according to the health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals; and (3) that effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That section 3204(b) of the Emergency Supplemental Act, 2000 (Public Law 106-246) shall be applicable to funds appropriated by this Act: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than \$14,240,000 shall be available for administrative expenses of the Department of State.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee

and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$735,000,000, which shall remain available until expended: Provided, That not more than \$16,000,000 shall be available for administrative expenses: Provided further, That not less than \$60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, \$326,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 10 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed \$14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, \$40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed \$500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That of the funds appropriated under this heading, \$3,500,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$235,000,000, to remain available until expended: Provided, That not less than \$11,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to \$14,000,000 of unobligated balance of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse

funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$75,000,000, of which up to \$5,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Zimbabwe, Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Zimbabwe, Cote D'Ivoire, The Gambia, the Democratic Republic of the Congo, Algeria, Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$3,674,000,000: Provided, That of the funds appropriated under this heading, not less than \$2,040,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than \$75,000,000 shall be made available for assistance

for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than \$10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance

Act of 1961, \$140,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$109,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$775,000,000, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative: Provided further, That the Secretary of the Treasury shall instruct the United States executive director to the International Bank for Reconstruction and Development to vote against any water or sewage project in India that does not prohibit the use of scavenger labor.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$9,500,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$20,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$103,017,050, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$79,991,500.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$217,000,000: Provided, That not less than a total of \$18,000,000 should be made available for the International Panel on Climate Change, the United Nations Framework Convention on Climate Change, the World Conservation Union, the International Tropical Timber Organization, the Convention on International Trade in Endangered Species, the Ramsar Convention on Wetlands, the Convention to Combat Desertification, the United Nations Forum on Forests, and the Montreal Process on Criteria and Indicators for Sustainable Forest Management: Provided further, That not less than \$6,000,000 should be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than \$39,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the ef-

fectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$100,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Non-proliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly

elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to

the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified

15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS
SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or non-proliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 518. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls on the export and import of rough diamonds that—

(1) is consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000.

(2) the President determines to be functionally equivalent to the system of controls specified in subparagraph (1); or

(3) meets the requirements of an international agreement which requires controls specified in subparagraph (1) and to which the United States is a party.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2002, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more

than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Burma, Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to \$14,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Ex-

port Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Peace Corps" and "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation: Provided, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$10,000,000 shall be made available for assistance for the People's Republic of China for activities to support democracy and the rule of law in that country, of which not to exceed \$2,500,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That notwithstanding any other provision of law or regulation, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are available for the United States-Asia Environmental Partnership, may be made available for activities in the People's Republic of China: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds

made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law

which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURE DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct ac-

tivities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agriculture Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; the Bureau for Asia and the Near East; and for the Global Development Alliance initiative: Provided further, That such funds

appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SPECIAL AUTHORITY.—During fiscal year 2002, the President may use up to \$35,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—
(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect

to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) **IN GENERAL.**—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) **DEFINITION.**—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the

Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$35,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C., 2778 note) is amended by striking "During the 11-year period beginning on October 23, 1992" and inserting "During the 16-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other

than Jerusalem. As has been true in the past, of officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) **CERTAIN PROHIBITIONS INAPPLICABLE.**—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or

section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) **LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) **TERMS AND CONDITIONS.**—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

HAITI COAST GUARD

SEC. 553. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C.

2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 554. (a) **PROHIBITION OF FUNDS.**—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) **WAIVER.**—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 555. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

GREENHOUSE GAS EMISSIONS REPORT

SEC. 556. Not later than the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2002, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix;

(2) all fiscal year 2001 expenditures and fiscal year 2002 projected expenditures by the United States Agency for International Development to assist developing countries and countries in transition in adopting and implementing policies to measure, monitor, report, verify, and reduce greenhouse gas emissions, and to meet their responsibilities under the Framework Convention on Climate Change;

(3) all funds requested for fiscal year 2003 by the United States Agency for International Development to promote the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions reductions, to promote the transfer and deployment of United States clean energy technologies and carbon capture and sequestration measures, and to develop assessments of the vulnerability to impacts of climate change and response strategies; and

(4) all fiscal year 2002 obligations and expenditures by the United States Agency for International Development for climate change programs and activities by country or central program and activity.

ZIMBABWE

SEC. 557. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 558. Funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available to the Comptroller General to monitor earthquake relief and reconstruction efforts in El Salvador.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia unless the Secretary of State determines and reports to the Committees on Appropriations that the Central Government of Cambodia—

(A) is making significant progress in resolving outstanding human rights cases, including the 1994 grenade attack against the Buddhist Liberal Democratic Party, and the 1997 grenade attack against the Khmer Nation Party;

(B) has held local elections that are deemed free and fair by international and local election monitors; and

(C) is making significant progress in the protection, management, and conservation of the environment and natural resources, including in the promulgation and enforcement of laws and policies to protect forest resources.

(2) A determination by the Secretary of State under paragraph (1) shall cease to be effective if it becomes known to the Secretary that the Central Government of Cambodia is no longer making significant progress under subparagraph (A) or (C).

(3) In the event the Secretary of State makes the determination under paragraph (1), assistance may be made available to the Central Government of Cambodia only through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report

shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed \$95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading "International Organizations and Programs" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces only if the Secretary of State has made the determination and certification contained in subsection (b).

(b) DETERMINATION AND CERTIFICATION.—The determination and certification referred to in subsection (a) is a determination by the Secretary of State and a certification to the appropriate congressional committees that—

(1) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and is providing to civilian prosecutors and judicial authorities requested information concerning the nature and cause of the suspension;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial au-

thorities (including providing unimpeded access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding arrest warrants for members of such groups.

(c) CONSULTATIVE PROCESS.—Ten days prior to making the determination and certification required by this section, and every 120 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (b).

(d) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subparagraphs (b)(1) through (3); and

(e) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a democratic transition in Iraq: Provided, That funds may be made available through the Iraqi National Congress Support Foundation or the Iraqi National Congress only if the Inspector General of the Department of State determines and certifies to the Committees on Appropriations that

such organizations are implementing adequate and transparent financial controls to ensure that funds are used exclusively for the purposes of this section, and that not more than 14 percent of the funds is used for administrative expenses, including expenditures for salaries, office rent and equipment.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Indonesian Ministry of Defense or military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(7) demonstrating a commitment to civilian control of the armed forces by having in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces;

(8) allowing United Nations and other international humanitarian and human rights workers and observers unimpeded access to West Timor, Aceh, West Papua, and Maluku; and

(9) releasing political detainees.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), Liberian Armed Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) None of the funds appropriated by this Act may be made available for assistance for the

government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment to the RUF, Liberian security forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(d) Whenever the prohibition on assistance required under subsection (a), (b) or (c) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), as amended, is amended by striking "December 31, 2001" and inserting in lieu thereof "December 31, 2002".

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 571. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 572. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the

international financial institutions to vote against any extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the United States executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to a specific project within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal and to provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

FUNDING FOR SERBIA

SEC. 575. (a) Of funds made available in this Act, up to \$115,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2002, unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

USER FEES

SEC. 576. The Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of such institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 577. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429) is amended by striking "\$435,000,000" and inserting "\$600,000,000".

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 578. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 579. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to

pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

CUBA

SEC. 580. (a) AMOUNTS FOR COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS.—Subsection (b), of the amounts appropriated or otherwise made available by this Act, \$1,500,000 shall be available for purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Cuba Government on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) LIMITATION.—The amount in subsection (a) shall not be available under that subsection until the President certifies to Congress the following:

(1) That Cuba has in place appropriate procedures to protect against loss of innocent life in the air and on the ground in connection with the interdiction of illicit drugs.

(2) That there is no evidence of the involvement of the Government of Cuba in drug trafficking.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002".

The PRESIDING OFFICER. Under the previous order, the committee substitute is agreed to.

The Senator from Nevada.

MR. REID. Mr. President, the two managers of the bill, Senators LEAHY and MCCONNELL, are due back any minute. It is my understanding that they are prepared to give their opening statements, and that they have at least a dozen amendments that the two managers have already cleared. We have accomplished a great deal on this bill already.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MR. LEAHY. Mr. President, I am sorry some of our colleagues have had to wait. Both Senator MCCONNELL and I have been down at the White House meeting with the President and other Members on foreign policy issues. It is a day when I have been wearing two hats—going from the Judiciary Committee, and some of the issues we are handling there, to the foreign policy issues. But I am glad we are going to do the foreign operations appropri-

tions bill. We tried bringing it up a week ago, but it was held hostage by partisan sniping over judicial nominations. I think that is both unnecessary and unwarranted.

I consider it an honor that the desk that I sit in was once held by Senator Vandenberg, who coined the phrase that "politics ends at the water's edge." The senior Senator from Kentucky and I have done this for years in writing the foreign aid bill, alternating as chairman and ranking member of the subcommittee. We work closely together, and I have stated many times how much I respect and admire him for his efforts to get a good, balanced foreign aid bill through.

There are things on which we can have partisan debates, but we should not allow it on this bill, especially today when our Nation is at war.

MR. LEAHY. This bill is of enormous importance to our country. In fact, in the last 15 or 20 years when I have been either chairman or ranking member of this subcommittee, I don't know if I can think of a more critical time when we needed to quickly pass this bill.

Before we start, though, I think it is appropriate to pay tribute to Ken Ludden, an official at the Treasury Department's Office of the Assistant Secretary for International Affairs, and formerly a congressional staff member, who died suddenly of a heart attack on September 10. Senator MCCONNELL's staff, Senator STEVENS' staff and my own staff, knew him well. At an appropriate time, Senator MCCONNELL and I will offer an amendment to name this Foreign Operations Appropriations Act after him in recognition of his years of government service, and in particular for the invaluable assistance he gave to our subcommittee.

MR. PRESIDENT, in the past, there were times when the foreign operations appropriations bill has been the vehicle for divisive and time-consuming amendments on controversial foreign policy issues. But we are in an unusual time. Our country has suffered a grievous loss. This is a time for unity and for getting our work done quickly. I have amendments, Senator MCCONNELL has amendments, and I am sure other Senators have amendments that would be controversial.

Senator MCCONNELL and I do not plan to offer our controversial amendments. This is not the time. We should work together to get this bill passed as quickly as possible.

Frankly, I was impressed this afternoon, listening to the President speak of his discussions with foreign leaders during the APEC summit in Shanghai. The President forthrightly told us what he said. I am sure he did so there. It was not carefully drawn out diplomatic language, it was the President's own words, and I commend him for it.

I think of the situation today. The President has a limited window of opportunity to do a number of things to help counter this long-term threat. Whether the President serves one or

two terms, that threat will continue after he is gone. I am afraid it is going to continue long after every one of us is gone, whether one is new in the Senate and just beginning a career, or those who are winding down their careers in the Senate. No matter who one is, we are going to face this threat of terrorism for years to come. For the sake of our children, grandchildren, and generations to come, we have to make sure to do the right thing and take the steps that diminish the threat of terrorism over the long term.

I know the President feels that way. I suspect all 100 Members of the Senate feel that way.

What does this mean? It means that special forces attacks in Afghanistan, brave and effective as they were—and I think they were the right steps to take—are not enough. It goes well beyond the momentary alliances. It will not even end with the capture or the destruction of Osama bin Laden. All of these things are critical. But, there will be others who will rise in the same kind of milieu that created Osama bin Laden, rise in countries that fear us or hate us or cannot believe in the diversity we relish and practice, the democracy we cherish, the same democracy, Mr. President, that you and I and every Senator take a solemn oath to uphold.

There are people in the world who may fear our Constitution. I have often said that the greatest part of our Constitution is probably the same part they fear—the first amendment. It gives us the freedom of speech. We do not all have to say the same thing. We can say what we want in this country. It also allows us to practice whatever religion we want or to choose to practice no religion at all.

There is this wall, this Jeffersonian wall, between us. Think what that has allowed. It has allowed each one of us to hold whatever beliefs we want, free of any interference by the Government. It allows us to say what we want to say, free of interference from our Government. Perhaps, most importantly, it guarantees we are going to have diversity in this country. It means Nebraska will have its unique nature as will Vermont. It means there will be people in Nebraska who think differently than people in Vermont on some issues and think the same on others. It is this wonderful diversity that helps to guarantee a vibrant democracy in this country.

It is that same diversity and that same attitude that holds totalitarianism to be an anathema to our way of life.

It is this tolerance and diversity which frightens some other parts of the world. Unfortunately, we can build the most powerful army on Earth, and we have, the most powerful air force on Earth, and we have, the most powerful navy on Earth, and we have, and as a proud father of a young marine, the most amazing and powerful marine corps in the world. But none of that by itself can protect us. To truly have se-

curity, we must also do the things that help do away with ignorance and fear, abhorrence of the United States in parts of the world. And, we must sustain this effort for decades to come.

One good example of this are the programs to help combat the spread of disease in the developing world. Many parts of the world, simply do not possess the health care infrastructure to treat a number of life-threatening conditions that are curable with the proper treatment and care. And as a result far too many do not live beyond the age of 3 or 4.

Think what the United States can do to help eradicate disease, not only help eradicate disease but also to make sure diseases stay away, by putting in place the infrastructure so people are there to give the shots—polio vaccines, diphtheria shots—and remove river blindness once and for all. We can do that, and we will have a better and healthier populace in doing it, and we can point to this record and say: This is what the United States stands for. We do not speak your language, we do not follow your culture or customs, but we want your children to be healthier. Don't my colleagues think that in the long run this makes everyone better off and minimizes the kind of terrorist attacks we face?

I would also ask my colleagues to think about the fact that every disease in the world is only an airplane trip away from our shores—or maybe even a postal stamp—away from our shores. Think about the things in this bill that will have countries to identify diseases, such as the ebola plague or some new strain of disease to which we are not resistant, to help isolate them, and to help cure them.

We have a good bill. It was not an easy task. Senator MCCONNELL has been an invaluable partner in putting this together.

We are trying to do many things. We want to help educate people. We want to improve health care around the world. We want people to see and understand the best of the United States.

At the same time, we are trying to combat these global problems by spending less than 1 percent of our budget.

It is embarrassingly little for a superpower that is in a position to lead the world in solving these critical issues that threaten our interests and the health and safety of every American citizen.

As a result, we often find ourselves unable to respond effectively to serious threats. That has proven to be true with international terrorism, but also when you consider what is needed to spot the spread of HIV/AIDS and other infectious diseases.

It is the case when you consider how little we are spending to protect the environment. We are more than \$200 million in arrears in our payments to the Global Environment Facility.

The amount in this bill for family planning, although \$25 million above

the Administrations request, is \$89 million less than we provided in 1995. Yet hundreds of millions of impoverished people who want safe, voluntary family planning services are not able to get them. For those who have concerns about the numbers of abortions worldwide, think of the number of abortions that could be prevented if we had had adequate family planning, voluntary family planning services, in place.

We ought to do a lot more to support the development of free markets and to strengthen democratic institutions, from central Asia to Macedonia to Latin America.

There are major humanitarian disasters today in many regions of the world. We are hearing a lot about the looming catastrophe in Afghanistan, but similar tragedies exist in the Congo and Sudan, and drought and earthquakes have devastated parts of Central America.

We are by far the richest country in the world—the richest country history has ever known—but on a per capita basis we often spend less than other industrialized countries to help people whose lives are hanging by a thread. This bill attempts to respond, within our limited allocation, to these and other problems.

I very much appreciate the support we have received from Chairman BYRD and Senator STEVENS. They have the unenviable task of dividing up a shrinking pie for 13 appropriations subcommittees.

The bill contains \$15.5 billion in discretionary budget authority. Although our 302(b) allocation was higher than the House's allocations, the House cut deeply into many of the President's requests for essential programs—programs which are also Strongly Supported by Senators. The Senate bill has restored many of those cuts.

We restore sufficient funding for the Export-Import Bank to support subsidy financing well above the fiscal year 2000 level. We restore full funding for the foreign military financing program and provide a \$10 million increase above the President's request for international military training.

We restore most of the House cuts in the Economic Support Fund, as well as assistance for the former Soviet Republics.

We provide additional funding for international peacekeeping and for assistance for the former Yugoslavia, including Serbia, Montenegro, and Macedonia.

We include \$450 million to combat HIV/AIDS, including \$50 million for the Global Fund to combat AIDS, TB, and malaria. This falls well short of what we should be spending, it is an increase above last year's level.

We also increase funding against other infectious diseases and for children's health programs, and I would note that both Republican and Democratic Senators have requested this.

These programs are desperately needed to strengthen the capacity of developing countries to conduct surveillance

and respond to diseases such as polio and measles. They are also equally important for combating the spread of biological agents such as anthrax used in acts of terrorism. There are tens of millions of dollars for those programs in this bill.

We provide \$718 million for the Andean countries, primarily Colombia, Bolivia, Ecuador, and Peru, of which over half a billion dollars is for counterdrug programs. That is in addition to the \$1.3 billion for Plan Colombia we appropriated last year. It is interesting, that about—who made requests to our subcommittee—even mentioned the Andean program, items which has not accomplished a great deal.

The bill contains the usual earmarks for Middle East countries. It also continues various limitations or conditions on assistance to several countries.

Senator MCCONNELL and I have a number of amendments, including one to name this bill after Ken Ludden, and another to prohibit U.S. assistance to governments that harbor or provide financing for individuals involved in the September 11 terrorist attacks.

We have a bill that that was reported in record time by the appropriations committee. And while I will now reveal a political secret that has probably gone unnoticed in this body, Senator MCCONNELL and I are not politically ideological soulmates. We have kept this well hidden, but it is a fact. Only because it is late in the evening and the Chamber is nearly empty do I dare whisper that. I would not want anybody to know that outside of this Chamber.

This political odd couple has worked together to bring before this Senate a bill, within the amount of money we had, that I think is well balanced. It is not precisely the bill Senator MCCONNELL would have written by himself, nor that I would have written, but I am proud to join with Senator MCCONNELL in support of this bill. I appreciate his friendship in working with him.

I yield the floor.

THE PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I am indeed shocked to hear that Senator LEAHY does not make a practice of watching how I vote every time so he may be so guided.

In fact, we have had a good relationship over the years and seen many of these issues in like manner, and I commend him for his leadership as chairman of the subcommittee. This is a bill that I can enthusiastically support, and we anticipate it to pass by a large vote sometime tomorrow.

I thank my good friend from Vermont for his leadership, as I said, in crafting this \$15.5 billion bill. This is, I think, probably our ninth bill together. When we started out, he was chairman and I was ranking member. Then I was chairman for a while and he was ranking member. Now the roles are reversed

again. We have throughout, no matter who was in the majority, been able to move in the right direction.

Obviously the world has changed since we marked up this bill on July 26. The horror and grief of the September 11 attacks in New York, Virginia, and Pennsylvania are still very fresh in our hearts and minds. The recent anthrax mailings to Congress and the media are further indications of the diabolical nature of America's enemies. Our thoughts and prayers are with the many victims of these evil deeds.

The President and the administration have done a superb job in responding to this national crisis, both at home and abroad. In the darkest hours of the 21st century the American people have rallied in support of the new war against terrorism. This speaks to the strength of our Nation and the highest principles upon which it was founded.

Within 3 days of the September 11 attacks, the Senate passed a \$40 billion emergency supplemental bill to aid in recovery and reconstruction efforts. I am pleased that a portion of those funds will be used to bolster counterterrorism and other security programs conducted by the State Department.

In addition to the funds contained in the supplemental, the bill now before the Senate fully funds the President's \$38 million request for the State Department's antiterrorism assistance program. These funds will be used to provide training, equipment, and advice to foreign countries to enhance their antiterrorism skills and to increase the capabilities of foreign law enforcement and security officials. Those programs are critical to America's national security and those of our allies.

My colleagues should be aware that Senator LEAHY and I intend to offer an amendment to prohibit assistance to any country that harbors or finances those individuals or organizations responsible for the mass murder of American citizens on September 11. President Bush and Secretary Powell are right to hold those nations who aid and abet terrorism responsible for their actions. They have my full cooperation and support in this endeavor.

Let me offer concrete evidence of that support. Senator FEINSTEIN and I intended to offer an amendment to this bill requiring the President to report on the Palestinian Liberation Organization's compliance with its commitments to renounce terrorism and violence. We were asked by Secretary Powell, in light of his efforts to forge an international coalition against terrorism, to simply not offer that amendment. We agreed to withhold the amendment out of respect for this Nation's desire and demand for justice for the September 11 murders. The administration's request for our foreign policy priorities and needs are, for the most part, met through this bill.

In some accounts, including IMET and the Child Survival and Disease

Programs Fund, the President's request was exceeded. The bill increases the Export Import Bank's subsidy appropriations from the requested amount of \$633 million to \$753 million, and we provide \$450 million for HIV/AIDS programs and activities.

My colleagues will note that while we have provided substantial funding for counterdrug efforts in the Andean Region, the bill does not meet the Administration's \$731 million request for the Andean Counterdrug Initiative. Not everyone may agree with the \$567 million the bill provides for this program. However, funds are still in the pipeline for social, economic, and judicial programs in Colombia. Spillover of the narcotics trade to neighboring countries remains a concern. Successful counterdrug and alternative development programs in countries such as Bolivia must be continued.

Funding is also provided to continue vital democracy building activities in Asia, including Burma, Indonesia, and East Timor. The bill earmarks \$10 million for rule of law programs in China, which are being successfully conducted by a variety of American academic and nongovernmental institutions. I would suggest to my colleagues that advancing democracy and the rule of law abroad is essential in the fight against terrorism.

I want to share with my colleagues an observation on U.S. foreign policy in the wake of the terrible attacks earlier this month. The very nature of our foreign assistance programs and priorities will change as America and its allies wage war against the foes of freedom and democracy. As one who believes that foreign aid is not an entitlement, assistance can—and should—be used as leverage to reward cooperation on common objectives, such as identifying and destroying terrorist networks. Conversely, nations that refuse to join the fight against terrorism should face restrictions on U.S. assistance they receive. As President Bush said, "Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

Finally, I want to express my condolences to the family of Ken Ludden, Legislative Coordinator to the Office of the Assistant Secretary for International Affairs who passed away of a heart attack on September 10. Ken will be sorely missed by this subcommittee. Given his long and dedicated service to our country in many capacities, I have joined Senator LEAHY in sponsoring an amendment to designate the bill the "Kenneth M. Ludden Foreign Operations, Export, Financing, and Related Programs Appropriations Act."

Again, I thank Senator LEAHY, and his capable staff—Tim Rieser and Mark Lippert—for their leadership on this bill.

Senator LEAHY and I are open for business and fully intend to finish this bill at the earliest possible time tomorrow.

I see the chairman is on his feet, and I yield the floor.

Mr. LEAHY. Madam President, we have a number of things we can probably do in a couple of minutes to go through here.

I would like to note that there is some promising news from Ireland. The International Independent Commission on Decommissioning, led by GEN John de Chastelain, of Canada, has announced that the IRA has begun to decommission its weapons. The Irish Taoiseach, Bertie Ahern, has appropriately called this an "unparalleled breakthrough." David Trimble, with whom I talked here in Washington a few days ago, has said he will recommend to the Ulster Unionist Council that the party reenter the Northern Ireland Executive.

I commend Gerry Adams and Martin McGuinness from Sinn Féin for their efforts to take this important step. I have been one who has been critical of the IRA taking so long to begin to decommission its weapons.

There are justifiable and long-held grievances on both the Protestant and Catholic sides in Northern Ireland, and there are generations who will never completely forgive or forget. But for the sake of the children in Ireland, both in the Republic of Ireland and Northern Ireland, they must move forward, and this is a critical step. Peace will not be won by assassinations or guns and bullets, whether done by Protestants or by Catholics. Peace will only come about if children are allowed to grow up in peace so we will not have scenes such as we saw just in the opening of school this year of little children, 7- and 8-year-old girls and boys, running terrified past a mob, screaming at them because all they wanted to do was go to school. That cannot continue.

I ask unanimous consent that a number of news items be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Irish Times, Oct. 23, 2001]

DE CHASTELAIN SAYS IRA HAS BEGUN
DECOMMISSIONING ARMS
(By Patrick Logue)

The International Independent Commission on Decommissioning, led by General John de Chastelain, has said it has witnessed the IRA begin to decommission its arsenal of weapons, including guns, ammunition and explosives.

"We are satisfied the arms in question have been dealt with in accordance with the scheme and regulations. We are also satisfied it would not further the process of putting all arms beyond use were we to provide further details of this event."

"We will continue our contact with the IRA representative in the pursuit of our mandate." This afternoon the IRA said in a statement that it had begun the process.

In a statement the IRA said its motivation behind the move on weapons was "to save the peace process".

* * * says: "The political process is now on the point of collapse. Such a collapse would certainly, and eventually, put the overall peace process in jeopardy.

"There is a responsibility upon everyone seriously committed to a just peace to do our best to avoid this.

"Therefore, in order to save the peace process, we have implemented the scheme agreed with the IICD in August.

"Our motivation is clear. This unprecedented move is to save the peace process and to persuade others of our genuine intentions".

In August the IICD said in a statement it had agreed a method for putting arms "completely and verifiably beyond use". Details of the method were not made public however.

The move comes in response to a call yesterday by the Sinn Féin president Mr. Gerry Adams for a "ground-breaking" gesture to save the peace process.

Speaking in West Belfast last night Mr. Adams said: "We have put to the IRA the view that if it could make a ground-breaking move on the arms issue that this could save the peace process from collapse and transform the situation".

Sinn Féin this evening welcomed the IRA statement saying it was a courageous initiative to save the peace process".

IRA'S ESTIMATED ARSENAL

650 AK47/AKM assault rifles;
36 Armalite AR-15 assault rifles;
2 Barret M82A1 sniper rifles;
60 Webley .455 revolvers;
20 12.7 × 107mm DshK heavy machine guns;
12 7.62mm FN MAG machine guns;
6 LPO-50 flamethrowers;
1 SAM-7 surface-to-air missile;
600 bomb detonators;
3 tons of Semtex plastic explosives

[From the Irish Times, Oct. 23, 2001]

TRIMBLE HINTS UUP WILL REENTER
EXECUTIVE

(By Kilian Doyle)

The leader of the Ulster Unionists Mr. David Trimble said tonight he would recommend to his party that they reenter the Northern Ireland executive following IRA weapons decommissioning.

Mr. Trimble was speaking after a meeting with the head of international decommissioning body, General John de Chastelain, where he said he was told the IRA had begun to put its arms beyond use.

"This is the day we were told would never happen", he said. Mr. Trimble said he would attend of meeting of the Ulster Unionists Council later this week, and he would be recommending that they re-enter the Northern Ireland Executive.

UUP ministers could be back in their offices in Stormont as early as next week, Mr. Trimble said.

[From the Irish Times, Oct. 23, 2001]

AHERN HAILS 'UNPARALLELED
BREAKTHROUGH'

(By Kilian Doyle)

The Taoiseach, Mr. Bertie Ahern, said the IRA statement was an "unparalleled breakthrough" that was of "profound importance" to the peace process.

He said the IRA had now done enough to satisfy General de Chastelain, but there was still an "enormous" amount of work remaining to be done.

Mr. Ahern paid tribute to the leaders of the IRA, who he said had made a brave and difficult decision in agreeing to decommission.

The Minister for Foreign Affairs, Mr. Brian Cowen, said the statements from the IRA and the International Commission on decommissioning heralded a new era in the history of Ireland.

"That is a moment for political leaders to be responsive and generous. The reaction to

decommissioning will be as important as decommissioning itself," he said.

"It is imperative that politics is made to work and that the nightmarish scenes like those from north Belfast are consigned forever to the pages of history."

"We must harness the new energy that has been released by today's developments and begin a new, dynamic era on this island at all levels, based on partnership, equality and mutual respect.

"We simply cannot afford to let this opportunity slip."

Mr. Michael Noonan, the leader of Fine Gael, said he believed decommissioning had "already occurred" and that General de Chastelain would be confirming that "before too long".

"What we had was the Good Friday Agreement, there is an opportunity now to make it the Good Friday Settlement.

"Now that [decommissioning] has happened, it seems to me that there is no difference in principle between putting some arms beyond use and putting all arms beyond use."

Mr. Ruairi Quinn, the leader of the Labour Party, said we are now witnessing events of "historic proportions."

He said all parties must now intensify efforts to overcome the "distrust and sectarianism that has bedevilled Northern Ireland for so long."

There is a particular obligation on the loyalist paramilitaries to honour the statements made that they would follow suit if the IRA started decommissioning.

Mr. LEAHY. Madam President, as one who, like many here, traces part of his ancestry back to that beautiful and often troubled island of Ireland, I am happy with this news.

AMENDMENTS NOS. 1909 THROUGH 1920, EN BLOC

Mr. LEAHY. Madam President, I have a series of managers' amendments: Leahy-McConnell amendment and statement regarding Ken Ludden; McConnell-Leahy, antiterrorism; Brownback, human antitrafficking; Leahy-McConnell, AID operating expenses; Leahy-McConnell, notification; a Leahy endangered species; a Helms-Leahy-McConnell amendment on Iraq; a McConnell-Leahy on Hong Kong; McConnell on Georgia; Leahy-McConnell on Federal Republic of Yugoslavia; Leahy-McConnell on orphans; and McConnell on computer equipment.

I ask unanimous consent that they be considered en bloc, that the statements and colloquies be printed in the RECORD, and they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. MCCONNELL, for themselves and others, proposes amendments numbered 1909 through 1920, en bloc.

The amendments are as follows:

AMENDMENT NO. 1909

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

AMENDMENT NO. 1910

(Purpose: To prohibit assistance to the government of any nation that harbored or financed individuals involved in the September 11, 2001 terrorist attacks in the United States)

On page 163, line 19, after "Syria" insert the following: ", or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

On page 177, line 19 after "Sudan," insert the following: "or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States,".

AMENDMENT NO. 1911

(Purpose: To authorize assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking)

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 1912

On page 144, line 6, after "That", insert: ", in addition to funds otherwise available for such purposes,".

On page 144, line 9, after "State", insert: ", and not more than \$4,500,000 shall be available for administrative expenses of the United States Agency for International Development".

AMENDMENT NO. 1913

On page 214, line 13, strike "30" and insert in lieu thereof: "15".

AMENDMENT NO. 1914

On page 121, line 10, after "1961," insert the following: "including in areas where population growth threatens biodiversity or endangered species,".

AMENDMENT NO. 1915

On page 219, line 15, strike everything after "That" through "equipment" on line 24, and insert in lieu thereof the following: "not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations".

AMENDMENT NO. 1916

(Purpose: To extend the reporting requirements of title III of the United States-Hong Kong Policy Act)

At the appropriate place in the bill, insert the following:

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended

by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

AMENDMENT NO. 1917

On page 155, line 21, after "later" insert the following: "": *Provided further*, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106-429, is amended by inserting "or 2002" after "2001".

AMENDMENT NO. 1918

On page 225, line 18, after "any" insert the following: "new project involving the".

On page 226, line 16, strike "15" and insert in lieu thereof: "10".

On page 227, lines 5 and 6, strike "United States executive directors of the international financial institutions" and insert in lieu thereof: "Secretary of the Treasury".

On page 227, line 17, strike "Agreement and its Annexes" and insert in lieu thereof: "Accords".

AMENDMENT NO. 1919

On page 125, line 1, strike "\$25,000" and insert in lieu thereof: "\$35,000".

AMENDMENT NO. 1920

On page 137, strike everything after "available" on line 9 through "schools" on line 12 and insert in lieu thereof: "to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools".

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1909 through 1920) were agreed to, en bloc.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HONORING KENNETH MARTIN LUDDEN

Mr. MCCONNELL. Madam President, each year, many people assist in the creation of the Foreign Operations bill. Besides the efforts of our staffs, hundreds of individuals from the Federal Government provide information and expertise on the Administration's funding requests. Unfortunately, on September 10, we lost one of the people who played a very important part of the creation of this bill for a number of years, Ken Ludden. Ken worked at the Department of Treasury as their Legislative Coordinator to the Office of the Assistant Secretary for International Affairs. Ken was a very capable and attentive liaison. Not only did he go the extra mile in trying to answer any questions we had, but he was so good at his job that he would know which member might be more concerned about one issue and provide information before staff would request it.

This was not Ken's first position in Government, in fact he dedicated most of his life to public service. He worked for Congressman Edwin Forsythe, at the United States Agency for International Development, for Senator LUGAR on the Senate Foreign Relations Committee, the Department of State and then Treasury. In between his time at the Departments of State and Treasury, Ken did spend some time in the private sector but then returned to public service to work as a congressional liaison. He seemed to genuinely enjoy working with the Hill. Like many former staff, Ken never forgot his Hill roots. He understood the needs of staff and members and the demands and expectations we face from our constituents. Ken also even made bad news easy to take—he would not stall or press an unworkable position but would work until common ground could be found between the Department and Congress.

In light of his dedicated service to the Committee, Senator LEAHY and I have offered an amendment in the manager's package that would designate the fiscal year 2002 foreign operations bill as the "Kenneth M. Ludden Foreign Operations, Export Financing and Related Programs Appropriations Act, for Fiscal year 2002." This is just a small gesture to acknowledge our appreciation for a life time of service to the American people. On behalf of the Senate, Senator LEAHY and I offer our deepest condolences to his wife, Mary, and their daughters, and his colleagues at the Department. We will miss him.

THE WHEELCHAIR FOUNDATION

Mr. STEVENS. Madam President, I rise today to express my appreciation to the Secretary of State, Colin Powell, for his assistance in the coming fiscal year to an exceptional organization—the Wheelchair Foundation. Since its launch in June 2000, the Wheelchair Foundation has delivered over 26,000 wheelchairs to individuals in 74 countries and throughout the United States. The World Health Organization estimates that some 25 million people around the world are unable to walk due to one cause or another. Various country officials and non-government officials in different countries around the world put the number at over 100 million.

To date, the foundation has been financed by private donations from the Kenneth E. Behring Foundation, private individuals, corporations, athletic teams and various non-profit organizations. Additionally, partnerships exist with the International Red Cross, Project Hope, Goodwill Global, Rotary International, Ronald McDonald House Charities, and Operations USA, among others. However, the Wheelchair Foundation has decided to intensify its efforts by launching a goal of delivering 1,000,000 wheelchairs to those in need in the next five years. In order to take its efforts to this next level, the foundation is seeking a public/private partnership with the Federal Government.

My staff has been working with the Secretary's office to try and create a workable partnership. One of the Federal programs we believe the Wheelchair Foundation can work with is the Denton Program. The Denton Program allows the Department of Defense, through a memorandum of understanding with the U.S. Agency for International Development to provide space available transportation of humanitarian cargo at little or no cost to the donor. The donor must ensure that (1) there is a legitimate need for the supplies by the people for whom they are intended; (2) that the supplies will in fact be used for humanitarian purposes; and (3) that the beneficiaries are capable of using the donated commodities safely. I think I can safely say that each of these requirements can be easily met by the Wheelchair Foundation. We have had notification from Secretary Powell's office that he agrees with these sentiments.

We have also been notified, that, assuming that we provide the adequate resources in the foreign operations bill, the Secretary will support providing funding to assist the program. The Wheelchair Foundation estimates that it will cost \$150,000,000 to provide the 1,000,000 chairs. This approximately \$150 per chair. Combined with the Denton Program support, any additional financial assistance that the Department of State provides would be greatly appreciated.

Mr. MCCONNELL. Senator STEVENS, would you pause for a question? This program sounds like it has been very successful—but now requires some of the Federal Government's global contacts to make that extra step—is that correct?

Mr. STEVENS. Senator MCCONNELL you are exactly right. The efforts by the foundation will not only utilize the vast resources of the private sector—but combine that with the experience and knowledge of the Department of State and the United States Agency for International Development. State and USAID each have personnel around the globe who are aware of the need for these chairs—from Central America to the nations of Africa to the Balkans to South East Asia. We are confident that these U.S. personnel can utilize their contacts in each of these communities to bring relief to those in need—and in five years—to reach one million people.

Mr. LEAHY. Senator, one more question please? Is there any limitation on who may receive these chairs? Are they designated for one group in particular?

Mr. STEVENS. No—one must only show a need—from innocent victims of landmines to those with muscular dystrophy—the Wheelchair Foundation has a single mission of bringing mobility and independence to those who cannot walk.

Mr. MCCONNELL. Senator LEAHY, it is clear that Senator STEVENS has come to us on behalf of an organization worthy of receiving U.S. support and I look forward to hearing of the accom-

plishments they make in the coming year.

Mr. LEAHY. Senator, I concur with your assessment and hope that the foundation reaches its goals for the coming year.

Mr. STEVENS. Thank you both for your support and, again, for the support of the Secretary. I look forward to working with you all to ensure that this project is a success.

TREATMENT FOR PRIMARY IMMUNODEFICIENCIES IN LATIN AMERICA

Mrs. CLINTON. Madam President: I would like to begin by commending my friend from Vermont, Senator LEAHY, for his tremendous work in putting this foreign operations appropriations bill together. I also want to applaud the efforts of USAID for its support of child health programs over the last 25 years, and, particularly, for intensifying its efforts in 1985 with the child survival initiative. Today more than 4 million infant and child deaths are prevented annually due to the critical lifesaving health services provided by USAID and its partners.

It has been estimated that in Central and South America over one million children are afflicted with primary immunodeficiency. Individuals with undiagnosed primary immunodeficiency are a source of viral and bacterial infection. When left undiagnosed and unprotected this population harbors serious viruses, bacteria, fungi and deep-seated infections. I am aware that an immunology infrastructure is in place in several Central and South American countries to conduct early diagnosis and treatment. However, funds are needed to further enhance and develop appropriate treatment. The Jeffrey Modell Foundation has developed a successful model for combating primary immunodeficiencies in the United States and around the world. I am hopeful that USAID, in collaboration with the foundation, will consider this model in Latin America. The components of this program would include physician education and public awareness, prevention, diagnosis and treatment.

I would be grateful if the chairman would join me in urging USAID to consider supporting the establishment of such programs in Latin America.

Mr. LEAHY. I want to thank my good friend from New York for bringing this to the Senate's attention. She has been a strong supporter of USAID's programs to improve the health of women and children in poor countries, and I applaud her for that. I look forward to having the benefit of her expertise on these issues, and will certainly encourage USAID to consider supporting the initiative she speaks of to combat primary immunodeficiencies in Latin America.

CAMBODIA'S MINISTRY OF WOMEN AND VETERAN'S AFFAIRS

Mr. BROWNBACK. The amendment I am offering will allow U.S. assistance to support programs and activities conducted by Cambodia's Ministry of

Women and Veteran's Affairs, and local and international nongovernmental organizations to counter human trafficking in the Kingdom of Cambodia. The State Department's "Trafficking in persons Report" dated July 2001 designates Cambodia as a source, destination, and transit country for trafficked persons. I offer this amendment with the full understanding that the climate of impunity in Cambodia today has allowed the trafficking of persons—and other illicit activities—to flourish. However, the Ministry of Women and Veteran's Affairs has demonstrated the political will to address this problem in a meaningful way—and to coordinate its work with the NGO community—and I encourage the State Department and the U.S. Agency for International Development to support the Ministry's efforts. I yield to my friend from Kentucky for a question.

Mr. MCCONNELL. My colleague has given serious thought to this amendment, and I commend him for his approach in selectively engaging the Cambodian government on issues of importance to the Cambodian people and the region. As a point of clarification does the Senator intend his amendment to allow the provision of U.S. assistance to any other segment of the Cambodian government, with the exception of the Ministry of Women and Veteran's Affairs for the sole purpose of combating human trafficking?

Mr. BROWNBACK. No. This amendment would permit U.S. assistance only to that Ministry for the sole purpose you mention. It is not my intention to subvert Section 560 of the FY 2002 Foreign Operations Appropriations bill. I seek only to support the reform efforts of the Ministry. It is a tragedy and horror that Cambodians can be abducted and sold into some form of slavery for as little as \$30. One survey found that 68 percent of sex workers in Cambodia had been forced into prostitution by outright sale by parents or boyfriends or by being lured into brothels with promises of a good job. I thank Senator MCCONNELL and Senator LEAHY for their interests in helping Cambodia's women and children.

Mr. MCCONNELL. I thank the Senator from Kansas for that clarification. I also want to note that the democratic opposition in Cambodia fully supports this amendment, and I ask that a letter from Cambodian Member of Parliament Sam Rainsy be inserted in the record following my remarks. I ask that I be added as a cosponsor to this amendment.

Mr. LEAHY. This is an important amendment that will enable the United States to support efforts by Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, which as Senator BROWNBACK has noted is a terrible problem in that country. I commend him for his commitment to address this problem and ask that I be added as a cosponsor as well.

Madam President, if the distinguished Senator from Kentucky and I

were to have our way about it, we would go to final passage, but I have a feeling there are probably some who may not be in favor of that.

I don't have anything else.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to go back into morning business.

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

TERRORISM WILL NOT WIN

Mr. DASCHLE. Madam President, I come to the Senate floor today to share with my colleagues a speech that former President Clinton gave earlier this month to the Greater Washington Society of Association Executives. It is an excellent speech that underscores a point many of us have made right here on this floor: the terrorists will not win, because we will not allow them to win.

If the terrorists thought they would succeed in dividing us, they need only read this strong endorsement of President Bush by President Clinton.

If the terrorists thought they could use terror to force us to withdraw from the world, they need only read this blueprint for greater U.S. engagement across the globe.

And, if the terrorists thought that they would get us to succumb to fear, they need only read this testament to the bravery shown by thousands of Americans since September 11.

Mr. President, I ask unanimous consent that President Clinton's October 9, 2001 speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FORMER PRESIDENT CLINTON'S REMARKS AT THE GREATER WASHINGTON SOCIETY OF ASSOCIATION EXECUTIVES

Thank you.

I never imagined that I could draw a crowd like this just because my wife is a senator. Well, Helen, you'll have a lot of mentions in the index. When I was told Helen Thomas was going to introduce me, I said, "God, I hope she's doesn't get to ask a question." I thought her questions to me were term-limited. You know when Helen left the UPI, some reporters wrote that she had given up her front row seat at the White House press conferences. But it turned out not to be so. In a town where power is supposed to be vested in the office and not the individual, she is the exception to the rule: The only person powerful enough to quit her job and still keep her seat, and I am profoundly honored to be with her tonight. America is a better

place today because of the 50-plus years she has given to the noble work of journalism.

Tonight, as we ask God's blessings on our men and women in uniform and their allies on their mission and pray that they return home safely, I thank the Greater Washington Society of Association Executives for going forward with this event, consistent with President Bush's request to us to go on with normal life in America.

Of course, it is not quite normal, and having been president and having been used to being second-guessed a bit, I want to make sure that anything I say here tonight about where we are and where we're going will be understood in the context of my complete support as an American for our president, his national security team and our allies in our efforts to deal with the challenges of terrorism.

Now, this bipartisan thing's getting downright amazing. Last week Bob Dole and I taped a public service announcement. To—he did make sure I sat on the left and he sat on the right. To make America aware of the Families of Freedom Scholarship Fund which has been established to raise \$100 million for the children and spouses of those killed or disabled on September the 11th, including people from other nations. These people are going to make a big contribution to our national life in the years ahead if we make sure that we don't forget them, even in three, five, 10, 15 years. An amazing number of the men who died left wives who were pregnant. And this endeavor will therefore carry forward at least 21 years.

I thank the Greater Washington Society of Association Executives for assisting with a very special fund-raising event on October the 23rd from 5 to 7 at the Washington Hilton where President Gorbachev will be talking about the world after September the 11th. Attendance there will be free, but those attending are asked to bring a check payable to the Families of Freedom Scholarship Fund.

Thank you very much for supporting this effort.

Since September the 11th, I have spent a lot of time in New York with rescue and recovery workers, with survivors, with the families of the victims, with schoolchildren and their teachers, with people working to help people find answers and help people deal with their problems.

Today I attended the funeral of New York Fire Department Captain Fred Ill, a man who used to support my trips to New York as president. He was one of 10 firemen lost in one small firehouse in Midtown Manhattan and a remarkable man, who leaves a beautiful wife and three children, including a 22-year-old son who is New York fireman. The fire department, you know, is like a Medieval army. The generals lead the charge. They don't sit on a hill and direct. So after this terrible incident, we lost our fire chief and his top three deputies. We lost the Catholic chaplain who was a friend of Hillary's and mine. Over 300 firemen died and it required the New York Fire Department to promote over 200 of its firemen to fill the ranks of their superiors who went in first. But because they did, thousands and thousands of others who would have died did not.

After one person in the temple of our home town of Chappaqua perished, Hillary and I were invited to come to Rosh Hashanah service there. And I happened to meet one of those two amazing men who was on the 84th floor of the World Trade Center Tower, which was hit on the 85th floor. He immediately told everybody to get in the stairs and go down and then, with another man, carried a woman in a wheelchair 84 floors to safety.

I have been to the crisis center, first at the old armory on 26th and Lex and now at Pier

94, three times. There a man came to me and said President Clinton, "I'm glad to see you again. I first met you in Oklahoma City." And I said, "How did we come to meet?" He said, "You came to console me. My wife was in the building and I lost her." And he said, "The minute this happened, I took a leave of absence, got in my car and drove to New York because I had no one to talk to who knew what I was going through. And I thought maybe I could be there for these people." So he said, "I just come in and sit here all day and the people who are working with the victims bring them to see me."

I've met a lot of victims' families from all over the world and every conceivable group here in America. I met the British and the Germans and the Italians, the Chinese, the Japanese, the Indians, the Pakistanis, the Bangladeshis. I've met people from several African countries, from Mexico, Brazil, the Caribbean and elsewhere.

I've been in three schools, and two of them had double student bodies because the schools took in grade school kids in one case and high school kids in another who were blown out of their schools on September the 11th. One of these schools has a principal whose sister was killed at the World Trade Center. And she knew immediately that her sister might have been lost, but after her school was vacated, she walked five miles to the central office of the New York City school system to tell them that her children and teachers were well, and that as soon as they found them a building, they would conduct school again.

I have also had the great good fortune in the last few days of talking to people like you in Chicago, Los Angeles, El Paso, Little Rock and New Haven. And there are so many questions people have. You probably do too.

In the schools, the children want to know, the 9- and 10-year-olds, why do they hate us so much? How did bin Laden get all of these people to commit suicide anyway? If we hit them, won't they retaliate? The kind of things that you can't imagine a 9- or 10-year-old should ever have to think about. And I do my best to give them honest answers.

The men I talked with often speak with awe and admiration of what happened on the plane that went down in Pennsylvania. We ask each other whether we would have had the guts to take it down too.

When my oldest friend in the world, Mack McClarty called me and asked me how I was doing, and I asked him how he was doing and whether we would have had the guts to take the plane down if we had been on it, he said, "I think so and I sure hope so."

The mothers I talked to—and an astonishing number of women that Hillary and I know who are mothers of young children, have called me. They just, almost uniformly say, "Bill, is it going to be all right? Tell me it's going to be all right."

Tonight I'd like to sort through those questions with you, and I'd like to make these points.

First of all, though neither I nor anyone can tell you there will not be another terrorist attack on American soil, it will be all right, if we unite behind the president and our allies to fight terror now, if we spread the benefits and shrink the burdens of the 21st century all across the globe, if we bring freedom today to people who don't have it, and if we continue our efforts to become the people we ought to be, the polar opposite of what the terrorists represent.

We saw that in the sacrifices of the men and women of the police and fire departments in New York. The terrorists died to kill people, and they died to save them.

Make no mistake about it, this conflict represents a fundamental struggle that will go on for the next few years to define the

soul of the 21st-century world. Mr. bin Laden, the Taliban have one set of answers. America and all the people who have rallied to our side, we have another.

Here's how, at least I think about this question. Try to imagine yourself on September the 10th. If I had asked you on September the 10th, "What do you believe is the dominant factor of the 21st-century world?" what would you have answered?

If you're an optimist, you might have said, "The globalization of the economy." After all, its lifted more people out of poverty in the last 20 years than have ever been lifted out in all of human history; brought America 22.5 million jobs, the lowest unemployment in 30 years; and brought benefits to people around the world.

If you're into technology, you might say, "No, no, it was the explosion of information technology." Think about this, when I became president in January of 1993, there were only 50 sites on the World Wide Web—50.

Unbelievable. It was still the private province of research physicists. When I left office in January of 2001, there were 350 million. Today, 30 times as much—as many messages are sent by e-mail as by the postal service or what the kids call snail mail.

If you're interested in politics and society, you might say, "No, it's the explosion of democracy and diversity within democracies."

I was honored to be president when, for the first time in all of human history, more people lived under governments of their own choosing than every before. And America became wildly more diverse. And I might add, much more interesting as a consequence of it.

The children I saw in Lower Manhattan who were blown out of their schools, represented at least 80 different ethnic groups and many, many different religions.

Or you might say, "No, it is the advances in science that will shape the early 21st century." We're going to find out what's in the black holes outer space. We're still finding new forms of life at the deepest points of our rivers and oceans.

The sequencing of the human genome, which was announced a couple of years ago, is going to enable us to give genetic profiles of young babies to mothers when they bring them home from the hospital. And really quite soon, countries with good health systems will be seeing babies born with life expectancies in excess of 90 years.

Scientists are working on digital chips to replicate the incredibly sophisticated nerve movements in the spines, raising the specter that we might be able to implant a chip at the base of the spine that will work like a heart pacemaker and enable people with damaged spines confined to wheelchairs to stand up and walk.

So you might say that will be the dominant thing in this new century.

On the other hand, if you're not much of an optimist, or if you're what Hillary refers to as the designated warrior in your family, you might mention negative things that you think are the dominant forces of the 21st century.

You might have said that environmental challenges will dominate the next 50 years and if not addressed they will swamp all these positive developments. Climate change, the water shortage, the deterioration of the oceans, nine of the hottest 11 years recorded since 1400 occurred in the last decade or so. If the Earth warms for the next 50 years at the rate of the last 10, we'll lose 50 feet of Manhattan island, the Florida Everglades I worked so hard to save, the sugar cane fields in Louisiana, several Pacific island nations, we will totally disrupt agricultural patterns all across the world and cre-

ate tens of millions of food refugees meaning more fighting and more terrorism.

We have a terrible water shortage in the world. One in four people here today never get a clean glass of water. It also threatens agricultural production and the stability of life on the planet.

And, of course, the oceans provide most of our oxygen. There is now a dead space in the Gulf of New Mexico the size of New Jersey. And many people believe the deterioration of the oceans is a serious threat, which is one of the reasons we protected so much of the great coral reefs and the northern Hawaiian Islands and the coast there.

Or you might say, "No, no, long before global warming gets us, the public health crisis will get us." The health systems are breaking down all over the world. And we're going to be awash in epidemics. AIDS is the beginning. There are now 36 million cases of AIDS in the world; 22 million people have died. If present trends continue, there will be 100 million AIDS cases in four years. And while 70 percent of today's cases are in Africa, the fastest growing rates are in the former Soviet Union, on Europe's back door. The second fastest growing rate is in the Caribbean on our front door. The third fastest growing rate is in India, the biggest democracy in the world with nearly a billion people. And the Chinese recently announced they have twice as many AIDS cases as had previously been thought, and tragically, only 4 percent of their adults know how the disease is contracted and spread. If that keeps going, it will be the biggest plague since the bubonic plague killed one-fourth of Europe in the 14th century.

Or you might say, "President Clinton, you have got it all backwards. The global economy is not the positive development; it's the negative development, because Americans are getting rich, but half of the people in the world are still living on less than \$2 a day." Think about that the next time you buy a cup of coffee. Half of the people in the world are living on less than \$2 a day. A billion people are living on less than \$1 a day. A billion people go to bed hungry every single night. One in four people die of AIDS, TB and malaria and complications from diarrhea every year. That's how—all of the deaths in the world from wars, from terrorism, from heart attacks, from strokes, from accidents, one in four people die of AIDS, TB, malaria and complications from diarrhea, most of it little kids that never got a clean glass of water because they are poor. And it is projected that in the next 50 years the world's population will increase by 50 percent, almost all of it in the countries that are poorest and least able to handle it, creating a breeding ground for terrorists, who feel that they can recruit among the disposed.

Or even on September the 10th, if you'd been thinking about it a long time, you might have said, "No, the thing that could shape the 21st century most is the marriage of terrorism with weapons of mass destruction and ancient racial, religious, ethnic and tribal hatreds."

You might have pointed out that 700,000 people were killed in Rwanda, all innocents, with machetes in three months. Or that Bosnia, a country of only 6 million, lost 250,000 innocents in Milosevic's campaign of ethnic cleansing. Or that Kosovo had 1 million refugees created overnight.

Now here's the question I would like to ask you, since obviously all eight of these things probably had some resonance in reality for each of you. I mentioned four positive things: the global economy, the explosion of information technology, the advance of democracy and diversity and the advances in medical sciences and other sciences. I mentioned four negative things: environmental

crises, health crises, half the world in poverty and the growth of terrorism rooted in ancient hatreds.

Here's the real question: What do all things have in common, the positive and the negative? They all are manifestations of a breathtaking increase in global interdependence. And it is very important that we understand this. The reason we have to be concerned about all of them, the positive and the negative, is that we live in a world where we have collapsed distances, torn down walls and spread information.

For Americans, it has brought us great bounty and has been, on balance, an enormous blessing. But it has also created vast new opportunities for the forces of destruction to come into our lives. My wife represents New York in the Senate. They have a million Dominicans alone. If the Caribbean has the second fastest growing rates of AIDS in the world, can New York escape it? We depend upon continually expanding markets for America's economy to grow. If half the people are still living on \$2 a day or less 10 years from now can we continue to grow? We haven't changed human nature. And therefore, there will always be organized forces of destruction unless we succeed in finding a pill to change human nature or solve every problem on Earth. So if we take down barriers, collapse distances, spread knowledge, we are inevitably vulnerable here in ways that we never were before to those organized forces of destruction. Therefore, what happened on September the 11th is the dark flip side of the positive things that have come into a world without walls. That means that the great question of the 21st century is whether, on balance, it'll be a good thing for you and your family, your country and people like you in every corner of the world; whether we can expand the forces and reach of positive interdependence and shrink the impact of negative interdependence.

What are we going to do now?

First, let me try to put this into some perspective. In the whole of human history, no terrorist campaign has ever won on its own. Even when coupled with a successful conventional military strategy, terrorism has almost always backfired. In the great crusade that succeeded in capturing Jerusalem, the Christian soldiers burned a synagogue and killed 300 Jews, and proceeded to slaughter every man, woman and child who was a Muslim on the Temple Mount. And I promise you that story is being told today in the Middle East. We are still paying for it, and it was not necessary for the military campaign.

When I was a boy growing up in the South, when we should have been focusing on civil rights and equal rights for African-Americans, instead young white boys still learned the story about how General Sherman marched to the sea by burning all of the farms and burning Atlanta. It was, in fact, a brilliant military campaign, and by modern and ancient standards, rather tepid terrorism. He didn't kill innocent women and children. He just burned all of the farms and burned Atlanta to break their spirit and make them hungrier. But it was dumb politics that our efforts at national unity had to deal with for a century afterward.

The terrorist therefore, cannot win unless they affect the way we think and act. They want us to be afraid of them. They want us to be afraid of each other, and they want us to be afraid of the future—don't get on an airplane, don't put any money in the stock market, don't expand your business, lay people off, the Moslem sitting next to you might have a gun or a knife and they're coming again.

They want us to shrink. And they believe that terrorism might work in this modern world to achieve their objectives because we

have collapsed distances and because the filaments of our economy are so delicately interrelated, so that they can have a big economic impact in southern Manhattan and scare the living daylight out of people all over the world who see it unfold. But they still can't win unless we give them permission. We are not about to give them permission.

So what are we going to do?

First, we have to support the president and all those who are leading us in the fight against the present terrorist threat. We will get better at this. Better at playing defense. Better at offense.

You should know that hundreds and hundreds of your fellow citizens, dedicated public servants, have been working at this for years to protect you from the awful thing that occurred on September the 11th. And they have had some astonishing successes since we got our own wake-up call back in the early '80s when our soldiers were killed by the suicide truck bomb in Lebanon. In my time, they stopped planned attacks on the Holland Tunnel, on airplanes flying from Los Angeles to the Philippines, on the pope. During the millennium celebration alone, a dozen planned terrorist attacks were thwarted, including planned attacks on the northeast and the northwest of our country by bombers who were picked up coming across from Canada. A plan to put a bomb at the Los Angeles airport, a plan to blow up the biggest hotel in Amman, Jordan. A plan even to blow up one of the Christian holy sites in the Holy Land. For those things which have been done, many people have been arrested and put in jail or executed. But obviously, everything that was done was not enough to prevent what happened on September 11th. So we have to make our defenses better. Airline security is being improved. We are also facing the fact that we have to do a much better job of using modern technology to track people when they are in our country. That will be done. And the president in the current campaign against the Taliban and Mr. bin Laden, with the help of our allies, is bringing to bear military forces to support our law enforcement efforts. And I might add, doing it in a way which deserves our commendation, accompanying it with humanitarian aid and making every effort not to do what bin Laden wants us to do, which is to kill as many civilians as he did so he can say we're no better than him. And I applaud the way this campaign has been conducted. Now, so we have to continue to do this.

But the second thing I want to say is that though nothing can ever justify the killing of innocents and terror tactics, we have to realize that we must do more to reduce the pool of potential terrorists. This is manifestly not about blaming America. I don't belong to that crowd. But it is about knowing our enemy, understanding the threats and acting according to our interests and our values. So many of the countries where terrorists recruit have 50 or 60 or more percent of the people who are under 18. Kids who never go to school, or if they do, are mostly indoctrinated instead of educated and know they won't have a job when they get out. So America must continue to work to reduce global poverty and to increase economic empowerment through education and other proven strategies.

We had a huge bipartisan effort last year to lead the world to its first big round of targeted debt relief for the 24 poorest countries in the world. So they got the debt relief, but only if it went to education, health care or economic development. We should do more of that. We funded 2 million micro-enterprise loans for economic empowerment among the world's poor. We should do more of that. We

tripled overseas efforts to reduce AIDS by treatment and prevention. And the current administration has pledged \$300 million, I think, to the Secretary General's Global Health Fund to fight AIDS, TB, malaria and diarrhea-related disease. We should do more of that. We should reduce the pool of potential terrorists by showing people that we will not claim for ourselves what we would deny to them.

We should continue to promote democracy throughout the world. It is no accident that the most fertile recruitment grounds for terrorists in the world occur in countries that are not democracies. Because when people cannot exercise any responsibility for themselves, they are kept in a state of permanent collective immaturity, and it becomes quite easy if they are in distress to convince them that our success is the cause of their problems. This creates, I might add, agonizing dilemmas for leaders of such countries, many of whom have been our friends but also are terrified by stirring dissent in their own countries. And it is going to be a significant challenge for us when the current military campaign is over.

But if you look at the Middle East, it's no accident that perhaps the stablest country is not the richest. Jordan is a country that is ripe for trouble. A majority of its people are no longer Jordanians; they are Palestinians. Indeed, the young queen of Jordan is a Palestinian. But the late King Hussein several years ago recognized that he had to find a way if he wished to preserve the monarchy as a relevant institution in modern times to give the people of Jordan some greater say over their own lives. So they began to have elections, real elections where real parties could run, including militant Islamic fundamentalists who could get elected to parliament. The problem is, as we all find, after the campaign when you get one of these jobs, you actually have to show up for work. And when you have to show up for work, people expect you to deliver, especially if they can hold you accountable. And so people of highly extreme political views have to reconcile them to get decisions made so that the country can go forward. You may have noticed some of that occurring in the previous years in America.

The same thing will happen in other countries with people of different views. The king of Jordan can still replace the prime minister. He is still the spokesperson and the leader of the state and the person who charts a course in foreign affairs. He comes to see our president in times like this. But it's an example of the kind of thing that we need more of. Because if people have no outlet for their frustrations at home and never have to take any responsibility for themselves, then they will never have an awareness of what they have to do to solve their own problems and to get the help that they may well deserve and to make the most of it if it comes.

This is a big issue and will grow larger in the years ahead.

Finally, we have to continue our efforts to show people all over the world that America is not the enemy of any faith or any people. Actually, Mr. bin Laden has a pretty hard case to make against America if you look at all the facts.

The last time we used military power was to protect the lives of poor Muslims in Bosnia and Kosovo. We lead the world in the debt forgiveness campaign I just mentioned. We stood for a fair and a just peace in the Middle East, which would have given the Palestinians their state, and their equities in their religious sites and a chance to make a genuine economically successful partnership with the Israelis.

We are not the enemy of the poor of Islam in the Middle East or anywhere else in the world.

I also think it's important to point out, however, that we'll have to keep working on this. We've got more to do there. And we have to keep working at home.

I was very encouraged when the president went to the mosque and met with the Muslim leaders to point out to the American people that Islam is not our enemy. The attacks on Muslims and mosques are regrettable. They are by in large carried out by people who are angry and scared and still ignorant of the roots and the diversity of Islam, because we're still learning about each other.

Sikhs have been attacked because they wear turbans and the Taliban does too. An Indian Christian was attacked because he looked like he might have been one of them.

We're still getting it right here. One the most moving encounters I've had since I started going into New York was outside the armory crisis center when I was talking to all of these victim's families, this huge guy was a head taller than me, was standing there, and he had big tears in his eyes. And I said, "Have you lost someone?" He said, "Not in my family." But he said, "I am an Egyptian Muslim American." And he said, "Believe it or not, I probably regret what happened more than you do. And I am so afraid my fellow Americans will never trust me again." That's one of the things they want. And we can't give it to them. We have to continue to live up to our founders' injunction about making a more perfect union.

The last thing I want to say is this: This is about more than what we do, it's about who we are, who they are and what the 21st century's going to be about. For between ourselves and the Taliban and Mr. bin Laden, there are radically different views about the nature of truth, the value of life and the content of community. It is at the root of all of this, would not be solved if we had perfect policies in all the areas that I mentioned.

They believe they have the truth. And if you agree with them, you've got it too. And if you don't—well, you know that.

We believe, and have believed since we were founded as a democracy, that no one has the whole truth; that the truth is something we can only fully realize when we're in a different place than Earth; that we are humans, by definition, fallible. We are on a journey toward understanding the truth.

This difference leads to radically different conclusions about the value of life. We believe everybody counts, everybody has a role to play, everybody deserves a chance. We have to learn from each other. They believe there are three categories of people: the people who accept their truth, who are Muslims; the Muslims who don't, who are heretics; and those that are Muslims, who are infidels. And if you are in the latter two categories, well, just to hell with you, even if you are a 6-year-old girl who just wanted to go to work with her mother on September the 11th at the World Trade Center.

They believe a community is people—made up of people who are all the same, who have the same religion, and the same beliefs and practice the same way, and that those beliefs have to be enforced by rigorous authority so we see on the television the excerpts from that movie, "Behind the Veil," with those Afghan women imprisoned in their burqas—I don't even know how they breathe in them—being beaten on the street by sanctimonious men with their little sticks, or in one case shot.

We believe that anybody can be part of our community as long as you accept the rules of engagement: individual equality, mutual respect, obedience to the law. We think we all do better when we work together. And this is a much more interesting country than it was 30 years ago because we have people here

from everywhere. We've got people in this room here tonight from everywhere. Now our kind of community has a lot of problems. We still have hate crimes. We still have—because we're more open, we're vulnerable to the things that happen that we deplore. But it has created a lot of good, and it's given a lot of people from everywhere a chance to live their dreams.

Their kind of community has created 4.5 million refugees. So people are voting even there.

It's very important that you understand that we are up against a worthy adversary: a man of great intelligence, great wealth, great boldness who honestly believes he has the truth with his top aides.

It's also important that you believe—even though sitting here tonight you agree with me, that you understand this is very hard to do. We all organize the world into categories so we can think and function. We have to. Men, women, boys, girls, adults, children, black, white, Muslim, Christian, Ba'hai. Buddhist, business, labor, government, education. We have to. We have to organize reality into these little boxes.

And then our whole lives are spent acquiring the wisdom to understand that they do not reflect reality, they just capture a piece of it we can use so we can come to understand the unity of the human spirit and the human community. But it's very hard.

Look what happened to the greatest people of the age. Gandhi killed, not by a Muslim, but by a Hindu because he was a Hindu who wanted India for the Muslims and the Jains and the Sikhs.

Sadat killed by the organization the number two guy in Afghanistan heads today. Not by an Israeli rocket, but by an angry Egyptian who hated him for being willing to lay down a lifetime of military service to make peace with Israel.

My friend Yitzak Rabin killed, not by a Palestinian terrorist, but by an angry Israeli who thought he should not reach across the divide to recognize the legitimate aspirations of the Palestinians and try to bring an end to decades of slaughter and insecurity.

Mandela survived, praise God, but only after giving up 27 of the best years of his life, so that he was able to reach out to the other side without having the people of his own ethnic group and political views think he had betrayed them. This is not easy to do.

But if you look at America's long journey, it is worth the effort. So, yes, let us support the president. Let us win this battle. But let us look down the road to reduce those negative resources and spread the reach of those positive ones so that what we have sought for America we can one day offer to all of the world, and so that our children will see that we met this task in a way that not only helped their lives, but the children like them in every corner of the Earth.

Thank you, very much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

GEORGE W. BUSH.
THE WHITE HOUSE, October 23, 2001.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1909. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1910. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1911. Mr. MCCAIN (for Mr. BROWNBACK (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1912. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1913. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, *supra*.

SA 1915. Mr. MCCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1916. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1917. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1918. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1919. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, *supra*.

SA 1920. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, *supra*.

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1909. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amend-

ment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

SA 1910. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 163, line 19, after "Syria" insert the following: " , or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

On page 177, line 19 after "Sudan," insert the following: "or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

SA 1911. Mr. MCCAIN (for Mr. BROWNBACK (for himself, Mr. MCCONNELL, and Mr. LEAHY)), proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

SA 1912. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 144, line 6, after "That", insert: " , in addition to funds otherwise available for such purposes."

On page 144, line 9, after "State", insert: " , and not more than \$4,500,000 shall be available for administrative expenses of the United States Agency for International Development".

SA 1913. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 214, line 13, strike "30" and insert in lieu thereof: "15".

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 121, line 10, after "1961," insert the following: "including in areas where population growth threatens biodiversity or endangered species,".

SA 1915. Mr. MCCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 219, line 15, strike everything after "That" through "equipment" on line 24, and insert in lieu thereof the following: "not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committee on Appropriations".

SA 1916. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

SA 1917. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 155, line 21, after "later" insert the following: "*Provided further*, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106-429, is amended by inserting "or 2002" after "2001".

SA 1918. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, ex-

port financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 225, line 18, after "any" insert the following: "new project involving the".

On page 226, line 16, strike "15" and insert in lieu thereof: "10".

On page 227, lines 5 and 6, strike "United States executive directors of the international financial institutions" and insert in lieu thereof: "Secretary of the Treasury".

On page 227, line 17, strike "Agreement and its Annexes" and insert in lieu thereof: "Accords".

SA 1919. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 125, line 1, strike "\$25,000" and insert in lieu thereof "\$35,000".

SA 1920. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 137, strike everything after "available" on line 9 through "schools" on line 12 and insert in lieu thereof: "to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools".

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, between lines 23 and 24, insert the following:

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

SEC. 581. Section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note) is amended—

(1) by striking "United States" and inserting "(a) RESTRICTION.—United States"; and

(2) by adding at the end the following: "(b) WAIVER.—The President is authorized to waive the restriction in subsection (a) if the President determines that it is in the national security interest of the United States to do so.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 23, 2001, at 9:30 a.m., in open session to consider the nominations of Joseph E. Schmitz to be Inspector General, Department of Defense and Sandra L. Pack to be Assistant Secretary of the Army for Financial Management and Comptroller.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Madam President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 23, 2001 at 10:15 a.m. to hold a hearing.

Agenda

International Convention for the Suppression of Terrorist Bombings (Treaty Doc. 106-6) and International Convention for the Suppression of the Financing of Terrorism (Treaty Doc. 106-49).

Witnesses: The Honorable Francis X. Taylor, Coordinator for Counterterrorism, Department of State, Washington, DC; the Honorable William H. Taft, IV, Legal Adviser, Department of State, Washington, DC; the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Brian Hanley, a fellow in my office, be allowed to be in the Chamber throughout the debate on the foreign operations appropriations bill.

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

**UNANIMOUS CONSENT REQUEST—
S. 739**

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, and I ask unanimous consent that the committee amendment be agreed to, the amendment to the title be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

This is the veterans homeless bill. This is a bill that provides support for homeless veterans.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, on behalf of another Member on this side of the aisle and not myself, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I very much appreciate the Senator from Kentucky saying that the objection is not on his behalf. I say to whoever is objecting that I am going to do this every day. I would like to know who objects. It is interesting. I am not going to mix the agenda. But in all due respect, it is hardly helpful to veterans to object to a piece of legislation that passed with unanimous support out of the veterans committee of Republicans and Democrats alike focusing on what is a national scandal.

If you look at the number of men who are homeless—there are too many women and children—probably about 30 percent of them are veterans. Many of

them are Vietnam veterans. Many of them struggle with addictions.

This piece of legislation was a bipartisan piece of legislation coming out of committee. LANE EVANS has done great work for veterans in the House of Representatives. He has taken the lead. It is legislation named after Katie Marie Harman, who is Miss America. Her dad is a disabled veteran. She has made it her priority.

I say to whoever is objecting that I would like for them to come out on the floor of the Senate and object. Tomorrow I will spend as much time as I can finding out who is objecting to this piece of legislation. Pretty soon we will either find out, and we can work it out together, or I will figure out a way to come out on the floor with this legislation and take a long time talking about what is on for veterans and the health care needs in particular.

The fact that I can't even move a piece of legislation that passed with unanimous support out of a committee that deals with providing a little bit of help to homeless veterans—I am not being histrionic; I am not trying to be melodramatic—is just plain maddening.

My God, in order to have a piece of legislation that deals with universal health care coverage and national health insurance, there can be a debate about the role of the Government.

Economic stimulus, I hope we will have that debate. There are many other issues. But when you take the most modest step that you can think of—I will start outlining the provisions of this bill tomorrow when I get a chance—and you have support among Republicans and Democrats in the committee and you believe you can move it and you have a lot of veterans who are hopeful about it—a number of them came from all around the country to testify for this legislation—then we have some anonymous objection.

That is enough said for tonight. I hope tomorrow I can find out who is objecting and that we can pass this by unanimous consent.

I was working on amendments for this foreign operations appropriations bill. I want to let Senator REID, the whip, and other Senators know that the first thing tomorrow morning, or whatever best accommodates the Senate's schedule, I will come to the floor with amendments and be ready to go with time limits.

I will be very anxious to get done tomorrow. I am glad we are in session. I am glad we are on this piece of legislation.

Mr. REID. Madam President, that is very good. We want to finish this bill as quickly as we can. It is an important piece of legislation. We talked about it for a long time today. We are going to come in tomorrow at 10:30. If the Senator can be here at 10:30, as soon as we finish the business of the day, we will move right to his amendments. I would like to be able to tell the managers.

How many amendments will the Senator have tomorrow?

Mr. WELLSTONE. Madam President, if it is OK, I will ask unanimous consent when we come back on the floor that I be allowed to introduce the first amendment.

Mr. REID. The managers are not here. I wouldn't like to do that without their being here. How many amendments is the Senator going to have?

Mr. WELLSTONE. Three amendments. I will have one amendment that deals with the humanitarian crisis right now in Afghanistan. I am hoping the managers will accept it. I think it is a good statement. I think it is exactly what we are committed to as a nation.

I will take 20 seconds tonight to say that the President—and he was eloquent—said our military effort is not aimed at the innocent people in Afghanistan; we are going after terrorists and those who harbor terrorists. I think one of the best ways we can show that we are good people who commit by way of deed is to make a serious effort on the humanitarian front. We are going to have hundreds of thousands of children who are going to starve to death. The first amendment is going to be a resolution that talks about the need to make this a priority.

The second one is going to deal with the Andean plan, Colombia, and some of my concerns about human rights. The third one will be also a human rights amendment. I can do all of these with a time limit.

Mr. REID. Senator DURBIN and I spoke at some length on the floor this morning about the war in Afghanistan. It is certainly not against the people of Afghanistan. It is against the Taliban, which has treated people so brutally, especially women.

There are some good provisions in this bill already that relate to aid generally for the people of Afghanistan. So I personally look forward to hearing the Senator tomorrow. I am sure the managers look forward to his amendments. I am sure they would look forward to some reasonable time agreement to move forward on those amendments as quickly as possible. Hopefully one, two, or three of them can be accepted tomorrow.

Mr. WELLSTONE. I thank the majority whip. I hope one, two, and three of them will be accepted as well. That would be a first for me, but I will certainly try.

I yield the floor and suggest the absence of a quorum.

Mr. REID. Will the Senator withhold that, please?

Mr. WELLSTONE. I withhold and yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar Nos. 464 through 469, 476 through 489, and the nominations at the Secretary's desk; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.

EXECUTIVE OFFICE OF THE PRESIDENT

John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) James C. Olson
Rear Adm. (lh) James W. Underwood
Rear Adm. (lh) Ralph D. Utley
Rear Adm. (lh) Kenneth T. Venuto

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Dale G. Gabel
Capt. Jeffrey M. Garrett
Capt. David W. Kunkel
Capt. David B. Peterman

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Duncan C. Smith, III

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Stephen W. Rochon

DEPARTMENT OF JUSTICE

Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Thomas M. DiBiagio, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Thomas E. Johnston, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Donald W. Washington, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner, II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

COAST GUARD

PN1107 Coast Guard nominations (63) beginning Bryon Ing. and ending Joseph E. Vorbach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE EXECUTIVE CALENDAR AND APPROPRIATIONS BILLS

Mr. REID. Madam President, let me just say, and spread on the RECORD today, these are 20 nominations that have been approved today, not counting those military promotions that are also part of the Executive Calendar. We have approved four judges. We have approved some very important Department of Justice nominations, including U.S. attorneys. We have an Assistant Attorney General. There are some very important matters we have done today. I think it is important we have done this.

I say to my friends on the other side of the aisle, speaking for Senator DASCHLE and all of us on this side of the aisle, we are very happy that we are moving to the appropriations bills. We need to work together. We are glad we are able to do that now.

We are so happy we have been able to confirm these nominations. We look forward to confirming a lot more in the immediate future. We also look forward to working through these appropriations bills.

The two managers on the foreign operations appropriations bill—Senator LEAHY, the chairman of the subcommittee, and the ranking member, Senator MCCONNELL—are two of the most experienced legislators we have. I think we should be able to move through this legislation very quickly.

I am happy that in the morning we will have something on which to work.

The Senator from Minnesota is going to be in this Chamber to offer amendments. We have every intent of finishing this bill tomorrow afternoon as early as possible.

ORDERS FOR WEDNESDAY, OCTOBER 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, October 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Foreign Operations Appropriations Act.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, October 24, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE RAYMOND G. KAMMER, RESIGNED.

DEPARTMENT OF STATE

MELVIN F. SEMBLER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

ROBERT M. BEECROFT, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF MISSION, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE), BOSNIA AND HERZEGOVINA.

CHARLES LESTER PRICHARD, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR NEGOTIATIONS WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) AND UNITED STATES REPRESENTATIVE TO THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN MARSHALL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE TERRENCE J. BROWN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

PHILLIP BOND, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN H. MARBURGER, III, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES H. PAYNE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

JAY S. BYBEE, OF NEVADA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ANNA MILLS S. WAGONER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MARGARET M. CHIARA, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

THOMAS C. GEAN, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

JAMES MING GREENLEE, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

THOMAS M. DIBIAGIO, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DONALD W. WASHINGTON, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

COAST GUARD NOMINATIONS BEGINNING BRYON ING AND ENDING JOSEPH E. VORBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 3, 2001.