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## Senate

The Senate met at 11 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

### PRAYER

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

Let us pray.

Eternal Spirit, teach us how to trust You without wavering. Keep us from feeling discouraged when we face life's storms, as You remind us that You order our steps and control our destinies. Increase our faith so that we will stay optimistic, even when the glass seems half empty.

Lord, continue to sustain our Senators. When pressed by challenges, give them courage in danger, steadfastness in trials, and perseverance in difficulties. Give each of us loyalty when loyalty is costly and a joy which the world can neither give nor take away.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 19, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a

Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today, we will begin consideration of H.J. Res. 52, which approves the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. We have shortened the statutory time limit. There will now be a 1-hour-20-minute period of debate on the resolution. Thus, Senators can expect a vote on the Burma resolution sometime between 12 and 12:30 today, probably closer to 12:30.

Following that vote, we will recess until 2:15 for the weekly policy luncheons. Following the recess, we will resume consideration of the Foreign Operations appropriations bill. Our intentions are to finish that bill, the Foreign Operations appropriations bill, tonight. We have been on the bill Friday and Monday, and will be now today, with plenty of opportunity for our colleagues to come forward, offer their amendments, and debate their amendments. So our plans are to stay today to finish the Foreign Operations bill. I do want to encourage Senators to contact the cloakrooms right now, early this morning, if there are other amendments to be considered. The two managers will be here to consider those amendments. Again, our intentions are to finish that appropriations bill.

Over the course of the week, and into next week, before our recess, but most immediately this week, we have a

highway extension that will have to be done later today. We have an issue concerning native Hawaiians that we are working very aggressively on in order to bring it to the floor. We will continue to work over the course of the next several hours to determine how best that can be brought to the floor and debated. We have the Department of Defense authorization, an important bill that we will be addressing before the recess. All of this is dependent on us first completing the Foreign Operations appropriations bill. So there is much work to do. We will keep our colleagues informed as to what the specific plans are, but we have a lot of business before we depart for the recess.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

### FOREIGN OPERATIONS LEGISLATION

Mr. REID. Mr. President, the only two amendments I am aware of—there could be others; that is why I think it is good we make a call for other amendments—is one Senator DORGAN has indicated he may offer dealing with the Unocal sale and the amendment being contemplated by the Senator from California, Mrs. BOXER. And we have a pending amendment that I understand can be worked out. That is Senator LANDRIEU's amendment on adoptions.

So it appears we should be able to finish this bill today. I see no reason we should not be able to. We will wait until we hear from Senator DORGAN and Senator BOXER. I say to them, through their staffs who are watching, they should come forward and offer their amendments if they are going to offer them.

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



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I have a very short statement I would like to make.

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### PRIME MINISTER OF INDIA

Mr. REID. Mr. President, I am pleased the Indian Prime Minister spoke today before a joint session. His remarks were thoughtful. He spoke of the great promise and values our two nations share—first of all, democracy.

I also welcome to the Senate today several Indian Americans from Nevada, including my friend, Dr. Chanderaaj, and several of my friends from the Sikh community in northern Nevada. I have gotten to know them. They did a number of events for me this past year. They are very interested in government. I am so impressed with them and their community, located mainly in Carson City, NV. They traveled throughout the night so they could be here today for this historic event.

The contributions of the Indian American community to Nevada and to this country are significant. They have made such a positive impact in communities across the Nation.

What we have going on in southern Nevada is exemplary. We have an Asian-American community there. There is no distinction between Pakistanis and Indians. They meet together; they join together. Unless you are familiar with the two communities, you could not tell them apart. They work together. Our largest and most famous Indian restaurant in Las Vegas is run by a Pakistani.

So, Mr. President, I am very happy they have made such a positive impact in Nevada and communities all across this great Nation. That is why I am so pleased the Prime Minister could be here today: to join our two great democracies, to recognize the common bonds between us, and to celebrate the promising future that lies before us.

I would be remiss if I did not recognize one of the leaders of the Indian community, someone who has been involved in government and politics. He helps Republicans; he helps Democrats. He is very interested in government. He is a physician by the name of Prabhu, who is a friend to so many of us. I acknowledge him today as being someone who has done so much to bring the communities together.

Thank you very much, Mr. President.

#### RESERVATION OF LEADER TIME

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

#### IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will proceed to the consideration of S.J. Res. 18, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The ACTING PRESIDENT pro tempore. Under the previous order, the joint resolution will be read a third time and placed back on the calendar.

The joint resolution was read the third time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the immediate consideration of H.J. Res. 52, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 52) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour 20 minutes for debate on the joint resolution.

Mr. REID. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time run equally against all participants.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, a little more than 2 years ago, thugs working for the military strongmen of Burma attacked Aung San Suu Kyi and members of the opposition party that she leads, the National League for Democracy. The Government put Suu Kyi into what they call "protective custody." She remains under house arrest to this day.

In response to this heinous attack, America banned imports from Burma. We in Congress believed something had to be done. In 2002, those imports were valued at \$350 million, mostly in garments.

In the autumn of 2003, Burmese Prime Minister Nyunt, who had opposed the attack on the opposition party, called for a seven-point road map to Democracy.

But the road map led to nowhere. And a rigged national convention broke down when opposition representatives rightly decided to boycott it.

The strongmen of Burma then removed Prime Minister Nyunt from his post. They placed him under house arrest, for supposed corruption. And they replaced him with a hard-line general, whom many believe to have planned the attack.

Where does this leave Burma? In short, the ruling generals have consolidated their grip on power. And govern-

ment security forces continue to inflict innumerable human rights violations on the Burmese people.

This is a tragic situation. The long-suffering people of Burma deserve to be rid of the criminals who purport to represent them.

But what is the best way to do that?

When the Senate first considered banning Burmese imports, Senator GRASSLEY and I worked hard to ensure two key conditions.

First, we made sure that Congress would retain its constitutionally vested power to impose and evaluate trade sanctions. We should never write the President a blank check.

Second, we made sure that the law would direct the administration to work with other nations, to make these sanctions work. Unilateral sanctions seldom work. Unilateral sanctions typically harm innocent citizens far more than the odious rulers against whom they are aimed.

Sadly, events on the ground in Burma suggest that these unilateral sanctions have proved no exception to the rule. The sanctions have harmed innocent citizens. And the odious rulers remain in place.

The U.S. ban on Burmese imports caused a number of Burmese garment factories to close. Tens of thousands of garment workers, overwhelmingly women, lost their jobs. And more Burmese women, with nowhere else to go, turned to prostitution.

Today, the Burmese garment industry has to some extent rebounded, sustained by new orders from Canada, Europe and Latin America.

U.S. sanctions against Burma might have been more effective if other countries would join us in isolating the Burmese regime. But that has not happened.

To the contrary, China has embraced the Burmese government. China has invested in Burma's energy sector. And China has extended generous aid packages to Burma, including a \$356 million aid package that more than makes up for Burma's loss of America's import market.

Thailand and India share a long border with Burma. But Thailand and India have their own ideas about how to deal with Burma's military rulers. And those ideas do not include joining U.S. sanctions.

And ASEAN member countries continue to welcome Burma to their economic summits.

This is not a record of success.

Nevertheless, I will vote to renew the sanctions on Burma for another year. But I do so with an eye toward next year, when the sanctions automatically expire.

I know that most of my colleagues will vote reflexively to renew these import sanctions. Boycotting Burmese imports allows us to express our collective disapproval of the awful regime running Burma. But I hope that my colleagues will take a moment to consider whether a boycott is the best thing for the Burmese people.

Next year, if my colleagues seek to extend the Burmese import sanctions, Congress will have to enact new legislation to do so. At that time, I hope that we can have a more extensive debate on how best we can help the cause of freedom, and how best we can help the Burmese people.

Mr. President, I note the presence of the Senator from California on the floor, a leader on this issue.

I yield the floor.

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

Mrs. FEINSTEIN. Mr. President, I thank the Chair and the distinguished ranking member of the Finance Committee. I caught the tail end of his remarks, and what I heard I agree with.

I rise today with my colleague from Kentucky, Senator MCCONNELL, in support of the resolution renewing import sanctions against Burma. The House overwhelmingly passed this resolution in a 423-to-2 vote. I believe it is time for the Senate to follow suit.

Almost a month ago, Nobel Peace Prize winner and leader of Burma's democracy movement Aung San Suu Kyi celebrated her 60th birthday under house arrest. She has spent the better part of the past 15 years imprisoned under house arrest.

The brutal military regime, the State Peace and Development Council, has gone to extraordinary lengths to prevent Suu Kyi and her National League for Democracy from assuming their rightful place as leaders of the Burmese state.

It is worth repeating that the NLD decisively won their parliamentary elections in 1990, results that were soon nullified by the military junta.

Two years ago, Congress passed the original sanctions legislation, the Burmese Freedom and Democracy Act, following a brutal attack by progovernment thugs on a motorcade carrying Suu Kyi and several of her NLD colleagues. That bill imposed a complete ban on all imports from Burma for 1 year and allowed those sanctions to be renewed 1 year at a time for up to 3 years.

Last year, in response to the failure of the SPDC to make "substantial and measurable progress" toward a true national dialog on national reconciliation and recognition of the results of the 1990 elections, Congress passed and President Bush signed into law a renewal of the import sanctions for another year.

One year later, it is clear the military junta has taken no steps toward restoring democracy, releasing Suu Kyi and all political prisoners, and respecting human rights and the rule of law and, therefore, we believe we have no choice but to renew the sanctions again for another year.

Some may argue that since we are no closer to a free and democratic Burma since Congress passed the Burmese Freedom and Democracy Act 2 years ago, we should let the import ban expire and attempt to "engage" Rangoon.

I disagree. I urge my colleagues to stay the course for this additional year. I ask them to remember that the Burmese Freedom and Democracy Act of 2003—a 1-year ban on Burmese imports—allowed those sanctions to be renewed twice for 1 year at a time if Burma failed to make "substantial and measurable" progress toward restoring democracy.

We have almost completed 2 years of the import ban and, if we pass this joint resolution, we will renew the sanctions for a third year.

If Congress does not renew the import ban when the military junta has so clearly failed to meet the conditions set out in the original legislation for having the sanctions lifted, we will reward the SPDC for its inaction and for their continued suppression of the entire Burmese people and we will send a clear message to Aung San Suu Kyi and the National League for Democracy that the United States does not stand with them.

Brutal regimes around the world would know that if you simply wait for the United States to give in, they will do so. The damage to our reputation as leader for freedom and human rights will be devastated and will take years to repair. We simply cannot afford to make that mistake.

Let me be clear, I don't support sanctions as a panacea for every foreign policy dispute we have with another country.

Each case needs to be judged on its own merits and needs to have substantive debate. Congress needs the opportunity to revisit sanctions on other countries in a timely fashion. Indeed, next year, when the import ban contained in our original bill of 2003 expires, we will have the opportunity to judge any progress made by Rangoon over the next year towards restoring democracy and possibly debate new sanctions legislation, or let the legislation expire.

We know in some cases sanctions can be effective. I think South Africa is the one case where that has proved to be the case. While Burma's military regime has totally failed to respect democracy, human rights, and the rule of law, world opinion is coming together to put additional pressure on Rangoon.

In fact, members of the Association of Southeast Asian Nations, called ASEAN, from Malaysia to Singapore and Indonesia, have expressed concerns about Burma assuming chairmanship of the organization next year and have pushed Burma to make progress on democratic reform.

I, frankly, believe ASEAN's prestige and effectiveness would be substantially undermined and reduced if Burma assumed a leadership position in ASEAN. More fundamentally, it would signal that ASEAN has been totally ineffective in moving this military junta toward elections in Burma, or any reconciliation, for that matter, with the duly elected government led by Aung San Suu Kyi.

The way Senator Bill Cohen and I began this many years ago was to give a period of 6 months for ASEAN to exert its influence on Burma, and then we gave the Secretary of State—who was then Madeleine Albright—the ability to trigger these sanctions. In fact, ASEAN was unable to achieve any change in Burmese military behavior. So Secretary Albright, at the time, triggered the sanctions.

In a recent op-ed in *The Nation*, Datuk Zaid Ibrahim, president of the ASEAN Caucus on Burma, called on the members of ASEAN to defer Burma's chairmanship for 1 year and condition its assuming the chairmanship at a later date on progress toward democracy and national reconciliation.

This is important. I hope the ASEAN nations defer the chairmanship. I hope they insist on progress. I hope they say the time has come to release Aung San Suu Kyi and to effect a democratic reconciliation to this impasse.

Mr. Ibrahim added:

A mere facade of political reform will not lead to stability and progress in Burma and will not alleviate the impact throughout the region. ASEAN stands ready to assist Burma, but ASEAN's good will must be met with the Burmese government's political will.

I strongly agree. I hope this will be ASEAN's posture. I hope it will be strong, formidable and, to the extent it can, unrelenting.

Of course, I would like to see ASEAN take additional measures to put pressure on Burma, particularly since the spread of narcotics, HIV/AIDS, and refugees across the region can all be traced back to Rangoon.

Denied the most basic of human rights by the repressive regime—including education and health care—the Burmese people endure forced labor, rape, and conscription. Those who dare speak out against the SPDC and its abuses are harassed, imprisoned, or killed. Few realize there are between 600,000 and 1 million internally displaced persons in Burma today, with up to 1,300 political prisoners.

The people of Burma also face a severe epidemic of HIV infection. Measures of the HIV burden are always difficult to assess, but estimates suggest that Burma is believed to have one of the largest HIV rates in Asia, with up to 1 percent of its population infected. That amounts to a half million people. After initial and outgoing outbreaks among injecting drug users, HIV rates have rapidly risen among heterosexual men, blood donors, and are now rapidly rising among women and infants.

I believe the United States can gain additional international support for change in Burma by continuing to take a leadership role on sanctions against this military regime. Now is not the time to turn our backs on the very brave Aung San Suu Kyi and the people of Burma who voted for democracy in 1990. Let's finish what we started with the Burmese Freedom and Democracy Act of 2003. I urge my colleagues to

support a free and democratic Burma and support the joint resolution renewing import sanctions for another year. I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time remains in control of the Democratic Senators on this resolution?

The ACTING PRESIDENT pro tempore. There is 39½ minutes remaining.

Mr. BAUCUS. Mr. President, I ask unanimous consent that 10 minutes of that time be reserved for Senator KENNEDY and that I may use such of the remaining Democratic time as I consume for a statement as in morning business.

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

#### VOYAGES OF TRADE AND DISCOVERY

Mr. BAUCUS. Mr. President, 600 years ago this month, a great fleet of more than 300 ships lifted anchor at Nanjing, China, on the first of 7 voyages of trade and discovery. The Chinese fleet counted the largest wooden ships ever built, some with nine masts, massive keels of teak, and decks 400 feet long—you can imagine, longer than a football field.

The Ming Emperor gave his nearly 7-foot tall admiral orders to sail on July 11, 1405, nearly a century before Christopher Columbus and Vasco da Gama left Europe. And all of those European explorers' ships could have fit on a single deck of one of the Chinese treasure ships. The 36-foot rudder of one of the ships stood almost as tall as Columbus' flagship, the *Nina*, was long.

The Ming fleet carried a crew of nearly 28,000, with a medical officer for every 150 souls on board. The fleets carried more than a million tons of silk, porcelain, copper coins, and spices to trade for the riches of the world, on to what the Chinese called the Western Ocean—what we call the Indian Ocean. They reached Sumatra, Ceylon, and India. They went to the Arabian peninsula and Africa's Swahili coast. They made a side trip to Mecca.

At each port, ships with colorful prows delivered platoons of Chinese merchants, ready to do business. In Siam—now Thailand—they acquired sandalwood, peacocks, and cardamom. In Indonesia, they acquired tin. In Oman, they traded porcelain for frankincense, myrrh, and aloe. The Sultan of Aden gave them zebras, lions, and ostriches. In east Africa, they acquired a giraffe.

In 1451, one of the fleet's interpreters would write a memorial of the voyages, exclaiming:

How could there be such diversity in the world?

In Sri Lanka, the admiral engraved a granite slab in Chinese, Tamil, and Persian, seeking blessing from Buddha, Siva, and Allah alike.

In the south Chinese harbor of Changle, the admiral inscribed on a pillar:

[We] have recorded the years and months of the voyages . . . in order to leave [the memory] forever.

He listed his destinations, "altogether more than 30 countries large and small."

He wrote of his efforts:

. . . to manifest the transforming power of virtue and to treat distant people with kindness.

He wrote:

We have traversed more than 100,000 li—

That is 40,000 miles—

of immense water spaces and have beheld in the oceans huge waves like mountains rising sky-high, and we have set eyes on . . . regions far away hidden in a blue transparency of light vapors. . . .

Today, approximately 600 years later, Chinese officials will proudly recall the voyages of the Ming fleet. They will observe that Ming China amassed one of the most powerful naval forces ever assembled, and they will pointedly note that China used the fleet not for conquest but for business and exploration, trade and diplomacy.

Three weeks ago, on June 24, 2005, a fleet of Chinese-made cars began rolling onto a ship in Guangzhou, China, bound for Europe. The fleet counted cars made at a gleaming new Honda factory on the outskirts of the sprawling city of 12 million souls near Hong Kong.

As reporter Keith Bradsher of the New York Times described:

At the new Honda factory . . . white robots poke and crane their long, vulture-like heads into gray, half-completed car bodies to perform 2,100 of the 3,000 welds needed to assemble each car. Workers in white uniforms and gray caps complete the rest of the welds, working as quickly as workers in American factories—but earning roughly \$1.50 an hour in wages and benefits, compared to the \$55 an hour for General Motors and Ford factories in the United States.

In America, General Motors and Ford struggle to pay high health care costs for autoworkers with an average age of nearly 50. In China, most of Honda's autoworkers are in their twenties. They do not go to the doctor much, and when they do, Chinese doctors charge less than \$5 for an office visit and a few stitches.

China's manufacturing companies are rapidly building wealth, and they have begun to trade that wealth for the riches of the world, across the Pacific Ocean.

At airports throughout the world, airplanes with colorful tail wings deliver platoons of Chinese merchants, ready to do business. In May, the Chinese company Lenovo acquired the personal computer division of IBM. In June, a Chinese company bid \$2.25 billion for the Iowa-based appliance company Maytag. Also in June, China National Offshore Oil Corporation bid \$18.5 billion for Los Angeles-based Unocal, whose "76" marketing symbol is one of the most recognized and enduring corporate symbols in America. And all this buying pales next to the acquisition by China's central bank of \$230 billion of American Government debt.

China is pursuing trade agreements with India, Australia, New Zealand,

and Thailand. China is reaching out to the 10 countries of the Association of Southeast Asian Nations, known as ASEAN.

The Chinese are visiting the rest of Asia in greater numbers than before. They bring with them money and optimism about the "new China." The new China has gleaming skyscrapers, modern, productive industries, and a rapidly developing infrastructure.

China has launched a major charm offensive across Asia to promote itself as a desirable place to visit, to invest, and to live. Through ventures such as China Radio International, worldwide television broadcasts, and Chinese language and cultural centers across Asia, China advertises itself as an attractive destination. Increasingly, Asians are forgoing trips to Los Angeles, traveling to Beijing instead. For many young Asians, the gleaming lights of Shanghai illuminate the new Manhattan.

Already 90 million people in China's coastal cities have access to the Internet, and the Chinese own more cell phones than any other people in the world. There are more cell phones in China than there are people in the United States.

China has the world's largest population, the fastest growing economy, the second largest foreign currency reserves, and the third largest trade. China creates one-fifth of world trade growth.

In 2004, America exported 2½ times more to China than it did in 1999, 5 years earlier. My State of Montana exported 11½ times more. But America's merchandise trade deficit with China has more than doubled in the same time. China accounted for a quarter of America's \$652 billion trade deficit last year.

As Tom Friedman writes in his book, "The World is Flat," which I recommend for everyone:

[W]hat is really scary is that China is not attracting so much global investment by simply racing everyone to the bottom. . . . China's long-term strategy is to outrace America and the EU countries to the top, and the Chinese are off to a good start.

China is amassing one of the most powerful economies ever assembled. So America must ask: Will the result be as benign as the voyages of the Ming treasure fleet 600 years ago?

Asia accounts for one-third of the world economy. It is the world's most economically dynamic region. And America needs to pay attention. This administration has launched 20 free-trade agreements, but only one has been in Asia—with Thailand.

Instead of embracing ASEAN, this administration has largely ignored it. The Government has ceded the initiative in Southeast Asia to China. That is how ASEAN views the recent decisions of Secretary of State Rice to skip an important ASEAN gathering later this month. U.S. Secretaries of State have traditionally attended that conference. And this administration has failed to use the Asia Pacific Economic

Cooperation, otherwise known as APEC, as a platform for trade integration. Rather, this administration has turned the organization into little more than a venue to discuss security options.

Since 2000, this administration has negotiated bilateral and regional trade agreements at a furious pace, but most of the agreements the Government has been negotiating offer little real value to America's commercial interests. Why? Because the Government is choosing trading partners more for foreign policy reasons than it is for commercial reasons.

The U.S. Trade representative has finite resources. To be effective, to deliver the greatest benefits to Americans, our Government must direct their efforts where they are most likely to have the greatest effects.

In 1962, Congress created the Special Trade Representative—the predecessor of the U.S. Trade Representative—to remove trade policy from the State Department precisely so that commercial interests rather than foreign policy interests would drive American trade policy. I don't think that has happened. I believe trade shots are called by the White House.

We must focus trade policy efforts where they promise the greatest return for our ranchers, businesses, and our workers. First and foremost, we need to devote more effort to the ongoing Doha round of WTO negotiations. From all appearances, the negotiations are dragging. The pace of progress will have to improve considerably to meet the goal of an agreement by the end of 2006, and that will require a substantial commitment of U.S. leadership and resources.

We need to look more to Asia for bilateral agreements as well. For example, South Korea is our seventh largest trading partner, with a two-way trade totaling \$70 billion. Korea has promised real reforms in its agricultural markets. It has liberalized investment restrictions and lowered merchandise tariffs. I have met with Korean trade officials on several occasions, and they are serious about reforms.

Regional trade agreements in Asia, perhaps under the auspices of APEC, also hold promise. APEC's 21-member economies account for a third of the world's population and about three-fifths of world production. American exporters will get a major boost from a regional free-trade agreement on this scale.

We also need to seek out further sectoral agreements such as the WTO's hugely successful Information Technology Agreement negotiated largely by America, Japan, and Singapore.

We should launch an initiative in the advanced medical equipment sector. Asia has a rapidly aging population, particularly in Japan, Korea, and China. This demographic shift translates into growing demand for advanced medical equipment. America already exports half a billion dollars a

year in medical devices to China and Hong Kong, and these exports are expanding 12 percent a year.

We need to do a better job of enforcing our existing trade agreements.

In China, piracy—the theft of American copyrights and patents—is at epidemic levels. In the past 2 years, companies from General Motors to Sony to Cisco have complained that Chinese have stolen their intellectual property. More than 90 percent of software in China is stolen. American innovators are losing billions of dollars a year.

Combating piracy would help the American economy far more than further agreements with countries whose entire economies are but a fraction the size of our losses to piracy alone. I need only mention CAFTA. CAFTA is a blip compared to other commercial interests we should be pursuing.

China also maintains a troubling currency peg. But retaliatory tariffs are not the answer. Tariffs would violate our WTO commitments. Tariffs would inflame already difficult trade relations with China, invite Chinese retaliation in other areas, and make Chinese imports nearly a third more expensive. Tariffs would hurt American consumers who would pay more for many of the goods that they buy. And tariffs would hurt U.S. companies who rely on Chinese inputs to develop their own products.

Having said that, China's currency peg is a problem. It distorts world markets and hurts both America and China itself. China needs to revise its currency policy.

While issues with China dominate the headlines, there are other enforcement priorities, including in our own hemisphere. In Brazil for example, the government recently forced an American pharmaceutical company to reduce its price for one of its medicines. It did so by threatening to break its promise to protect the American company's patent, and to let a state-owned company make generic copies of the medicine, an outrage.

This is blackmail, pure and simple. And it is illegal. This sort of coercion has no place in our trade relations. It hurts our companies and our workers. And it dampens the incentive to create new and innovative pharmaceuticals.

Our problems with Brazil go beyond just pharmaceuticals. Until recently, Brazil banned the sale of genetically engineered seeds for use in agriculture. These are the kind of high-tech seeds American companies like Monsanto and Pioneer Hi-Bred develop and sell all over the world—but not in Brazil. How odd then, that roughly 30 percent of Brazil's soybeans are grown with genetically engineered seeds. The figure is nearly 90 percent in Brazil's southernmost state of Rio Grande do Sul.

How can this be? Theft. These seeds were smuggled in from neighboring countries where they are allowed, and planted illegally. They were not purchased. They were stolen.

And just like piracy in China, piracy in Brazil costs American industries

dearly. Last year, American companies lost \$930 million in Brazil because of piracy of audiovisual goods. Some estimate that three-quarters of these audiocassettes sold in Brazil are pirated.

Of course we cannot launch a full-fledged WTO dispute to address each and every foreign trade barrier. And the U.S. Trade Representative often rightly attempts to resolve many of these issues through negotiation and other means.

But there can be little doubt that trade enforcement has received a lower priority of late. In the 6 years from 1995 through 2000, the United States filed 67 WTO dispute settlement cases. In the 5 years since, we have filed only 12. That is about an 80 percent decrease.

Too often, our tools to address trade barriers are lying unused, on the shelf. That burdens Americans with economic losses. But what is more, when Americans see that others are cheating, their enthusiasm for trade cools. And we all suffer as a result.

Americans also cool to trade when they see nothing being done to help those who lose from trade. Lowering tariffs and barriers increases competition and benefits many more than it hurts, but it inevitably hurts some.

For more than 40 years, the Government has been helping to retrain workers affected by trade to give them the skills that they need to find new jobs. These programs were expanded in 2002 under the Trade Adjustment Assistance Reform Act, a bipartisan effort and one of my proudest achievements as chairman of the Finance Committee at that time. The reforms expanded eligibility to new categories of workers, created a new health coverage tax credit, and helped older workers with a new wage insurance benefit. Last year, these programs helped nearly 150,000 workers.

TAA is an integral part of a successful trade policy. A few weeks ago, I discussed this very issue with Federal Reserve Chairman Alan Greenspan during a Finance Committee hearing. Chairman Greenspan stated, as he has before, that our trade policy should "assist those who are on the wrong side of the adjustment" caused by trade.

Lately, the Government has not supported TAA. This year, the administration's budget zeroed out funding for the TAA for Firms Program, which pretty much everyone agrees has been useful and cost effective. Last month, the Senate Finance Committee passed an amendment offered by my colleague from Oregon, Senator WYDEN, to extend TAA benefits to workers in the service industry. The administration stripped the language out of the CAFTA implementing bill that it submitted to the Congress.

Liberalizing trade requires a grand bargain with workers. Workers agree to be exposed to increased international competition. It is helpful. But society agrees to erect a strong social safety net to help workers adjust.

When workers' old skills become obsolete, society helps them learn new skills to compete. If we undercut this bargain, we do so at the peril of further trade liberalization and our international competitiveness.

We must press forward with trade liberalization. For, 600 years later, international trade remains as vital to the world economy today as it was to Ming China.

Trade allows Americans to specialize in what we do best. That allows us to improve our international competitiveness and maximize our standard of living.

What Americans do best today is manufacture capital-intensive goods: airplanes, automobiles, and construction equipment.

Americans invent whole new fields, like biotech and nanotechnology, that lead to new products to make our lives better. University of Michigan scientists recently used nanotechnology to deliver a powerful drug inside cancerous tumor cells, increasing the drug's cancer-killing activity and reducing its toxic side effects.

Americans pioneer new services to make our lives better, like Internet banking. We export our services all over the world. Hollywood movies and American television programs are translated into countless languages and watched around the world. American universities educate students from virtually every country on Earth. American insurance companies insure assets in jungles, deserts, and savannas.

And American ranchers and farmers feed and clothe people around the globe.

Freer trade helps us find and open new markets for what Americans do best. New markets provide new opportunities for American workers and their companies. New markets mean greater demand for what Americans produce. And new markets mean more jobs and more investment opportunities to meet the demand.

As we meet the demand of foreign consumers through trade, American products become global products. American brands become global brands. Coke is Coke, the world over.

I might digress and say 40 years ago I hitchhiked around the world with a knapsack on my back in northern Ghana. I went to a little hut. I got off from the back of a truck. I was riding with the cattle in the back of the truck. My driver stopped to pray. He pointed his little prayer mat toward Mecca. In that little hut there was a little refrigerator, no electricity, and there was Coca-Cola. It was a world brand back then. Just think of all the world brands we could have today. On today's voyages, one can find the familiar yellow arches of McDonald's in Cyprus, Slovenia, and Oman.

The American standard becomes the global standard and the international sign of excellence. Excellence means that half of the world's 20 largest com-

panies are American companies—companies like Citigroup, IBM, and General Electric.

Importing products from our trading partners challenges domestic companies to compete. Competition keeps American companies nimble. American companies are constantly coming up with new products and better ways to make them.

Just look at the number of U.S. patents filed by Americans versus the rest of the world. Americans filed nearly 90,000 patents in 2003. That is 50,000 more than the next most innovative country, Japan. In innovation, we are still number one.

The biggest payoff from international trade goes to the American consumer. As more and more companies trade and produce what they are best at producing, prices in supermarkets and department stores plummet. Cheaper products mean that we can afford more of what we need, and our standard of living improves.

The now-ubiquitous cell phone provides a great example. Ten years ago, it was an unaffordable luxury for most Americans. Using one in public aroused curiosity, but trade forced prices to drop. Now many Americans see cell phones as a necessity.

Leaders have not always appreciated the benefits of trade. After the stock market crash in 1929, America enacted the Tariff Act of 1930. That act imposed the now-infamous Smoot-Hawley tariffs that deepened the Great Depression.

During the Presidential campaign of 1932, President Hoover warned that repealing the Smoot-Hawley tariffs would devastate the U.S. economy, why? Because Americans could not compete successfully with workers in poorer countries with lower wages and lower costs of production. It was Franklin Roosevelt who argued that worldwide reduction of trade barriers would benefit both America and its trading partners.

Roosevelt's victory, along with his signing of the Reciprocal Trade Agreements Act, ushered in the modern era of American trade policy.

During World War II, Secretary of State Cordell Hull argued that economic protectionism had fed the animosities that led to the war. He advocated freer trade in the postwar era as a bulwark for peace and prosperity.

This vision led to the General Agreement on Tariffs and Trade, otherwise known as GATT, negotiated during the Truman administration. This forerunner to today's World Trade Organization brought down the disastrously high Smoot-Hawley tariffs and freed \$10 billion of trade from duties.

Democrats can be proud of our role in expanding free trade. Democratic administrations completed and implemented the last three rounds of GATT negotiations. In 1967, the Johnson administration completed the Kennedy Round. In 1979, the Carter administration completed the Tokyo Round. In

1994, the Clinton administration completed the Uruguay Round.

The Clinton administration completed the North American Free Trade Agreement, negotiated the historic bilateral trade agreement with Vietnam, and granted permanent normal trade relations to China, ultimately paving the way for China's membership in the WTO.

The success of trade liberalization has been spectacular, touching the lives and well-being of all Americans. Freer trade has lowered our tariffs from about 40 percent in 1946 to about 4 percent today, and made our trading partners do the same. Freer trade has increased our national income by nearly \$1 trillion a year. Freer trade has increased the average American household's income by nearly \$10,000 a year. Freer trade with China alone saves American households \$600 each year.

Today, 12 million Americans, 1 of every 10 workers, depend on exports for their jobs. International trade now accounts for a quarter of our gross domestic product, up from just 10 percent in the 1950s.

Trade opens our lives to new opportunities and choices. Trade gives us new foods to eat, new movies to watch, and new products to buy.

Strengthening trade ties also contributes to peaceful relations with our trading partners. Our quality of life improves as the world grows ever smaller, shrinking with the better communications and transportation links that develop with increased commerce.

Back in China, Guangzhou Airport has a terminal designed by an American company, boarding gates supplied by a Danish company, and an air traffic control tower engineered by a company from Singapore.

America's Dell Computers is giving the Chinese competitor Lenovo a run for its money in China. Dell now has become China's third-largest seller of PCs, and Dell now produces 3 million PCs in China, as many as Lenovo.

America should welcome China's greater integration into the world market. It may mean that we will have to work a little harder, study a little bit harder, and think a little bit quicker to keep ahead. But those are talents at which Americans excel.

In the middle of the 15th century, China made an abrupt change in foreign policy. Remember just earlier all those ships around the world? China turned inward and abandoned outward-looking trade. Imperial edicts banned overseas travel. To reduce commerce with foreign nations, the new Chinese dynasty burned a swath of land 30 miles deep for 700 miles of its southern coast. Any merchant caught engaging in foreign trade was tried as a pirate and executed.

With the Emperor's death in 1435, the government put a stop to the voyages of the Treasure fleet. Chinese court officials destroyed the plans for the Treasure ships, the accounts of their

voyages, and almost every map and document of the previous period. Sadly, China's golden Ming age came to an end, China's economy fell backward, and the treasure ships became shrouded in the mists of history.

We cannot yet know whether the voyages of today's fleets of Chinese ships will lead to another golden age for China like that of the Ming Dynasty. But we also cannot expect that China will somehow once again abruptly reverse course and turn inward. That will not happen.

Try as regimes after the Ming dynasty did, they could not erase the history of the Ming treasure fleets, whose voyages will leave a memory forever.

Let us respond to today's Chinese fleets with the best spirit of the Ming admiral, and the best spirit of America.

Let us work to advance freer trade, so that for America and for China, we can, in the words of the Ming admiral, "manifest the transforming power of virtue."

Let us work to advance freer trade, to make a better world both for ourselves, and for "regions far away hidden in a blue transparency of light vapors."

And let us work to advance freer trade, because both in terms of new innovations and new trading partners, America's greatest voyages of discovery still lie ahead of her.

Mr. President, under the previous order, do we have up to 10 minutes reserved for the Senator from Massachusetts, Senator KENNEDY?

The PRESIDING OFFICER (Mr. VITTER). The Senator is correct. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see my friend and colleague from Arizona on the floor. I understand by previous agreement we are voting at 12:20, so I am glad to divide the time that is remaining.

Mr. MCCONNELL. If the Senator from Massachusetts will yield for a moment, I believe I have the last amount of time before the vote. I ask the Chair, how much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 18½ minutes.

Mr. MCCONNELL. I will not likely use the entire 18½ minutes. The vote is scheduled to begin at the end of the time, or do we have a time specific for the vote?

The PRESIDING OFFICER. At the end of the time.

Mr. KENNEDY. Fine. I will proceed then for my 10 because I understand there will be adequate time for the others.

Mr. President, I ask unanimous consent my statement appear at an appropriate part of the debate on this issue.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Mr. President, on the matter before the Senate today, the Burma sanctions, I want to point out that this legislation addresses one of

the worst human rights tragedies in the world, the atrocious acts of the Burmese junta. They suppress dissent. They jail opponents. They deny the basic rights of free speech, freedom of religion, and freedom of assembly, and they have had Aung San Suu Kyi under house arrest for many years. So the action we take today is appropriate.

I am proud Massachusetts has led the way to encourage sanctions against this abusive government. In 1996, the Massachusetts legislature adopted a law barring State agencies from doing business with Burma. It was the first step toward national action.

I hope our Senate colleagues will support this measure here today.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I thank Senators MCCONNELL and FEINSTEIN for their leadership in renewing the sanctions contained in the 2003 Burmese Freedom and Democracy Act. I am proud to co-sponsor this legislation.

As we renew the sanctions, I note with sadness that the situation inside Burma grows ever dimmer. The military junta in that country controls the population through a campaign of violence and terror, and the lack of freedom and justice there is simply appalling. The Burmese regime has murdered political opponents, used child soldiers, and forced labor, and employed rape as a weapon of war. Political activists remain in prison, including elected members of Parliament, and last month the courageous woman Aung San Suu Kyi celebrated her 60th birthday in captivity. Her resolve in the face of tyranny inspires me and I believe every individual who holds democracy dear. Because she stands for freedom, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. Burma's rulers fear Aung San Suu Kyi because of what she represents: peace, freedom, and justice for all Burmese people. The thugs who run the country have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shine brightly for the millions of Burmese who hunger for freedom and those of us outside Burma who seek justice for its people.

I know my friend from Kentucky has been very involved in this issue. I ask unanimous consent the Senator from Kentucky and I engage in a brief colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized along with the Senator from Arizona.

Mr. MCCAIN. I again thank my friend and colleague from Kentucky for his commitment to democracy and freedom in Burma in general and his continuing advocacy on behalf of this Nobel Prize winner and truly great citizen of the world.

One of the issues I would like to discuss with the Senator from Kentucky is the fact that a few years ago, Burma

was allowed into ASEAN on the premise that there would be some kind of progress made and by being part of this organization they would seek some kind of legitimacy.

Now, apparently, next year ASEAN is scheduled to meet in Burma. I wondered about the Senator's thoughts about that. Maybe we should give that some more attention as the time approaches.

Mr. MCCONNELL. I thank my friend from Arizona for bringing it up.

Let me point out to my colleagues that the Senator from Arizona has actually had an opportunity to meet Aung San Suu Kyi. I heard him say before what an inspirational experience that was. I wish I had the opportunity to actually meet her at some point. As the Senator from Arizona pointed out, she basically has been under house arrest for some 15 years.

This outrageous regime in Burma is scheduled, as the Senator from Arizona pointed out, to host in Rangoon the ASEAN meeting in 2006. It will be an interesting test of whether the policies of the governments in ASEAN, which basically add up to constructive engagement, will be honored even through that, and everybody will go traipsing to a meeting in Rangoon.

I had an opportunity to have a few words with the Prime Minister of India. They, like ourselves, abhor the regime there and revere Suu Kyi but nevertheless pursue this policy of constructive engagement. Maybe the scheduled meeting in Rangoon will be a way to bring this whole issue to a head and move the governments in the area in the direction of some kind of policy other than constructive engagement. Obviously, this policy is not going to work. I share the Senator's view.

It is unacceptable for ASEAN to meet in Rangoon while this regime is in power and Suu Kyi is in jail.

Mr. MCCAIN. I thank my friend for his continued sponsorship for and renewal of the Burmese Freedom and Democracy Act. I believe it has had an effect inside Burma. I do believe the people who are in prisons and mistreated, as well as San Suu Kyi herself, are aware of our efforts on their behalf.

I thank my friend from Kentucky for his continued efforts on behalf of these people. I believe we should continue to ask that one day they will achieve their freedom—not if, but when. I think the Senator's efforts and our passage of this legislation will help get them there. I look forward to exploring other options and ways we can put continued pressure on this bunch of thugs to at least allow this brave woman a chance to live some semblance of a normal life. She certainly deserves it.

Mr. MCCONNELL. I make a further observation to my good friend from Arizona. The Prime Minister of India mentioned a meeting that Than Shwe, the head thug of the thug regime that controls Burma, apparently came to in New Delhi sometime within the last



year. One of the arguments he made with reference to reform was that Burma was so ethnically diverse that it simply could not handle democracy. I am sure my friend from Arizona shares my view of the irony of that. What could be a more ethnically diverse country than India?

No one knows this, but India is the second-largest Muslim country in the world, whose President is a Muslim and has had a total democracy by Western standards these many years, going back to independence. India has done a superb job of absorbing all of these different minorities, many of whom do not speak the same language, into a genuine democracy for over 50 years.

India itself is a repudiation of the argument that the head thug was using against any kind of reform in Burma.

Mr. McCAIN. Mr. President, I know my friend from Kentucky and the Senator from California and all Members will renew our assurance to the people of Burma and their brave leader that we will not rest and we will not stop until they achieve freedom and democracy, which is a God-given right.

I thank my colleague from Kentucky.

Mr. MCCONNELL. I thank, again, the Senator from Arizona for his continuous interest and outspoken involvement in this issue over the years. It has been fun to be in collaboration with him.

I will say a few words on Burma before the Senate votes, and at the end of my remarks I will ask for the yeas and nays on the measure to renew sanctions for another year on Burma.

These sanctions are absolutely necessary. If you do not want to take my word for it, here is what a Thai journalist wrote in a recent opinion piece in that country's newspaper called the Nation:

Whatever momentum was gained from the international calls to free Aung San Suu Kyi and to allow for democracy in Burma on the occasion of the opposition leader's recent 60th birthday must be sustained at all costs. The outpouring of support from presidents, prime ministers, intellectuals, Nobel laureates and activists demonstrated one simple truth—the Lady matters. Contrary to conventional wisdom, perpetuated by junta apologists and other vested interests in the past five years, that the long-suffering opposition leader of the National League for Democracy has been the main stumbling block of progress because of her attitude toward political processes and national reconciliation. Suu Kyi is in fact loved and respected by the Burmese and other people around the world.

He had it right. The Lady matters.

Under the paranoid misrule of Burmese hard-liner Than Shwe, the human rights and dignity of the Burmese people continue to be grossly abused. The litany of atrocities—from the use of rape as a weapon of war to the murder, torture and intimidation of political activists—are well-known and well-documented. It seems as though the only ones denying that a problem ex-

ists in Burma are the very miscreants responsible for creating and propagating that problem.

Second, with the SPDC scheduled to assume chairmanship of the Association of Southeast Asian Nations, ASEAN, next year, as Senator McCAIN and I were just discussing, the time has come for ASEAN to fish or cut bait.

Again, listen to what others from that region are saying, such as former deputy prime minister of Malaysia Anwar Ibrahim who wrote last month in the Asian Wall Street Journal:

... It is now evident that constructive engagement [by ASEAN with the SPDC] has not only failed to bring about democratization, but was never seriously intended to encourage any move in this direction. Instead, as far as ASEAN is concerned, the policy amounts to a subconscious manifestation of collective guilt.

I offer that the absence of Secretary of State Condoleezza Rice at the recent security meeting in Laos portends America's involvement with ASEAN should the SPDC be at the helm. The difference might be that no American official attends ASEAN events in her stead.

In case ASEAN members have not noticed, President Bush is a stalwart supporter of freedom in Burma.

As is Secretary Rice. As is the U.S. Congress.

My colleagues may recall that 14 Nobel laureates wrote an open letter on the occasion of Suu Kyi's 60th birthday, which applauded "those countries that have imposed sanctions to deny the regime the wealth it craves to sustain itself" and reminded the world that "Burma was admitted to ASEAN to lift its people up, not to drag the organization down." ASEAN members should feel similarly—how could they not?

Finally, the world must press for the immediate and unconditional release of Burmese democracy activists Aung San Suu Kyi and all prisoners of conscience.

Suu Kyi, the National League for Democracy and Burma's ethnic minorities have an indisputable role to play in the peaceful reconciliation of that country's myriad problems. This role cannot, and will not, be fulfilled so long as these courageous individuals remain behind prison walls or in the gun sights of SPDC goons.

Earlier today we had an opportunity to hear India's Prime Minister address a joint meeting of Congress.

In my discussion with Senator McCAIN in the Senate, I just pointed out the Indian Government certainly does not approve of the regime. I questioned the policy of the constructive engagement of India. They are at least thinking about whether that is the appropriate policy in India for the future. It was interesting and noteworthy the Prime Minister of India happened to be here on the very same day we took this measure up.

I particularly thank Senator McCAIN, Senators FEINSTEIN, REID, FRIST, and LEAHY, to name but a few, who have been involved in this issue from the beginning. This is an important statement of principle for America. I urge my colleagues to support this measure overwhelmingly.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKFELLER), are necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 191 Leg.]

#### YEAS—97

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Dodd       | McCain      |
| Alexander | Dole       | McConnell   |
| Allard    | Domenici   | Mikulski    |
| Allen     | Dorgan     | Murkowski   |
| Baucus    | Durbin     | Murray      |
| Bayh      | Ensign     | Nelson (FL) |
| Bennett   | Feingold   | Nelson (NE) |
| Biden     | Feinstein  | Obama       |
| Bingaman  | Frist      | Pryor       |
| Bond      | Graham     | Reed        |
| Boxer     | Grassley   | Reid        |
| Brownback | Gregg      | Roberts     |
| Bunning   | Hagel      | Salazar     |
| Burns     | Harkin     | Santorum    |
| Burr      | Hatch      | Sarbanes    |
| Byrd      | Hutchison  | Schumer     |
| Cantwell  | Inhofe     | Sessions    |
| Carper    | Inouye     | Shelby      |
| Chafee    | Isakson    | Smith       |
| Chambliss | Jeffords   | Snowe       |
| Clinton   | Johnson    | Specter     |
| Coburn    | Kennedy    | Stabenow    |
| Cochran   | Kerry      | Stevens     |
| Coleman   | Kohl       | Sununu      |
| Collins   | Kyl        | Talent      |
| Conrad    | Lautenberg | Thomas      |
| Cornyn    | Leahy      | Thune       |
| Corzine   | Levin      | Vitter      |
| Craig     | Lieberman  | Voinovich   |
| Crapo     | Lincoln    | Warner      |
| Dayton    | Lott       | Wyden       |
| DeMint    | Lugar      |             |
| DeWine    | Martinez   |             |

#### NAYS—1

Enzi

#### NOT VOTING—2

Landrieu Rockefeller

The joint resolution (H.J. Res. 52) was agreed to.

#### RECESS

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

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).



DEPARTMENT OF STATE, FOREIGN  
OPERATIONS, AND RELATED  
PROGRAMS APPROPRIATIONS  
ACT, 2006

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 3057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Landrieu amendment No. 1245, to express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children.

Grassley amendment No. 1250, to prohibit the use of funds to approve or administer a loan or guarantee for certain ethanol dehydration plants.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I rise today in support of H.R. 3057, the Foreign Operations appropriation bill. I would also like to highlight one aspect of the bill.

Since coming to the Senate 6 months ago, one of the foreign policy and health issues I have focused on relates to the avian flu. I am pleased that this bill includes \$10 million to combat the spread of this potential pandemic, adding to the \$25 million that the Senate provided in the supplemental appropriations bill in April.

I thank the managers of this bill, Senators MCCONNELL and LEAHY, and their staffs for working with me on this important issue. I know that Senator MCCONNELL has a longstanding interest in Southeast Asia, and Senator LEAHY has always been a champion of international health issues, making the avian flu something I know they both care deeply about.

In the last few weeks, scientists have reported that a deadlier version of the avian flu has now spread to migrant birds that could carry the disease out of Asia and across the world.

While it may not seem that threatening to many Americans at first, this bird flu could easily transform into a human flu. And if it does, it could be one of the deadliest flus mankind has ever known—even worse than the 1918 flu pandemic that killed 675,000 Americans and 50 million worldwide.

Already, there have been 108 human cases of avian flu, resulting in 54 deaths. And while the virus has not yet mutated into a full-blown human flu, recent developments suggest it might be heading in that direction. In recent months, the virus has been detected in mammals that have never previously been infected, including tigers, leopards and cats.

A few weeks ago, the World Health Organization reported that avian flu strains in Vietnam are lasting longer and spreading to more humans. And according to government officials, a few cases of human-to-human spread have already occurred.

Every day, there are new reports about the increasing dangers of the avian flu. Last month, it was revealed that Chinese farmers have tried to suppress outbreaks of the avian flu by using human antiviral drugs on infected animals.

As a result, one strain of the virus has become resistant to these drugs, thus making the drugs ineffective in protecting humans against a possible pandemic. And just this week, researchers found that ducks infected with the virus were contagious for up to 17 days, causing the animals to become—in the researchers' words—"medical Trojan horses" for transmitting the disease to humans.

Simply put, the world is not ready for a potential outbreak of this deadly flu. In fact, we aren't even close.

There is no known vaccine for the avian flu, and producing one could take months once an outbreak occurs. And while the World Health Organization recommends that every nation stockpile enough flu treatment to treat a quarter of its population, the United States has only ordered enough to treat less than 1 percent of ours.

We can't just stand by and hope that this virus doesn't reach our shores when it only takes hours to travel from one side of the world to the other. It is time for America to lead the world in taking decisive action to prevent a potential global tragedy.

We should start by doing what we can to fight the virus while it is still mainly in Southeast Asia. That is why I fought for and obtained \$25 million for prevention efforts by the CDC, the Agency for International Development, the Health and Human Services Department, and other agencies. And that is why I requested another \$10 million in this bill.

In addition, the Senate Foreign Relations Committee approved language that I offered directing President Bush to form a senior-level task force to devise an international strategy to deal with the avian flu and coordinate policy among our government agencies. I hope that the Bush administration forms this task force immediately without waiting for legislation to be passed.

Yet, these are only modest first steps. International health experts believe that Southeast Asia will be an epicenter of influenza for decades. That is why we need to create a permanent framework for curtailing the spread of future infectious diseases—a framework that would increase international disease surveillance, response capacity and public education and coordination, especially in Southeast Asia.

But we must also prepare our own country in the event that a global pandemic reaches America. That is why I recently introduced the AVIAN Act, which helps make sure that Americans are protected from a possible outbreak of the avian flu.

When the threat is this real, we should be increasing research into pos-

sible flu vaccines, and we should be ordering enough doses of flu treatment to cover the recommended 25 percent of our population—just like England and other Western countries have done.

We should also ensure that our Health and Human Services Department and State governments put in place a plan as to how they would address a potential flu pandemic, including the purchasing and distributing of vaccines. A year after a draft of a Federal plan was published, a final version has yet to be finalized. We shouldn't have to wait any longer, because the avian flu certainly won't.

We are extremely fortunate that so far, the avian flu has not been found in the United States. But in an age when you can board planes in Bangkok or Hong Kong and arrive in Chicago, Burlington or Louisville in hours, we must face the reality that these exotic killer diseases are not isolated health problems half a world away, but direct and immediate threats to security and prosperity here at home.

Again, I thank Senators MCCONNELL and LEAHY for including this important funding in the supplemental appropriations bill and now including additional funding in this bill. And I thank the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, for his leadership on this issue.

I ask unanimous consent that several articles and editorials about the avian flu be printed in the RECORD.

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

[From the New York Times, July 18, 2005]

AVIAN FLU VIRUS COULD HIDE IN DUCKS

(By the Associated Press)

WASHINGTON (AP).—Changes in the avian flu virus have made it less deadly to ducks, potentially turning them into medical Trojan horses where the flu can hide while continuing to infect other birds and humans.

Waterfowl such as ducks have been natural hosts of this type of influenza before but rarely became ill from it until 2002, when an evolving strain killed off a large number of the birds.

Since then, however, the virus has continued to change, reverting to a form less dangerous to ducks but still able to cause illness and death in chickens and humans, according to a study in Tuesday's issue of Proceedings of the National Academy of Sciences.

"These results suggest that the duck has become the Trojan horse of Asian H5N1 influenza viruses," reported a research team led by Robert G. Webster of St. Jude Children's Research Hospital in Memphis, Tenn.

"The ducks that are unaffected by these viruses continue to circulate these viruses, presenting a pandemic threat," the team said.

The researchers infected domestic ducks with flu isolated at various times.

They found that ducks infected with H5N1 from 2003 or 2004 were contagious for 11-17 days, a longer transmission time than pre-2002 strains. The researchers also noted that the virus was transmitted primarily through the upper respiratory tract instead of through fecal matter as in older strains.

When flu virus from ducks that had survived the disease was administered to healthy animals, it no longer caused disease

in ducks, but still caused disease in chickens.

Over the last two years, hundreds of millions of birds, including poultry and wild birds, have died or were slaughtered across Asia because of the H5N1 bird flu virus, which has also infected some humans, killing 51 people in Vietnam, Thailand and Cambodia.

The humans appear to have been infected by contact with birds. Experts fear that if the virus mutates into a form that could be passed easily from person to person it could spark a global pandemic, killing millions.

Webster's research was funded by the U.S. Public Health Service and American Lebanese Syrian Associated Charities.

[From the Washington Post, July 7, 2005]

#### DEADLY FLU STRAIN SHOWS UP IN MIGRATORY BIRDS

SCIENTISTS' DISCOVERY GIVES RISE TO FEARS  
THE VIRUS COULD SPREAD BEYOND EAST ASIA

(By David Brown)

The strain of bird flu responsible for the deaths of tens of millions of chickens and 54 people in east Asia over the past two years is now circulating in long-distance migratory birds, potentially opening a way for the deadly virus to reach India, Australia and Europe.

That is the conclusion of two research teams whose findings were rushed into print by the rival journals *Science* and *Nature* yesterday.

Spread of the virus beyond its current home in China and neighboring countries could cause billions of dollars in losses to poultry farmers around the world. It could also give influenza A/H5N1—the virus's formal name—further opportunity to adapt to human as well as avian hosts, a development that theoretically could lead to a global flu epidemic.

Until now, the H5N1 virus has chiefly attacked chickens and ducks in farms and markets. It also killed a small number of birds in two Hong Kong nature parks in late 2002, and since then has been found sporadically in hawks, herons and swans. Those birds presumably acquired it from direct contact with poultry.

Now, however, it appears the virus is being transmitted among wild birds that have had no known contact with domesticated birds.

"It has been difficult to tell whether the true migrating birds had been infected by this terrible virus. This leaves no doubt in my mind," said Robert G. Webster, a flu virologist at St. Jude Children's Research Hospital in Memphis who helped analyze virus samples collected during a recent die-off of birds at a huge saltwater lake in western China.

Since the first reports emerged on April 30, between 1,000 and 6,000 birds have died on the shores and islands of remote Qinghai Lake. The species most affected is the bar-headed goose, a large bird whose migration over the Himalayas to Burma, India and Pakistan starts in about a month. Illness and death were also recorded in brown-headed gulls, black-headed gulls and great cormorants.

There is a web of migratory flyways around the globe. The ones taken by the species congregating at Qinghai Lake intersect with others that lead to Europe. That theoretically provides a way for the H5N1 virus to reach that continent.

H5N1 influenza virus was first detected in southern China in 1996. In 1997, it caused a major outbreak in Hong Kong, which led to the death of 1.5 million poultry and six people.

The virus most recently emerged in South Korea in late 2003. Since then, it has led to the death of 100 million to 200 million chick-

ens in China and Southeast Asia. It has also infected 108 people (most of them in Vietnam), of whom 54—exactly half—have died. Most human victims had direct contact with dead or dying chickens, but in a few cases it appears the virus was acquired directly from an infected person.

While person-to-person spread of H5N1 influenza is rare and occurs with difficulty, the more the virus circulates the greater its chance of acquiring genetic changes that permit easy human transmission.

If that occurs, the virus would have "pandemic potential"; it could travel quickly and infect much of the world's population, which has no immunity to it.

There is no guarantee H5N1's presence in migratory birds will lead to global dissemination. It simply increases the chance.

For there to be further spread, a significant number of infected birds would need to be healthy enough to start their migration. They would need to establish a "chain of transmission" in the migrating flock, with new birds acquiring the virus as the infected ones died or recovered. At their destinations, they would have to make contact with poultry, igniting a new chicken outbreak and again putting the virus into contact with human beings.

The likelihood of any of these steps is unknown.

"What would migratory birds contribute to the possibilities of disease outbreak? That is the question we don't know the answer to," said David E. Swayne of the U.S. Department of Agriculture's Southeast Poultry Research Laboratory in Athens, Ga.

How the Qinghai Lake birds acquired H5N1 influenza is unknown.

There are chickens in Qinghai Province, but "there is no H5N1 infection in those chickens—they don't have it," George F. Gao of the Institute of Microbiology of the Chinese Academy of Sciences said in a telephone interview from Beijing. He is the lead author of the paper that was published online by *Science*.

Both his team and one from the University of Hong Kong, whose report is published online in *Nature*, detected in the Qinghai Lake samples the three genetic defects and mutations found in the H5N1 strains responsible for high mortality in chickens and humans.

According to the two reports, the wild-bird strain bears genetic features of the virus found in chickens in China in 2003 and 2005 and in a peregrine falcon in Hong Kong in 2004. It is not identical to any of them, however.

The leader of the Hong Kong team, Yi Guan, a microbiologist at the University of Hong Kong, said the Chinese Ministry of Agriculture closed the Qinghai Lake area to his colleagues in mid-May.

"We hope they will open the door and let us in to do long-term surveillance," he said yesterday from Hong Kong. "There are a lot of questions waiting for answers."

[From the New York Times, July 17, 2005]

#### UNPREPARED FOR A FLU PANDEMIC

If a much-feared pandemic of avian influenza starts sweeping through the world's population anytime soon, neither the United States nor international health authorities will be prepared to cope with it. There is not enough vaccine or antiviral medicine available to protect more than a handful of people, and no industrial capacity to produce a lot more of these medicines quickly.

The best that can be hoped is that no pandemic will materialize for the next several years, allowing time to become better prepared, or that a potential pandemic can be spotted early enough to allow international

health officials to snuff it out before the virus runs amok.

It has been 37 years since the last influenza pandemic, or widespread global epidemic, so by historic patterns we may be due for another. And a particularly ominous strain of avian influenza that has devastated poultry flocks in Asia seems poised to wreak havoc in humans. This strain, known as H5N1, first became a matter of health concern in 1997 when it was found to have jumped from birds to humans in Hong Kong in an outbreak that failed to spread widely. Since then, the virus has looked more and more threatening. It has infected poultry, domestic ducks and migratory birds in nine countries, making the virus almost impossible to contain. More ominously, the virus has developed the ability to jump to a range of mammals, including pigs, mice, tigers and domestic cats.

The human toll has been slight. Only 108 people have been infected, of whom 54 have died, an alarmingly high mortality rate but one that seems to be diminishing. It is reassuring that millions of people have lived and worked in close proximity to infected birds without harm and even more reassuring that the flu strain has not yet developed the ability to spread easily from one person to another, the sine qua non for a pandemic to take off. But that could change in a trice if the virus mutates or combines its genes with a human influenza virus.

No one knows whether the world is headed toward a health disaster or a false alarm, but virtually all experts agree we need to strengthen our defenses. American health authorities have taken the lead in testing vaccines against two strains of avian flu and have contracted to buy two million doses of a vaccine against H5N1. That is a tiny fraction of the amount that would be needed if a pandemic hit, but will give the manufacturer experience that would prove useful in a crisis. Officials have also stockpiled enough antiviral medicine to treat 2.3 million people, again a fraction of what would be needed in a pandemic.

Yet the best defense might be to go on the offensive. The most urgent need is to control the disease in poultry and other animals that might spread the virus to humans. Some countries have done a good job. Others, including Vietnam, which accounts for almost 80 percent of the human cases, need more prodding and international assistance. If the virus breaks through this line of attack, authorities should try to quench an incipient outbreak before it can really get started. The Bush administration is wisely pumping millions of dollars into an international effort to improve surveillance of the disease in humans and animals in the infected regions of Asia, and the World Health Organization has amassed a small stockpile of antiviral drugs that will soon be enlarged and could be rushed to the scene of any outbreak.

Many experts are doubtful that it would be possible to detect and contain an outbreak of transmissible influenza in time to head off a pandemic. But that may be the best hope we have until we are able to upgrade today's fragile and unreliable vaccine production system with new processes that can expand output quickly to meet a crisis.

[From the Washington Post, June 18, 2005]

#### BIRD FLU DRUG RENDERED USELESS

CHINESE CHICKENS GIVEN MEDICATION MADE  
FOR HUMANS

(By Alan Sipress)

HONG KONG.—Chinese farmers, acting with the approval and encouragement of government officials, have tried to suppress major bird flu outbreaks among chickens with an antiviral drug meant for humans, animal

health experts said. International researchers now conclude that this is why the drug will no longer protect people in case of a worldwide bird flu epidemic.

China's use of the drug amantadine, which violated international livestock guidelines, was widespread years before China acknowledged any infection of its poultry, according to pharmaceutical company executives and veterinarians.

Since January 2004, avian influenza has spread across nine East Asian countries, devastating poultry flocks and killing at least 54 people in Cambodia, Thailand and Vietnam, but none in China. World Health Organization officials warned the virus could easily undergo genetic changes to create a strain capable of killing tens of millions of people worldwide.

Although China did not report an avian influenza outbreak until February 2004, executives at Chinese pharmaceutical companies and veterinarians said farmers were widely using the drug to control the virus in the late 1990s.

The Chinese Agriculture Ministry approved the production and sale of the drug for use in chickens, according to officials from the Chinese pharmaceutical industry and the government, although such use is barred in the United States and many other countries. Local government veterinary stations instructed Chinese farmers on how to use the drug and at times supplied it, animal health experts said.

Amantadine is one of two types of medication for treating human influenza. But researchers determined last year that the H5N1 bird flu strain circulating in Vietnam and Thailand, the two countries hardest hit by the virus, had become resistant, leaving only an alternative drug that is difficult to produce in large amounts and much less affordable, especially for developing countries in Southeast Asia.

"It's definitely an issue if there's a pandemic. Amantadine is off the table," said Richard Webby, an influenza expert at St. Jude Children's Research Hospital in Memphis.

Health experts outside China previously said they suspected the virus's resistance to the medicine was linked to drug use at poultry farms but were unable to confirm the practice inside the country. Influenza researchers at the U.S. Centers for Disease Control and Prevention, in particular, have collected information about amantadine use from Chinese Web sites but have been frustrated in their efforts to learn more on the ground.

China has previously run afoul of international agencies for its response to public and agricultural health crises, notably the SARS epidemic that began in 2002. China's health minister was fired after the government acknowledged it had covered up the extent of the SARS outbreak by preventing state-run media from reporting about the disease for months and by minimizing its seriousness.

In interviews, executives at Chinese pharmaceutical companies confirmed that the drug had been used since the late 1990s, to treat chickens sickened by bird flu and to prevent healthy ones from catching it.

"Amantadine is widely used in the entire country," said Zhang Libin, head of the veterinary medicine division of Northeast General Pharmaceutical Factory in Shenyang. He added, "Many pharmaceutical factories around China produce amantadine, and farmers can buy it easily in veterinary medicine stores."

Zhang and other animal health experts said the drug was used by small, private farms and larger commercial ones. Amantadine sells for about \$10 a pound, a

fraction of the drug's cost in Europe and the United States, where its price would be prohibitive for all but human consumption.

Two months before China first reported a bird flu outbreak in poultry to the World Animal Health Organization in February 2004, officials had begun a massive campaign to immunize poultry against the virus. They have now used at least 2.6 billion doses of a vaccine.

But researchers in Hong Kong have reported that the H5N1 flu virus has been circulating in mainland China for at least eight years and that Chinese farms suffered major outbreaks in 1997, 2001 and 2003. Scientists have traced the virus that has devastated farms across Southeast Asia in the last two years to a strain isolated from a goose in China's Guangdong province in 1996.

The U.N. Food and Agriculture Organization has long recommended that countries try to eradicate infectious animal diseases by slaughtering infected flocks and increasing safety measures on farms. Last year, the FAO also suggested that countries consider vaccinating their poultry against bird flu. But the guidelines never recommended the use of antiviral drugs such as amantadine, which, unlike vaccination, has been proven to make viruses resistant, officials said.

In 1987, researchers at a U.S. Department of Agriculture laboratory demonstrated that bird flu viruses developed drug resistance within a matter of days when infected chickens received amantadine.

Still, a veterinarian with personal knowledge of livestock practices across China said Chinese farmers responded to the bird flu outbreak by putting the drug into their chickens' drinking water. The veterinarian asked that his name not be published because he feared for his livelihood.

"This would explain why we're seeing such high resistance levels," said Michael T. Osterholm, director of the Center for Infectious Disease Research and Policy at the University of Minnesota. While various antibiotics have lost their effectiveness because of overuse, he said, the emergence of resistance to amantadine is unprecedented because it is an antiviral.

"This is the first example of an antiviral drug that was used for animal production that has major implications for human health," Osterholm said.

A popular Chinese handbook, titled *Medicine Pamphlet for Animals and Poultry*, provides farmers and livestock officials with specific prescriptions for amantadine use to treat chickens and ferrets with respiratory viruses. The manual, written by a professor at the People's Liberation Army Agriculture and Husbandry University and issued by a military-owned publishing company, prescribes 0.025 grams of amantadine for each kilogram of chicken body weight.

Farmers also use the drug to prevent healthy chickens from catching bird flu, giving it to their poultry about once a month or more often when the weather is liable to change and chickens are considered susceptible to illness, veterinary experts said. The antiviral is often mixed with Chinese herbs, vitamins and other medicine.

In the United States, amantadine was approved in 1976 by the Food and Drug Administration for treating influenza in adults. Amantadine and its sister drug, rimantadine, known collectively as amantadines, work by preventing a flu virus from reproducing itself. Both are now ineffective against the H5N1 strain.

International health experts stressed that amantadine could have been vital in stanching the spread of the bird flu virus in the early weeks of an epidemic.

Now, the only alternative is oseltamivir and closely related zanamivir, which stop

the flu virus from leaving infected cells and attacking new ones. Oseltamivir is easier to use and has far greater sales.

"Amantadine is the cheapest drug against flu," said Malik Peiris, an influenza expert at the University of Hong Kong. "It is much more affordable for many countries of the region. Now, it is clearly no longer an option."

AMENDMENT NO. 1264

Mr. OBAMA. Mr. President, I also want to make a brief statement on amendment No. 1264, which is offered on behalf of Senator HAGEL, Senator GREGG, Senator LEAHY, and myself.

It is a very simple amendment. It provides \$13 million for the Special Court for Sierra Leone to help make up for a shortfall in international contributions to the Court.

While the amendment is simple, it is critically important to promoting the rule of law in Africa; helping advance security and stability in West Africa; and holding accountable some of the worst war criminals of the 20th century.

The Special Court was established by the United Nations Security Council with strong U.S. backing. The Court is working, as we speak, to bring to justice those most responsible for the atrocities committed in Sierra Leone during wars there in the 1990s.

The Court, however, currently has one major piece of unfinished business—Charles Taylor.

Although Mr. Taylor has been indicted by the Special Court on 17 counts of war crimes and crimes against humanity, he continues to live in exile in Nigeria, enjoying the protection of the Nigerian government.

What is worse is there are credible reports that Mr. Taylor has repeatedly broken the terms of his agreement with the Nigerian government, continues to meddle in the affairs of Liberia and other West African nations, is involved in a number of activities that threaten to destabilize the region, and has associations with al-Qaida.

There is no question that the United States and the international community owe the Nigerian government a debt of gratitude for helping to remove Mr. Taylor from power. However, the job of promoting regional peace and security cannot be completed until Mr. Taylor appears before the Special Court to answer to the charges against him.

I would also point out that transferring Charles Taylor to the Court also is widely supported within Nigeria. Prominent members of Nigeria's military and civil society have vigorously opposed the decision to shield Taylor.

This bipartisan amendment makes clear that bringing Mr. Taylor to justice is a top U.S. foreign policy priority. It makes clear that the Court is not going away anytime in the near future. It makes clear that the transfer of Mr. Taylor to the Court will help reduce transnational threats in West Africa, promote peace and security in the region, and enhance respect for the rule of law throughout Africa.

I understand that the managers are in the process of working this amendment out, and I look forward to working with them to get this accepted. I would like to thank the cosponsors who played a leadership role Senators HAGEL, GREGG, and LEAHY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE PRESIDENT'S SUPREME COURT NOMINEE

Mr. CORNYN. Mr. President, just a few moments ago, we all learned, through the miracle of modern technology, that the President intends to announce his Supreme Court nominee tonight at 9 p.m. when he addresses the Nation.

This is certainly the culmination of an unprecedented consultative process that this President has undertaken with the Senate, spending more than 2 weeks now, I believe, reaching out to Senators on both sides of the aisle, asking for their suggestions.

Now, the President believes that it is appropriate for him to name the successor to Justice Sandra Day O'Connor on the U.S. Supreme Court.

It is my hope that tonight's announcement will be met with some restraint on the part of the Members of the Senate, that we will hold our fire, and that we will not prejudice this nominee or seek to use this as an opportunity to perhaps disparage the nominee before we have had a chance to ask questions, before the nominee has had a chance to meet with Members, and before we have had a chance to conduct a hearing before the Senate Judiciary Committee, as we will surely do either in late August or early September.

We can do better in the Senate than we have done in the recent past when it comes to judicial nominations. I think we have shown that we can conduct ourselves with dignity and civility, even as we have disagreed. Indeed, that is one of the great things about this body—that even people who disagree can debate, but then turn that debate over to our colleagues for an up-or-down vote and the judgment of the American people.

I hope we have a dignified process and one that reflects well on the Senate, that treats this nominee fairly, and allows the President to have his nominee considered in the regular course of our business.

Throughout this debate, even before the President has named a nominee, various Senators have come to the floor and opined about how this process should go forward. I will respond to some of the comments made earlier today by the senior Senator from Massachusetts regarding the process.

The senior Senator from Massachusetts envisions a step in this process where the President gives him and his

colleagues the ability to veto particular nominees—in other words, suggesting that the President ought to perhaps share some on his short list with the Senate before the President can name a particular nominee. Nothing in the Constitution provides for or requires such a step. The President is under no obligation to give any Senator the power to veto his nomination.

The Constitution entrusts the President with the power to nominate, and there is no requirement for the President to do anything further. Indeed, as I mentioned a moment ago, this President has gone above and beyond the call and consulted in an unprecedented manner. But certainly the Constitution doesn't give this President, or impose upon this President, the obligation to allow Senators to co-nominate their particular choice along with the President. Rather, it provides for separate and distinct functions for the President to nominate and then for the Senate to conduct hearings, to act in its role of advice and consent, and then to vote on the nominee.

The senior Senator from Massachusetts has said he wants the President to nominate someone who is independent and impartial. I submit that the best way to do that is to do precisely the opposite of what the senior Senator from Massachusetts says he intends to do; that is, he says he intends to demand that the nominee answer questions about how he or she will rule on particular questions or particular issues.

The Senator has stated his intention to ask nominees how they would rule on a host of different issues. Today, he mentioned several of them—everything from retirement benefits to college admission standards. He even noted that all of these issues are likely to be subjects of future Court decisions. It would, however, undermine the independence of the nominee and the judiciary to demand that he or she answer questions about issues that are likely to come before the Court.

How can a nominee be truly independent from the Congress if they are required to make a pledge to certain outcomes in the Senate in order to get confirmed? Well, simply stated, they cannot be independent and make such a pledge. So it would be inappropriate for any nominee to make that pledge. While certainly I recognize and respect the right of any Senator to ask any question he or she wants, no nominee worthy of confirmation would in fact answer those questions and make such a pledge.

It would also undermine the impartiality of the person nominated to demand that he or she answer questions on issues likely to come before the Court. Imagine if you came before a judge and you find out that that judge already, during the confirmation process, stated his or her belief in the correctness of a certain outcome, before you have even had a chance to present your case to the Court. Imagine if that

judge promised the President or a Senator that he or she would rule against you no matter what you said.

That is not equal and open-minded justice. That is not a judicial process but rather a political process, and one we ought to avoid at all costs.

It is also not how we have conducted our business in the recent past. Justice Ginsburg was confirmed by the Senate by a vote of 96 to 3. Before her service on the Federal bench, Justice Ginsburg served as general counsel of the American Civil Liberties Union, a liberal organization that has championed the abolition of traditional marriage laws and challenged the Pledge of Allegiance because the words "under God" are invoked in that pledge.

Before she became a judge, now-Justice Ginsburg expressed opposition to laws prohibiting bigamy and prostitution. She wrote that the Boy Scouts and Girl Scouts were discriminatory institutions, and that taxpayer funds should be used to pay for abortions—hardly views that the American people would view as mainstream. Yet the Senate did not engage in asking her to make prejudgments about cases she later would rule on from the Supreme Court. They did not ask her to make promises to politicians about how she would perform once confirmed. Indeed, Republicans and Democrats alike set aside such concerns and approved her nomination.

Make no mistake, I am just as curious as anybody else about what the private views of a nominee might be. But the need to assure a fair process and an independent judiciary and to avoid the hyper-politicalization of this process more than outweighs a results-oriented curiosity on my part or on the part of any other Senator, I submit.

Finally, the Senator from Massachusetts said he also wants the President to nominate a consensus choice to the Supreme Court. But it will be up to the Senator and his other colleagues whether the nominee meets their definition of what actually constitutes a consensus choice. The President has said he intends to nominate someone in the mold of Justice Scalia. Justice Scalia was confirmed by a vote of 98 to 0. That is quite a consensus.

So long we do not change the standard from when the nomination of Justice Scalia was considered or Justice Ginsburg was considered, then we will have a relatively easy time confirming the President's selection if they meet the basic qualifications of legal scholarship, high ethical rectitude; in short, the type of person we would entrust with making the weighty decisions that are made by the Supreme Court.

But if we, to the contrary, revert to a political process, one that is accusatory of this nominee before we actually have a chance to investigate their background and fitness for this office, if we engage in asking nominees to make promises to politicians about how they will rule in the future, I

think we will not have conducted ourselves in the best traditions of the Senate, and certainly not in a way that befits the awesome responsibility imposed upon the Senate under the Constitution of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I have come to the floor to speak about an amendment to the pending matter, the Foreign Operations appropriations bill. But the focal statements of my friend from Texas lead me to say a word about the apparently imminent nomination by the President of a Justice to the Supreme Court to replace Justice O'Connor.

I want to particularly identify myself with Senator CORNYN's call that to the extent possible, we dispatch our very important responsibilities to advise and consent to the President's nomination to the Court in a nonpolitical manner.

I have been in politics all my adult life, so I am not naive. I know when you have a political environment such as today, which is intensely partisan, when you have a Supreme Court, such as we have today, which is quite closely divided on some of the major issues facing our country, that it is going to be hard for this to be a totally nonpolitical process. But I do think, to the extent possible, that is what the Framers of our Constitution, the Founders of our country wanted us to do, and that is what our responsibility as Senators in this Chamber calls on us to do.

The fact is, in the magnificent framework that the Founders created for the American Government, which has stood this great democracy, this great Republic so well for now more than two centuries, the Supreme Court was intended to occupy a unique place. It is the least political of the branches of Government. It is the branch of Government that is not occupied by elected officials. Supreme Court Justices, appointed by the President, serve life terms, going well beyond, in most cases, the term of the President who appointed them.

The Supreme Court, in the contemplation of the Founders of this country, was meant to be that branch of Government that is most separated from the political passions of the moment that might lead the legislative or executive branch to take a particular action. The Supreme Court is there to apply, if you will allow me to say so, the eternal values incorporated in our Constitution and the Bill of Rights to the matters of the moment that come before them. They are human, so they obviously are sensitive to what is happening around them.

The high calling of the Court is to look beyond the moment, including the political controversies of the moment, and do what they think the Constitution requires them to do and what the future of this constitutional Republic of ours requires them to do.

This is a big moment which, to the best of our ability, we should try to keep as nonpolitical as possible, nonpartisan as possible, to focus on the nominee in a thoughtful way.

I agree, it would be an unusual circumstance if people started to jump to conclusions immediately as to whether they were for or against the person the President will apparently announce tonight. It is going to require some consideration of the person's record, some thoughtful consideration. The Judiciary Committee will hold hearings. There will be public questioning. So we are going to have ample time to find out more about the nominee.

There may be partisans on both sides, Democrats and Republicans, both ideological sides—left and right—who will want to immediately and, in some sense already have, make this nomination a matter of controversy, confrontation, division. That is their right in our democracy. But ultimately this comes down to 101 people: the President of the United States who, in the first instance, the most significant by virtue of having been elected, has earned the right to make this nomination, and then the other 100, of course, are the Members of this Senate. For the President and for the 100 of us privileged to serve in the Senate today, this is one of the big moments in our service because Supreme Court Justices have so much to say over the course of a generation or two about the quality of American freedom, about the quality of our Government, about the balance of rights, about the adjudication of controversies in our country. We are all going to be tested.

I look forward to a nominee being named tonight who, I hope, will fill the President's pledge that he will nominate somebody who is mainstream, but he will not apply litmus tests. I thank the White House, including the President, for the consultation that has gone on with Members of the Senate of both parties leading up to this nomination tonight. Most of all, I hope we in this Chamber, because this is our responsibility, will conduct ourselves in a way that will be thoughtful; that not only will lead to an appropriate result in regard to the confirmation or failure to do so of the nominee, but will also bring some honor to this Chamber, and at a moment, as I said a moment ago, when there is too much polarization in our politics, that we will together do what is right for our country, at home and abroad.

#### AMENDMENT NO. 1248

Mr. President, I came to the floor today to thank the floor managers, Senators MCCONNELL and LEAHY, for their stewardship of this very important bill, the Foreign Operations appropriations bill. I also specifically came to thank them for accepting an amendment on refugees that I offered to this bill with Senators BROWNBACK and KENNEDY, a bipartisan measure.

Senators MCCONNELL and LEAHY have a longstanding commitment to the

well-being of refugees, and this priority is reflected in the legislation they have reported out of the committee which devotes \$900 million to refugee assistance. This is a worthy expenditure of America's money. That figure is more than the administration had requested. And I hope that in future years, the many supporters of refugees in both the Senate and the House—on both sides of the aisle—can work together to increase our support for refugee assistance.

This Nation of ours has been the home to so many who have come here seeking freedom and a better life. It is the essence of what America is about, and that includes addressing the systemic problems that have kept so many refugees in exile, confined in camps without a real home.

Senator KENNEDY and Senator BROWNBACK have been leaders in calling attention to the longstanding plight of refugees in the world. Earlier this year, I was privileged to cosponsor a resolution they submitted condemning the so-called warehousing of refugees.

The amendment we offered, which was accepted yesterday by the floor managers, builds on that antiwarehousing resolution by directing the expenditure of funds on programs that can help move refugees out of these camps and ease their assimilation into normal communities. The amendment addresses the heartrending conditions of millions of refugees who have been confined in these camps for many years.

Here is a number that may stun people who are listening. Worldwide, there are 8 million refugees who have been confined to camps or other restricted settlements for longer than 5 years. That is a number that represents more than half of all refugees in the world—8 million in camps for at least 5 years.

In many cases, the refugees have been confined in camps for decades. These warehouse refugees include people who have fled oppressive regimes, civil wars, even genocide. Their confinement deprives them, in my opinion, of the guaranteed right of the U.N. Refugee Convention of 1951, such as the right to work, to travel, to own property, and to receive a basic education. Generations of refugees are born and die in camps. They cannot support their families. Their living conditions too often are horrendous. Their inherent potential as human beings, as recognized by our own Declaration of Independence, is suppressed and squandered.

Unfortunately, the neighboring countries that have absorbed a sudden inflow of refugees are often the least equipped to care for them. So it is with the Burmese, the subject of the resolution adopted today, sanctioning the Burmese Government for antidemocratic policies. So it is with the Burmese who have fled to Thailand during this circumstance, to Bangladesh and India, the Angolans in Zambia, the

Bhutanese in Nepal, and the Somalians and Sudanese in Kenya.

In response to immediate humanitarian needs, refugees are frequently massed in camps where nongovernmental organizations and the United Nations Commissioner for Refugees can more easily get aid to them. That is an understandable short-term reaction.

Too often the camps have become long-term realities. We cannot expect developing countries such as Africa, Asia and Latin America to shoulder alone the burden of assimilating refugees, but neither can we accept a status quo that allows millions to remain massed at border camps indefinitely. Instead, we must work with countries that host refugee communities to develop alternatives to confinement in camps, and that is what the language of this amendment that Senators KENNEDY, BROWNBAC, and I have introduced will do.

Our amendment directs the Secretary of State to work with the UNHR, with nongovernmental organizations, and with host countries to develop programs that support refugees outside of camps, programs that facilitate the integration of refugees by promoting their access to schools, health care, and other local services in the communities in which the camps are located.

The international donor community will need to be responsive to local needs and, of course, local sensitivities. We have to create incentives for the host communities so they can see the local assimilation of refugees as an opportunity, not a threat. For example, refugees with special skills can help create economic opportunities for others around them. Our aid can pay for doctors, teachers, and facilities that are shared by the refugees and the local communities, thus benefiting the local community as well, or for job training and job creation programs that also would benefit the people in the surrounding communities. Our amendment calls on the State Department to fund programs that encourage dialog among local communities, the United Nations, and nongovernmental organizations.

There is no easy solution to this refugee crisis that exists around the world, but it does cry out to us as the strongest and, in my opinion, greatest and most humanitarian nation in the world to do something to assist these people, these fellow citizens of this Earth.

In some instances, conditions will improve sufficiently so that refugees can return to their home countries. Many nations offer to resettle refugees, but relatively few of the world's refugees actually get that opportunity. Permanent integration into the country of first asylum is also rare, and that leaves a temporary solution that is neither temporary nor a solution, which is confinement in camps.

Many in Congress and others around the world are speaking out against the

warehousing of refugees. They are looking for a better way. Helping to improve the lives of refugees will take work, it will take money, and it will take perseverance, but that is what this country is all about. It is worth it when we consider the living conditions of the Sudanese, Burmese, and other refugee children. Let us think about the children who are born in these camps and will die in these camps unless we do something to help them. Without our help, they will never have a future beyond the confinement of these camps.

When we think about what this \$900 million can do to open up the possibility of a future to these children, we know it is worth it. That is why I am honored to have worked with Senators KENNEDY and BROWNBAC on this amendment, and again I am very grateful to Senators MCCONNELL and LEAHY for accepting it. It was amendment No. 1248.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, are we now on the Foreign Operations bill?

The PRESIDING OFFICER. That is correct.

#### AMENDMENTS NOS. 1276, 1277, 1278

Mr. MCCONNELL. Mr. President, I send a managers' package to the desk. It is a series of amendments by Senators BROWNBAC and KENNEDY regarding Vietnamese refugees; Senator LEAHY, regarding the Extractive Industries Transparency Initiative Trust Fund; and Mr. BROWNBAC, regarding education programs in Egypt.

I send these amendments to the desk. They have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. MCCONNELL) proposes amendments numbered 1276, 1277, 1278, en bloc.

Mr. MCCONNELL. I ask unanimous consent the reading of the amendments be dispensed with.

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

Is there further debate on the amendments?

Mr. MCCONNELL. I ask unanimous consent that the amendments be agreed to.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 1276

(Purpose: To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees)

On page 326, between lines 10 and 11, insert the following:

#### VIETNAMESE REFUGEES

SEC. 6113. Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 10809447; 118 Stat. 3038) is amended by striking "and 2005" and inserting "through 2007".

#### AMENDMENT NO. 1277

(Purpose: To provide a United States contribution to the Extractive Industries Transparency Initiative Trust Fund)

On page 173, line 6, after the colon, insert the following:

*Provided further*, That of the funds appropriated under this heading, not less than \$1,000,000 should be made available for a United States contribution to the Extractive Industries Transparency Initiative Trust Fund:

#### AMENDMENT NO. 1278

(Purpose: To ensure certain funds are used for educational programs in Egypt)

On page 169, lines 23 and 24, after "programs", insert the following: ", not less than \$50,000,000 should be used for education programs".

Mr. MCCONNELL. I move to reconsider the votes on those amendments and move to lay that motion on the table.

The motions to lay on the table were agreed to.

#### AMENDMENT NO. 1264

(Purpose: To support a United States contribution to the Special Court for Sierra Leone)

Mr. MCCONNELL. There are filed amendments which I will designate which I will send to the desk. They have been cleared on both sides. I call up amendment No. 1264, offered by Mr. OBAMA and Mr. HAGEL. I ask its immediate consideration. I ask that Mr. GREGG and Mr. LEAHY be added as co-sponsors.

The amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. MCCONNELL), for Mr. OBAMA, for himself and Mr. HAGEL, Mr. GREGG, and Mr. LEAHY, proposes an amendment numbered 1264.

The amendment is as follows:

On page 173, line 6 after "Nepal:" insert the following:

*Provided further*, That of funds appropriated under this heading, \$13,000,000 should be made available for a United States contribution to the Special Court for Sierra Leone:

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1264) was agreed to.

Mr. MCCONNELL. 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.



## AMENDMENT NO. 1238, AS MODIFIED

Mr. McCONNELL. I call up amendment No. 1238, offered by Senator ALLEN, and send a modification to the desk. I ask Senator LEAHY be added as a cosponsor. The amendment, as modified, has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL) for Mr. ALLEN, for himself and Mr. LEAHY, proposes an amendment numbered 1238, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

COMBATTING PIRACY OF UNITED STATES  
COPYRIGHTED MATERIALS

SEC. \_\_\_\_ (a) PROGRAM AUTHORIZED.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(c) FUNDING.—Of the amount appropriated or otherwise made available under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", \$5,000,000 may be available in fiscal year 2006 for the program authorized by subsection (a).

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1238), as modified, was agreed to.

Mr. McCONNELL. 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.

## AMENDMENT NO. 1253, AS MODIFIED

Mr. McCONNELL. I call up amendment No. 1253 offered by Senator FEINGOLD and send a modification to the desk. The amendment, as modified, has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL), for Mr. FEINGOLD, proposes amendment numbered 1253, as modified:

On page 326, between lines 10 and 11, insert the following:

REPORT ON ANTI-RETROVIRAL DRUG  
PROCUREMENT

SEC. . Not later than 180 days after the date of enactment of this Act, the Coordi-

nator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the public a report setting forth the amount of United States funding provided under the authorities of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), or under an amendment made to that Act, to procure anti-retroviral drugs in a country described in section 1(f)(2)(B)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(VII)). The report shall include a detailed description of the anti-retroviral drugs procured, including—

(1) the amount expended for generic and for name brand anti-retroviral drugs;

(2) the price paid per unit of each such drug; and

(3) the vendor from which such drugs were purchased.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1253), as modified, was agreed to.

Mr. McCONNELL. 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.

## AMENDMENT NO. 1262, AS MODIFIED

Mr. McCONNELL. I call up amendment No. 1262, offered by Senator SALAZAR, and send a modification to the desk. The amendment, as modified, has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL), for Mr. SALAZAR, proposes an amendment numbered 1262, as modified.

The amendment is as follows:

On page 183, line 15, strike the period at the end and insert "": *Provided further*, That of the funds appropriated under this heading, not less than \$10,000,000 should be made available for law enforcement programs to combat the prevalence of violent gangs in Guatemala, Honduras, and El Salvador."

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1262), as modified, was agreed to.

Mr. McCONNELL. 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.

## AMENDMENT NO. 1273, AS MODIFIED

Mr. McCONNELL. Mr. President, I have a modification to an amendment already filed, No. 1273. I send the modification to the desk.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL), for Mr. GRASSLEY, proposes an amendment numbered 1273, as modified:

The amendment is as follows:

On page 326 between lines 10 and 11 insert the following:

## EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Im-

port Bank of the United States to approve or administer a loan, guarantee, or insurance policy, or an application for a loan, guarantee, or insurance policy, for the development, or for the increase in capacity, of an ethanol dehydration plant in Trinidad and Tobago.

Mr. McCONNELL. Mr. President, Senator LEAHY and I are aware of only a few amendments to this bill which must be disposed of prior to final passage.

Let me reiterate for all of our colleagues who are interested in amending this bill, we are not interested in encouraging that sort of thing, but if we are going to do it, since both the majority leader and Democratic leader have indicated we are going to finish this bill today, I think it would be considerate of all the Members of the Senate, and helpful, if we were to dispose of these amendments while the Sun is still up rather than this evening, because Members typically have many responsibilities in the evening. We would all like to finish up in the late afternoon.

If you have an amendment that you simply must offer, come over and discuss it with us. Hopefully we can take it. If not, we will look for a short time agreement, a vote, and move toward final passage this afternoon.

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

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

## AMENDMENT NO. 1283

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Senator BROWNBACK, Senator LEAHY, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. BROWNBACK, for himself, Mr. LEAHY, and Mr. McCONNELL, proposes an amendment numbered 1283.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the forced repatriation of refugees in Cambodia)

On page 326, between lines 10 and 11, insert the following:

FORCED REPATRIATION OF REFUGEES IN  
CAMBODIA

SEC. . It is the sense of the Senate that—

(1) the United States Government is deeply concerned with reports of the planned repatriation to Vietnam of 107 Montagnard refugees by the Government of Cambodia;

(2) the United States Government strongly condemns any forcible repatriation of refugees by the Government of Cambodia; and



(3) these refugees should be provided unobstructed legal assistance from an independent organization in connection with their appeals for fair review of their refugee claims, and all such claims should be credibly and thoroughly reviewed by the Office of the United Nations High Commissioner for Refugees in Geneva.

Mr. McCONNELL. The amendment has been cleared on both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1283) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, 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. CHAMBLISS. 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. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to offer an amendment.

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

#### AMENDMENT NO. 1271

Mr. CHAMBLISS. Mr. President, I call up amendment No. 1271, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 1271.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent funds from being made available to provide assistance to a country which has refused to extradite certain individuals to the United States)

On page 326, between lines 10 and 11, insert the following:

#### GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 6113. None of the funds made available in this Act for the Department of State, other than funds made available in title III under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradite to the United States an individual, or has not within a reasonable period of time responded to a request for extradition to the United States of an individual, charged with committing a criminal offense in the United States for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment, regardless of the individual's citizenship status.

Mr. CHAMBLISS. Mr. President, I offer an amendment to the appropriations bill for State and Foreign Operations in regard to an issue that is very troubling to me. When an individual is charged with a crime and flees to a foreign country, it is the responsibility of the U.S. Department of State to seek extradition of that fugitive.

In some instances, countries will refuse extradition. A common reason is where the prosecutors in the United States intend to seek the death penalty. Oftentimes, the prosecutors will waive the death penalty in order for the extradition to proceed successfully. I suppose this is an understandable bargain because not all countries around the world accept capital punishment.

I am greatly concerned, however, about other instances where extradition is denied. For example, let me explain what happened to the son of a man named David Fulton, who is a constituent of mine from Hampton, GA.

On December 21, 2002, Mr. Fulton's son, CPL Joshua Fulton of the U.S. Marine Corps, was murdered right here on the streets of Washington, DC. At the time of his murder, Corporal Fulton was a member of the elite Presidential protection program called Yankee White, an assignment through which he had the honor of traveling abroad with the President of the United States. Corporal Fulton was awaiting assignment for service as a guard in the West Wing of the White House when he was killed.

After an investigation by the District of Columbia police department, a criminal complaint was filed charging a suspect named Carlos Almanza with the murder of Joshua Fulton. Almanza, however, fled the United States to his home country, the Republic of Nicaragua, where that country's constitution prohibits extradition of its citizens.

If Nicaragua refuses to turn this murder suspect over to the U.S. authorities so he can be brought to justice in the United States, where this heinous crime occurred, then Nicaragua should not receive any financial aid from the United States under the appropriations bill now before the Senate. Nicaragua's constitutional ban on extradition of its citizens who are fugitives from justice is simply no excuse. That law needs to change if they want to continue to receive American aid.

Mr. President, let me point out another situation in which extradition of criminal suspects has been frustrated in recent times; that is, where countries will not extradite fugitives not because they face the death penalty but because they face life in prison without parole.

For example, in October 2001, the Mexican Supreme Court ruled that extradition of a person from Mexico who faces life imprisonment in the United States would violate the Mexican Constitution's bar on cruel and unusual punishment. This decision has resulted in a serious setback to the United

States-Mexico so-called bilateral relationship.

Since that court decision, the Mexican Government has asked the United States for assurances that life imprisonment would not be imposed on persons extradited to this country. In the absence of such assurance, they refused to extradite.

The impact of the Mexican Supreme Court decision has been "severe," as described by the Department of Justice. Not only have extradition requests been denied by the courts, but many prosecutors hesitate to seek extradition due to the requirement of lessening a sentence.

Costa Rica, Spain, Venezuela, and Portugal have also sought non-imposition of life sentences. Some of these countries have even set term limits for the maximum number of years a criminal faces before they will extradite. In Costa Rica, it is 50 years; in Venezuela, it is 30 years; in Portugal, it is 20 years.

My amendment reads simply as follows:

None of the funds made available in this Act for the Department of State, other than funds made available in title III under the heading "International Narcotics Control and Law Enforcement," may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradite to the United States an individual, or has not within a reasonable period of time responded to a request for extradition to the United States of an individual, charged with committing a criminal offense in the United States for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment, regardless of his or her citizenship status.

My intent in offering this amendment is not to deny aid to any country but, rather, to provide a substantial incentive for recalcitrant countries to reform their extradition laws so that suspected criminals can be brought to justice in the United States, which I submit to you offers the greatest due process protections to those who stand accused of a crime of any country in the world.

Mr. President, I applaud the House of Representatives for recently passing similar amendments to the State-Foreign Operations appropriations bill that will deny U.S. aid to countries that refuse to extradite fugitive criminal suspects to the United States. My colleague, Congressman NATHAN DEAL of Georgia, offered such an amendment in the House, and it passed by a vote of 294 to 132. Likewise, Congressman BOB BEAUPREZ of Colorado offered an amendment that would withhold funds to any country that refuses to extradite a fugitive cop-killer suspect. His amendment passed on a vote of 327 to 98.

The thought behind my amendment, as well as those passed by our colleagues in the House, is that financial assistance from the United States is a privilege—a privilege that can and should be revoked where a recipient country refuses to extend to the United

States the simple courtesy of sending back those who have been charged with breaking our laws. These fugitives should not be allowed to seek refuge under the laws of countries who would purport to be our friends.

Friendship should be reciprocal and, consequently, privileges like foreign aid can be revocable. The bottom line on my amendment is that we should not spend the tax dollars of hard-working Americans to assist countries that don't want to treat us with the respect that a friendship deserves.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I want to make a report to Republican Members of the Senate. We are down to a handful of amendments. I am aware of only one at the moment that may require a rollcall vote. So let me announce to our Republican colleagues that time is running out for them to come over and let me know for sure whether they need to offer an amendment so we can find out whether it can be worked out.

As I indicated, at this moment, there is only one Republican amendment we know that will require a rollcall vote, and we have a tight time agreement on it that the author is willing to enter into.

I know my friend and colleague Senator LEAHY has worked hard to reduce the possible number of amendments on the Democratic side. I will yield the floor and hope we get a report to him on how we stand and see if he is making the same progress.

Mr. LEAHY. Mr. President, I commend the Senator from Kentucky for trying to move this bill along. I have been trying to do the same on my side. I am hoping we can.

In fairness, if people actually have amendments, they should bring them forward. We have had several hours of quorum calls today. It would not seem to make a great deal of sense that we be here at midnight tonight finishing the bill. I join with the Senator from Kentucky. We could easily have had it finished by now. I will make one last call on our Members, but I am very eager to go to third reading.

I see other Senators seeking recognition. I yield the floor.

Mr. McCONNELL. Mr. President, let me add, we are going to finish the bill tonight. We hope to finish it late this afternoon. We have made good progress on this side of the aisle in whittling down the number of amendments. We would like to talk to anyone remaining on the Republican side who has an amendment they may want to offer,

and Senator LEAHY, of course, is open for business on the Democratic side.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, I will make a few comments before I call up a couple of amendments.

No. 1, I am disheartened that the committee, as well as the administration, would not take our restrictions on the USAID program for malaria. The Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee had a very insightful and revealing hearing that revealed in testimony that the vast majority of the funds to help those in Africa suffering from malaria, both in terms of prevention and treatment, were not going for that purpose, but yet were being consumed by consultations and travel, and very little of the \$90 million that is allocated each year actually is going to treat malaria.

One million African children under 5 years of age each year die from a totally preventable disease, malaria. It takes 90 cents to treat them and cure them of that disease.

I am markedly disappointed in the process that even though the administration has a great new program for malaria in Africa, limitations on the present program would not be agreed to and put in place. I assure this body and the administration that within 3 months, we are going to look at the USAID program for malaria again and if, in fact, they are still wasting money the way they are today and not achieving the goals of prevention and treatment for malaria, then we will be bringing another piece of legislation to the floor to modify the expenditures and put a limitation on them.

I also am somewhat disheartened that the State Department failed to recognize the contribution of 47 individuals in Iraq and that, through their own inappropriateness and lack of ability to follow the law, overpaid these individuals. Their average work time was 16 to 18 hours a day, 7 days a week over the last year, and the State Department has now made a very onerous and difficult situation for those people, who are still in Iraq, to now have to pay back money inadvertently overpaid. This is a small price to pay. The cost to collect the overpayments is going to be more than the forgiveness would have been. But yet we have a stiff rule that we seem to be more interested in doing what the State Department wants in terms of its technical problems instead of doing what is probably the best thing to do for these people who have sacrificed greatly in Iraq.

We are going to be debating a couple of amendments in a few moments. One

amendment will be an amendment under which Senator BOXER and I limit some funds of the Export-Import Bank in terms of financing sales of nuclear powerplants to China. It is a fairly straightforward amendment. There is no question we want to promote jobs in this country. It is important for us to stay competitive. But competing with the French in terms of subsidizing a British corporation, not an American corporation, and subsidizing that to the intent that it will, in fact, allow technology that Westinghouse Electric, which is owned by British Nuclear Fuels which is owned by the British Government, that technology 10 years from now will belong to the Chinese. We are in essence through an American taxpayers' loan, subsidizing the Chinese to take more of our technology.

The press is rife, the reports are rife, our trade people also recognize intellectual property is not something that is honored by the Chinese Government. There are some very significant inconsistencies in our policy that I think we need to reinforce, and this amendment with Senator BOXER is intended to do that.

The other amendment I will be calling up has to do with the expenditure of USAID in terms of entertainment. There is no question that we have much to do in terms of our foreign policy internationally and that the USAID can and should be the agent of a lot of those changes. However, there are significant problems associated with that, and we will be discussing that.

I ask unanimous consent to set aside the pending amendment.

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

#### AMENDMENTS NOS. 1241 AND 1242, EN BLOC

Mr. COBURN. I call up amendments Nos. 1241 and 1242.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendment No. 1241.

The Senator from Oklahoma [Mr. COBURN], for himself, and Mrs. BOXER, proposes an amendment numbered 1242.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendments are as follows:

#### AMENDMENT NO. 1241

(Purpose: To prohibit funds from being made available to the United States Agency for International Development for entertainment expenses)

On page 206, strike lines 6 through 10, and insert the following:

#### LIMITATION ON EXPENSES

SEC. 6004. None of the funds appropriated or made available pursuant to this Act may be used for entertainment expenses of the United States Agency for International Development.

(Purpose: To prohibit any funds from being used by the Export-Import Bank of the United States to approve a loan or a loan guarantee related to a nuclear project in China.)

On page 326, between lines 10 and 11, insert the following:

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 6113. Notwithstanding any other provision of this Act, none of the funds appropriated or made available pursuant to this Act may be used by the Export-Import Bank of the United States to approve an application for a long-term loan or a loan guarantee related to a nuclear project in the People's Republic of China.

Mr. COBURN. Amendment 1241 has to do with entertainment expenses associated with USAID. I have a couple of charts that I will refer to. We are going to run a true on-budget deficit this year of \$541 billion. It is inappropriate for bureaucracies of our Government to spend money in ways that are not appropriate when, in fact, that money can do much greater things.

In the current bill, and since 1999, there has been a limitation of \$5,000 in the USAID budget for entertainment. Much of this entertainment has gone for personal gifts, for live entertainment, for dinners. One of the things I found quite striking was what the USAID handbook states about spending.

The USAID handbook states: For budget purposes, entertainment includes food and drink, receptions, banquets, live or recorded music, live artistic performances, personal gifts and furnishings.

The USAID handbook also states: The USAID has the authority to use program and regular operating expense funds for entertainment under the necessary expense doctrine. GAO decisions to the contrary are not binding on the executive branch. There are no restrictions on the use of the entertainment account or representation allowances for alcoholic beverages.

Let us talk about what \$5,000 per pop could do. Five thousand dollars per pop in Africa today is enough to prevent 1,250 babies from getting HIV. Are we going to have a party or buy gifts for officials of African governments, or are we going to cure babies of HIV and prevent the transmission?

Five thousand dollars is enough to prevent 5,000 children from dying of malaria. Are we going to have a party with USAID, are we going to have entertainment, or are we going to direct USAID back to their directed purpose, which is carrying out the good will and the financial assets of Americans to make an impact on the health, lives, and prosperity of those we are attempting to serve?

Five thousand dollars would buy 5,000 5-gallon bottles of clean water for the multitudes of cities that have no clean water. Are we going to spend it on entertainment—and we do not care what the GAO says, we do not care what Congress says—are we going to spend it on entertainment and furnishings?

Five thousand dollars would buy 300 bags of rice, oats, and wheat for com-

munities in need of food and nourishment. Are we going to have entertainment for USAID, or are we going to send the money?

The problem the American people have with our foreign aid is not that they do not want to help people. They want to help. The problem is they have become skeptical that their tax dollars are actually getting to the very people they intend and want to help. USAID can limit this. They can make a bigger difference if, in fact, they will eliminate the entertainment portions of their budgets.

Five thousand dollars can buy 10 additional body armor units for our troops. Are we going to have entertainment by USAID, or are we going to have additional body armor units for our troops?

I am not a prude. I think there is an appropriate time for us to greet in a diplomatic fashion, in a way that is commensurate with what is protocol, but I do not think USAID has to be doing that. There are other areas within the State Department that should be doing that.

The last thing I would say is \$5,000 may seem like an inconsequential amount one at a time, but when it is done multiple times, it is not inconsequential. No. 1. No. 2, it could be the difference of life and death for the very people USAID proposes to want to help.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I will be sending an amendment to the desk.

Mr. McCONNELL. Would the Senator from New Jersey yield for just a moment?

Mr. CORZINE. Certainly.

Mr. McCONNELL. Would the Senator from New Jersey be willing to withhold until I get a time agreement on one of the Coburn amendments, and then the Senator from New Jersey will be recognized again?

Mr. CORZINE. I would be happy to yield for that.

Mr. McCONNELL. Mr. President, it is my understanding after discussions with the Senator from Oklahoma, the ranking member of the subcommittee and myself, we have an agreement on voting on the Coburn-Boxer amendment.

I ask unanimous consent that there be 60 minutes for debate in relation to the Coburn-Boxer amendment No. 1242, with Senator COBURN in control of 20 minutes, Senator BOXER in control of 20 minutes, and 20 minutes under my control; provided further that following the use or yielding back of time, the Senate proceed to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not—I discussed this with the Senator from Kentucky before—I will make two additions, one to

add 5 minutes for the Senator from Vermont, which I do not expect to be using but just because of the way it is broken down, just to make sure that I have time; and secondly, this debate not start until such time as the Senator from New Jersey, the Senator from Wisconsin, and the Senator from New York who are on the floor, each waiting to speak briefly, make their statements before we begin the Coburn-Boxer amendment. With those provisos, the additional 5 minutes for myself, plus the time for the three of them, I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. They are asking, as I understand it, for 10 minutes.

Mr. CORZINE. If the Senator from Vermont would yield, I ask unanimous consent for up to 10 minutes for myself, 5 minutes for Senator KOHL, and 5 minutes for Senator SCHUMER.

Mr. LEAHY. I make that as part of the agreement.

Mr. McCONNELL. After which we would move to the Coburn-Boxer amendment?

Mr. LEAHY. That is right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is now recognized.

AMENDMENT NO. 1290

Mr. CORZINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, Mr. DEWINE, Mr. DURBIN, Mr. BROWNBACK, and Mr. OBAMA, proposes an amendment numbered 1290.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make funds available for the African Union Mission in Sudan)

On page 326, between lines 10 and 11, insert the following:

TRANSFER OF FUNDS

SEC. 6113. Of the funds appropriated in title III under the heading "CONFLICT RESPONSE FUND", \$50,000,000 shall be transferred to, and merged with, the funds appropriated in title IV under the heading "FOREIGN MILITARY FINANCING PROGRAM" and made available to provide assistance to support the African Union Mission in Sudan.

Mr. CORZINE. Mr. President, I rise once again to speak out on the subject that I have addressed on the floor a number of times and feel passionately about—a number of us do—and that is the continuing genocide in Darfur.

I offer an amendment to the Foreign Operations bill to provide funds for the African Union to provide the troops that will protect and stop the genocide if we have the will to take the steps to have the resources made available.

Hundreds of people are dying every day, some by guns, some by illness, disease, and a whole host of things. There have been over 300,000 lives lost over the last 2 years and 2 million people displaced. One year ago this Friday, the Senate recognized this genocide and spoke about it. Our Secretary of State testified in the Senate Foreign Relations Committee to the fact that genocide was taking place.

To the President's credit, before he left for the G8, he spoke out again against the genocide that is taking place here and now. There is complete recognition that this is a tragedy that is unfolding, maybe more in slow motion today than it was 6 months or a year ago, but it is very much still taking place. People are losing their lives. Our President, the Congress, and the American people understand it is time to stop this genocide.

Last weekend, there was a national weekend of prayer and reflection for Darfur based on a Senate resolution that Senator BROWNBACK and I put forward. It was unanimously accepted by this body. Churches, synagogues, mosques, and other communities of faith, people across this country with conscience and compassion spoke up together that they want this genocide stopped.

In New Jersey, I attended services at the B'nai Jeshurun Congregation at the Barnert Temple in Franklin Lakes and the Shiloh Baptist Church and First United Methodist Church in Trenton. People of all backgrounds, all religious faiths, people of conscience want us to act. The people are demanding that we act.

We have looked at the history across the last century. We have seen the Holocaust, the genocides in Rwanda, Cambodia, Armenia, and we constantly are saying: Never again. Never again, we say, will we accept the slaughter of our fellow human beings; never again will we stand by while systematic crimes are being inflicted on humanity. Now is the time to put deed with words on "never again."

The amendment I am offering provides critical assistance to the African Union and Darfur. My colleagues, Senators DEWINE, DURBIN, BROWNBACK, and OBAMA, were seeking to provide the African Union with \$50 million. Frankly, that is not enough. It does not meet what the State Department knows is necessary. It does not meet what is necessary to get the proper amount of troops on the ground in Darfur, Sudan. I am disappointed that we cannot figure out how we can declare this emergency funding, whatever it takes, to make sure that we put deeds with words on "never again."

The African Union has been deployed. Where it has been deployed, it has been successful. The attacks have stopped. Keep in mind, Darfur is the size of Texas. The current deployment of about 3,300 troops just does not get the job done. There has to be a sustained presence. Civilians are protected one

day, they move on to the next spot, and they are no longer.

The African Union has a plan to put 7,700 troops there by the end of September. They need the funding. They do not have the resources. The real need is 12,000. There is a plan to have that done by next May. We are working with the United Nations on that.

The United States has to step up and help. If we know that genocide is occurring, we have a moral obligation to help. It is tragic that we are not putting our money where our mouth is; we are not putting money for the deeds that match the words that we so willingly put out.

Again, I compliment President Bush for speaking out on this and being attentive to it, as well as the State Department, but we need to make sure the resources match the stated policy. The Government of Khartoum is still not doing those things that are necessary. We ought to have a full policy with regard to putting a special envoy on the ground. We need to make sure that we are putting an arms embargo against the state of Sudan, all of Sudan. We need to make sure there is pressure about real sanctions on those who have been responsible for those crimes and that they are held accountable. All of this has been in legislation that Senator BROWNBACK and I have brought before this body and have had passed unanimously at other times.

The American people are watching us to see whether we have the will to address the moral challenge of genocide. They are watching to see whether we can make the choices to do something about it. Last weekend, Americans of faith and conscience spoke. I hope we will do that with regard to this amendment, but I hope we will go further and make sure we have all of the resources that are necessary to fulfill this plan of getting 7,700 troops on the ground by September and 12,000 by next spring.

This is a moral challenge to the people in this body. It is a moral challenge to our country. I hope we accept it and work together to address something that we all know is necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE PRESIDENT'S SUPREME COURT NOMINEE

Mr. KOHL. Mr. President, we have all just heard the President will announce this evening a candidate to replace Supreme Court Justice Sandra Day O'Connor. Then, the Senate will begin its constitutional duty to examine the nominee and give or withhold our consent. As the Senator from Connecticut said earlier on the floor, this is one of our most important jobs. Whomever we put on the Supreme Court will affect the lives of every American. Further, that person will receive a lifetime appointment, unchecked by elections or

any other accountability to the people for whom we work. The confirmation process is our only chance to make sure whomever we put in this very powerful job embraces our values, respects our laws, and protects our Constitution.

We need to make sure this nominee is well-qualified and approaches legal issues with an open mind and no partisan, political agenda. He or she must have a keen understanding of the law and the ability to explain it in ways the American people will understand.

Second, we hope he or she is someone who will represent the views of people all across America, someone who will respect the Constitution.

Third, a qualified nominee must understand that the law is more than an intellectual game and more than a mental exercise. The law is about real people, often facing the all-too-real challenges of raising families and earning a living. Justice, after all, may be blind, but it should not be deaf.

Finally, a nominee has to be willing to tell us how she or he will exercise the enormous power of their position. We need to know how the nominee sees the world and what he or she thinks about basic issues.

The Senate is about to begin one of its most solemn and important duties. As the confirmation process unfolds, I sincerely hope we continue to talk to and listen to each other, regardless of party and, more importantly, to the people we represent.

I yield the floor to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, if reports are correct, less than 5 hours from now, President Bush will announce to the Nation his first nomination to the Supreme Court. This process and his choice will surely make up a large part of his lasting legacy.

The President no doubt spent a great deal of time and thought before making the selection he will announce tonight, and I am hopeful—still hopeful—that it will be a truly consensus nominee, one we can all support and one that will serve this country well on the highest court in the land.

I must admit to some disappointment that President Bush did not do more to consult with the Senate on this pick because, as many of us have said all along, it is such consultation that helps ensure a smooth confirmation process and a unified vote.

Had we been given some names beforehand, we would have been able to do some due diligence before any announcement and be able to suggest to the President who might quickly succeed and who might face a tougher road to confirmation, just as Orrin Hatch did with President Clinton.

But be that as it may, tonight we start fresh and likely with a nominee who has not been vetted with the Senate beforehand. This will make the upcoming hearings on this nominee that

much more important—perhaps the most important we have had in several generations. We, in the Senate, will soon begin to fulfill our constitutional duty to advise and then to give or withhold our consent on the President's nominee. Whomever the nominee, whether Edith Clement, as many are rumoring, or another, there will be many tough questions on a broad range of issues. It is my hope that every Member of the Senate will take this solemn duty seriously and move forward with dignity, diligence, and a view toward coming to a deliberate, but not dilatory, conclusion on whether the coming nominee should be on the Supreme Court.

Because Justice O'Connor was such a swing vote on so many issues vital to Americans, the answers this nominee gives at the hearings will be of incredible importance in determining whether the nominee is suitable for the Court.

So tonight is a momentous night—for President Bush, for the nominee, for the Senate, and most of all for the country. We must renew our determination to fulfill this sacred trust with vigor and fairness, but with thoroughness as well.

I yield the floor.

AMENDMENT NO. 1242

The PRESIDING OFFICER. Who yields time on the Coburn amendment?

Mr. MCCONNELL. Mr. President, for the information of Members of the Senate, what we are trying to do is set up a series of three votes, between an hour and 1½ hours on two Coburn amendments and a Dorgan amendment. I will be back at the conclusion of Senator COBURN's remarks to propound a unanimous consent agreement that would lock in those three votes around the time that I just suggested.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wonder if I might ask consent that I be recognized following the debate on the Coburn-Boxer amendment to offer my amendment. I would say I only require 15 minutes for myself on my amendment. My guess is we would want to allocate 15 minutes to perhaps the Presiding Officer or others in the Chamber who would oppose the amendment, but that would be acceptable. I want to get it locked in so I could offer that amendment following the debate on the Coburn-Boxer amendment.

Mr. MCCONNELL. I suggest that there be 15 minutes under the control of the Senator from North Dakota; 15 minutes under the control of the occupant of the chair or myself; 15 minutes under the control of Senator MARTINEZ, and that debate commence at the expiration of the time allocated that is about to start momentarily related to the Coburn amendment.

Mr. DORGAN. I make that unanimous consent request.

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

Who yields time on the Coburn amendment?

The Senator from North Dakota.

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

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

Mr. MCCONNELL. Mr. President, is the Coburn-Boxer amendment pending?

The PRESIDING OFFICER. Yes, it is. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I rise in support of an amendment that I called up earlier, the Coburn-Boxer amendment, banning the Export-Import Bank of the United States from funding construction of nuclear facilities in the People's Republic of China.

I want the American people to know, and especially this body, that we are walking down a road using taxpayers' funds for low-interest loans to finance a British Government-owned company to sell U.S. nuclear technology to the Chinese Government, which has already said that after they get that technology, they are going to take it and then they are going to start utilizing it to resell the same nuclear technology around the world. To me, that seems insane, that we would give a subsidy to finance the export of technology—American technology owned by the British Government through the British Nuclear Fuels Corporation—to the Chinese, who will then take that technology, once they build nuclear plants, own it themselves, and then sell that product around the world.

We are going to take the largest amount of money the Export-Import Bank has ever used, \$3.2 billion, a sum bigger than the Export-Import Bank has ever loaned—\$1.8 billion was the highest in the past—and we are going to subsidize a country that is holding \$165 billion worth of our notes. We already owe them \$165 billion. They have plenty of cash to finance this themselves. And the reason we are told we are going to do this is it is going to help hold on to 5,000 jobs.

The fact is, if we take that same kind of subsidy, through our Export-Import Bank, and put it into venture capital, small business, research in this country, we would create hundreds of thousands of jobs. So the only rationale for doing this is to hang on to some jobs. And we are going to ask the American taxpayer to subsidize this.

What happens if the Chinese do not pay back the loan? The American taxpayer has to pay \$5 billion. That is what happens if they, in fact, do not pay it back. I do not know if that is realistic or not. I don't know what is going to happen over the next 10 years to a \$5 billion loan to a country that already is attempting to buy, through their Government, assets of this country's oil infrastructure.

I think it behooves us to have a vigorous debate on what our policy should

be with the Export-Import Bank and whether it is a shortsighted policy to save 5,000 jobs. The actual logic behind that is that if we don't do it, France will do it; France will beat us on this contract because the French Government will do it.

If we are going to invest \$5 billion or put that on the line, let's loan it to small businesses across America. Let's invest in technology here rather than invest in a corporation that is owned by the British. Let's invest in American corporations. Let's give American companies this kind of benefit.

But, in fact, we have chosen to go down this path for a very good reason. It is important to save jobs. I don't mean to demean that whatsoever. But it is a short-range answer to a very long-range problem. If, in fact, \$5 billion will save 5,000 jobs in the United States, that is \$100,000 a job. It is important for us to be clear about what the intent is. The Export-Import Bank was designed to help us enhance our exports.

First of all, there are some jobs in California and Pennsylvania and Louisiana that are affected by this deal. It is not to say that those jobs will not be there if this deal doesn't go through. As a matter of fact, I would say, as we look at the need for nuclear energy in the future in this country, most probably we are going to see some greater demand from these companies. But I find it very ironic that a country that has a trade surplus with us approaching \$200 billion, that has a significant growth factor that is greater than ours, that is "cash rich" at this time to the tune of \$165 billion just in U.S. Treasury securities, that the taxpayer ought to be financing the sale of nuclear powerplants and nuclear technology to China.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my understanding is I have 20 minutes; is that correct?

The PRESIDING OFFICER. (Mr. ALEXANDER). The Senator is correct.

Mrs. BOXER. I ask to be notified when I have used 14 minutes.

The PRESIDING OFFICER. The Senator will be so notified.

Mrs. BOXER. Mr. President, I thank Senator COBURN for his work on this amendment. I am very pleased to be a cosponsor.

As he explains, this amendment will stop the Export-Import Bank from financing a project to construct nuclear powerplants in China. Earlier this year, the Ex-Im Bank agreed to provide \$5 billion in loans or loan guarantees to the American subsidiary of a British company, Westinghouse Electric Company, so the company could bid on a contract to build nuclear powerplants in China.

This deal will, if we do not stop it, be the largest deal in the history of the Ex-Im Bank. In fact, it would be nearly

three times larger than the bank's previous deal, a \$1.7 billion transaction in the mid-1980s. So this is not some small, inconsequential amendment. This is a big deal because this would be the biggest deal of the Ex-Im Bank since the 1980s, and three times the size of that deal. According to the Ex-Im Bank itself, some of these loans may go not to the company but directly to the Government of China. What is going on here?

Over the last decade, China has emerged as an economic power. It is the sixth largest economy in the world with a gross domestic product of over \$1.65 trillion. The economy is growing at 9.5 percent.

What about our economic relationship with China? Last year, the United States had a trade deficit of \$162 billion with China. This year, the trade deficit may go over \$200 billion. This is in part because China purposely undervalued its currency in order to dump projects in America.

Just last month, a company that is majority-owned by the Chinese Government offered to buy the American company, Unocol, for \$18.5 billion. In addition—and this shocks me every time I read it—the Chinese Government owns \$230 billion of our Treasury bonds on which we are paying billions of dollars of interest. The Chinese Government is not poor, and it does not need a loan backed by U.S. taxpayers.

What would that \$5 billion loan be used for? It would be used to help Westinghouse build nuclear powerplants in China, one of the riskiest investments possible. Remember, as Senator COBURN has explained, Westinghouse is the American subsidiary of a large British company.

Since 1948, in the United States the nuclear power industry has received more than \$66 billion of Federal research and development funding. I am the first to say, the majority of Senators support these types of subsidies. Why? Because we have not seen a nuclear powerplant built in America since 1973. Why? Because it is too risky an investment. But the Ex-Im Bank is prepared to put our American taxpayer dollars at risk for nuclear powerplants in China. Nuclear power is not only a risky investment here, but think about nuclear powerplants being built in China where the terribly weak standards on workplace safety glare out at us and the terribly weak standards of environmental protection stand out. That in itself takes the risk to a whole new level.

There are several other aspects of this deal that do not make sense. It comes down to the same bottom line: Why should we use American taxpayer dollars for this risky investment? Again, the beneficiary is not an American company but a subsidiary of a British-Government-owned company. The Brits are great allies. We love them. But let them put their taxpayers on the line. Why do we have to put our taxpayers on the line?

As Senator COBURN points out, the biggest argument against our amendment is this will create 5,000 American jobs if we agree to this risky loan. Let's ignore for a minute that the Chinese Government says it fully intends to develop for itself the ability to manufacture the parts that Westinghouse would be selling to them—a point made very dramatically by my colleague, Senator COBURN. The fact is, those 5,000 jobs will not last very long when the Chinese learn how to do the work. But, given that, that the 5,000 jobs will be created, we need to put that number in context. We are talking about \$5 billion in loans and loan guarantees. It will create 5,000 jobs.

U.S. manufacturers have estimated that China's undervaluation of its currency has resulted in the loss of 2 million American jobs. So why don't we do something to change this persistent unfair trade practice and create 2 million jobs—if everything was fair—not 5,000 jobs? If we can't do this through pressure by convincing the Chinese to change their practice or by pursuing a complaint with the WTO, surely there are easier ways to create 5,000 jobs.

For example, spending \$100 million—2 percent of the size of this deal—on transportation projects would create 5,000 jobs. According to the measurements used by the Small Business Administration, \$5 billion in loans and loan guarantees to American small businesses would create 100,000 new jobs. What is wrong with this picture? If we are so ready to give loan guarantees, let's look at giving them right here to our small businesses. Of course we are not going down that path today. It is a point of priorities.

Count me out for this. The 5,000 jobs are not real. They will not last long. It is a British-owned company. And we can do much more with \$5 billion in loan guarantees to our small businesses and create 100,000 jobs.

This Chinese nuclear powerplant deal is a bad deal from an American jobs standpoint. Another thing that makes no sense is that in order to build the nuclear powerplants, we would be selling our advanced nuclear technology to China. I say to my colleagues, wake up. Chinese Major General Zhu Chenghu said:

If the Americans draw their missiles and position-guided ammunition into the target zone on China's territory, I think we will have to respond with nuclear weapons.

The date was July 15, 4 days ago, that this major general threatened us with nuclear weapons.

The same major general said on the same day to the Asian Wall Street Journal on the Financial Times:

Of course the Americans will have to be prepared that hundreds of, or two hundreds of (or) even more cities will be destroyed by the Chinese.

I believe this was stated in the context of the Taiwan situation.

We are at the brink of giving a \$5 billion loan, or loan guarantee, part of which, according to the Ex-Im Bank,

will go directly to China to give them the technology they need so that this general can run around and make threats to use nuclear weapons. This is beyond belief. I hope and pray and maybe go so far as to trust this general is not reflective of reality in China.

But even if you do not believe this guy has any clout, what a time to give them nuclear technology when one of their top military people is threatening us. What a time to give them the opportunity to steal our technology.

China is one of the largest violators of U.S. intellectual property rights in the world. That is indisputable. Coming from California, I know too well the piracy of American movies, music, software, and other products committed by China. It costs American businesses billions of dollars every year. A movie and a record represents millions and billions of loss to my business people and American jobs, but it cannot kill. We are talking about nuclear technology. That can come back and bite us. We have to assume that the Chinese will pirate our nuclear technology if they pirate all our other technologies. They admit they are going to learn how to use it. When all is said, something is wrong with this picture.

I conclude this portion of my remarks in this way. I will paint the picture as succinctly as I can. If the Ex-Im Bank's deal goes through, U.S. taxpayer dollars will be put at risk so that the Chinese Government can pay an American subsidiary of a British company to send U.S. nuclear technology to China where a major general has threatened to use nuclear weapons against the United States—all of this in order to undertake an incredibly risky financial investment, building nuclear powerplants. Not only is something wrong with this picture, something is horribly wrong with this picture.

Am I permitted to refer to a House vote on the Senate floor?

The PRESIDING OFFICER. The Senator may so refer.

Mrs. BOXER. In the House of Representatives a very similar amendment was offered. It passed with the type of coalition we see here, across the aisle. It passed 3 to 1. We have an opportunity today to follow the lead of our colleagues who ask us to stand with them.

This deal makes no sense. The Coburn-Boxer amendment stops this deal in its tracks. I urge my colleagues to vote for this amendment.

I retain the remainder of my time and defer to Senator MCCONNELL.

Mr. MCCONNELL. Mr. President, Senator SANTORUM wishes to use the time in opposition to the amendment. I believe he is on his way.

Mr. COBURN. How much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes 38 seconds.

Mr. COBURN. I will yield such time as I may consume. I ask the Presiding



Officer to notify me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. COBURN. A couple of points: No. 1, this is not just the British-owned corporation; this is a corporation owned by the British Government. There is a big difference. It is not a privately held corporation. The British Government owns British Nuclear Fuels, which owns Westinghouse. If there is a subsidized loan that ought to go anywhere, it ought to come from the British, not the American taxpayers.

Second, I spoke in error. It is not \$100,000 per job but \$1 million per job; \$5 billion for 5,000 jobs is \$1 million a job. That is what we are putting at risk to save 5,000 jobs.

The third point I make is we are not just offering a loan subsidy and guarantee to a Westinghouse power generation subsidiary of British Nuclear Fuels owned by the British Government. We are also allowing a subsidy for Mitsubishi Heavy Industries that also has a large portion of this deal. What we are doing is financing just as many jobs out of the country as we are in the country. So the claim that we want to do this to save 5,000 jobs means we are going to enhance the ability of the Japanese steel manufacturers to compete with our steel manufacturers because we are going to give them a guaranteed loan to supply the steel for this facility.

It makes no sense. How do we best create more jobs in this country? We trim Government spending. We cut taxes. We allow the entrepreneurs of this country, the people who have paid 14 percent more taxes this year already, to have the money with which to invest. If we are not going to do that, then let's subsidize the small businessmen, the venture capitalists in this country. Let's put it into our own research and development, our own science and our own technology. If we are going to put the taxpayer on hold for \$5 billion, I would much rather do that than trying to collect it, because I think we would have a tough time trying to collect it from the Japanese if they did default. I don't think that would happen. But we start putting American taxpayers', Americans' future at risk on something that does not make any sense.

I have a difference of opinion with the Senator from California about the need for nuclear power. We differ on that. There is no question about that. I happen to believe this very deal will come back to haunt us. I believe 20 years from now we will be buying nuclear powerplants from the Chinese rather than them buying from ourselves or from the British, because if you look at every other major manufacturer that has a deal in China, one of the components to have the deal in China is to give up your technology at the specified period of time. There isn't one manufacturer over there today

that has not agreed to license or give away their technology for the opportunity to enter that market. That is not free trade. That is extortion and that is what is going on in China today. To get into that big market and to have access to that labor market, what American companies are doing is giving up their future. They are giving away their technology. And this is more of the same. It is bad medicine for America. It is bad medicine for American workers. It is bad medicine for investment in our own future technology. And it is bad medicine for the American taxpayer.

With that, I will reserve the remainder of my time.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume under the agreement.

Am I in control of the time in opposition?

Mr. McCONNELL. I say to my friend from Pennsylvania, he controls the time. He can use as much as he wishes.

Mr. SANTORUM. I thank the Senator.

Mr. President, I rise in opposition to the amendment. I did not get a chance to hear all of the comments of Senator COBURN, and I did miss the comments of the Senator from California, but let me address this issue as someone who represents a State—Senator SPECTER and I were in a meeting so we could not be here for the debate, but we represent a State where a lot of these jobs are going to be located. Westinghouse Nuclear is a large and important entity in our State, in western Pennsylvania, and so for those who do not believe that jobs will accrue to the United States, let me assure you that I talked with the folks there and they most certainly will. This technology is commercial technology. This is not a technology that is any threat from a national security point of view. This is commercial nuclear power technology. As we all know, China has nuclear powerplants and we also know China has also nuclear weapons.

The idea that this is a national security issue is not a relevant one, No. 1. No. 2, is this an appropriate use of taxpayer dollars? I think I heard the Senator from Oklahoma say he does not expect the Chinese Government to default on the purchase of these nuclear reactors and I think it is pretty safe to say they will not default. So this idea that this is putting taxpayer money at risk is probably overstating the point, that in fact this \$5 billion loan guar-

antee is only going to cost the taxpayers dollars if in fact the Chinese Government defaults. The likelihood of that, according to the Senator from Oklahoma, is very slim. So the question is should the Export-Import Bank get involved in financing and supporting an American company that wants to do business in competition in China versus a European and Russian competitor, when the European and Russian competitor is, like the U.S. Ex-Im Bank, supporting and financially backing the transaction? I guess the answer could be no, we don't want to participate, we don't want to compete in China, we don't want to have this technology be used in the construction of 4 good, safe nuclear plants, with a prospective 24 plants being built in the future. The 5,000 to 7,000 jobs that we talk about are real jobs, they are high-paying jobs, they are high-tech jobs. When we build a powerplant, we are not building something we can provide to China from here in the United States. We can't send power to China. It is not as though we are going to be able to build something here and export it to China. This is energy capacity they need in China.

I might ask the question, well, what if we do not build nuclear plants? If we don't, then they are going to put more demand on the global need for oil and gas as well as coal. So if they are not building technology, they are going to be driving up demand for fuels we need and driving up the cost of those fuels. So we should be encouraging them to build this kind of technology, just as many of us are encouraging us to build this kind of technology so we don't put more demand on our petroleum resources, natural gas resources, and coal resources. I think it is a wise move for China to be building this kind of generating capacity. It is good for the global economy that they are building this kind of generating capacity. It is good for American jobs that we are in fact competing to build this generating capacity using American technology, something that can't be built here.

I understand people have very strong feelings about China right now, and I am one of them. I voted for some of the toughest measures we have dealt with here on the Senate floor trying to send a message to China, but I don't know how this sends a message to China, to say that, well, now we don't want these jobs, let the French and let the Russians have these jobs, and let them create economic prosperity in those two countries, and let them build the technology in China, and we will sacrifice the jobs at no cost to the American taxpayer, if we accept the fact they are not going to default on this loan.

Mr. COBURN. Will the Senator yield?

Mr. SANTORUM. Yes, I will be happy to yield to the Senator from Oklahoma.

Mr. COBURN. I understand we are competing in the global economy and the French or the Russians are going to subsidize it, but the fact is this is a



very low interest rate. We are borrowing money from China today and paying over 4 percent and we are going to finance this at less than that, so the cost to the taxpayer is real. There is a real cost to the American taxpayer. It is the difference between at what rate they invest and the interest rate we pay to them and at what rate we are going to subsidize this loan. So there is a cost to the taxpayer.

The other thought I hope the Senator would agree with is, this is not just to Westinghouse, which is owned by the British Government, not a British corporation. This is also to Mitsubishi Steel because we are now going to take American taxpayer dollars, the difference between what we are paying on their notes that they are investing, their cash investment here, and we are going to subsidize a Japanese company. I hope the Senator would agree we shouldn't be doing that.

Mr. SANTORUM. Two things. First, the Senator is right, Westinghouse is owned by an entity owned by the British Government. As you probably also know, there have been widely spread reports that they are selling that division, they are selling Westinghouse. So probably by the time this deal goes through, it will not be owned by the British Government and will be—by the way, I don't have anything against the British Government. They have been great allies and I don't want to suggest somehow that I am speaking ill of that entity. All I am suggesting is Westinghouse is clearly, according to news reports, going to be spun off and sold and maybe recapitalize itself as an American company. Nevertheless, the jobs are here. The benefit is here. With respect to Mitsubishi, if it is your test then to suggest that any project being built has to be built with all-American steel, all-American concrete, all-American—obviously, in a global economy that is not going to happen, particularly if you are building a product in China.

Mr. COBURN. Will the Senator yield?

Mr. SANTORUM. In one second. So I would suggest, yes, there will be lots of corporations around the world that are part of this deal to build this reactor that would benefit from this, just as probably you could make the argument—and I don't want to make it for you, but I will make it for you—there may be an American company that benefits from the French building this reactor but certainly not to the extent if Westinghouse builds it.

Mr. COBURN. Would the Senator agree that today this is a British-Government-owned company and that the profits from this will accrue to the benefit of the Mitsubishi Corporation and Shaw Corporation? Why in the world wouldn't those two governments be subsidizing the loan rather than this government?

Mr. SANTORUM. Well, again, Westinghouse is a company based in the United States. As you know, we have multinational companies that are

headquartered all around the world. But the bottom line is Westinghouse is a U.S. company, it pays U.S. taxes, it has a U.S. payroll, and that is where the AP1000 is being built. The AP1000 is something that was designed—I went and saw it in Pittsburgh, PA. These are the folks who have the technology. These are the folks who are going to be building and constructing this plant.

I am sure there may be some profit. Obviously, I am sure they would not be bidding if they didn't think there was profit. But the profit is in this U.S.-based subsidiary. And so I would suggest that the overwhelming benefit is coming to the United States, not to the British holding company.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. The Senator from Pennsylvania didn't hear the debate about the \$5 billion loan guarantee, and what that would turn into if we did the same type of thing for other American-owned corporations and invested here. As the Senator from California outlined, the difference is a \$100 million investment in highways will produce 5,000 jobs; \$100 million invested in small businesses will produce 5,000 jobs.

I still stand by the contention that this subsidy—and that is what it is. We need to make sure we talk about what this really is. This is a subsidy by the American taxpayer, and it is going to cost them money because we are going to loan money at lower than we are borrowing now so there is a net cost to the American taxpayers for doing this. Even if they do pay it back, we are still going to be losing the jobs.

What we have to recognize is our fiduciary responsibility. The fastest growing cost to the Federal Government is net interest. We are going to boot it up \$5 billion, times about 1.5 percent, and that happens to be about \$50 million a year that we are going to ask our grandkids to pay to subsidize this deal. Take \$50 million. Can't we invest that \$50 million in a better way? Can't we invest the true cost of this deal, about \$50 million a year to the American taxpayer, in some other way to create 5,000 jobs in the future that will be here forever? We have already heard them say they have every intention of taking this technology; at the end of 10 years, it will be their technology and they will build their own plant, and there will be no benefit to Westinghouse or the British Government or Mitsubishi Steel or Shaw Corporation. There will be none because they will do as they have done on every other issue: They take the technology; once it becomes theirs, they will just duplicate it. Or if it doesn't become theirs legally, they reverse engineer it.

Mrs. BOXER. Will the Senator yield to me?

Mr. COBURN. I am happy to.

Mrs. BOXER. Again, I thank the Senator for his leadership on this issue.

Mr. COBURN. Will the Senator yield so I can find out how much time I have?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. COBURN. Mr. President, I reserve the remainder of my time. I will be happy to yield time if the Senator comes up short.

Mrs. BOXER. All right. Very good.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what I was going to ask the Senator—but it is more a rhetorical question—is, Why does China need this money anyway? We already owe China \$230 billion they have loaned us buying our Treasury bills. We pay them now billions of dollars of interest—billions, multibillions. I was going to ask my friend a question, but it was a rhetorical question. The Chinese do not need any more dollars. They have dollars all right. They have so many dollars it is unbelievable: dollars from the trade deficit that is huge and climbing. They have the interest payments that we pay them.

Now they need another \$5 billion? This is the most outrageous thing I have seen come across my desk. I will tell you this: If we cannot win this amendment, I say to my friend, I do not know who we are here fighting for. It does not make any sense. Set aside our differences on nuclear power, that does not even have to come into it. My friend from Pennsylvania says there is not a risk? Give me a break. Talk to any American businessman who has done business in China. I meet them all the time in California. Oh, everything is promised. Oh, it is all going to be great. Somehow it does not happen, and they are left holding the bag.

I wish I could protect my California businesspeople. I cannot. But I sure can protect my California taxpayers. For 5,000 jobs in Pennsylvania—which, by the way, the Chinese Government admits they are going to take the technology. They admit it. I will give them that. And they are going to replace those 5,000 workers.

In light of what the general said 4 days ago: The Americans will have to be prepared that hundreds of or two hundreds of or even more cities will be destroyed by the Chinese with nuclear weapons—he says: We'll have to respond with nuclear weapons—that is what he said in light of a conversation about Taiwan.

So what is wrong with this picture? We are putting taxpayers on the hook for \$5 billion in loans and loan guarantees to a British-Government-owned subsidiary, where it will create, in the short term, 5,000 jobs, what the Chinese say will not be long-lasting, to give them nuclear technology so they can build better weapons against us and have more materials to use against us. It makes no sense.

I want to create 100,000 jobs in America. I want to create 2 million jobs in America. Do you know how we can do

that? By cracking down on the way the Chinese deal with their currency. If they would allow their currency to float, we would create more than 2 million jobs in America, and it would not put the taxpayers on the hook for anything.

As my colleague from Oklahoma said—as we both have said—if you want to put up \$5 billion in loan guarantees, why not do it for American small businesses, and instead of creating 5,000 jobs, create 100,000 jobs. If that is my choice, I come down on the side of the American worker. This is 5,000 jobs, at \$1 million a job. This makes no sense whatsoever—and putting the taxpayers on the hook.

So no matter how I look at it, the Chinese do not need this money. And do you know what I say? Let the Russians have this deal. Let the French have this deal. Let the French put their taxpayers at risk. Let the Russians put their taxpayers at risk. I am not moving forward toward this deal, which is the largest deal ever done by Ex-Im Bank, to benefit a country that has threatened us with nuclear weapons, at least the major general has.

This is insane. If anything should garner a big bipartisan vote, it is the Coburn-Boxer amendment. We do not team up that often. We have a couple times. This is really interesting. And we do it for different reasons. But do you know what? Overall, it is looking out after the taxpayer. That is the bottom line of this particular amendment.

There are many issues where I could stand up on this floor and say to my tax-paying constituents: There are certain things that I think are worth investing in. I think it is worth investing in No Child Left Behind and making sure our kids can read and write. Yes, it is going to cost money. Yes, it is a bit of a risk because some of the kids may not learn, and that is a problem. I guess you could argue with that. But I think, overall, the benefits outweigh the risks.

What is the benefit here to give over technology that the Chinese say they are going to learn; they are going to replace the American workers; they will have technology they can use against us? I think it is a bad deal. It is bad for the American taxpayer. It is a terrible message to send from a foreign policy point of view. The jobs we are creating are costing \$1 million a job. They are very few jobs. They will not last long.

I cannot say enough how I hope this amendment will be adopted with an overwhelming vote.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from California withhold the suggestion of an absence of a quorum?

Mrs. BOXER. Yes, I do.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield 9 minutes to the Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I always regret having to oppose an amendment proposed by my friend and colleague from California, but I am afraid I must. I have a very hard time understanding this amendment and understanding why we would even do it.

I believe, if this amendment is adopted, it is a free gift to the French, the Russians, and other European contractors who would have been provided a majoring advantage over their U.S. counterparts. Secondly, it will only lead to a further increase of greenhouse gases in China. Thirdly, it will result in the initial loss of American jobs and potentially many thousands in the future. Finally, it would mean a lost opportunity to address our rising trade deficit with China and to cooperate in finding efficient sources of energy.

I have been going to China for over 30 years now. I try to go every year. As mayor, I started a relationship with Shanghai. I traveled east, west, north, and south in China. China needs energy. All anybody has to do is be in China in the middle of the summer or the winter and see the effect of this coal-burning country.

Do you remember when they wanted to build hydroelectric power and build the Three Gorges Dam and people in this country objected to it? They said: It is too big. And the Three Gorges Dam, the largest hydroelectric dam in the world, will only handle 5 percent of the energy needs of China. So China has to go somewhere. China has to find a source of clean power.

This provision, I believe, would essentially shut out U.S. firms from being able to compete with their counterparts in Europe and, for all practical purposes, cede billions of dollars worth of contracts to non-American companies.

No matter what our personal views on nuclear power and the construction of nuclear powerplants in the United States—that is our business—it is clear that China intends to proceed with at least 30 nuclear powerplants, the most advanced and the cleanest yet known to man, over the next decade. This is China's decision, and it is their right to make this decision.

China, as its economy continues to expand by over 9 percent annually, is deeply concerned about an energy shortfall. As the world's No. 2 consumer of energy, China currently imports 40 percent of its oil supplies.

As its economy continues to grow—and it will—China will need to find additional and greater sources of energy. We do not want them to rival us as we look for those sources of energy.

Let me give you an example. The International Energy Agency, in its 2004 annual report, predicts that China's oil imports will increase by some 500 percent by 2030.

Despite the negative impacts on its citizens' health and its contribution to greenhouse gases, China remains the

world's largest producer and consumer of coal. Coal continues to make up two-thirds of energy consumption in China, and it is predicted that coal consumption will only double over the next two decades.

Currently, the second largest emitter of greenhouse gases—behind us—China is expected to surpass the United States as the world's largest emitter of greenhouse gases by 2025. In an attempt to increase its reliance on cleaner, more efficient energy sources, China has been working to develop natural gas, hydroelectric power, and nuclear energy.

Now, while nuclear energy is not a panacea for all of China's energy needs, it offers one of the most efficient and cleaner sources of energy. And it is certainly superior to coal.

In the next 20 years, China is expected to top the world in nuclear power development. So I ask, what is the point of this amendment? Why would we want to pass legislation that would hurt American companies and try to tell China what sort of energy it can develop?

I could understand if this was sensitive nuclear technology and had national security implications. But it has been vetted, and that is simply not the case. The administration—and, in particular, the Department of Commerce and the Department of Energy—has reviewed this technology and has offered its unequivocal support for American firms bidding or subcontracting on these projects.

In the first project that would involve American technology, a multinational consortium, including the American Shaw group, is looking to design and construct four AP1000 pressurized water reactors on two sites in central and southern China. This AP1000 advanced nuclear powerplant will be the new standard for nuclear power throughout the globe and lead to thousands of high-tech jobs for Americans for many years to come.

In February 2005, the Ex-Im Bank gave a preliminary commitment to provide \$5 billion of assistance to this consortium. Should this amendment pass today, it would mean the loss of at least 5,000 high-tech jobs throughout the Nation and could well set a precedent that precludes any American company from bidding on nuclear powerplant projects in China.

By passing this amendment, we essentially hand the contract to either the French or the Russians, who have the full support and backing of their respective governments.

With our trade deficit with China nearing \$200 billion, I simply cannot understand why we would not want to provide American firms the best opportunity to successfully bid on these projects in China. For those, like myself, who have raised concerns with Chinese leaders about this unacceptable trade imbalance, it would seem counterproductive to support such an amendment.

Some have raised concerns about the decision by the Ex-Im Bank to provide financial assistance to a multinational consortium that includes non-American companies, suggesting that the bank is going beyond its mandate.

But the fact is, the Ex-Im Bank's primary responsibility is to assist in creating American jobs and export growth for the U.S. economy.

With this mission in mind, since 1987, the Ex-Im Bank has financially supported equipment and services for several overseas nuclear power projects, providing these loans at fee-for-service.

Despite what you may hear, American taxpayers do not subsidize these Ex-Im Bank loans to other countries and are not at credit risk.

Even in cases where the primary contractor may not be an American-owned company, these projects will spawn millions of dollars' worth of business for American subcontractors.

The fact is, China already has extensive nuclear power production. This is China's choice to pursue the construction of nuclear powerplants. We should not be telling China, which needs an increasing number of energy options, what to do.

Energy sufficiency has increasingly become a central component of China's long-term economic growth and development, and could have deep security implications as well.

I believe it is vital for the United States and China to cooperate in order to avoid future tensions and conflicts over securing energy resources. If this amendment passes, you can be sure there will be these conflicts. Therefore, in my view, working with China is important.

I oppose this amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I listened very intently to the words of the Senator from California. I am somewhat confused. If in fact the American contractor, i.e. Bechtel, working with the British-owned company, not an American company, gets this contract, it will have an effect on reducing coal utilization. But in her first statement, the Senator said if the American company consortium doesn't get it, the French or Russians will. So the argument about coal and greenhouse gases doesn't fly. They are going to go with nuclear, much like this country should be doing, except we don't have the wisdom to do that.

The fact is, we will be subsidizing the difference in the rate. Loans for nuclear powerplants are high-risk loans. There are not many commercial lenders that will lend for that, and when they do lend for it, you pay a premium. This is going to be a subsidized loan that will cost somewhere between \$50 million and \$100 million per year to the American taxpayer. What could we do with another \$50 million or \$100 million to produce jobs? I am all for producing jobs. I want Westinghouse to produce

lots of nuclear plants. I believe it is safe and smart for us to use nuclear power. Every time we have seen a problem in this country, the power systems and safety systems have worked.

The debate is not whether I want nuclear power. I have been on record for nuclear power for a long time. I am not an advocate of us subsidizing the British Government, the Japanese Government, and their businesses, and having the American taxpayers pay for it.

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

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

Mr. SANTORUM. My staff has been checking this. We cannot figure out where the Senator is coming up with the \$50 million to \$100 million figure, since the Ex-Im Bank has not decided how they are going to structure the transaction yet.

Mr. COBURN. The assumption is, if this becomes an Export-Import Bank loan, then it, in fact, will be at a rate less than what China could borrow in the international markets for the same thing. If you go out and check loans on nuclear powerplants, what you see is they are high-premium loans because there is a lot of risk. Whatever they do, if they, in fact, finance it, or if they, in fact, guarantee it and don't finance it, the rate is going to come down, so that builds the risk for the American people. I agree, they probably will pay it back. My argument is, whatever it is, if we are subsidizing it, either through the auspices of a guarantee or a loan through a reduced rate, what could we be using that same buying power for here?

So there is an economic cost. If we put \$5 billion over here, it is going to cost us by not putting it somewhere else in terms of loan guarantees. The question is not whether we ought to have a vibrant nuclear power industry in this country. The question in my mind is this. I understand the global economy. You are talking about the vast majority of the major players in this not being American companies—the vast majority. Although Westinghouse employs Americans, the profits that inure to Westinghouse through a loan guarantee for subsidy go to the British, not to Americans. That government owns it through the nuclear power unit, the research fuels unit of the British Government, British Nuclear Fuels. They own it 100 percent.

We can muddy the water on who owns it. The fact is, American taxpayers should not be on the hook for subsidizing or guaranteeing what should be subsidized or guaranteed by the Japanese and British Governments. If they think this is a great deal—and I am all for reducing our deficit with China. I voted for looking at the floating of the currency, so I am with the Senator from Pennsylvania; but I don't believe we should put our grandchildren and our children at risk when we can use the money much more wisely and our credit rating more wisely.

Mr. SANTORUM. Will the Senator yield?

Mr. COBURN. Mr. President, I inquire how much time remains?

The PRESIDING OFFICER. There remains 3 minutes 10 seconds.

Mr. SANTORUM. Mr. President, I ask this question. You are aware that there is an exposure fee that is paid by the company to the Ex-Im Bank, which is calculated to cover the credit risk of the transaction, so the credit cost to the taxpayer would be zeroed out through this exposure.

Mr. COBURN. Would the Senator like to yield back to me?

Mr. SANTORUM. I am asking a question.

Mr. COBURN. The fact is, there should be no risk to the American people on this deal, period. There is risk. There is a guarantee for the full faith and credit of the United States through the Export-Import Bank to finance the vast majority of a British-owned company—a British-Government-owned company, not by the taxpayer, but a British-owned company and a Japanese company and a smaller American company. So my basic position is we should not have that risk placed on our children or grandchildren.

The other issue that is important is that they have already said they are going to take the technology at the end of 10 years. I cannot believe we are saying at the end of 10 years whatever advantage we have they are going to get. We agreed in this deal that they get it. They are going to be turning around and selling nuclear powerplants to us.

We ought to be doing something different. If this is the only way we can put jobs out there, by competing on subsidies with the French and Russians, we have lost the innovative spirit of America. We need to get back to investing in hard reserve, entrepreneurship, and in small business. We will create more jobs and more industries. If we keep playing the game of government-run subsidies and guarantees to buy business—because that is what we are doing. Why did the Chinese choose this one over the others? Because it is the best economic deal. They are essentially equivalent as to what they can buy. We are buying business. When you start buying business, it marks the end of your ability to compete.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania has 1 minute. The Senators from Oklahoma and California have a minute each. The Senator from Vermont has 5 minutes.

Mr. SANTORUM. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I would be willing to yield back my time, if the others are, to accommodate the chairman of the subcommittee.

Mr. McCONNELL. Under the unanimous consent agreement, I believe we immediately move to debate on the Dorgan amendment as soon as time expires on the Coburn-Boxer amendment. Am I hearing that all of the remaining time might be yielded back?

Mr. SANTORUM. I just need a minute and then I am done.

Mrs. BOXER. I will take just 30 seconds.

Mr. McCONNELL. I think I am hearing that Senators SANTORUM and BOXER would like to use the remainder of their time.

Mr. LEAHY. Once they have finished their time, I will ask unanimous consent that my time be yielded back.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, this is about reducing the trade deficit with China, about creating American jobs, and about creating high-tech, high-quality, good-paying jobs in America, to build something that we cannot export to China, something that we cannot build here and send to China, something that China desperately needs.

As the Senator from California said, it will reduce emissions in China. The reason we will get this contract is because we have the best technology. AP-1000 is the best technology. They are not going to buy the best technology if we are uncompetitive in the financing and because of the subsidies of the French and Russian Governments.

We are trying to put up the best technology, developed with the best know-how, which is what the Senator from Oklahoma said we should be doing, but we cannot compete on an uneven playing field. This will even up the playing field. It costs nothing to the taxpayers. There is an exposure fee covering the credit risk.

In all likelihood, there will be a guarantee. If anybody believes the Chinese Government will not come through on their guarantee, I have a bridge to sell you. Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the Coburn-Boxer amendment will stop us from putting at risk \$5 billion of taxpayer money. My colleague from Pennsylvania can say all he wants that he believes the Chinese will never default, no problem, just come and talk to the business people who have made investments in China. It hasn't been a pretty picture.

The fact is, if this is about creating jobs, the Senator from Oklahoma and I and others have shown much better ways to create far more jobs that will really benefit the American people. This is something that we should not do.

I am on the Foreign Relations Committee with my colleague in the chair, and we are very proud of that committee. We want to be known as "Uncle Sam." We don't want to be known as "Uncle Sucker." I think we have a chance tonight to say we are Uncle

Sam; we are not Uncle Sucker. We are going to protect the taxpayers and American jobs. I hope we will have an overwhelming vote, just as the House voted for a similar amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask our colleagues to look at this for what it is. In the long run, we don't win; we lose. Even if it costs us nothing in terms of finance charges, in the long run the technology goes to China. We need to be investing in real jobs, real science, real entrepreneurs, and small business. We can create high-paying jobs. We have done that. I hope the body will do that.

I yield back the remainder of my time.

Mr. LEAHY. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, is it correct that the pending business now is the Dorgan amendment?

The PRESIDING OFFICER. That is correct. The order anticipates the offering of the Dorgan amendment.

Mr. McCONNELL. The time division on that amendment is 15 minutes for Senator DORGAN and 15 minutes under the control of Senator MARTINEZ.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, my colleague from Florida, the senior Senator from Florida, I understand is interested in participating in the debate. At the request of the majority whip, I will be happy to yield a portion of my time. I have not discussed that.

Mr. McCONNELL. Mr. President, I suggest that the Senator from Florida go ahead and begin his remarks. If his colleague arrives, he can make sure he has time left to yield to him.

Mr. MARTINEZ. I thought maybe the proponent would want to go first. I am happy to have him go, and I will respond once he has an opportunity to present his amendment.

Mr. DORGAN. Mr. President, are we in a quorum call?

The PRESIDING OFFICER. The Senate is not in a quorum call. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I am waiting a minute for something to be delivered from the cloakroom. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1294

Mr. DORGAN. Mr. President, I am offering an amendment. The amendment I offer today is very simple. It is an

amendment that will eliminate the \$21 million in this appropriations bill for something called Television Martí and will instead use that \$21 million to restore funding for the Peace Corps. The Peace Corps has been cut by \$25 million. This would restore most of that \$25 million. It would restore, in fact, the \$21 million that is allocated for Television Martí.

Let me talk for a moment about Television Martí. It is for the purpose of broadcasting signals into the island of Cuba, apparently to tell the Cubans the truth, to tell them Castro is an awful person. I would agree with that, that they ought to live free. We ought to find a way to move Cuba toward freedom.

We have Radio Martí that sends radio signals into Cuba. I have been to Cuba. The Cuban people told me they receive the radio signals. Of course, they can also receive the signals of the Miami radio stations, but Radio Martí is something that is valuable, is important, we should fund and will fund. I support it.

Television Martí, on the other hand, is a tragic, complete waste of money. We have now spent a substantial amount of money, \$189 million, sending television broadcast into Cuba that the Cuban people cannot see.

Let me tell you how we do that. This is a picture of Fat Albert. Fat Albert is an aerostat balloon. We have this balloon go way up into the air and then, on a big tether, it broadcasts television signals into Cuba. Castro, through his technology, blocks the signals so the Cuban people cannot see them. So we have \$189 million we have spent to send broadcast signals to Cuba that the Cuban people cannot receive.

We will hear people say today: That is not true, the Cuban people are receiving it. I am sorry, they are not. They just are not. There is no evidence they are receiving it, except very sporadically and in only a few spots in Cuba.

In fact, there have been some surveys that used to be taken and they have discontinued them because they could not find anyone who saw Television Martí and it was kind of embarrassing. On June 6, 2002, Brian Conniff, the acting director of the International Broadcasting Bureau, testified before the House subcommittee and said this. He is speaking of TV Martí:

Transmission to Cuba has been consistently jammed by the Cuban Government.

Let me say that again. This is not me. This is the person in the administration who is the acting director of the International Broadcasting Bureau. He said:

Transmission of these signals to Cuba has been consistently jammed by the Cuban Government.

So we spend \$189 million to send television signals that they cannot see in Cuba. Maybe it makes people feel better to waste that money. It does not make me feel any better. There is \$21 million proposed in this appropriations

bill. I say better use that to restore the funding for the Peace Corps where we need the money.

This Fat Albert aerostat balloon was up on a tether broadcasting signals no one could see. Fat Albert actually got loose once. They tracked it down. It flew over by the Everglades. They had to grapple up and find the hooks to get ahold of Fat Albert.

In all, \$189 million of the taxpayers' money has been spent to send television signals into Cuba that the people cannot see. That was not enough, however. The President announced he was going to get tough with Cuba recently so he restricted the right of people to travel in Cuba. I am talking about United States visitors to Cuba, including, by the way, Sergeant Lazo, who earned the Bronze Star Medal for bravery in Iraq. He came back to this country and had a sick child in Cuba and was denied the freedom by this Government to visit his sick child. We had a vote on that issue on the floor of this Senate. Sixty Senators voted to let him see his child. We needed 63 votes. So this Senate decided to deny a soldier who won the Bronze Star Medal in Iraq the freedom to see his sick child in Cuba. That is another debate for another time, but it shows the obsession of this policy with Fidel Castro.

Castro has lived through 10 Presidents. This embargo doesn't work. We understand it. This is a big, fat batch of politics dealing with particularly Florida, also New Jersey, and a couple of other spots in the country.

The President announced he is going to get tough. On October 10, 2003, in the Rose Garden, he said: We are going to get tough with Cuba. He says now instead of just Fat Albert, we are going to use Commando Solo C-130s. There are only a few of these planes. These are some real technology-laden airplanes that have been developed to use in combat areas for communications, specific communication areas. And so they fly this airplane.

I didn't mention, by the way, that the broadcast signals from old Fat Albert into Cuba occurred from 3:30 in the morning until 8:30 in the morning. Under the best of circumstances—let's assume nobody is jamming signals—one would wonder what kind of audience exists at 3:30 in the morning in Cuba. Notwithstanding that, they come up with this airplane. They expropriate this airplane from the National Guard, one of a few airplanes called Commando Solo. The C-130, with very special equipment, is now flying 4½ hours a week—let me say that again, 4½ hours a week—broadcasting signals into Cuba—signals, by the way, which are still jammed.

They say this jamming has now been overcome by this Commando Solo, this new airplane. Let me quote Chris Courson, former chairman of the President's Board Of Advisers on Broadcasting to Cuba. He was appointed to that position by the first President Bush. Until 6 years ago, TV Martí used

to conduct exit interviews with Cubans coming to the United States on rafts and to determine whether Cubans, in fact, watch TV Martí. From the interviews, it was clear TV Martí was seen by virtually no one in Cuba. And finally, they stopped doing interviews altogether, and they have no idea whether anybody from Cuba is watching these programs. In fact, these programs are being jammed.

We are going to hear, I am sure, today somehow somebody in Cuba is picking up the television signal. There is no credible evidence of that, except at most for a few sporadic reports from isolated spots in the Cuban hinterlands.

This is a terrible waste of the taxpayers' money. First with a big, old balloon, an aerostat balloon called Fat Albert, and second with Commando Solo. And now to top it off—failure is not anything that slows anybody down around here or at the White House—to top it all off, they want to buy a new airplane. They took one from the National Guard, Commando Solo, a handful of special airplanes, but that wasn't enough. Now they want to buy an entirely new airplane. They get \$21 million this year. Better it should be used, in my judgment, for the Peace Corps.

I have often wondered whether everything has a constituency in this Congress. It is quite clear, to me at least, that waste has a constituency. Waste has a relentless constituency. This is not the first time we have tried to shut this funding down. I think my colleague Dale Bumpers and I some years ago were trying to shut this down. But this keeps moving along. Waste has an enormous constituency here. Keep doing it. It doesn't matter if they can't see it; if it doesn't work, it doesn't matter what the facts are, keep doing it. It is as if the taxpayers have pockets with no bottoms. Have them ante up for a big balloon, ante up for an airplane, and send signals nobody can see.

People in Cuba are jumping on rafts to come here. They deserve to be able to have a new government. They deserve freedom and democracy. Radio Martí gives them the hope of that; it gives them some information. So, too, does Cuban radio off the radio stations in Miami or the regular radio stations in Miami which they can pick up. But Television Martí? If they can't get the signal, do we keep sending it?

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator has 5 minutes 20 seconds remaining.

Mr. DORGAN. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DORGAN. I send this amendment to the desk on behalf of myself and Senator WYDEN.

Mr. NELSON of Florida. Will the Senator yield?

The PRESIDING OFFICER. The clerk will first report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. WYDEN, proposes an amendment numbered 1294.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that no funds may be made available to provide television broadcasting to Cuba, to increase by \$21,100,000 the amount appropriated to the Peace Corps, and to reduce by the same amount the amount appropriated under title I to the Broadcasting Board of Governors for broadcasting to Cuba)

On page 227, beginning on line 13, strike "headings 'Foreign Military Financing Program' and 'Broadcasting to Cuba'" and insert "heading 'Foreign Military Financing Program'".

On page 326, between lines 10 and 11, insert the following:

PROHIBITION ON TELEVISION BROADCASTING TO CUBA

SEC. 6113. (a) None of the funds appropriated under this Act may be made available to provide television broadcasting to Cuba.

(b) The amount appropriated by title III under the heading "PEACE CORPS" is hereby increased by \$21,100,000.

(c) The amount appropriated by title I to the Broadcasting Board of Governors under the heading "BROADCASTING TO CUBA" is hereby reduced by \$21,100,000.

Mr. DORGAN. Mr. President, I ask the Senator from Kentucky how we allocate the time. I know we have two Senators who want to speak in opposition.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I believe there is 15 minutes on the side of the opposition. I think I heard the junior Senator from Florida offer to divide the time with the senior Senator from Florida.

I will take a moment to propose a unanimous-consent request related to several amendments so we can stack these votes for the very near future.

I ask unanimous consent that following debate on the current amendment, the Dorgan amendment, that there then be 5 minutes for Senator LEAHY and 5 minutes for Senator COBURN in relation to amendment No. 1241. I further ask unanimous consent that the Senate then proceed to a vote in relation to amendment No. 1242, which is the Coburn-Boxer amendment, on which we have already had debate, to be followed by a vote in relation to amendment No. 1241, which is the Coburn AID amendment, on which we have already had debate, to be followed by a vote in relation to the Dorgan amendment related to TV Martí.

Mr. LEAHY. Reserving the right to object, and I shall not object, should we not have 2 minutes between each vote evenly divided between the sides in the usual form to discuss the next vote?

Mr. McCONNELL. Mr. President, I had not put that in the request. We can

do that. I so amend the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, will the Senator from North Dakota yield for a question?

Mr. DORGAN. Mr. President, I am yielding on the time of the Senator from Florida. I will be happy to.

Mr. NELSON of Florida. Mr. President, I ask the Senator if we can see that photograph of the airplane, the C-130. Would the Senator be more amenable to this situation if he realized that the aircraft called Commando Solo has to fly all the way from Harrisburg, PA, to the Florida Keys on Saturdays to do the broadcasts, and what the Broadcasting Board of Governors is proposing is instead to buy a small aircraft that would be located in the Florida Keys so it would be close by and the broadcasts could be much more frequent? Would the Senator recognize that might be a wise thing?

Mr. DORGAN. Mr. President, since my colleague from Florida is going to oppose my amendment, I will not give him a lot of satisfaction with my answer except to say this: Sending another airplane closer to Cuba to send signals that the Cubans cannot receive does little for the American taxpayer, in my judgment.

Mr. MARTINEZ. Mr. President, if I may, I would like to be heard on the amendment. I rise to oppose the amendment because anytime someone would offer an amendment that is going to deny the Cuban people the opportunity to hear the voices and see the signs of freedom, I do not believe that is an appropriate amendment, and I oppose it.

I want to correct a couple of misperceptions. The Senator from North Dakota relishes showing the balloon photographs. I have heard him on several occasions discuss the unfortunate incident where apparently the wind blew it into the Everglades, which is inconsequential as to whether, in fact, it reaches Cuba.

The fact is that technology began and the Cuban Government began to jam it. The Cuban Government jams that information coming into the Cuban people and the images of TV for some reason or another. It is obvious to them that it does harm to their political interests for the people of Cuba to see these images of freedom. So I would discount the fact that because Cubans do choose to take that dangerous route of coming through dangerous, treacherous waters, where more than one-third of them perish and die, and they do understand the difference between freedom and tyranny, and out of desperation may come to this country, that the information that they receive through the images of TV Martí are, in fact, remarkable and important.

I also say that while Radio Martí does reach Cuba, the quantum impor-

tance of adding the images of television to those of radio are the same impact of the reasons I would daresay that most of us who have run for office in recent years choose to do television ads in preference over radio ads even though television ads are much more expensive, because the power of the images on the television set are much more powerful than those of the spoken word over the radio. That is why it is so important that not only Radio Martí but TV Martí also reach the people of Cuba.

I add to that, even though it has been jammed by the Cuban Government, the Cuban Government has been unable to jam the flights of Commando Solo, which is why they are so important as an added measure of policy of the United States towards Cuba.

In fact, the Cuban people were able to see me take my oath of office as the first Cuban American in the history of this Nation to become a United States Senator from the very floor of this Senate with images of TV Martí broadcast to Cuba. So I would daresay that the information that I receive anecdotally but certainly reliably is that the people of Cuba do see the Commando Solo flights, do see the images reaching them on television. The power of these images on television cannot be understated or minimized.

The fact is, the people of Cuba recently have suffered the ravages of yet another hurricane. As a result of that hurricane, it is unquestionable that the people of Cuba are desperate to know the facts of free information flow. For instance, the Cuban Government has refused humanitarian aid from the U.S. Government. We hear that most of Cuba today has blackouts given the fact that the hurricane destroyed large parts of the electrical system. Would it not be good to get the information to the people of Cuba that their dictator, their tyrant, while he sleeps in a comfortable, dry bed, does not want them to have the humanitarian assistance that our Government would provide?

We know from reports that are received that the audio and video signals are seen in the provinces of Havana, where more than one-third of the population of Cuba lives, also in Matanzas and Villa Clara provinces. Villa Clara happens to be the part of the country where I come from.

The fact is, the images in Cienfuegos, Pinar del Rio, Ciego de Avila, and Sancti Spiritus also have been seen and are seen frequently with the assistance of the airplane which cannot be jammed.

Why would Castro, why would this dictator, why would this tyrant, jam the signals that come into Cuba if it was of no significance to them politically?

The policy towards Cuba changed on that day in the Rose Garden where I had the honor, by the President of the United States, to be appointed to a Cuba study commission, which I co-chair with Secretary Powell. One of the

important tenets of this policy toward Cuba was, in fact, to include information flow and to make it effective, which is why we shifted from the balloon to the airplane, a way in which the information could get to the people of Cuba.

I would finally say that the same arguments that are being made today against TV Martí are the same arguments as those that have been made against Radio Martí. The words that are being used on this Senate floor to further this amendment, the fact that the voices and sounds and signs of freedom are given no importance, is a completely different message than that which we sent to the world when Radio Free Europe was piercing the Iron Curtain, when Radio Free Europe was beaming signs of hope and a better future to the people of Eastern Europe.

In talking to the Natan Sharansky and other heroes of those days, we know that they value greatly the partnership and the solidarity with the United States as they sought to stand up for freedom.

As the dissident movement in Cuba, each and every day growing, seeks to get a foothold and a toehold, the information from Radio and TV Martí is essential to the creation of voices of freedom, of people who live on an imprisoned island without the ability to get information that we today regard as casual and everyday, which is the evening news or the broadcast of any events that may take place in the world.

I yield time to my senior colleague, the Senator from Florida, so that he might speak on this issue.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we have been through this only a few weeks ago on another appropriations bill. This is the identical amendment that was offered then. It was defeated by a very strong vote of 65 votes against it and 35 votes in favor of it.

Senator DORGAN, who is one of the fiscal watchdogs of this Chamber, is clearly well motivated in his attempt to find waste, but I want to lay out why I do not think this is a good place for him to look.

Cuba successfully jammed TV signals before, when we were beaming them from a tower located in the Keys or when we were beaming them off of the ionosphere coming down where the Castro government could get a fix on the signal. Likewise, they were successful in jamming it when they could get a fix on a signal coming from a satellite. That is the reason the airplane is so useful. They cannot get a fix on the signal because the airplane is moving.

That is why I asked the Senator from North Dakota my question earlier: why is it not reasonable to think that we could save money, which is what the Broadcasting Board of Governors wants to do, instead of flying this C-130 all the way from Pennsylvania to off the



coast of Cuba every Saturday? Let us have a smaller aircraft stationed nearby so that it can go more frequently and at much lower cost.

Is there any reason why Castro wants to jam the broadcast? He wants to keep the information from getting in, but the Cuban people are hungry for this information.

My position on this goes back to when I was 17 years old, when I was sent by this country as a representative of its youth to speak to young people behind the Iron Curtain on Radio Free Europe. We know the success of that program. We know that they tried to jam the broadcast, but some broadcasts got through and were the lifeline for those people who ultimately—we know the story. The Iron Curtain came down.

Eliminating this funding would eliminate the Broadcast Board of Governors' radio and TV broadcast operations. With a dictator in Cuba who is trying to keep his people's minds enslaved, as well as their bodies, this is not the time to end these broadcasts.

I hope our colleagues will defeat this amendment even more strongly than they defeated the last one. Let us see how our broadcasts operate under this new system. Let us see how, under the new leadership and administration of Radio and TV Martí and all other forms of U.S. outreach and support to the island, this can demonstrate our commitment to the Cuban people and to all the oppressed people around the world.

If we were to end our support now we would be turning our backs on the dissidents who have been so brave to sign the petition in the Varela project, a petition signed by over 11,000 courageous Cuban citizens demanding greater freedoms. They made this petition in accordance with Cuban law, and yet were ignored by the Cuban Government.

So I urge our colleagues, on behalf of my colleague from Florida and this Senator from Florida, to oppose this amendment.

Mr. MARTINEZ. How much time remains?

The PRESIDING OFFICER. The Senator from Florida has 2 minutes 30 seconds remaining.

Mr. MARTINEZ. In closing, I would like to say a couple of words about the broader policy toward Cuba because I know that part of this has to do with whether, in fact, we believe that the policy of this country toward Cuba is misguided or actually correct.

The policy of this country toward Cuba has been enshrined in a study that was carried out by Secretary Powell, myself, and others on behalf of President Bush to try to arrive at a consensus way in which we would look at Cuban policy well beyond the fact of an embargo. An embargo had been in place for a long time, but that in and of itself did not constitute a policy. The fact is, it was then a multifaceted approach that was chosen. Included among those facets, one of the most

important underpinnings of it was the free information flow to the people of Cuba. Radio and TV Martí are only one of the means in which it is done.

One has to understand this in the context of a society that is closed, that does not permit people to seek information as casually as we do today by going on the Internet. The Internet is denied to the people of Cuba. Access to news and information is denied to the people of Cuba.

Cuba has always had the unfortunate circumstance of being an island, which has deprived it of communication and contact with other people in the Western Hemisphere. As a result of that, the ease of information control is greater there than it would be in many other places. That has been a great detriment to the Cuban people in being unable to free themselves from the shackles of oppression for now over 45 years.

Today we ought to defeat this amendment. We did so just a couple of weeks ago. This, again, is the same issue, the same time, the same misguided look at the way in which we want to see the people of Cuba have the opportunity for the free flow of information. So I urge my colleagues to defeat this amendment and to, once again, allow the people of Cuba to hear and see the voices and sounds of freedom, the voices and sounds of liberty, as they seek to themselves regain that for themselves.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 35 seconds.

Mr. DORGAN. Mr. President, let me just say that the case with respect to this country's dealing with Cuba is a case study in failure. I will not debate that at the moment, but it is absolutely absurd. We plead that the way to move China and Vietnam in a more constructive direction, both Communist countries, is through trade and travel and engagement. We take exactly the opposite position with respect to Cuba. This policy is the best friend Fidel Castro ever had, and that is why he is still in office.

Aside from all of that, this amendment does not deal with the whole Cuba trade policy. It deals with the issue of Fat Albert, and, yes, the new airplane they want to buy. They say they are going to get a new little airplane, fly it off the coast of Florida, and we will get some television signals into Cuba.

The fact is, they have already wasted \$189 million. Apparently, now after 10 years, or however many years it is, there is a new approach. I don't believe it will work.

Let me read something from the Chicago Tribune Foreign Correspondent, October 2004. He went right to the heart of this. Do the Cubans see these signals with Commando Solo or Fat Albert, the balloon? He says: In inter-

views on the island, speaking of Cuba, it is difficult to find anyone who says they have ever seen TV Martí, although one Havana resident said she picked up some of the audio portion of a Saturday evening broadcast.

That viewer said: There was no picture but I could hear it and the static was very loud.

One person hearing a voice without a picture on a television station.

My colleague from Florida, Senator MARTINEZ, said at the start of his presentation that Fidel Castro jams these signals. Yes, he does. That is exactly my point.

I am willing to do all kinds of things to send additional information to Cuba, to give them additional information, but I am not willing to sit by and say: Let's keep wasting money. If we send big fat balloons up in the air or send Commander Solo or buy a two-engine plane and run it off the coast of Florida and believe we are doing something, all we are doing is wasting the American taxpayers' money.

Maybe I am confused. Maybe I am just hopelessly confused and misguided. I thought when you spend money that is not yours—and the money here is the taxpayers' money—I thought you should spend it wisely. When you find somebody wasting it, you stop it. Maybe I am confused about that. I thought surely if all the evidence—I am talking about the evidence of the people who ran this thing, TV Martí—if all the evidence is you are sending television signals that no one can receive and spending \$189 million doing it, maybe at some point you would stop and say this doesn't make any sense. This doesn't pass any litmus test.

What I suggest is this: \$21 million, once again, \$21 million more to send a television signal that no one can see. That \$21 million is better spent by sending it to the Peace Corps, which is underfunded by \$25 million. The Peace Corps is something of which I am enormously proud. It gives me great pride, these people moving around the world representing our country in the Peace Corps in all corners of the world. Underfunding \$25 million to the Peace Corps and sticking \$21 million into this? Maybe next time it will not be Commander Solo or an aerostat balloon, or maybe they will train an eagle with some sort of transmitter. Who knows? No matter what it is, no matter what the waste is, no matter they spend millions and millions—now \$180 million—no matter, there will be people here representing that waste.

Vote for this amendment. Move this money to the Peace Corps where it will be used for the good of this country.

Have the yeas and nays been requested on my amendment?

The PRESIDING OFFICER. They have not.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.



The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, am I correct we are now into a 10-minute debate on the Coburn amendment, or have we already had that?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Five minutes is under the control of Senator COBURN and 5 minutes is under the control of Senator LEAHY. Then, let me say for my colleagues, we are unaware of any other amendments on either side that will require votes. We are also unaware that there will be a request for a recorded vote on final passage. So we are very close to the end of consideration of the Foreign Operations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 1242

Mr. COBURN. Mr. President, we are about to have a vote on the Coburn-Boxer amendment. It is a very straightforward amendment that says the U.S. Export-Import Bank should not subsidize a \$5 billion loan for the sale of nuclear powerplants to China. We are opposed to it. I am personally not opposed to nuclear power. I am not opposed to the Chinese having nuclear power. But I am opposed to financing a company owned by the British Government through the British Nuclear Fuels Company, which is wholly owned by the British Government, which wholly owns Westinghouse Nuclear Powerplant Division. This Export-Import Bank financing will also finance Mitsubishi Steel out of Japan.

The question that has been raised in the debate is if we don't do it, the French or Russians will. The fact is, if we have the best technology and the best quality, then we ought to earn it on the merits. The American taxpayers should not be put on the hook for financing.

The second issue is that when we buy business in this country—which is what we are doing; we are buying business by subsidizing and giving a deal to compete—what we are doing is taking away moneys and Export-Import financing that could be used elsewhere. This is by far the largest, by 250 percent, of any Export-Import Bank loan in the history of the Export-Import Bank. I don't believe our grandchildren should be on the hook for it, but I also don't believe this is the best use of that money.

I am an advocate of nuclear power both in this country and around the world. I think it can be used safely. These are great companies, but it is time we get out of the idea of buying business and out of the idea of putting our kids and our grandkids at risk for something that fully should be subsidized by the governments that are going to benefit the most from it.

I yield my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, yesterday on the floor I suggested that I

might offer an amendment to this bill dealing with the CNOOC Chinese oil company's purchase of Unocal. I wanted to tell the ranking member that I decided not to offer this amendment to this appropriations subcommittee bill. There are other avenues with which to discuss and describe that issue. It is very controversial. It is something which I believe very strongly the Congress—the Senate needs to deal with, but I have elected not to do it on this particular piece of legislation because other opportunities will exist in the days ahead.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from North Dakota. Then, as the Senator from Kentucky said earlier, I think it is pretty clear we on our side do not have any amendments beyond the unanimous-consent agreement that would require rollcall votes. I know of nobody on this side, nor am I, requesting a rollcall vote on final passage, insofar as we are going to have to have a rollcall vote when the conference report comes back, in any event.

#### AMENDMENT NO. 1241

The PRESIDING OFFICER. The Senator has 5 minutes on the Coburn amendment.

Mr. LEAHY. I have spent almost 30 years on this committee, cutting out areas where I believed we spent tax dollars frivolously. This, however, is talking about \$5,000 overall throughout AID regarding hospitality for visiting dignitaries. I have had disagreements with various Directors of AID over the years on particular programs, but I am not going to come on the Senate floor and seek to micromanage AID to the extent that if they have visiting dignitaries and they are trying to move through a program, they would be unable to even have recorded music for that or pay a modest honorarium to a local singer or something like that to come in and entertain, much the same way other countries do with us. We are talking about for the whole world—\$5,000 in a multimillion dollar budget.

Frankly, I will give the Bush administration—as I have since I have been in the Senate the Ford administration, the Reagan administration, the first Bush administration, the Clinton administration, and now the Bush administration—the benefit of the doubt that out of this multibillion dollar budget, they can handle this \$5,000.

I will vote against the amendment, and I yield the remainder of my time.

#### AMENDMENT NO. 1242

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment, numbered 1242.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Do we now have rollcall votes on all three stacked amendments? Have they been requested of all three?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, further parliamentary inquiry: Is it the intent of the distinguished Republican leader to request subsequent votes after this first one be 10-minute votes?

Mr. MCCONNELL. I ask unanimous consent that the second and third votes on the three stacked amendments be 10-minute rollcall votes, and as was suggested earlier, there will be a minute on each side to describe each of the amendments prior to the vote.

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

Mr. MCCONNELL. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 192 Leg.]

#### YEAS—37

|           |          |          |
|-----------|----------|----------|
| Allard    | Enzi     | Reed     |
| Bayh      | Feingold | Salazar  |
| Boxer     | Gregg    | Sarbanes |
| Brownback | Harkin   | Schumer  |
| Byrd      | Inhofe   | Sessions |
| Clinton   | Inouye   | Smith    |
| Coburn    | Johnson  | Snowe    |
| Collins   | Kennedy  | Stabenow |
| Conrad    | Leahy    | Sununu   |
| Dayton    | Levin    | Talent   |
| Dorgan    | Martinez | Wyden    |
| Durbin    | Mikulski |          |
| Ensign    | Obama    |          |

#### NAYS—62

|           |            |             |
|-----------|------------|-------------|
| Akaka     | DeMint     | Lugar       |
| Alexander | DeWine     | McCain      |
| Allen     | Dodd       | McConnell   |
| Baucus    | Dole       | Murkowski   |
| Bennett   | Domenici   | Murray      |
| Biden     | Feinstein  | Nelson (FL) |
| Bingaman  | Frist      | Nelson (NE) |
| Bond      | Graham     | Pryor       |
| Bunning   | Grassley   | Reid        |
| Burns     | Hagel      | Roberts     |
| Burr      | Hatch      | Rockefeller |
| Cantwell  | Hutchison  | Santorum    |
| Carper    | Isakson    | Shelby      |
| Chafee    | Jeffords   | Specter     |
| Chambliss | Kerry      | Stevens     |
| Cochran   | Kohl       | Thomas      |
| Coleman   | Kyl        | Thune       |
| Cornyn    | Lautenberg | Vitter      |
| Corzine   | Lieberman  | Voinovich   |
| Craig     | Lincoln    | Warner      |
| Crapo     | Lott       |             |

#### NOT VOTING—1

Landrieu

The amendment (No. 1242) was rejected.

#### AMENDMENT NO. 1241

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Coburn amendment No. 1241.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, the claim is that this is micromanagement

of USAID. USAID's role is to deliver goods, health care, and support to the needy people around the world. What this amendment does is negate what they have already said they are going to ignore anyway. I will read: USAID has the authority to use program and regular operating expense funds for entertainment under the necessary expense doctrine. GAO decisions to the contrary are not binding on this Agency.

This is a small amount of money, but it should send a signal to USAID, their job is to deliver what we want as American taxpayers in terms of health care and food and medicine to people in need. The best example of that is not to spend the money on furnishings, not on live recording artists, not on gifts for other bureaucrats but on food and medicine for those people who need it. That is what this amendment is about. It is not about micromanaging. It is about sending a signal: Do what you are expected to do.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had questions about what six different administrations have done, since I have been in the Senate, in their operation of USAID, but I have never seen such micromanagement. This would cost far more than it would save. It would actually cost far more money than this amount in debating it. It would not have been done in the Ford administration, the Nixon administration, the Reagan administration, the former Bush administration, the Clinton administration, and I would not support this kind of micromanagement in the current Bush administration. We would simply spend more money debating it than we could save, and I hope we would vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 193 Leg.]

#### YEAS—59

|           |           |         |
|-----------|-----------|---------|
| Alexander | Bunning   | Coleman |
| Allard    | Burns     | Collins |
| Allen     | Burr      | Conrad  |
| Bayh      | Byrd      | Cornyn  |
| Bennett   | Chambliss | Craig   |
| Bond      | Coburn    | Crapo   |
| Brownback | Cochran   | Dayton  |

|           |           |          |
|-----------|-----------|----------|
| DeMint    | Isakson   | Smith    |
| DeWine    | Johnson   | Snowe    |
| Dole      | Kyl       | Specter  |
| Domenici  | Lott      | Stabenow |
| Ensign    | Lugar     | Stevens  |
| Enzi      | McCain    | Sununu   |
| Frist     | McConnell | Talent   |
| Graham    | Murkowski | Thomas   |
| Grassley  | Roberts   | Thune    |
| Gregg     | Salazar   | Vitter   |
| Hatch     | Santorum  | Warner   |
| Hutchison | Sessions  | Wyden    |
| Inhofe    | Shelby    |          |

#### NAYS—40

|          |            |             |
|----------|------------|-------------|
| Akaka    | Feinstein  | Mikulski    |
| Baucus   | Hagel      | Murray      |
| Biden    | Harkin     | Nelson (FL) |
| Bingaman | Inouye     | Nelson (NE) |
| Boxer    | Jeffords   | Obama       |
| Cantwell | Kennedy    | Pryor       |
| Carper   | Kerry      | Reed        |
| Chafee   | Kohl       | Reid        |
| Clinton  | Lautenberg | Rockefeller |
| Corzine  | Leahy      | Sarbanes    |
| Dodd     | Levin      | Schumer     |
| Dorgan   | Lieberman  | Voinovich   |
| Durbin   | Lincoln    |             |
| Feingold | Martinez   |             |

#### NOT VOTING—1

Landrieu

The amendment (No. 1241) was agreed to.

#### AMENDMENT NO. 1294

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Dorgan amendment No. 1294.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have now spent \$198 million sending television signals to Cuba that the Cubans cannot see. It is called Television Marti. The President proposes to spend another \$21 million in the coming year, including buying an airplane to send these signals. Let me say that the Chicago Tribune foreign correspondent recently reported on this and said he couldn't find anybody who had ever seen TV Marti. In all of the surveys that have been done on people who came over by raft and so on, they couldn't find anybody who saw TV Marti. Why? Because it was jammed. So we are spending another \$21 million in the next year to send television signals the Cubans can't see. Meanwhile, we have now cut \$25 million in this bill from the President's budget request for the Peace Corps. I say let's take the \$21 million we now spend on television signals the Cubans can't watch and spend it on the Peace Corps which will invest in the future of this country and promote a better world.

I don't think I need to say much more about this. I could speak about Fat Albert and Commando Solo and the aerostat balloon, but I shall not do that at the moment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, a few weeks ago this same amendment was defeated in the Senate by a large majority. I urge my colleagues once again to defeat this bad amendment. The fact is, the people of Cuba have had these signals jammed by the Cuban Government because the Cuban Government places such a high value on controlling information and because it places such

a high value on controlling how the people of Cuba think. With the addition of airplane flights, we have now been able to get the signal to the Cuban people because the signal is not in one fixed point. It can move about. As it moves about, the people in Cuba can, in fact, receive the signal and did, in fact, see me take my oath of office on the Senate floor. As the first Cuban American in this Senate, it was a historic moment for the people of Cuba, and it was an exciting thing for them to see.

These are the kinds of voices and visual images that are encouraging the dissident movement within Cuba that is increasingly becoming more known and better known by the people of Cuba through the signals and the radio transmissions of Radio and TV Marti.

I urge my colleagues to join with me and my colleague from Florida, Senator NELSON, in defeating the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me announce to all of our colleagues, this will be the last vote tonight. We are unable to finish the bill tonight. We will have to wrap it up tomorrow. But this is the last rollcall vote tonight.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1294.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), is necessarily absent.

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

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 194 Leg.]

#### YEAS—33

|          |           |             |
|----------|-----------|-------------|
| Akaka    | Durbin    | Levin       |
| Baucus   | Enzi      | Lincoln     |
| Bingaman | Feingold  | Mikulski    |
| Boxer    | Feinstein | Murray      |
| Byrd     | Harkin    | Obama       |
| Cantwell | Inouye    | Pryor       |
| Carper   | Jeffords  | Reed        |
| Conrad   | Johnson   | Rockefeller |
| Dayton   | Kennedy   | Stabenow    |
| Dodd     | Kohl      | Sununu      |
| Dorgan   | Leahy     | Wyden       |

#### NAYS—66

|           |            |             |
|-----------|------------|-------------|
| Alexander | Craig      | Lott        |
| Allard    | Crapo      | Lugar       |
| Allen     | DeMint     | Martinez    |
| Bayh      | DeWine     | McCain      |
| Bennett   | Dole       | McConnell   |
| Biden     | Domenici   | Murkowski   |
| Bond      | Ensign     | Nelson (FL) |
| Brownback | Frist      | Nelson (NE) |
| Bunning   | Graham     | Reid        |
| Burns     | Grassley   | Roberts     |
| Burr      | Gregg      | Salazar     |
| Chafee    | Hagel      | Santorum    |
| Chambliss | Hatch      | Sarbanes    |
| Clinton   | Hutchison  | Schumer     |
| Coburn    | Inhofe     | Sessions    |
| Cochran   | Isakson    | Shelby      |
| Coleman   | Kerry      | Smith       |
| Collins   | Kyl        | Snowe       |
| Cornyn    | Lautenberg | Specter     |
| Corzine   | Lieberman  | Stevens     |

Talent  
Thomas

Thune  
Vitter

Voinovich  
Warner

## NOT VOTING—I

Landrieu

The amendment (No. 1294) was rejected.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I think Senator SANTORUM is here and is prepared to offer an amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

## AMENDMENT NO. 1260

Mr. SANTORUM. Mr. President, I call up amendment No. 1260 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Mr. DURBIN, proposes an amendment numbered 1260.

Mr. SANTORUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To transfer \$100,000,000 from the Economic Support Fund to provide for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria)

On page 326, between lines 10 and 11, insert the following:

## TRANSFER OF FUNDS

SEC. 6113. Of the funds appropriated in title III for Other Bilateral Economic Assistance under the heading "ECONOMIC SUPPORT FUND", \$100,000,000 shall be transferred to and merged with funds made available in title III for the United States Agency for International Development for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND. The funds made available for contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria in this section shall not be available for obligation prior to September 30, 2006."

Mr. SANTORUM. Mr. President, I thank the managers of this bill for agreeing to accept this amendment. We have been working diligently over the last few days to make sure this amendment could become part of the bill. Senator MCCONNELL, in particular, has been exceptionally helpful in allowing this amendment to be entered into the managers' package, which I am told the Senator will be offering.

It is an amendment Senator DURBIN and I have been working on to add \$100 million to the Global Fund for HIV/AIDS. It is an important \$100 million in that it brings the U.S. contribution up to the level of one-third the amount that is estimated to be contributed to the Global Fund.

A few years ago, we passed a piece of legislation on the floor of the Senate that the President signed into law that said that we would provide \$1 for every \$2 of international contributions to the

Global Fund to help fight this scourge that is killing 270,000 people a month—a month—on the continent of Africa. It is just remarkable. The number is almost too much for all of us to comprehend, the devastation occurring on the continent of Africa.

Senator DURBIN and I have in the past worked together on a bipartisan basis to try to provide the money to the Global Fund as an incentive for other countries to make their contribution and to up their contributions. So this \$100 million puts the marker out there, that those in the international community believe is the right marker for where they believe the international community will come in with contributions.

It is keeping the American commitment. It is a commitment the President of the United States, as recently as the G8 summit, says he believes we should, in fact, keep a 1-to-2 ratio of funds for the Global Fund.

This money is being used effectively. We are not only using the Global Fund effectively, but our bilateral aid, for which the President requested \$3 billion, is being used effectively to treat hundreds of thousands of people with antiretroviral drugs, as well as treatment for malaria and tuberculosis, not just in Africa, but the Global Fund reaches beyond the continent of Africa into other countries where there is a rapid increase in the infection of HIV/AIDS.

This is a vitally important amendment to keep our commitment, to keep the pressure on the international community to come up with the money necessary to help fight this pandemic in Africa and in many other countries around the world.

It is an opportunity for the Senate to go into conference with the House with a stronger number, with the right number, and hold that number. The way we have offset this—again, we had a lot of cooperation from Senator MCCONNELL and Senator GREGG on the Budget Committee. We understand we are going to have to work on it in conference to make sure the offset squares a little better than what we actually have in this amendment. We are willing to work with the managers, as well as the chairman of the Budget Committee, to make sure we do this in a way that will meet with their satisfaction.

But we have laid down the marker tonight. This amendment is going to be adopted. We are going to be at \$3 billion in bilateral aid and \$600 million for the Global Fund, so the total U.S. commitment is going to be \$3.6 billion—\$500 million with this amendment, and Senator SPECTER, in the Labor-HHS appropriations bill, has an additional \$100 million, which brings the total to \$600 million, as I said before.

This is a very gratifying day, I know, for Senator DURBIN. I appreciate his support and the support of all the Members on the Democratic side of the aisle who have been stalwart sup-

porters of the Global Fund and making sure that America keeps its commitment it has made to those who are suffering from this pandemic around the world.

Mr. President, I thank again the Senator from Kentucky, the manager of this bill, for his tremendous cooperation. I thank all those who have worked very hard, all the outside groups who have been lobbying Members of Congress in the House and Senate and spending a lot of energy on this issue trying to get to this number, \$3.6 billion, with \$600 million in the Global Fund. That has been the target for this year. With the adoption of this amendment, all of that work has at least taken one big step in the right direction. Now our job is to make sure we hold this number in conference so we can do what is right for the people who are affected with this pandemic around the world.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I rise to speak about the Santorum-Durbin global AIDS amendment, which addresses the deadliest epidemic in modern times.

The amendment before us presents a simple choice: fighting AIDS, or funding cost overruns. Providing lifesaving treatment for tens of thousands of the most vulnerable people in the world, or allocating scarce funds for excess, and perhaps questionable, reconstruction costs in Iraq.

A number of my colleagues and I have argued on the floor of this Chamber that budgets are moral documents, that budgets are about choices.

If budgets are moral documents, then appropriations bills are where our moral principles are put into practice. Appropriations bills are where we decide, line by line, where the people's money will be spent.

The choice before us is simple: we cannot place cost overruns ahead of lifesaving treatment.

AIDS is the deadliest pandemic of our times, killing 3 million people every year. That is one person ever 10 seconds.

AIDS kills individuals, impoverishes families, orphans children, imperils economics, destabilizes societies, and steals hope.

This disease can undermine the stability and economies of nations, to such a degree that the CIA has called HIV/AIDS a threat to our national security.

Dr. Condoleezza Rice, while National Security Adviser, said that "fighting the scourge of HIV/AIDS is both a moral duty and a strategy priority."

I would like to commend the Appropriations Committee, which has demonstrated their strong commitment to fighting HIV/AIDS around the world. The bill before us fully funds the President's request for bilateral HIV/AIDS programs. It also provides \$400 million for the global fund to fight AIDS, Tuberculosis, and Malaria. When combined with the \$100 million provided to

the global fund in the Labor-HHS appropriations bill, the total U.S. contribution for fiscal year 2006 to the global fund will be \$500 million.

This is a good start, but it leaves us \$100 million short of what the global fund needs to simply renew existing programs and ensure that people receiving lifesaving treatment will not lose their access to care. Making sure that no one loses their access to care is the moral minimum that we as a nation must meet.

The global fund is an important complement to our bilateral programs. It supports projects in 130 countries, complementing the bilateral program's efforts in 15 focus countries. The fund tackles tuberculosis and malaria, which together kill 3 million people a year, along with HIV/AIDS.

The global fund also provides a unique opportunity for American leadership to directly result in increased contributions from others. The bill that created the President's emergency plan for AIDS relief established an important benchmark for the global fund. For every dollar that we put in, we asked other donors to put in \$2. This has helped to make the global fund a truly global effort, by encouraging other countries to step up their contributions to the fund. In response to the fund's needs, Japan recently tripled its donation to the fund, and France doubled its donations. The United States should also put in its share. I believe strongly that no one should lose their access to lifesaving treatment because the United States didn't come up with its share of the needed funds.

I have met a number of the individuals whose lives are being saved by global fund programs. I have met their young children and listened to their hopes for the future. I can't imagine that anyone in this Chamber would wish to cut off lifesaving care to any of these individuals. This is why our amendment provides an additional \$100 million for the fund.

To offset the \$100 million increase for the global fund, the Santorum-Durbin amendment reduces funding to Iraq programs in the economic support fund by \$100 million. The Senate Appropriations Committee provided the full requested level of \$3 billion for the economic support fund, including \$360 million in new money for Iraq programs. However, Congress has already provided over \$18 billion for Iraq relief and reconstruction programs in supplemental appropriations. Nearly \$12 billion of these funds remain unspent, including nearly \$5 billion that have not even been obligated.

A very small portion of this nearly \$5 billion in unobligated funds could be used to make up for our proposed reduction of \$100 million to the economic support fund.

I would like to be clear that I strongly support the rebuilding and reconstruction efforts in Iraq. Reconstruction is vitally important for the people

of Iraq, for stability in the Middle East, and for the spread of democracy around the globe.

But, it is also clear that there is more money currently available for Iraq reconstruction than is being used. Over 18 months after Congress appropriated over \$18 billion for reconstruction, nearly \$5 billion remains unobligated.

Moreover, according to the White House, there is \$1.3 billion that has not even been committed to programs. This \$1.3 billion is instead intended for "security-related cost overruns." This means that 7 percent of the total amount Congress appropriated for reconstruction is being reserved for "cost-overruns."

If cost overruns are preventing the use of reconstruction dollars for their intended purpose, Congress should be hearing about this so we can work with the administration to get these expenditures under control.

If the nearly \$5 billion in unobligated funds is not adequate to make up the \$100 million reduction imposed by our amendment and additional funds are determined to be needed, I would support replenishment of these funds in future appropriations bills.

I have voted for every penny for our troops, and I am committed to Iraqi reconstruction as part of our mission in Iraq. But if \$5 billion is still unobligated, including \$1.3 billion intended for "cost overruns," then I believe that \$100 million of these funds could be better served for another vital mission: saving lives.

President Bush has described AIDS as "an individual tragedy for all who suffer and a public health catastrophe that threatens the future of many nations."

And, Dr. Rice, while National Security Adviser, warned, "History will treat us unkindly if those of us who had the means and those of us who had the way were unresponsive to this great crisis."

We have the ability today to literally save the lives of millions. This \$100 million can provide antiretroviral treatment to 35,000 people, and provide over 2 million mosquito nets to keep children safe from malaria.

This is why I support an additional \$100 million contribution to the global fund. I hope my colleagues will join me in supporting this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, no one has been more tenacious in fighting for adequate funding for HIV/AIDS than the Senator from Pennsylvania. I thank him for his important contribution.

His amendment is such a good idea that it has been approved on both sides of the aisle. Mr. President, I recommend we move forward and approve the amendment on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1260) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1250 WITHDRAWN

Mr. McCONNELL. Mr. President, I ask unanimous consent that amendment No. 1250 be withdrawn.

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

#### AMENDMENT NO. 1290

Mr. McCONNELL. Mr. President, I call up amendment No. 1290, as it has been cleared on both sides, and ask that we adopt it.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1290) was agreed to.

Mr. McCONNELL. 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. DURBIN. Mr. President, I am a cosponsor of this amendment to provide \$50 million in assistance for the African Union in Darfur, Sudan. The African Union is today our only line of defense against genocide in Darfur. As the President restated at the G8 meeting earlier this month, what is happening in Darfur is genocide. And, as he said, the human cost is beyond calculation.

The African Union has struggled to raise the numbers of peacekeeping troops needed in Darfur, but it has nonetheless made a difference. The AU has saved lives, but it has not been able to create conditions of security. To make a greater difference, it will have to increase the number of troops on the ground.

This amendment earmarks \$50 million from the newly drafted Conflict Response Fund to the Foreign Military Finance Account for the African Union mission in Darfur.

The administration has asked for a Conflict Response Fund to respond to conflicts that may emerge in the next year. The conflict in Darfur has already emerged. It must be addressed.

And the State Department has said that it needs at least \$100 million to support the expansion of the African Union mission. This amendment at least gets us halfway there.

You might ask why the administration didn't ask for this money for the African Union directly. Apparently when the budget request was formulated, they did not think that the AU mission would have to be scaled up still further. Evidence on the ground tells us that expanding the mission is a necessity, and so is the additional funding.

This spring, the Joint Assessment Team of the EU, the U.N., the AU, and

the U.S. conducted assessment of the AU's Darfur mission.

The assessment found that where the current AU mission has deployed, the security situation has improved. The Joint Assessment Team also found that the general security level remains unacceptable. That is still true today.

The Joint Assessment report concluded that the African Union mission should be doubled by September, followed by a subsequent expansion "to contribute to a secure environment throughout Darfur in order to enable full returns of displaced persons."

To accomplish this task—even to undertake it—will require additional assistance from the United States. The AU is on the front lines against genocide. We have to help.

There are those who think that the crisis in Darfur is over because today the villages in the region are no longer on fire.

Sadly, the fires are out, not because the Sudanese Government has necessarily changed its policies, but because so many villages have already been burned to the ground.

Darfur is still the scene of terrible violence and terrible fear.

There are still hundreds of thousands, even millions of people who are living in displacement camps in Sudan or in refugee camps outside its borders. And these people are still under attack. Women and girls are still at risk of rape every time they go to collect firewood or water.

People are still being killed. Children, especially, are still dying from the diseases that plague refugee camps.

If the African Union cannot create conditions of greater security, these people cannot go home. If the AU cannot create conditions of safety, these people will not go home.

Right now, they would rather risk the misery, the disease, and the danger of the camps than go home and risk facing the jingawit and the Sudanese army.

The violence, food insecurity, and enormous numbers of displaced persons combine to make Darfur still one of the most desperate places on the planet. This is not yesterday's tragedy.

Over 2 million people have been driven from their homes. Over 300,000 have probably been killed, maybe even more. The insecurity makes humanitarian assistance difficult, meaning still more people will die. Increasing our assistance to the African Union is, frankly, the very least that we can do—I believe we should do far more—but at the very minimum we should help the African Union try to end this slaughter.

#### AMENDMENT NO. 1254, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1254 and send a modification to the desk. It has been cleared on both sides as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 1254, as modified.

The amendment is as follows:

On page 326, between lines 10 and 11, insert the following:

#### SUPPORT FOR DEMOCRACY AND GOVERNANCE ACTIVITIES IN ZIMBABWE

SEC. . Of the funds appropriated under the heading "Economic Support Fund" not less than \$4,000,000 should be made available to support democracy and governance activities in Zimbabwe consistent with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107-99; 22 U.S.C. 2151 note).

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1254), as modified, was agreed to.

Mr. MCCONNELL. 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.

#### AMENDMENT NO. 1285, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1285 and send a modification to the desk. This also has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. NELSON of Florida, for himself and Mr. COLEMAN, proposes an amendment numbered 1285, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

On page 326, between lines 10 and 11, insert the following:

#### VENEZUELA

SEC. 6113. Of the funds appropriated under the heading "ECONOMIC SUPPORT FUND" up to \$2,000,000 should be used for democracy programs in Venezuela administered through grants by the National Endowment for Democracy.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1285), as modified, was agreed to.

Mr. MCCONNELL. 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.

#### AMENDMENT NO. 1274, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1274 and send a modification to the desk. This, too, has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SESSIONS, proposes an amendment numbered 1274, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

(Purpose: To prohibit the use of funds for any loan to the United Nations in excess of \$600,000,000 for the renovation of its headquarters in New York, New York)

On page 326, between lines 10 and 11, insert the following:

SEC. 6113. It is the sense of the Senate that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York should not exceed \$600,000,000. *Provided*, That, if any loan exceeds \$600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1274), as modified, was agreed to.

Mr. MCCONNELL. 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.

#### AMENDMENT NO. 1273, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1273, as modified. This, too, has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The amendment is now pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1273), as modified, was agreed to.

Mr. MCCONNELL. 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.

#### AMENDMENT NO. 1287, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1287 and send a modification to the desk. This also has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Kentucky [Mr. MCCONNELL], for Mr. VITTER, proposes an amendment numbered 1287, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest.

Is there further debate? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1287), as modified, was agreed to.

Mr. MCCONNELL. 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.

#### AMENDMENTS NOS. 1295 THROUGH 1300, EN BLOC

Mr. MCCONNELL. Mr. President, I have a managers' package: On behalf of Senator LEAHY and myself, an amendment regarding Indonesia; on behalf of Mr. BROWNBACK, for himself, Mr. COBURN, Mr. INHOFE, and Ms. LANDRIEU,

an amendment regarding malaria; an amendment by Senator FEINSTEIN requiring a report on small arms; an amendment by Senator SUNUNU regarding assistance for Lebanon; an amendment by Mr. KENNEDY and Mr. BIDEN regarding democracy promotion in Iraq; and an amendment by Senator STEVENS and Senator INOUE regarding the Middle Eastern-Western Center for Dialogue.

Mr. President, I urge the consideration of the managers' package, en bloc, and also that the amendments not be read.

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

Without objection, the amendments are agreed to, en bloc.

The amendments were agreed to, en bloc, as follows:

(Purpose: Technical amendment relating to Indonesia)

On page 289, line 10, after the semicolon, insert the following:

(3) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and (4)

On page 289, line 10, strike "and".

On page 289, line 11, strike "(3)".

On page 302, line 11, after "may" insert: "only".

On page 289, line 12, after "Navy" insert ",".

#### AMENDMENT NO. 1296

(Purpose: To support commodities, equipment and other assistance to combat malaria)

At the appropriate place in the bill, insert:

#### MALARIA

SEC. . Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than \$105,000,000 should be made available for programs and activities to combat malaria: Provided, That such funds should be made available in accordance with best public health, practices, and considerable support should be provided for the purchase of commodities and equipment including: (1) insecticides for indoor residual spraying that are proven to reduce the transmission of malaria; (2) pharmaceuticals that are proven effective treatments to combat malaria; (3) long-lasting insecticide-treated nets used to combat malaria; and (4) other activities to strengthen the public health capacity of malaria affected countries: Provided further, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report describing in detail expenditures to combat malaria during fiscal year 2006.

#### AMENDMENT NO. 1297

(Purpose: To require a report on states that have not cooperated in small arms programs)

On page 326, between lines 10 and 11, insert the following:

#### REPORT ON SMALL ARMS PROGRAMS

SEC. . Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to 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 a report—

(1) describing the activities undertaken, and the progress made, by the Department of State or other agencies and entities of the United States Government to encourage other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons; and

(3) recommending incentives and penalties that may be used by the United States Government to encourage states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

#### AMENDMENT NO. 1298

(Purpose: To increase by \$5,000,000 the amount available for Economic Support Fund assistance for Lebanon, and to increase by \$2,000,000 the amount of such assistance that should be made available for scholarships and direct support of American educational institutions in Lebanon)

On page 171, line 2, strike "\$5,000,000" and insert "\$40,000,000".

On page 171, line 4, strike "\$4,000,000" and insert "\$6,000,000".

#### AMENDMENT NO. 1299

(Purpose: To make available, out of funds appropriated for Economic Support Fund assistance, \$28,000,000 to the International Republican Institute and \$28,000,000 to the National Democratic Institute for fiscal year 2006 to support democracy building programs in Iraq)

On page 326, between lines 10 and 11, insert the following:

#### DEMOCRACY PROGRAMS IN IRAQ

SEC. . Of the amount appropriated under the heading "ECONOMIC SUPPORT FUND"—

(1) \$28,000,000 should be made available for fiscal year 2006 to the International Republican Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women's rights; and

(2) \$28,000,000 should be made available for fiscal year 2006 to the National Democratic Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women's rights.

#### AMENDMENT NO. 1300

(Purpose: To provide funding to the Center for Middle Eastern-Western Dialogue)

At the appropriate place, insert the following:

#### SEC. . FOR AMOUNTS APPROPRIATED IN THIS ACT.

(a) Under the heading "Center for Middle Eastern-Western Dialogue" in title I of this Act strike "\$2,000,000" and insert in lieu thereof "\$7,000,000."

(b) Under the heading "Embassy Security, Construction, And Maintenance" in title I of this Act strike "\$603,800,000 and insert in lieu thereof "\$598,800,000."

#### AMENDMENT NO. 1299

Mr. KENNEDY. Mr. President, this amendment provides \$28 million for the International Republican Institute and \$28 million for the National Democratic Institute for their democracy-building programs in Iraq in fiscal year 2006. Funding will be used by the institutes to continue democratic develop-

ment assistance in the areas of governance, elections, civil society, women's rights and political party development.

The additional funding set aside in this bipartisan democracy amendment is necessary for the IRI and NDI to continue their important work in Iraq through the end of fiscal year 2006.

Both institutes, whose cutting-edge democracy work is well-known and respected in Iraq and throughout the world, have substantial operations in Iraq outside the Green Zone. Unfortunately, despite their deep commitment to advancing democracy and the great risks their employees take by working in a war zone, they have not been assured funding beyond February 2006. If additional funding is not provided, the danger is very real that they will need to begin cutting back on their democracy activities.

Under the current schedule, the new Iraqi Constitution now being drafted must be completed by August 15, and a referendum on it will take place on October 15. If it is approved, elections for a permanent government will take place in December. This is no time to short change democracy in Iraq. Doing so would send a very troubling and discouraging sign about the U.S. commitment to this difficult struggle.

IRI's programs in Iraq are bigger than its programs anywhere else in the world. It has offices in Baghdad, Irbil, and Basra, and it also operates a substantial media center. The Institute employs some 200 people, including those responsible for security.

Similarly, NDI is conducting a number of democracy programs in Iraq focusing on elections, political parties, governance, civil society and women's rights. It works directly with Iraqi partners, including hundreds of civic organizations, the Iraqi National Assembly, more than 81 political parties and entities, and the Constitutional Drafting Committee.

It has helped train more than 10,000 Iraqi election monitors, who covered 80 percent of the country's polling sites in January and provided opportunities for ordinary Iraqis to participate in that election. It is currently providing legal assistance directly to the Constitutional Drafting Committee, and is facilitating countless local civic dialogues on the constitution in communities throughout Iraq.

NDI operates much of the time outside the relative safety of the Green Zone. It has offices in Baghdad, Basra, and Irbil, with resource centers in Hilla and Kirkuk. It works with approximately 30 international staff and 200 Iraqi staff, including security personnel, to strengthen democracy for all the people of Iraq.

Its people have sacrificed greatly. In February, insurgents killed an Iraqi woman working for NDI, and a Czech security guard working for the institute was killed in April. Three of NDI's Iraqi staff left their jobs because they felt their lives were in danger.

While Iraq continues to struggle with the insurgency, there is important



progress to be made on the political front. Thousands of Iraqis are working very hard, often at great risk to themselves, to develop civic groups, participate in political parties, run for and serve in political office, and contribute to the constitutional process. These are critical building blocks for the long-term development of democracy in Iraq. Its people continue to express a tremendous demand for the kind of nonpartisan assistance for long-term political development that NDI and IRI are providing.

All of us feel that long-term progress to defeat the insurgency is directly related to progress on the political front, and ongoing work on this key issue must be a top priority. History shows that building democratic institutions, including government, parties, and civil society, takes many years, considerable political engagement, and patience. For a country as repressed as Iraq, a serious long-term democracy plan must look at least a decade into the future. At a minimum, it should look to the end of fiscal year 2006, as our amendment would do.

The development of the constitution and the subsequent referendum and election are only the beginning of that process. It makes no sense to send a signal now that our support for Iraqi democracy will end next February.

We must be clear in our intention to stand by organizations such as NDI and IRI that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

To date, approximately \$1 billion of the \$18 billion provided by Congress for reconstruction has been allocated for democracy-building and related activities, including governance, the rule of law, human rights, civic programs, and the U.S. Institute of Peace. Nearly all of these funds have already been committed for specific programs and more than half of this amount has been spent.

We need to do far more. The hard work of strengthening democracy will continue long after the adoption of a constitution and the election of a permanent government.

On June 28, in his address to the Nation, President Bush spoke about the importance of democracy in Iraq as a way to quell the insurgency and end the violence. He said:

They know that as freedom takes root in Iraq, it will inspire millions across the Middle East to claim their liberty, as well. And when the Middle East grows in democracy and prosperity and hope, the terrorists will lose their sponsors, lose their recruits, and lose their hopes for turning that region into a base for attacks on America and our allies around the world.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. Funding IRI and NDI only through February 2006 sends an ominous signal that can only be harmful to this very important effort.

America spends \$1 billion a week on the war in Iraq. At this rate, it would take the military just 10 hours to spend the \$60 million. Certainly, we can make a commitment to spend this level of funding on democracy programs next year in Iraq.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill and, importantly, adequate resources.

We need to demonstrate we are genuinely committed to Iraq's political development. We need a long-term political strategy, and we need to back up that strategy with the necessary resources, if we truly hope for a stable, peaceful and democratic Iraq.

I urge my colleagues to support this amendment.

Mr. MCCONNELL. 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. MCCONNELL. Mr. 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. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments in

order to the bill: Feingold amendment on oversight of funds; Chambliss amendment on extradition; Landrieu amendment on orphans; Schumer, reporting requirement; Frist, two relevant; McConnell, relevant; Leahy, relevant; Byrd, relevant; Lugar, MDB reform; Lugar, general provision; Reid, Iraq report; Reid, two relevant; Nelson of Florida, Haiti report; Dodd, Haiti report; Biden Nos. 1251 and 1252; Biden, nonproliferation.

I further ask consent that they be subject to second degrees which are related to the first degree to which they are offered. I further ask consent that following the disposition of the above-listed amendments, the bill be read a third time and the Senate proceed to a vote on the passage of the bill, as amended; provided further that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, the pending Department of State, Foreign Operations and Related Programs Appropriations Bill for fiscal year 2006, H.R. 3057, as reported by the Senate Committee on Appropriations provides \$31.842 billion in budget authority and \$34.998 billion in outlays in fiscal year 2006 for the Department of State and foreign assistance programs. Of these totals, \$174 million in budget authority and outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$31.668 billion. This amount is \$1 billion below the President's request, \$3 million below the 302(b) allocations adopted by the Senate \$11.4 billion more than the House-passed bill, and \$3.2 billion above fiscal year 2005 enacted levels.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

#### H.R. 3057, 2006 STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS; SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

|                           | General purpose | Mandatory | Total  |
|---------------------------|-----------------|-----------|--------|
| Senate-reported bill:     |                 |           |        |
| Budget authority .....    | 31,668          | 174       | 31,842 |
| Outlays .....             | 34,824          | 174       | 34,998 |
| Senate 302(b) allocation: |                 |           |        |
| Budget authority .....    | 31,671          | 174       | 31,845 |
| Outlays .....             | 34,827          | 174       | 35,001 |
| 2005 Enacted:             |                 |           |        |
| Budget authority .....    | 28,466          | 175       | 28,641 |
| Outlays .....             | 34,506          | 175       | 34,681 |
| President's request:      |                 |           |        |
| Budget authority .....    | 32,671          | 174       | 32,845 |
| Outlays .....             | 34,939          | 174       | 35,113 |
| House-passed bill: *      |                 |           |        |
| Budget authority .....    | 20,270          | 42        | 20,312 |
| Outlays .....             | 25,062          | 42        | 25,104 |



H.R. 3057, 2006 STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS; SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal Year 2006, \$ millions]

|                                   | General purpose | Mandatory | Total  |
|-----------------------------------|-----------------|-----------|--------|
| SENATE-REPORTED BILL COMPARED TO: |                 |           |        |
| Senate 302(b) allocation:         |                 |           |        |
| Budget authority .....            | -3              | 0         | -3     |
| Outlays .....                     | -3              | 0         | -3     |
| 2005 Enacted:                     |                 |           |        |
| Budget authority .....            | 3,202           | -1        | 3,201  |
| Outlays .....                     | 318             | -1        | 317    |
| President's request:              |                 |           |        |
| Budget authority .....            | -1,003          | 0         | -1,003 |
| Outlays .....                     | -115            | 0         | -115   |
| House-passed bill: *              |                 |           |        |
| Budget authority .....            | 11,398          | 132       | 11,530 |
| Outlays .....                     | 9,762           | 132       | 9,894  |

\* House and Senate State-Foreign Operations subcommittees have differing jurisdictions.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCAIN. Mr. President, I support passage of the Foreign Operations Appropriations Act for fiscal year 2006. This important legislation funds the international development and assistance portion of our national budget and with its passage, we acknowledge the vital nature of these programs. Supporting foreign aid, military assistance, development funds, democracy promotion activities and other programs should be a matter of course—something that America does as part of its responsibilities as the global superpower.

This year's bill provides \$31.8 billion to carry out our many foreign operations programs. I commend Senator McCONNELL, chairman of the foreign operations subcommittee, and Senator LEAHY, ranking member of the subcommittee, on developing an appropriations measure that is generally light on pork. There are, nevertheless, dozens of earmarks, especially in the report language, including a few that simply leave me scratching my head. I am a longstanding champion of robust funding of America's international affairs budget. But I ask, whether that budget should include an earmark of half a million dollars for the Neotropical Raptor Center in Panama. I wonder if the birds of prey the center seeks to protect have instead descended on our appropriations bill. Likewise, the report includes a \$2 million earmark for "activities to protect the orangutan from extinction" and directs that some of these funds go to the Orangutan Foundation.

I note with regret that, once again, the Senate has failed to pass an authorization bill prior to considering this legislation. Again, the responsibilities of authorizers and appropriators are expected to be distinct. The Senate Foreign Relations Committee has the responsibility for laying out a blueprint for the policies and funding levels of USAID and the Department of State and their programs. I hope that the Senate will finish consideration of the State Department authorization bill, so that the Senate will have the benefit of the Foreign Relations Committee's recommendations. We should not continue to fund unauthorized programs and risk marginalizing our authorizing committees.

With that said, most of the provisions in the bill under consideration

serve America's interests and values in powerful ways. Let me comment on just one group. This year's version of the Foreign Operations bill states that \$495 million of our annual aid to Egypt "shall be provided with the understanding that Egypt will undertake significant economic political reforms which are additional to those which were undertaken in previous fiscal years." The bill also withholds \$227 million in economic reform assistance until the Secretary of State determines that the Government of Egypt has met its 2005 economic reform commitments—commitments it made to the United States. Finally, the bill directs that nongovernmental organizations providing democracy and governance assistance shall not be subject to prior approval by Government of Egypt. I believe that we should have conditioned aid to Egypt in this way for years, and I commend my colleagues on the Appropriations Committee for these bold steps. The Government of Egypt has, for too long, gotten a free pass from the United States. We are grateful for its friendship with the U.S. and its peace agreement with Israel, but its lack of real reform offends the universal values we hold dear and poses a security threat to the United States.

I would also like to note that the report language contains words of support for the ADVANCE Democracy Act. Working with Senator Lieberman and the other cosponsors of the ADVANCE Democracy Act, I will continue work toward passage of that bill this year, and I thank my colleagues on the Appropriations Committee for their support. I hope that we can work together to move the ADVANCE bill through the Senate in the near future.

I must once again convey my gratitude to the members of the subcommittee. Their attention and commitment to supporting vital programs has provided a sound bill with which to fund our foreign operations for the coming fiscal year.

Mr. INHOFE. Mr. President, somewhere in the world a child dies from malaria every 30 seconds. The disease debilitates more than 500 million people annually and kills well over 1 million of them. Suffering most acutely from this epidemic is the continent of Africa where 90 percent of the world's malaria deaths occur. In fact, malaria is the No. 1 killer of pregnant women

and children under the age of 5 in Africa.

I have personally visited nearly 20 countries in Africa. Everywhere you go there, children have it. These trips have changed statistics into incompressible reality for me. Malaria—a debilitating and deadly disease—is a huge problem. I recently heard from a young boy in Ghana named Ibrahim who has accepted the dismal reality of dealing with malaria. "Malaria is just a part of life," Ibrahim told me.

The United States has been concerned about this problem for many years. The United States Agency for International Development, USAID, budget to fight this disease has increased nearly fivefold since 1998 to \$90 million in 2005. However, the incidence of malaria continues to increase alarmingly in underdeveloped African countries. Unequivocally, the current strategy is not working. USAID spends 90 percent of its money on advice giving, conferences, and technical assistance, but not on direct interventions that produce significant results.

Insecticides to preempt malaria are cheap. Drugs to cure malaria can be purchased for \$2—less than a cup of coffee at Starbucks. Indoor residual spraying is a technique that has eradicated malaria in many regions. We know how to address malaria and we have the resources to do it.

We have talked enough about the problem. It is time to fix it.

I am pleased that we have addressed this problem with language in the Foreign Operations appropriations bill. This is an important step toward achieving real results. Instead of doling out money to beltway-based consultants, this language will ensure that tangible aid reaches desperate African women and children. It is vital that we require USAID malaria allocations go toward lifesaving drugs, mosquito nets, and pesticides, which are proven to reduce malaria death and infection rates. In the hands of the affected individuals these commodities can save lives. It does not take a lot of money to make a huge difference.

Additionally, this language requires transparency from USAID. I have often had difficulty determining exactly how USAID malaria money is being spent. In fact, the latest data available to Congress on how USAID spends malaria funding is from fiscal year 2004.

That year only 1 percent of total malaria funding was spent on indoor residual spraying, 1 percent was spent on purchasing antimalarial drugs, and 6 percent was used to purchase insecticide-treated bed nets.

I am also concerned that too much of our foreign aid goes to conferences and research. Not enough resources get directly to the Africans who suffer so acutely. No more studies. It is time to act and to prevent that aid from being diverted to Washington consultants.

To effectively address this epidemic, Congress needs to ensure that the money it appropriates is wisely spent. Within 90 days of enactment, this language requires USAID to submit their malaria expenditure report to the Senate and House Appropriations Committees to describe how they plan to follow these new priorities. I am confident that this increased accountability will prevent funds from going primarily primarily to beltway-based consultants.

When we know how to eradicate malaria and possess the resources to do that, there is no reason that six children should have died in the time it took me to give this speech. It is a needless tragedy that we have the opportunity to arrest.

Children in Africa have accepted the reality that malaria is inevitable. Today, we have the chance to change that dismal reality into tangible hope.

#### MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period for morning business.

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

#### CONSULTATION ON A NOMINEE TO THE SUPREME COURT

Mr. KENNEDY. Mr. President, it has now been 1 week since the President met with Senate leadership and the chairman and ranking Democrat of the Senate Judiciary Committee to discuss the nomination of a successor for Supreme Court Justice Sandra Day O'Connor.

All of us were saddened by Justice O'Connor's resignation. She served this Nation with great dedication for over 2 decades. She embodied the principles of fairness and reasoned judgment, and had a sincere appreciation for the effect of the Court's decisions on the everyday lives of all American people. Her dedication continues in her pledge to remain in office as long as it is necessary for her replacement to be confirmed, so that the Court will not have a vacancy while the task of selecting a new Justice is carried out. All of us regret Justice O'Connor's departure, but we are grateful for her service to the Nation, and we wish her well in what I am sure will be an active retirement.

I hope that the President will choose a consensus nominee, who can bring the Nation together, as Justice O'Connor

nor herself did, rather than further divide us. As President Bush and the Senate prepare to begin the process of confirming Justice O'Connor's successor, consultation between the President and the Senate has an important role.

I was encouraged when the President met with the leaders of both parties in the Senate and on the Judiciary Committee a week ago. I am also encouraged that the President has contacted a number of other Senators of both parties to hear their views. This was an important first step. But the sign of whether there has been a meaningful consultation is not simply the process, but the result. In the past, real consultation has led to consensus nominees, who could be easily confirmed with the support of a large bipartisan majority of the Senate and the confidence of the American people.

To reach that result, consultation must be more than a one-way street. No one is suggesting that Senators co-nominate candidates for the Supreme Court. But for Members of the Senate to provide advice to the President, there must be a real discussion and a two-way conversation about specific candidates.

It is a fundamental part of our system of checks and balances that the power to appoint judges, especially Justices of the Supreme Court, is shared by the President and Senators from all fifty States, so that the Nation's diverse interests can be represented in this important choice.

The Founders believed that the whole Senate and the President together would do the best job of confirming independent Supreme Court justices, who would be above politics, and not beholden to any politician or political party. They wanted an independent, impartial Supreme Court that would give everyone a fair hearing, rather than favoring powerful corporations or special interests with political clout.

In the early 1990s, as Senator HATCH recounts in his book, President Clinton consulted with Senator HATCH—then the ranking Republican Senator on the Judiciary Committee—sharing the names of candidates he was considering for the Supreme Court. President Clinton asked Senator HATCH's opinion, even though Republicans were then in the minority in the Senate. Senator HATCH recommended Stephen Breyer and Ruth Bader Ginsburg. President Clinton agreed that these were excellent choices, and nominated Justice Ginsburg in 1993 and Justice Breyer in 1994. Both were easily confirmed.

If the President takes seriously the advice of Senators from both parties on the persons he is considering, the result will be a distinguished nominee who is acceptable to the vast majority of the American people, and who will easily be confirmed. That was the case when Ronald Reagan nominated Justice O'Connor, a mainstream Republican, to the Court, and I am optimistic that this will be the case with her suc-

cessor. I hope the Senate and the White House can set aside partisanship, to ensure that the best possible person is nominated and confirmed to the Court.

Consultation is about more than process. It is about an outcome, and a consensus nominee is the best outcome for the Nation.

The importance of a consensus nominee is clear when we consider all of the vital issues decided by the Supreme Court, issues with enormous impact on Americans and their daily lives.

A Supreme Court nomination matters to all Americans. It is not just about a few hotly debated social issues. It is of great importance to every man, woman and child in America because the decisions of the Court affect their lives every day.

The Court's decisions affect whether employees' rights will be protected in the workplace. They affect whether families will be able to obtain needed medical care under their health insurance policies. They affect whether people will actually receive the retirement benefits that they were promised. They affect whether people will be free from discrimination in their daily lives. They affect whether students will be given fair consideration when they apply to college. They affect whether persons with disabilities will have access to public facilities and programs. They affect whether we will have responsible environmental laws that keep our air and water clean. They affect whether large corporations are held accountable when they injure workers and consumers.

The list goes on and on. Each of these issues has been addressed by the Supreme Court in recent years. In many of those cases, the Court was narrowly divided, and each of these areas is likely to be the subject of future Court decisions in the years to come.

According to a recent article in the Washington Post, entitled "Business Pushes Its Own Brand of Justice," major corporations are ready to "bank-roll large-scale efforts to promote the President's choice" if he nominates a candidate who will side with big business against workers, consumers and environmentalists. Eighteen million dollars has already been raised—much of it from these corporate interests, and that amount is only the first installment of what they are willing to spend to influence the direction of the Court. In recent years, approximately 40 percent of the Supreme Court's docket has been cases involving economic issues, and that pattern is likely to continue in coming years. So it is essential that the new justice be someone who will hear these cases with an open mind, not someone who is biased in favor of corporate wealth and power.

The outcome of such cases will obviously affect the wellbeing of all Americans. The Nation is facing major economic challenges today. In the last 4 years, we have lost 2.8 million manufacturing jobs. Long-term unemployment has nearly doubled. Outsourcing

threatens to export millions more American jobs. Workers are losing health insurance and pension benefits at an alarming rate.

Those in the elected branches of our government have a responsibility to deal with these economic challenges—to develop innovative policies that will provide greater economic security for workers and their families—just as they did in earlier periods of economic difficulty. Those appointed to the Federal Courts—and particularly to the Supreme Court—must respect the role of the elected branches in addressing these urgent economic challenges. America cannot afford justices who would turn back the clock to the Lochner era, and impose an extreme, discredited 19th century ideology on our Nation's 21st century economy.

That the Supreme Court plays such a major role in our national life is not new. When Alexis de Toqueville described America in the early years of the 19th century, he noted that:

scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question.

That fact has been true throughout our history. We are a nation of laws. That is why it is so important for the President to nominate Justices with mainstream views who respect the national values of our Constitution, not ideological extremists who seek to impose their personal philosophy on the American people.

I sincerely hope that President Bush will nominate a justice whose views are in the national mainstream on these important issues, not one who sees the role of the judiciary as the defender of entrenched economic interests. The American people will be watching us closely, and they expect us to live up to our oath of office to defend the Constitution and its great promise of equal protection of the laws for all our people.

#### HONORING OUR ARMED FORCES

SPECIALIST ADAM N. BREWER

Mr. INHOFE. Mr. President, I would like to honor one of America's fallen, a brave soldier from the State of Oklahoma. SPC Adam Brewer was serving in Iraq when he died defending his fellow soldiers and this Nation. His memory continues on in testimony to the selfless way he lived.

Specialist Brewer graduated from Bartlesville High School in 2000 and joined the Army shortly thereafter. He served for 2 years and was assigned to 2nd Battalion, 7th Cavalry Regiment, normally stationed Fort Hood, TX. Specialist Brewer was serving his second tour in Iraq and had taken part in the original invasion that began in March 2003. On February 25, 2005, his unit was deployed to an area near Taji, Iraq. An improvised explosive device exploded nearby, tragically killing him and two other soldiers.

At Specialist Brewer's funeral, the pastor put it well: "Not only did he de-

fend our country but he defended the values of freedom that we hold so dear . . . I know his passing has been hard. But for the rest of your life, whenever you see his picture or mention his name, you can be proud." We are indeed proud, as we are of those young men and women who have committed to defend our Nation and put their lives on the line every day.

But I think Specialist Brewer's mother Karen Brewer said it best, "He wanted to serve his country, and he served it all the way." He indeed gave all that he had, in life and in death, for his country. The legacy of such sacrifice challenges us on behalf of the Senate, this Nation, and the cause of freedom around the world, I honor a special Oklahoman and true soldier, SPC Adam Brewer.

SPECIALIST ROBERT T. HENDRICKSON

Mr. President, I wish to honor a true hero who, on February 1, 2005, gave his life while serving in Iraq. SPC Robert Hendrickson is an example of the selfless service that is essential to this country's freedom.

Although he was born in Biloxi, MS, Specialist Hendrickson listed Broken Bow, OK, as his hometown. He attended school in Del City and Edmond before moving with his mother to Broken Bow. His father, Dave Hendrickson, says his son planned to return to school when he returned from service and study to become a pediatric nurse.

After high school, Specialist Hendrickson enlisted in the U.S. Army. He was assigned to the 2d Battalion, 5th Cavalry Regiment, 1st Cavalry Division, normally stationed in Fort Hood, TX. He was serving in Iraq with this unit when, just after the successful elections took place, his vehicle overturned. He was found unconscious and never recovered.

He died to help the Iraqi people achieve their freedom," Dave Hendrickson said. "He died for the Iraqi people and the war against terrorism so that his son might have a safer world to live in."

Specialist Hendrickson is survived by his parents, his sister, and a 6-year-old son, Dylan. "He loved Dylan more than anything," Dave said. "My son was a good boy. He was a good man. He was a good dad."

SPC Robert Hendrickson was indeed a good man. He put aside his own safety, volunteering to serve in the most dangerous of professions. He gave so much and his sacrifice will be remembered by friends, family, and all of us who are profoundly indebted to him.

STAFF SERGEANT JASON R. HENDRIX

Mr. INHOFE. Mr. President, I rise to honor a brave soldier who gave his life to the defense of this Nation. SSG. Jason Hendrix chose to place himself in harms way and for this service he paid the highest price.

Staff Sergeant Hendrix joined the Army right out of high school and served for 11 years. He was a squad leader in the 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division.

This unit is usually stationed in South Korea, but was deployed to assist in Operation Iraqi Freedom. When Staff Sergeant Hendrix found out that he was heading for one of the most dangerous areas in the world, he told his family, "You guys might not understand why we're over here, but we need to be over here, and I've got to do my job."

Those who knew Staff Sergeant Hendrix best describe him as a "professional soldier." They also speak of his compassion and care for the men in his unit. Last Christmas, Staff Sergeant Hendrix gave up his leave so that other men could go home and see their newborn children. He also bought, at his own expense, equipment for his men such as night-vision goggles, facemasks, flashlights, dozens of handcuffs and magazine couplers for their M-16s.

Staff Sergeant Hendrix fought in the rebel stronghold of Fallujah late last year and was serving in Ar Ramadi at the time of his death. On February 16, 2005, he was leading a 25-man squad when they came under a heavy artillery attack. Staff Sergeant Hendrix was hit and died from his wounds.

For this soldier from Claremore, Ok, there is no deeper honor than the memory he leaves behind. He gave of himself in life as well as in death, and stands out as an example to all of us. Today I honor a true hero, SSG. Jason Hendrix.

SPECIALIST JEFFREY S. HENTHORN

Mr. President, I wish to rise in honor of a son of Oklahoma and an American hero. SPC Jeffery Henthorn demonstrated the type of patriotism that protects our freedom and encourages freedom in other countries. For his dedication and sacrifice I am pleased to honor him on the Senate floor today.

Specialist Henthorn was from Chocataw, OK. After earning his high school degree, Specialist Henthorn enlisted in the Army and was assigned to the 24th Transportation Company, out of Fort Riley, KS.

Specialist Henthorn was serving in Iraq as part of Operation Iraqi Freedom. He died on February 8, 2005, while stationed in Balad, Iraq, from noncombat related injuries. He was 25 years old and leaves behind family and friends who grieve along with our grateful Nation.

Specialist Henthorn was willing to place his life on the line and paid the fullest cost for the sake of freedom. On behalf of the U.S. Senate, I wish to express my profound gratitude and deepest honor for the men and women who, like Specialist Henthorn, know the true meaning of service. They continue to give so much, and as freedom spreads throughout the Middle East region we know that their sacrifice has not been in vain.

I honor the life and memory of those who have given their lives in this noble cause. I am grieved, but very proud of this young man from Oklahoma, SPC Jeffery Henthorn.

ARMY SPECIALIST. LYLE W. RYMER II

Mr. President, I wish to honor one of this country's fallen warriors, a young man that comes from my home State of Oklahoma. Army SPC Lyle Rymer II was making way for freedom in Iraq when he paid the ultimate price.

Specialist Rymer was born in Roland, OK. After graduating from high school, he joined the National Guard to help his family. "That's what he decided to do," his grandmother Bobby Sue Drake said. "He liked it. He said, 'Somebody's got to defend this country. It might as well be me.' He was a great kid." According to his friends, he planned to make a career of the Army and was considering enrolling in Airborne school. Rymer also had a reputation for cheering up fellow soldiers.

Specialist Rymer was serving in Iraq with the 239th Engineer Company, an Arkansas-based National Guard unit. On January 28, 2005, he was guarding an area where engineers were setting up barriers in preparation for the elections. Without warning, he was shot by an enemy sniper and died from his wounds. Army Specialist Rymer is buried at Fort Smith National Cemetery, AR.

Many are left behind who are both proud and grieved at his sacrifice. Specialist Rymer is survived by his wife LaTisha, a 2-year-old son, Sean, and a 10-month-old daughter, Jasmine. He was able to see his newborn daughter during a November furlough.

The loss of Specialist Rymer is one that will continue to be felt as the years pass. He was one who gave more than was required, in life and in death. He sacrificed his own well-being and put himself in harm's way, showing courage that demands our recognition. I am honored to honor him, and hope that I somehow express gratefulness beyond these mere words.

#### SECURING A LIABILITY AGREEMENT ON PLUTONIUM DISPOSITION

Mr. DOMENICI. Mr. President, I have come to the Senate floor today to make my colleagues aware of an important achievement by the Bush administration to secure an agreement with the Russian Government to ensure that a major nonproliferation program moves forward. This agreement will resolve the longstanding disagreement on liability associated with the construction of Mixed Oxide, MOX, Fuel Fabrication Facility in Russia.

This agreement will permit the U.S. and Russia to move forward with the construction of dual MOX fuel fabrication facilities to turn weapons-grade plutonium into civilian mixed-oxide fuel that can be burned in commercial nuclear reactors. Each side will dispose of 34 tons of excess plutonium.

Today the U.S.-Russian counterparts will agree to the terms of an agreement negotiated during the G8 summit in Scotland earlier this month. It was during this summit in which terrorists

attempted to disrupt the meeting by setting off simultaneous explosions in the London subway, killing over 40 innocent victims. This senseless violence underscores the importance of eliminating the possibility, however remote, that terrorists might secure and use plutonium or highly enriched uranium in their acts of terror against civilian or military targets.

As we see the world become more and more dangerous, it is critical that we make progress on reprocessing plutonium into MOX. Black marketers and terrorists would love to get their hands on this plutonium. President Bush has worked hard to engage President Putin on this issue, and as a result of that continuing dialogue there is now an agreement to implement a MOX program.

I am very pleased that this agreement has been made because it will give us a surefire way to dispose of weapons-grade material while at the same time providing economic benefits to both countries. I am hopeful the Russian Duma will take quick action.

This agreement breaks a 2-year diplomatic impasse that has stalled the construction of fuel fabrication facilities in the United States and Russia.

I would like to recognize the efforts of Secretary of State Condoleezza Rice, Under Secretary of State John Bolton, Secretary of Energy Samuel Bodman, and the entire Office of Nuclear Nonproliferation within the NNSA. Both the State Department, which negotiated the diplomatic solutions, and the Department of Energy, which has responsibility for managing the design, construction, and operation of the Nation's first plutonium reprocessing plant, have been exceptional. Both teams have worked hard to realize the ultimate goal of eliminating 34 tons of weapons-grade plutonium from each of the U.S. and Russian stockpiles.

Over the past year I have pressed the Department of Energy and the State Department to resolve the liability issue. Upon their confirmations, both Secretary Rice and Secretary Bodman have committed their full support, and they should be proud of their early success.

The effort to address the elimination of excess weapons-grade material has been under consideration for over a decade. President George Bush's term initiated the earliest efforts to identify excess weapons-grade material. Over the next decade, the Clinton administration worked with then-President Yeltsin to consider options for eliminating excess material.

In 1994, the National Academy of Sciences', NAS, report on the "Management and Disposition of Excess Weapons Plutonium" found that excess material constituted a "clear and present danger." That same year a joint DOE-DOD review found that 38.2 metric tons of plutonium and 174.3 metric tons of highly enriched uranium were surplus to U.S. defense needs. A programmatic environmental impact

statement was undertaken to evaluate options for disposal of this material.

In 1995, U.S. and Russian experts met at Los Alamos to provide recommendations on plutonium disposition. Since those early meetings the labs have contributed a considerable amount of time and effort to support this initiative. In fact, Los Alamos prepared the plutonium that is being used as the initial test fuel assembly currently being burned in the Catawba reactor owned by Duke Power.

In April 1996, at the Moscow Nuclear Safety and Security Summit, it was determined that irradiating plutonium as part of a mixed oxide fuel in commercial reactors and vitrification are appropriate strategies for disposal.

In June 1997, the Independent Holdren-Velikhov Commission issued a final report recommending a disposal pathway identified at the Moscow Summit. The report is a joint U.S. and Russian National Academy of Science review.

In July 1998, the U.S. and Russia signed a Scientific and Technical Cooperation Agreement that provides for a joint, small-scale test of disposition pathways. This agreement also provided a 5-year liability agreement between the United States, and Russia for coverage of U.S. workers in Russia that expired in July 2003.

In September 1998, President Clinton and President Yeltsin entered into a bilateral plutonium disposition agreement.

In October 1998, I included \$200 million in "emergency" funding dedicated entirely to plutonium disposition to demonstrate to Russia the firm U.S. commitment to plutonium disposition. This funding persuaded Russia to enter into serious negotiations. Today, \$150 million of those funds remains available for use to initiate construction.

That same month, G8 members established the Multilateral Plutonium Disposition Group and committed to international financing of the Russian plutonium program. As of January 2005, total pledges from the U.S., U.K., Canada, Japan, Italy, and France total \$865 million. I am confident that with the liability issue resolved additional funding will be made available to support the Russian effort. The U.S. will fulfill its commitment to build the U.S facility on it own.

In March 1999, the U.S. awarded the MOX facility contract to Duke Cogema Stone and Webster—DCS—to design the U.S. MOX Fuel Fabrication Facility. In August, DOE awarded a contract to design the Pit Disassemble and Conversion Facility.

In January 2000, DOE issued a Record of Decision on locating the pit conversion and fuel fabrication facility at Savannah River, SC.

In September 2000, the United States and Russia signed the Plutonium Management and Disposition Agreement, which calls for each country to dispose of 34 tons of weapons-grade plutonium

in parallel. It was agreed that construction would begin by 2003. Unfortunately, one item left unresolved in that agreement was the question of liability protection for the U.S. for work performed in Russia.

In January 2001, the Bush administration began a year-long review of all nonproliferation programs with Russia. During this review, the contracting team submitted a construction authorization request to the Nuclear Regulatory Commission for approval.

January 2002, the administration decided to pursue a MOX-only pathway and put an end to further work on a vitrification program.

In September 2002, MINATOM, the Russian counterpart to the Department of Energy, agreed to use an identical design of the U.S. proposed MOX facility.

In July 2003, the temporary 5-year limited liability coverage provided under the 1998 Science and Technical Cooperation Agreement expired.

In February 2004, without a formal agreement on liability, the U.S. announced a delay in the program. Plans to initiate construction in May 2004 were delayed until May 2005.

August 2004, the Russians begin site characterization work at the Siberian Chemical Combine in Seversk, Russia, as a location of the MOX facility. The site has been cleared and is awaiting construction. Unlike the Savannah River site, which has a year-round construction season, the Seversk site is limited to work in the summer.

In September 2004, Los Alamos shipped 125 kilograms of surplus plutonium to France for fabrication into MOX fuel assemblies for a test burn in a commercial U.S. reactor. This activity is undertaken in France since the design of the U.S. and Russian fuel fabrication facility is identical to the French facility that is currently reprocessing spent commercial fuel for European and Asian customers. The shipments between the U.S. and France occurred without incident and the lead test assemblies are now being used in the Catawba reactor owned and operated by Duke Power.

In December 2004, the engineering team completed the licensable design of the U.S. facility, and the NRC awarded the construction permit for the U.S. facility in March 2005.

On April 20, 2005, the U.S. offered a new liability agreement that was ultimately accepted by the Russian Government in July 2005. It took several months of intense lobbying to pressure the U.S. interagency process to produce a liability agreement that was not identical to the liability terms provided under the Cooperative Threat Reduction Agreement.

On July 19, 2005, the United States and Russia agreed to the terms of a final liability package. This agreement must go to President Putin to be drafted and published as a Presidential decree. Once circulated, Secretary Rice and her counterpart in the Ministry of

Foreign Affairs will officially sign the agreement, which will then go to the Russian Duma for ratification.

Once this document is signed by Secretary Rice, the Department of Energy will move forward with a site clearing activities in Savannah River, SC, with construction to commence in fiscal year 2006.

I am proud of the fact that two different administrations have followed through on this bilateral initiative, and we are now approaching another critical juncture. Following a decade of successful and numerous scientific, environmental and regulatory reviews, we are at a stage where it is important that Congress maintain an adequate and reliable level of funding to complete construction.

I am aware of the fact that the House and Senate Armed Services Committees have reduced funding for MOX construction but have preserved the funding within other nonproliferation accounts. I am hopeful that during the consideration of the Senate defense authorization bill, Chairman WARNER and Senator LEVIN will agree to restore the funding back into the MOX construction accounts.

In addition, I am hopeful that I will be successful in convincing the House to restore critical funding that was eliminated from the MOX construction program. Of the \$360 million requested for construction, the House only provided \$35 million. Failure to provide adequate funding would undermine a decade of cooperation between the U.S. and Russia and do nothing to reduce the amount of excess plutonium.

If we are unable to fully fund the construction program and keep the project on track it will prevent the U.S. from consolidating plutonium across the weapons complex and could result in a \$100 million per year penalties to be paid to the State of South Carolina as mandated in the Fiscal Year 2003 National Defense Authorization Act. We have come too far to not complete this project.

I have believed in this initiative from the beginning and believe we can do more to reduce the threat from nuclear proliferation. I am committed to seeing additional resources be used in securing Russian warheads beyond the reach of terrorists. I am committed to strong enforcement by the U.S. or International Atomic Energy Agency, IAEA, to break up the nuclear black market, where nuclear technology and scientific expertise can be bought for a price.

The stakes are too high and the price too great to consider anything but an aggressive effort by the U.S. and our global partners to prevent the spread of nuclear material.

#### SENATOR GAYLORD NELSON MEMORIAL SERVICE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the transcript from Senator Gaylord Nelson's memo-

rial service in Madison, WI, be printed in the RECORD.

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

GAYLORD NELSON'S MEMORIAL SERVICE, JULY 13, 2005, WISCONSIN STATE CAPITOL

Performance of "Glorious Things of Thee are Spoken"—Clear Lake High School Brass Quintet

William H. Meadows: That hymn, by Haydn, was performed by the brass quintet from Clear Lake High School, directed by Mike Larson. Their participation is quite appropriate, since Gaylord Nelson, whom we honor today, played trumpet in the Clear Lake High School band. To hear him tell it, he did not play it very well. (Laughter.) Later in life, Gaylord learned that he was on the enemies list of the Nixon White House, but was puzzled about what he could have done to become a Nixon enemy. "Maybe he heard me play the trumpet in the Clear Lake band," Gaylord said. (Laughter.)

Good afternoon, I'm Bill Meadows, I'm president of The Wilderness Society and today I have the honor to pay tribute to my friend and colleague, Gaylord Nelson, and introduce others who knew and loved him well. We are here to testify to the incredible mark he left on all of our worlds. Joining us today in celebrating Gaylord's life, of course, are Carrie Lee Nelson and the Nelson family; Governor and Mrs. Doyle; Senator Kohl; Senator Feingold; Senator Bayh; Senator Bingaman; Senator Biden; Senator Abourezk; Representative Obey; Representative Petri; Representative Baldwin; Representative Kind; Representative Moore; Representative Kasttenmeier; Representative Baldus; Vice President Mondale; former Governors Lucey, Schreiber, Earl, McCallum, and Mrs. Reynolds; Lieutenant Governor Lawton; Attorney General Lautenschlager; Treasurer Voight; Superintendent Burmaster; members of the Wisconsin Legislature; members of the Wisconsin Supreme Court; and citizens of Clear Lake, Wisconsin.

The story about the Clear Lake band is typical Gaylord. Gaylord—the Governor, the United States Senator, the founder of Earth Day—was an irrepressible raconteur. But of the many accolades he received in his lifetime, I think this man, the father of the modern environmental movement, would want to be remembered first for being a good husband and father to the family he cherished. I'd like to take a moment to recognize Carrie Lee, Gaylord's beloved wife of 57 years, whose unwavering support meant so much to him, not the least of which was that he always had a good audience. And his three children, Tia, Happy, Jeff, and their spouses, and his grandchildren. (Applause.)

Gaylord joined The Wilderness Society family 25 years ago, serving as our counselor and special convener of after-hours, post-board meeting poker games.

For the last nine years, I have had the pleasure of working a few doors down from his office. However, my relationship with Gaylord began in 1970, when Earth Day motivated me to get involved in environmental issues. One thing led to another and the rest, as they say, is history. I now have the privilege of working every day to protect America's extraordinary wilderness, using the Wilderness Act of 1964, just one of the many remarkable laws Gaylord Nelson co-sponsored during his tenure in the Senate.

Recently, Congress saw fit to pay respect to Gaylord with a wilderness area named in his honor, a place that he always felt was part of his very blood and bones. This beautiful State of Wisconsin, the Gaylord A. Nelson Apostle Islands Lakeshore Wilderness, will forever protect the wild lands and wild

creatures that inhabit more than 33,000 acres on Lake Superior. There may not have been any greater tribute we, or anyone, can pay to this man than preserving a piece of the planet he loved so dearly.

I would like to close by reading some of Gaylord's own words, which eloquently express who he was. His message on Earth Day 2000 encapsulated his views as a new century began: "The wealth of our Nation is in its air, water, soil, forest, minerals, rivers, lakes, oceans, scenic beauty, wildlife habitat, and biodiversity. Take this resource base away and all that's left is a wasteland. The economy is a wholly owned subsidiary of the environment. That's where all the economic activity and all the jobs come from. We are pursuing a self-destructive course of fueling our economies by drawing down our natural capitol, by degrading and depleting our resource base and counting it on the income side of the ledger. This obviously is not a sustainable situation for the long term. Forging and maintaining a sustainable society is a challenge for this and all generations to come."

"We need a generation imbued—(applause)—we need a generation imbued with an environmental ethic," Nelson said repeatedly over the years, "an environmental ethic which causes society to always ask the question: 'If we intrude on this work of nature, what will the consequences be?' Such an ethic would recognize the bonds that unite the species man with the natural systems of the planet and would affirm human's stewardship role on the planet."

This message and goal has not changed in a half century since Aldo Leopold wrote, in *A Sand County Almanac*, of the need for what he called a land ethic. Leopold wrote: "A land ethic, then, reflects the existence of an ecological conscience and this in turn reflects a conviction of individual responsibility for the health of the land. The land ethic changes the role of Homo sapiens from conqueror of the land community to a plain member and citizen of it." That, in a few sentences, was what the environmental movement was all about. Nelson's environmentalism was a direct descendant of Leopold's conservation.

Gaylord Nelson's friendship transcends political parties. One of the remarkable things about Gaylord was his ability to disagree with people on issues without being disagreeable. One of the best examples is his friendship with Melvin Laird. They met as state senators in 1948. Laird was the Republican floor leader and Nelson, the Democratic leader. They would fiercely debate the issues all day long on the floor of the Senate, but once the Senate would adjourn, they too would adjourn for drinks and socializing at the Park Hotel. As often as not, Laird would end up later at the Nelsons' home for dinner and spend the evening with Gaylord and Carrie Lee. That friendship survived some trying times, as Melvin Laird went on to the House of Representatives; Gaylord, to the governorship and then to the U.S. Senate. It survived Laird's days as Nixon's Secretary of Defense during the Vietnam War, when Nelson was one of the outspoken opponents of the war.

Secretary Laird is unable to be here to participate today because of health problems, so representing him is Congressman Thomas Petri, a Republican who began his career in the Wisconsin State Senate and who was elected to the House of Representatives in a special election in 1979. While a State Senator, Tom Petri ran against Gaylord Nelson as the Republican candidate for U.S. Senate in 1974. Gaylord had praise for his opponent, calling Tom Petri an able, honest, talented, fair-minded, perceptive man of commitment and dedication. He added with a laugh, "How

often do you find two people like that in the same election?" (Laughter, applause). Congressman Petri. (Applause.)

U.S. Representative Thomas Petri: Because his doctor advised him not to travel, Mel Laird asked me to pass on a few words about his great and good friend, former Wisconsin State Senate colleague and colleague in Washington and in Wisconsin, Gaylord Nelson. They served together in the Republican State Senate where Laird was the Republican leader. Of course he was Congressman and also served as our Nation's Secretary of Defense. I am quite honored to say a few words for Mr. Laird, but actually when I was first asked to speak here it occurred to me that perhaps I was invited because I played a vital role in Senator Nelson's last successful political campaign. (Laughter.) I was the one who lost. (Laughter.)

Well, be that as it may, Gaylord was a Democrat and Mel Laird, a Republican. But as has been pointed out, that difference did not prevent them from becoming great and good friends. From the late 1940s, in Wisconsin, where they were both members of the Piscatorial and Inside Straight Society, a bipartisan group that fished together, tell stories to each other, lie about each other, and play gin rummy. And Nelson's wife, Carrie Lee, understood both Gaylord and Mel and put up with their many discussions far into the night in both Madison and out in Washington. Carrie Lee once told Mel that she had to throw Mel out of the Nelson apartment more often than any other person. (Laughter.)

When Mel was the majority leader in the State Senate in 1948, Gaylord led the tiny Democratic delegation that at that time had just five members, of the 33. That was less than the one-third Gaylord needed to force a record vote on legislation. Mel says that he always made sure that enough Republicans would vote "Aye" in order to let Gaylord force a roll call vote. He said that Gaylord was always very grateful, choosing to ignore the fact that Mel allowed the votes in order to show that Gaylord could only muster five measly votes for his legislation. (Laughter.)

Years later, when Mel was Secretary of Defense and Gaylord was a U.S. Senator, Mel took his pals to the Army Navy Club for a few adult beverages. Soon enough, they were arguing about the emergency hotline between Washington and Moscow. Secretary of Defense Laird said that it was located at the Pentagon and Senator Nelson said that our end of the hotline was at the White House. The two made a bet on it and the Senator said to the Defense Secretary, "Well, let's go down to the Pentagon and you can show it to me if it's really there." The two arrived at the Pentagon's command center, where Mel introduced Gaylord to the officer on duty, who was shocked to see the Defense Secretary and a U.S. Senator waltz in during the wee hours of the morning. Mel had the officer run a communications test to demonstrate that the line with Moscow was functioning and Mel won the bet. Now that little anecdote has already made it into the papers, but Mel wanted me to pass on one additional detail. The two buddies had been enjoying them so much that when they were dropped back off at the Army Navy Club, Gaylord couldn't remember where his car was and in fact didn't find it for three days. (Laughter.)

Now here's a story that was passed on to me by, I think, the late Jimmy Wimmer, who worked for Nelson when he was Governor. We all know about Gaylord's concerns about the environment and his early warnings about our involvement in Vietnam. But also Gaylord was, like Jimmy, a great anglophile. On one occasion, Gaylord was sitting next to a member of the House of Lords at

dinner and the British gentleman kept referring to Gaylord as Senator Nelson. Finally, Senator Nelson leaned over and said, "Oh no, please call me Gaylord." Then the fellow said, "Very well, Gaylord." And after a pause, Nelson said, "And what may I call you?" Well, the British man looked at him and said, "Well, Gaylord, you may call me 'my lord.'" (Laughter.)

Well, different people have different styles but I particularly like Gaylord's style. He was, perhaps, the most liked person in the U.S. Senate while he was there and the most liked on both sides of the political aisle. Senator Eagleton says that Senator Nelson never said anything bad about anybody. He was never down in the dumps, he was never a naysayer, he was never cross.

Now Mel Laird asked me to emphasize this: in the political arena, Mel and Gaylord would fight hammer and tongs. But at the end of the day, they could share a beverage and carry on a spirited, friendly conversation. Gaylord helped promote civility between Democrats and Republicans. The parties could have great disagreements, but he helped to maintain friendship and ultimately common purpose, which potentially included everybody. Over the years that I've been in Washington, the Congress has grown increasingly polarized with each party seeking any advantage. Gaylord Nelson would have had none of that. He called on us all to be better than that, to treat everyone with friendship and with respect. As Mel Laird says, and I concur, we could all use a lot more of Gaylord's civility in politics these days. (Applause.)

William H. Meadows: When I looked around early I did not see former Governor Thompson and I want to recognize him now and thank him for being with us this afternoon. Congressman David Obey has been a Nelson family friend for more than 40 years. He began his political career in the State Assembly, winning a seat in 1962—the same year that Gaylord was elected to the U.S. Senate. It was David Obey who was with Gaylord in Wausau in the summer of 1964, when Gaylord first spoke out about the Vietnam War and warned that escalating a ground war there would be a tragic mistake. David Obey was elected to the House of Representatives in 1969 in a special election to replace Mel Laird when Laird became Secretary of Defense. As we environmentalists like to say, everything is connected. He has been chairman of the House Appropriations Committee and is currently the ranking Democratic member of that committee. Congressman Obey. (Applause.)

U.S. Rep. David Obey: Thank you, thank you, thank you. There's an old maxim about political funerals and memorial services. The biggest one I ever saw was for Phil Burton, a controversial congressman from California. Had a huge crowd. And when it was over, Phil's brother John observed to the press that the reason the crowd was so large was because half of the crowd came to bid Phil goodbye and the other half came to make sure that he was leaving. (Laughter.) This day is very different. What a great life we are celebrating here today. When Gaylord left the Senate, Carrie Lee said the State of Wisconsin got 30 good years out of Gaylord. Well, all of us got 89 good years out of Gaylord and Gaylord got 89 good years out of life.

There is (applause), there is no doubt that Gaylord will be remembered through the years for his leadership on the environment. If he had never served a day in the United States Senate, he would still have been remembered as one of Wisconsin's great leaders because of the pioneering Outdoor Recreation Act that he passed as Governor. And what he accomplished in that field in the



Senate is truly remarkable. I will not repeat it to you, you know the litany, you know what the accomplishments are.

What is also amazing about Gaylord is that he led in so many other areas: auto and tire safety, drug safety and pricing, manpower training, the Older Americans Act, legal services for the poor. People will not remember this—Howard Temin would, if he were still at the University of Wisconsin—but on cancer research, Gaylord stood as one man against the entire United States Senate to prevent the cancer institute from being politicized and being directly linked to the White House. He lost the initial vote, he was the only vote in the Senate cast against that legislation. But by the time it was over, he had turned the entire U.S. Senate around and he saved the organizational integrity of the National Institutes of Health.

On civil rights (applause), on civil rights, in 1963 after the bombing of the 16th Street Church in Birmingham, my friend Joe Wilson and Ed Harris wrote an article for *The Progressive* magazine entitled “Hucksters of Hate” about the role of J.B. Stoner and the Christian Knights of the Ku Klux Klan. Joe said afterwards that for months he carried a .38 Smith & Wesson on his hip, fearing that the Klan would come after him. He said he felt a little less lonely, a little less frightened after Gaylord put the story in the Congressional Record to show that someone was watching.

And he stood, as has been mentioned, as one of three against the first increased appropriations for Vietnam. I do remember in 1965 going to Channel 7 in Wausau.

Gaylord gave an interview on Vietnam and halfway through the interviewer stopped the camera and he said, “Senator, I’m sorry, you just misspoke. You said that we have 500,000 troops in Vietnam.” Gaylord said, “That’s right, we will.” And the announcer said, “Well, okay, it’s your funeral,” and he resumed the interview. And when we walked out of that station, Gaylord turned to me and he said, “You know, I may have beaten myself tonight.” But he said, “that’s what I really believe will happen.” If the country and if LBJ had listened to Gaylord, there would be one less war memorial to visit on the Mall in Washington, D.C. And 50,000 (applause) Americans, and 50,000 Americans would not have died.

There were two things about Gaylord that were especially special. First, in almost everything he did, the causes he fought for were fundamental, he did not trivialize his life, and he changed the way people thought. In short, he was precisely the kind of person that politics is all too short of these days. On his signature issue, the environment (applause) on his signature issue, the environment, Gaylord took Aldo Leopold’s conservation ethic and made people understand that it was not just about birds, and fish, and wildlife, and natural beauty. He drove home the point that the most fundamental bond between us as biological creatures on this planet is through the common air that we breathe, the water we drink, the land we walk, and that the most basic test of our respect for one another, for those who have gone before, and for those who will come after, is the way we meet our stewardship responsibilities to the ecosystem that sustains us all.

The second thing about Gaylord, that was so special, is the way he played the game. Someone said last week that Gaylord had no enemies. That is not true. He had one. His name was Richard Nixon. And during Watergate, as has been referred to already, we learned that Nixon had made a list of enemies he wanted to do in. And that Gaylord was on the list along with Bill Proxmire and Bob Kastenmeier. What we loved about Gay-

lord is that we could never have imagined Gaylord compiling an enemies list of his own.

Gaylord was my dear friend, my mentor, and my political hero.

Wisconsin has experienced two progressive revolutions in the twentieth century. The first was led by Bob La Follette at the turn of the last century and the second after the collapse of the progressive party in 1946, was led by a host of young reformers who remain the Democratic Party. People like Elliot Walstead, Jim Doyle, Tom Fairchild, Frank Nikolay, Horace Wilkie, Carl Thompson, John Reynolds, Henry Royce, Bob Kastenmeier, Pat Lucey, Bill Proxmire, and Gaylord Nelson, and so many others. And Gaylord’s election as Governor in 1958 was the culmination of that second progressive revival. And the La Follette tradition ran straight through him to the next generation of people who saw Gaylord as an example. People like me, Tom Loftus, Tony Earl, Tammy Baldwin, Russ Feingold, Herb Kohl, and so many others.

I would never have been elected to Congress without his help. He sent Louie Hanson into my district, took one look at amateur city, and decided Louie had better stay for a while. (Laughter, applause.) We know how Gaylord loved to campaign. He came into my district seven weekends in a row; I would not have won without it. The causes he fought for and the way he fought for them made me and all of us gathered here today proud to be in his country or in his company.

Now we all have our favorite stories about Gaylord. Mine are those that he told about Clear Lake and Polk County, trying to loosen up his audiences. Harvey Dueholm, was a State Representative. He grew up with Gaylord. He had great courage and earthy wit. He had a face like a basset hound on a bad day. (Laughter.) Harvey told the stories about the mischief that Gaylord got into as a child. And he told a congressional committee once, “We all knew Gaylord would grow up to be in an institution, we just didn’t know it’d be the United States Senate.” (Laughter.)

My favorite story is one that occurred in this building. Gaylord was governor, the Republicans controlled the legislature. They wanted to solve the deficit by raising the sales tax, Democrats wanted the income tax to be increased. So Gaylord compromised and had a little bit of both, went into the Democratic caucus to explain and when he was done, Bill Lorge, from St. Croix County, Dueholm’s roommate, stood up and said, “Gaylord, I love you like a brother. But when I go over to the Belmont Hotel tonight, and I take my clothes off, and I put my pajamas on, and I climb into my bed, and put my head on that pillow, and I put my false teeth in that glass of salt water, my conscience won’t let me vote for a sales tax. Well, Harvey Dueholm stood up and said, “Mr. Chairman, I have a suggestion for the gentleman. The next time they go over to the Belmont Hotel, you take your clothes off, you put your pajamas on, you climb into bed, you put the head on that pillow, leave your false teeth in your head, put that conscience in that glass of salt water. Everybody’d be better off. (Laughter, applause.)

Gaylord was the funniest stump speaker I ever heard, but one night I saw him bested. Adlai Stevenson came to Madison to speak to the Civil War Roundtable and he was about an hour late afterwards, coming over to the old Park Hotel to talk to the party faithful. Finally Gaylord dragged Governor Stevenson and he went up to the mike, he said, “I’m sorry we’re so late, so I’ll give one of my typically short speeches.” Stevenson interrupted and said, “I’ll give one of my typically long ones.” (Laughter.) Gaylord

said, “You do and I’ll leave without you.” Stevenson said, “Go ahead, see who the crowd follows.” It’s the only time I saw Gaylord one-upped, except by Carrie Lee. (Laughter.)

Gaylord was incredibly fortunate in his choice of a life’s mate. She was strong, and dedicated, and devoted to him, and gave him strength. And the care that she gave him in the last months of his life was truly wonderful. Gaylord was fiercely proud of her. He said she could smell a phony, even from upwind, faster than anybody he ever knew. (Laughter.) Gaylord’s friend, Scotty Reston, from the *New York Times*, said once, or he wrote once, “if not deflated once a week by a loving wife, members of Congress come to believe that they are what they merely represent.” Gaylord never had to worry about getting a big head as long as Carrie Lee was around. When she was asked by the press what was the secret of her long marriage, she said, “It’s very simple, we were both in love with the same man. (Laughter, applause.)

But Gaylord’s favorite story about Carrie Lee occurred when Gaylord worked in this building in the State Senate. He was leaving one night and as he was walking out of the Capitol he ran into Governor Rennebohm, who was a fairly starchy fellow. And the Governor said, “Gaylord, would you mind coming over with me to the Madison Club? There are a few things I’d like to talk to you about.” And Gaylord said, “Oh Governor, I’d love to but I haven’t been home a single night this week. My wife will kill me if I don’t get home.” And he said, “let me take”—the Governor said, “let me take care of that. You just dial home.” So Gaylord dialed home, gave the receiver to the Governor. When Carrie Lee picked up the phone, Rennebohm said, “Mrs. Nelson, this is Governor Rennebohm. I wonder if you’d mind if Gaylord stayed downtown for an hour or so to talk over some business with me.” Carrie Lee responded, “Governor Rennebohm, my . . . (laughter) patootie.” (Laughter.) Only she didn’t say “patootie.” (Laughter.) Then, she says, “Whoever this is, you tell that hot shot to get his tail home now.” (Laughter, applause.) The Governor handed the phone to Gaylord and said, “My, you have an interesting wife.” (Laughter.) He did, he did, and he had an interesting life.

So Carrie Lee, Happy, Jeff, and Tia, we all thank you for giving up so much so that you could share him with us. Your sacrifice helped make Gaylord the greatest postwar leader in Wisconsin history and next to Bob La Follette himself, the greatest political leader Wisconsin has ever produced. Gaylord Nelson was the best and the sweetest man in politics that I’ve ever known. God knows I loved him, we all did. That’s why we’re here, that’s why we will miss him so much. If he could say one thing to all of us today, I think it would simply be: carry on, don’t ever give up the fight. (Applause.)

William H. Meadows: Walter F. Mondale’s friendship with Gaylord Nelson dates to the early 1960s when Mr. Mondale was Minnesota’s Attorney General and Gaylord Nelson was governor and a candidate for the Senate. In 1964, he joined Gaylord in the Senate and they served together until 1976 when he was elected Vice President of the United States on the ticket with President Carter. In 1984, Walter Mondale was the Democratic candidate for president and from 1993–1997, served under President Clinton as U.S. Ambassador to Japan. He has promised at least one Norwegian joke today. (Laughter.) Vice President Mondale. (Applause.)

Vice President Walter Mondale: Thank you, Carrie Lee, Tia, Happy, Jeff, and all of the Nelsons. In all of my life, I never had a better friend than Gaylord Nelson. But that’s

the way he was. He made friends everywhere. He was the best-liked member of the U.S. Senate, on both sides of the aisle. The other day, Tommy Hinkle wrote, he said, "I have thought and thought. No single person has brought greater joy to my life than Gaylord." He had the best staff on the Hill, everybody wanted to work for him. And over his career, Gaylord inspired generations of public and environmental leaders, like Dave Obey, many of whom make up this wonderful crowd here this afternoon. I knew Gaylord well, he had guts, he was real, he was what you saw.

In the Senate, Gaylord and I often talked as the Vietnam War was gathering. He opposed it from the start and he did so long before it was politically safe to do so. He famously voted against the war with only two other colleagues in the Senate, saying that he needed his conscience more than Lyndon needed his vote. Despite heavy pressure and bad polls, I never saw him flinch once. He put his career on the line.

When you've been in public life as long as some of us, you begin to judge public leaders more skeptically. You've seen the posers, the pious, the trimmers, the vain, but at the same time you can begin to recognize the few who run their course with such courage and honesty and decency that you are doubly inspired by their example of what is possible. And that was Gaylord Nelson. He had the vision. He believed in education, he had been given his chance, now others should have theirs. He believed in justice and civil rights and fought for all the civil rights acts. He believed in opportunity and chaired the committee that originated Head Start, Legal Services, and the Child and Family Services Act.

And of course we can't talk about Gaylord without Carrie Lee. They pulled it off together. In a marriage even celebrated in Brokaw's book *The Greatest Generation*, Carrie Lee was a great hostess, she was a great cook, she was a friend to everybody, and for as long as I can remember they would gather their friends together to have a good time and strengthen the bonds between us. Joan and I attended several of those events, including the famous 50th wedding anniversary where Carrie Lee pointed out that they loved the same man. It was that same night, and here's the Norwegian joke, (laughter), that Gaylord stood up and told the freshest of Norwegian jokes and that is that he loved Carrie Lee for so long that he had almost told her. (Laughter, applause.) Of course, the rest is history.

Gaylord did more to protect America's natural beauty and wildlife, to halt the corruption of our air and our water and the earth than any one single person in American history. Beginning in Wisconsin, in the Congress, and later in The Wilderness Society until his last breath. So his most priceless legacy is to be found in the protected national beauty saved for future Americans.

When Carrie Lee called Joan and me, telling us that Gaylord was gone, we were at our place out near Scandia, overlooking the St. Croix River just south of Osceola. And as we heard this message about our dearest friend, we were looking at this wonderful river and this wonderful valley that is protected forever because of him. All over the country, that is true of Gaylord, of his vision, and what he left for all of us. So Gaylord's place in our hearts and our nation's history is now assured, you can feel it here today.

But what he found so disturbing and what he talked so much about in later years, is that so much of what he accomplished is now under scandalous attack today. So if he were here today, I think he would want us to honor him most by renewing his great fight to preserve our nation's majesty and beauty. (Applause.)

Shakespeare once wrote that a good heart is the sun and the moon, or rather the sun, and not the moon, for it shines bright, never changes, but keeps its course truly. That's Gaylord. Over his long and wonderful life, he did shine bright and he surely kept his course truly. Gaylord, we will always remember you and we love you. (Applause.)

William H. Meadows: Governor Jim Doyle is someone who has known Gaylord Nelson his entire life. His parents, James and Ruth Doyle were contemporaries of Gaylord and were among those who worked with him to organize the modern Democratic Party of Wisconsin. Jim Doyle is a former Dane County District Attorney who was elected Attorney General in 1990 and served three terms. He was elected governor of Wisconsin in 2002. Governor Doyle. (Applause.)

Gov. Jim Doyle: Well to Carrie Lee, Happy, Tia, Jeff, to all of the members of the Nelson family, to the governors of the State of Wisconsin who have assembled here, to our current United States Senators, many from other states who have traveled to Wisconsin for this occasion, certainly Senators Kohl and Feingold, of course to Vice President Mondale—I remember the great rally we had a few years ago just outside the Capitol here with the Vice President—to all the members of Congress, and to all the citizens of Wisconsin.

We are here to celebrate the life of Wisconsin's favorite son. And at the same time, like many of you, not only is this a great public person but we are also here to acknowledge, to my family, the loss of a dear and treasured friend. There was never a time in my life that I didn't know Gaylord Nelson. I grew up in a home in which he and Carrie Lee and the whole other rest of the gang were often present with their highballs, as they called them in those days. But I also grew up in a home in which Gaylord and Carrie Lee were deeply revered. He is one of my parents' closest friends. Gaylord Nelson was elected to the Wisconsin Legislature in 1948, the same time my mother was elected to the Legislature and in that same year, a young representative from Prairie du Chien, Pat Lucey, was elected to the Wisconsin Legislature. Gaylord and Carrie Lee are the greatest of the greatest generation. They fought to preserve the world's freedom in World War II and then, together with a group of committed people, they returned to Wisconsin, intent on making this state, this nation, and this world a better place. They organized and built the Democratic party.

And with Gaylord and Carrie Lee's wisdom, energy, humor at the center, these people were not only close political allies, they were the closest of friends, almost family. And to my great benefit, Gaylord and Carrie Lee reached out to bring the next generation into that circle of warmth and friendship. Gaylord Nelson was sworn in as governor of the State of Wisconsin in this very spot 46 years ago. His public career as a legislator, governor, and United States senator has been an inspiration to so many who've come after.

Gaylord Nelson didn't enter politics for notoriety, he entered politics to make a difference. Early in his career, he was concerned that Bob La Follette would have solved all of the problems of the state and the country by the time he came along. But he found, when elected governor, that there were still a few more problems to work on. He was a tough, effective, and practical politician. He knew when to compromise and he knew when to stand on principle. He fought over some issues that, with the passage of years, when you look back, may seem somewhat small and trivial. But truly, as Dave Obey noted, Gaylord's genius was that he was able to identify the enduring values and

to focus on the issues that were most fundamental to this state, nation, and world. He brought basic Clear Lake, Wisconsin values to the positions he held. In World War II, he was one of four white officers in charge of an all black company. He was outraged that these men were risking their lives for a country in which they couldn't share a meal with him in public. So when he became state senator, one of the first pieces of legislation he introduced was to integrate the Wisconsin National Guard. (Applause.) And later, when President Kennedy sent Congress the most comprehensive, far-reaching civil rights bill ever proposed, Gaylord Nelson was first to sign on as a co-sponsor. (Applause.)

He made deep friendships across political aisles. I was so deeply honored when I was sworn in as governor at this place that Gaylord Nelson and Melvin Laird came together to my inauguration. And Melvin Laird, whose great words we heard recently—just a few moments ago—who happens to be the uncle of the First Lady of Wisconsin, to show you that all things do come around in a full circle, (laughter), called us immediately upon hearing of Gaylord's passing to express his, great sorrow and his great desire to be here today.

Gaylord Nelson understood that principle was more important than partisanship and he always put the public good ahead of personal political gain. Perhaps that's why he was one of just three senators, as we've heard, to vote against the Vietnam War. He came under enormous pressure to vote yes for the sake of solidarity with his president and his party, but in the end Gaylord Nelson wouldn't budge. He said that the Senate needed his vote far less than he needed his own conscience. I remember deeply the advice he gave me when I became governor. He said—and this is a difficult thing to do, and I think the other governors here will acknowledge—he said, "Don't dwell on the day-to-day fights in the Capitol; focus on what will really matter to people years and years down the road."

He ultimately once said that the ultimate test of man's conscience is his willingness to sacrifice something today for generations tomorrow, whose words of thanks will not be heard. Of course it was this ethic that led him to become the father of the modern environmental movement, to Earth Day, to landmark legislation like the Clean Air and Clean Water Acts, and to The Wilderness Society. In this building today, we are fighting to preserve the Stewardship Fund, the result of his vision 40 years ago. And every time we pour a glass of water, breathe the air in our cities, swim in our lakes, enjoy the beauty of Wisconsin's natural heritage, we ought to pause and say thank you to Gaylord Nelson for all that he has given each of us. (Applause.)

Perhaps the greatest measure of a person is not how he or she handles success, but disappointment. In 1980, when he lost his United States Senate seat, our family, like I suspect most everyone else here who was around in those days, was crushed. But Gaylord didn't seek anyone's sympathy and believe me, if he had tried to, Carrie Lee wouldn't let it happen. Instead he consoled those around him. He worried about his staff finding jobs, he wanted to keep contributing, and when he became chairman of The Wilderness Society, he said that, if he had known that job was available, he just might not have run for reelection in the first place. (Laughter.)

And perhaps the most telling thing is this: Gaylord Nelson lived nearly three-quarters of his life in the public eye in a time of ever-increasing media skepticism, in a time of distrust of government. Yet of all the Gaylord stories that have been told and written, none of them, none of them are negative. Of

all the Gaylord Nelson stories, not one has ever questioned his actions, his motivation, or his integrity. And now Gaylord Nelson returns home to Clear Lake, Wisconsin for the very last time. And a great American story will have come full circle. The fourth child, born to Anton and Mary Nelson rose to political stardom, called some of the most powerful political leaders in Washington his friends, and launched a lasting environmental movement. But, as some have said, through it all he was just a boy from Clear Lake out on a great adventure.

We loved Gaylord Nelson as a leader, a statesman, and a friend. We loved him as a brother, a father, and a son. Love is not an easy thing to put into words, neither is vision, intelligence, courage, honesty, humor, and compassion. But he was all of these. He was the most plainly decent man anyone could ever hope to meet. And we are not so much proud that he was one of us, but we are proud that we were one of his.

Robert Frost reminded us that in nature, nothing gold can stay. Nevertheless, I know I speak for many of you when I say: I wish I could see my friend just one more time.

And yet, in the vast acres of land now protected throughout our state, Gaylord Nelson lives on. In the yearly celebrations of Earth Day, joined by millions around the world, Gaylord Nelson lives on. And in the breathtaking beauty of the Apostle Islands, a symphony of nature, Gaylord Nelson lives on. So today, let us pledge to ourselves, and to each other, to keep his spirit alive not only in our hearts but in our deeds. And so, as one of Governor Nelson's successors as governor of this great state and on behalf of a grateful state, we wish Governor, Senator Gaylord Nelson farewell. (Applause.)

Thank you. Gaylord Nelson lives on in many other ways, but certainly in his children: Happy, Tia, Jeff, and his grandchildren. And with Tia, there has been a proud successor to the Nelson environmental legacy. In her work at Nature Conservancy, and now here in the State of Wisconsin with the Board of Public Lands, Tia Nelson has been truly her father's daughter. We are so pleased to welcome here today Tia Nelson. (Applause.)

Tia Nelson: Good afternoon everyone, thank you so much. On behalf of our entire family, my mother, my brothers Jeff and Happy, our thanks to Governor Doyle and his staff for all their kindness and compassion and hard work. They've done such a beautiful job in bringing this together, we are so very grateful. Thanks to Dave Obey, Fritz Mondale, and Bill Meadows, all dear, dear friends of long standing. While we regret that Mel Laird couldn't be here in person, we are grateful that Tom Petri was willing to take time away from his business in Washington to read Mel's remarks for him. Tom, you're a class act, too.

Anyone who knows my father also knows that if he were here now, you would be laughing within a few minutes. He was such a raconteur. Now if Bill Meadows and I had exchanged notes before this, I would have told him that he couldn't use that word, but Papa liked it, as he loved the language. He was an extraordinary speaker and he often was speaking off the cuff, off the envelope sometimes, off a napkin he would scribble notes on, and he always left you laughing. He once said a good speech was one that includes an interesting subject, is not too long, and has a good laugh two or three times. Well, if that's the standard, Papa far surpassed it. He didn't always even need an interesting subject, but he always gave you a few good laughs.

When I visited him in March, he had begun to decline quickly and he had, at 88 years of age, finally stopped going to work at The

Wilderness Society. If you knew him, you knew that was a bad sign. I left D.C. that day without knowing whether I would see him again. I wrote in my journal that evening, flying home to Madison, I knew only the first words, the same first words my brothers were thinking: I am the luckiest child in the world. From my mother and my father, we have received so many gifts: humor; kindness; the beauty of their enduring, unconditional love; a commitment to making a difference, however big or small; and so much more. While Papa was so many people's hero, he was also a superhuman figure to some and he was my brothers' and my hero too. And for this we count our blessings. It's an unearned gift, you know, kind of like winning the lottery with a multi-year payout: you did nothing to deserve it and it pays you all your life. In my case I didn't even have to buy the ticket. (Laughter.)

I remember struggling in school, then I'm diagnosed with dyslexia. Papa managed to coax me, bribe me really, to learn to love the language the way he did, a nickel for every word my brothers and I could learn and use in a sentence. "Proclivity," "propensity," "penchant" were my favorite—what fun we had coaxing the subtle differences from each. My father said to me over and over again, "Never be afraid to say, 'I don't know.'" Once, while in college, he sent me a clipping, a series of photos of Albert Einstein. There was a caption under each photo. One said, "Einstein never hesitated to say 'I don't know.'" Papa circled those words and he drew an arrow off into the corner: "See, even Albert Einstein and Gaylord Nelson say it." (Laughter.) Not knowing the answer was okay to him, but not asking the question was unacceptable. His lessons were so very many and so very rich and it didn't seem that he was really working at it all that hard. Those lessons came naturally, almost by osmosis.

The demands of public life meant he wasn't around much to help my mother but I didn't really notice that until later in life. I just reveled in their love and their humor and their intelligent debate. When I last visited, he asked me about my work, my new job at the Board of Commissioners of Public Lands. I told him about our plans to consolidate our land holdings and improve our management efficiency and so on. He asked me if I had any Republican support. I told him I did. Which was true at the time. (Laughter, applause.) You know, he'd never miss an occasion to give you a message, never. To honor him, I must do the same. Certainly, neither he nor his successor as governor, Republican Warren Knowles, ever thought the stewardship of Wisconsin's extraordinary resources was a partisan issue and has a long history of not being one. I hope we get back to that soon. (Applause.)

I won't stop missing the days in which we would talk after work and discuss whatever it was I was working on that day. I was so grateful to receive his wise counsel, for the way he'd poke holes in weak arguments, suggest strategies, always encourage me to do more, to do better, to get the job done. This is how he lived his life. When people asked why he kept going to work at The Wilderness Society at age 88, he said, "There's more to do, the job's not done."

He worked hard but he played hard too. As a student, he was adequate. (Laughter.) He could have done better academically, or so we suppose, but he had a wide range of other interests. He was able to calculate just how much effort he needed to expend to get passing grades. At UW Law School he had it down to a very precise science. If it took a 76 to pass, he would study enough to get a 77, leaving time for other pursuits. One fall, he and two classmates who became his two best

and longest friends, Miles McMillan and John Lawton, two brave, distinguished Wisconsinites, both of whom are now gone too—they'd spent way too much time away from class that semester because they volunteered to campaign for young Bob La Follette's reelection to the Senate. As a result, Papa didn't take some of his exams that semester. He ended up short a few credits and to make up for it he signed up for an extra heavy load the second semester. He soon learned he needed the Dean's approval to do that. The Dean said to him, "You're barely passing your courses now. How do you think you can possibly take more credits and pass them?" And Papa said, "I can just as successfully not study 20 credits as I can not study 15." (Laughter, applause.) The Dean agreed to let him try and he passed them all, barely, as usual. Later in life, Dean Lloyd Garrison told Papa, "That was the best legal argument you made." (Laughter.) Professor Paige, from the U.W. Law School, certainly would have agreed. He once said to Papa after a less than impressive answer to one of the professor's questions, "Mr. Nelson, pick up your books, go out that door, and down Bascom Hill, go to the music school. You might make a piccolo player but you'll never make a lawyer." (Laughter.) Lucky for us, Papa did not follow Professor Paige's advice.

And on that note, I would like to end with a smile and a chuckle, just the way Papa would have wanted it and invite all of you to come down to Monona Terrace for a coffee and a cookie with my family. Thank you very much. (Applause.)

#### TRIBUTE TO CONGRESSMAN PETER W. RODINO, JR.

Mr. SARBANES. Mr. President, on May 7, former Congressman Peter W. Rodino, Jr. died at his home in West Orange, NJ, at the age of 95. At the time of his death he was professor emeritus at the Seton Hall University School of Law, where he had continued to lecture until just a few months ago. He was first elected to the U.S. House of Representatives from New Jersey's 10th congressional district in 1948 and went on to serve 20 terms, retiring in 1989. Throughout his long career he faithfully served the people of his district, and our Nation. It was my great privilege to serve on the House Committee on the Judiciary under his chairmanship, and I shall remember him always as "Chairman."

In the Congress, Peter Rodino served on the House Committee on the Judiciary for 24 years before becoming its chairman, quite unexpectedly, in 1973. At just that time it fell to the Judiciary Committee to determine whether the President had acted in violation of fundamental principles of our Constitution and, if so, to undertake the first step in the impeachment procedures that the Constitution sets out. No one understood better than Peter Rodino the magnitude of the challenge. It was, he often said, an "awesome responsibility."

As a very junior Member of the House of Representatives, just beginning my second term, it was my great responsibility to serve on the Judiciary Committee under Chairman Rodino during the impeachment inquiry. In a speech on the floor of the House in February, 1974, he set the tone for the

work the committee was about to undertake: "Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of American people, and their children after them, will say: 'That was the right course. There was no other way.'"

Chairman Rodino held the committee to those standards. As Michael T. Kaufman wrote in the *New York Times* on May 9, he proceeded with "great patience, caution, enormous energy, and fairness above all." In his role as chairman, Peter Rodino saw himself as "teacher, negotiator, leader and symbol," striving to achieve "a spirit of fairness and bipartisanship." In this he was successful: members of the committee drew together over the course of the inquiry, approving three articles of impeachment on strong bipartisan votes and, ultimately, reaching unanimity on the need to move the impeachment process forward.

Of his service during the impeachment inquiry, Chairman Rodino told his biographer, Gerald Pomper, "I was just the same Peter Rodino I've been all the time from the very first day I came to the Congress." Indeed he was. Throughout his years in the Congress he worked hard, and he brought to his work both a bright and hopeful vision for our country and great skill as a legislator. His legislative achievements were remarkable: major contributions to the great Civil Rights Acts of the 1960s—he served as floor manager of the Civil Rights Act of 1966; passage of landmark fair housing and fair-employment practices legislation; immigration reform that overturned the decades-old system of rigid, country-based quotas. Later he wrote the Voting Rights Extension Act of 1982, and he played a leading role in establishing a national holiday in honor of Dr. Martin Luther King, Jr.

It can be said of Peter Rodino that in his life he embraced the American experience in the 20th century. The child of Italian immigrants, born and raised in the Little Italy neighborhood in Newark, NJ, he earned his law degree over a period of 10 years by working days and taking classes at night. Well before Pearl Harbor and the U.S. entry into World War II, he enlisted in the U.S. Army, served in the North African and Italian campaigns, received one of the first battlefield commissions, was awarded the Bronze Star, and retired with the rank of captain. Upon leaving the Army, he entered the Congress; upon retiring from the Congress, he joined the faculty of the Seton Hall Law School. There he remained until his death, attentive to the end to his students and colleagues. He believed in our democratic institutions and their capacity to improve the lives of our people. "There was not a single day of his professional life," according to the Dean of Seton Hall Law School, "when he didn't carry a copy of the Constitution in his pocket." The country will forever be grateful to him.

Chairman Rodino was remembered by his family, friends, colleagues at Seton Hall Law School and former colleagues in the U.S. House of Representative in a very moving ceremony at St. Lucy Church, Newark NJ, on May 16, 2005. I ask unanimous consent that the homily of the Reverend Nicholas S. Gengaro, Chaplain of the Seton Hall Law School, and the eulogy delivered by Paula A. Franzese, Peter W. Rodino at the Seton Hall Law School, be printed in the RECORD.

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

HOMILY OF THE REVEREND NICHOLAS S. GENGARO

FUNERAL MASS, THE HONORABLE PETER W. RODINO, JR., ST. LUCY CHURCH, MONDAY, MAY 16, 2005, 11:00 AM

Readings: Wisdom—3:1-9; Romans—8:14-23; Matthew—5:1-12a.

The NBC television network will be pleased to hear me claim a place among the fans of its award-winning weekly drama series, *The West Wing*. I confess that I am drawn in by the promise of a walk down the corridors of power, an ear inside decision-making at the highest level, a look at how things get done in our country, our world. Of course, the show is fiction, but the writers purposely dramatize current events and issues.

In an episode this spring, one of the characters running for election to the presidency rebelled against pressure from religious groups to disclose his religious beliefs and practices. "If the American people begin to insist on knowing where and how often their leaders worship God," he declares, "then, they are begging to be lied to." Religion and politics are a volatile mix. Since 1998, when I became chaplain at Seton Hall School of Law, I have had the privilege of knowing the Honorable Peter W. Rodino, Jr. The first time I attended the annual Rodino Law Society Dinner, I spotted the Congressman in the crowd and wrestled down my shyness to walk over and introduce myself. Not only was I aware of the heroic role he had played in our nation's history, but I remembered hearing about him from my childhood, his name spoken by proud Italian American relatives who had been helped personally by him. To me he was a national icon, but also a bit of a "household god," patron of the good name and self-respect of the vast number of Americans whose surnames end in a vowel.

That initial conversation lasted nearly an hour. Congressman Rodino remembered my great uncle who ran a business right outside St. Lucy's Church, here at 7th Avenue and Cutler Street. I was to discover over the years that Peter Rodino remembered everything. Young in his nineties, the Congressman could quote statesmen, historians, poets, even song lyrics—sometimes in another language. But most of all he remembered people.

In 1977, at the unveiling of the portrait of Congressman Rodino that hangs in the chamber of the House Judiciary Committee, Vice President Walter Mondale suggested that Peter Rodino's "life has stood and stands for 'the love of country and the love of freedom kept pure by the tenderest humanity for all mankind'" (Proceedings Before the Committee on the Judiciary, May 12, 1977, 95th Congress, 1st Session, House Document 95-307, p.8).

In other words, Congressman Rodino regarded his career in public service as a labor of love. He often quoted Thomas Paine's axiom "for those who would enjoy the fruits of liberty, they must first undergo the fa-

tigue of supporting it" (Address to the Trial Lawyers Association of New Jersey, 2002). As a little boy the Congressman once stood next to his mother listening to the music of the band at a religious festival. He began to wave his hands as if to conduct the band, and continued to do so with glee for song after song. "Someday you will be a leader of men!" his mother told him. Peter Rodino, Sr., would remind his son of these words many years later.

Fr. Timothy Healy, President of Georgetown University, shortly after the events of Watergate had run their course, arrived at the heart of the matter when he said of Congressman Rodino, "It took our time of trouble to show us what he really is. As this nation rocked in shame, all of us watched Chairman Rodino manage our destiny. We came to know his calmness, his strength, his sense of order. We grew to trust his honesty. We watched the citizen-politician at work, and as we watched, we rediscovered in him the best of ourselves and of this Nation. Through long and bitter hours, to millions of Americans, Peter Rodino was America." Fr. Healy concluded, "We have seen a just man doing justice" (Proceedings Before the Committee on the Judiciary, May 12, 1977, 95th Congress, 1st Session, House Document 95-307, pp. 1-2).

Is Peter W. Rodino, Jr., a saint? To the countless marks of distinction awarded him in this life—honorary degrees, orders of knighthood, eponymous institutes and chairs of learning—can we suppose him now to be also one of the elect in heaven? Of course, to God alone belongs such a judgment. Yet the Scripture proclaimed in this Mass of Resurrection clearly indicates, "The souls of the just are in the hand of God." The Book of Wisdom explains, "As gold in the furnace, he proved them." The Letter of Paul to the Romans echoes, "The Spirit itself bears witness with our spirit that we are children of God, and if children then heirs, heirs of God and joint heirs with Christ, if only we suffer with him, so that we may also be glorified with him."

Congressman Rodino told me that he kept two texts next to his bed: the Bible and the Constitution of the United States of America. In a speech just this past October, he called the 52 words of the Preamble his "guiding light" (Rodino Law Society Dinner, October 27, 2004). He was passionate about the imperative found there "to secure the Blessings of Liberty." "The Blessings of Liberty" was a favorite theme of his. The word "blessing" was as important to him as the word "liberty." He firmly believed that the great nation of the United States of America would lose its way if it ceased to be aware that every good thing, and especially freedom, is bestowed according to the providence of a higher power.

For this reason, in 1954, he was a sponsor of the legislation which added the words "under God" to the Pledge of Allegiance. "We deliberately left the phrase short and vague so as to offend no creed and embrace all possible concepts of the higher power. The point is to preserve us from arrogance," he explained to me.

Every day of his life, Congressman Rodino prayed the Prayer of St. Francis of Assisi.

"Lord, make me an instrument of your peace.

Where there is hatred, let me sow your love. Where there is injury, pardon; doubt, faith; despair, hope; darkness, light; sadness, joy."

This prayer of the 13th century saint, co-patron of Italy, is itself a reflection on Matthew's so-called "Beatitudes" from Jesus' Sermon on the Mount. We heard the proclamation:

"Blessed are the poor in spirit . . .  
 they who mourn . . .  
 the meek . . .  
 they who hunger and thirst for righteousness . . .  
 the merciful . . .  
 the clean of heart . . .  
 the peacemakers . . .  
 they who are persecuted for righteousness' sake . . ."

Can we not see how the Honorable Peter Rodino implemented these texts in his life? Is it an accident that countless immigrants were given hope and a new start in a land of opportunity because of legislation he sponsored to remove unfair quotas? Is it a coincidence that this man of integrity evolved to serve a new constituency in his district in the 1960s, that he became a champion of civil rights and voting rights for all citizens regardless of race, color or creed, identifying himself with the persecuted and those hungering and thirsting for righteousness? Was he reciting St. Francis to himself and remembering the Beatitudes when he took part in disarmament conferences and the stability and security efforts of the parliamentary arm of NATO? "Make me an instrument of your peace. . ."

In his recent volume, *Ordinary Heroes and American Democracy*, Gerald M. Pomper, in the chapter "Peter Rodino: A hero of the House," writes, "Our concept of the democratic hero looks for heroism among ordinary people doing their customary work in the moments of crisis." He dubs Peter Rodino a "workhorse" of the U.S. House of Representatives, and reminds us of the messiness with which the work of democracy proceeds in that body, by compromise, consensus-building, careful and dexterous application of the rules.

I would like to suggest that Peter Rodino is also an ordinary hero of his faith. Like the character in *The West Wing*, he eschewed a flamboyant, pretentious, self-conscious politician's instrumentalization of religious practice, which threatens democracy with theocracy. Instead, to paraphrase the prophet Micah, he knew the right, he did the right and he walked humbly with his God.

The Catholic funeral liturgy is a celebration of hope. Four days before his death, Congressman Rodino sat in his recliner chair when I visited him. His breathing was labored and he struggled to stay awake. At one point he forced his eyes wide open and asked, "What's the world situation?" Sure I had heard wrong, I began naming a number of comfort items I supposed he was wanting: Water? Juice? Another blanket? "Do you want me to get Joy?" I asked. "The world!" he reiterated, certainly annoyed with my narrow focus on conveniences. "Tell me about the world. What's happening?" This man was not leaving this life, this world that had held him in endless fascination, one moment sooner than he absolutely had to.

Nor is he absent from us now. The Honorable Peter W. Rodino, Jr., is heir to the promise made to all who are baptized into Christ, of life unending with his Creator. May his be the blessings of a liberty far greater than we now know how to ask for or imagine. With St. Francis we conclude, "For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life."

By Rev. Nicholas S. Gengaro  
 Chaplain, Seton Hall School of Law.

KEEP THAT GOOD HEART: THE LIFE AND  
 LEGACY OF CONGRESSMAN PETER W. RODINO  
 (By Paula A. Franzese, Peter W. Rodino Professor of Law, Seton Hall Law School; Prof. Franzese Delivered the Eulogy at Cong. Rodino's Funeral on May 16, 2005)

The last words spoken to me by my beloved mentor and friend, Cong. Peter W. Ro-

dino, just days before his passing, were: "Keep that good heart." In those four words we find the measure of the man and the magnitude of his legacy. Keep that good heart, mindful that there will be many temptations to do otherwise. This life can be a vessel of sadness, but even in the face of all disenchantment and cynicism and disappointment, still, keep that good heart.

Peter asked us to be relentless in our capacity to anchor ourselves in love, in compassion, in humility, in virtue, no matter the adversity, no matter the turmoil, no matter the naysayers. We live in a world that finds itself preoccupied with glamour and status and fortune and fame. Yet, here is this iconic public figure, who walked with kings and held the hand of a nation as he navigated the way out of a constitutional crisis of unparalleled dimension, this luminary and dignitary, this man of the House, who valued, above all else, goodness of heart. He respected intelligence, and he was brilliant, but he respected kindness even more.

And so it was, with great love, that this humble boy from Newark, the son of a carpenter and the child of Italian immigrants, moved mountains. His illustrious career in the House of Representatives began in 1948, and spanned four decades. Always, he ran on his own terms, never beholden to anyone or anything. He sought public office as a politician in the highest and best sense of the word. He was a champion of the underdog, a spokesman for those without a voice. It has been said that the principal cause of human suffering is forgetfulness. Peter never forgot who he was, what he stood for or where he came from.

John Henry Newman wrote, "I sought to hear the voice of God, and climbed the topmost steeple. But God declared, 'Go down again. I dwell among the people.'" Peter Rodino heard the voice of God in the voices of the people. And there, he found the courage to do what needed to be done. He came to the House to accomplish civil rights reform, to redress the inequities of the nation's immigration laws and to promote equal access to justice for all. And so he did.

Quietly, during a time when such an agenda for reform was fiercely unpopular, he worked relentlessly, securing a seat on the House Judiciary Committee and serving as a key lieutenant whose work in the trenches, on the floor of the House, helped to secure the passage of virtually every major civil rights bill, including the watershed Civil Rights Act of 1964. The Civil Rights Museum in Birmingham, Alabama contains the historic photograph of President Lyndon B. Johnson signing that landmark legislation into law, flanked by the Rev. Martin Luther King, Jr. to his left and Congressman Peter Rodino to his right.

Peter Rodino was a champion for the cause of civil rights and civil liberties because he chose to be a man for all people, irrespective of race, class, gender or ethnic origin. It is no accident that, until his last days on Earth, he carried in his pocket a tattered copy of the Preamble to the U.S. Constitution. The Preamble begins with the words, "We the people." It holds out the promise that the blessings of liberty belong not just to some of us, but to all of us.

And so it was that this great patriot had a date with destiny. In 1974, as a country on the brink of a constitutional impasse waited, and this fourteen year old sat transfixed in front of the TV set, the Watergate hearings began, and we found a hero. In Peter Rodino, humility met preparation, and that boy from Barringer High School, who had dedicated a lifetime to the cause of fundamental fairness and equal justice under law, accepted the challenge.

We watched as the gentleman from Newark, carrying the weight of a nation's suf-

fering on his shoulders, stood firm and dignified and tall, never wavering from his reverence for the office of the presidency and never departing from his conviction that our great democracy would withstand, indeed, transcend, this greatest test.

Because of him, it did. And because of him, we did. In the process, Peter Rodino gave us all something that we so desperately needed. He gave us hope. Timothy White wrote, "Historically, certain figures emerge from despairing cultures to reinterpret old symbols and beliefs and invest them with new meaning. An individual's decision to play such a role may be purely unconscious, but it can sometimes evolve into an acute awareness that he or she may indeed have the gift, as well as the burden, of prophecy." Peter Rodino was such a figure. Sen. Ted Kennedy, in sending his condolences, said: "Many of us felt as we watched the Watergate hearings that we were seeing a founding father in action, living the highest ideals of the Constitution. I'm sure my brother would have called him a profile in courage. I feel the same way, and I'll never forget him."

When all is said and done, none of us will ever forget Peter Rodino, because of the way that he made us feel. His life bears living witness to the greatness of our nation. His story reminds us that we live in a world of infinite possibilities, and that there is a force that meets good with good. We watched, and we knew. Here was a gifted leader who was, first and foremost, a good person. It is a testament to the man that, when the vote to impeach was rendered, rather than grandstand or resort to petty partisanship, he retreated to his private chambers and he wept. Always, he kept that good heart.

Peter spoke to our community just months ago, at Seton Hall Law School's Rodino Dinner, where he urged us all to live a life that matters. What will matter, he said, is not your success, but your significance; not what you bought but what you built. Implicit in all that he stood for is the premise that people can be mean and cruel and irresponsible, but it is up to us to love them anyway. If you commit to goodness and to compassionate honesty in a world fraught with too much brutal honesty, you may be accused of insincerity or of building pies in the sky. But commit to the virtuous path anyway. And if you dare to believe in the majesty of your dreams, so that you do what you can with what you have, your heart may sometimes break. But a broken heart has more room.

Peter, today we bask in the glow of your magnificent heart. And although our own hearts ache because your days on Earth have come to an end, we know that the angels rejoiced as they welcomed you home. We know that you must have received the most extraordinary standing ovation of all time, amidst the resounding cheers and the tears of joy, all proclaiming: "Well done, Mr. Chairman, well done."

#### TRIBUTE TO FOX MCKEITHEN

Mr. VITTER. Mr. President, today I commemorate the life of Louisiana's late secretary of state Fox McKeithen. Fox passed away Saturday at only 58 years of age.

Born Walter Fox McKeithen in 1946, Fox was destined for a life in public office. His father, John McKeithen, served as the Governor of Louisiana from 1964 to 1972. And Fox demonstrated his natural leadership ability at a young age, serving as senior class president and becoming a three-sport

Letterman at Caldwell Parish High School.

He received a bachelor's degree in history/social studies from Louisiana Tech University and then became a civics teacher and coach at Caldwell Parish High School. In addition to teaching and his career in state office, Fox established three successful businesses in Caldwell Parish.

In 1983, Fox began his long career as a public servant when he was elected to the Louisiana House of Representatives. He was elected secretary of state in 1987, and he served in this capacity for five consecutive terms, being elected to his fifth term in November 2003.

As secretary of state for nearly two decades, Fox showed great dedication and devotion to the State of Louisiana. One of his biggest accomplishments was successfully merging the department of voter registration and the department which stored the voting machines, consolidating them into one. This had not been done in Louisiana since 1960.

Fox simplified the functions of the secretary of state's office. He adapted to the changing technologies that took place over his five terms and modernized the office through computerized voting terminals and archiving.

He was also responsible for the renovation of the State capitol building in Baton Rouge. Fox took the lead in helping bring a building that once was in shambles and abandoned back to its former stateliness and glory. Because of Fox's efforts, the capitol building gives all who visit and work there a taste of Louisiana's political history.

Fox had a very colorful personality, a trait often described by so many. His vivaciousness and energy for life drew people to him. Once, he even broke out into song at a press conference.

Those who served with Fox knew his commitment to the office of secretary of state. This was especially apparent in a 2004 election, when he delivered voting machines to New Orleans precincts himself, ensuring that everyone was able to vote and averting a potential crisis.

Fox was a friend to all, and the State of Louisiana will miss him dearly. He leaves behind a loving wife, Yvonne, and their four children, Marjorie Ann, Marianne May, Rebecca Ann, and John Jesse.

Fox and his family are in our prayers and thoughts.

#### ADDITIONAL STATEMENTS

##### CONGRATULATING THE GARRETT FAMILY

• Mr. ISAKSON. Mr. President, I rise today to offer my congratulations to Heath and Lee Garrett on the birth of their second child.

William Heath Garrett was welcomed into this world at 4:45 p.m. on July 6th, 2005, weighing 7 pounds and measuring 19 inches.

Little William Heath was named after his father and joins big sister Martha "Mattie" Lee, who will turn 3 in October 2005, as the newest addition to the Garrett family.

Since his graduation from the University Of Georgia School of Law, Heath Garrett has been a trusted advisor as well as an honored friend. He served as my policy advisor on the Georgia Board of Education and served as my chief of staff in the U.S. House of Representatives from 1999 through 2004. He came with me this year to the U.S. Senate where he continues to serve ably as my chief of staff.

I congratulate Heath and Lee Garrett on the newest addition to their family and wish them years of continued health and happiness.●

##### HONORING THE CITY OF POLLOCK, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to honor and publicly acknowledge the 50th anniversary of Pollock, SD, a small community nestled on the eastern bluffs of the Missouri River marking the divide between eastern and western South Dakota.

Located in northern Campbell County, Pollock's history is a bit different from most other South Dakota towns, due to its relocation in the 1950s. The town was originally formed in the mid-1880s under the name LaGrace, having been named after Mrs. Grace Fisk of Huron, SD. The town's name was changed to Pollock in 1901 to honor R.Y. Pollock, a pioneer lay minister and respected citizen. Although the first town of Pollock was platted in 1901, the present community was not established until 1955. Interestingly, "new" Pollock celebrates its 50th anniversary this year, yet 4 years ago, in 2001, residents commemorated "old" Pollock's 100th anniversary.

The original town was actually a combination of two river towns, LaGrace and Vanderbilt. The cities merged in 1901 and many buildings from surrounding communities were brought in. As a result, Pollock grew rapidly, and within months boasted a post office, grocery store, flour and feed store, three saloons, a butcher, a blacksmith, a pool hall, a hardware store, and a printer.

Like most young communities in the Dakotas, Pollock was not without its share of tragedy and hardship. In August of 1911, a fire broke out, destroying a large portion of the business district. Additionally, "old" Pollock was prone to flooding, as Spring Creek often overflowed during heavy rains. Still, despite these setbacks, Pollock's resilient residents always rebounded and rebuilt, which is a testimony to South Dakotans' legendary pioneer spirit.

Until the early 1950s, Pollock's history was very much like most other South Dakota towns; however, that drastically changed in 1952, when the Army Corps of Engineers informed resi-

dents of its decision to build a dam on the Missouri River near Pierre. Although Pierre and Pollock are miles apart, the proposal also entailed flooding the entire town of Pollock and converting it into Lake Pocasse. Soon after learning of the Corps of Engineers' plan, residents formed the Pollock Flood Association, a committee designed to organize the public and help plan for the flood. The committee held a town meeting in January of 1953, and residents unanimously decided to move the town to a new location, which they eventually determined would be the area referred to as "the old golf course." In order to purchase the land, the community created a non-profit corporation to buy and subdivide the property into individual lots. Subsequently, town members looked at a map of the various plots, selected the site they wanted, and placed their desired lot number in an envelope. During the drawing, surprisingly, there were only two or three instances of multiple families choosing the same piece of land, and in those cases, a coin was flipped to determine the lucky owner. The Corps of Engineers then purchased people's "old" Pollock property on behalf of the government, and residents were given the opportunity to buy back their house for 12 cents to the dollar and move the building to the new site. "New" Pollock's groundbreaking ceremony was held June 4, 1955, thus ultimately marking the birth of present-day Pollock, SD.

Although transporting houses and other buildings was difficult, it paled in comparison to the railroad official's task of relocating the Minneapolis St. Paul and Sault Saint Marie Railroad, known as the Soo Line. The move involved constructing 5 miles of new grade and track, in addition to building a new engine house and relocating the depot. In mid-October of 1960, the task was complete and the first train arrived in Pollock to a large crowd of spectators. Despite the railroad's painstaking efforts to keep the trains accessible, its popularity began to decline shortly after the move. In 1987, the Soo Line route from Ashley, ND, to Pollock was abandoned, and the track was removed in 1988.

In 1956, E.L. MacKay founded the Pollock Pioneer, the town's first newspaper. MacKay recorded the growth of the new community, and actually coined Pollock's motto, "A city built on a hill cannot be hid," when he used it as a byline for an article. To this day, the Pollock Pioneer continues to provide residents with accurate and reliable news coverage.

One of Pollock's notable attractions is its 60 acre City Park. Designed by the South Dakota Department of Game, Fish & Parks, in conjunction with the U.S. Soil Conservation Service, the recreation area is situated between the town and the waterfront. Year after year, City Park is host to countless family picnics and outdoor



activities. The foliage throughout the park, as well as the entire town, noticeably enhances the beauty of this frontier community. As a matter of fact, 15,000 of Pollock's trees were planted in 1956 by local volunteers. Fifty years after its founding, Pollock supports numerous tourist facilities, such as parks, camping sites, a beach, boat ramps, motels, and bait shops.

Pollock is also home to DairiConcepts' cheese plant. Originally named the Dakota Cheese Co., the plant was established by a group of local men in 1960. On its very first day of production, the Dakota Cheese Co. produced 1,350 pounds of cheddar cheese. Bought by Mid-America Dairy men in 1981, the plant, now called DairiConcepts, expanded to become Pollock's leading employer, with over 85 employees. Every day, the factory produces 62,000 pounds of mozzarella cheese.

In the five decades since its founding, Pollock has provided its citizens with a rich and diverse atmosphere. Pollock's 300 proud residents celebrate the town's 50th anniversary June 24–26, 2005, and it is with great honor that I share with my colleagues this community's unique past and wish them the best for a promising future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE IMPORTATION OF CERTAIN GOODS FROM LIBERIA THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM 18

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 Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Reg-*

*ister* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with the provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2005.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 19, 2005.

#### DISTRICT OF COLUMBIA'S FISCAL YEAR 2006 BUDGET REQUEST ACT—PM 19

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 Homeland Security and Governmental Affairs:

*To the Congress of the United States:*

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganizational Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2006 Budget Request Act.

The proposed FY 2006 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2006, the District estimates total revenues and expenditures of \$7.35 billion.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 18, 2005.

#### MESSAGE FROM THE HOUSE

At 8:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3332. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3085. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation and Apportionment of Deductions for Charitable Contributions" ((RIN1545-AP30)(RIN1545-BD47)(TD9211)) received on July 13, 2005; to the Committee on Finance.

EC-3086. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Source of Compensation for Labor or Personal Services" ((RIN1545-AO72)(TD9212)) received on July 13, 2005; to the Committee on Finance.

EC-3087. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 179 Elections" ((RIN1545-BC69)(TD9209)) received on July 13, 2005; to the Committee on Finance.

EC-3088. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Return of Property in Certain Cases" ((RIN1545-AV01)(TD9213)) received on July 13, 2005; to the Committee on Finance.

EC-3089. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "AmeriCorps National Service Program" (RIN3045-AA41) received on July 14, 2005; to the Committee on Homeland Security and Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1421. A bill to enhance resources to enforce United States trade rights; to the Committee on Finance.

By Mr. HAGEL:

S. 1422. A bill to amend the Federal Food, Drug, and Cosmetic Act to reduce human exposure to mercury through vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. SANTORUM, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUE, Mr. KENNEDY, Mr. KOHL, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, and Mr. PRYOR):

S. 1423. A bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. MCCAIN, and Mr. BROWN-BACK):

S. 1424. A bill to remove the restrictions on commercial air service at Love Field, Texas; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself and Mr. HARKIN):

S. 1425. A bill to give effect to the original agreement entered into by the cities of Dallas, Texas, and Fort Worth, Texas to build a single airport to provide for the commercial air transportation needs of the region, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA:

S. 1426. A bill to amend the Safe Drinking Water Act to reauthorize and extend provisions relating to contaminant prevention detection, and response; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. CANTWELL (for herself and Mr. DURBIN):

S. Res. 201. A resolution designating September 14, 2005, as "National Attention Deficit Disorder Awareness Day"; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mrs. DOLE, and Mr. LUGAR):

S. Res. 202. A resolution urging the Government of Sudan and the Sudan People's Liberation Movement/Army to fully implement the Comprehensive Peace Agreement of January 9, 2005; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 58

At the request of Mr. INOUE, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 313

At the request of Mr. LUGAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 313, a bill to improve authorities to ad-

dress urgent nonproliferation crises and United States nonproliferation operations.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 390

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Alabama (Mr. SESSIONS), the Senator from Washington (Ms. CANTWELL), and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 457

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 760

At the request of Mr. INOUE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 792

At the request of Mr. DORGAN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN), and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 860

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 860, a bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes.

S. 930

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1081

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1117

At the request of Mr. ALEXANDER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1117, a bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Maryland

(Mr. SARBANES), the Senator from Delaware (Mr. CARPER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1209

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1209, a bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students.

S. 1215

At the request of Mr. GREGG, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1244

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1263

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1325

At the request of Mr. FRIST, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1325, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1390

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of S. 1390, a bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 1402

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1402, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1411

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1411, a bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1417

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S.J. RES. 18

At the request of Ms. STABENOW, her name was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

AMENDMENT NO. 1238

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1238 proposed to H.R. 3057, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1260

At the request of Mr. SANTORUM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1260 proposed to H.R. 3057, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1261

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1261 intended to be proposed to H.R. 3057, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year end-

ing September 30, 2006, and for other purposes.

AMENDMENT NO. 1262

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1262 proposed to H.R. 3057, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1264

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1264 proposed to H.R. 3057, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Mr. HARKIN):

S. 1425. A bill to give effect to the original agreement entered into by the cities of Dallas, Texas, and Fort Worth, Texas, to build a single airport to provide for the commercial air transportation needs of the region, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, Senator HARKIN and I are introducing the True Competition Act which will resolve a longstanding debate about the status of Dallas Love Field Airport. This is a critical issue for those of us from States that depend on access to the Nation's air transportation network through hub airports in other States.

In the late 1960s the Federal Government expressed concern that it was funding three airports very closely located to each other in the Dallas/Fort Worth area. It asked the local communities to build a single major airport to serve the entire region. The cities of Dallas and Fort Worth, in consultation with the airlines serving the local airports, agreed to do so only under the condition that all three local airports be permanently closed to all commercial airline traffic. It was this agreement that resulted in the construction of the Dallas/Fort Worth International Airport.

The legislation I propose today would return to the original intent of all the parties involved in the decision to build DFW International by closing Love Field to commercial air traffic. If enacted, competition at DFW will increase significantly. This will be good for consumers and it will be good for communities that used DFW as their access to the world.

The Federal statute that is central to this debate is the so-called Wright amendment. This was a law enacted in 1979 that allowed Love Field to stay

open for limited service despite the desire of the local communities to have it close. It was necessary because activist judges in Texas had ruled against the local government's intent to consolidate all air traffic at DFW.

Recently, legislation has been introduced that would completely reverse the agreement of the parties to limit Love Field to an airport serving short haul markets. This would return to the situation that was supposed be corrected 30 years ago. The runways of Love Field and DFW are 8 miles apart. To have two major, federally funded airports so close simply doesn't make sense.

Moreover, if flights are transferred from DFW to Love Field—as they surely would be if the Wright amendment is repealed—there will be fewer connecting opportunities at DFW for passengers from outside the north Texas area.

I understand that Southwest Airlines is lobbying strongly for repeal of the Wright amendment. I want to make it clear that I have the greatest respect for Southwest and consider myself a good customer. But Southwest surely does not need the continued permanent home court advantage that the courts gave them years ago. Southwest operates very successfully at some of the most congested and high volume airports in the country. They have the skill and the resources to compete against any carrier at any airport. If they moved their operations to DFW, consumers and communities could have the best of all worlds—intense head-to-head competition between carriers and even more opportunities to travel throughout the world.

It is time to resolve this controversy once and for all by returning to the original intent of the parties.

By Mr. OBAMA:

S. 1426. A bill to amend the Safe Drinking Water Act to reauthorize and extend provisions relating to contaminant prevention detection, and response; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, I rise today to introduce the Drinking Water Security Act of 2005.

This bill would reauthorize a portion of the Safe Drinking Water Act, first enacted in 2002, that instructs the Environmental Protection Agency, EPA, and the Centers for Disease Control to develop the tools needed by American drinking water systems to detect and respond to the introduction of biological, chemical, and radiological contaminants by terrorists. My bill also would require EPA to report on its progress in developing and implementing these detection and response systems since 2002.

Like most Americans, I want to rise in the morning, make some coffee, and take a shower without worrying if that water has somehow been tampered with overnight by terrorists. Safe drinking water is something we tradi-

tionally have taken for granted in this country. This bill will continue the good work our scientists have been doing to monitor, detect, and negate any chemical, biological, or radiological agents that terrorists could introduce into our drinking water, should they manage to get past our physical security measures. This bill would also help implement appropriate warning systems in the event of a terrorist attack on our water systems.

I do not want to be an alarmist. But, September 11 changed Americans' views on the possibility of the improbable and turned our focus to preparedness. This bill is all about preparedness. It provides the authorization and oversight needed to continue to develop those tests and responses so we can stay one step ahead of potential terrorists.

I hope all of my colleagues join me in supporting this commonsense bill and ensuring that our drinking water remains safe.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 201—DESIGNATING SEPTEMBER 14, 2005, AS “NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY”

Ms. CANTWELL (for herself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas Attention Deficit/Hyperactivity Disorder (also known as AD/HD or ADD), is a chronic neurobiological disorder, affecting both children and adults, that can significantly interfere with an individual's ability to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas AD/HD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the justice system, interpersonal difficulties, and substance abuse;

Whereas AD/HD, the most extensively studied mental disorder in children, affects an estimated 3 percent to 7 percent (2,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socioeconomic lines;

Whereas scientific studies clearly indicate that AD/HD runs in families and suggest that genetic inheritance is an important risk factor, with between 10 and 35 percent of children with AD/HD having a first-degree relative with past or present AD/HD, and with approximately 50 percent of parents who had AD/HD having a child with the disorder;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with AD/HD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than ½ of children and adults with the disorder are receiving treatment;

Whereas poor and minority communities are particularly underserved by AD/HD resources;

Whereas the Surgeon General, the American Medical Association (AMA), the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry (AACAP), the American Psychological Asso-

ciation, the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention (CDC), and the National Institute of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of AD/HD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of AD/HD, and the dissemination of inaccurate, misleading information contributes to the obstacles preventing diagnosis and treatment of the disorder;

Whereas lack of knowledge, combined with the issue of stigma associated with AD/HD, has a particularly detrimental effect on the diagnosis and treatment of AD/HD;

Whereas there is a need to educate health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper and comprehensive diagnosis and treatment, the symptoms of AD/HD can be substantially decreased and quality of life for the individual can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 14, 2005, as “National Attention Deficit Disorder Awareness Day”;

(2) recognizes Attention Deficit/Hyperactivity Disorder (AD/HD) as a major public health concern;

(3) encourages all people of the United States to find out more about AD/HD and its supporting mental health services, and to seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to

(A) endeavor to raise public awareness about AD/HD; and

(B) continue to consider ways to improve access to, and the quality of, mental health services dedicated to the purpose of improving the quality of life for children and adults with AD/HD; and

(5) calls on Federal, State and local administrators and the people of the United States to observe the day with appropriate programs and activities.

##### SENATE RESOLUTION 202—URGING THE GOVERNMENT OF SUDAN AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY TO FULLY IMPLEMENT THE COMPREHENSIVE PEACE AGREEMENT OF JANUARY 9, 2005

Mr. FRIST (for himself, Mrs. DOLE, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Army in the south began in 1983 and lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internationally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas the Government of Sudan and the Sudan People's Liberation Movement/Army

failed on numerous occasions to bring a peaceful and just end to the civil war in Sudan throughout the 1990s;

Whereas, in September 2001, President George W. Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan to explore the potential of the United States to become involved in searching for a just resolution to the civil war in Sudan, and appointed Andrew Natsios, the Administrator of the United States Agency for International Development, as the Special Humanitarian Coordinator for Sudan to enhance the delivery of assistance that could help reduce the suffering of the people of Sudan;

Whereas, in July 2002, the Government of Sudan and the Sudan People's Liberation Movement/Army reached the historic Machakos Protocol, an agreement on the role of religion in Sudan and the right to self-determination for the people of southern Sudan;

Whereas, in October 2002, the Government of Sudan and the Sudan People's Liberation Movement/Army signed a memorandum of understanding that called for a cessation of hostilities and unimpeded humanitarian access to all areas of Sudan;

Whereas peace talks continued throughout 2003, with discussions focusing on wealth sharing and the control of 3 contested areas of Sudan;

Whereas, on November 19, 2004, the Government of Sudan and the Sudan People's Liberation Movement/Army signed a declaration committing themselves to reach a final comprehensive peace agreement by December 31, 2004, in the context of a special session of the United Nations Security Council;

Whereas, on November 19, 2004, the United Nations Security Council unanimously adopted Security Council Resolution 1574, which welcomed the commitment of the Government of Sudan and the Sudan People's Liberation Movement/Army to reach an agreement by the end of 2004, and highlighted the intention of the international community to assist the people of Sudan and support the implementation of a comprehensive peace agreement;

Whereas the Government of Sudan and the Sudan People's Liberation Movement/Army initialed the final elements of a comprehensive peace agreement on December 31, 2004;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement/Army formally signed the Comprehensive Peace Agreement;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in southern Sudan so that the people of southern Sudan can decide their political future;

Whereas the Comprehensive Peace Agreement provides for new institutions to be created and a new Government of National Unity to be installed in Sudan once the constitution is ratified;

Whereas despite progress on reaching a peace agreement on the North-South conflict there has been little progress to end the ongoing conflict in the region of Darfur.

Whereas, after tens of thousands of civilians died due to a targeted campaign of violence by the government of Khartoum, Congress declared on July 22, 2004, that the atrocities in Darfur were genocide, committed primarily by the Government of Sudan and its allied Janjaweed militias;

Whereas, on September 9, 2004, Secretary of State Colin Powell testified that "genocide has been committed in Darfur";

Whereas, on June 30, 2005, President Bush confirmed that "the violence in Darfur re-

gion is clearly genocide [and] the human cost is beyond calculation";

Whereas the Comprehensive Peace Agreement provides a model for the resolution of all conflicts in Sudan, including Darfur, eastern Sudan, and elsewhere;

Whereas, on July 9, 2005, the 6-year interim period under the Comprehensive Peace Agreement began with the formation of a new transitional government and the signing of an interim constitution, and Dr. John Garang, the Chairman of the Sudan People's Liberation Movement/Army, was sworn in by President Omar Hassan al Bashir as First Vice President of Sudan;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the people of southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components that are nearly nonexistent in southern Sudan;

Whereas, despite the historic signing of the Comprehensive Peace Agreement in January 2005, the key to success will now be the full and timely implementation of the agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement; and

Whereas the impact and efficacy of the Comprehensive Peace Agreement will also be measured by the political resolution of ongoing conflict in other parts of Sudan, including Darfur and the east of Sudan: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of Sudan on the signing of the historic Comprehensive Peace Agreement on January 9, 2005;

(2) urges the new Government of National Unity of Sudan, consisting of elements of the National Congress Party and the Sudan People's Liberation Movement/Army, to fully implement the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(3) requests that the United States Government—

(A) commit to high-level, sustained engagement to closely monitor the implementation of the Comprehensive Peace Agreement and events on the ground in Sudan, including in Darfur and elsewhere; and

(B) sustain pressure as appropriate to ensure the Comprehensive Peace Agreement is implemented in a full, timely, and thorough manner;

(4) urges the United States Government—

(A) to maintain sanctions on the Government of Sudan as appropriate until the Comprehensive Peace Agreement has been fully honored and implemented; and

(B) to renew efforts to implement additional sanctions through the United Nations Security Council until peace in Darfur is achieved and those responsible for genocide, war crimes, crimes against humanity, and criminal acts are brought to justice;

(5) strongly urges the Government of National Unity of Sudan to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan;

(6) strongly supports the expansion of the size and role of the mission of the African Union in Darfur to protect civilians in Darfur and encourages continued support for this mission from the United States, the North Atlantic Treaty Organization, and other countries and international organizations;

(7) strongly supports the United Nations Mission in the Sudan and the expansion of this mission to protect civilians and aid workers throughout Sudan;

(8) supports the continued provision of humanitarian and reconstruction assistance

from the United States to the people of southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(9) supports international efforts to facilitate the safe and voluntary return of refugees and internationally displaced persons to their homes in Sudan; and

(10) calls upon the governments of all countries in the Sudan region and around the world to actively support and monitor the full implementation of the Comprehensive Peace Agreement to help ensure that the people of Sudan pursue the path to peace, prosperity, and security.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1270. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes which was ordered to lie on the table.

SA 1271. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra.

SA 1272. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1273. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra.

SA 1274. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra.

SA 1275. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1276. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3057, supra.

SA 1277. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, supra.

SA 1278. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 3057, supra.

SA 1279. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1280. Mr. SUNUNU (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1281. Mr. SMITH (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1282. Mr. LUGAR (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1283. Mr. MCCONNELL (for Mr. BROWNBACK (for himself Mr. LEAHY, and Mr. MCCONNELL)) submitted an amendment intended to be proposed by Mr. McConnell to the bill H. R. 3057, supra.

SA 1284. Mr. NELSON, of Florida (for himself, Mr. DEWINE, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

SA 1285. Mr. NELSON, of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra.

SA 1286. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*.

SA 1288. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1289. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1290. Mr. CORZINE (for himself, Mr. DEWINE, Mr. DURBIN, Mr. BROWNBAC, and Mr. OBAMA) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1291. Mr. CORZINE (for himself, Mr. DEWINE, Mr. DURBIN, Mr. BROWNBAC, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1292. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1293. Mr. LUGAR (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1294. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1295. Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1296. Mr. MCCONNELL (for Mr. BROWNBAC (for himself Mr. COBURN, Mr. INHOFE, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1297. Mr. MCCONNELL (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1298. Mr. MCCONNELL (for Mr. SUNUNU (for himself and Mr. CHAFEE)) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1299. Mr. MCCONNELL (for Mr. KENNEDY (for himself and Mr. BIDEN)) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1300. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUE)) proposed an amendment to the bill H.R. 3057, *supra*.

SA 1301. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3057, *supra*; which was ordered to lie on the table.

SA 1302. Mr. FRIST (for Mr. COLEMAN) proposed an amendment to the resolution S. Res. 31, expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 1270.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

##### ANNUAL REPORT ON THE INTERNATIONAL COMMITTEE ON THE RED CROSS

SEC. 6113. (a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually there-

after, the Secretary of State shall, with the concurrence of the Secretary of Defense and the Attorney General, submit to Congress the activities and management of the International Committee of the Red Cross (ICRC) meeting the requirements set forth in subsection (b).

(b) ELEMENTS OF REPORTS.—(1) Each report under subsection (a) shall include, for the one-year period ending on the date of such report, the following:

(A) A description of the financial contributions of the United States, and of any other country, to the International Committee of the Red Cross.

(B) A detailed description of the allocations of the funds available to the International Committee of the Red Cross to international relief activities and international humanitarian law activities as defined by the International Committee.

(C) A description of how United States contributions to the International Committee of the Red Cross are allocated to the activities described in subparagraph (B) and to other activities.

(D) The nationality of each Assembly member, Assembly Council member, and Directorate member of the International Committee of the Red Cross, and the annual salary of each.

(E) A description of any activities of the International Committee of the Red Cross to determine the status of United States prisoners of war (POWs) or missing in action (MIAs) who remain unaccounted for.

(F) A description of the efforts of the International Committee of the Red Cross to assist United States prisoners of war.

(G) A description of any expression of concern by the Department of State, or any other department or agency of the Executive Branch, that the International Committee of the Red Cross, or any organization or employee of the International Committee, exceeded the mandate of the International Committee, violated established principles or practices of the International Committee, interpreted differently from the United States any international law or treaty to which the United States is a state-party, or engaged in advocacy work that exceeded the mandate of the International Committee.

(2) The first report under subsection (a) shall include, in addition to the matters specified in paragraph (1) the following:

(A) The matters specified in subparagraphs (A) and (G) of paragraph (1) for the period beginning on January 1, 1990, and ending on the date of the enactment of this Act.

(B) The matters specified in subparagraph (E) of paragraph (1) for the period beginning on January 1, 1947, and ending on the date of the enactment of this Act.

(C) The matters specified in subparagraph (F) of paragraph (1) during each of the Korean conflict, the Vietnam era, and the Persian Gulf War.

(c) DEFINITIONS.—In this section, the terms "Korean conflict", "Vietnam era", and "Persian Gulf War" have the meaning given such terms in section 101 of title 38, United States Code.

**SA 1271.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

##### GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 6113. None of the funds made available in this Act for the Department of State,

other than funds made available in title III under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradite to the United States an individual, or has not within a reasonable period of time responded to a request for extradition to the United States of an individual, charged with committing a criminal offense in the United States for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment, regardless of the individual's citizenship status.

**SA 1272.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, line 3, strike the period and insert the following: "Provided further, That \$1,000,000 of the funds appropriated under this heading shall be made available to the Hemispheric Program, of which not less than \$500,000 shall be made available for a series of multinational initiatives to combat the threat to the Western Hemisphere of Latin American-based gangs."

**SA 1273.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326 between lines 10 and 11 insert the following:

##### EXPORT-IMPORT BANK

SEC. 6113. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve or administer a loan, guarantee, or insurance policy, or an application for a loan, guarantee, or insurance policy, for the development, or for the increase in capacity, of an ethanol dehydration plant in Trinidad and Tobago.

**SA 1274.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

SEC. 6113. None of the funds appropriated by this Act may be obligated or expended to support, provide, or approve any loan in excess of \$600,000,000 for the renovation of the United Nations headquarters building located in New York, New York.

**SA 1275.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

##### "RESTRICTIONS ON CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 6002. None of the funds appropriated by this Act may be made available to pay



any contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.”.

**SA 1276.** Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

#### VIETNAMESE REFUGEES

SEC. 6113. Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 10809447; 118 Stat. 3038) is amended by striking “and 2005” and inserting “through 2007”.

**SA 1277.** Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, line 6, after the colon, insert following:

*Provided further,* That of the funds appropriated under this heading, not less than \$1,000,000 should be made available for a United States contribution to the Extractive Industries Transparency Initiative Trust Fund:

**SA 1278.** Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 169, lines 23 and 24, after “programs”, insert the following: “, not less than \$50,000,000 should be used for education programs”.

**SA 1279.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

#### NUCLEAR NON-PROLIFERATION TREATY

SEC. 6113. Congress—

(1) reaffirms its support for the objectives of the Nuclear Non-Proliferation Treaty and expresses its support for all appropriate measures to strengthen the Treaty and to attain its objectives; and

(2) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their Article I or Article II obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect

and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for “peaceful” purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

**SA 1280.** Mr. SUNUNU (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, beginning on line 2, strike “\$5,000,000” and all that follows through “\$4,000,000” on line 4 and insert “\$40,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$6,000,000”.

**SA 1281.** Mr. SMITH (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

SEC. 6113. (a) The Senate makes the following findings:

(1) On July 28, 1945, the Senate approved the resolution advising and consenting to

the ratification of the Charter of the United Nations by a vote of 89 to 2.

(2) Recent events, including the United Nations oil-for-food scandal and sexual misconduct by United Nations peacekeepers, have led to declining public confidence in the United Nations.

(3) There is broad international agreement that the United Nations must reform its existing policies, practices, and institutions in order to better manage the interests of its 191 members and address the current threats to international peace and security.

(4) The future direction of the United Nations has recently been addressed in the report of the Secretary-General's High-level Panel on Threats, Challenges and Change, issued on December 2, 2004, the report of the Secretary-General entitled “In Larger Freedom: Toward Development, Security and Human Rights for All”, issued on March 21, 2005, and the report of the congressionally mandated Task Force on the United Nations, convened by the United States Institute of Peace (USIP), entitled “American Interests and UN Reform”, issued on June 15, 2005.

(5) These reports call for comprehensive reform of the United Nations, including overhauling basic management practices and building a more transparent, accountable, efficient, and effective organization.

(6) These reports highlight the deficiencies in the United Nations human rights bodies, in particular the practice of allowing countries that have violated human rights to sit on United Nations bodies that were established to monitor, promote, and enforce human rights.

(7) These reports highlight many serious problems with the United Nations peacekeeping operations that need to be addressed.

(8) These reports discuss the question of United Nations Security Council reform in an attempt to increase the effectiveness and credibility of the Security Council and to enhance its capacity and willingness to act in the face of threats.

(9) The USIP Task Force emphasized the importance that any reform of the United Nations Security Council must enhance its effectiveness and not in any way detract from the Security Council's efficiency and ability to act in accordance with the Charter of the United Nations.

(10) The United Nations has an important role to play in providing a forum for countries to discuss issues and resolve differences and to address the pressing humanitarian issues of the day.

(b) The Senate—

(1) declares that a credible, effective, and reformed United Nations can play an important role in helping promote global peace and security;

(2) reaffirms that reform of the United Nations Security Council would necessitate a revision of the Charter of the United Nations, which would constitute a treaty revision requiring an affirmative vote in the Senate by a two-thirds majority;

(3) states that the United Nations and its subsidiary bodies and agencies must be reformed, refocused, and made more efficient, and must become more transparent and more accountable;

(4) declares that oversight of the United Nations must be improved, that the management systems and budgeting processes of the institution must be updated and modified, and that protections for whistleblowers employed by the United Nations must be implemented;

(5) states that the United Nations Human Rights Commission should be abolished and replaced by a United Nations Human Rights

Council or other body composed of governments that are committed to upholding human rights;

(6) declares that the reforms described above must be implemented before the Senate will consider changes to the Charter of the United Nations that require the advice and consent of the Senate; and

(7) urges the Secretary of State—

(A) to provide the Senate the Secretary of State's recommendations for reform of the United Nations; and

(B) to consult fully and regularly with the Senate as deliberations on United Nations reform progress.

**SA 1282.** Mr. LUGAR (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 9 and 10, insert the following:

#### **TITLE VII—MULTILATERAL DEVELOPMENT BANK REFORM**

##### **SEC. 7001. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) **MULTILATERAL DEVELOPMENT BANK.**—The term “multilateral development bank” has the meaning given that term in section 1622 of the International Financial Institutions Act (22 U.S.C. 262p-5).

##### **SEC. 7002. ANTICORRUPTION PROPOSALS AND REPORT.**

(a) **PROPOSALS.**—Not later than September 1, 2006, the Secretary of the Treasury shall develop proposals, including establishing one or more trusts and a set-aside of loans or grants, to establish a mechanism to assist poor countries in investigations, prosecutions, prevention of fraud and corruption, and other actions regarding fraud and corruption related to a project or program funded by a multilateral development bank.

(b) **REPORT.**—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposals required by subsection (a).

##### **SEC. 7003. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.**

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

##### **“SEC. 1505. PROMOTION OF POLICY GOALS.**

“The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to inform each such bank and the executive directors of each such bank of the goals of the United States and to ensure that each such bank accomplishes the goals set out in section 1504 of this Act and the following:

“(1) Requires the bank's employees, officers, and consultants to make an annual disclosure of financial interests and income of any such person and any other potential source of conflicts of interest.

“(2) Links project and program design and results to staff performance appraisals, salaries, and bonuses.

“(3) Implements whistleblower and witness protection matching that afforded by the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et

seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the best practices promoted or required by all international conventions against corruption for internal and lawful public disclosures by the bank's employees and others affected by such bank's operations of misconduct that undermines the bank's mission, and for retaliation in connection with such disclosures.

“(4) Implements disclosure programs for firms and individuals participating in projects financed by such bank that are consistent with such programs of the Department of Defense and the Environmental Protection Agency.

“(5) Ensures that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection.

“(6) Implements clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and makes the identity of such person available to the public.

“(7) Coordinates policies across international institutions on issues including debarment, cross-debarment, procurement, and consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specified ineligibility period.

“(8) Requires each borrower, grantee, or contractor, and subsidiaries thereof, to sign a contract to comply with a code of conduct that embodies the relevant standards of section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) and the international conventions against bribery and corruption.

“(9) Maintains independent offices of Inspector and Auditor General which report directly to such bank's board of directors and an audit committee with its own additional experts who are independent of management, or access to such experts, to assist it in ensuring quality control.

“(10) Implements an internationally recognized internal controls framework supported by adequate staffing, supervision, and technical systems, and subject to external auditor attestations of internal controls, meeting operational objectives, and complying with bank policies.

“(11) Ensures independent forensic audits where fraud or other corruption in such bank or its operations, projects, or programs is suspected.

“(12) Evaluates publicly, in cooperation with other development bodies, the interim and final results of project and non-project lending and grants on the basis of Millennium Development Goals, the goals of the Organisation for Economic Co-operation and Development related to development, and other established international development goals.

“(13) Requires that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including legislative and public scrutiny prior to loan or contract agreement.

“(14) Requires that before approving any natural resource extraction proposal the affected countries disclose accurately and audit independently all payments and revenues in connection with such extraction or derived from such extraction.

“(15) Requires each project where compensation is to be provided to persons adversely impacted by the project include impartial and responsive mechanism to receive and resolve complaints.”

##### **SEC. 7004. CONTRIBUTIONS TO MULTILATERAL DEVELOPMENT BANKS.**

(a) **WORLD BANK.**—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 23. FOURTEENTH REPLENISHMENT.**

“(a) **CONTRIBUTION AUTHORITY.**—

“(1) **IN GENERAL.**—The United States Governor of the Association is authorized to contribute on behalf of the United States \$950,000,000 to the fourteenth replenishment of the resources of the Association.

“(2) **SUBJECT TO APPROPRIATIONS.**—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the contribution authorized by subsection (a), there are authorized to be appropriated \$950,000,000 for payment by the Secretary of the Treasury.”

(b) **AFRICAN DEVELOPMENT BANK FUND.**—The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

##### **“SEC. 218. TENTH REPLENISHMENT.**

“(a) **CONTRIBUTION AUTHORITY.**—

“(1) **IN GENERAL.**—The United States Governor of the Fund is authorized to contribute on behalf of the United States \$135,000,000 to the tenth replenishment of the resources of the Fund.

“(2) **SUBJECT TO APPROPRIATIONS.**—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the contribution authorized by subsection (a), there are authorized to be appropriated \$135,000,000 for payment by the Secretary of the Treasury.”

(c) **ASIAN DEVELOPMENT FUND OF THE ASIAN DEVELOPMENT BANK.**—The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 32. EIGHTH REPLENISHMENT.**

“(a) **CONTRIBUTION AUTHORITY.**—

“(1) **IN GENERAL.**—The United States Governor of the Bank is authorized to contribute on behalf of the United States \$154,000,000 to the eighth replenishment of the resources of the Fund.

“(2) **SUBJECT TO APPROPRIATIONS.**—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the contribution authorized by subsection (a), there are authorized to be appropriated \$154,000,000 for payment by the Secretary of the Treasury.”

##### **SEC. 7005. ANNUAL REPORTS.**

(a) **INITIAL REPORT.**—Not later than September 1, 2006, the Secretary of the Treasury shall submit a report to the appropriate congressional committees that describes—

(1) the actions taken by the United States Executive Director at each multilateral development bank to implement the policy

goals described in this Act and the amendments made by this Act, and to implement the policy goals described in title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.); and

(2) any recommendations of the Secretary for any other actions that should be taken to implement such goals.

(b) **UPDATES.**—The Secretary shall submit to the appropriate congressional committees an annual update of the report required by subsection (a) for each of the fiscal years 2007, 2008, and 2009.

**SA 1283.** Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LEAHY, and Mr. MCCONNELL)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

**FORCED REPATRIATION OF REFUGEES IN  
CAMBODIA**

**SEC. .** It is the sense of the Senate that—  
(1) the United States Government is deeply concerned with reports of the planned repatriation to Vietnam of 107 Montagnard refugees by the Government of Cambodia;

(2) the United States Government strongly condemns any forcible repatriation of refugees by the Government of Cambodia; and

(3) these refugees should be provided unobstructed legal assistance from an independent organization in connection with their appeals for fair review of their refugee claims, and all such claims should be credibly and thoroughly reviewed by the Office of the United Nations High Commissioner for Refugees in Geneva.

**SA 1284.** Mr. NELSON of Florida (for himself, Mr. DEWINE, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

**SEC. 6113. HAITI.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian, and moral responsibility, in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly a cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(4) Elections are scheduled to begin this fall, but only a fraction of registration sites are open and only 200,000 of 4,500,000 million eligible voters are registered as of July.

(5) The country remains insecure because of the slow pace of disarmament and the impunity with which armed groups operate in Port-au-Prince and the country side.

(6) The presence and effectiveness of the United States Embassy is greatly reduced by

the ordered departure of all non-essential personnel due to continuing insecurity and threats to Embassy personnel.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Secretary of State should personally devote substantial attention and effort to supporting a successful election process in Haiti.

(c) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report that describes United States policy to establish security in Haiti and support successful elections in Haiti. The report shall include the following:

(1) The plan for the reconstruction of Haiti for fiscal year 2006.

(2) A description of the activities that have been and will be carried out by the United States, for the following purposes:

(A) To establish democracy and rule of law in Haiti, in a manner that is consistent with the Constitution of Haiti and international requirements described in resolutions of the United Nations, the Organization of American States, or other international organizations.

(B) To promote, in collaboration with the interim Haitian Government, the registration of eligible voters in Haiti, the training of election workers and elected officials, and free and fair elections that are monitored by international observers.

(C) To assist in the disarmament, demobilization, and reintegration of illegally armed forces, in coordination with the United Nations Stabilization Mission in Haiti (MINUSTAH) and the Organization of American States.

(D) To assist in the reform and training of the Haitian National Police, in coordination with MINUSTAH and the Organization of American States, to include vetting, human rights, and weapons monitoring programs that adhere to internationally accepted norms.

(E) To rebuild Haiti's judicial capacity to allow it to try cases in a swift, fair, and transparent manner by training judges, prosecutors, and court clerks.

(F) To combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS) in Haiti.

(G) To promote economic development in Haiti through assistance to critical sectors such as health and education, and for job creation, including through support for the Haiti Economic Recovery Opportunity Act.

(H) To encourage other countries and international organizations to provide assistance to Haiti, fulfilling the pledges for over \$1,200,000,000 billion that were made at the July 2004 donor's conference and to provide additional funds.

(I) To ensure that MINUSTAH is rapidly staffed up to the authorized levels of military and civilian personnel, and remains in Haiti for a period of time sufficient to adequately retrain the Haitian National Police.

**SA 1285.** Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

**VENEZUELA**

**SEC. 6113.** Of the funds appropriated under the heading "ECONOMIC SUPPORT FUND" up to \$2,000,000 shall be used for democracy programs in Venezuela administered through grants by the National Endowment for Democracy.

**SA 1286.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

**SECOND AMENDMENT PROTECTION**

**SEC. 6113.** None of the funds appropriated by this Act may be made available to the United Nations, if the United Nations takes any action to restrict, attempt to restrict, or otherwise adversely infringe upon the rights of individuals in the United States to possess a firearm or ammunition, including the imposition of a tax that will interfere with the right to own a firearm or ammunition.

**SA 1287.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. .** None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States.

**SA 1288.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following:

**CAPTURE, DETENTION, AND INTERROGATION OF  
TERRORISTS AT GUANTANAMO BAY, CUBA**

**SEC. 6113. (a) FINDINGS.**—Congress finds the following:

(1) Osama bin Laden declared war on the United States in 1996.

(2) International terrorists, including al Qaeda and its affiliated terrorists, have repeatedly attacked the United States and its coalition partners throughout the world and have killed and wounded thousands of innocent United States citizens and citizens from these coalition partners.

(3) The United States is exercising its rights to self-defense and to protect United States citizens both at home and abroad by waging war alongside its coalition partners against al Qaeda and affiliated terrorists.

(4) International terrorists continue to pose an extraordinary threat to the national security and foreign policy of the United States and its coalition partners.

(5) International terrorists continue to commit and plan terrorist attacks around the world against the United States and its coalition partners.

(6) In order to protect the United States and its citizens, the United States must identify terrorists and those individuals who support them, disrupt their activities, and eliminate their ability to conduct or support attacks against the United States, its citizens, and its coalition partners.

(7) Identifying, disrupting, and eliminating terrorist threats against the United States requires effective gathering, dissemination, and analysis of timely intelligence.

(8) The collection of information from detainees at Guantanamo Bay, Cuba, by the United States has improved the security of the United States and its coalition partners and is essential in fighting the Global War on Terrorism.

(9) The loss of interrogation-derived information would have a disastrous effect on the United States' intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the capture, detention, and interrogation of international terrorists are essential to the successful prosecution of the Global War on Terrorism and to the defense of the United States, its citizens, and its coalition partners from future terrorist attacks;

(2) the detention and lawful, humane interrogation by the United States of detainees at Guantanamo Bay, Cuba, is essential to the defense of the United States and its coalition partners and to the successful prosecution of the Global War on Terrorism; and

(3) the detention facilities and interrogations at Guantanamo Bay, Cuba, plays an essential role in the security of the United States and should not be closed or ended while the United States is waging the Global War of Terrorism.

**SA 1289.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 10 and 11, insert the following new section:

STATEMENT OF POLICY RELATING TO  
INTERNATIONAL TAXATION

SEC. 6113. (a) POLICY.—It is the policy of the United States to use the voice, vote, and influence of the United States to vigorously oppose any international or global tax that is or may be considered or promoted by the United Nations, its specialized or affiliated agencies, its Member States, or United Nations recognized nongovernmental organizations.

(b) EFFORT.—United States representatives at the United Nations shall—

(1) use the voice, vote, and influence of the United States to vigorously oppose any effort by the United Nations or any of its specialized or affiliated 15 agencies to fund, approve, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States person in order to raise revenue for the United Nations or any such agency; and

(2) declare that a United States person shall not be subject to any international tax and shall not be required to pay such tax if such tax is levied against such person.

(c) EXCEPTION.—The policy described in subsection (a) shall not apply to fees for publications or other kinds of fees that are not tantamount to a tax on a United States person.

(d) PERSON DEFINED.—For purposes of this section, the term "person" has the meaning given such term in section 7701(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 7701(a)(1)).

**SA 1290.** Mr. CORZINE (for himself, Mr. DEWINE, Mr. DURBIN, Mr. BROWNBACK, and Mr. OBAMA) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related

programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

TRANSFER OF FUNDS

SEC. 6113. Of the funds appropriated in title III under the heading "CONFLICT RESPONSE FUND", \$50,000,000 shall be transferred to, and merged with, the funds appropriated in title IV under the heading "FOREIGN MILITARY FINANCING PROGRAM" and made available to provide assistance to support the African Union Mission in Sudan.

**SA 1291.** Mr. CORZINE (for himself, Mr. DEWINE, Mr. DURBIN, Mr. BROWNBACK, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, line 21, after "That" insert "of the funds appropriated under this heading, not less than \$50,000,000 shall be made available for assistance to support the African Union Mission in Sudan: *Provided further, That*".

**SA 1292.** Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For amounts appropriated in this Act (a) Under the heading "Center for Middle Eastern-Western Dialogue" in title I of this Act strike "\$2,000,000" and insert in lieu thereof "\$7,000,000."

(b) Under the heading "International Organizations and Programs" in title V of this Act strike "\$330,000,000" and insert in lieu thereof "\$325,000,000."

**SA 1293.** Mr. LUGAR (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 9 and 10, insert the following:

TITLE VII—MULTILATERAL  
DEVELOPMENT BANK REFORM

SEC. 7001. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" has the meaning given that term in section 1622 of the International Financial Institutions Act (22 U.S.C. 262p-5).

SEC. 7002. ANTICORRUPTION PROPOSALS AND REPORT.

(a) PROPOSALS.—Not later than September 1, 2006, the Secretary of the Treasury shall

develop proposals, including establishing one or more trusts and a set-aside of loans or grants, to establish a mechanism to assist poor countries in investigations, prosecutions, prevention of fraud and corruption, and other actions regarding fraud and corruption related to a project or program funded by a multilateral development bank.

(b) REPORT.—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposals required by subsection (a).

SEC. 7003. PROMOTION OF POLICY GOALS AT  
MULTILATERAL DEVELOPMENT  
BANKS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

"SEC. 1505. PROMOTION OF POLICY GOALS.

"The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to inform each such bank and the executive directors of each such bank of the goals of the United States and to ensure that each such bank accomplishes the goals set out in section 1504 of this Act and the following:

"(1) Requires the bank's employees, officers, and consultants to make an annual disclosure of financial interests and income of any such person and any other potential source of conflicts of interest.

"(2) Links project and program design and results to staff performance appraisals, salaries, and bonuses.

"(3) Implements whistleblower and witness protection matching that afforded by the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the best practices promoted or required by all international conventions against corruption for internal and lawful public disclosures by the bank's employees and others affected by such bank's operations of misconduct that undermines the bank's mission, and for retaliation in connection with such disclosures.

"(4) Implements disclosure programs for firms and individuals participating in projects financed by such bank that are consistent with such programs of the Department of Defense and the Environmental Protection Agency.

"(5) Ensures that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection.

"(6) Implements clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and makes the identity of such person available to the public.

"(7) Coordinates policies across international institutions on issues including debarment, cross-debarment, procurement, and consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specified ineligibility period.

"(8) Requires each borrower, grantee, or contractor, and subsidiaries thereof, to sign

a contract to comply with a code of conduct that embodies the relevant standards of section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) and the international conventions against bribery and corruption.

“(9) Maintains independent offices of Inspector and Auditor General which report directly to such bank’s board of directors and an audit committee with its own additional experts who are independent of management, or access to such experts, to assist it in ensuring quality control.

“(10) Implements an internationally recognized internal controls framework supported by adequate staffing, supervision, and technical systems, and subject to external auditor attestations of internal controls, meeting operational objectives, and complying with bank policies.

“(11) Ensures independent forensic audits where fraud or other corruption in such bank or its operations, projects, or programs is suspected.

“(12) Evaluates publicly, in cooperation with other development bodies, the interim and final results of project and non-project lending and grants on the basis of Millennium Development Goals, the goals of the Organisation for Economic Co-operation and Development related to development, and other established international development goals.

“(13) Requires that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including legislative and public scrutiny prior to loan or contract agreement.

“(14) Requires that before approving any natural resource extraction proposal the affected countries disclose accurately and audit independently all payments and revenues in connection with such extraction or derived from such extraction.

“(15) Requires each project where compensation is to be provided to persons adversely impacted by the project include impartial and responsive mechanism to receive and resolve complaints.”.

**SA 1294.** Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 227, beginning on line 13, strike “headings ‘Foreign Military Financing Program’ and ‘Broadcasting to Cuba’” and insert “heading ‘Foreign Military Financing Program’”.

On page 326, between lines 10 and 11, insert the following:

PROHIBITION ON TELEVISION BROADCASTING TO CUBA

SEC. 6113. (a) None of the funds appropriated under this Act may be made available to provide television broadcasting to Cuba.

(b) The amount appropriated by title III under the heading “PEACE CORPS” is hereby increased by \$21,100,000.

(c) The amount appropriated by title I to the Broadcasting Board of Governors under the heading “BROADCASTING TO CUBA” is hereby reduced by \$21,100,000.

**SA 1295.** Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 289, line 10, after the semi-colon, insert the following:

(3) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and (4)

On page 289, line 10, strike “and”.

On page 289, line II strike “(3)”.

On page 302, line 11, after “may” insert: “only”

On page 289, line 12, after “Navy” insert “.”.

**SA 1296.** Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. COBURN, Mr. INHOFE, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert:

MALARIA

SEC. . Of the funds appropriated under the heading “Child Survival and Health Programs Fund”, not less than \$105,000,000 should be made available for programs and activities to combat malaria: *Provided*, That such funds should be made available in accordance with best public health practices, and considerable support should be provided for the purchase of commodities and equipment including: (1) insecticides for indoor residual spraying that are proven to reduce the transmission of malaria; (2) pharmaceuticals that are proven effective treatments to combat malaria; (3) long-lasting insecticide-treated nets used to combat malaria; and (4) other activities to strengthen the public health capacity of malaria-affected countries: *Provided further*, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report describing in detail expenditures to combat malaria during fiscal year 2006.

**SA 1297.** Mr. MCCONNELL (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON SMALL ARMS PROGRAMS

SEC. . Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to 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 a report—

(1) describing the activities undertaken, and the progress made, by the Department of State or other agencies and entities of the United States Government to encourage other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons; and

(3) recommending incentives and penalties that may be used by the United States Gov-

ernment to encourage states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

**SA 1298.** Mr. MCCONNELL (for Mr. SUNUNU (for himself and Mr. CHAFEE)) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 171, line 2, strike “\$5,000,000” and insert “\$40,000,000”.

On page 171, line 4, strike “\$4,000,000” and insert “\$6,000,000”.

**SA 1299.** Mr. MCCONNELL (for Mr. KENNEDY (for himself and Mr. BIDEN)) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

DEMOCRACY PROGRAMS IN IRAQ

SEC. . Of the amount appropriated under the heading “ECONOMIC SUPPORT FUND”—

(1) \$28,000,000 should be made available for fiscal year 2006 to the International Republican Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women’s rights; and

(2) \$28,000,000 should be made available for fiscal year 2006 to the National Democratic Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women’s rights.

**SA 1300.** Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUE)) proposed an amendment to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . FOR AMOUNTS APPROPRIATED IN THIS ACT.

(a) Under the heading “Center for Middle Eastern-Western Dialogue” in title I of this Act strike “\$2,000,000” and insert in lieu thereof “\$7,000,000.”

(b) Under the heading “Embassy Security, Construction, and Maintenance” in title I of this Act strike “\$603,800,000 and insert in lieu thereof “\$598,800,000.”

**SA 1301.** Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, line 4, strike “\$3,036,375,000” and insert “\$3,031,375,000”.

On page 190, line 5, strike "\$440,100,000" and insert "\$445,100,000".

On page 190, line 19, insert "that should be not less than \$19,350,000" after "Commission".

**SA 1302.** Mr. FRIST (for Mr. COLEMAN) proposed an amendment to the resolution S. Res. 31, expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes; as follows:

On page 4 strike lines 1 through 4 and insert:

"(2) calls upon the people of the United States to observe the week with appropriate ceremonies and activities"

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 19, 2005, at 11:15 am, on Plan to Modify Department of Homeland Security to make more efficient and effective.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 19 at 2:30 p.m.

The purpose of this oversight hearing is to receive testimony regarding the effects of the U.S. Nuclear Testing Program on the Marshall Islands.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 19, 2005, at 2:30 p.m. to hold a hearing on Advancing Iraqi Political Development.

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

##### COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Reauthorization of the Violence Against Women Act" on Tuesday, July 19, 2005 at 11 a.m. in Dirksen Senate Office Building Room 226.

#### Witness List

Panel I: Diane Stuart, Director of the Office on Violence Against Women, Department of Justice, Washington, DC.

Panel II: M.L. Carr, Spokesperson, Office of the Arizona Attorney General, Family Violence Prevention Fund, San

Francisco, CA; Salma Hayek, Avon Foundation, New York, NY; Lynn Rosenthal, Executive Director, National Network to End Domestic Violence, Washington, DC; Mary Lou Leary, Esq., Executive Director, National Center for Victims of Crime, Washington, DC.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2005 at 2:30 p.m. to hold a hearing.

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

##### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "A Review of Federal Consent Decrees" on Tuesday, July 19, 2005 at 2:30 p.m., in Room 226 of the Dirksen Senate Office Building.

#### Witness List

Panel I: Lamar Alexander, United States Senator, R-TN; Howard Berman, United States Representative, D-CA 28th District.

Panel II: Troy King, Attorney General for the State of Alabama, Montgomery, AL; Professor Ross Sandler, Director of the Center for New York City Law, New York University School of Law, New York, NY; Dr. Michael S. Greve, John G. Searle Resident Scholar, Director of the AEI Federalism Project, Co-Director of the AEI Liability Project, American Enterprise Institute, Washington, DC; Judge Nathaniel R. Jones, Partner, Blank & Rome LLP, Cincinnati, OH; Ms. Lois Schiffer, Former Assistant Attorney General, Department of Justice, Environment and Natural Resources Division, Washington, DC; Mr. Tom Jost, Robert L. Willett Family Professor of Law, Washington and Lee University School of Law, Lexington, VA.

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

##### SUBCOMMITTEE ON AVIATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, July 19, 2005, at 3:30 p.m., on FAA's Age 60 Rule.

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

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 19, 2005, at 2 p.m., for a hearing regarding "Securing Cyberspace: Efforts to Protect National Information Infrastructures Continue to Face Challenges".

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

#### PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following interns have the privilege of the floor during the Senate's consideration of the Burma resolution: Andreas Datsopoulos, Julie Golder, and Adam Elkington.

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

#### EXECUTIVE SESSION

#### NOMINATION OF THOMAS C. DORR TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to executive session for the consideration of Calendar No. 101, the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development.

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

The legislative clerk read the nomination of Thomas C. Dorr to be Under Secretary of Agriculture for Rural Development.

Mr. FRIST. Mr. President, if the Senator from Iowa had been here, I would have asked consent there be an hour of debate equally divided on the nomination, and following the debate the Senate proceed to a vote on the confirmation of the nomination at a time determined by the majority leader after consultation with the Democratic leader. I understand there would be an objection on the other side to that.

#### CLOTURE MOTION

Given that objection, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, do hereby move to bring to a close debate on Executive Calendar No. 101, the nomination of Thomas Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

Bill Frist, Saxby Chambliss, Ted Stevens, Wayne Allard, Larry Craig, Pat Roberts, Chuck Hagel, Richard Burr, James Inhofe, Thad Cochran, Chuck Grassley, John Thune, Johnny Isakson, Bob Bennett, Mike Crapo, Mitch McConnell, and Richard Lugar.

Mr. FRIST. I ask unanimous consent that the live quorum be waived.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.



Mr. REID. Mr. President, if I could say a word before closure takes place, I know the burden on the majority leader is significant. There is so much to do and so little time to do it. Through the Chair, I express my desire to the majority leader that we figure out a way—he figure out a way—we can move to the DOD authorization bill at the earliest possible date. I think it is so important we do that.

I visited Walter Reed yesterday. It is important we set the right tone for those men and women fighting over there. Part of that would be to do the DOD authorization.

Mr. FRIST. Mr. President, we have a lot to do in the next week and a half. DOD authorization, as the Democrat leader and as my colleagues know, is a high priority. We also are doing our very best to come to an agreement on how to bring stem cells to the floor of the Senate, to bring the native Hawaiian issue to the floor of the Senate, and gun liability issues we talked about earlier this morning.

We are making progress. We did not quite finish foreign operations today but we will tomorrow. As we complete that bill and we finish with the Dorr nomination, we will hopefully be able to accomplish all of those bills. It is asking a lot.

#### PROVIDING EXTENSION OF PROGRAMS FUNDED OUT OF THE HIGHWAY TRUST FUND

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3332 received from the House.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3332) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 3332) was read the third time and passed.

#### AUTHORIZATION TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and majority whip be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### DISCHARGE AND REFERRAL

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2385, and that the bill be referred to the Committee on Homeland Security and Governmental Affairs.

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

Mr. FRIST. Mr. President, I ask unanimous consent that we vitiate that last request on the Committee on Commerce, Science, and Transportation.

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

#### URGING THE GOVERNMENT OF SUDAN AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY TO FULLY IMPLEMENT THE COMPREHENSIVE PEACE AGREEMENT OF JANUARY 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 202, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 202) urging the Government of Sudan and the Sudan People's Liberation Movement/Army to fully implement the Comprehensive Peace Agreement of January 9, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I have submitted this resolution with regard to Sudan, a country in Africa I have personally spent a lot of time in and participated with, both in the south and the north, in promoting peace there.

There have been 2 million people who have died in the Sudan as a product of a civil war that is now about 24 years old, and about 5 to 6 million people have been displaced.

The Sudan Peace Act looked predominantly at the north versus the south, although it is much more complicated than that oversimplified comment. It is a separate issue than the Darfur crisis in western Sudan, which this body has also paid a lot of attention to.

Real progress is being made in that part of the world, but continued focus will be required to bring peace to that part of Africa.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 202

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Army in the south began in 1983 and lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internationally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas the Government of Sudan and the Sudan People's Liberation Movement/Army failed on numerous occasions to bring a peaceful and just end to the civil war in Sudan throughout the 1990s;

Whereas in September 2001, President George W. Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan to explore the potential of the United States to become involved in searching for a just resolution to the civil war in Sudan, and appointed Andrew Natsios, the Administrator of the United States Agency for International Development, as the Special Humanitarian Coordinator for Sudan to enhance the delivery of assistance that could help reduce the suffering of the people of Sudan;

Whereas in July 2002, the Government of Sudan and the Sudan People's Liberation Movement/Army reached the historic Machakos Protocol, an agreement on the role of religion in Sudan and the right to self-determination for the people of southern Sudan;

Whereas in October 2002, the Government of Sudan and the Sudan People's Liberation Movement/Army signed a memorandum of understanding that called for a cessation of hostilities and unimpeded humanitarian access to all areas of Sudan;

Whereas peace talks continued throughout 2003, with discussions focusing on wealth sharing and the control of 3 contested areas of Sudan;

Whereas on November 19, 2004, the Government of Sudan and the Sudan People's Liberation Movement/Army signed a declaration committing themselves to reach a final comprehensive peace agreement by December 31, 2004, in the context of a special session of the United Nations Security Council;

Whereas on November 19, 2004, the United Nations Security Council unanimously adopted Security Council Resolution 1574, which welcomed the commitment of the Government of Sudan and the Sudan People's Liberation Movement/Army to reach an agreement by the end of 2004, and highlighted the intention of the international community to assist the people of Sudan and support the implementation of a comprehensive peace agreement;

Whereas the Government of Sudan and the Sudan People's Liberation Movement/Army initiated the final elements of a comprehensive peace agreement on December 31, 2004;

Whereas on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement/Army formally signed the Comprehensive Peace Agreement;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in southern Sudan so that the people of southern Sudan can decide their political future;

Whereas the Comprehensive Peace Agreement provides for new institutions to be created and a new Government of National

Unity to be installed in Sudan once the constitution is ratified;

Whereas despite progress on reaching a peace agreement on the North-South conflict there has been little progress to end the ongoing conflict in the region of Darfur;

Whereas after tens of thousands of civilians died due to a targeted campaign of violence by the government of Khartoum, Congress declared on July 22, 2004, that the atrocities in Darfur were genocide, committed primarily by the Government of Sudan and its allied Janjaweed militias;

Whereas on September 9, 2004, Secretary of State Colin Powell testified that "genocide has been committed in Darfur";

Whereas on June 30, 2005, President Bush confirmed that "the violence in Darfur region is clearly genocide [and] the human cost is beyond calculation";

Whereas the Comprehensive Peace Agreement provides a model for the resolution of all conflicts in Sudan, including Darfur, eastern Sudan, and elsewhere;

Whereas on July 9, 2005, the 6-year interim period under the Comprehensive Peace Agreement began with the formation of a new transitional government and the signing of an interim constitution, and Dr. John Garang, the Chairman of the Sudan People's Liberation Movement/Army, was sworn in by President Omar Hassan al Bashir as First Vice President of Sudan;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the people of southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components that are nearly nonexistent in southern Sudan;

Whereas despite the historic signing of the Comprehensive Peace Agreement in January 2005, the key to success will now be the full and timely implementation of the agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement; and

Whereas the impact and efficacy of the Comprehensive Peace Agreement will also be measured by the political resolution of ongoing conflict in other parts of Sudan, including Darfur and the east of Sudan: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of Sudan on the signing of the historic Comprehensive Peace Agreement on January 9, 2005;

(2) urges the new Government of National Unity of Sudan, consisting of elements of the National Congress Party and the Sudan People's Liberation Movement/Army, to fully implement the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(3) requests that the United States Government—

(A) commit to high-level, sustained engagement to closely monitor the implementation of the Comprehensive Peace Agreement and events on the ground in Sudan, including in Darfur and elsewhere; and

(B) sustain pressure as appropriate to ensure the Comprehensive Peace Agreement is implemented in a full, timely, and thorough manner;

(4) urges the United States Government—

(A) to maintain sanctions on the Government of Sudan as appropriate until the Comprehensive Peace Agreement has been fully honored and implemented; and

(B) to renew efforts to implement additional sanctions through the United Nations Security Council until peace in Darfur is achieved and those responsible for genocide, war crimes, crimes against humanity, and criminal acts are brought to justice;

(5) strongly urges the Government of National Unity of Sudan to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan;

(6) strongly supports the expansion of the size and role of the mission of the African Union in Darfur to protect civilians in Darfur and encourages continued support for this mission from the United States, the North Atlantic Treaty Organization, and other countries and international organizations;

(7) strongly supports the United Nations Mission in the Sudan and the expansion of this mission to protect civilians and aid workers throughout Sudan;

(8) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(9) supports international efforts to facilitate the safe and voluntary return of refugees and internationally displaced persons to their homes in Sudan; and

(10) calls upon the governments of all countries in the Sudan region and around the world to actively support and monitor the full implementation of the Comprehensive Peace Agreement to help ensure that the people of Sudan pursue the path to peace, prosperity, and security.

#### NATIONAL HEALTH CENTER WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 31.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee is discharged, and the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 31) expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the purpose of this resolution, expressing the sense of the Senate with regard to August 7 being designated as National Health Center Week, is to raise awareness of the tremendous health services that are provided by homeless health centers and migrant care centers and community health centers, and other purposes. I commend Senator COLEMAN for this resolution.

Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 1302) was agreed to, as follows:

On page 4, strike lines 1 through 4 and insert:

"(2) calls upon the people of the United States to observe the week with appropriate ceremonies and activities"

The resolution (S. Res. 31), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 31

Whereas community, migrant, public housing, and homeless health centers are non-profit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving more than 15,000,000 people in over 3,600 communities;

Whereas such health centers are found in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system;

Whereas these health centers provide care to 1 of every 7 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans, all of whom would otherwise lack access to health care;

Whereas these health centers are engaged with other innovative programs in primary and preventive care to reach out to over 621,000 homeless persons and more than 709,000 farm workers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, transportation, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced over the past 4 years even as infant mortality rates across the country have risen;

Whereas these health centers are built by community initiative, and run by the patients they serve;

Whereas Federal grants provide seed money empowering communities to find partners and resources to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas there are more than 100 health centers that receive no Federal grant funding, yet continue to serve their communities regardless of their patients' ability to pay;

Whereas all health centers tailor their services to fit the special needs and priorities of their communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas all health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas all health centers encourage citizen participation and provide jobs for nearly 100,000 community residents; and

Whereas the designation of the week of August 7, 2005, as "National Health Center Week" would raise awareness of the health services provided by all health centers: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of August 7, 2005, as “National Health Center Week”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

#### TO AMEND THE CONTROLLED SUBSTANCES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 45 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 45) to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 45) was read the third time and passed, as follows:

S. 45

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MAINTENANCE OR DETOXIFICATION TREATMENT WITH CERTAIN NAR- COTIC DRUGS; ELIMINATION OF 30- PATIENT LIMIT FOR GROUP PRAC- TICES.

(a) IN GENERAL.—Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C.

823(g)(2)(B)) is amended by striking clause (iv).

(b) CONFORMING AMENDMENT.—Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C. 823(g)(2)(B)) is amended in clause (iii) by striking “In any case” and all that follows through “the total” and inserting “The total”.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

#### ORDERS FOR WEDNESDAY, JULY 20, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for 60 minutes, with the majority leader in control of the first 30 minutes and the Democratic leader in control of the second 30 minutes; provided further that following that time, the Senate resume consideration of Calendar No. 158, H.R. 3057, the Foreign Operations appropriations bill, as provided under the previous order.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will complete action on the Foreign Operations appropriations bill. We have several pending amendments to dispose of tomorrow morning. Although that list is longer than I would like, it is hoped that most of those amendments can be worked out and will not require rollcall votes. We also,

a few moments ago, filed a cloture motion on the Dorr nomination. That vote will occur on Thursday morning.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 8:56 p.m., adjourned until Wednesday, July 20, 2005, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 19, 2005:

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. MALINDA E. DUNN, 0000  
COL. CLYDE J. TATE III, 0000  
COL. MARC L. WARREN, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

##### *To be lieutenant colonel*

DAVID J. LUTHER, 0000  
KATE E. MATTHEWS, 0000

##### *To be major*

ERIC C. BURDGE, 0000  
MARCIA R. CANNONIER, 0000  
CARLOS A. DIAZLABOY, 0000  
MATTHEW I. GOLDBLATT, 0000  
ERIC F. HOLT, 0000  
MARTIN E. JORDAN, 0000  
KENN K. KANESHIRO, 0000  
ROBERT J. KOWALSKI, JR., 0000  
WILLIAM K. LIN, 0000  
CECELIA E. SCHMALBACH, 0000  
BRETT M. SCOTCH, 0000  
GUY M. SHOAF, 0000  
JAMES R. STRADER, JR., 0000  
YUANHONG WANG, 0000  
MERIDITH A. WARNER, 0000