

it has in the past, but the conference committee was concerned that requiring a higher level could have the unwanted effect of tying up available Ex-Im Bank resources if the Ex-Im Bank could not achieve higher levels of small business financing in a given year. The conference report also requires the Ex-Im Bank to conduct outreach to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business concerns employing fewer than 100 employees.

The conference report also makes a number of other significant changes to the Ex-Im Bank Act. It establishes an inspector general for the Export-Import Bank. It makes clear that the Ex-Im Bank's objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers. It increases the aggregate loan, guarantee, and insurance authority for the Bank to \$100 billion by 2006. The conference report also requires the Ex-Im Bank to submit its annual competitiveness report to Congress by June 30 of each year in order to ensure its availability for oversight, and requires that the competitiveness report contain an estimate of the annual amount of export financing available from other foreign government and foreign government-related agencies.

The conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002, makes a number of significant changes to the charter of the Ex-Im Bank that I believe will greatly strengthen the Ex-Im Bank's effectiveness as a tool to help U.S. exporters and the workers they employ to level the playing field of competition in international trade, and strengthen the ability of U.S. negotiators to achieve meaningful international agreements to limit the use of export subsidies. Taken together, these changes represent a major enhancement of the Ex-Im Bank charter. I strongly urge my colleagues to support the conference report.

Mr. BAYH. Mr. President, I rise today to offer my support for the conference agreement on the charter reauthorization of the Export-Import Bank of the United States.

As chairman of the Subcommittee on International Trade and Finance, I have worked with my colleagues to craft a bill that creates a level playing field for all U.S. companies. The conference agreement includes a number of important provisions that will help make the Bank more competitive with other export credit agencies.

Although the Ex-Im Bank has played an important role in increasing our country's exports, there have been a few instances in which the Bank has lent its support to exports that have helped foreign companies who are engaged in dumping products into our domestic market. For this reason, I included a provision in the conference

agreement that would prohibit the extension of a loan or guarantee to any entity subject to a determination of injury under section 201 by the International Trade Commission, ITC or subject to a countervailing duty or anti-dumping order. Action by the President is not necessary. Additionally, it would require a heightened level of scrutiny and comment period for transactions where a preliminary injury determination exists.

Since its creation in 1934, the Export Import Bank of America has contributed greatly to the welfare and well-being of America's economy. I hope that we will allow the Bank to continue its function, and I encourage my colleagues to support reauthorization of this important organization.

Mr. DURBIN. Mr. President, I would like to commend the conferees to the Export-Import Bank Reauthorization, S. 1372, and particularly Senators BAYH and DODD, for preserving language that helps protect the U.S. steel industry from illegal dumping.

By facilitating foreign purchases of U.S. goods and services that might not otherwise be possible, the Bank helps promote economic growth at home and abroad. Since its creation in 1934, the Export-Import Bank of the United States, has helped several Illinois companies, such as Caterpillar and Motorola, finance exports to foreign countries. However, there have been some instances in which the Ex-Im Bank has lent support to foreign companies that have engaged in dumping products, including steel, into U.S. markets. Such support is inconsistent with our desire for a strong domestic steel industry and our belief in a level playing field for international commerce.

The reauthorization legislation that passed the Senate today requires significantly increased scrutiny of transactions that could adversely impact domestic industries. Furthermore, it prohibits the extension of a loan or guarantee to any company or country subject to a determination of injury under Section 201 by the International Trade Commission (ITC) or subject to a countervailing duty or anti-dumping order. This is a significant step forward and I am pleased to have aided in this effort.

Mr. REID. I ask unanimous consent the conference report be adopted, the motion to reconsider be laid upon the table, and any statements relating to this be printed in the RECORD, without any intervening action or debate.

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

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

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

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 3635

Mr. REID. Mr. President, the hour of 2 o'clock has arrived; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, is it true that the 5 minutes of time that has been allocated to both sides is running at this time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. It will be done.

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

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

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, is it time for the vote to occur?

The PRESIDING OFFICER. It is time for the vote on the motion to table.

Mr. REID. Have the yeas and nays been ordered on that motion to table?

The PRESIDING OFFICER. They have not.

Mr. REID. Senator MCCAIN asked that there be a rollcall vote on that, so I ask there be a rollcall vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—65

Akaka	Cantwell	DeWine
Baucus	Carnahan	Dodd
Biden	Carper	Domenici
Bond	Chafee	Dorgan
Boxer	Cleland	Durbin
Breaux	Clinton	Edwards
Burns	Cochran	Feinstein
Byrd	Collins	Graham
Campbell	Corzine	Gregg

Harkin	Lincoln	Schumer
Hollings	McConnell	Shelby
Hutchison	Mikulski	Smith (OR)
Inouye	Miller	Snowe
Jeffords	Murkowski	Specter
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Stevens
Kerry	Nelson (NE)	Thurmond
Kohl	Reed	Torricelli
Landrieu	Reid	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden
Lieberman	Sarbanes	

NAYS—31

Allard	Feingold	Lugar
Allen	Fitzgerald	McCain
Bayh	Frist	Nickles
Bennett	Gramm	Santorum
Brownback	Grassley	Sessions
Bunning	Hagel	Smith (NH)
Conrad	Hatch	Thomas
Craig	Hutchinson	Thompson
Crapo	Inhofe	Voinovich
Ensign	Kyl	
Enzi	Lott	

NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

Mr. INOUE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I advise the leaders and managers that I wish to bring up an amendment entitled, "American Service Members Protection Act." I would think this Senator and perhaps those who are cosponsors—of which there are nine—would desire some time. We will try to expedite this matter. I wonder if I could send it to the desk and ask it be the pending amendment and then defer to the leadership and others to see whether if I lay it aside I can get some—

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes, I yield.

Mr. REID. I say to the Senator from Virginia, I have been told that a Senator on this side wants to be involved in his amendment. So I cannot agree now that we would have a queue to put his amendment in. We recognize the Senator has a right to offer his amendment, but when the Senator does offer it, I will have to get the other Senator over here.

I say to the Senator from Virginia, the Senator from Arizona has indicated he has one or two more amendments he wants to offer, and that is the arrangement. If the Senator from Virginia has a subsequent time he wants to offer the amendment, I certainly have no problem with that. But if he offers it now, we will have to go into a quorum call and have the other Senator come to the Chamber, and we will not be able to expedite this process as much as we want.

Mr. WARNER. I wonder if the Senator standing next to the leader, who is a principal cosponsor, the Senator from Georgia, wishes to be heard on this matter?

Mr. MILLER. After the Senator from Virginia.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. Yes.

Mr. STEVENS. The Senator from Arizona was kind enough to give us notice of two additional amendments, and we sequenced them. I urge the Senator to wait until that is over. We are going to establish sequencing of amendments after that time. There have been others waiting, too, during the morning until this first series is over. I urge the Senator to cooperate with us, and we will put his in the sequence that comes next.

Mr. REID. If the Senator from Alaska will yield, we have known the Senator from Virginia is going to offer an amendment. I think it would be in everyone's interest, as suggested by the Senator from Alaska, that after Senator MCCAIN finishes with his amendments, we move to the amendment of the Senator from Virginia and other amendments.

Mr. WARNER. Mr. President, that is most accommodating. If we can have a gentleman's understanding that at the conclusion of the two amendments by the Senator from Arizona, the amendment the Senator from Georgia and I want to put before the Senate could be considered at that time without binding the leadership.

Mr. REID. Without that being a unanimous consent request, we will do our best to put the Senator's amendment in the queue as quickly as we can.

Mr. WARNER. Mr. President, I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before the Senator from Virginia leaves the floor, I say to him that we intend for sure to do one more amendment. I want to discuss with the Senator from Texas if we have to do an additional amendment because it is clear there is about a 30-vote ceiling. The Senator and I have made our point.

Also, the Senator from Texas is probably going to at some point make a budget point of order. How that falls into the queue the distinguished managers of the bill will establish. In the interest of full disclosure, I thought the Senator from Virginia should know that perhaps there may not be a second amendment, only the one we are about to offer, and the Senator from Texas is going to make a budget point of order.

Mr. WARNER. Mr. President, I thank my colleague.

AMENDMENT NO. 3704

(Purpose: To strike the appropriation for Agricultural Research Service buildings and facilities)

Mr. MCCAIN. Mr. President, I have an amendment on behalf of myself, Senator GRAMM of Texas, and Senator SMITH of New Hampshire, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GRAMM, and Mr. SMITH of New Hampshire, proposes an amendment numbered 3704.

On page 2, strike lines 24 through 26.

Mr. MCCAIN. Mr. President, the amendment that has been offered would remove extraneous items from the supplemental and emergency appropriations bill. In particular, I propose to remove language in the bill that provides \$50 million for buildings and facilities construction at the National Animal Disease Laboratory at Ames, IA.

Mr. President, \$50 million is designated to add new facilities to the National Animal Disease Laboratory currently located in Ames, IA. The current plans by the Agricultural Research Service, an estimated \$380 million, will be utilized to construct new buildings and facilities to further animal disease research and related activities.

These new facilities are approved and sanctioned by the administration with funding previously allocated in the fiscal year 2002 budget. However, despite this support, the administration has stated its view that additional funding suggested in this supplemental bill is not an essential priority at this time.

According to the message sent by the President—to be totally accurate, the Statement of Administration Policy sent by the Executive Office of the President, Office of Management and Budget:

Funding provided for the construction and renovation of an Ames, IA, facility is redundant because a total of \$90 million has been provided for fiscal year 2002 as part of the ERF and regular appropriations so that additional funding is not needed in fiscal year 2002 and 2003.

The study of foreign animal diseases and controlling known and unknown animal diseases are clearly national and public health issues. As part of the Government's efforts to improve its knowledge of disease agents and mechanisms, this institution and other related agencies serve an important purpose. The work is already underway as the administration asserts. Adding an additional \$50 million as part of this emergency spending measure is neither required nor necessary.

This ongoing project will clearly be subject to additional appropriations in future years during the routine appropriations process. These particular renovations are not scheduled to be completed for another 8 years.

The renovations are not scheduled to be completed for another 8 years.

I find it difficult to believe that removing this \$50 million earmark at a time when it is not needed will jeopardize its continued planning and construction. The report also indicates that this program was asked for and funded long before the events of September 11.

I do not dispute the merit of a facility such as this. In 1998, it says both agencies, the National Animal Disease Research Center and the National Veterinary Services Lab, saw an excellent

new opportunity to create a single new center encompassing all their work. The joint plan promises to provide many advantages over separate new facilities, including a large cash saving and much shorter completion time. The proposed facility will cost \$375 million and an 8-year completion plan beginning in 1999.

I am sure the National Animal Disease Center is an important project. I have no doubt in my mind it has merit. I also note that it was in May of 2001, I quote from the committee report, correspondence to this committee, the Secretary of Agriculture noted, that there is an urgent need to renovate and modernize existing facilities in Ames, IA, since the events of September 11, in view of the fact that the primary mission of this facility is research on highly infectious animal diseases such as bovine spongiform encephalopathy, which is mad cow disease, and others which terrorists might use with devastating results to the U.S. economy. The needs outlined by the Secretary have become even more pronounced.

I have heard a long catalog of threats. The one at the Smithsonian has risen now to national consciousness, that insects in alcohol are now one of our highest priorities and deemed an emergency, but I did not know the spread of mad cow disease was one of the tools of preference for the terrorists. I understand that mad cow disease is a serious problem. I am fully aware of the events of Europe where thousands of cows had to be killed. But the administration, which is responsible for the construction of these facilities, clearly states in the President's veto threat that this \$50 million is not necessary at this time because it is an 8-year project.

I am sure the Senators from Iowa will rise, and the Senators from Hawaii will rise, as will the Senators from whatever State that is affected by these projects will rise, and stoutly defend them and make it in the defense of freedom and democracy. The fact is that the name of this bill is to respond to the acts committed on September 11 and how to prepare for further responses to them. I do not believe it is needed in this supplemental appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The supplemental provides \$50 million in construction funds toward the modernization of the National Animal Disease Laboratory in Ames, IA, under the Agricultural Research Service Buildings and Facilities account. The full \$50 million is offset. This is not designated as an emergency. The money is fully offset. The total construction costs for modernization of this laboratory are estimated at \$430 million. To date, including the \$50 million in the supplemental, the Congress will have provided \$149 million.

Mission responsibilities of the Ames, IA, lab include the eradication or con-

trol of devastating diseases, including bovine tuberculosis; vaccine development; disease control strategies for scrapie; chronic wasting disease; and others.

The National Animal Disease Laboratory combines the research and regulatory responsibilities of the Agricultural Research Service and the Animal and Plant Health Inspection Service.

The National Animal Disease Laboratory has been responsible for research on anthrax and it is the national research center responsible for the prevention of mad cow disease in this country. Recent episodes of mad cow disease, foot and mouth disease, and others in the United Kingdom, are stark evidence of the public health and economic disasters that result from such outbreaks.

In a May 25, 2001, correspondence to the committee, the U.S. Department of Agriculture Secretary, Ann Veneman, stated:

There is an urgent need to renovate and modernize the existing facilities at Ames. Grossly debilitated and inadequate for animal health programs of high national priority, these facilities must be modernized.

Supportive documents provided by the Secretary on May 25, 2001, state:

If facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies.

On May 15, 2002, the Secretary again notified the committee on progress of the NADL modernization, including the implementation of fast-track initiatives to begin construction of part of the laboratory in fiscal year 2003, and approval by the USDA Office of General Counsel of a justification for other than full and open competition to hire the architectural/engineering firm.

In addition, on May 15, 2002, the Secretary notified the committee that under the current schedule:

Construction of the animal health facility will be delayed if less than \$331 million is appropriated in fiscal year 2004.

So if we fail to provide the \$50 million now in the supplemental, the Congress will be required to appropriate \$232 million in the next 2 years for this project, just to stay on the USDA's schedule. Construction information from USDA has indicated that longer term construction schedules than the one now in place could result in an additional \$117.7 million in construction costs. So the committee has made its judgment that this money is appropriate, and I hope that the amendment will be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me be brief and try to put this amendment in context. The President, as Commander in Chief, sent the Congress a request for some \$28 billion of emergency funding; that is, funding that we deem so critical that we are going to waive the Budget Act, increase the deficit, and spend Social Security money for the purpose of funding it, to basi-

cally try to respond to the attack on 9-11 and to try to prevent another attack.

The President made that request and the Senate Appropriations Committee has now come forward with a bill that spends \$4 billion more than the President asked for; that underfunds his request for emergency items by \$10 billion. That overfunds nonemergencies by \$14 billion.

There is no way on the floor of the Senate that we are going to get this bill back in line with the President's request. Hopefully, that will happen in conference. But the President has sent a letter saying he is going to veto this bill because it spends \$4 billion more than he asked, he does not give him \$10 billion he wanted, and it gives him \$14 billion he did not want.

Obviously, it is within our capabilities and within the ingenious ability of the Senate and Senators to make almost anything an "emergency."

I make the following points about this building. First, the President did not ask for it. The President did not include this in his emergency request. I assume he did not include it because, while he supported funding it consistently in each budget, he did not believe it met the high threshold of a national crisis.

Second, it is not as if we are talking about money for research. We are talking about money for a building that will be built over an 8-year period. It looks to me as if what we are seeing is an effort to take this emergency bill and tack on money to speed up a project that would be funded anyway.

Now maybe if we built this building in 7½ years instead of 8 years there would be a benefit to come from it. I don't doubt it. That might very well be. I am against animal diseases, so I might be a beneficiary. Next year I might be in the goat business and there might be a benefit directly in this for me.

But the question is, Is this such a dire emergency that it ought to be funded in an emergency bill that is aimed at the threat of terrorism? A plausible case, even though the President did not ask for it, that if this were direct funding for research that we were going to conduct over the next 3 or 4 months, one might make a plausible case. I don't believe you make a plausible case in a building that will be built over the next 8 years, that giving it \$50 million more now is an emergency.

Again, some people want to view this as Senator MCCAIN and I are trying to be tightwads and that we are trying to take out these projects that have merit. I assume since we have been funding this for a while, and intend to fund it for another period of years, that it does have merit. The question is, Is it a dire emergency? I don't believe it is.

Senator MCCAIN and I could have gone on and on and on in offering these little amendments. After this third

one, we will have made our point. Our point is that no one cares. Our point is, the fix is in, we have done this bill, and 31 people cared, but the vast majority of Members of the Senate are not willing to try to trim this bill back.

I don't want to use up the time of the Senate. I want the President to sign an emergency bill. I personally believe we would get there quicker if we get it closer to what he requested. I don't understand why we want to move forward with a bill he said he would veto. Maybe it will be fixed in conference.

After this vote, we will have made the point that the bottom line is, when it gets right down to individual programs, even in what is supposed to be a dire emergency, a crisis, and even though the President did not request it, we just simply do not have the vote to take these things out.

There is no lesson in the second kick of a mule and this is the third kick Senator MCCAIN and I are experiencing. If you didn't learn anything from the first or second one, you are unlikely to learn anything from the third one. It would be our intention, I believe, that we have a vote on this, and whatever happens here, happens. Then I have a point of order if there are 60 votes for this bill, so as far as I am concerned, it is off to the President and conference and see what happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the question really before the Senate is whether or not we are going to provide \$50 million for the modernization of the USDA national animal disease facility.

I have listened to the comments made by the Senator from Arizona and the Senator from Texas and, of course, I listened to the statements made by the distinguished chairman of our committee laying out why this is necessary.

I will not speak about any of the other amendments offered on this bill, but this one is of the utmost importance if we are concerned about homeland security. Perhaps one of the most vulnerable parts of our country in terms of a terrorist threat that could have a multiplier effect more rapidly than anything else in affecting more people is our food supply chain. That is the most vulnerable right now, and we all know it.

The chairman of the committee has asked me as the chairman of the subcommittee that funds Health and Human Services medical research and also the agriculture subcommittee that is chaired by the distinguished Senator from Wisconsin, Mr. KOHL—and I serve on that—to focus on the bioterrorism threat to America. We have had hearings on it. We have looked at this. The National Animal Disease Laboratory is, if not the key, one of the key elements we will need to ensure the safety and security not only of animals but the people of this country.

Again, I suppose some people say, sure, HARKIN, you are defending it be-

cause it is in Iowa. I said some time ago that I was not responsible for the National Animal Disease Lab being located in Iowa. That predates not my birth but it predates my coming to Congress. I can honestly say that I don't care where this facility would be and I don't care in which State it would be. I would be a strong supporter of this amendment and for, as rapidly as possible, refurbishing and rebuilding this National Animal Disease Laboratory, even if it were not in the State of Iowa. Keep in mind, this is a national laboratory. It is not an Iowa lab. It is a national laboratory. It is the premier veterinary, biologic, and diagnostics lab anywhere in the world. But it is about 60 years old. It is run down.

We found last year after the anthrax scare that permeated our country in our mail system that we had some very dangerous pathogens located in a strip mall in Ames, IA, because the National Animal Disease Lab did not have the facilities for it. That has since been taken care of but gives Members an idea for the need for this.

The National Animal Disease Lab should have been rebuilt and modernized 10 or 15 years ago, probably more than that, but it was not. We got a little complacent. But then when we saw what happened in Europe and Great Britain with hoof and mouth and BSE, it became more and more imperative that we not only rebuild the lab but do it very rapidly.

We started on that last year, but the events of September 11 have compelled us to move even more rapidly.

The modernization of the national animal disease facilities is critical for both homeland defense and America's defense against animal diseases such as anthrax, brucellosis, salmonella, E. coli, many of which—in fact, all of which in these cases—can be transmitted to humans and cause a lot of illness and death in our population.

So the importance of the facility is not in dispute. There are those who say let's wait and do it later. We cannot wait and do it later. We do not have that luxury right now because, as I said earlier, the most vulnerable part of our society right now, in terms of a terrorist threat, is the food supply and the animal systems in our country.

Let me read from a USDA 2001 report to the Appropriations Committee to buttress that.

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

Mr. HARKIN. Yes, I am glad to yield for a question.

Mr. REID. It is my understanding that this \$50 million in this bill is not designated as an emergency, it is fully paid for; is that right?

Mr. HARKIN. This is not an emergency; it is fully offset in the bill.

Mr. REID. So people talk about this not being an emergency. It is not deemed to be an emergency in this bill, it is fully paid for; is that right?

Mr. HARKIN. It is fully paid for. The Senator is right. I am glad he made the distinction.

There are those who say we don't have to do it now, we can put it off until later. The USDA said last year in its report to the Appropriations Committee:

USDA recognizes the swiftly increasing threats from known and emerging diseases because of increased travel, trade, production concentration, and pathogen resistance. A new disease emerges, on average, once a year, requiring constant vigilance and preparedness.

The report went on to quote the Animal Agriculture Coalition which noted:

The modernization plan proposed by ARS and APHIS is crucial to fulfilling the mission of USDA, specifically in ensuring a safe food supply and expanding global markets for agricultural products and services . . . if facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies. Because of the safety concerns and levels of safeguards necessary to work with animal pathogens, the work done in Ames is not easily transferred elsewhere within USDA.

Before September 11, both the House and the Senate Appropriations Committees had moved to provide an additional \$40 million for the design of the facility.

With the tragedy of September 11, the need for modernization sharply increased. The Senator from Texas mentioned before that it would be 8 years before it would be done. The information we have now is if we move rapidly we will have the facility done in 2006, that is 4 years from now.

The Senate Appropriations Committee wisely placed an additional \$50 million for construction of the facility in this measure. That is because in these dangerous times we realize that America's food supply could be the target of terrorism.

I would like to share with my colleagues some of the facts about the NADL and the important work it does. I think it would shed some light on this debate.

The USDA Animal Health Facilities in Ames have the highest level of research capacity, expertise, and track record available in this area. It also provides diagnostic expertise, technology transfer, and training in the event of an outbreak.

The National Veterinary Services Laboratories, in Ames, is the principal Federal diagnostic laboratory for animal diseases in the U.S. As such, it is a reference point for the State and other diagnostic laboratories, and provides training and testing. NVSL has recently been involved in West Nile virus diagnosis, mad cow disease diagnosis, and anthrax diagnosis. It has provided critical support to CDC in its investigations of human anthrax cases.

The Center for Veterinary Biologics in Ames has the national responsibility for regulating and licensing all biologics for use in animals. Their knowledge, expertise, and capacity to expedite vaccine availability in the event of a bioterrorist outbreak will be centrally important to provide tools for disease control. As an example, they

were recently involved in anthrax vaccine issues during the recent terrorism scare.

Secretary Veneman recently said we do not need this money right now. But, in a report she provided to Appropriations Committee in May, just last month. She noted that under the lab's master plan, construction would be delayed if less than \$331 million is spent on the lab in fiscal year 2004, the start of which is less than 16 months away.

So the real question is, do we want to delay this in the hope that maybe, somehow, terrorists will not attack our food supply chain, which is the most vulnerable part of our system right now?

I suppose if you wanted to just hope on that, maybe you could vote to support the McCain amendment. But I would not want to hope on that. When we know what to do, we know this is a national animal disease lab that will respond and provide the necessary resources, first to help prevent any widespread terrorist attack on our food supply, especially our animal system of agriculture, and second to respond immediately if, God forbid, anything like that should happen.

Providing these funds now would provide important flexibility to the design team and USDA to move forward with components of the facility at a faster pace than in the original plan. Given the threat, sooner will be much better than later.

And let's talk a little about the threat because those who are not familiar with agriculture might not understand its seriousness.

A new organism of nonnative or native origin, once introduced into the United States animal populations, can initiate an uncontrollable epidemic due to the absence of vaccines or effective drugs, concentration of animal feeding operations in the United States, and a lack of resistance in host animals.

This was evident with the introduction of West Nile virus in New York City in 1999. The current situation in Great Britain with foot-and-mouth disease and bovine spongiform encephalopathy also underscores the need to take every possible action to strengthen our animal health infrastructure. That, by the way, is able to be transmitted to humans.

So this is a threat that we face. It is no less a threat than a terrorist taking a bomb on an airplane. It is no less a threat than terrorist activity that might involve any kind of explosives or what they might try to do in that regard in the future. This threat is real. Frankly, our defenses are inadequate and we need to be about rebuilding this laboratory and providing the kinds of resources that are needed, as I said, to prevent such an outbreak; second, to control it immediately if something does happen; and, third, to develop the vaccines and responses necessary to keep it under control.

So again I say to my friend from Nevada, I thank him for pointing out that

this is fully offset. This is not an emergency. For the life of me, I don't understand why the President would not want to move ahead more rapidly with the modernization and rebuilding of this National Animal Disease Laboratory.

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

It is my understanding when the Senator from Arizona completes his statement, the Senator from Iowa is going to move to table the amendment of the Senator from Arizona; is that true?

Mr. HARKIN. That is true, yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I agree with 99 percent of what the Senator from Iowa just said.

Let us come back to what the amendment is all about. The amendment is about \$90 million that has already been provided for fiscal year 2002. It is part of the regular appropriations. According to the President of the United States—and I assume the Secretary of Agriculture who works for him—if an additional money is needed for fiscal year 2002 or fiscal year 2003, there is additional money for research, inspection, and monitoring activities relating to bioterrorism. This is all the money that anybody believes is necessary for research, inspection, and monitoring activities.

Again, I share the view of the Senator from Iowa about the dangers of bioterrorism. The Senator from Kansas, Mr. ROBERTS, who has been involved in this issue for many years, just approached me. I explained to him that this amendment in no way affects the moneys which are in the bill for research, inspection, and monitoring activities. What it simply does is take away money that is not needed for an 8-year construction project. That is what this money is for—construction which the administration and the President of the United States in his message to Congress say is redundant and because the money is already part of the regular appropriations process.

Again, perhaps this will accelerate construction of 8 years down to 7 years. But it has no place on an emergency supplemental appropriations bill.

I would like to add that I filed 21 amendments which largely reflected the views put forth in the statement from the administration. I will not take the time of the Senate to read all of those amendments and objections that I have. I still feel very strongly that those amendments filed, along with those of the Senator from Texas, are important amendments and would save tens or hundreds of millions of dollars of the taxpayers' money that were taken directly out of the Social Security trust fund. It is now increasing the debt by leaps and bounds, but there is no point in taking up the time of the Senate by having votes that—as the last two did and I imagine this one would—get 30 or 31 Senators in support.

But I do think it is important that we are on record on this issue. I will not waste the time of the Senate, but the American people deserve to know when the time comes—we are \$100 billion in debt this year, and the previous estimates were that we would have a surplus—that all of this money is not being spent in the name of the war on terrorism.

There is no more need to add to unneeded moneys for the construction of these facilities anymore than there is an emergency in needing to chart the coral reefs off the State of Hawaii—nor is there needed a waiver of the cost-sharing requirement for the biomass project; nor is there needed \$2 million to begin construction of an alcohol storage; nor is there a need for additional money for the National Oceanic and Atmospheric Administration.

We are going to give millions of dollars to Amtrak to repair cars that were damaged more than 10 years ago in the name of an emergency supplemental.

We are going to dig wells in the State of New Mexico—just in a certain place in the State of New Mexico—when wells are running dry all over the Southwest, including my State. But we picked out a couple in the State of New Mexico that we are going to spend \$3 million on in the name of combating terrorism and the results of the attacks of 9-11.

The list goes on.

Professional training of Middle East journalists may be important, but I would argue that it is probably not necessary on this bill.

We are going to have acceleration of advanced technology program awards; economic assistance for fishermen in the Northeast; the National Water Level Observation Network. The list goes on and on. It is very unfortunate.

As I say, sooner or later, the American people, when they see this burgeoning deficit that looms ahead of us now in monumental proportions, which was not in any way contemplated 6 months ago, are going to want to know where the money went. They are going to want to know where the money went. When they find out where the money went, whether it be for Amtrak, or construction of apartments in Baltimore—whatever they are—then I don't think they are going to be very happy with our performance.

I have only been in Congress now for about 20 years. That is a short time compared to a number of others in this body. But I have to tell you, I have never seen spending like this going on, nor have other observers observed this kind of incredible spending. The President of the United States mentioned in his statement that Congress has already provided \$40 billion since September 11. Half of that money has been spent. The President requested an additional \$27.1 billion. But that wasn't enough. We had to exceed that by some \$4 billion—not to mention, as the Senator from Texas pointed out, that much of the moneys requested were not

granted and some \$10 billion to \$15 billion was used for purposes other than that requested by the President.

I also hope this bill will be repaired in conference. I don't have very much confidence in conferences. I think if you reviewed the record of what conferences do, they usually come out in the appropriations with higher numbers of spending. I hope that this will be an exception to that general rule. I think, because of our inability to enact even the smallest cuts and the smallest reductions, the President of the United States said he will veto the bill. That will hold up the whole process of these much needed funds to fight the war on terrorism.

I understand that the Senator from Iowa will move to table the amendment. I will be glad to get that done so we can move on to other issues.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. HARKIN. Madam President, first, I wanted to say that I have a great deal of respect for the Senator from Arizona and for his keeping an eye on spending. I think he is to be commended for that. Sometimes it is a lonely job. I commend him for that.

I appreciate what he said. He said he agrees with 99 percent of what I had to say earlier. I guess the 1 percent just happens to be the time limits.

But I will respond to my friend from Arizona by saying, first, that I want to make it very clear. If there is not an emergency, we will fully offset it.

Second, it is not a project that just happened; it was considered to be a project some time ago. But with September 11, and with the recognition now that our food supply is extremely vulnerable, especially animal agriculture more than anything else, because of the concentration, because of the travel in and out of the country, and the ability to transmit some of these very deadly kinds of pathogens that can infect our animals in this country—and some of those can be transmitted to humans—after September 11, it is vitally important that we move ahead as aggressively as possible to rebuild this national lab.

Intellectually and honestly, even if it weren't in my State of Iowa, I would be saying the same thing the chairman of the Agriculture Committee and the chairman of the Appropriations Subcommittee on health said. I don't care where it is. This needs to be done sooner rather than later.

That is what the debate is all about: Do we want to make our food supply safer sooner or take a chance and make it later? Do we want to increase our ability to respond quickly to a terrorist attack to our food supply sooner or do we want to do it later? That is what this is about. By doing this, we can get this thing finished by 2006. I have a timeline right here in front of me—by 2006; not 8 years, 4 years. Quite frankly, we ought to do everything we can to collapse the timeframe as much as possible.

So, Madam President, I just close and ask unanimous consent that a letter dated today, June 6, by the Animal Agriculture Coalition, strongly supporting the \$50 million included in the Senate version of the bill for the national animal disease facility, signed by a number of animal agricultural associations in the United States, be printed in the RECORD.

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

ANIMAL AGRICULTURE COALITION,

June 6, 2002.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned members of the Animal Agriculture Coalition (AAC) urge your support for the \$50 million in the Fiscal Year 2002 Department of Defense Supplemental Appropriations bill for the U.S. Department of Agriculture (USDA) Animal Health Facility Modernization Plan in Ames, Iowa. The complete modernization of important U.S. Department of Agriculture facilities; the National Animal Disease Center, the National Veterinary Services Laboratories, and the Center for Veterinary Biologics, is urgently needed to protect the U.S. animal agriculture industries.

The Secretary of Agriculture issued a report on May 25 assessing the scope and need of the Modernization Plan. The report stated the "urgent need to renovate and modernize the existing facilities." The Secretary described four options for modernizing the facilities. The AAC supports the accelerated option of building the joint facilities in 6 years at a cost of only \$430 million, compared to 10-year plans costing from \$440 to \$548 million.

These current facilities are antiquated, inefficient and need to be replaced with a centralized modern facility, able to meet the national animal agricultural needs for research, diagnosis, and product testing for animal health. Only an up-to-date animal health and food safety research facility will ensure the safety of our national meat supply, allow the United States to compete globally and have the systems in place to respond quickly to disease outbreaks, such as those faced in Europe.

We urge your support for the \$50 million in the FY 2002 Department of Defense Supplemental Appropriations bill for the USDA Animal Health Facility Modernization Plan in Ames, Iowa.

Sincerely,

American Feed Industry Association; American Horse Council; American Meat Institute; American Society of Animal Science; American Veterinary Medical Association; Federation of Animal Science Societies; Holstein Association USA, Inc.; National Association of Federal Veterinarians; National Cattlemen's Beef Association; National Chicken Council; National Institute for Animal Agriculture; National Milk Producers Federation; National Pork Producers Council; National Renderers Association; United Egg Association; United Egg Producers; U.S. Animal Health Association.

Mr. HARKIN. Madam President, I now move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), and the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—72

Akaka	Dorgan	Lugar
Allard	Durbin	McCconnell
Baucus	Edwards	Mikulski
Bayh	Enzi	Miller
Biden	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Breaux	Graham	Nelson (NE)
Brownback	Grassley	Reed
Burns	Gregg	Reid
Byrd	Harkin	Roberts
Campbell	Hatch	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Cleland	Jeffords	Shelby
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Landrieu	Thomas
Craig	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NAYS—24

Allen	Gramm	Nickles
Bennett	Hagel	Santorum
Bunning	Hutchinson	Sessions
Cantwell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Crapo	Kyl	Thompson
Ensign	Lott	Voinovich
Fitzgerald	McCain	Warner

NOT VOTING—4

Bingaman	Dayton
Daschle	Helms

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair. Madam President, I see in the Chamber the distinguished majority whip who has been, in a most courteous manner, allocating time slots to those desiring to offer amendments. I wish to send an amendment to the desk, and my colleague from Connecticut has an amendment in the second degree.

I am joined by the distinguished Senator from Georgia as a cosponsor of the amendment. I would like to accommodate the distinguished majority whip if he wishes to address the order of proceeding because our good friend, the Senator from Illinois, is seeking recognition.

Mr. REID. I appreciate the Senator from Virginia yielding. I am pleased the Senator from Virginia and the Senator from Connecticut have worked out a procedure to dispose of this amendment one way or the other. It is my understanding that the amendment of the

Senator from Georgia will be called up, and the Senator from Connecticut will offer a second-degree amendment to that amendment. We should move through this pretty quickly.

I would say, even though he is not on the floor, I do appreciate Senator MCCAIN not offering his 15 amendments he had ready to offer, and he did not take a lot of time offering amendments. He stopped at three, and I appreciate that. We are moving down the road.

Following the amendment of the Senator from Virginia, the Senator from Illinois has an amendment he will offer. That, to my knowledge, is the only one we have on our side. I know Senator GRAHAM of Florida is talking about offering an amendment. We are about through on our side as far as amendments to offer. I am told the Senator from Texas, Mr. GRAMM, wants to make a point of order. We will be ready for that when that is done.

My point is, we are moving through these matters quite quickly. If everyone continues to cooperate, there is no reason we should not be able to finish this bill tonight.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I ask the majority whip, would it be appropriate, since the Senator is directing traffic, to put me in the queue before Senator WARNER and Senator DODD so I can offer my amendment?

Mr. REID. We, of course, yesterday indicated that on the bill itself, we would go back and forth, and the Senator from Virginia is offering this amendment. It would be appropriate we go to this side and the Senator from Illinois would be next recognized. I will put that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM addressed the Chair.

Mr. WARNER. The Senator from Virginia has the floor. I have been yielding for the purpose of letting our distinguished leader and others get their points made. I think we are progressing. If I understand, the UC has been granted; am I correct in that, Madam President?

The PRESIDING OFFICER. The unanimous consent request has not been granted.

Mr. WARNER. Is the Chair prepared to receive the vote of the Senate on that? I have no objection.

The PRESIDING OFFICER. The Senator from Nevada did not have the floor and thus cannot propound the unanimous consent request. The Senator from Virginia has the floor.

Mr. REID. I say to the Presiding Officer, the Senator from Virginia yielded to me for the purposes of trying to move things through the Senate. Of course, he has no objection to my offering this unanimous consent request. He has not lost the floor.

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

The Senator from Virginia.

Mr. WARNER. Madam President, before the leader leaves the floor, if I might regain the attention of our distinguished leader, I would be prepared to enter, not at this moment, but look at a time agreement so we can move this process along. I hope we could explore that and advise the Senator from Connecticut in due course because I have a series of cosponsors, which I am about to read. If those cosponsors desire some time, I hope they will inform me very quickly. In that way, we can get a time agreement on the principal amendment and then we can have a time agreement on the second-degree amendment.

Mr. DODD. Madam President, why don't we submit the amendments and see how the debate goes. We are under a time limit anyway, under cloture for 2 hours, an hour for either side. There is a time limit, but possibly we can truncate that. Of course, the willingness of my friend from Virginia to accept the amendment would be very appealing to the Senator from Connecticut.

AMENDMENT NO. 3597

(Purpose: To add the American Servicemembers' Protection Act of 2002)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST, proposes an amendment numbered 3597.

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

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

(The text of the amendment is printed in the RECORD of June 5, 2002, under "Text of Amendments.")

AMENDMENT NO. 3787 TO AMENDMENT NO. 3597

Mr. DODD. Madam President, I call up amendment No. 3787.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LEAHY, proposes an amendment numbered 3787 to amendment No. 3597.

The amendment follows:

At the appropriate place in the bill, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease to be effective at the end of September 30, 2002.

AMENDMENT NO. 3787, AS MODIFIED

Mr. DODD. Madam President, I send to the desk a modification of that amendment which my colleague from Virginia is looking at. It is a slight

modification of the amendment. Hopefully this modification will be accepted.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease to be effective at the end of September 30, 2002.

Mr. DODD. I thank the Chair. Madam President, why don't I allow my friend from Virginia to make his case on his amendment, and then I will respond to that by talking about what my second-degree amendment does. That way we can have some order to the debate.

I know the Senator from Georgia wants to be heard on this as well. There may be others who want to be heard. In fact, I invite my colleague to look at the second-degree amendment. He might be willing to accept it. We can have a short debate on the amendment—it is a long amendment, 29 pages. Nonetheless, we can focus on that amendment if the second-degree amendment is acceptable. I will let him look at the amendment and make his case for the first-degree amendment.

Mr. WARNER. Madam President, I think the normal way to proceed is for the principal amendment to be addressed by the sponsor, myself, and the cosponsors, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST and Senator SESSIONS likewise.

This is a matter with which the Senate has considerable familiarity so I shall be brief in my remarks.

This amendment, the American Servicemembers' Protection Act, is necessary to protect—I repeat, protect—our servicemembers and certain Government officials from prosecution—or that is potential prosecution—by the International Criminal Court, hereinafter referred to as the ICC, an institution which comes into effect on July 1, 2002, over the objections of the United States of America.

This amendment would protect U.S. military personnel and other elected and appointed officials of the U.S. Government against potential criminal prosecution by an international tribunal court to which the United States is not a party.

In light of our ongoing global war on terrorism, it is vital that the Senate adopt this important amendment to protect our brave servicepersons and others who are now being dispatched daily to the farflung points of this globe in the battle against terrorism.

At the outset I would like to recognize the leadership of our distinguished

colleague, Senator HELMS, who by necessity is absent today; otherwise, he would be handling this. This is his legislation which I am privileged and, indeed, honored to bring forth on behalf of my distinguished longtime friend and colleague from North Carolina.

He has worked tirelessly on this issue for a number of years, and we all, every Member of this Senate, owe to him a debt of gratitude for keeping this matter before the Senate and to be the ever watchful eye on the steps this Senate must take to protect our servicepersons and others.

President Bush has consistently—I repeat, consistently—opposed this treaty. In May of 2002, a short time ago, President Bush notified the United Nations that the United States does not intend to become a party to the ICC.

However, since over 60 nations have ratified the treaty, the ICC will be established and become effective on July 1 of this year. The International Criminal Court will have the power at that moment to proceed to indict, prosecute, and imprison persons anywhere in the world accused by the Court of “war crimes,” “crimes against humanity,” and “genocide.”

In 2000 and again last year, Senator HELMS introduced, and I cosponsored, freestanding legislation similar to this amendment. Last December, the Senate approved by a vote of 78 to 21—and I encourage my colleagues to do their basic research on that vote to see how they cast their vote—a version of this legislation on the Defense appropriations bill. However, the provision was dropped in the conference. It is important to note that the administration supports this amendment. I repeat, the President supports the amendment brought by myself and other colleagues, and the Departments of State, Defense, and Justice have all been closely consulted and their views incorporated into this amendment.

Also, an identical provision is contained in the House-passed supplemental appropriations bill adopted by the House on May 24 of this year.

I received a call from the distinguished chairman of the Foreign Relations Committee, Congressman HYDE, early this morning, expressing his strong support of the Senate adopting favorably the amendment of the Senator from Virginia.

This amendment seeks to protect American servicemembers, embassy officials, and Government employees from the ICC, and preclude cooperation with the ICC so long as the Senate does not ratify the treaty. This body, I repeat, will again have the opportunity, if for some reason it is brought up, to ratify this treaty. However, the amendment does allow, on a case-by-case basis, cooperation with ad hoc courts provided—that is, ad hoc courts elsewhere in the world—they are created through the United Nations Security Council, examples being those courts created by Yugoslavia and Rwanda.

I shall now outline key provisions of this amendment. First, no Federal or

State entity, including courts, may cooperate with the ICC in law enforcement matters such as arrest and extradition, searches and seizures, discovery, asset seizure, financial support, transfer of property, personnel details, intelligence sharing, or otherwise render services to the ICC.

No classified national security information can be transferred directly or indirectly to the ICC.

The United States must secure permanent immunity from ICC jurisdiction for American personnel before they can participate in any United Nations peacekeeping operation or other arrangements must be in effect to protect U.S. peacekeepers from the jurisdiction of this Court. The President may submit a national interest certification, however, effectively waiving this restriction if that is his judgment.

Another provision: No ICC treaty party can receive U.S. military assistance except for NATO countries and major non-NATO allies. The President again may waive this restriction for other countries that ratify the treaty but then conclude agreements with the United States to protect our personnel from the Court. The President may also waive this restriction if he determines that such waiver is important to the national interest.

The President is authorized to use all means necessary and appropriate to bring about the release from captivity of U.S. or allied personnel detained or imprisoned against their will by or on behalf of this Court.

The President is urged to analyze existing alliance command arrangements and develop plans to achieve enhanced protection from the ICC for U.S. military personnel subject to such arrangements.

Let me quote from testimony given before Congress in 1998 by the lead U.S. negotiator on the ICC, Ambassador David Scheffer, a he explained the danger posed by the Court:

Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives.

In closing, let me also quote from a floor statement on this legislation given by Representative HENRY HYDE, chairman of the House International Relations Committee, on May 10, 2001:

The ICC threatens the sovereignty of our Nation. This legislation has been endorsed by a who’s who of the American foreign policy establishment—a bipartisan group of some of our wisest and most experienced experts on national security matters, men and women who held high office in every Admin-

istration since that of Richard Nixon. From Henry Kissinger, George Shultz and Brent Scowcroft to Donald Rumsfeld, Jeane Kirkpatrick, and Zbigniew Brzezinski, they all agree, and I quote from their letter, that This legislation is an appropriate response to the threat to America’s sovereignty and international freedom of action posed by the International Criminal Court.

This is an important amendment that deserves the support of all our colleagues. We have a responsibility to protect our servicemembers and the adoption of this amendment is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise to support the American Servicemembers’ Protection Act amendment. I am very pleased to join with my distinguished colleague from Virginia in support of this legislation, just as I was pleased to join with Senator HELMS in working with him and his staff on its behalf.

It might be worth noting that Senator HELMS made a determined effort and has been making a determined effort to pass this legislation. I think that is very admirable, and I would like to commend him again for his leadership and wish him well.

I will not restate the details of this amendment since Senator WARNER has already articulated them so well, but I would like to make a few brief points.

As Senator WARNER mentioned, the Senate passed legislation similar to this amendment as part of the 2002 Defense appropriations bill. The final vote was 78 to 21, which constituted a clear majority of this Senate. Unfortunately, the conference committee missed an opportunity to have this protective legislation in place before the International Criminal Court was ratified earlier this year. Now the International Criminal Court becomes effective on July 1, and American servicemembers, officials, and citizens will then potentially be subject to a court to which we are not a party.

That is why, in a nutshell, this legislation is so important. We need some degree of protection for our men and women in uniform and for other officials who sacrifice so much for our Nation.

This amendment is appropriately entitled the American Servicemembers’ Protection Act because our war on terrorism could put our military at risk of politicized prosecutions by the International Criminal Court. Other brave Americans who serve this country are also at risk, and this legislation will protect them as well. I believe that as elected lawmakers we are obligated to safeguard them from this potential threat just as we would from threats on the battlefield. I also believe it is important for our military to know that Congress will not stand idly by while this questionable Court comes into existence.

Make no mistake about it, our servicemembers are very aware of the

importance of this pending legislation. We must send them the clear message that they have our full support.

I can guarantee that if we do not get this done, and done soon, we will look back and regret our inaction. I, for one, do not want to look a parent in the eye and explain why their son or daughter is being subjected to an international court on a trumped up charge of war crimes.

The administration supports this amendment, as Senator WARNER said, and so should we. Let us do the right thing again, as we did in December, and pass this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Connecticut.

Mr. DODD. Mr. President, first let me explain my second-degree amendment. In fact, I will read it because it is easier to read it than go through an explanation.

At the end of the amendment being offered by my friend from Virginia, we would add a new section that says:

Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

This title shall cease to be effective at the end of September 30, 2002.

The reason for that last section is because presently, pending in conference, is this very issue, in the Department of State-Justice authorization bill.

I do not understand why we are proceeding with this matter today. Currently, we have in conference a debate going on over this very matter, why should we now add it to an appropriations bill? If we pass the Warner amendment, those who sit on the committees of jurisdiction of this matter will be excluded from the debate. This is not the place for this amendment.

But first let me turn to my second-degree amendment. I hope my colleagues might accept this second-degree amendment because I cannot believe, I do not want to believe, that if we apprehend, through the international community, people I have just mentioned on my list, that under this bill we would be prohibited from assisting in the prosecution of Osama bin Laden, the Islamic Jihad, Saddam Hussein, and other members of the terrorist community in the world.

My amendment merely says that despite whatever else we have said, when it comes to prosecuting these people, we would participate and help, even though we are not a signatory or a participant in the International Criminal Court.

I hope my amendment is adopted and accepted. It seems to me, if not, we will have to have a vote on this amendment as the second-degree amendment to this bill.

And, now let me make a case against the underlying proposal. I remind my colleagues this amendment is 29 pages

long. This is a bill. This is not an amendment. It deserves to be looked at.

Let me state what the bill does, and remember that our NATO allies have signed this treaty, I read from the bill: It bars intelligence of law enforcement sharing, bars the transfer of intelligence of law enforcement information which specifically relates to matters under investigation by the ICC, to the ICC, or any government which is a party to the Court.

That is stunning. We are going to bar intelligence sharing with the European Community and our NATO allies because they have signed this?

Two, it restricts U.S. participation in U.S. peacekeeping. It bars U.S. participation and U.S. peacekeeping or peace enforcement operations unless the President certifies the action.

Third, it prohibits military assistance to any country that is a party to the ICC. I have already mentioned NATO; and major non-NATO allies are exempted, as well as Taiwan, unless they have concluded an agreement to prevent proceeding against U.S. personnel.

Lastly, and this is one to pay attention to, this amendment authorizes the President to use "all means necessary and appropriate" to free any U.S. personnel of NATO and major non-NATO allies, including persons working on behalf of nonallied nations detained by the ICC.

We now send troops to free people from the ICC? The Philippines is an allied nation, but there are terrorists in the Philippines. Now, in the future the UN could bring Philippine terrorists to The Hague and try them, and the United States, under this, you can make a case, would have to go in and free them because they are an allied nation.

Do we really want to do that? Please read this bill. This goes far beyond what may be a reasonable proposal of trying to guarantee the U.S. military personnel not be unfairly, unnecessarily, or unjustly prosecuted. The idea we are going to bar intelligence sharing, bar financial assistance, not going to participate in peacekeeping, and that we are actually going to go in, not on behalf of just U.S. personnel, but under this amendment, if adopted and agreed upon under the supplemental appropriations bill, go in and free criminals when allied personnel are subjected to the ICC.

This is a 29-page amendment. This goes way beyond what I think my colleagues believe we are trying to do. Please read this amendment. We are doing things quickly around here. It is a supplemental appropriations bill, and we are trying to rush it through.

If we are in conference dealing with this very same proposal or one like it, which is the place to be doing it—and we wouldn't deal with defense matters here or other issues. That is the reason we have a Foreign Relations Committee. It is the reason we have a Com-

merce Committee. It is the reason we have a Judiciary Committee.

So we are going to turn this matter over to the Appropriations Committee and deny the other committees that have worked on this a chance to resolve it? That is not the way the Senate ought to be doing its business, in my view.

Let me give my colleagues a bit of history. It was the United States at the end of World War II, people like George Marshall and Harry Truman and Douglas MacArthur and Dwight Eisenhower and Arthur Vandenberg, who stood in this Chamber and outside of it and argued for rebuilding Japan, rebuilding Europe with the Marshall Plan, setting up the U.N. system, the World Bank, the IMF. And they did it in spite of huge opposition. Only about 18 percent of the American public believed we ought to have a Marshall Plan. But we had a leader with the guts of a George Marshall and an Arthur Vandenberg and a Harry Truman who said it is the right thing to do. It may not be popular, but it is the right thing to do.

When you have 133 nations, and 67 others who have ratified an international court which we argued for, we ought to be trying to do something to make it work right.

I quickly add, if that treaty as written were before the Senate today, I would have a hard time voting for it. And my colleague from Virginia is right. When President Clinton signed that treaty, he recommended it not be ratified as written. However, to say we should not ratify it does not mean we should not work at it. And it does not mean you go around and penalize every one of your allies because they have. We do protect service people. Each day we protect them. We have agreements, where our servicemen are located all over the world, on how they would be handled should a matter arise, such as it has in Japan with allegations of rape by servicemen. And we deal with those matters.

But the idea that we would walk away at the very hour we are trying to build support internationally for dealing with terrorists is absurd. I also note that we have been told flatly there will be no further ad hoc trials, the ICC is a U.N. system that has been set up so as not to go through it on an ad hoc basis. It means for all the future efforts our recourse only is military action.

There are many who believe if we had an international criminal court in the early part of the 20th century, we might have been able to avoid some of the tragedies that occurred. Listening to people such as Elie Wiesel, today's proceedings are an insult to the Holocaust victims. Elie Wiesel says this bill is an outrage, it is wrong. The people who went through what they did as a result of the Nazis ought to understand that we are trying to set up a system so that we might avoid that kind of atrocity being repeated.

This bill is poorly written. It is poorly crafted. It does great damage to the

United States at a critical time when we are trying to build support in dealing with the issues of terrorism.

It should be fresh in our minds the fact that at the end of the cold war, an explosion of ethnic brutality led to the necessity of creating ad hoc tribunals in Rwanda and in Yugoslavia, but there was no means available during those days to try the Idi Amins and Saddam Husseins of the world and others who evade their nation's justice and avoid the response of the international community. With very few exceptions, the world has stood helpless and silent in the face of such crimes against humanity.

Finally, the world stands up. We have been begging to do it for half a century, and they finally do it. They finally adopt the Rome treaty—133 countries, and 67 sign it. It goes into effect in a matter of days. They are finally doing what we asked them to do for years. What do we do? We walk away from it, and we threaten them. We tell them we will not share intelligence. We tell them they do not get foreign aid or military assistance, that we will deal with them in a harsh way. I don't think that is wise. These are our NATO allies, European allies.

We should be rejoicing that finally—finally—at our insistence, with the entry into force of this Court, any individual who commits genocide, war crimes and crimes against humanity, will be on notice that they will be prosecuted for those crimes.

So these thugs around the world who are doing what they are doing—we are finally getting the world to recognize we have to stand up to them. Now we are going to go after our allies and penalize them because they signed the Rome treaty and because they believed that finally this may be a way to proceed on some of these issues. We attack the Court and those who have chosen to join it? We have nothing to fear from this Court. We have nothing to fear about strengthening the rule of law.

That is what people such as Harry Truman, George Marshall, and Douglas MacArthur stood for. They believed it. We ought to be joining them historically by opposing this amendment and encouraging the improvement of this International Criminal Court, becoming a party to a great effort and not walking away from it.

I do not understand in many cases why our allies continue to support our efforts when we react to them as we are doing with these amendments.

Last month, in fact, the Bush administration took the unprecedented step of unsigning the International Criminal Court. Ironically, I offered an amendment at that time when we were debating the issue to say I will accept this but give the President the authority to waive all of this. He only got 48 votes in this Chamber. This President—not the past President, this President—got 48 votes in this Chamber, deferring to the President to de-

cide whether or not to invoke the provisions of this particular bill. Here we are now even walking away from that.

I point out that when the President decided to unsign this treaty it was an unprecedented act in the history of this Nation. I cannot find a single example in our more than 200 years of great history where an American President of either party ever unsigned something like this. What does that say to the countries around the world that we get to sign treaties with us when they decide to unsign them in the future? What kind of precedent is that? You didn't have to ratify that treaty. But for an American President to unsign it, while we encourage people to live up to their agreements when an American President signs them, is going to create real problems for us down the road, I predict.

On May 6, 2002, Under Secretary of State Grossman announced that the United States would make its objections to the ICC clear through nullification of its signature on the ICC's Rome statute and said the United States would seek agreements with other countries to remove American servicemen.

Mr. Grossman also said:

Notwithstanding our disagreements with the Rome treaty, [again, the Rome treaty was our idea] the United States respects the decisions of those nations who have chosen to join the ICC.

Is this respecting these other nations, when we go down that list of the provisions of this bill? Is this respecting those who have signed it? We bar intelligence or law enforcement sharing. We are not going to participate in U.N. peacekeeping in their countries. We are going to prohibit military assistance. And we threaten to use military force to go in. That is respecting the decision of those who signed on to this agreement?

Ambassador Pierre Prosper, who is head of the War Crimes Office, said:

The President has made clear that what he wanted to do today was make our intentions clear and to not take aggressive action or wage war, if you will, against the ICC or the supporters of the ICC.

Read that statement and then read this bill that you are going to vote on shortly and ask whether that is consistent with the administration's position. Read what we do here under this amendment if adopted.

I wonder if our colleagues know the amendment that is being offered is called The Hague Invasion Act by our allies because of its extreme provisions authorizing the use of armed force.

All but one other NATO nation completely and strongly backs the ICC, and the entire European Union has ratified the ICC and strongly demarched the United States, indicating disappointment with the U.S. signature nullification.

The amendment by the Senator from Virginia forces the United States into a dangerous and counterproductive game of diplomatic chicken with our

closest allies at a time when the alliance is already under great strain, and throws salt in the open wounds of our closest allies in the war on terror, and I think it is dangerous.

The amendment is a very complex amendment. It is 29 pages. There are waivers within waivers which turn out not to be waivers at all because the conditions of the waivers are unattainable in many instances. This is not an issue we should be considering as part of an emergency supplemental appropriations bill, but as I said earlier, it truly belongs in the conference where it is, with the members of the committees of jurisdiction debating it. This matter is in that conference. That is the place it ought to be considered.

The Warner amendment would prevent the United States from participating in peacekeeping or peacemaking activities pursuant to the United Nations in countries that happen to be members of the Court. There is a significant amount of assistance in this bill for Colombia on which we are voting here. I wonder if our colleagues know that Colombia ratified this treaty on June 5 and is now a party with the Court. President Pastrana said ratification with the ICC would send a message to the FARC, the revolutionary group in Colombia, that it would be held accountable for the murder of 119 civilians who took refuge in a church in that country. The Warner amendment would prevent the President from sharing national security information with a court or any country which is a party to the Court, absent assurance the information would not go directly or indirectly to the Court.

I don't think you could ever give that assurance. If faced with an effort to prosecute the FARC and Colombian request for assistance to go after the people who murdered those 119 innocent civilians, under the provisions of this amendment, if adopted, the United States would refuse cooperation.

I think that is outrageous, I think that is sad, if it is adopted.

Mr. WARNER. Will the Senator yield for a quick question? Is there not incorporated in the amendment in the Senator from Virginia sufficient Presidential waiver to take care of every point the Senator has made?

Mr. DODD. I say to my colleague, you have to give assurance that none of this information either indirectly or directly would go to the Court in allowing for the prosecution of those people. I don't think the President could get that assurance. If you are going to be prosecuted in the Court and you are going to share information with the country that wants them prosecuted, how can you give a waiver doing that? That is what I mean about this bill.

Mr. WARNER. Why would the Secretary of Defense have indicated—

Mr. DODD. It is my time. I will be finished in a minute, and then I will give my colleague all the time.

Mr. President, may I finish?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. This is outrageous, this amendment. I urge my colleagues to read this. Read this, please, what we are about to do, here.

This has waivers within waivers. It is 29 pages of complex contradictory provisions, in my view, that make it virtually impossible in many instances for any kind of waivers to be applied here. Further, the amendment would also prohibit the United States from providing military assistance to many countries that are parties to the Court, including such countries as Colombia, unless the President first takes the step of waiving the provisions of that particular provision.

I would say what is going to happen, if our allies respond to this prohibition by barring the sharing of information they may have, which we have a strong national security interest in having—we are sort of provoking this kind of tit for tat, back and forth.

I don't believe that is the way to go. There are ways of improving this treaty. This is not the way. This is about politics and votes in here. This is not about making this a stronger agreement and doing something that would make our Nation proud.

I can only imagine what would have happened if this Senate had been operating in the days after the end of World War II, when only a few of Americans supported the Marshall Plan, when it wasn't popular to do so, using taxpayer money to rebuild Japan and rebuild Europe. In a sense, that is what we are trying to do here; it is to rebuild an international community to deal with the issues of justice in the world. We are now going to walk away from it entirely.

It has been further said you can set up ad hoc courts. No, you can't. The U.N. system has established the ICC. That is it. Not ad hoc courts. The ad hoc courts worked when there was no ICC. Now in the establishment of an ICC, whether we like it or not, it is going to go into effect in July. That is a fact. So the ad hoc courts are not going to be set up.

So when we go after these other people, or try to anyway, the only place you can bring them is to the ICC. But by not being a part of that, we take ourselves out of the game and leave ourselves only the option of militarily going after these people.

That may be a viable option if nothing else works, but I don't think you want to exclude the option of taking these people to court under the rule of law.

The ICC is now the only game in town. The bottom line is that the Security Council is unlikely to approve any new ad hoc tribunals when once the ICC is established. When international efforts attempt to bring Saddam Hussein or Osama bin Laden or the Islamic Jihad to justice, what is the United States going to be doing? What about slave traders and war criminals around the globe?

We will exclude ourselves from assisting in those efforts. That is what

this amendment says. We will not be a party to it.

The Warner amendment gives the administration a war powers blank check. Section 3008 of the Warner amendment authorizes "use all means necessary and appropriate" just as the Gulf of Tonkin Resolution authorized all necessary means to release persons arrested by the ICC.

This is a huge giveaway of congressional war powers authority.

Do we really want to be giving open-ended authority to the executive branch to put American servicemen at odds with the forces of some of our closest allies? Are we prepared to send troops, in a sense, to The Hague? This extraordinary grant of authority in section 3008 just doesn't apply to U.S. servicemen. It extends "to any person working on behalf of" many foreign nations, including Egypt, Argentina, Jordan, South Korea, and the like. That goes way beyond what we are being told this amendment accomplishes.

This amendment breaks faith with the Holocaust victims. Elie Weisel has warned that this bill "would erase the legacy of U.S. leadership on international justice." Further, he said, for the memory of the victims of the genocide and the war crimes, this bill must be defeated. This comes from Elie Weisel. These are the people we ought to be listening to when it comes to establishing an international criminal justice court to deal with crimes against humanity and genocide.

This amendment is bad for Israel. Israel signed the Rome Treaty, which is supported by the American Jewish Committee and the Religious Action Center to Reform Judaism. Most of Israel's concerns have already been favorably resolved through negotiations. But Israel is going to need the United States as a fully engaged partner in future negotiations over the definition of aggression and other issues. No matter what one thinks of the ICC, it is clear that U.S. disengagement from the Court is bad for our ally in the Middle East at a critical time, the State of Israel.

For all those reasons, I hope the second-degree amendment I have offered will be agreed to. That would at least provide us an opportunity to go after the people I have mentioned should they be apprehended by the Court, and we could be a part of pursuing them.

It seems to me that in the absence of that we are going to look rather ridiculous in making a claim about seeking support for antiterrorism.

Mr. REID. Mr. President, if the Senator will yield for a question, if the amendment of the Senator from Connecticut is agreed to, the Warner amendment still stands. Will the Senator explain to the Senate the finality of that, if both amendments are agreed to by the Senate?

Mr. DODD. If the Warner amendment is agreed to, I still have a problem with it. However, I will read my amendment again.

It says:

Nothing in this title would prohibit the United States from rendering assistance to the international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

Mr. REID. I also ask my friend, if both amendments are agreed to, the matter of the Senator from Virginia would still be before the body, and he could still go forward in the manner he anticipated with the exception that the Senator from Connecticut added. Is that right?

Mr. DODD. That is correct.

Mr. WARNER. Mr. President, I wasn't able to hear the distinguished leader.

Mr. DODD. If I may reclaim the floor—and I will finish—the question of the Senator from Nevada was if my second-degree amendment is adopted as part of the Warner underlying amendment, does the Warner amendment go forward?

I want to be honest with my colleagues. I think it is a better amendment; that is, the Warner amendment is a better amendment if my adaptation is adopted as a second-degree amendment. Yet, I will still have a problem with his amendment for the reasons I have outlined beyond the adoption of it. It goes too far.

I will tell my colleagues that they could vote for the Warner amendment with at least some comfort here should my second-degree pass.

Can you imagine the irony of this bill if my amendment is not adopted? If someone catches bin Laden and brings him to the International Criminal Court, the adoption of this amendment would prohibit us from assisting in that prosecution. I can't believe that we would want on record that kind of a judgment.

Mr. WARNER. Mr. President, will the Senator yield for a question on that point? Is there any way we can have a colloquy so we can inform the Senate of what is taking place?

Mr. DODD. I want to make my point about this, and then I will be happy to engage my friend in a colloquy.

Mr. WARNER. I am exhausted from listening.

Mr. DODD. The Senator from Virginia has a 29-page amendment. I didn't read the whole thing. If I did, that could take more time than my remarks. This is a bill; this isn't an amendment. I have an amendment. This is a bill of 29 pages. It goes on and on. But read the bill. Don't come over with this nice title, the American Servicemen's Protection Act. How am I going to vote against that?

Read it, and then ask yourself whether or not you really want to be in a situation where ironically, in the same bill we are voting for aid to Colombia, who is a member of the ICC.

Under the provisions of this, barring some waiver, maybe as long as Colombia didn't share any information either

directly or indirectly with the ICC, we then would have to cut off the aid to them.

Remember that this proposal is presently in conference. What do you have a Foreign Relations Committee for? What do you have a Commerce Committee for? What do you have a Judiciary Committee for? If we are just going to adopt things on the appropriations bill, why not get rid of the authorizing committees?

What is the point? If I have to watch things being thrown on a supplemental appropriations bill, why do we spend the hours in committee trying to work these things out if we come in and just wipe it out and adopt it on a supplemental appropriations bill, when negotiators have no knowledge of the work that has gone into drafting the language that is sitting in a conference, trying to resolve it?

Unless you are on the Appropriations Committee, you have nothing to do with this stuff. Why bring up all of the authorizing controversies and throw them on here—to satisfy TOM DELAY and the House leadership who want to jam this thing through? That is what they want to do. There is no mistake about it.

This isn't a serious debate about where the United States ought to be on a critical issue facing our country at a time when we were attacked, only 9 months ago, by terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened very carefully in a very quiet and dispassionate way to my friend from Connecticut. I have studied his amendment. I have an observation, and then a question to put to my friend.

The first is, his amendment has two sections: Section 2015, and section 2015 relates to any prohibition of the United States rendering assistance to international efforts to bring to justice Hussein, Milosevic, bin Laden, and so forth.

I say to my good friend that if you will look at my amendment, we have a provision that begins actually on page 8, and I shall read it: Authority to waive sections, and so and so, with respect to an investigation or prosecution of a named individual, and the President is authorized to waive the prohibitions and requirements of section 3004 and 3006 to the agreed section prohibitions, and so forth.

This was carefully crafted in consultation with the Department of State to do precisely what the Senator from Connecticut desires to do in section 2015.

I think our amendment has taken care of section 2015.

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

Mr. WARNER. I yield only for the purpose of a response to my question.

Mr. DODD. You have to understand that, if you go on to page 9, line 14, a waiver pursuant to subsection (a) or (b)

of the prohibitions and requirements of section 3005 and 3007, and I refer back to page 6, 3005 and 3007.

There it says, "authority to initially" waive these sections. It says, "notifies the appropriate congressional committees"; and "determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement."

You have to get a waiver. You have to go back to the earlier waiver, and you have to get agreement by the ICC. That is what I mean by this.

Mr. WARNER. Mr. President, in order to save the Senate time, I think the amendment cares for the concerns that the Senator from Connecticut has about 2015. But I make an offer to the Senator from Connecticut that I amend my amendment to incorporate verbatim his section 2015. Would he have any objection if I put it in? I think that would alleviate his concerns. Then we have but one provision left in his amendment to consider.

Mr. DODD. The only thing, 2016—

Mr. WARNER. Mr. President, I am directing a question to 2015. Let us stay on that for a minute.

Mr. DODD. I want to respond as well. I appreciate that. The reason 2016 is there is to say at least give the authorizers a chance to complete our work.

Mr. WARNER. That is a separate argument. Could we address them one at a time? I put to my colleague the question: Would he have an objection if the Senator from Virginia sought to amend his amendment to include verbatim the provisions of the Senator designated as 2015?

Mr. DODD. My point is—I appreciate that—I want to also talk about 2016.

Mr. WARNER. Fine. Can we do them seriatim?

Mr. DODD. No. Let's do them together.

Mr. WARNER. Well, we are not, Mr. President. The question is not: May I amend it to include 2016?

Mr. DODD. Section 2015—

Mr. WARNER. To facilitate the Senate moving ahead on this matter and on the bill—you have raised this question—I am prepared to amend my amendment to include 2015.

Mr. DODD. Let me suggest the absence of a quorum.

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

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

Mr. WARNER. Now, Mr. President, I formally put to the Senate the unanimous consent request that the Senator from Virginia may modify his amendment to include verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, the second part of my second-degree amendment is critically important because it gives us a chance to complete our work as authorizers. By not including this—and my friend from Virginia has been candid enough to say they would not accept that as part of this agreement—then I, reluctantly, have to object to this unanimous consent request.

I am prepared to vote on the second-degree amendment, that we just vote on it. Members can decide whether or not they think this provision ought to be a part of this amendment or not. But as an authorizer who has worked hard at this, along with others—we are in conference—we have a chance to come out of a committee with a product for which the Senate can be proud. I hope that is the case. To just sort of disregard that and throw this on the appropriations bill is something I reluctantly have to object to.

So I urge we just have a vote on this second-degree amendment and complete the debate here and allow us to go to the Durbin amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, the Senator from Virginia moves to table the second-degree amendment and asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

Mr. BYRD. Mr. President, I share the serious concerns of the sponsors of this amendment about the potential for the International Criminal Court to be used as a political weapon against our members of the Armed Forces. This court, a permanent, international institution, is unprecedented in history. The International Criminal Court holds the power to indict and try individuals for war crimes, even if the person is a citizen of a country that is not a signatory to the treaty that creates the Court. It is not difficult to see that rogue states may seek to indict Americans on frivolous charges simply as a means to grind a political axe.

On May 6, 2002, the Bush administration renounced the United States' signature on the Treaty of Rome, which creates the International Criminal Court. But because the treaty has been ratified by 60 other countries, the Court will come into existence on July 1. Proponents of this amendment are correct in saying that the United States should take some action to protect our military personnel who serve abroad from unjustified prosecution by the Court.

But the amendment proposed to the supplemental appropriations bill goes beyond protecting the members of our Armed Forces. It also authorizes the President to "use all means necessary

and appropriate" to bring about the release of a "covered person" that is being held for trial before the International Criminal Court.

Who is a "covered person"? The amendment defines him to be an American, or a foreign national of one of our allies. Is Congress really prepared to issue a blanket authorization to allow the President to use "all means necessary" to rescue from prosecution a person from counties like Argentina, Jordan, or Egypt?

There is no way that we could predict the circumstances under which a person from one of these countries could be accused of war crimes. But this amendment gives the President a congressional authorization to use our military to compel the release of a prisoner of the International Criminal Court before Congress even has a chance to examine if the use of force is justified. This is a dangerous and unwise delegation of the constitutional powers of the legislative branch.

I must also question why this amendment is being proposed to the supplemental appropriations bill. This very same amendment is included in the State Department authorization bill passed by the House of Representatives. This provision is now being deliberated in a conference committee. Further consideration of legislation relating to the International Criminal Court would best be left to the conferees from committees of jurisdiction, including the Foreign Relations Committee, rather than the members of the Appropriations Committee who will be appointed to the conference on the supplemental appropriations bill.

To that end, I support the Dodd-Leahy amendment, which will limit the duration of the American Servicemembers' Protection Act to fiscal year 2002 only. If the proponents of the American Servicemembers' Protection Act believe that there is an urgent need to pass this legislation, then there should be no problem in accepting the Senators' amendment. The Dodd-Leahy amendment would provide for a stop-gap protection against the International Criminal Court until such time as the conferees to the State Department authorization bill complete their work. This is a reasonable limit to an intrusion into an issue that is being debated in a conference committee.

While we must seek to preserve the sovereignty of the United States by protecting our citizens against prosecution in front of the International Criminal Court, a body which will operate without any checks or balances from any branch of our government, this amendment goes too far in delegating the constitutional responsibilities of Congress over authorizing the use of force. Furthermore, the supplemental appropriations bill is not an appropriate legislative vehicle for addressing this issue. I urge my colleagues to support the Dodd-Leahy amendment.

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

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

Mr. REID. It is my understanding the Senator from Virginia has moved to table the Dodd amendment, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL), are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—55

Allard	Fitzgerald	Murkowski
Allen	Frist	Nelson (FL)
Bennett	Gramm	Nelson (NE)
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Cleland	Hollings	Shelby
Clinton	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lincoln	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Dorgan	McCain	Warner
Ensign	McConnell	
Enzi	Miller	

NAYS—40

Akaka	Edwards	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Reed
Biden	Graham	Reid
Boxer	Harkin	Rockefeller
Breaux	Inouye	Sarbanes
Byrd	Jeffords	Schumer
Cantwell	Johnson	Specter
Carnahan	Kennedy	Stabenow
Carper	Kerry	Torricelli
Chafee	Kohl	Wellstone
Corzine	Leahy	Wyden
Dodd	Levin	
Durbin	Lieberman	

NOT VOTING—5

Bingaman	Daschle	Helms
Campbell	Dayton	

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MODIFICATION TO AMENDMENT NO. 3597

Mr. WARNER. Mr. President, at this time, the Senator from Virginia renews his unanimous consent request to incorporate verbatim—and I do so on behalf of my distinguished colleague and cosponsor from Georgia, Mr. MILLER—to offer verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.

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

The modification is as follows:

At the end, add the following:

SEC. 3015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate my colleague's offer, and I did not object. I want to make clear to people why we ended up voting on the second-degree amendment.

There is in Congress, on the State-Justice authorization bill, a conference on this very matter. Many of us have spent weeks trying to get the House to join us to resolve this matter. They have refused to meet. We included language that would force the House to meet with us or, under the supplemental, this language would die.

There is still a Defense appropriations bill and there is still a foreign operations appropriations bill to which this language can be added. It is sad in a way that authorizers cannot meet on the authorizing track to resolve policy matters; that policy matters have to be included on a supplemental appropriations bill. It is regrettable that efforts are not made to force the authorizers to meet and work.

Maybe this Senate is so collapsed that there is no longer any need to authorize. Every member of any authorizing committee: Henceforth know that when similar provisions come up, I will join with my friend from Virginia and let it be done on appropriations bills, not authorizing bills.

I do not know why I serve on authorizing committees. I am half tempted to get off them. I do not know why I spend all these hours working on these matters and staff working on these matters to have it included in a supplemental appropriations bill. Why does anyone serve on these committees at all?

We are about to adopt a very delicate and important matter—29 pages—which I promise no one here has read. There are not two people who have read it. They are going to vote on it because it has a nice title.

It looks good in a 30-second spot. It is dangerous, and it is wrong. It is terrible the Senate has come to this.

Mr. BIDEN. Mr. President, I will vote against the Warner amendment. Let

me state at the outset my view on several issues that this amendment raises.

First, I want to make clear that I do not support the International Criminal Court as it is constituted. The Rome Statute which creates the Court is flawed, and it would be a mistake for the United States to become a party to the Court under the Statute. The President made clear last month that the United States will not do so.

I do support protecting American servicemen and women. The Court statute purports to provide jurisdiction over individuals from nations which have not become party to it. That is wrong as a matter of treaty law and of basic fairness. We can and must protect our servicemen from the jurisdiction of this tribunal. I believe the President and Secretary Rumsfeld will do what is necessary to do so. We do not need this amendment to allow a President to use "a necessary force" to force any American servicemen from the custody of any international court.

I do not want to harm U.S. interest overseas. Many of our closest allies in Europe are strong supporters of this Court. This legislation will further complicate our relationship with those friends. Moreover, it takes aim at allies outside of Europe with punitive measures.

Finally, I do not, as a constitutional matter, want to give carte blanche to any President to rescue even American individuals detained by the Court who are not citizens.

The amendment contains a sweeping authorization to the President to use force to rescue not only Americans detained by the International Criminal Court, but also nationals of several allied countries.

The authority to rescue U.S. nationals, I submit, is probably unnecessary: most scholars would agree that the President has the authority to rescue Americans abroad who are in serious danger from a foreign power or circumstance. If an American is detained by the Court, the President will surely have the support of the Congress to take whatever action necessary to rescue that servicemember.

The authority to rescue foreign nationals, such as an accused war criminal from Australia or Egypt, is unwise. As a constitutional matter, I am unwilling to give the President such a blank check to invade the Netherlands—where this Court will be located. Only the Congress has the power to authorize such use of force, and we should not do so in advance, without knowing all the circumstances.

I am also concerned about a provision which bars military assistance to countries which join the Court. This would apply, as the Senator from Connecticut noted, to our assistance to Colombia, a country we have been strongly supporting with substantial military assistance. This restriction may be waived on two alternative grounds, but I ask my colleagues: why would we even consider cutting off aid to our

ally in Colombia because it made the sovereign choice to join the International Criminal Court?

This provision does not apply to our NATO partners, and certain non-NATO allies like Egypt, Israel and Japan. How can we tell our NATO allies or others that they are free to join the Court without fearing an aid restriction, but then turn around and tell other countries that they could face penalties if they join the Court?

This provision is directly contrary to the position of the Bush Administration. When the Administration announced its position on the International Criminal Court last month, Under Secretary of State Marc Grossman made it clear that the United States was going to "respect the decision of those nations who have chosen to join the ICC." This provision to cut off military aid would violate that principle.

My bottom line is this: we should not join the Court as it is currently constituted. Its provisions purporting to extend jurisdiction to non-parties and the inclusion in the Statute of the crime of aggression and sufficient reason to do so.

But this legislation is not necessary to protect our interests. President Bush has adequate powers to do that. It adds very little to the powers he now possesses. But it could complicate our foreign policy with friends in Europe and elsewhere. And it gives future Presidents a blank check to rescue foreign nationals detained by the Court. I think that is a mistake, and therefore will vote no.

Mr. BROWNBACK. Mr. President, as you know, on December 31, 2000, former President Clinton signed the UN's Rome Statute that would obligate the United States to comply with the International Criminal Court. I was disappointed in this action, and until President Bush formally notified the United Nations on May 6 that the U.S. would not become a party to the Rome Statute, I was prepared to fight the ratification of this treaty if it was brought before the United States Senate.

The ICC contains fundamental flaws that we cannot ignore and jeopardizes our service and diplomatic personnel. Whether conducting engagement activities, support operations, stability operations or combat operations, we must ensure the protection of our servicemembers and officials of the United States involved in such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. Many of these issues and the official actions taken by servicemembers and others involve protection of the national interests of the United States. We should have every right to pursue those interests as a sovereign Nation.

In order to accomplish this, we must pass the American Servicemembers' Protection Act, ASPA, which has been offered as an amendment to the pend-

ing bill by the ranking member of the Senate Armed Services Committee, Senator JOHN WARNER. I would like to commend my colleague for his initiative and leadership on this issue. As he and others would agree, failure to pass this Act will have a chilling effect on our ongoing commitments to peace, democracy and prosperity throughout the world.

This amendment is necessary because U.S. withdrawal from the treaty, which we have already done, is not enough. Other countries may still attempt to force the United States to comply with the treaty's provisions. As you may know, the treaty will go into effect on July 1 because the requisite number of countries have ratified the Rome Statute, notwithstanding our withdrawal from the treaty. What this means is that the International Criminal Court could exercise jurisdiction over action crimes committed in the territory of a state party, including those by citizens and servicemen of non-parties.

Thus, under Article 12 of the Rome Statute, the court would have jurisdiction for enumerated crimes alleged to have been committed by U.S. citizens, including the U.S. servicemembers, in a country like Afghanistan. Clearly this is an important protection for our soldiers currently engaged in missions in that country.

Additionally, Article 5 allows parties to the treaty to define vague crimes like "aggression," but Article 121 also allows parties to the treaty to opt-out of certain crimes. Article 121 does not afford that same "opt-out" right to non-parties, including the United States. As a result, U.S. servicemen and diplomats as well as other U.S. citizens could be charged, tried, and jailed for crimes the U.S. had no part in defining and crimes that parties to the treaties themselves are not bound by.

The American Servicemembers' Protection Act, ASPA seeks to protect the United States from these coercive elements of the treaty, and precludes cooperation with the International Criminal Court so long as the United States is not a Rome Statute party. ASPA still permits cooperation with ad hoc courts created through the UN Security Council, such as the Yugoslav and Rwanda tribunals, and prosecution of future war criminals. Such a tribunal created by the Security council at least provides the U.S. with a veto option where we have a say in its mandate and are therefore about to ensure that war criminals will not escape justice.

From Sudan to China, Eastern Europe to South Asia, many of my colleagues and I have devoted considerable time in the Senate to protecting human right, democracy, and religious freedom. This treaty would undermine the U.S. ability to promote and protect the ideals that we have fought for: the values of democracy, freedom and open societies for the people of the world.

While this treaty may be well-intentioned, its vague language gives UN officials unchecked authority, and it imposes an unbearable burden upon the U.S.

This country's commitment to pursuing accountability for war crimes, genocide and crimes against humanity is an important part of our foreign policy objectives and one that serves as a model for others. It was through U.S. leadership that Nazi war crimes were prosecuted. It was through U.S. leadership that Balkan war criminals in Bosnia-Herzegovina and Kosovo were brought to justice. If my fellow members want to maintain America's ability to keep its international commitments abroad, then we must protect our soldiers and our civilian leaders by passing the American Servicemembers' Protection Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment, but before the vote is taken, I understand there is at least one colleague, my colleague from Virginia, who would like to have 5 minutes. Are there others who wish to indicate to the managers a desire to speak before that vote?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes.

Mr. REID. For the information of Senators, Senator ALLEN from Virginia wishes to speak on this underlying amendment for 5 minutes. I do not know of anyone else who wants to speak on this amendment. We will have a vote in the next few minutes on the underlying amendment.

Following that, next in order, by virtue of a unanimous consent agreement, is Senator DURBIN. He has indicated he will speak for perhaps half an hour. There may be others who wish to speak. We will have a vote sometime after that. We are going to have a series of votes in the near future. Members should remain close to the Chamber because we are moving pretty well. It is yet to be seen whether we can complete our work tonight.

I will say to my friend from Connecticut, this was not in the Senate bill that is before this body. I just want to make sure the Appropriations Committee in the Senate is not blamed. This was put in on an amendment from the floor. The Appropriations Committee did not do it.

I say to my friend, this was not put in by any member of the Appropriations Committee. It was put in by an authorizer. I say to all Senators, the Senator from Connecticut is an exemplary Senator who does a great job on every authorizing committee he is on, but I want to say do not blame the Appropriations Committee, because it did not put this matter in the bill. It was offered separate and apart.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

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

Mr. WARNER. Were the yeas and nays ordered?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator?

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Has the Dodd amendment, which reads, "Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, and other leaders of al-Qaida, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity," been made a part of what we are about to vote on?

The PRESIDING OFFICER. It has been modified.

Mr. WARNER. Mr. President, I assure the Senator it is. The Senator from Virginia made two attempts, failed on the first attempt for the vote, but succeeded on the second attempt just a minute or two ago.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I understand the Senator from Virginia put forth a unanimous consent agreement that there would be a vote following 5 minutes from the other Senator from Virginia. Is that right?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. No, the request was not made as a unanimous consent.

Mr. REID. Then I would propound that as a unanimous consent request.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in support of the amendment that my good friend, Senator WARNER of Virginia, has offered. I am a cosponsor of this act and a cosponsor of this amendment, along with my friend, Senator MILLER of Georgia. I continue to believe that the International Criminal Court poses a threat to the sovereignty of the United States and the individual freedoms of America.

Americans do care about the rest of the world. The rest of the world, though, can make their own decisions. The Europeans, if they want to merge their currencies, can do so. It does not mean we have to put our dollar in with their currency. We have a right to control our own destiny and the sovereignty and fair justice administered in our country.

This International Criminal Court would have the jurisdiction to punish individual American officials for foreign policy and military actions of the

U.S. Government. The laws and the rules of this treaty do not offer fair and equal justice, nor do they offer the due process rights guaranteed and protected under our Bill of Rights.

The mechanism used to introduce and try cases in this Court is an independent prosecutor, who would be one who is not really accountable but would be given the autonomy to enforce justice as that prosecutor sees fit. Placing such power in the hands of one individual is not only ill advised, it runs contrary to the very foundation of justice upon which our country was built upon.

For example, if the international prosecutor believes a U.S. court's decision was inadequate or incorrect, then this prosecutor is authorized to indict the alleged human rights abuser and demand a new trial in the International Criminal Court. This is all contrary to the laws of the constitutions of our States and the Constitution of our country for the last 225 years. Elected officials ought to protect and uphold our rights. In reality, this ICC, or Rome Treaty, would erect an institution superior to our courts in this country and in our States.

In considering whether to enact an amendment that would protect Americans from this international treaty, we need to consider the values and goals of the international prosecutors and the international judges. It is unlikely persons given such authority will hold the same values as the United States. Consider the fact that the Rome Treaty was signed by Iran, Iraq, Sudan, and Syria, among others. All of these nations have extremely questionable records when it comes to justice, due process, and equality. I believe we should consider the parties involved when considering any international treaty.

Senator DODD mentioned Elie Wiesel and Israel. Israel mostly has its troops focused in its homeland. The United States has its spread across the world.

The amendment of Senator WARNER, the American Servicemembers' Protection Act, is supported by the following organizations: The National Guard Association of the United States, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of the U.S. Army, the National Military Family Association, Enlisted Association of the National Guard of the United States, Fleet Reserve Association, the Gold Star Wives of America, Jewish War Veterans of the USA, the Marine Corps League, the Marine Corps Reserve Officers Association, the Military Order of the Purple Heart, the Navy League of the United States, the Retired Officers Association, the United Armed Forces Association, the Veterans of Foreign Wars of the United States, and others.

I believe the former President, Mr. Clinton, made a serious mistake when he signed the Rome Treaty in the last days of his administration. President Bush wisely rejected the Rome Treaty

and notified the United Nations that the United States would not be ratifying or participating in the accord. Unfortunately, the number of ratifying nations is rising and the ICC will come into existence on July 1 of this year. It is why we must pass this amendment.

We are all working in unity to fight corruption, hatred, and dictatorships around the world. With the amendment that has been added, our position is clear and we will fight war criminals.

In closing, I will quote Mr. Jefferson when he stated:

It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits . . .

I urge my colleagues to exercise that right, protect our sovereignty and our men and women in the military in supporting this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3597, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that if present and voting the Senator from Ohio (Mr. VOINOVICH) would vote "yea."

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

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—75

Allard	Enzi	McConnell
Allen	Feinstein	Mikulski
Baucus	Fitzgerald	Miller
Bayh	Frist	Murkowski
Bennett	Graham	Nelson (FL)
Bond	Gamm	Nelson (NE)
Breaux	Grassley	Nickles
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Carnahan	Hatch	Santorum
Chafee	Hollings	Schumer
Cleland	Hutchinson	Sessions
Clinton	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kerry	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
DeWine	Levin	Thompson
Domenici	Lincoln	Thurmond
Dorgan	Lott	Torricelli
Edwards	Lugar	Warner
Ensign	McCain	Wyden

NAYS—19

Akaka	Carper	Kennedy
Biden	Dodd	Kohl
Boxer	Durbin	Leahy
Byrd	Feingold	
Cantwell	Jeffords	

Lieberman	Reed	Specter
Murray	Sarbanes	Wellstone

NOT VOTING—6

Bingaman	Daschle	Helms
Campbell	Dayton	Voinovich

The amendment (No. 3597), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 3729

Mr. DURBIN. Mr. President, I call up amendment No. 3729, which was previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3729.

Mr. DURBIN. 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:

On page 55, beginning on line 13, strike "\$100,000,000" and all that follows through "Provided," on line 17 and insert the following: "500,000,000, to remain available until March 31, 2003, which may be made available as a United States contribution to the Global Fund to combat AIDS, Tuberculosis, and Malaria: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,".

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators SPECTER and BOXER be added as cosponsors of this amendment.

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

Mr. DURBIN. Thank you, Mr. President.

I want to clarify this amendment because some have followed this issue. I have made a decision this evening to change the amount that I am asking for in this amendment. I want to clarify it for the record so there is no question in the minds of my colleagues as to what this amendment will do.

Currently, in the supplemental appropriations bill there is \$100 million for the global AIDS epidemic. It was my original intention to increase that amount to \$700 million. But after consulting with Senator FRIST and others, I decided that we should come together to try to work together on a bipartisan basis at a lower number to make certain we do everything in our power to have the resources to fight this global AIDS epidemic.

I hoped we could come together and offer a bipartisan amendment with Senator FRIST relative to a funding level of \$100 million. Unfortunately, we were not able to reach that agreement today. However, in the interest of drawing as many together—Republicans and Democrats—to support this measure, I have reduced the amount which I have requested to \$500 million. I believe more is needed, but I am asking for \$500 million as part of this sup-

plemental appropriation to deal with the global AIDS epidemic.

I will tell my colleagues that this vote is not only important, but it is not going to be an easy vote. I anticipate procedural motions to be made on the floor which will ultimately require 60 votes to pass this amendment. I hope my colleagues will join and agree with me that it is an emergency amendment; that it deserves emergency status; that it deserves the vote of at least 60 Members of the Senate tonight.

Is there anyone in this Chamber and is there anyone following this debate who can seriously question whether the global AIDS epidemic is an emergency? Clearly, it is.

At the end of 2001, more than 40 million people in the world were living with HIV. Some estimates range from 42 million to 45 million.

But there is another statistic worth reflecting on. It is estimated that 95 percent of the people currently infected in the world today don't know they are infected. Think of that for a moment. Think of the consequences of that in terms of the spread of this deadly disease.

There is a chart which shows a summary of the estimated 40 million infected with HIV/AIDS at end of the year 2001. In North America, 940,000; in the Caribbean, one of the fastest growing areas in the world for the AIDS epidemic, 420,000; 1.4 million in Latin America; 1 million in eastern Europe and central Asia; 1 million in east Asia and the Pacific; 6.1 million in South and Southeast Asia; 470,000 in western Europe; 440,000 in north Africa; then comes sub-Saharan Africa with over 28 million people currently infected with HIV/AIDS.

It is our estimated that there are some 15 million AIDS orphans in sub-Saharan Africa alone. Think of that. Children who have lost one or two parents to the AIDS epidemic—15 million.

In 2001 alone, 5 million people were newly infected with HIV, more than 95 percent of whom live in Third World countries, in the developing world. The majority of these new infections occur in young adults—especially women. Most of them are young people. Many don't know they have it. More than 13 million children are orphaned, and 3 million died. Each day in the world, 8,000 people die from AIDS, and 6,000 from tuberculosis and malaria.

The purpose of this amendment is to start bringing together a clear national sentiment—perhaps global sentiment—to do something significant when it comes to dealing with this AIDS epidemic.

Consider for a moment the Global Fund. There was the suggestion by Kofi Annan and world leaders that we make a special effort to fund programs around the world to deal with AIDS, tuberculosis, and malaria.

Two years ago, the United States contributed \$300 million to this Global Fund. This year we reduced the amount that we contributed to a figure of \$200 million.

You have to ask yourself: Why would you reduce the amount you are spending fighting the global AIDS epidemic through the Global Fund? There is no good explanation.

I had before the Appropriations Committee on Foreign Operations, on April 24, a man I respect very much, Secretary of State Colin Powell.

I stated the following:

. . . Mr. Secretary, Senator SPECTER and I are going to offer an amendment to the supplemental for \$700 million more—

That was our original amendment—

committed to multilateral and bilateral efforts on AIDS as an emergency appropriation. I just can't think of money that we could spend more wisely than to try to stop the pace of this [global] epidemic.

I think the American people understand this, too. This isn't a problem in some other part of the world. This is a problem of our world; a problem that is sadly an airline flight away from being delivered to the United States every hour of every day. I hope that we can have the support of the administration for \$700 million.

This was in April of this year, a question I asked of Secretary of State Colin Powell.

Let me read you his reply:

I will pass that on to my colleagues downtown and see what we can do as it comes through, but I couldn't agree with you more, sir.

Secretary of State Colin Powell has been a real leader. Sometimes he has not been the most popular person in this administration with some, but he certainly understands the gravity and scope of this crisis. And, as he said, he couldn't agree with me more in terms of funding to fight this epidemic.

We need to show real leadership in this Chamber. We need to step forward and say—not only to America, but to the world—that this is our chance and this is our opportunity.

The global summary of the HIV/AIDS epidemic I have shown you. Let me also show you this chart: About 14,000 new HIV infections every day in the year 2001. As I said, more than 95 percent in developing countries; 2,000 are in children under 15 years of age; about 12,000 are in persons aged 15 to 49 years, of whom almost 50 percent are women, 50 percent are between the ages of 15 and 24.

Two years ago, I made a trip to Africa. I went there to look at other issues. I really was not focused on the global AIDS epidemic. I went there to look at feeding programs and microcredit programs that I am involved with in my committees.

I went to South Africa, Kenya, and Uganda. And I can tell you, in a very brief period of time I realized there is no other issue in Africa than the AIDS epidemic. I saw things and witnessed experiences there I will never forget.

In Kampala, Uganda, there is a clinic known as the TASO clinic. Each day, hundreds of Ugandans come into this clinic who are already infected with HIV, and some are dying from AIDS. These are men and women who under-

stand their time on Earth is limited. They come in for a little help, some basic drugs and medicine, and they go about their lives. We met with them, sat down with them.

One of my colleagues here on the floor a few minutes ago said, it must have been very depressing. It was depressing, yes, to think that so many people's lives would be shortened because of this deadly disease. But at another level, it was inspirational. Here are people who have absolutely nothing on Earth—nothing.

If one of us should hear that we have been diagnosed with a serious disease, there are things we can do, doctors to see, hospitals to visit, research to inquire about, medicines that might give us a chance. None of that is true for most of the victims of HIV and AIDS in Africa and around the world.

I can recall standing there as a choir of infected people in the clinic came together to sing to us a chorus. That is not unusual in Africa. They sing when they greet you; they sing when you leave; they sing all the time. And as they sang the songs that they had written, a young woman stepped forward, who was clearly thin, who did not have much time left, and, in the most angelic voice, sang a song she had written entitled "Why me?" I will never forget that—why him? Why her? Why me?

You say to yourself, isn't this a hopeless situation? If they don't have the medicine, if they don't have the medical care, if they don't have the hospitals, what can we do? We cannot provide the Magic Johnson therapy to every infected person in Africa. It would be too expensive. We could not monitor it. But, trust me, there are things we can do and things that help.

Ten years ago, when Uganda realized their problem, 30 percent of the new mothers were found to be infected with HIV—30 percent. They decided, as a government, to do something about it: A public education campaign, condoms, talking to people about the dangers of unprotected sex.

In a matter of 10 years, with this basic effort, they reduced the HIV infection rate among new mothers to 15 percent. That meant that the number of children infected with AIDS and HIV was cut in half by the simplest methods, the most direct methods.

The message I am trying to deliver to my colleagues is this: The money we spend on the global AIDS epidemic will save lives. We know it will. We have made a commitment to this. But the commitment does not meet the scope of the problem. The commitment does not reach to try to catch an epidemic that is galloping away from us. We are taking small steps forward saying, well, we are doing something in the United States, and this epidemic is galloping away from us across the world. (Ms. CANTWELL assumed the chair.)

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

Mr. DURBIN. I am happy to.

Mr. STEVENS. Did I hear correctly that the Senator from Illinois indi-

cated we had reduced spending on AIDS for this fiscal year? There is an increase across the board in several different components. Does the Senator realize that?

Mr. DURBIN. Yes. I say to the Senator, what I said was, we reduced our contribution to the Global Fund from \$300 million a year ago to \$200 million in this year. Our total expenditures for HIV and AIDS worldwide are in the range of \$850 million.

Mr. STEVENS. We have \$300 million right now, Madam President, in this fund. The House bill has \$100 million in addition, and we have \$100 million in this. Does the Senator realize we are willing to go up to another \$100 million?

Mr. DURBIN. I might say to the Senator from Alaska, any additional dollars are appreciated. But the point I am trying to make is, even increasing our contribution to the level of \$200 million is totally inadequate in response to this global epidemic. I am going to quote—

Mr. STEVENS. Just one last question.

Mr. DURBIN. I yield for a question.

Mr. STEVENS. Does the Senator realize how much we are contributing to the research base for AIDS in the world, how much we are spending from defense, NIH, from a series of accounts, in terms of basic research for AIDS?

Mr. DURBIN. To the Senator from Alaska, I would say, yes, we are making a contribution as a nation. What I am asking the Senate to consider is whether it is adequate, whether it is adequate in terms of this global AIDS epidemic.

Let me say to my colleague from Alaska, and others, that just a few months ago two of my colleagues in the Senate—Senator FRIST and Senator HELMS, who cannot be with us this evening because he is recovering from a recent medical problem—came to the same conclusion that I have come to this evening. Both Senator FRIST and Senator HELMS sought a \$500 million increase for AIDS.

That is the amount I am asking. It isn't as if I have come up with an outlandish and outrageous figure. Dr. FRIST, who is a Member of the Senate, supported the same level of funding. Senator HELMS said it as well. In fact, he offered an editorial to the Washington Post which was nothing short of inspirational. He was widely quoted across the United States, saying that—and I am going to read this because I think, in fairness to Senator HELMS, this is a very important quote.

Senator HELMS, our colleague, in his Washington Post editorial, said:

In February I said publicly that I was ashamed that I had not done more considering the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of.

Senator HELMS, I would like to say, if you are following this debate, this amendment, the level of funding which

you suggested, is the right thing to do. It is still the right thing to do.

For a variety of reasons, there has been a change of heart by some in terms of asking for \$500 million. I might say to my colleagues, the problem is not diminishing. The problem is growing geometrically, and we are responding arithmetically. We are providing a little bit more and a little bit more, and this epidemic is raging across the world.

We talk a lot about the security of the United States. I spent a whole day in the Judiciary Committee. The Intelligence Committee I serve on also met. Can we be more secure in the United States if countries around the world are being destabilized by the AIDS epidemic? How are they destabilized? Frankly, if you lose one out of five adults to AIDS, if you have millions of AIDS orphans, children who grow up on the streets, little girls who end up turning to thievery and prostitution to survive, little boys with no parental supervision because their parents have died from AIDS, who become part of these warring gangs in Africa and the Third World, ripe targets for terrorism, how does that make America safer? I don't think it does.

In fact, just the opposite is true. We are, in fact, less secure as a nation. Let me also quote two other members of the administration who have addressed this issue. The Secretary of Health and Human Services, Secretary Thompson, March 29 of this year:

The scourge of AIDS threatens to destroy economies, social systems, and the very fabric of local communities. There is no question that as a country, the United States must engage with other nations and across all sectors to fight the most devastating public health pandemics of the modern age.

That was Secretary of Health and Human Services Tommy Thompson.

Treasury Secretary Paul O'Neil has been in the news for the last several weeks touring Africa with Bono, a member of the Irish rock band U2, who has been one of the world's leaders on this issue, who came to visit me and so many other Senators to talk about this issue. He invited Treasury Secretary Paul O'Neill to come with him to Africa, see the AIDS epidemic firsthand. Let me quote Treasury Secretary Paul O'Neill:

Nowhere is this more urgent, and more heartbreaking, than the struggle against AIDS. In South Africa I saw mothers with AIDS caring for babies with AIDS, even when proven, inexpensive drugs are available to stop transmission between mother and child. I saw the dedication of nurses and doctors treating people with AIDS, and their patients' struggle to survive.

That was Treasury Secretary Paul O'Neill.

Why is it that the leaders in this administration can travel around the world and speak forthrightly about this terrible epidemic, yet this Senate is hesitant to put funding into fighting the global AIDS epidemic at a level that gives us a chance to make a real difference?

When I spoke earlier about what we can do and used Uganda as an example, I also went to Mulago Hospital in Kampala. I saw research projects underway there that are nothing short of miraculous. If a mother is pregnant and diagnosed with HIV, there is a high likelihood that her infant will also be HIV positive. But they have found a very simple drug called nevirapine. If the mother goes into labor, she takes the drug and the baby, as soon as it is born, is administered the drug. They are finding remarkable results in terms of saving the baby's life.

Whether you are pro-life or pro-choice, whatever your position may be, isn't that the right thing to do, for the United States to be investing with other countries to try to stop this transmission of AIDS from mother to child?

A proposal came to the Global Fund from Nigeria to support the activities of six centers focusing just on this, to stop the transmission from mother to baby. These centers will have the capacity to test an estimated 14,000 women for HIV and provide this antiretroviral therapy to 912 HIV positive mothers to protect their babies from infection. Finally, the centers will link families with comprehensive care and counseling services.

This is what the Global Fund does: Identifies projects all around the Third World where we have victims of HIV and tuberculosis and malaria to come up with proven, effective therapies to save their lives.

Why is it important that we provide more money to this Global Fund? I will tell you why. Because as of last night or the night before, the Global Fund ran out of money. It had allocated all the money for this year. It is gone. It is down to zero. The \$500 million which we are proposing in this amendment can be used by the administration to replenish the money in the Global Fund.

We currently know that there are at least \$370 million of outstanding projects that weren't funded, and we know a new round of applications will be coming in in just a few months. We know that down the line even more money will be needed.

As much as we have done as a nation, we should and can do more. We absolutely must do more in terms of the impact this funding is going to have on the world in which we live.

The Global Fund fights, of course, not only AIDS but TB and malaria. I know my colleague from California, Senator BOXER, has been a leader from the start on HIV/AIDS in the United States and around the world and has focused, as well, on tuberculosis as a scourge in many Third World countries—and malaria. I will credit her, as we served on the House Budget Committee together many years ago, with being the first person who made me consciously aware of the HIV/AIDS epidemic.

Little did I know I would be standing on the Senate floor next to her in this

situation, but here we are—a nation which has fought its own battle against the HIV/AIDS epidemic and looks out at a world where this epidemic is virtually out of control.

The Global Fund, suggested by Kofi Annan at the United Nations, is a fund that encourages countries around the world to put in their contribution. Do you know the first country that every other nation in the world looks to to see whether this is a good idea, worthy of investment? The United States. If the United States will put up taxpayers' dollars, hard-earned money from our taxpayers to fight the global AIDS epidemic, nations around the world follow suit.

The opposite is also true. If we don't put the money in, the Global Fund lags, falls behind, in allocations. This Global Fund has rules that were set down by USAID, Department of State. It has been approved by our Government. There is no question that it is a good agency that does a lot of great work. Frankly, they are running out of money. They have none currently available.

When they gave countries around the world 7 weeks to prepare proposals for the Global Fund to fight HIV, tuberculosis, and malaria, they received \$5 billion in funding requests. We are asking ourselves whether \$200 million from the United States is enough? It is not. It clearly isn't. We need to do more.

I think we can do more. This fund has a stupendous resource gap. It is being forced to triage important proposals that have been subjected to vigorous review. The Global Fund may be forced to reject plans that would save lives immediately around the world.

Over 100 country proposals have been submitted. The fund just can't finance it. Over a 5-year window, the Global Fund received \$5 billion in applications. Billions more are coming.

I want to commend my colleagues, Senators FRIST, HELMS, SPECTER, BOXER, WELLSTONE, and others, who have shown a real consciousness and sensitivity to this problem. I beg you, think for a moment before we go home this evening, having passed this supplemental emergency appropriations bill, should we not consider the greatest health emergency in the world today?

Shouldn't the United States say: We will continue to lead by example? It isn't as if this is an unpopular idea. They took polls across the United States and asked the people of America what they thought we should be doing in terms of our international commitments. The people came back in polling and said: Second to stopping the illegal flow of drugs in the United States, there is nothing that we should spend more money on when it comes to fighting HIV and AIDS around the world.

The American people understand this. They get it. It isn't a problem in some faraway land. It is a problem that may have started in Africa, but it quickly spread around the world and is now growing at a proportionate rate

that many of us never imagined would be possible.

International health experts at the UNAIDS, World Bank, and the World Health Organization have supplied us data on what would be needed to make a serious intervention in this crisis. This amendment we are offering tonight tries to meet that.

A few weeks ago, Bono, who I mentioned earlier, came to Capitol Hill and visited a lot of our offices and created quite a stir. This man, who is internationally known for his musical ability, has developed an international reputation for fighting this AIDS epidemic. He is a very likable man. I said: You have become a constant pest on Capitol Hill. Every time we turn around, there is Bono opening up another door to another office—whether the Senator is a Republican or a Democrat—convincing them we have to do something. He is doing the Lord's work, God's work. But all of those trips and all of the work he has done is worth little if we don't follow through this evening by voting for this additional \$500 million.

This debate is about more than posing for photographs with Bono. This amendment is about making a real commitment, a tangible commitment, an effective commitment to a global epidemic. Can we make a difference? In large and small ways, we can.

I went to a clinic in South Africa outside the city of Durban, up in the mountainside. It was one of the most basic health clinics I had ever been to. They didn't have much—very little technology and few drugs. I saw people there suffering from burns and a young woman who was clearly dying from HIV.

Then I met with a group of about 25 or 30 who lived in the villages around the clinic. They sat lined up in neat rows and watched this visitor, a Senator from the United States, come before them. They wanted to make a presentation to me. They made a presentation of a young woman who was brought forward.

She was very thin and obviously very sick. She was clearly nervous to be addressing this crowd and standing before these people from the U.S. She stood there and buttoned her shirt up to the top of her neck and she was shaking.

She said: I have Tuberculosis. I have been very sick for several years, and I have come to this clinic. Then she paused and she said: I have AIDS. I don't know what is going to happen to my children. When she said those words, "I have AIDS," there was a gasp in the audience because in South Africa, sadly—a country that is overwhelmed with the AIDS epidemic—a few years before, a woman was stoned to death when she admitted she had AIDS. She was beaten to death by the villagers. It took real courage for that woman to tell this crowd she had AIDS. They just don't speak of it.

As she was sobbing, they sat her down next to me on a bench, and I

reached my arm over and put it around her shoulder, and the audience gasped again. A doctor stood up and said: Look at this now. I am telling you, if you touch her, you will not be infected. He said: This man from the United States has put his arm around her. I am telling you, it is safe to touch people who have AIDS.

That is what the level of ignorance is when it comes to this epidemic in some parts of the world.

My friends, those scenes I will never forget. My colleague in the Senate, Senator FRIST, has been there himself and has worked in these clinics and has performed surgeries in Africa understands this. That is why the amendment he offered for \$500 million is a good amendment. It is one that he and Senator HELMS believe in very much, very passionately. I believe in it, too.

I bring this to the floor tonight in the hopes that the 25 colleagues in the Senate who signed a letter with me to Chairman BYRD and Senator STEVENS urging them to commit more money to the global AIDS crisis in this emergency supplemental, and many others, will think about the impact this vote will have not just on the Senate, but on the world. We have a chance tonight—a small chance, perhaps, with one vote—to have an impact on literally millions of people around the world, to save lives of people we will never meet.

We can break the cycle of hopelessness and despair generated by the death spiral of AIDS in so many nations. I invite my colleagues to join me.

Mr. REID. Madam President, we have a number of people who wish to speak on this issue: The Senator from Tennessee, the Senator from Ohio, the Senator from Minnesota, the Senator from California. I am wondering—because Members have been calling both cloak-rooms—if we can get an idea as to how long the Senators wish to speak so we can have some idea when the vote will take place. If I may, I ask the Senator from Ohio, does he wish to speak?

Mr. VOINOVICH. I was just here listening to this interesting debate.

Mr. REID. How about the Senator from Tennessee?

Mr. FRIST. I will be offering an amendment later tonight related to this amendment. I would like about 15 minutes, in which case I could handle both of them.

Mr. REID. Could the Senator speak now for 15 minutes?

Mr. FRIST. Yes, 15 minutes.

Mr. REID. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. About 5 minutes.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes, the Senator from Minnesota for 5 minutes, the Senator from California wants 15 minutes, the Senator from Tennessee for 15 minutes, the Senator from Pennsylvania for 10 minutes, and the Senator from Alaska for 5 minutes, and

the Senator from New Mexico for 5 minutes.

Mr. BYRD. Mr. President, I would like 10 minutes at the conclusion of which I expect to offer the motion.

Mr. REID. We will have the Senator from West Virginia be the last speaker. I ask the Parliamentarian to advise the Chair how much time remains.

The PRESIDING OFFICER. One hour ten minutes.

Mr. REID. So we will vote on this at approximately 7:45?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that we have a vote on Senator BYRD's motion to waive at 7:45 tonight.

Mr. STEVENS. Reserving the right to object, I request that my time precede Senator BYRD's.

Mr. REID. That would be appropriate as comanager of the bill.

Mr. BYRD. Madam President, we have several amendments yet. Is there any hope of completing action on this bill tonight?

Mr. REID. We are going to complete action on the bill tonight.

Mr. BYRD. I wonder if Members will be agreeable to cutting their time on this amendment to some extent. I am willing to cut mine in half.

Mr. REID. Senator DURBIN can cut his in half, also. He agrees to do five. Do I hear 12?

Mr. DOMENICI. I will save my own remarks for another time.

Mr. REID. How about the Senator from California, is 12 minutes OK?

Mrs. BOXER. Absolutely.

Mr. FRIST. I can handle both of mine later tonight in a 15-minute period.

Mr. REID. That is fair. We need a little time to determine what time the vote is. So we have Senator DURBIN for 5 minutes, Senator BYRD for 7½ minutes, and Senator DOMENICI with nothing.

Mr. DOMENICI. I am cut out.

The PRESIDING OFFICER. That is 57 minutes.

Mr. REID. So we can vote at about 7:25. I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 7:25, or whenever the time is yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I rise to accomplish two objectives: To speak in response to the pending amendment and to briefly introduce what I plan to do later tonight. In the interest of time, I will try to achieve both of those objectives in the next 15 minutes. If the Chair will notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. FRIST. Madam President, first, the Senator from Illinois has eloquently outlined the challenge, what I consider to be the greatest public health challenge clearly of this generation. I say public health challenge to

us as Americans, but equally importantly to us as citizens of the world.

The statistics he mentioned are right on target, and they tell the best picture globally of this scourge against which we are fighting a losing battle. Every 10 seconds someone dies of HIV/AIDS, but every 10 seconds there is a new infection in two individuals—two new infections. We have no cure. There is no cure for HIV/AIDS.

Second, I agree with the Senator from Illinois, we need to do more. There is absolutely no question in my mind that we have to invest, and we have to invest as the United States, as the global leader. Our leadership is critically important for other nations to see, for private companies to see, and for individuals to see so they will be participants.

I agree with the Senator from Illinois that the dollars we spend on HIV/AIDS can do something that really no amendment I have seen on the floor today can with absolute certainty do, and that is to save lives. If resources are handled appropriately when we fight global HIV/AIDS, malaria, and tuberculosis, then each dollar invested, I am absolutely convinced, will save the lives of innocent children who are infected with this virus. This little virus is so adaptable; it moves 100,000 times faster than our own defense systems and tens of thousands of times faster than the best medicines we apply to it. So it is a major challenge for us all.

The Senator from Illinois mentioned Senator HELMS, and I want to come back to that because I will be offering later tonight a Helms-Frist amendment. Our amendment was initially spelled out, at least its framework, in the editorial in March from which the Senator from Illinois quoted. Our amendment focuses on mother-to-child transmission, and our amendment would, I believe, give greater flexibility to the President than the amendment that is now before the Senate.

The Senator from Illinois mentioned Secretary Powell, Secretary Thompson, and Secretary O'Neill, and I will add to that list the President of the United States. We have an opportunity which I think is unheralded, unprecedented, in that we are bringing all elements of modern society together; all political elements, both conservative and liberal; the private sector; the public sector; leaders around the world; the very best of our pharmaceutical companies; the entertainers of the world, all coming together with a spotlight, a focus on a battle we are losing today in a global sense.

If there is a point of order later tonight on this underlying amendment, I will support it, but not because of the amount of money in the amendment. The \$500 million is too little for where we need to go. The magnitude of the problem is big, and the money we are talking about is tiny. Yet we do need to recognize where the money is coming from, and at what rate it is going to be spent. That \$500 million is some-

thing that Senator HELMS and I both believe in, but, again, we have to recognize what we do tonight is not the answer; it is just another step in a very long journey.

I am going to support the point of order against this amendment, but not because of lack of support for the Global Fund. I think it is the best, most innovative, most creative way to pull together the international community. It is not a U.S. fund. It is not a United Nations fund. It is not a World Bank fund. It is a Global Fund independently administered. It was started a year ago. We need to raise a lot of money for it and have it distributed with good peer review. A lot of that money is going out today.

I will be asking my colleagues to support the point of order on this amendment, and then I will ask for their support of an amendment by Senator HELMS and myself which will be offered after we dispense with this amendment.

Why? Because I believe our amendment is more focused. It centers, though it does not commit all the money to, mother-to-child transmission.

Secondly, our amendment gives greater flexibility over the use of these funds. The funds will be under the direct control of the President of the United States.

And thirdly, these funds will have a more direct impact on saving lives. I am convinced of that. By focusing on mother-to-child transmission, which the Helms-Frist amendment does, we can calculate this impact.

The story goes like this: There are 800,000 innocent children born every year into a world of HIV/AIDS, and they become infected. Of every 1,000 pregnant, HIV-infected women who go through delivery, about 200 HIV/AIDS babies will be delivered infected with HIV. If you use nevirapine, a single dose for the mother and one for the child, that number is cut in half. That is why I know a program focused on mother-to-child transmission will ultimately save lives. For every one thousand births to 1,000 HIV positive women, 100 children can be saved from HIV infection. That is why I can say this and be so definite.

I mentioned the team that is in place in this administration, and I will reinforce what the Senator from Illinois said when he mentioned Secretaries Powell, Thompson, and O'Neill. The President's commitment is there to provide more resources, not just to the Global Fund, which is important, but resources for our much more comprehensive approach for fighting HIV/AIDS, multilateral and unilateral efforts that include prevention, response, care, and treatment. I do believe we have to link all of those approaches for an effective response; no longer can we say just prevention.

The President has increased financing dramatically in the year and a half he has been President. He has promised

to do more. He has shown a real empathy for the victims of HIV/AIDS, and he has shown a detailed understanding, to me in our conversations, of the treatments available. He is surrounded, as the Senator said, with people who share that commitment and that desire to do everything possible given the technology, given our understanding, given what we have learned over the last 20 years.

Twenty years ago, we did not even know the virus existed. Now we are saying it is the No. 1 problem. Amazing. Twenty years ago, in 1981, nobody had ever heard of HIV/AIDS. But with the President of the United States, under his leadership and with this team, with our support and through such cooperative efforts as the Helms-Frist amendment to increase funding on mother-to-child transmission, we can make a difference.

Why are we here today? We agree—Senator DURBIN, Senator SPECTER, and the cosponsors of the bill—we all agree and the reason is simple. The global requirements to combat HIV/AIDS are far greater than the international level of commitment. But it cannot be solved with just a U.S. commitment. It has to be an international commitment. Part of the Helms-Frist amendment will require a matching from other countries and entities to leverage the money we invest. We need to lead, and we will lead, but we will lead the global community together.

The amendment which I am offering tonight is the work of Senator HELMS. He could not be with us tonight. He recently underwent open heart surgery. And I am please to report that he is recovering well. I know he wanted to be here tonight to offer this amendment.

He first announced our intention to take this initiative on March 24 in a Washington Post article. Part of it has been quoted tonight.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Mar. 24, 2002]

JESSE HELMS—WE CANNOT TURN AWAY

(By John Overmyer)

This year more than half a million babies in the developing world will contract from their mothers the virus that causes AIDS despite the fact that drugs and therapies exist that could virtually eliminate mother-to-child transmission of the killer disease.

It is my intent to offer an amendment with Sen. Bill Frist (R-Tenn.) to the emergency supplemental appropriations bill to add \$500 million—contingent on dollar-for-dollar contributions from the private sector—to the U.S. Agency for International Development's programs to fight the HIV-AIDS pandemic. The goal of this new money will be to make treatment available for every HIV-positive pregnant woman. As President Bush would say, we will leave no child behind.

There is not reason why we cannot eliminate, or nearly eliminate mother-to-child transmission of HIV-AIDS—just as polio was virtually eliminated 40 years ago. Drugs and therapies are already provided to many in

Africa and other afflicted areas. Only more resources are needed to expand this most humanitarian of projects.

The stakes could not be higher. Already in many African nations an entire generation has been lost to AIDS. Mother-to-child transmission of HIV could eliminate another. Although reliable numbers are hard to come by, experts believe that more than 2 million pregnant women in sub-Saharan Africa have HIV. Of these, nearly one-third will pass the virus on to their babies through labor, child-birth or breast feeding, making mother-to-child transmission of AIDS the No. 1 killer of children under 10 in the world.

There will be obstacles to achieving universal availability of drugs and therapies. Many African nations lack the infrastructure and trained personnel to deliver health care on this scale. Some governments may not be cooperative. My amendment will provide the administration with the flexibility to deliver the necessary assistance while addressing these obstacles. For instance, if the new Global Fund to Fight AIDS, Tuberculosis and Malaria is deemed the most efficient way to deliver assistance, then the president can transfer money there.

The United Nations has already set an ambitious goal of reducing the portion of infants infected with HIV by 20 percent by 2005 and by 50 percent by 2010. We can accelerate these efforts, saving hundreds of thousands of lives, with a larger investment of public and private funds now. Private contributions, either financial or in kind—such as the donations of the drug nevirapine by the German pharmaceutical company Boehringer Ingelheim—are an essential part of a successful anti-AIDS strategy.

In addition, national commitment is absolutely essential. The government of Uganda can serve as an example. Through the leadership of Uganda's first lady, Janet Museveni, that country has cut in half its HIV infection rate.

In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to "Let my heart be broken with the things that break the heart of God." I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Some may say that, despite the urgent humanitarian nature of the AIDS pandemic, this initiative is not consistent with some of my earlier positions. Indeed, I have always been an advocate of a very limited government, particularly as it concerns overseas commitments. Thomas Jefferson once wrote eloquently of a belief to which I still subscribe today: that "our wisdom will grow with our power, and teach us, that the less we use our power the greater it will be."

The United States has become, economically and militarily, the world's greatest power. I hope that we have also become the world's wisest power, and that our wisdom will show us how to use that power in the most judicious manner possible, as we have a responsibility to those on this earth to exercise great restraint.

But not all laws are of this earth. We also have a higher calling, and in the end our conscience is answerable to God. Perhaps, in my 81st year, I am too mindful of soon meeting

Him, but I know that, like the Samaritan traveling from Jerusalem to Jericho, we cannot turn away when we see our fellow man in need.

Mr. FRIST. Madam President, I will quote from the article. This is Senator HELMS:

In February I said publicly that I was ashamed that I had not done more concerning the world's AIDS pandemic. I told this to a conference organized by Samaritan's Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world's most unfortunate that has inspired action by so many. Samaritan's Purse is led by Franklin Graham, son of Billy Graham—both of whom I count as dearest friends—but the organization was founded by the late Bob Pierce. Dr. Pierce's mission was to "Let my heart be broken with the things that break the heart of God." I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Those are Senator HELMS' words from the Washington Post article. The Helms-Frist amendment provides those resources, focusing on mother-to-child transmission where we know we will have a measurable impact in saving lives.

The American public shares the desire to help our fellow men and women across the world. It is a moral imperative of saving innocent lives. We live in a world where drug resistant strains of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airline seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

The Helms-Frist amendment, which will be introduced later tonight, is focused on three things: No. 1, a requirement that the new funds be focused on reducing mother to child transmission of AIDS, a problem which lends itself to immediate action with what we know will be an immediate response of saving lives, and that is the emergency component of this legislation.

No. 2, a grant of authority to the President to spend the money to optimize the impact of all the AIDS-fighting efforts in our Government. In other words, unlike the Durbin amendment, it does not say that this money goes into just the Global Fund, but it does give the President authority to assess at that point in time how best to spend that money to get the greatest impact.

No. 3, the Helms-Frist amendment, which will be coming later tonight, has a requirement that funds not given to the Global Fund—and indeed the President can put these funds into the Global Fund but moneys not put into the Global Fund, indeed have to be matched by sources other than the U.S. Government. The reason being to leverage and maximize our support.

I have a letter I would also ask unanimous consent to be printed in the RECORD. It is to me from Senator HELMS, dated June 5.

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

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 5, 2002.

Hon. BILL FRIST, M.D.,

U.S. Senate, Washington, DC.

DEAR BILL: Dot and I—indeed all the Helmses—are grateful to you for your support and counsel. I can truthfully report that I am feeling better each day.

Obviously, I cannot be in the Senate to introduce our amendment to add \$500 million to the fight against HIV. On matters relating to global disease your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The Samaritan, on his way from Jerusalem to Jericho, could not turn away from his fellow man in need. My friend, neither can we. You and I know the stunning facts: Nearly one million children are infected by HIV each year from their mothers during labor, delivery or breast feeding. Our amendment will prevent hundreds of thousands of innocent young people from being infected in this manner.

I wish you and the rest of our colleagues all the best as you deliberate on this important matter. Thank you, dear friend.

Sincerely,

JESSE.

Mr. FRIST. Basically he says:

Obviously, I cannot be in the Senate to introduce our amendment to add \$500 million to the fight against HIV. On matters relating to global disease, your demonstrable leadership in the Senate and in Africa has made us more aware of the great needs around the world.

The rest of the letter I will refer my colleagues to.

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

Mr. FRIST. Because of limited time, let me get through and then I will come back to answer the question.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. FRIST. In summary, we have worked together on how to increase funding above the level in the underlying bill in a way that we know in part will be a first step of what has to be done with leadership by the United States in this global endeavor.

I have been working over the last several days with the staff of the President of the United States, and I am delighted that sometime over the next several weeks—or next several days—a major initiative will be introduced by this administration addressing many of the issues that are the underlying reason for proceeding with this amendment.

Again, I will leave it to the administration to talk about this new commitment that they will unveil shortly, a multiyear plan to bring substantial new resources to this effort. This is not the final word.

The amendment offered tonight, whether it is the Helms-Frist amendment or the Durbin amendment, is not the final word on AIDS. We are going to be coming back to this again and again. This is not an easy problem. This is not an easy challenge. I am absolutely convinced, working in this body, working with the House in a bicameral, bipartisan way, which is represented tonight, with this administration, that we can pull the very best out

of the United States of America and the global community in order to defeat this little tiny virus, a challenge and a fight that currently we have not quite been able to do.

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

Mr. FRIST. Absolutely.

Mr. DURBIN. I would like to ask the Senator when he offers his amendment, how much money will be in the amendment?

Mr. FRIST. We initially filed, as the Senator knows, \$500 million, which is a sum that I think is appropriate in terms of addressing the issues, having them in the field very shortly.

Mr. DURBIN. Which is the amount—

Mr. FRIST. The amendment in the underlying bill, not your amendment or mine, as the Senator pointed out earlier, is \$100 million. As I understand it, the amendment of the Senator would take that up to a total of \$500 million.

Our amendment will take \$100 million on top of that with an understanding, as I said earlier, that funds comparable to that \$500 million will be laid out by the administration over the next 2 weeks.

Mr. DURBIN. I am sorry. I do not understand. The total amount that the Senator from Tennessee is going to offer for this is \$500 million?

Mr. FRIST. It is \$100 million in addition to \$100 million that is in the underlying bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. So \$200 million?

Mr. FRIST. That is correct, \$200 million totally. We will be striking \$100 million in the bill, replacing \$200 million. The Senator will strike \$100 million and will have \$500 million.

Mr. DURBIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator DURBIN for his amendment, and Senator BOXER and other supporters. I am a little confused by the remarks of my colleague from Tennessee. As I understand the Durbin amendment, this is \$500 million that goes to the administration, which can then decide whether it wants to put it into this Global Fund or it wants to put it into other programs. That is up to the administration. We hope they will put it into the Global Fund because right now this Global Fund has a deficit of \$3.5 billion.

This is what I think is the issue for all Senators who are going to vote: I think the question is whether or not when we have a situation where today HIV/AIDS claims the lives of 8,000 people, today 13,000 people become newly infected with HIV, and my colleague is talking about an amendment that I am still not clear is \$100 million or \$200 million.

The Durbin amendment, which I am proud to support, calls for \$500 million. My God, given the magnitude of this crisis, given the magnitude of what all

this means in personal terms—I keep hearing my colleague talk about mother to child transmission and the need to have prevention, yes, but there are also many people who need treatment.

The Durbin amendment says tonight the Senate does something, that we live up to being our own best selves, that Democrats and Republicans no longer just give the speeches and no longer say we care so much, but we back up our rhetoric with the resources.

In all due respect, the vote is simple. Do we believe, given this huge gap and how little we have contributed, that we ought to give this administration \$500 million to work with so that our Government can play a much stronger and more positive role, or would we vote against this amendment, which means we are not providing anywhere near the resources?

There will be another amendment later calling for much less, \$100 million or \$200 million, and then there is some discussion about how in the future there will be more. But we do not vote on the basis of the future. This is not an abstraction. There are a lot of people throughout the world who are suffering, a lot of people who are dying, and the Durbin amendment puts us on record that we, the Senate, tonight are going to make a significant commitment. I cannot believe that we would not get the vote for this amendment. It is time for all of us to sort of live the words we speak. That is what this amendment calls for us to do.

One more time, this goes to the administration, giving it the flexibility. We certainly can talk about mother to child transmission, we also can talk about treatment, but the most of all is that finally the Senate goes on record with a real commitment of resources. That is the least we can do. So I speak for the Durbin amendment and hope it will get a strong vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the amendment to add \$500 million to fight global AIDS. When we take a look at the statistics, what has happened in the world, there are 40 million people who are living with HIV/AIDS, including 2,700,000 children. AIDS claimed the lives of an estimated 2,300,000 Africans last year alone.

Africa is not alone in this struggle. Almost 1 million new infections were reported in south and Southeast Asia last year. These alarming statistics are reminiscent of the early stages of the epidemic in sub-Saharan Africa, and we cannot wait any longer.

What is required is a global effort. It has to be worldwide. We know that it is a matter of leadership for the United States as the most powerful country in the world and as the world's leader to provide substantial funding. The estimates are that some \$5.6 billion will be necessary over the next 5 years. There

are commitments of only \$2.1 billion, leaving a deficit of \$3.5 billion. This deficit has to be fixed.

The AIDS epidemic is decimating entire countries, leaving a power vacuum, leaving countries in turmoil. The human factor is overwhelming.

As the lead sponsor, Senator DURBIN, pointed out in the opening of his speech, what happens if you are diagnosed with AIDS, a killer. If you are in Africa or in other Third World countries, it is hopeless, unless someone comes to the rescue. On humanitarian principles, something which the industrial countries ought to assume the responsibility for, when it comes to political considerations, and AIDS is decimating an entire country, it is a matter of a vacuum, where dictatorships breed, where there are terrorist bodies, where there is anarchy. That is very much contrary to the national interests of the United States.

Beyond the humanitarian aspects, there is a definite national self-interest on the part of the United States. You might not necessarily call it national security, but if there is turmoil and you find al-Qaida taking hold of a country which has a power vacuum, it could be categorized broadly as a matter of national security.

I believe this is an important debate, and I believe one way or the other the United States Government is going to come to a \$500 million figure. When the figure was talked about as to \$700 million, it seems to me, having spent 22 years in the conferences, in the negotiations with the House, with the \$200 million we would have ended up with \$500 million or perhaps less. The rule has been if the House comes in at \$200 million, whatever the Senate comes in at, there is a tendency consistently to split the difference. That will leave the figure low.

One most impressive statement was made by Senator HELMS, who has not exactly been a proponent of funding for HIV/AIDS, for many reasons which we need not go into now. Senator HELMS came out with a proposal to have \$500 million. It seems to me that is a benchmark. One might say it is a minimum benchmark or one might say it is a maximum benchmark. When Senator HELMS made the public statement with such feeling at a time, as he put it, when he was near the point of meeting his Maker, he wanted to take a stand on something that was very important for humanitarian purposes, and as a matter of basic fairness and basic decency that a country which can afford it should undertake.

We are a very wealthy country with \$10 trillion gross national product and a national budget of \$2.1 trillion. With leadership on \$500 million, that could be an inspiration for other industrial countries to come forward and do the right thing. That is why when Senator DURBIN approached me weeks ago on this amendment, I told him to count me in.

I urge my colleagues to support this figure.

In closing, I thank my colleague from California, Senator BOXER, for generously yielding to me, although she has been here all afternoon. I have been occupied, as has the Presiding Officer, with the FBI Mueller-Rowley hearings.

I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my colleague from Pennsylvania leaves, I wanted him to hear my comments. What he has done is shown that this is a national security issue. We know when people are sick and desperate there can be a void in a country and people can do desperate things. I associate myself with the remarks of the Senator.

Madam President, we talk about many issues in the Senate. There are moments when we know there is a particularly important issue, sometimes more parochial to our State. I say tonight that I am very proud to stand with Senator DURBIN and Senator SPECTER. This is a Durbin-Specter-Boxer amendment to provide \$500 million for the fight against AIDS, tuberculosis, and malaria.

I was very stunned when I heard what happened to this debate. For weeks, I was elated that Senators HELMS and FRIST were going to support a \$500 million number. And then when I heard that Senators DURBIN and SPECTER were going to say we have to do even more, I felt so good because I thought at the minimum we will get the \$500 million that we so desperately need for these diseases.

Then I find out the whole playing field has changed. We are in a situation now that is quite troubling.

I will tell a story about a woman named Elizabeth Glaser whom I met more than a decade ago, a beautiful woman, a young woman, a new mother. She had a child, and in the hospital needed to have a blood transfusion. Those were the years when no one knew that you could pick up HIV through a blood transfusion. Lovingly nursing her daughter, Ariel, she was at a high point in her life. She then had another child, a son, still not knowing anything was wrong. Elizabeth, therefore, faced a situation with her husband, Paul. They had three family members HIV positive: The mother, the son, and the daughter.

Elizabeth Glaser was a fighter. A lot of us knew her around here. She came here and begged us to do something. She focused on the whole issue of AIDS and, of course, on the transmission of the virus from mother to child. The Pediatric AIDS Foundation was formed and they became the leaders in finding a way to stop the transmission.

My colleague, Senator DURBIN has talked about it; Senator FRIST has talked about it.

Let me state how far we have come. We can really stop this epidemic in its tracks in most of these mother-to-child transmissions. The cost of this drug is

a few dollars a dose. When Senator FRIST says his alternative will make more money available to stop transmission, he is incorrect. I hope that the record has been corrected. Senator DURBIN's amendment allows the funding to go in whatever way the administration wishes. If they want to take the entire \$500 million, if that is their choice, they could spend it in that fashion. So do not stand up here and say: If you want to stop the mother-to-child transmission, support the Frist amendment.

No, support the Durbin amendment. It is very important to do this. A lot of people did not know, and Senator DURBIN talked about it, that AIDS and tuberculosis go hand in hand. If you look at the statistics, they are stunning. Tuberculosis is the leading cause of death among people who are HIV positive. Up to 50 percent of people with AIDS develop TB because HIV infection severely weakens the immune system.

This is a very small world we live in. We are reminded of it every single day. We knew it when planes came over and smashed into the World Trade Center. As soon as we could respond, we were in Afghanistan.

The fact is, it is a small world, and if anyone in this body thinks that having so many people impacted with tuberculosis doesn't impact the health of America, they are wrong. Therefore, what we are doing here by addressing these three diseases, is, yes, to help the people all over the world who have HIV and AIDS, and who have tuberculosis, but also to help those who get malaria, which kills around a million people every single year.

TB is a disease we thought we had eliminated. In fact, in the Western World we largely did, with the development of antibiotics in the 1950s. But the disease made a comeback, and I saw it in my State of California, where local public health officials never thought they would ever have to worry about TB again. But they are worried.

I say to my friends on the Appropriations Committee who have turned their back on this \$500 million, think about these numbers. In the year 2000, there were 16,000 TB cases in the United States of America that were reported to the Centers for Disease Control.

In my own State of California, 20 percent of those cases exist there. TB is an airborne disease. You can get it when someone coughs or sneezes. It is a small world. So don't think, if you vote against the Durbin amendment, it doesn't have an impact here at home, because it has an impact here at home. We are talking about tuberculosis, we are talking about AIDS/HIV, and we are talking about malaria.

The good news is that TB can be cured. There is a treatment called DOTS, D-O-T-S. It has been shown it can produce cure rates of 95 percent, even in the poorest countries. That means if we can stop TB in these countries—and people who get on the planes sit next to our people on the planes

who do not have TB—we will be a far healthier nation.

I think there are times here when it makes sense to act incrementally. I have seen that. Sometimes there are problems, and you say there are 10 things we should do to solve a problem, let's do 2 of these every year and we will get there.

Sometimes you have to act boldly. Certainly we have seen our country unite and do that in the face of what happened on 9-11. We did it militarily. We liberated a country. We made sure that, to the greatest extent possible, we got to the root cause of what happened to us. And we continue, every day, to act boldly, or we certainly should, whether it is taking a look at how we can make our intelligence agencies better or making sure airport security is as tight as it could be, making sure, as my friend in the chair wants to do, that we protect people from a chemical plant being attacked or a nuclear powerplant being attacked. We are acting boldly. At least I believe most of us are.

Why would we shirk from acting boldly in the face of these epidemics?

We spend a lot of time around here on things that make a difference around the edges. But when historians write about today, I think it will be written, if we do the right thing, that we made a decision that wound up saving millions of lives; that we made a decision as the leader of the free world to alleviate suffering, to alleviate disease, to stop children from having to be orphans.

I will talk about my friend Elizabeth Glaser. She passed away from AIDS. Her daughter passed away. And we are all fighting to see that that is not going to be the fate of her son because he is getting the advantage of the wonderful treatments we have.

How can we not act to make sure that every child and every woman and man gets that same chance? How can we do that when we have the ability to do it? It is either you pay now or you pay later. I thought Senator SPECTER was right when he said: What you do when you turn your back on a crisis such as this is you open the door for people to wreak havoc with countries to fill a void, where people are desperate. They cannot get involved. They are just trying to find out how to live, to survive, to make sure a child is not deprived of family.

My daughter went to Uganda and got back about a week ago. She fell in love with the place and told me she did not meet one person in her travels who had not experienced a deep, tragic loss of a family member—not one person, and she spoke to many people.

This is a test of our leadership. I did not expect to be here on the floor.

I ask for 20 additional seconds.

Mr. REID. Mr. President, Senator BYRD has told me—

Mr. DURBIN. I yield 20 seconds.

Mrs. BOXER. I just believed we were going to have that \$500 million. Senator HELMS wrote from his heart and

talked about it. Senator FRIST talked about it. Suddenly, what has happened? What has happened is we are losing our boldness. I do not want to see it happen.

I urge support for this very important amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding under the unanimous consent that I have 4 minutes 40 seconds.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Senator BYRD and Senator STEVENS have 5 minutes each before we come to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to add as cosponsors to this amendment: Senators SPECTER, DASCHLE, LEAHY, DEWINE, KERRY, KENNEDY, BOXER, SARBANES, FEINSTEIN, MIKULSKI, CLINTON, DODD, LIEBERMAN, TORRICELLI, LEVIN, SCHUMER, LANDRIEU, BIDEN, and CORZINE.

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

Mr. DURBIN. What is the difference between \$500 million and \$200 million in the global AIDS fight? I do not believe for a second \$500 million is going to turn back the global AIDS epidemic; no, I do not. But I will say to my friend Senator FRIST, you know as well as I do what a \$300 million difference means. It means money going into the Global Fund from the United States that can be leveraged to induce even greater contributions from countries around the world. It means \$300 million more that will be spent for mother-child transmission, for treatment to deal with HIV, tuberculosis, and malaria.

I came to this debate asking, in my mind, for \$700 million, and I did not think it was an outrageous request, even though it was emergency spending. I concluded, watching the amendments on the floor of the last several days, I could lose; I could lose \$700 million. So I went to Senator FRIST and I said: Listen. My name on this proposal is secondary. What is important is to get the \$500 million. I'll join you. I'll walk away from my amendment. I will be a cosponsor of your amendment. I will give up whatever publicity might come from it. Who cares? Let's get the job done.

We talked about it until just a few hours ago when, to my surprise, the \$500 million Helms-Frist amendment became \$200 million.

What happened? In all these months, has the need decreased? Of course not. The need has increased. So I come to the floor today to offer this amendment for \$500 million.

I say to my colleagues to please think twice. There will be a parliamentary point of order made in a few moments by Senator BYRD. I understand it. He is chairman of the committee. He is protecting the committee. Even though I serve on it, I understand it.

But think for a minute. Are you going to let a procedural vote stop the investment of \$300 million—more than Senator FRIST is going to offer—\$300 million in the Global Aids Fund that can be used across the world to save lives? Of all the items we vote for day in and day out, we have to walk down there many times and vote for things for our colleagues from other States, and ask, Is it really worth it? We are loyal. We do it. You know in your heart of hearts that this is the kind of money that should be spent by America to make a difference. That is why the United States leads the world, not just in military power and with its economy but in our values. We define our values by our pocketbook and how we spend it. Tonight, \$500 million can make a big difference. It can make a difference in places around the world that you will never see.

But I will tell you this. Take a moment in your life and go to these Third World countries. Look right into the eyes of these mothers and their children and you will never have any question about a \$500 million vote.

I went to a place in Kampala where they were putting together a memory book. I sat on a porch with mothers as they showed me the scrapbooks of their lives which they were putting together to leave for their children playing in the yard. The mothers were dying of AIDS. They wanted that little child playing in the yard to remember who they were in the years to come.

That is the tragedy of AIDS. That is the reality of AIDS. That is why we need \$500 million.

I implore my colleagues. I have come to this floor so many times but never with so much depth of feeling about the importance of what we are going to do.

Let us not negotiate the difference and bid this down. Let us do what we know is right in our hearts and minds and leave tonight with the passage of this appropriations bill feeling that the United States once again continues to lead the world in fighting the global AIDS epidemic so our children and our grandchildren will not see that great scourge that travels around the world.

I close by saying to you: I salute all of my colleagues—Democrats and Republicans—who joined me. I thank them for their support. But please, for the sake of the millions of people around the world who are now feeling that they are so alone, give them a helping hand with a \$500 million investment in hope.

I ask unanimous consent that Senator DASCHLE be added as a cosponsor of this bill.

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

Mr. REID. Mr. President, for the information of the Senate, Senator DASCHLE has been absent from today's session because he was attending the graduation of his son Nathan from Harvard Law School.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, am I next in line?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, after listening to a lecture in 1983 about a new problem called AIDS, I came back to the Senate and asked that \$50 million be dedicated to basic research on this subject. Today, I can tell the Senate that right now we have in this year's budget alone \$12.5 billion committed to AIDS.

I have heard people talk about research for women, infants, and children; about the need for remembering the children; and, the fact that this bill, as Senator BOXER said, has an impact here at home. It certainly does. No one can criticize what we have done about AIDS, no one.

I visited with Bono and said: Yes. We will help with AIDS internationally. We started that fund with a contribution in the year 2001. We then increased it for 2002, and we are going to increase it even more for 2003.

The House has responded also with more money to help with AIDS. We are going to respond, I hope, and increase this amount even more than we did. We put in \$100 million more. This will increase it again by \$200 million more. That will make it a \$300 million effort for this year in addition to what is already proposed and already in the system.

But let me summarize for the Senate what we are doing.

FDA has \$77,700. The Health Resources and Services Administration has \$1.918 billion. Look at what they are doing. They are doing a Care Grant Program, an Early Intervention program, Research for Women, Infants, and Children, AIDS Education and Training Centers, Dental Services, Counseling, Testing & Partnership Notification, Ricky Ray Hemophilia Relief Fund. We have the Indian Health Service, another \$3 million; Centers for Disease Control and Prevention, \$938 million, and, in total, NIH, \$2.5 billion. That covers a whole series of institutes of health. But the main thing is there is a limit to what we can do in the world to deal with the world's problem.

I believe we should do more, and we are going to do more. But it has to be staged. It has to be increased in a way and be spent in a way that encourages other countries to come forward, too.

When we went to visit the World Food Program in Rome this year, we found that the United States is now paying 60 percent of all the costs of the World Food Program. We used to pay 12.5 percent. Why are we paying 60 percent? Because we kept increasing, and as we increased, the other nations of the world decreased their effort.

That is exactly what is going to be happening here. If we don't stage it, if we don't ask the world to come forward and join us to deal with the problems of AIDS in the world, more and more they will say: Let Uncle Sam do it.

I am all for our doing our part, but our part is to match others in a world effort to deal with AIDS. We are doing it. We are doing more than that.

Our budget today of \$12.5 billion for the year 2002 alone—not counting this money—is half of what the world is spending. There is space here for some comments about what we should do and how we should do it. But to just genuflect and come in and say, we need \$200 million, \$500 million, or we need \$700 million—we can't handle that in terms of the partnership we have in the world in dealing with AIDS; if we do, they will do the same thing they did in

the World Food Program. They will pull back and say, you wanted to do more; go ahead and do more.

It is not only 60 percent that we are spending on the World Food Program. It doesn't include the money we spend on food under the military accounts which our military people provide throughout the world, such as in Afghanistan.

There is a limit. The limit is: What shall we do under an emergency appropriations bill dealing with money that should be spent before September 30?

No matter what anyone else has said, this money probably cannot be spent

before September 30. We will deal with more money within a month. When the bill is before the Senate, I am certain there will be an request to increase at by at least another \$½ billion.

Let no one say this Senator has not done everything possible to deal with AIDS. The answer is the cure and the answer is research. The answer is not putting money out in the world before the world is ready to join us in a partnership to deal with AIDS worldwide.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL

[Dollars in thousands]

	FY 2001	FY 2002	FY 2003
Food and Drug Administration:			
Biologics	\$35,000	\$35,868	\$36,943
Human Drugs	19,618	20,104	20,710
Medical Devices	2,300	2,357	2,427
Other Activities	5,400	5,535	5,700
Field	13,500	13,836	14,250
Total, FDA	75,818	77,700	80,030
Health Resources and Services Administration:			
Emergency Assistance—Part A—Title I	604,169	619,514	619,514
Care Grant Program—Part B—Title II	910,969	977,373	977,373
Early Intervention—Part C—Title III	186,274	194,334	194,507
Grants for Coordinated Services & Access to Research for Women, Infants, Children—Part D—Title IV	64,995	70,990	70,990
AIDS Education and Training Centers—Part F	31,598	35,295	35,295
Dental Services—Part F	9,999	13,498	13,498
Counseling, Testing & Partner Notification	2,000	2,000	2,000
Ricky Ray Hemophilia Relief Fund	580,000	0	0
Program Management	4,996	4,996	4,996
Total, HRSA	2,395,000	1,918,000	1,918,173
Indian Health Service:			
HIV Surveillance	994	1,012	1,027
Information & Education/Prevention Services	2,816	2,874	2,911
Total, IHS	3,810	3,886	3,938
Centers for Disease Control and Prevention: HIV/AIDS Activity	859,045	938,646	938,910
Total, CDC	859,045	938,646	938,910
National Institutes of Health:			
NCI	239,066	256,319	266,539
NHLBI	67,437	72,146	75,380
NIDCR	21,942	23,473	25,338
NIDDK	24,685	27,642	29,847
NINDS	37,774	42,366	45,682
NIAID	1,063,074	1,191,919	1,350,452
NIGMS	43,298	48,391	52,385
NICHD	101,851	116,101	126,249
NEI	11,555	12,730	12,777
NIEHS	7,855	8,336	8,682
NIA	4,386	4,985	5,379
NIAAMS	5,692	6,467	6,687
NIDCD	1,592	1,737	1,738
NIMH	145,112	163,938	176,207
NIDA	245,397	279,676	304,187
NIAAA	21,222	23,979	25,913
NINR	9,678	10,990	11,891
NHGRI	5,809	6,310	6,812
NIBIB	843	843	843
NCCR	117,485	135,195	147,198
NCCAM	1,030	2,555	2,718
FIC	16,149	18,328	21,523
NLM	5,589	6,742	7,248
OD	48,494	53,786	58,322
Total, NIH	2,247,015	2,514,954	2,769,997
Substance Abuse and Mental Health Services Administration:			
Programs of Regional & National Significance			
Mental Health	11,681	13,035	10,560
Substance Abuse Treatment	56,378	59,163	59,187
Substance Abuse Prevention	32,100	38,100	38,100
Substance Abuse Block Grant (Set-aside)	55,918	57,987	60,088
Program Management	600	600	600
Total, SAMHSA	156,677	168,885	168,535
Agency for Healthcare Research and Quality¹: Research on Health Costs, Quality, & Outcomes	3,381	3,300	2,591
Total, AHRQ	3,381	3,300	2,591
Centers for Medicare and Medicaid Services:			
Medicaid (Federal Share) ²	3,700,000	4,200,000	4,700,000
Medicare	1,900,000	2,050,000	2,200,000
Total, CMS	5,600,000	6,250,000	6,900,000
Office of the Secretary:			
Office of Public Health and Science:			
Office of Minority Health, GDM	13,404	12,421	10,771
Office on Women's Health	140	865	1,040
Office of HIV/AIDS Policy, GDM	906	961	1,304

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL—Continued

(Dollars in thousands)

	FY 2001	FY 2002	FY 2003
AIDS in Minority Communities, GDM	50,000	49,991	50,000
Office for Civil Rights	449	471	477
Total, OS	64,899	64,709	63,592
Global AIDS Trust Fund ³	0	100,000	100,000
Total, AIDS	11,405,645	12,040,080	12,945,766
Foreign OPS		435,000	
Defense		20,000	
Total		12,495,080	

¹ FY 2003 crosscutting estimates for AHRQ represent proportionate allocations based on FY 2002 estimated actual amounts. Estimates will be updated when final decisions are made.

² All Medicaid figures represent actuarial estimates.

³ While budgeted in NIH, HHS contributions to the Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis in FY 2002/2003 are not accounted for in the NIH HIV/AIDS figures, but are accounted for separately.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of increasing funding for HIV/AIDS prevention, care and treatment programs in the developing world.

The funding put forward in this amendment is essential to assisting resource poor countries in confronting the HIV/AIDS pandemic.

The HIV virus has infected over 40 million people worldwide, with over 95 percent of those infected living outside of the United States.

HIV/AIDS is now the leading cause of death in sub-Saharan Africa. In sub-Saharan Africa alone, an estimated 25.3 million people are living with HIV/AIDS and 2.3 million died of HIV last year alone.

Unless we take a leading role in the international community in the fight against HIV/AIDS, it is possible that sub-Saharan Africa will be wiped-out, with profound political, economic, social, and security consequences for the United States.

AIDS is a major problem not only in Africa, which has received so much attention in the press, but also in India, Southeast Asia, China, to name but a few countries impacted.

The AIDS pandemic is devastating, and quite literally wiping out, many countries.

According to some analysis, AIDS will reduce economic growth by up to 1 percent of GDP per year and consume more than 50 percent of health budgets in the hardest-hit countries.

The world has not seen an epidemic of this severity since the bubonic plague, and it is going to take everyone in the global community, working together, to halt the spread of the HIV virus.

There can be little doubt that HIV/AIDS is a health emergency of monumental proportions.

I believe that the United States has a responsibility to assist resource poor countries in gaining the funding necessary to provide people infected and affected by HIV/AIDS with access to the services, such as drug therapy, necessary to save lives.

It is clearly in the interest of the United States to prevent the further spread of HIV/AIDS.

This is not just a humanitarian issue, but also one of global security. In 2000, the National Intelligence Council reported that new and reemerging infec-

tious diseases will pose a rising global health threat and will complicate U.S. and international security interests over the next 20 years.

A CIA commissioned study by the State Failure Task Force found that a high infant death rate is one of the best indicators of impending instability and state collapse.

The global HIV/AIDS crisis is certainly an emergency and worthy of funding as an emergency designation as part of the Fiscal Year 2002 Appropriations Supplemental. It is an emergency for the people of sub-Saharan Africa. It is an emergency for the people of West Africa. It is an emergency for the people of India.

Let's invest more funding in these countries now before we have to add more countries to the growing list of countries experiencing an emergency due to the HIV/AIDS crisis.

Mr. KENNEDY. Mr. President, I join in support of the amendment by the Senator from Illinois, Senator DURBIN, to provide urgently needed help in the international battle against the AIDS pandemic. AIDS is the fourth leading cause of death in the world. This terrible disease ends lives, destroys families, undermines economies, and threatens the stability and progress of entire nations.

We must carry the fight against AIDS to every corner of the globe. And the Durbin amendment would help the United States and the world to meet this extraordinary challenge.

We in America know of the pain and loss that this disease cruelly inflicts. Millions of our fellow citizens, men, women, and children, are infected with HIV/AIDS. And far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these life-saving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, and to treat those infected by it.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live. AIDS robs poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost seven million farmers needed to meet the food needs of entire nations. AIDS plunges poor nations into even deeper, more desperate poverty.

Governments can make the difference in battling this epidemic. Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive anti-retroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

In addition, more public education is needed. A UNICEF survey found that most young people still have not heard of AIDS or do not understand how the disease is transmitted. By speaking out, our government can help to lift

the stigma and taboo surrounding the disease and save lives.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than one percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

Senator DURBIN's amendment gives much needed support to fund the programs that fight international HIV and AIDS.

By supporting this amendment to increase the funding for bi-lateral AIDS prevention, care and treatment, as well as the United States commitment to the global fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN for offering the amendment, and I urge my colleagues to support it.

Mr. WELLSTONE. Mr. President, I would like at this time to engage in a colloquy with the chairman of the Agriculture Subcommittee on Appropriations, Senator KOHL, regarding the use of non-fat dry milk as a source of nutritional assistance to countries ravaged by the AIDS epidemic.

It is widely understood that the AIDS pandemic is having a devastating impact on people the world over. Since the onset of the epidemic, 22 million people worldwide have died. An estimated three million people die from AIDS-related causes every year. Another 40 million people presently are living with HIV/AIDS, and although there are some signs that the incidence of HIV may be stabilizing in sub-Africa and elsewhere, the rate of infection remains alarmingly high. In fact, 95 percent of HIV/AIDS victims reside in developing nations—86 percent of the total live in sub-Saharan Africa.

Children are at risk on an unparalleled scale, with HIV/AIDS dramatically increasing the number of infant and child deaths. Nearly 2.7 million children under the age of 15, and 11.8 million young people aged 15–24 are living with HIV/AIDS. More than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born and nursed by an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

Further, most experts agree that nutrition is a co-factor in HIV progression: poor nutritional status and infection affect the immune system and interact with each other; and it helps protect against opportunistic infection and malignancies. Since the immune system requires protein to function properly, and protein needs increase during times of stress and infection, HIV-positive individuals should have two or more servings of low or non-fat milk or yogurt with active cultures. In addition, many believe that dairy products should accompany anti-retroviral drugs to boost the nutrition of HIV-positive mothers, increase the effectiveness of the drugs, and help mothers give birth to healthy children. I believe there is an opportunity to address this need within the Department of Agriculture in the form of non-fat dry milk currently in great surplus within USDA, the value of which is deteriorating as the cost of storage is increasing.

Mr. KOHL. I appreciate the Senator raising this issue. It is my understanding that the United States has more than one billion pounds of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound, for a total cost approaching \$1 billion, and storage costs of \$1.5 million per month and growing. This surplus milk deteriorates rapidly, going out of condition in about three years, when it must be sold

for a cost of only a few cents per pound.

Mr. WELLSTONE. I believe that the Secretary of Agriculture, at this time, has the authority to dispose of dairy surpluses, such as the ones mentioned by my colleague, for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic. Therefore, I strongly believe that the Secretary of Agriculture should make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, focusing especially on HIV-positive mothers and children. Careful consideration should be given to local market conditions, so as not to undermine the security and stability of the indigenous dairy production and processing sectors of these communities, and no funds or commodities should be used in any programs that would substitute dairy products for breast feeding.

We know that there is a dire need for nutritional assistance for families affected by HIV/AIDS. In addition, without action, this milk will remain in storage. It seems clear that we have been presented with a unique opportunity to do something positive in the world. I believe that to do nothing is not an option. We have the food and the technology. Now is the time for action.

Mr. KOHL. I thank my colleague for his passionate statements on this subject. I agree that the Secretary of Agriculture has the responsibility to use here authority to help those in need when the opportunity arises, as it clearly has in this case, and support the comments of the Senator from Minnesota. I look forward to working with my colleague on this issue.

NOTICE

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.