

It is a global problem with global implications. It is delicate; it is intricate; it is anything but simple. I think the American people understand this. They certainly need to know this. They need to know we will be fighting against AIDS and HIV for a long time.

The disease, death, and destruction it has left in its wake will not go away overnight, no matter what we do. Our amendment today will not completely solve this problem. It will not make AIDS go away, but it will help. It will begin to make a difference. It certainly can make a difference. The resources this amendment will provide will, in fact, save lives.

Let there be no mistake about it; passing this amendment will save thousands of lives. It will save lives because the resources we will provide by this amendment will go to organizations, groups, doctors, and nonprofit organizations that are already in the field, already are in these countries, that have already proven they have the ability to go out and do the job. So in this regard, it is very simple. There are things we can do right now to save these lives and to make an immediate difference. For example, as I said Friday, I have had the opportunity to travel to Guyana and Haiti in this hemisphere and, as we did this past summer, along with Senator FRIST and other Members of the Senate, we traveled to the southern part of Africa, where we had the opportunity to see doctors and organizations in the field doing the work. They were already saving lives and they looked at us and, in so many words, said: Give us the resources, give us the help, give us the assistance we need so we can expand the work we are doing.

We saw them in place. What this bill will do is to give them more help and assistance so they can expand their work, treat more people and help save more lives.

I think the most striking example of this is when we see a mother who is HIV-positive, we know the facts are if she is HIV-positive when she is pregnant with a child and about to give birth, the odds are 30 percent that child will be HIV-positive and that child will be condemned to death. We also know, though, that for as little as \$3, that mother can be treated and the odds will be reduced from 30 percent to 5 percent or 4 percent that she will give birth to a child who will be HIV-positive. We can give lifesaving drugs and that lifesaving treatment for a very small amount of money, for the cost of two cups of coffee in the United States. We can do that, and we need to do it.

In addition to fighting HIV/AIDS, we must remain vigilant in our efforts to fight other global epidemics. That is another reason this amendment is so important. The funds it provides, in addition to fighting HIV/AIDS, can be used to fight the spread of tuberculosis and malaria. These are two diseases we have the ability to fight, two diseases we have an obligation to fight.

Like HIV/AIDS, the statistics are staggering. According to the World

Health Organization, tuberculosis kills 2 million people per year. It is estimated that between 2000 and 2020, nearly 1 billion people will be newly infected by TB; 200 million people will get sick from it; and 35 million people will die from it if the control of it is not further strengthened. TB is a leading cause of death among women of reproductive age worldwide and it is estimated to cause more deaths among this group than all causes of maternal mortality. With an estimated 3 million new cases of TB each year, Southeast Asia is the world's hardest hit region. In Eastern Europe, TB deaths are increasing after almost 40 years of steady decline. More than 1.5 million TB cases occur in sub-Saharan Africa each year. This number is rising rapidly, largely due to the high prevalence of HIV.

The fact is, people who are HIV positive or who already have AIDS are far more susceptible to acquiring tuberculosis. Their compromised immune system, quite simply, has a very difficult time fighting off the TB infection. As a result, TB is the leading killer of people living with HIV/AIDS. One-third of people infected with HIV would develop TB—one-third. At the end of the year 2001, 13.1 million people living with HIV/AIDS were coinfecting with tuberculosis.

In Africa alone, more than 50 percent of individuals with active TB are also HIV positive. And in Asia, TB accounts for 40 percent of AIDS deaths.

The spread of malaria is equally troubling. According to the World Health Organization, over 40 percent of the world's children live in malaria epidemic countries. Each year, approximately 300 to 500 million malaria infections lead to over 1 million deaths, of which over 75 percent occur in African children. In fact, every 30 seconds an African child dies of malaria.

As with HIV/AIDS, there are some relatively simple things we can do to help prevent these needless deaths. For example, insecticide-treated nets have been shown to reduce mortality among children under 5 years by approximately 20 percent. This translates to the prevention of almost half a million deaths each year in sub-Saharan Africa alone. Simple items such as these nets can cost as little as \$1.50, while a year's supply of insecticides to retreat a net costs from 30 cents to 60 cents. Yet a recent "Child Survival" series in the British medical journal *The Lancet* concluded that:

Fewer than 5 percent of children in regions of Africa with very high prevalence rates of malaria are using insecticide treated materials to prevent malaria.

Again, as with HIV/AIDS, we as a nation and as a people have the resources and the ability to fight these preventable diseases. With this amendment, we can do so much good. So I say to the Members of the Senate, I say to my colleagues, we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS

and so many people are suffering from malaria and tuberculosis. We simply should not tolerate a world where this suffering and dying occurs. And where we have the ability and where we have the tools to help make a difference and to save lives, we must act, and we must act quickly. We should not delay. We must act now.

Every 10 seconds, someone in the world dies because of AIDS. In just the short time I have been speaking here on the Senate floor—in just that time—at least 60 people have died because of AIDS. Those are lives that we can help save. Those are lives that I believe we must help save.

I urge my colleagues to join us, to join Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, GRAHAM of South Carolina, ALEXANDER, SANTORUM, COLLINS, SMITH of Oregon, BINGAMAN, CORZINE, BROWNBACK, LUGAR, ROBERTS, HAGEL, DOLE, SPECTER, HATCH, CLINTON, and KERRY in supporting this amendment. This amendment will mean more lives can be saved. It is as simple as that.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, under the unanimous consent agreement we are now in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEAHY asked that I fill in for him for the next little bit. We have an amendment to offer. We have no one here from the majority, but I am very confident there is no problem with the Senator from North Dakota offering an amendment. I ask unanimous consent that the pending amendment be set aside so the Senator from North Dakota can offer his amendment.

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

The Senator from North Dakota.

#### AMENDMENT NO. 1994

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. SCHUMER, proposes an amendment numbered 1994.

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

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

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9-11 hijackers)

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment. I note there are other sense-of-the-Senate amendments in this legislation. I will at the end of my statement ask consent that we consider waiving points of order.

Let me describe what the amendment is and why I have offered the amendment. I offer this amendment on behalf of myself and Senator SCHUMER from New York.

The Congressional Joint Intelligence Committee inquiry into the intelligence community activities before and after the terrorist attacks of September 2001 finished its work. This past summer, when the report was finally authorized for release by the administration, we discovered that the report, which took 9 months to write and 7 months to declassify, contained 28 pages that had been redacted by White House lawyers.

I will quote a couple of people, one who is in the Chamber now. I will quote Senator SHELBY and Senator GRAHAM, the chair and ranking member of the Intelligence Committee while this inquiry was underway. As I indicated, 28 pages of this report were redacted by White House lawyers. That means the American public cannot see what was in that report. We will have

no knowledge and no information about what was contained in that rather exhaustive report.

The Bush administration has refused to declassify these pages, citing concern for intelligence-gathering "sources and methods." I don't think that is an insignificant issue, by the way. I think intelligence gathering and the sources and methods for doing so are important. But it is also important, it seems to me, to ask the question, Should these 28 pages have been redacted? Should the 28 pages have been outside the view of the American people, given the fact that this report was done in order to evaluate what happened leading up to 2001, what was happening with respect to our intelligence community, what was happening with respect to other countries?

There has been a great deal of speculation about Saudi Arabia. It is assumed that somehow in these pages there is discussion about the Saudis. The Saudi Government is implicated by some because 15 of the 19 hijackers were from Saudi Arabia. Even the leaders of the Saudi Government, who some have said are the object of the redacted pages, want it declassified. They are angry and embarrassed at being singled out and want to defend themselves, and therefore they want this declassified.

How much of the 28 pages could be declassified? Senators GRAHAM and SHELBY, the former chair and cochair of the Intelligence Committee who directed the report are quoted saying the following: "I think they are classified for the wrong reason," the former vice chairman of the Senate Intelligence Committee told NBC's "Meet the Press." "I went back and read every one of those pages thoroughly. My judgment is 95 percent of that information should be declassified and become uncensored so the American people would know." Asked why the section was blacked out, Shelby said: "I think it might be embarrassing to international relations."

Senator BOB GRAHAM of Florida, who was the chairman of the committee investigating this, also called for declassification. He said releasing the report would permit "the Saudi Government to deal with any questions which may be raised in the currently censored pages and allow the American people to make their own judgment about who are our true friends and allies in the war on terrorism." Senator GRAHAM made that request in a letter to President Bush.

This is a very important issue and it has gone on for months and months and months. This report was developed after an extensive amount of study and investigation. The report was then published after being edited by the Bush administration and the White House. And a rather substantial portion of that report—most speculate dealing with the Saudis—was censored, classified, or redacted. That is, the American people are not permitted to see that which is included in the report on those 28 pages.

Again, the chairman and vice chairman of the committee that led or that directed the preparation of this report say most of that information of the 28 pages should be declassified, implying, I believe, since they are not quoted directly, that declassifying that would not compromise sources and methods and not compromise our intelligence community.

My hope is that the Senate, with a sense-of-the-Senate resolution, will weigh in on this in a very significant way and say to the administration these 28 pages should be made available.

Now, in the sense-of-the-Senate resolution, I point out that it is the sense of the Senate that in light of the findings—and I have a series of findings—the President should declassify the 28-page section of the joint inquiry into intelligence community activities before and after the terrorist attacks of 2001 that deal with the foreign sources of support for the 9/11 hijackers and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources or methods should remain classified.

In point of fact, those whose expert opinions I respect have said they have read the redacted or the censored or classified portions very carefully and believe most of it should not have been classified; most of it should have been made available to the American people. If that is the case, and if the Saudi Government itself has said this information ought to be declassified, let us deal with it on the public record. Then I believe the American people ought to expect a right to see this information.

My hope is we will have a vote on this amendment, a sense-of-the-Senate amendment that will allow the Senate in this forum to send a message to the President and to the White House that we believe the bulk of this 28-page redaction should be made available to the American people posthaste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I commend my colleague, the Senator from North Dakota, for having offered this sense of the Senate. The sense of the Senate has an additional significance as we face some fundamental issues in the closing days of this session.

First, I will talk about the base concerns. As the Senator from North Dakota said, the principal purpose of the joint inquiry was to determine what had been the role of the intelligence community in the events leading up to September 11. In many instances in the course of that pursuit, the committee staff came to unearth FBI reports, CIA reports, and other intelligence community reports. We were not in a position, either in terms of our staff capabilities or our jurisdiction, to then go behind those reports to attempt to validate them. These were reports written by

agents of these appropriate intelligence agencies, but we could not, from primary sources, validate them. The FBI, primarily—and some other intelligence agencies, as well—were tasked to do exactly that, to find out if their own documents in many cases could be substantiated.

Those requests were made approximately a year ago. Still, today, many of those requests have not been answered. The administration has said, either directly or in some cases through intermediaries, that our report is deficient in that there is not second- and third-party confirmation of the statements we include. We included exactly what the FBI or CIA or other agencies had written. We asked the appropriate agencies, primarily FBI, to pursue these to determine if they were substantiated, and in many instances that has not occurred.

There is also an issue not of micro but of macro importance: This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in one part of the United States.

There are two big questions yet to be answered. Why would this government have provided the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance. That effort has, in my judgment, been grossly insufficiently pursued.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

As I mentioned in the beginning of my remarks, there is another issue

which is going to emerge in the next few days. We had a long debate in this Chamber on the supplemental appropriations bill, the bill providing \$87 billion for the reconstruction and occupation of Iraq. We had a long debate as to whether some of that reconstruction money should be in the form of loans rather than, as the President has insisted, all of it being in grants.

What is one of the practical effects of making all of the U.S. money which will go into the reconstruction of Iraq a grant? The answer to that question is that one of the consequences, ironically, will be that we will make all of the countries which currently have loans to Iraq that much more solvent because we will have, without any request for repayment, made a significant investment in enhancing the economic viability of Iraq and, therefore, the ability of whatever government is placed in ultimate control of Iraq more capable of repaying those loans.

There is a further irony that some of those countries, which are disclosed in the 28 censored pages as having been complicitous with the terrorists, are among the list of those creditors of Iraq that are going to get this indirect economic benefit. I believe the Members of Congress, who are going to be called upon to vote on whether we should grant this indirect benefit to a country that has been less than supportive of our Nation's war on terror, ought to know that before we vote and then find out later the full consequences of what we have done.

So there was an issue as to why these 28 pages should have been released when the report was initially completed in December of 2002. Those issues remain today. And there is the additional issue of whether we are going to inadvertently grant a significant financial benefit to a country that has been to say less than our ally in the war on terror would be a gross understatement.

I commend the Senator from North Dakota for having offered this sense of the Senate. It is a very important issue. I hope this Senate will adopt the sense of the Senate. If not, if the President continues to refuse to allow the American people to have access to this information, then I hope the Congress will be willing to use some of the authorities that it has to declassify information. Because the higher interest is not in placating this administration's unwillingness to be forthcoming on the issue. The higher interest in this democracy is that the people have access to relevant information which is not an issue of national security but which is a significant issue in terms of understanding the consequences of decisions that we have and will soon be making.

I urge adoption of the sense of the Senate and again express my admiration to the Senator from North Dakota for having presented it this afternoon.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a few additional comments. My

colleague from Florida is in a very unique position. Having worked with his colleague from Alabama, Senator GRAHAM and Senator SHELBY provided a great public service as they initiated this inquiry.

The inquiry, as described by my colleague in part, is an evaluation of whether there were other governments that participated in supporting groups of terrorists who committed acts of terror against this country. The answer to that question is very important. My colleague indicates that if such a program were in place or had been in place by another government to support groups of terrorists, what leads us to believe that parts of that program are not continuing to still operate and, therefore, continue to threaten our country?

The very important question with this sense-of-the-Senate resolution is: Should we not have the ability to know, should full disclosure not be the routine rather than the exception? Should the 28 pages that have been withheld from the American people be made available to them so we all are able to evaluate exactly the same set of information?

My conclusion is, yes, absolutely. It ought to be done sooner rather than later.

I have been intending to offer two amendments to this appropriations bill. One dealt with this sense of the Senate which I have just offered. The second dealt with a sense of the Senate with respect to the cooperation that is now being received or lack of cooperation by the 9/11 Commission, the other commission that is headed by former Governor Kean that is looking into 9/11 and the relationship of a series of issues, both prior to 9/11 and following, by our intelligence community and others.

One of my great concerns is reading in the newspapers just in recent days about the 9/11 Commission. This is a blue-ribbon commission. One of our former colleagues, Senator Cleland, is on the Commission. It is a commission that has to finish its work by May of next year. It has a relatively short timeframe. Now we hear that they have had to issue a subpoena to one of the Federal agencies to get them to cooperate giving information to them. There were other stories yesterday and the day before. They are concerned about not getting information from the White House.

We are not going to be satisfied until we have everything we need to do our job. Governor Kean says—he is a former Republican Governor from New Jersey—this is not about politics. It is about a blue-ribbon commission having access to all of the information so it can do its job.

I find it unbelievable that any agency or crevice or any corner of this Government would not open its records and provide full and immediate cooperation with the 9/11 Commission. That is the least we should expect of every single

agency. They have had to subpoena information from the FAA and yet they are not getting information from the White House that they are requesting. Kean said in an interview that he will resume negotiations with the White House this week and hopes to reach a resolution one way or the other on documents the panel is seeking. The Commission has the power to issue subpoenas and Kean says he does not rule out sending one to the White House.

Why should we read this in the papers? I don't understand it. There ought not be any agency, including the White House, that does not fully cooperate in every respect immediately with the request for information from this 9/11 Commission.

We have had two studies, one initiated by the Senate Intelligence Committee. That is the one that was the focus of my first amendment. The second was to have been the focus of the second amendment. Both were sense of the Senate—first, to declassify the information so that the American people will be able to see what was there. Don't censor this material; give the American people information. The second is to say to all Federal agencies, cooperate with the 9/11 Commission fully, completely, and immediately.

Now, my understanding is, having consulted with the majority, they will raise a point of order against the amendment I have offered just moments ago because it is "legislating on an appropriations bill." My second amendment would be the same. They would make a point of order against them, and the point of order would stand, I expect. So when such a point of order is made, I will regret it. I understand those are the rules of the Senate. But on the very next piece of legislation that comes to the floor—and I believe one is coming later this week that is an amendable vehicle and is a nonappropriations bill—we will vote on both of these sense-of-the-Senate amendments.

I might also say that while a point of order will be raised on these, there are sense-of-the-Senate provisions, I believe, in the underlying bill, or sense-of-the-Senate provisions to be added to it. I will not raise similar points of order. My hope is that all Senators will join me in understanding that this is not partisan or political, it is about this country's interests—our interests in preventing future acts of terrorism, our interests in finding out what happened, what went wrong, and how we can improve the intelligence-gathering system in this country. Who did what? Were foreign governments involved? If so, which ones and to what extent? These questions need to be answered. Both of my resolutions are designed to do one thing—provide more information to the American people, No. 1; No. 2, to ask every corner of our Government in every official working of this Government to decide that they will completely, cooperatively, and immediately work with the 9/11 Commission to provide the requested information.

We ought not to have to come to the Senate floor to ask why the White House, the FAA, or this or that agency has not already fully cooperated with the 9/11 Commission. It is in this country's interest to see that happen.

Mr. President, I ask for consideration of my amendment.

Mr. McCONNELL. Was consent requested, Mr. President? I am sorry, I didn't hear.

Mr. DORGAN. I asked for consideration of my amendment. I ask unanimous consent that we waive points of order and have my amendment be considered.

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, in accordance with the precedent of May 17, 2000, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. McCONNELL. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1974

(Purpose: To authorize appropriations for Foreign Relations and for Foreign Assistance, and to authorize Millennium Challenge Assistance)

Mr. LUGAR. Mr. President, I call up amendment No. 1974.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1974.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LUGAR. Mr. President, I am pleased to offer an amendment that authorizes the spending contained in this appropriations bill. I thank Senator McCONNELL and Senator LEAHY specifically for the way in which they have worked with me throughout this year on matters pertaining to foreign policy. Our staffs have consulted closely for months, and I believe that our respective legislative efforts have been enhanced greatly by this cooperation.

My amendment is an up-to-date version of S. 925, the foreign affairs authorization bill. It contains all of the amendments included in the S. 925 Senate floor action in July. It is truly a bipartisan product. On those 3 days in July in which we debated the bill, we considered dozens of amendments from both sides of the aisle. The Senate Foreign Relations Committee worked with

Members on constructive legislative language to enhance the bill; various components have received unanimous committee support.

I thank almost every Member of this body who has contributed in one way or another to this amendment because the amendments of almost every Member of this body are a part of the product we are considering today. That is why it not only has enormous bipartisan support, it has pride of authorship of virtually every Senator.

In this amendment, the Senate speaks forthrightly on the foreign policy challenges that this appropriations bill addresses by setting forth funding levels for specific programs and projects. This amendment gives voice to the Senate's views on issues touching every continent, from the threats of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to the President's proposed Millennium Challenge Account, which is designed to spur economic growth in the poorest countries.

My amendment authorizes appropriations for our diplomats, our foreign aid workers, our Peace Corps volunteers, many of them in harm's way. They are our civilian soldiers in the war on terrorism, and they are engaged in a noble battle against disease, poverty, and humanitarian disasters. American diplomats and aid workers have become targets in most countries and embassies around the world, but there is no shortage of recruits who want to be trained and sent abroad to do America's work.

I thank every member of my committee for their hard work during the authorization process. Members on both sides of the aisle have devoted tens of hours to developing constructive approaches to a number of very difficult foreign policy questions. The Senate Foreign Relations Committee has approached many foreign policy problems in a bipartisan spirit; thus, all of our authorizing legislation in S. 925 passed out of the committee by a vote of 19 to 0.

I thank and commend, once again, the distinguished ranking member of our committee, Senator BIDEN, for his abiding cooperation through this whole lengthy process of this year. Republicans and Democrats reasoned together and made compromises that led to excellent legislation. The members of our committee are united in our belief that the authorization bill contained in this amendment will enhance U.S. national security.

A vote for this amendment is a vote of confidence in the Senate's ability to help shape a world where peace, justice, and prosperity might prevail. This is not an academic exercise. Authorization legislation is important. If we are to have a foreign policy that has the long-term support of the American people, the Congress must be in it on the takeoffs as well as the landings. We should not be satisfied with appropriating funds after American soldiers

are on the ground. Congress must be in on the policy formulations and the fulfillment of U.S. commitments. Our role is to help make the hard decisions, not just to sign the checks after decisions are made.

Extensive hearings in the Senate Foreign Relations Committee have formed this amendment. The Senate needs the authorization process to project its voice on foreign policy and to have an impact on the direction this country takes in the world. I believe this step is especially necessary because we are now trying to accomplish our legislative work in extraordinary and dangerous times. These times demand the Senate do its duty to pass a foreign affairs authorization bill.

Up to this point, we have not done our duty. We are asking a great deal of our diplomats, our military, and the administration; and on a daily basis, Senators of both parties can be heard delivering commentary on the administration's war effort. Our responsibilities as the elected representatives of the people make such commentary relevant and expected.

Even as we perform oversight and function as loyal critics within our Government, we cannot forget we have our own responsibilities in fighting the war on terrorism. If we function merely as critics and commentators without taking the time and effort to authorize the very legislation that pertains to our Nation's security, we are failing in our duties. This simply cannot continue.

After September 11, 2001, we know we need a robust civilian foreign policy capacity in addition to a strong military if we are going to shape a world that embraces democracy, tolerance, open markets, and the rule of law. But we find the State Department is stretched thin. Our public diplomacy is underfunded and unfocused on many occasions. Our foreign assistance faces constant conflicting pressures and we need to play catchup just to make sure Americans are as safe as possible in their embassy workplaces, and Americans who approach those workplaces are as safe as possible.

We have no civilian surge capacity so our soldiers in Afghanistan and Iraq end up doing the nonmilitary tasks that should be done by civilians. Our appropriators have been sensitive to foreign policy needs. They have carried the burden of keeping vital foreign policy programs going, but a few lines in appropriations bills are not sufficient to provide the needed direction and framework and the sustained oversight this body should be paying to our civilian foreign affairs capacity.

This year the foreign affairs authorization bill has had to overcome obstacles that have had little to do with its own merits. This authorizing amendment lays out Senate priorities for foreign affairs spending. I have resisted adding anything to it that was not approved in July in open debate and after the adoption of the dozens of amend-

ments I talked about from virtually most, if not all, Senators on this floor. The bill exists as it emerged from the Senate floor at that time and it puts people first, as well as the safety of Americans who work around the world for us. It places a high priority on programs that help foreign governments cooperate with us in tracking down terrorists. It authorizes additional funds for security upgrades at embassies which we know are among the most threatened U.S. targets in the world. As we saw in Kenya and Tanzania, Americans serving in embassies are on the front line in the war against terrorism.

The amendment authorized an increase in danger pay for the diplomats who serve in high-risk posts. We are in a race to prevent terrorists from acquiring weapons of mass destruction and the authorization of this amendment will increase our capabilities. The amendment authorizes a greater American effort to reach out to the Islamic world. Beyond the war on terrorism, the amendment places a high priority on recognizing the deep reservoir of hope for humanity that resides in the American heart. It authorizes the fulfillment of our humanitarian instincts, including programs for child survival, nutrition and health, famine assistance and the Peace Corps. It authorizes the Millennium Challenge Account, President Bush's new program to invest American development dollars where they are most likely to spur economic growth.

A lot of work has gone into the deliberations on the Millennium Challenge Account and the final product is supported by Republicans and Democrats in the Senate, as well as the President of the United States and the Secretary of State. All of us now support the President's concept for creating a new means of delivering economic assistance to nations that are implementing positive and measurable economic and political reforms. We agree with the President that this and our development assistance programs are important tools in the war on terrorism. They can prevent failed states, improve our relationships with developing countries, and reduce impoverished conditions that are conducive to terrorist recruitment.

The Senate has been diligent this year in moving other foreign policy items. Among the measures we have passed are the global AIDS bill, the Moscow Treaty, NATO expansion, and the Iraq supplemental. The Senate has shown a capacity to act decisively on the Nation's foreign policy business because we recognize that in these perilous times it is our duty to do so. American national security is at risk, and as the leaders entrusted with passing legislation to keep America secure, we should include the authorization for the civilian foreign affairs agencies and their programs among our accomplishments this year.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, and I apologize because I just arrived on the floor—I am sorry. I thought my distinguished friend, the senior Senator from Indiana, had proppounded a unanimous consent request.

Mr. LUGAR. Yes. I am prepared to accept the passage of the amendment by voice vote if it is the pleasure of both managers of the bill.

Mr. LEAHY. 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 that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, let me say initially that in my experience in the Congress I have learned to recognize the quality of the senior Senator from Indiana. He is a fine man, an outstanding legislator, and his heart is always in the right place.

I understand the importance of the State Department authorization bill. I have understood it for the more than two decades I have been in the Congress. It is important legislation. On this side of the aisle, we understand that and that is why we have worked so hard over the years to try to move forward. As the Senator from Indiana knows, it certainly was not his fault, but we had great difficulty moving the bill previously as a result of one Senator. On this legislation he now wants to make a part of this foreign operations appropriations bill, we have spent 2 days on this bill and during that period of time we had some good debate. We adopted some amendments. But we on this side feel we should move forward as with all legislation and not cut it off. In effect, that is what is happening.

So without belaboring the point more, I raise a point of order that this is legislating on an appropriations bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I move to suspend rule XVI of the standing rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer amendment 1974 to that bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the question of the two managers of the bills: How much time do we need to spend on this? It is my understanding the issue that has been raised by the Senator from Indiana will take a two-thirds vote to pass the Senate. I am sure there are a few people who wish to speak on this, and I am sure on our side we could arrive at a reasonable period of time prior to a vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask the Senator from Indiana how much time he desires before proceeding to a vote?

Mr. LUGAR. I respond to the distinguished Senator that I would like 15 minutes.

Mr. MCCONNELL. Are there any requests for time on the other side?

Mr. LEAHY. Then would the request be a half hour evenly divided? Is that what the Senator is suggesting?

Mr. REID. I think that is totally reasonable, if I could interrupt. We need to check with the ranking member of the Foreign Relations Committee. Senator HARKIN has agreed to take 15 minutes. We don't know of anyone else who wished to speak on it, other than the manager of the bill.

I hope, if we can go into an extremely brief quorum call, we can come up with a time agreement very quickly.

Mr. MCCONNELL. Mr. President, I hope we can move on with this very quickly. I think a brief quorum call is a good idea. I therefore suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask that there be 30 minutes of debate, equally divided, on the Lugar amendment, after which we will have a vote on that amendment. Have we had the yeas and nays?

Mr. LEAHY. I ask for the yeas and nays on Lugar—on the motion to waive.

Mr. REID. No, on the motion to suspend.

Mr. LEAHY. On the motion to suspend; I am sorry.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 10 minutes at the outset of this debate.

Mr. President, I regret that objection has been made, although I understand the reasoning of those who have made the objection.

I identified this as the State Department authorization bill, a bill that also included authorization for the money in the challenge account and, for that matter, a good number of other things that, in this particular urgent period of the war on terrorism, attempts to help brave Americans who are serving in our embassies, who are serving in humanitarian ways abroad. I need not remind the Senate that a number of these brave Americans have lost their lives in recent days and weeks. I need not remind the Senate we are at war. This is not an incidental amendment or a last-minute whim of one Senator.

Nor, for that matter, is it a particular desire of our committee—which voted 19 to zero in behalf of some very important principles that support Americans on the civilian side of the war against terrorism—to impose our will upon the Senate. Obviously, we are not in a position to do so. But I pointed out in the days of debate on the amendment that I have offered today, there were tens of amendments offered by many Senators. A majority, I believe, of the body have tried to perfect this bill. It is not a controversial bill. It is, in fact, a statement of the best motivation, the idealism of the Senate. It is our best collective effort to try to meet an imperative in the war against terrorism.

At this point, a point of order has been raised that this is legislation on an appropriations bill. Indeed, it is. I have made a motion to waive that requirement, given what I believe is the gravity and the importance of the lives of the Americans we are trying to serve.

Members may decide that they wish to debate procedure today. And procedure in the Senate and the rules of the Senate are very important. But the rules of the Senate also permit, as one rule of the Senate, the waiver, so that authorization might occur on an appropriations bill.

Some Senators have approached me and indicated they think there is a lot of merit in the bill. As a matter of fact, some of their own work is in this bill, in this amendment I am offering. Yet at the same time, they are reluctant to vote for my waiver on this occasion, my desire to set aside rule XVI, because they believe there are, after all, many considerations the Senate might be taking up today. There is a broad gamut of domestic issues, for that matter, discussions of foreign policy—various ideas that might come to Senators that might be quite welcome to our national debate.

I do ask for consideration of the whole package of the ideas, authorizations, and support that my amendment provides the Senate today because I believe it is important to our country. I believe it is important, as a statement of who we are, that we are doing business. We might make a statement, when we have this vote, that we are prepared, really, not to do business, but in our own internal difficulties we are prepared to frustrate each other at almost every pass.

We enjoy the fact that, as a Senate, we are fairly evenly divided. Yet I pointed out on this particular bill we are not divided. So there almost has to be a very peculiar twist, it seems to me, that finds this debate whether or not we should authorize the State Department Millennium Challenge.

Beyond that, there has been perhaps a debate in the Senate throughout the year. It is an important one. It is important to be resolved constructively. There may be some Senators who would say that, by and large, it is prob-

ably useful to have authorization bills but some Senators almost in the next breath will say it is not very necessary. In other words, if in fact programs are not thought through and they are not fleshed out and there are not formats for them that, by and large, somehow we get along year by year appropriating money and adding some verbiage that gives a hint that someone authorized these expenditures along the way as well as appropriated them.

We found in July when Senator BIDEN and I were attempting to manage this bill that there were a lot of Senators who were in favor of what we were doing but some Senators said we have not really had our day on the floor; we have really not had a chance to offer our agenda; the reason we couldn't was because the format of the Senate always seemed to be taking up appropriations bills; and rule XVI says you cannot have authorization of general legislation. Therefore, we were cut out from any consideration of objectives which we thought were very important. As a result, we came along with an authorization bill and Senators said finally we have an authorization bill. This offers us the opportunity to pile in everything that we have.

The Senators who argued against that point of view said, no, that really wasn't what the debate on foreign policy was about. But the opposition to that was simply we understand that, but we have not had our chance and we don't see that we are going to have our chance. We don't see another authorization bill coming along the pike. Therefore, although yours will somehow disappear in the midst of all of these other discussions, that has happened for years. Very seldom do we pass authorization bills, and in the case of foreign relations, as a matter of fact, not many for many, many years.

As a result, our staff found as we approached the State Department and foreign assistance and what have you that this year there was a need for cleanup of a lot of our case activity, and we hope to do some more of that work next year. One reason for that is if you do not have authorization bills and force things to happen, no one really examines legislative language. There are a whole series of bureaucracies and responsibilities from year to year. No one pays attention and, legislatively, no one cares.

Let me say we do care. In fact, a large majority of Senators care about the content of this legislation. I believe it is very important on this occasion that my proposal to lay aside rule XVI should be adopted, and that will be our goal. I encourage an "aye" vote not only on the rule XVI waiver but a vote on behalf of brave Americans who this amendment supports and serves and remembers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. There are 15 minutes in opposition, and 6 minutes for the proponents.

Mr. LEAHY. Obviously, if the distinguished Senator from Indiana needs more time, I would not object to a unanimous consent request from him.

Does the Senator from Iowa wish time?

Mr. HARKIN. I have an amendment but I am not seeking time on this amendment.

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

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

Mr. LEAHY. Mr. President, time is running. I ask unanimous consent that the time under the quorum call not be charged against the side of the distinguished Senator from Indiana.

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

Mr. LEAHY. Mr. President, that leaves us how much time on each side?

The PRESIDING OFFICER. The opponents have 11 minutes 12 seconds, and the proponents have 6 minutes 12 seconds.

Mr. LEAHY. Mr. President, I don't know if we have people coming to speak. If no one does, I will soon yield back the time so we can vote. I urge, as Senator McCONNELL has and as the leaders have, those who have amendments on which they seek votes to come to the floor and offer their amendments. I know that the intent of Senator McCONNELL and myself is if there are no other amendments waiting to be disposed of or pending, we plan to go to third reading. Going to the third reading could be in a matter of the next couple of hours at that pace.

Some Senators have said they had a number of amendments. At such point that there are no amendments pending, it is our intention to go to third reading.

I suggest the absence of a quorum and ask unanimous consent that the time be charged to my side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I note the senior Senator from Massachusetts has arrived. I ask the Chair how much time is remaining.

The PRESIDING OFFICER. Those in opposition have 9 minutes and 12 seconds.

Mr. KENNEDY. I appreciate it. I will be prepared to address the Senate in a

minute. 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. KENNEDY. Mr. President, I ask that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, as I understand, the amendment before the Senate is the State Department reauthorization legislation. I commend the Senator from Indiana and the Senator from Delaware for fashioning the reauthorization. It has not been done for a number of years, and I am very strong in support of that proposal. If the amendment of the Senator from Indiana is effective, we will lose the opportunity to have at least considered one of the very important amendments to the State Department reauthorization which dealt with hate crimes. I think it is entirely appropriate we have an opportunity to address the hate crimes issue on the State Department reauthorization because the State Department reauthorization obviously is dealing with foreign policy issues, and the origin of hate crimes is domestic terrorism. We have seen in recent times the growth of hate crimes in the United States. It is of significant importance. Hate crimes are not just crimes against an individual; they are crimes against a group in our society. They do not just do damage to an individual; they do something to our whole sense of community. That is why they are so treacherous. That is why they are so heinous. That is why they are so wrong.

We have seen the hate crimes that have taken place on the basis of race, and on the basis gender, and the basis of sexual orientation. Particularly the time of the tragic circumstances surrounding the death of Matthew Shephard, whose death in Wyoming was tragic. He had studied overseas and was fluent in Arabic and German before joining the Federal service.

Mr. President, crimes motivated by hate because of the victim's race, religion, sex, ethnic background, and disability are not confined to geographical boundaries of our great Nation. The current conflicts in the Middle East, the ethnic cleansing campaigns in Bosnia, Rwanda or the Holocaust itself demonstrate that violence motivated by hate is a worldwide danger. We have a special responsibility to combat it here at home.

Since the September 11th attacks, we have seen a shameful increase in the number of hate crimes committed against Muslim Americans, Sikh Americans, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks on September 11. We authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid

to victims and their families, to strengthen airport security, to improve security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officers enhanced powers to investigate and prevent terrorism. But the one thing we have not done is to try to deal with the hate crimes issue.

We are prepared to vote on that. We are interested in half an hour time limitation, but we are told people have holds on that legislation. Members will refuse to let the Senate consider this legislation. I have indicated to the Senator from Indiana that I am prepared to permit and support the State Department reauthorization, but at least give us some opportunity to vote on hate crimes as a clean bill with a short time limit. We will take next week or the week after. We will even take a date in January or February of next year, but give us an opportunity to vote on hate crimes. The other side says no—not the Senator from Indiana—but the other side says no. So we are in a situation that says, well, let's circumvent or at least use the rules in such a way that will say we have two-thirds of the Senate that will permit him to use this reauthorization and effectively deny the Senate the opportunity to address the hate crimes issue. I don't fault the Senator from Indiana, but if this goes on, I am going to be there on the next amendment offering the hate crimes bill. Make no mistake about it. Make no mistake about it. We will have the opportunity and the time to take this up.

I might mention there are some other issues as well, including the issue of the minimum wage. Here we just increased our own salaries by \$3,400 and we have not been given an opportunity to increase the minimum wage by 75 cents an hour for 2 years. We are denied that opportunity. We are excluded from that. We had that as an amendment to the State Department authorization and we were told we cannot have an hour to debate that.

Meanwhile, we see what is happening to the people at the lowest end of the economic ladder, primarily women.

Regarding the minimum wage, it is a woman's issue because a majority of those receiving the minimum wage are women. It is a children's issue because one-third of the women who receive the minimum wage have children. It is a civil rights issue because a disproportionate number of the men and women who receive the minimum wage are men and women of color. And it is a fairness issue. In this country of ours, people who work 40 hours a week, 52 weeks, ought to have a living wage. But we are denied that opportunity. What is it about our Republican friends that they refuse to permit the Senate to go on record on these issues?

Now we are asked, let's have an exception. If we have an exception to this, we should face up to minimum wage, to hate crimes, and other issues. Fair is fair. I am for this legislation. It is up to the majority to set the agenda and give us an opportunity to vote on these issues and not deny a vote in the

Senate in terms of hate crimes and minimum wage. They say no, no way, you are not going to get your opportunity.

I hope this amendment will not be accepted. I hope we can work this out with the majority leader. We have tried, we have tried, we have tried, and we have tried, but to no avail. Since it is of no avail and we do not have cooperation, there will be no alternative for me other than to offer the amendment.

I withhold the remainder of my time.  
The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself the remainder of the time.

Let me respond as thoughtfully and calmly as I can because the distinguished Senator from Massachusetts has indicated he has been a very strong friend of American diplomacy, of our diplomats abroad, of those who are at risk presently in the war against terror. I appreciate that. I have visited with him about ways in which we could have an authorization bill for the State Department, the millennium challenge, and the other issues that were in this comprehensive Senate bill, S. 925, originally, as amended by so many Senators. The Senator's statement illustrates precisely the problem on which Senators must now vote.

That is, simply, if we are to have an authorization bill this year for the State Department, this is the opportunity. We had an opportunity in July. The distinguished Senator from Massachusetts points out correctly that he and other distinguished Senators had a number of issues that they believed were important. Hate crimes and the minimum wage are two of them. And there were additional ideas that Senators wanted to present. They made the point at that time that they believed that on our side of the aisle, they had not been given an opportunity to forward their agenda, to have a time certain for clean bills.

Therefore, although in some cases they said, we regret the fact that the State Department authorization bill is likely now to be withdrawn and not to happen, essentially it hasn't happened for many years. As a matter of fact, very few authorization bills were happening. The only reason, I gather, that hate crimes and unemployment compensation came up in July was a belief on the part of proponents of those ideas that they had no other authorization bill on which to have a debate or to attach their amendments, that the appropriations procedure we are under today precluded all of that.

I ask that even those who are strong proponents of legislation dealing with the minimum wage and hate crimes support the authorization of legislation that helps civilian Americans who are at risk in the war against terror now. That is an important objective. It has not been my purpose to try to frustrate the aims of any Senator but, rather,

simply on behalf of a committee that voted 19 to zero and on behalf of a Senate that approved tens of constructive amendments, to try to forward that work product while there is still an opportunity this year.

This is the moment in which Senators must make that sort of decision. Some may wish to make it on the basis of procedure or the basis of how the two parties get along with each other in the Senate. But I would plead with Senators that this is important by itself. It is an important, relevant vote for American security and American good governance.

I believe the American people respect this effort. They want us to do this. They want Senators to vote aye, even though some may say this is at least an opportunity to make points on other discussions at the expense of the totality of all of it ending up in failure.

I appreciate very much the cooperation of the managers of the bill. I thank, once again, my distinguished ranking member, Joe Biden, who has served our committee well as chairman and as a member for three decades, for all of the constructive work. I thank especially the members of the staffs on both sides of the aisle who have diligently devoted hundreds of hours of constructive work trying to reform aspects of the State Department, a bureaucracy of our Government that had not been observed and touched for a long time and which this bill, an authorization bill, has really the unique capacity to do.

For all these reasons, I ask that Senators vote aye and that we have an opportunity for this legislation to proceed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the hate crimes bill be considered as original text before March 15 on the floor of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I make a similar request in terms of the minimum wage before March 15 of next year.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 15 seconds remaining.

Mr. LUGAR. Mr. President, let me just say, in view of the two proposals made by the distinguished Senator from Massachusetts, I offered objection on both of these counts because I am the only Republican Senator in the Chamber. On behalf of the leadership of

our party, that was my duty, given the fact that our party had not had an opportunity to consider those proposals.

I would just say, personally, I am hopeful that consideration will be given to the Senator from Massachusetts and to all Senators for proposals that are constructive. Those two have a lot of constructive emphasis, and it may well be that before March 15, the Senate will be able to entertain those motions. I hope the Senator understands my objection today. That is why I stated it as a part of this conclusion.

Once again, I am hopeful that Senators will vote constructively in favor of the foreign relations bill.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to suspend rule XVI with regard to amendment No. 1974.

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 North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

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

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—40

Alexander	Craig	Kyl
Allen	Crapo	Lott
Bayh	DeWine	Lugar
Biden	Dole	McCain
Bond	Domenici	Murkowski
Brownback	Enzi	Smith
Bunning	Feingold	Snowe
Burns	Fitzgerald	Sununu
Campbell	Grassley	Talent
Carper	Hagel	Thomas
Chafee	Hatch	Voinovich
Coleman	Hutchison	Warner
Collins	Inhofe	
Cornyn	Jeffords	

NAYS—57

Akaka	Ensign	Miller
Allard	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bennett	Graham (FL)	Nelson (NE)
Bingaman	Graham (SC)	Nickles
Boxer	Gregg	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Roberts
Chambless	Johnson	Rockefeller
Clinton	Kennedy	Santorum
Cochran	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Sessions
Daschle	Leahy	Shelby
Dayton	Levin	Specter
Dodd	Lincoln	Stabenow
Dorgan	McConnell	Stevens
Durbin	Mikulski	Wyden

NOT VOTING—3

Edwards	Kerry	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57. Two-thirds of the Senators voting not

having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to bring up an amendment on UNFPA. I know the distinguished Senator from Iowa was here waiting.

Mr. MCCONNELL. Will my friend from Vermont yield, just for an observation? The Senator from Colorado is here. He has an amendment which I believe is acceptable. I wonder if we could go ahead and process that.

Mr. LEAHY. Mr. President, obviously I will follow the lead of my friend from Kentucky. If the Senator from Colorado has one that is going to be accepted, let's do that. I ask we do that and then go to the Senator from Iowa. I hope he would accept a time agreement just so we can get moving because, as I stated earlier, certainly on my side, once there are no amendments pending, I am ready to go to third reading.

Mr. MCCONNELL. We are looking at the amendment of the Senator from Iowa and hope to get back to him shortly as to whether we can support it. In the meantime, if it is all right with my colleagues—

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

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, Senator BYRD is on a very important appropriations conference committee. He is going to recess tonight at 6 o'clock. Senator BYRD cannot be here until 6 o'clock. On his amendment he would like to speak for 20 minutes.

Senator LANDRIEU, as I have said before, has an amendment she wishes to offer. She said she could speak for 15 minutes on her side on that.

Senator HARKIN has an amendment. If that cannot be worked out, he wants 15 or 20 minutes. And there, of course, are a couple of other things that need to be resolved. I just indicate that everyone on our side, as Senator LEAHY has announced, should come over and start offering these amendments because I have been told by the two leaders they want to finish this bill tonight. If that is the case, the way things are moving here—which is not very fast—it would be a long night. So I hope they would come over and offer these amendments on both sides.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly agree with my friend from Nevada. The idea is to finish tonight. In order to facilitate that, we have a Senator on the floor ready to offer an amendment. I suggest the Senator from Colorado be allowed to send his amendment forward, say a few words on its behalf, and let's adopt it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1995, AS MODIFIED

Mr. ALLARD. Mr. President, I thank the Senator from Kentucky for allow-

ing me to offer this amendment at this time.

There is an amendment I have at the desk, No. 1995. I understand I have the right to modify that. I send the modification to the desk.

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

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1995, as modified.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

Mr. ALLARD. Mr. President, this amendment, co-sponsored by Senator Gordon Smith, would prohibit International Military Education Training funds for Indonesia. It also gives the President the authority to waive this prohibition for national security reasons. Let me explain why it is important for the Senate to consider and approve this amendment.

Nearly 15 months ago on August 31, 2002, 10 Americans living in Indonesia were brutally attacked less than 6 miles from their homes. Hundreds of rounds of ammunition were fired at them for 45 minutes, leaving two Americans dead and most of the other survivors nursing multiple bullet wounds.

I have had the opportunity to meet with one of the survivors of this horrible tragedy, Mrs. Patsy Spiers, who, along with her husband Rick, was shot multiple times. While Patsy was fortunate enough to survive this ordeal, her husband was not. In January, Mrs. Spiers was brave enough to sit down

with me and walk through her painful experience. The next day I contacted President Bush urging him to press the Indonesian government to conduct a comprehensive investigation into the attack.

Immediately after the ambush, an investigation into the ambush was conducted by the Indonesian civil police. The police report implicated the Indonesian military in the attack, but indicated that further investigation into the ambush needed to be done. Shortly after the police report was filed, the Indonesian military exonerated themselves from the attack.

Only after diplomatic pressure from the United States did the Indonesian government decide to continue the investigation into the ambush. The Indonesian government also promised to permit the full participation of the FBI. Despite visiting the country multiple times, the FBI has not received the cooperation it needs to determine who was responsible for these brutal murders.

At this juncture, there are indications that Indonesian military may have had some involvement in this attack. Yet, despite these continued allegations and lack of cooperation, the Indonesian government and its military still receives U.S. assistance through the International Military Education Training fund. I believe that until a full and open investigation has been completed and those responsible are prosecuted, IMET funding for the Indonesians should be denied.

Since my face-to-face meeting with Mrs. Spiers, I have continued to work with the administration, FBI investigators, and colleagues here in the Senate with two distinct goals in mind. The first is to deny the release of funds until the Indonesians have completed the investigation into these murders. The second goal is to ensure that an impartial investigation, with help from the FBI, is conducted into the brutal attack so that those responsible will be brought to justice.

In no way should the United States government provide military assistance to Indonesia until this matter is resolved. What kind of message will we be sending to other governments if we provide this assistance without first determining who was responsible? Just as important, what kind of message do we send to the families of Ted Burgon and Rick Spiers who were murdered in the ambush if we continue this military assistance. Are not the lives of American citizens more important than this military assistance?

I fear that by our inaction we send the wrong message to the world. What kind of precedent will be set for other Americans who travel overseas? We cannot allow the murder of our citizens to be ignored and the Indonesian government should not let those responsible go unpunished.

I appreciate the efforts by the manager of this bill and his staff for their assistance on this amendment. It is my

hope that we can quickly resolve any concerns with my amendment so it can be accepted. These American families deserve a resolution and justice.

I look forward to working with the chairman and ranking member on getting agreement on my amendment.

I need to get the attention of the floor manager, the Senator from Kentucky, if I might.

Mr. LEAHY. Mr. President, if the Senator will yield, I think there may be a Senator on this side who has a question. We are not quite prepared to accept it yet. I suggest that a way to handle this is to set it aside. Of course, it can be brought back at any time. If there is a need to have more debate and a vote, we will bring it up for that purpose.

I yield the floor.

Mr. MCCONNELL. Mr. President, I apologize to the Senator from Colorado. I misspoke earlier when I thought it was cleared on the other side. We are working on that now. Hopefully, we will be able to get it cleared. If the Senator from Colorado will agree to temporarily set it aside and go back to it before we finish the bill, we hope to get it cleared.

Mr. ALLARD. Mr. President, I appreciate the Senator from Kentucky and the Senator from Vermont working on this most important amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I send an amendment to the desk—

Mr. REID. Mr. President, Senator BYRD already has an amendment pending and he is here to speak on it. We have been waiting for him. His amendment is already here.

Ms. LANDRIEU. Mr. President, I ask the Senator if he wouldn't mind if I presented this for 5 minutes. That is all the time I need.

Mr. BYRD. I have no objection to that.

Ms. LANDRIEU. I thank the Senator.

Mr. BYRD. What does this mean with respect to the amendment I have pending, which is being set aside by unanimous consent?

Mr. MCCONNELL. Mr. President, it is our hope that after the Senator from West Virginia speaks—and I have maybe 5 minutes or so to oppose the amendment—we vote.

Mr. REID. I say to my friend from Kentucky that Senator BYRD is here. I hope that before we dispose, with a recorded vote, of the Landrieu amendment, we will allow Senator BYRD to speak and, if necessary, we can have two votes in succession.

Mr. MCCONNELL. We are certainly prepared to vote on the Byrd amend-

ment. I will have to get back to the Senator from Louisiana on her amendment. I have no problem if she would like to explain it and send it to the desk.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for Senator LANDRIEU to offer her amendment; that following the offering and her statement, Senator BYRD obtain the floor and be allowed to make a statement. He indicated he would take approximately 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—and I shall not—when would the vote on the Byrd amendment occur?

Mr. MCCONNELL. Mr. President, if it is agreeable with the other side, it is my expectation that, after 5 minutes or less to oppose the Byrd amendment, we will move to a vote.

Mr. REID. That would be appropriate with us on this side.

Mr. BYRD. The vote on the Byrd amendment would occur, and after how many minutes can we vote on the amendment by the Senator from Louisiana?

Mr. REID. The majority has not seen that amendment. They don't know what they are going to do with it or whether we can have a vote.

Mr. MCCONNELL. The Senator from Nevada is correct.

Ms. LANDRIEU. I thank the Senator.

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

#### AMENDMENT NO. 1998

Ms. LANDRIEU. Mr. President, I thank the Senator for his courtesy because he was involved in a very important conference earlier today and he is anxious to proceed on his amendment.

I will offer this amendment in the hope that my friends on the other side will support it. There is very good support on this side for this amendment. It has to do with women and children in armed conflict.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1998.

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

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

The amendment is as follows:

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE

ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

Ms. LANDRIEU. Mr. President, recent reports indicate that the percentage of civilians killed and wounded as a result of armed conflict has risen from 5 percent at the turn of the century to almost 90 percent today, which means that in war it is not just the soldiers who are being killed, the men and women in uniform, but also civilians. That is a new occurrence in this century. It is something that this amendment attempts to address by directing our resources—not adding money, not authorizing new language, but simply directing, within the context of this bill, some attention to be given to this fact.

War is not what it used to be. Its horrors are experienced by more than just the soldiers fighting on far-off battlefields. It is experienced by women and children. It is taking a brutal toll on

these civilians, most of them women and children.

Over 30 wars are now being waged around the world. One in four of the world's children live in war zones.

In the past decade, more than 2 million children were killed during wartime, more than 4 million were wounded, and 1 million have been orphaned or separated from their families as a result of war.

It is estimated that over 300,000 children have been forced to serve as soldiers. These are children as young as 7, 8, and 9 years old serving as soldiers, including an alarming number of girls serving as combatants, cooks, and, unfortunately, sex slaves.

In Sierra Leone, 94 percent of displaced families surveyed had experienced sexual assaults, including rape, torture, and sexual slavery.

After the genocide in Rwanda, 70 percent of the remaining population was female and more than half of the mothers were widows.

Despite these statistics, a survey of current Government-sponsored foreign aid programs reveals that there are but a few coordinated programs targeted at the protection of women and children in conflict and after.

Senator BIDEN and I offered legislation to address the shortfall. S. 1001 would authorize the new women and children armed conflict fund, similar to the displaced children's fund. In addition, it would require several other efforts to be undertaken by our Government to make sure that this issue was addressed appropriately. It would require that the U.S. Government develop and implement a strategy to ensure that its humanitarian programs respond to and reduce the risks of exploitation, violence and abuse of women and children in places like Uganda, Liberia, and Iraq; prevent future crises by creating a list of early warning signs to alert policymakers of possible risks to women and children; foster stability in conflict-prone environments by focusing on reducing threats to innocent civilians in crises around the world.

What my amendment does is provide a bridge for us to stand on until this bill can be passed and this fund can be established. It says: Here is what we can do not, within our existing programs with our existing funds.

The Landrieu amendment ensures that organizations and programs currently serving refugees and displaced persons incorporate protections against violence; encourages the Secretary of State and Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of, and particular threats to, women and children; asks for the Secretary to report to Congress on their progress in this area to date and provide recommendations for improving U.S. and international systems for the protection of women and children.

Protecting women and children is not only the right thing to do, but it is also

the smart thing to do. Women are a critical part of rebuilding war torn countries.

In March 2003, UN Secretary General Kofi Annan made the following observation:

Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately: families are healthier and better fed; their income, savings and reinvestment go up. And what is true of families is also true of communities and, in the long run, of whole countries.

A focus on safety and protection directly impacts the overall well being of women and children. This year's Mothers Index, published by Save the Children, reports that there is a direct correlation between under education and poor health and conflict. Seven of the bottom ten countries in the area of health and education are in conflict and post-conflict situations.

This amendment does not call for us to break the budget caps or create a new program. It merely ensures that every dollar that we are spending to secure the peace is spent in the most effective way possible.

Again, this amendment provides a bridge for us to stand on until the bill I just described can be passed in its complete authorized form. So this fund can be established, and then the authorizing bill would come forward with more of the details.

But it is important that we take this step today to recognize the fact that there are so many women and children brutalized in war. It is not just about the soldiers in uniform any longer, unfortunately. This amendment asks the Secretary to report to Congress on their progress in this area, and it encourages the Secretary of State and the Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of and particular threats to women and children.

In conclusion, I submit that study after study has shown the necessity of our effort to direct funds in this way.

I ask unanimous consent that specific quotes from individual young women and girls, particularly, be printed in the RECORD. The language is pretty graphic so I will not read it in the Chamber, but I want it printed in the RECORD to say how serious this issue is in terms of the United States and all of the aid we are giving, and directing a portion of that, and to be cognizant of the tremendous torture, humiliation, and pain inflicted upon innocent women and children.

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

PROTECTION FROM SEXUAL VIOLENCE AND PHYSICAL HARM

"From Pweto down near the Zambian border right up to Aru on the Sudan/Uganda border, it's a black hole where no one is safe and where no outsider goes. Women take a risk when they go out to the fields or on a road to a market. Any day they can be

stripped naked, humiliated and raped in public. Many, many people no longer sleep at home, though sleeping in the bush is equally unsafe. Every night there is another village attacked, burned and emptied. It could be any group, no one knows, but always they take the women and girls away."—United Nations official in Democratic Republic of the Congo.

PROTECTION FROM TRAFFICKING AND PROSTITUTION

"My mother died when I was very small and my father worked as a laborer on other people's farms. At the age of 16, I was lured by my neighbor into a good job. Feeling the pressure and hard times faced by my family and myself, I was very pleased to receive this opportunity. I didn't realize that my faith would land me into the brothel of Bombay. I spent the hell of my life for one year there. Then I was sold to a brothel in Calcutta. I spent three-and-a-half years there, and it was more bitter than ever. I'm happy that I was rescued, but now I've started thinking who will rescue all those Nepalese who are still in the brothels in many parts of India? I'm worried for those sisters and request the stop of such evil practices in the society."—Sita, 23-year-old former prostitute from Nepal

"I was eleven when the rebels attacked our town in Liberia. I got separated from my parents and was captured. I stayed with the rebels for four years. Seven men raped me at the same time and I was forced to pick up arms. I have one child of the rebels—I don't know exactly which one the father is. I escaped and went to Guinea. I had no caretaker and started to work as a 'hotel girl' (prostitute). I thank Save the Children protection workers for having identified me and offering me skill training."—Florence, 18-year-old girl living in a refugee camp in Guinea

PROTECTION OF CHILDREN FROM MILITARY RECRUITMENT

"I've seen people's hands get cut off, a 10-year-old girl raped and then die, and many men and women burned alive. So many times I just cried inside, because I didn't dare cry out loud."—Mariama, 14-year-old girl soldier from Sierra Leone

"During the fighting, you don't have time to think. Only shoot. If a bad person gives an order, you have to follow it. If he says burn the village, you have to burn it. If he says kill a person, you have to do it."—Aung, boy soldier from Myanmar, abducted from school at age 14 and forced into the army

PROTECTION FROM PSYCHOLOGICAL TRAUMA

"We were living in a small village in Port Loko district when the rebels attacked us in 1998. It was daytime and we tried to run away, but I was unfortunate and was captured. I was holding my 2-year-old baby boy. First they killed him with an axe. I cried out: 'Where is my baby, oh my baby.' So they struck me on the head with a machete. There is a deep scar there. After that they ordered me to put my hand on a stick which was on the ground. They chopped and nearly severed my right hand. Then they ran away and left me. My hand hadn't completely severed so the doctor in the next town cut it off. It's hard to find someone who will marry you when your hand has been cut off."—Adamasay, 16-year-old girl from Sierra Leone

PROTECTION FROM FAMILY SEPARATION

"When I lived in Palangkaraya, every day I helped my Dad and Mum sell chicken. When I had to run it felt as if my feet weren't even touching the ground. I followed the other people running, and I wasn't even thinking about where my parents were. The news that my parents were dead, victims of

the violence, came from my aunt who was still in Palangkaraya. It's true I cried, I wanted to scream but I tried to be firm and I entrusted my fate to Allah. Now I have to find my own food. I was happy when my parents were still here. There was no need to think about how to eat. If I could go to school again and follow through the exams and gain a diploma, that would be great."—Rosi, 15-year-old street boy from Indonesia

PROTECTION OF DISPLACED WOMEN AND CHILDREN IN CAMP SETTINGS

"When ma asked me to go down to the stream to wash plates, a peacekeeper asked me to take my clothes off so that he can take picture. When I asked him to give me money he told me, no money for children, only biscuit."—Refugee child in West Africa

Ms. LANDRIEU. That is the essence of my amendment. I hope it can be accepted. I hope there won't be a necessity for a vote on such a commonsense and much-needed amendment. I ask for the Senate's consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator CORZINE be added as co-sponsors to Byrd amendment No. 1969.

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

Mr. BYRD. Mr. President, is my amendment pending before the Senate?

The PRESIDING OFFICER. It is not yet pending, but if the Senator calls for the regular order it will be.

Mr. BYRD. Mr. President, I thank the Chair. I call for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The amendment is now pending.

AMENDMENT NO. 1969

Mr. BYRD. Does that amendment need to be stated?

The PRESIDING OFFICER. That is not necessary.

Mr. BYRD. Mr. President, I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendment numbered 1969. At the appropriate place add the following: Section (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate. (b) This provision shall be effective March 1, 2004.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

I suggest my statement in support of this amendment be entitled "Too Much Money, Too Little Accountability." That would be an appropriate title if I were to suggest it.

This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority, CPA, has not been held accountable for the money it spends, and that is your money. That is your money, I say to the taxpayers of this great country. Those who spend it should be held accountable. That is what you believe, I am sure.

Not until the President requested \$20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans. Let me say that again. This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority has not been held accountable for the money it spends—your money. Not until the President requested \$20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans.

The CPA's access to nonappropriated funds—now get this—has allowed it to maintain a low profile, so low that one cannot see it, and to operate largely outside the scope of congressional oversight.

Last fiscal year, the CPA, the Coalition Provisional Authority, in Iraq spent \$1.7 billion in assets frozen under the Saddam Hussein regime. The CPA spent almost \$1 billion in assets seized after the war. That is your money. The CPA spent \$2.5 billion in oil revenues collected through the United Nations Food for Oil Program. Altogether, it spent \$7.5 billion in the fiscal year 2003, including \$2.5 billion appropriated in the supplemental that was passed and enacted by Congress in April of this year.

This CPA did not appear before the Congress even once to explain how those funds would be spent. This year, assuming that the Congress appropriates the \$20 billion in reconstruction aid requested by the President, the CPA's budget will grow to \$23 billion, which includes \$2 billion in unappropriated funds left over from last fiscal year and almost \$1 billion included in the supplemental for the Coalition Provisional Authority's administrative expenses.

At \$23 billion, the Coalition Provisional Authority's budget will be more than three times what it spent in the last fiscal year. Now, that will be more than the Federal budget for seven Cabinets out of the 15 Cabinet Departments that run the Federal Government. That is a lot of money to flow through the hands of the Coalition Provisional Authority in Iraq.

The CPA's budget is four times the budget of the Commerce Department. Think of that. Do we demand accountability from the Commerce Department? The CPA's budget is twice the

size of the entire Interior, Labor, and Treasury Departments and it is billions of dollars larger than the budgets of the Agriculture Department and the Justice Department.

The Senate gives its advice and consent to Presidential appointments to the highest level positions in the Bush administration, or any administration. In the Clinton administration, Reagan administration, and Carter administration, the Senate gave its advice and consent to Presidential appointments to these high-level positions in the Departments. Even a lowly second lieutenant in the Army—now get this. Even a lowly second lieutenant in the Army, who is responsible for the two dozen to three dozen soldiers under his command, is subject to the confirmation by the Senate. And yet the official who is responsible for governing and rebuilding Iraq, a country made up of 23 million, 24 million people—the official with a budget larger than half the Federal departments and responsible for the livelihood of 23 million or 24 million Iraqis—is not subject to confirmation by the Senate.

As it stands today, the people's representatives—that is you, Senator. That is you, Senator. And that is you, I say to every other Senator and I say it to myself as well. As it stands today, the people's representatives—that is us. I am talking about us—the people's representatives in the Senate have no say in who leads the CPA, even though the administration's endeavors in Iraq have drained \$118 billion from our budget, have seized tens of thousands of National Guardsmen from our States, and have so far taken the lives of 351 U.S. soldiers in this war. The CPA claims to be vested with all the legislative, executive, and judicial authority necessary to achieve the administration's objectives in Iraq and yet the Congress has done nothing—nothing—to ensure that its administrator is held accountable to the American people.

Beginning March 1, 2004, my amendment would prohibit the Coalition Provisional Authority in Iraq from spending any appropriated funds until its administrator has been appointed by the President with the advice and consent of the Senate. Is it asking too much, that we ask that the person, the one individual, the Coalition Provisional Authority's administrator—is it asking too much that he be appointed by the President of the United States by and with the consent of the Senate? That is not asking too much. That is in defense of the American taxpayer. That will make sure, yes, that person will be accountable to the American taxpayer, to the American people, to the representatives of the American people in Congress.

The sums of money that are being spent in Iraq are enormous. This is not just chickenfeed we are talking about. We are talking about huge amounts of the taxpayers' money. That person should be accountable to the taxpayers

of the country, accountable to the Congress of the United States, made up of the elected representatives of the people. The sums of money are enormous—\$87 billion we spent, of which \$20.3 billion would be in that amount. I said a moment ago we have appropriated already \$118 billion. That includes the April supplemental and includes the supplemental we just passed. It was passed by the Senate. This is too much money to appropriate without ensuring that the decisionmakers in Iraq will be held accountable to the American people. We owe it to the taxpayers, don't we? Yes. We owe it to the taxpayers to do better than that.

I urge the adoption of my amendment and I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, with all due respect to my good friend from West Virginia, who has had many good ideas in his 45 years in the Senate, let me suggest this may not be one of them. What the Senator from West Virginia is suggesting here is that we change a temporary position—a position currently held by Ambassador Bremer, which he is trying very hard to work his way out of by having at the earliest opportunity a chance to turn Iraq over to Iraqis and come home—into a confirmed Senate position. Ambassador Bremer spent a lot of time back here testifying, as he should have, on the supplemental. But the real job to do is over in Iraq, trying to get this new government up and running, trying to get the Iraqi security force to a substantial level so we can begin to draw down American troops. I think most of us have concluded we have too many positions that need to be confirmed.

In fact, I can recall a meeting in my office earlier this year, right before the August recess, a bipartisan meeting discussing the possibility of reducing the number of positions which require confirmation and having that bill take effect January 20, 2005, for whoever the next President is, to try to make it possible for the next administration to function more successfully without all of the problems that come from an excessive number of confirmations.

Secretary Rumsfeld is the designated authority for Iraq. Of course, he was confirmed by the Senate. Ambassador Bremer, the CPA administrator, reports to the Secretary of Defense. During the consideration of the supplemental, my good friend from Vermont tried to shift the authority from the Defense Department over to the State Department. Certainly an argument can be made for that. But that failed on a vote of 56 to 42.

The fact is Ambassador Bremer, as I indicated earlier, is trying very hard to work his way out of this job. This is very much a temporary position. We didn't go in there to be there a very lengthy period of time. This temporary job can end the moment the Iraqis are

in a position to take over the administration of their own country. We all know how lengthy confirmations can be. Do we really want to derail reconstruction by having Ambassador Bremer back here for lengthy confirmation proceedings? He is already on the job. As I understand the amendment, if this were to take effect and he were not to be confirmed by March 1 of next year, all the funding would be cut off. So this would be an extraordinarily high profile confirmation.

I know my good friend from West Virginia thought this war was a mistake. He has been very clear about that. A Senator would have to be extraordinarily inattentive not to get the point that the Senator from West Virginia believes the whole thing was a mistake. But I would say with the utmost respect for my good friend, we are there. We are there now. Regardless of how one felt about the process of getting us there, it seems to me we have a lot on the line in having this Iraqi effort be successful, regardless of how we felt about going in.

I venture the opinion that no matter who the next President is, they will try to finish the job in Iraq just like this administration is still in Bosnia and Kosovo, an administration policy of the previous administration.

This job needs to be finished. I plead with my colleagues. Let us not make it any more difficult to wrap up this very tough assignment and have Ambassador Bremer come back and do something else for the rest of his life.

I hope the Byrd amendment will not be approved. We have had ample opportunity to cross-examine Ambassador Bremer and to question him on every conceivable issue related to this, and I am sure we will have other opportunities to do it. But I think the confirmation process is simply not appropriate for this particular position.

I yield the floor.

Mr. LEAHY. Madam President, how much time remains to the senior Senator from West Virginia?

The PRESIDING OFFICER. There is no time limit.

Mr. LEAHY. Madam President, I ask unanimous consent that I be allowed to speak for 3 minutes, of course with an equal amount of time on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I would like to have a few minutes myself with an equal amount of time allotted to the distinguished Senator from Kentucky. I have a few words I would like to say in attempting to rebut what my friend said.

Mr. MCCONNELL. Madam President, I really have said all I wish to say. I would be happy to yield time, if I have any time remaining.

The PRESIDING OFFICER. There is no time limit at this point.

Mr. LEAHY. I thought we had 20 minutes.

The PRESIDING OFFICER. No.

Mr. MCCONNELL. Madam President, I say to my friend from West Virginia that I basically have completed my argument and am not interested necessarily in having the last word. I would be anxious to move ahead with a vote.

Mr. LEAHY. Madam President, I didn't realize there was no time limit. I will be brief.

I have heard the arguments of my friend from Kentucky: Why stop things now ahead of this confirmation? Unfortunately, while a great deal of planning went into the war in Iraq—even though there was never any question of the outcome, because we are the most powerful nation history has ever known, of course, and we would succeed against a third-rate or fourth-rate military power like Saddam Hussein—it appears that very little planning went into what happens after the war. Of course, there have been more American casualties since the President said the mission was accomplished, the war was over, and as he famously taunted the Iraqis, "Bring it on." Unfortunately, they did. But we saw first a general being placed in there, which didn't work, and we put Paul Bremer in there, again without much planning. The distinguished Senator from Kentucky said we had debate on the floor about the transfer from the Department of Defense to the State Department. That was defeated. I remember the debate very well. Interestingly enough, the talking points of the administration in opposition were that they are perfectly satisfied with having all of this coordinated by the Secretary of Defense. There was no need to place it anywhere but the Secretary of Defense. That was it, and the White House position carried.

What the White House talking points didn't say, and we all found out about 3 days later, was they had already made the decision to take it out of the Department of Defense and put it into Dr. Rice's office. Actually, moving it out of the Department of Defense had already been decided by the White House. But as often happens when we are told one thing and something else is being done, the talking points coming over from the White House said they had every intention of leaving it—in effect emphatically every intention of leaving it—under the direction of the Under Secretary of Defense.

That probably should have been the tipoff, that they were emphatic and intended to leave it there. They had already made up their mind to leave it there. Of course, that is not how it turned out. But I worry because if you have somebody who is in charge of more foreign assistance than the Secretary of State and the Administrator of USAID combined, both of whom require confirmation, if you give all of this power to someone who does not require confirmation, what does that say about our role in the Senate? What does that say about what we feel about transparency and accountability?

We are appropriating over \$20 billion basically to be distributed solely as the Administrator feels he should. That is more than the Secretary of State and the Administrator of the USAID get to distribute, and they have to be confirmed. The answers were not forthcoming.

I think of the plan we were suddenly shown on the Appropriations Committee. I recall the distinguished Senator from West Virginia asked for more time and, of course, he could not get it. Ambassador Bremer came here, and we were given a plan. They had gone out, apparently, for a couple of months before saying what they were going to do. Then it turned out, amazingly, I know—I am just shocked to find this out—the plan was given only to the Republicans, maintaining the same kind of partisanship there is on this. We were supposed to ask questions of Ambassador Bremer. But only Republicans were allowed to see this plan paid for by the taxpayers of this country. When Democrats asked about it, he said, Well, I thought that had all been sent to you. Apparently the mail only goes to 51 Senators and not to the other 49.

Be that as it may, the plan was interesting. It did say the United States wanted to give the Iraqi people a chance to form a government and a country that would fulfill President Bush's vision for them. Some thought that was a little bit condescending to a country where civilization goes back long before this country's was ever discovered. At least we had a chance finally to talk about it.

The same way in which the White House told us the Secretary of Defense was the only one who should be in charge of this—we find they had already made the decision; They did not tell us about it—apparently they didn't tell the Secretary of Defense about it either. They were yanking it out from him and putting it with somebody else.

My point is, if we are going to give somebody \$20 billion to buy \$33,000 pickup trucks and \$6,000 telephones for Taj Mahal jail cells and have scholarships that are not available to Americans but apparently will be to Iraqis, the person ought to be at least confirmed so we have a chance to ask questions.

I think the Senator from West Virginia is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, my amendment does not cut off funds for reconstruction, as I thought I understood the distinguished Senator from Kentucky to say. If I am incorrect and did not hear him say that or indicate that, I certainly would be glad to be corrected.

My amendment would allow the President to allocate that money to other agencies but would not allow the CPA to spend that money until the Administrator is confirmed by the Senate. This won't shut down funding for

the troops. The Senate has until March 1—4 months away—to confirm the Administrator of the CPA. After the Homeland Security Department was created, for example, the Senate confirmed Governor Tom Ridge in just a few short weeks—in just a matter of days. I think it would be the same with Ambassador Bremer.

I certainly have no complaint with respect to Ambassador Bremer. My amendment is not about Ambassador Bremer, currently the head of the CPA, and all of his potential successors. They will have a great deal of authority.

I say again that a lowly second lieutenant in the Army is subject to confirmation by the Senate. Surely the head of CPA should be as well.

My colleague talks about the desire to bring the situation to a conclusion in Iraq as soon as possible.

I agree with him that the job in Iraq should be finished as soon as possible. But it should be carried out with accountability to the elected representatives of the American people.

I also add this postscript: Judging from the events as we have seen them transpire going back several months, I don't believe this situation in Iraq is going to end very quickly. It shows every indication of intensifying. We are in one big mess.

I remember a time when I believed if the President and the administration were to hold out the olive branch and show an indication of willingness to share in economic and political responsibility in Iraq with major European countries and other countries in Asia and elsewhere, if that willingness had been demonstrated some months ago, there would be other major countries making large contributions in treasure and in manpower in Iraq today. But that olive branch was not extended. That willingness to share economic and political responsibility in Iraq was not voiced. It was not made manifest.

Now, I hope that the train has not gone by the station without stopping. As we see the horrific events unfolding in Iraq, I am not so sure that those major European erstwhile contributors would be so willing even to contribute now. The back of the hand was extended to them before the war and it has not been otherwise since the war, to any extent.

By virtue of these mistakes that the administration has made, it is not my belief that the situation in Iraq is going to end all that quickly. I hope it will. But we should not bet on that. Therefore, it would be appropriate to require the President appoint an Administrator and that the Senate be required to confirm or reject that person. That would assure the American people of accountability and of responsibility on the part of their elected representatives and on the part of the CPA Administrator. It is the right thing to do by the American people. It is the right thing to do under the Constitution because the power of the purse is vested

here, in the Congress, in this body and the other body.

That power of the purse carries with it the duty of oversight. Congress cannot properly oversee an administrator who is not accountable to the Congress, an administrator who has not been confirmed by the Senate. Therefore, Congress is not in a position to carry out its responsibility under the Constitution of being accountable to the American people and in accordance with the words of the Constitution.

I say that it is time the Senate act. The Senate has been silent too long. The Senate was silent before the war. The Senate was silent before it voted on October 11 of last year to give the authority to the President of the United States to use the military forces of this country as he saw fit. The Congress gave the President of the United States a blank check, as it were, with respect to authority to take this Nation into war and to put these men and women, soldiers, sailors, airmen, and marines, in harm's way. It was a most shameful moment when Congress washed its hands. One of the most shameful moments in the history of the Senate was when it passed the cusp and attempted to wash its hands of the responsibility of following the Constitution of the United States which says that Congress shall have the power to declare war.

That moment has come and gone, but still, as the distinguished Senator from Kentucky says, our people are there. We are now there. So what do we do?

I say to Senators, put yourselves into these desks, these chairs, into these shoes of ours 1 year from today and look back and see if you cast the right vote on this amendment. How will it be 1 year from today if we find we are in deeper and deeper and deeper and it has become another Vietnam—which I supported; I supported the war in Vietnam. I was practically the last person out of Vietnam because I supported the President. I supported Johnson. I supported Nixon. I supported them all the way. But one should learn by his mistakes.

We were ill advised when it came to the Gulf of Tonkin resolution. We were ill advised by the administration. I voted for it. Two Senators voted against it. Wayne Morse said that the resolution would pass but that those who voted for it would be sorry. I voted for it. I was sorry. I am sorry. We should learn by our mistakes.

We were not properly advised by that administration and we were not properly advised by this administration. That is why we are in Iraq. I will have more to say about that at another time.

The distinguished Senator from Kentucky is right. We are there. What do we do? In this matter, we have a responsibility to hold Ambassador Bremer, or whoever is the Administrator of the Coalition Provisional Authority, accountable to the Congress.

It has been said that Mr. Bremer has already testified before the Congress in

supporting the President's \$87 billion request for Iraq. Of course he testified. Yes, he testified. He was before the Appropriations Committee a short time, a few hours. Ambassador Bremer wanted the Congress to give him \$20 billion. But how often will he testify after he receives the money? How receptive will he be to further invitations to testify before congressional committees once he has received a blank check, as it were?

Let's not delude ourselves to the extent which Ambassador Bremer was made available to the Congress. He testified only once before the Senate Appropriations Committee and he did not have to respond to a single outside witness called to challenge the administration's lying. Ambassador Bremer went so far as to refuse to return to the Appropriations Committee to answer additional questions because, "I don't have time." He said that in response to me. I asked Ambassador Bremer if he could make himself available and would make himself available to the Senate Appropriations Committee in the event the chairman asked him to return and he said: I don't have time. I am sorry that the transcripts have not been printed—yet—but the transcripts are around, the transcripts of the hearings.

He said: I don't have time. Can you imagine that? He wouldn't say that if he had to be confirmed by the Senate. He would have time. He would make himself available whether the Senate would be under the control of the Republicans or under the control of the Democrats, whatever. He would find time. He would be available. Yes, indeed.

So he said: I don't have time. I am completely booked, and I have to get back to Baghdad to my duties.

What are his duties? If he were required to be confirmed, his duty would be to come back before the Senate and to answer questions, and to answer questions under oath, if necessary.

Senators who believe that sufficient action has been taken to ensure accountability by the CPA Administrator are kidding themselves. The CPA has not been sanctioned by the Congress. And Ambassador Bremer has not been confirmed by the U.S. Senate. Congress has no legislative ties to the CPA or its Administrator. Congress has no strings by which it can say to the Administrator: You come before this committee and, if necessary, you be prepared to take an oath that what you say is the truth, the whole truth, and nothing but the truth, so help me God.

That is a part of it. That is what we are talking about.

The secret national security directive that created the CPA dictates that

Ambassador Bremer shall report to the Secretary of Defense and the President. It does not mention the Congress. It does not mention the American people.

When Tom Ridge was appointed Homeland Security Director after the September 11 attacks, the White House refused to allow him to testify before Congress. The President said: No, he is a member of my staff.

Well, technically that was correct. The President opted to create a new Homeland Security Department and reorganize the Federal Government rather than allow an unconfirmed member of his administration to testify before the Congress.

That kind of record should not comfort Members of Congress. We have a responsibility to the American people to ensure that the administration officials responsible for the lives of their loved ones who are fighting in Iraq and for their taxpayer dollars that are being spent in Iraq are held accountable for their actions. We must stop just passing the buck along to the President.

With regard to the argument that holding these officials accountable will somehow endanger our troops, I urge Senators to reject that flimsy scare tactic. What endangers the troops is not having their decisionmakers held accountable to the people. When funds are being spent on postal ZIP Codes, garbage trucks, and escalator and garage beautification projects rather than the necessities of the troops, that is when the Congress must be the most vocal in questioning the judgment of those in the administration who wield power.

I urge Senators to focus on the bigger picture. Senators should cast their votes not only with the thought of a Republican administration directing reconstruction efforts in Iraq, but with an image of a Democratic administration directing the reconstruction efforts in Iraq. I think I know what the answer would be then.

We need to look beyond the party label of the current administration. I am not talking about Mr. Bremer. I spoke of his saying he didn't have time, and he didn't. Those were his words, made of his own free will. Milton wrote about man's free will, "Paradise Lost." Those were Mr. Bremer's words. I have no reason to find fault with Mr. Bremer at all. He is not there without confirmation by virtue of his choice. But that is the way it is. As Walter Cronkite used to say, that is the way it was.

We need to look beyond the party label. We need to take a longer term view of accountability.

Let me say in closing, I thank my friend from Kentucky, who has always

been a gentleman with me, has always been straightforward with me, and has conducted himself, on this occasion, as on all others, as a gentleman should.

I thank him for his characteristic courtesy in this instance. I respect his argument. I respect his vote. But the record will be made and the record will stand.

I yield the floor.

Mr. MCCONNELL. Madam President, I am aware of no further debate on this amendment. I assume the Senator would like a rollcall vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1969. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 414 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	

NAYS—53

Alexander	Collins	Gregg
Allard	Cornyn	Hagel
Allen	Craig	Hatch
Bennett	Crapo	Hutchison
Bond	DeWine	Inhofe
Brownback	Dole	Kyl
Bunning	Domenici	Lott
Burns	Ensign	Lugar
Campbell	Enzi	McCain
Chafee	Fitzgerald	McConnell
Chambliss	Frist	Miller
Cochran	Graham (SC)	Murkowski
Coleman	Grassley	Nelson (NE)

Nickles  
Roberts  
Santorum  
Sessions  
Shelby

Smith  
Snowe  
Specter  
Stevens  
Sununu

Talent  
Thomas  
Voinovich  
Warner

## NOT VOTING—3

Edwards Kerry Lieberman

The amendment (No. 1969) was rejected.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor to the Burma amendment No. 1970.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask that Senator FEINSTEIN also be added as a cosponsor to amendment No. 1970, the Burma amendment.

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for accepting an amendment for the managers' package that deals with making sure we have something in the criteria for the Millennium Challenge Account, assistance dealing with people with disabilities.

Basically, the amendment makes a small but significant change to the Millennium Challenge Account ensuring that one criteria used in determining a country's eligibility for the Millennium Challenge Account funds is their commitment to providing opportunities for the inclusion of people with disabilities. This account represents one of the largest increases in foreign aid spending in half a century, about \$1 billion this year and an additional \$4 billion within the next 3 years.

People with disabilities have been left out of our foreign assistance programs for too long. This amendment does not require they do anything new.

Since 1996, over 100 countries, including the United States, have submitted reports to the United Nations under implementation of 22 rules to equalize opportunities for people with disabilities. President Bush has implemented a new freedom initiative in this country on behalf of people with disabilities. In 2001, he charged each agency with reviewing their policies to remove barriers that promote inclusion of people with disabilities in American society. I commend and I compliment

President Bush for taking this step. This amendment takes this initiative and extends it basically to our foreign assistance programs.

I have a report from the National Council on Disability, dated September 9, 2003. It is titled: "Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities."

In the cover letter from the chairperson of the National Council on Disability to President Bush, Mr. Lex Frieden pointed out that in 1996:

NCD recommended a series of policy changes to "ensure the inclusion of people with disabilities in all foreign assistance programs. . . .

He goes on to say:

Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose.

That is what we have done. We have added specific legislative language to ensure in the Millennium Challenge Account one of the criteria to be used is whether that country is trying to provide opportunities for the inclusion of persons with disabilities.

In the executive summary of this report filed by the National Council on Disability, it says:

Individuals with disabilities are subject to a broad pattern of discrimination of segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development when it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities.

The Americans With Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world.

I ask unanimous consent that the executive summary of the National Council on Disability's report be printed in the RECORD.

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

## PART I. EXECUTIVE SUMMARY AND CONCLUSIONS

More than 600 million people, almost 10 percent if the world's population, have a disability. This number will rise dramatically in the coming years as the population ages and as more people become disabled by AIDS. Rates of disability are particularly high in post-conflict societies, among refugee populations, and in countries with histories of political violence. Even in stable societies, however, people with disabilities make up the poorest of the poor. In some of the world's poorest countries, according to the United Nations (UN), up to 20 percent of the population has a disability.

Individuals with disabilities are subject to a broad pattern of discrimination and segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized, and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development while it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities. It is among the world leaders in protecting the civil rights of people with disabilities, with legislation that seeks to ensure their full participation in society, and in supporting their independent living. The Americans with Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life. Since the adoption of the Rehabilitation Act in 1973, U.S. civil rights laws have required all U.S. government programs to be inclusive of and accessible to people with disabilities. As they have exercised their rights over the past 30 years, Americans with disabilities have broken barriers to inclusion, shattered stereotypes about their limitations, and contributed to the economic, cultural, and political life of the nation.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history. In addition to failing to protect U.S. citizens with disabilities in foreign operations, U.S. foreign policies and programs have generally not been designed to respond to the concerns of individuals with disabilities abroad. While the Foreign Assistance Act has long established that "a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries," the rights of people with disabilities have been long ignored.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world. All U.S. foreign operations abroad (including foreign assistance efforts) would be greatly improved if the principles established in U.S. civil rights law—under the Rehabilitation Act and the

ADA—were applied to U.S. operations abroad. Such a policy would require U.S. foreign assistance funding to be used in a manner that is accessible to people with disabilities. Such protections would also ensure that U.S. citizens and contractors with disabilities would be protected against discrimination in the implementation of U.S. programs abroad. Leadership by U.S. citizens with disabilities in our foreign operations would greatly improve our ability to respond to the concerns of people with disabilities in other countries.

Mr. HARKIN. I also ask unanimous consent that the cover letter preceding that by Mr. Lex Frieden also be printed in the RECORD.

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

NATIONAL COUNCIL ON DISABILITY,  
Washington, DC, September 9, 2003.

The PRESIDENT,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Council on Disability (NCD), I am submitting a report entitled Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities. This report is a follow-up to NCD's 1996 Foreign Policy and Disability report that found continued barriers to access for people with disabilities in U.S. foreign assistance programs.

In the 1996 report, NCD recommended a series of policy changes to ensure inclusion of people with disabilities in all foreign assistance programs, including the establishment of specific objectives for inclusion with a timetable for their fulfillment. Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose. This report reviews a number of models that Congress has adopted for linking human rights and foreign policy that can be adapted to ensure the inclusion of people with disabilities. This report looks primarily at the U.S. Department of State and the United States Agency for International Development (USAID). Among the various strategies and approaches to improve foreign assistance policies and practices, NCD recommends that Congress amend the Foreign Assistance Act to ensure inclusion of people with disabilities in all U.S. programs by requiring every U.S. agency operating abroad to operate in a manner that is accessible and inclusive of people with disabilities. NCD recommends that this be accomplished by, among other reforms, amending the Foreign Assistance Act to create a Disability Advisor at the State Department and creating an office on Disability and Development at USAID.

NCD also calls on your Administration to recognize that all U.S. government operations abroad should be brought into compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

The principles of non-discrimination, access, and inclusion of people with disabilities have been established as civil rights. The reforms discussed in this report are needed to ensure that people with disabilities can fully contribute to U.S. foreign policies and programs abroad as they have done so effectively at home.

Sincerely,

LEX FRIEDEN,  
Chairperson.

Mr. HARKIN. Again, I thank the manager and the ranking member for working out the language. This may seem like a small thing but, believe

me, this is big. This is going to say—and we look at other criteria—but we will look at a country to see what they are doing to provide for people with disabilities.

Quite frankly, this country ought to be taking the lead around the world in that area because we have a lot to talk about in what we have done in our own country since the Americans with Disabilities Act was passed in 1990. What we have done is shown that people with disabilities can provide economic stimulus to a country. They can provide part of that economic engine that a country needs. We have shown conclusively, no matter where you are, no matter what country, that if your policy is one of exclusion of people with disabilities, keeping them institutionalized, materialized, not fully participating in society, it costs that society more to do that than it does to include them in education, for example, transportation, employment, and cultural affairs.

My amendment was designed basically to implement what the National Council on Disability concluded when they said, "The inclusion of people with disabilities in United States foreign policy will be achieved only when specific language is enacted to achieve that purpose." That is what we have done this evening with the inclusion of this amendment.

I only hope when we go to conference with the House that we can have the support of the administration. As I said, President Bush had an enlightened policy on people with disabilities when he came in in 2001. I hope the White House will take that inclusion policy of theirs and make sure we keep it in this foreign operations appropriations bill for the next year and that they will use the Millennium Challenge Account to promote and to stimulate other countries in thinking about how they can provide for the inclusion of people with disabilities.

I thank Senator MCCONNELL, Senator LEAHY, and their respective staffs for working on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TALENT). WITHOUT OBJECTION, IT IS SO ORDERED.

AMENDMENTS NOS. 2001; 2002; 2003; 1995, AS MODIFIED FURTHER; 2004; 2005; 2006; 1973; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015; 1998, AS MODIFIED; 2016; 2017; 2018; AND 2019; EN BLOC

Mr. MCCONNELL. Mr. President, we have two blocks of amendments that have been agreed to on both sides that we are prepared to move at this point.

The first is a series of amendments as follows: Senator LEAHY, providing funds for U.S. contribution to UNAIDS; Senator VOINOVICH, annual report on

antisemitism; Senator DODD, providing assistance for OAS mission in Haiti; Senator ALLARD, amendment No. 1995 as modified further; Senator FEINGOLD, relating to U.S. citizens in Indonesia; Senator LUGAR, relating to danger pay for USAID; Senator DASCHLE, sense of Congress on delivery of assistance by air; Senator MCCAIN, amendment No. 1973 relating to Azerbaijan; Senator FEINGOLD, report on Sierra Leone; Senator BIDEN, technical amendment; Senator FEINGOLD, report on Somalia; Senator LUGAR, relating to the Global Fund; Senator INOUE, related to the guinea worm eradication; Senator HARKIN, disabilities; Senator ALLEN, related to intellectual property rights; Senator BROWNBACK, providing assistance to promote democracy in Iran; Senator BROWNBACK, sense of the Senate on Iran; Senator LANDRIEU, modification to amendment No. 1998; Senator DODD, relating to contracts in Egypt; Senator LUGAR, relating to Millennium Challenge Account; Senator ENSIGN, relating to democracy in Cuba; and Senator LEAHY, relating to HIV/AIDS.

Mr. President, I send this block of amendments to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc? Without objection, it is so ordered.

Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contributions to UNAIDS.

AMENDMENT NO. 2002

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism and other religious intolerance)

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

“(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

“(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

“(ii) the response of the government of that country to such acts of violence; and

“(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

AMENDMENT NO. 2003

(Purpose: To provide assistance for the OAS Special Mission in Haiti to implement OAS Resolution 822 to restore security and hold elections)

On page 21, line 18, after the comma insert the following:

"That of the funds appropriated under this heading, up to \$15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further:*"

AMENDMENT NO. 1995, AS FURTHER MODIFIED

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 693. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct expanded IMET programs, programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that important national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

AMENDMENT NO. 2004

(Purpose: To encourage the Government of Indonesia to meet the conditions necessary for the normalization of military relations with the United States)

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

AMENDMENT NO. 2005

(Purpose: To increase the maximum rate of post differentials and danger pay allowances for civilian employees of the United States Agency for International Development)

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after "25 percent of the rate of basic pay" the following: "or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay".

(b) Section 5928 of title 5, United States Code, is amended by inserting after "25 percent of the basic pay of the employee" both places it appears the following: "or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

AMENDMENT NO. 2006

(Purpose: To state the sense of Congress on the use of small, locally-owned air transport providers to provide for the delivery by air of assistance under the bill)

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

AMENDMENT NO. 1973

(Purpose: To express the sense of Congress on the October 15, 2003 election in Azerbaijan and require a report on an investigation in Azerbaijan)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and nongovernmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elec-

tions "cast doubt on the credibility of the election's results".

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliiev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

AMENDMENT NO. 2007

(Purpose: An amendment requiring a report on a USAID mission in Sierra Leone)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the

House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

AMENDMENT NO. 2008

(Purpose: To provide a clarification with respect to the availability of funds for a voluntary contribution to the International Atomic Energy Agency)

On page 40, line 18, insert after "Commission" the following: "and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004".

AMENDMENT NO. 2009

Purpose: To require a report on a strategy for promoting stability and improving the quality of life in Somalia)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

AMENDMENT NO. 2010

(Purpose: To provide for the designation of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the International Organizations Immunities Act)

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

AMENDMENT NO. 2011

(Purpose: To provide funding for the Carter Center's Guinea Worm Eradication Program)

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", not less than \$5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

AMENDMENT NO. 2012

(Purpose: To clarify the criteria to be considered in determining eligibility for Millennium Challenge assistance)

On page 46, line 15, insert after "resources" the following: "and to providing opportunities for the inclusion of persons with disabilities".

AMENDMENT NO. 2013

(Purpose: To fund enhanced enforcement of intellectual property rights in foreign countries)

On page 32, line 10, before the period insert "": *Provided further*, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

AMENDMENT NO. 2014

(Purpose: To set aside an amount for grants to media organizations to support broadcasting that promotes human rights and democracy in Iran)

Beginning on page 78, line 25, strike "funds" and all that follows through "Iran:" on page 79, line 3, and insert the following: "not to exceed \$5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to Educational, Humanitarian and Nongovernmental Organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

AMENDMENT NO. 2015

(Purpose: To express the sense of the Senate on the development of democracy in Iran)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its "Patterns of Global Terrorism 2002" report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

AMENDMENT NO. 1998, AS MODIFIED

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. . (a) None of the funds made available by title II under the heading "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

AMENDMENT NO. 2016

(Purpose: To obtain assurance and a timetable for payments of U.S. contractors by the Egyptian Government)

On page 17, line 18 after the first comma add the following:

"That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*,"

AMENDMENT NO. 2017

(The amendment No. 2017 is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 2018

(Purpose: Democracy Building in Cuba)

On page 147, between lines 6 and 7, insert the following new section:

## DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

## AMENDMENT NO. 2019

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster.

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs.

Mr. MCCONNELL. Mr. President, 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.

## AMENDMENT NO. 2004

Mr. FEINGOLD. Mr. President, on August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded, when they were ambushed on a mountain road in Indonesia. Indonesian garrisons reportedly controlled all access to the remote road where the attack occurred. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to that same military, where it has stalled. The Indonesian military, to

date, has proven unwilling to fully cooperate with the FBI.

The survivors of the attack and the families of the murdered want their government to insist that Indonesia cooperate in uncovering the truth about the ambush and in bringing those responsible to justice. The Senate should support them.

The House already has. Congressman HEFLEY of Colorado offered an amendment linking resolution of this issue to Indonesia's access to the International Military Education and Training program when the House considered the Foreign Operations Appropriations bill. His amendment was accepted by unanimous consent. The Senate should send an equally unequivocal signal.

Today I offered an amendment, with the support of Senators CAMPBELL and WYDEN, to do just that. I appreciate the support of the managers, Senators MCCONNELL and LEAHY, who have accepted this amendment into the larger bill. I also appreciate the efforts of Senator ALLARD, who shares my interest in this issue.

My amendment is not out of step with current policy. I would like to call my colleagues' attention to an article from the October 23 edition of the Australian Financial Review. The article states that, during their recent talks in Bali, "Mr. Bush told Mrs. Megawati military relations could not resume until Jakarta had completed a full investigation into the killing of two Americans near the Freeport mine in Timika in Indonesia's Papua province last year." Our President was right to make that point. There can be no "business as usual" when it comes to the murder of American citizens, and there can be no "business as usual" until the FBI has received full cooperation, and any perpetrators uncovered by the investigation are held accountable for their actions.

This amendment simply makes it clear that the Senate wholeheartedly endorses that policy. It states that the full normalization of the military relationship between the United States and Indonesia cannot begin until the FBI has received full cooperation, not partial cooperation, in its investigation, and individuals found to be responsible are brought to justice. I am pleased that the Senate has taken action to make certain that our resolve is firm and our signal perfectly clear.

## AMENDMENT NO. 2020

Mr. MCCONNELL. Mr. President, I also have an amendment by Senator FEINGOLD that has been approved on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 2020.

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

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

The amendment is as follows:

(Purpose: To provide funds to support the development of responsible justice and reconciliation mechanisms in central Africa)

On page 147, between lines 6 and 7, insert the following:

## RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

Mr. MCCONNELL. Mr. President, I am aware of no opposition to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 2020) was agreed to.

Mr. MCCONNELL. Mr. President, 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.

Mr. REID. Mr. President, I ask unanimous consent that Senator GREGG be added as a cosponsor to amendment No. 1968 relating to the Leahy amendment on war crimes in Africa.

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

Mr. MCCONNELL. Mr. President, we are very close to completing the bill. We have a couple of problems on this side that are not yet worked out. We have a few more amendments we are working on which we are going to clear tonight. For the moment, 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## AMENDMENT NO. 1966

Mr. SESSIONS. Mr. President, I would like to share a few comments about the DeWine-Durbin amendment. It is well meaning. It is dealing with a critical subject that I am particularly interested in: the spread of AIDS in Africa.

I think we can do better in a lot of ways about how to confront that issue. I appreciate Senator MCCONNELL and Senator LEAHY today agreeing to an amendment that I proposed to deal with the medical transmission of AIDS. But I would just say a couple of things here.

We are moving to a historic increase in the amount of money we are spending for AIDS. The \$15 billion we have approved is quite a significant increase in this important effort throughout the world, particularly in Africa.

If this amendment is passed, it would add another \$289 million to the \$2 billion that was requested by the President. I would like to offer into the RECORD and quote from a letter dated October 16 to Chairman STEVENS of the Appropriations Committee from Mr. Joseph O'Neill, deputy coordinator and chief medical officer, Office of the Global AIDS Coordinator.

As I said, this is in his letter of October 16:

Dear Chairman STEVENS: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Fiscal Year 2004 Supplemental Appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the Fiscal Year 2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including \$200 million for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as part of the President's larger commitment to spend \$15 billion over the next five years through the Emergency Plan for AIDS Relief. I also want to highlight that it is by careful design that the President's Fiscal Year 2004 budget request is for \$2 billion.

The cornerstone of the President's Emergency Plan for AIDS Relief is its focused approach to use \$9 billion in new funding over the next five years to bring comprehensive and integrated HIV/AIDS prevention, care and large-scale antiretroviral treatment to 14 countries in Africa and the Caribbean. These countries are home to nearly 70 percent of HIV-infected persons in Africa and the Caribbean and 50 percent of the HIV-infected persons in the world. There are considerable challenges inherent in meeting the bold goals the President has set for these 14 countries which must be addressed in the early years of implementation. We believe it is important to ramp up spending on these countries in a focused manner, increasing the amount spent each year to efficiently and effectively create the necessary training, technology, and infrastructure base needed to deliver appropriate long-term medical treatment in a sustainable and accountable way.

That is a mouthful, but I think it says some valuable things. This administration believes we have to effectively utilize the money, and it takes some time. It is certainly necessary for training, technology, and infrastructure that there be a base of that before we can fully implement and spend this extra amount of money we intend to spend.

It goes on to say:

Similarly, the U.S. Government support for the Global Fund to Fight AIDS, Tuberculosis and Malaria is strong. Currently, the United States is responsible for 40 percent of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the United States in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's Fiscal Year 2004 budget. I appreciate your support on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative. It is signed: Joseph F. O'Neill, MD, Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator.

One of our Senators, Mr. ALEXANDER, on September 3 made this statement. It has a lot of truth to it. He came back from a trip to Africa. He wrote an op-ed piece. He gave 10 very wise and practical bits of advice to the leadership in this AIDS effort on the Senate floor on September 3. This is one of his final bits of advice on how to handle the situation.

Finally, move fast, but do not spend too fast. I imagine we are going to have a pretty good debate about that in the Senate. I have already heard some people say let's spend \$2 billion and others say let's spend \$2.5 and others say let's spend \$3 billion. The fact is, we are going to spend \$15 billion of taxpayers' money in fighting HIV/AIDS in 14 countries and the Caribbean. We are going to do it over 5 years. We need to keep in mind that the African system cannot absorb too much money too quickly. There are treatment guidelines to prepare and to teach. They are very complicated. There is a staff to recruit. There are patients to find and persuade. There are health care organizations to establish.

This amendment unfortunately is not offset. I would be very interested in seeing if we could fund this or we could utilize this money. I am very reluctant to not support an amendment Senator DEWINE has worked so hard on. He is a person committed to doing the right thing. He is a person committed to fighting AIDS. He wants to see us do even more than we are doing. I respect that. I admire him terrifically. He has been around this world. He has met people who are suffering. He wants to help, as we all do.

But the problem is, we agreed to a budget. I serve on the Budget Committee. That budget is a very serious matter. We decided we could spend only so much money. This foreign operations bill has a limit on the amount of money we have agreed to spend in foreign operations. If this amendment were to frame itself in terms of having an offset, that it would fund this \$289 million out of the billions of dollars in this account and would show where we could withdraw and reduce some of those other accounts, I would be very tempted to support Senator DEWINE's amendment. Unfortunately, it does not. It spends on top of the budget. It increases and breaks the budget. It is \$289 million above the amount we have agreed we could afford to spend. I can't see us doing that.

There are so many good ideas here. There are so many things we can do in this country and outside of this country. We have another increase in spending this year in our Federal appropriations bills. We would all like to spend more on projects than we are able to. But we have an increase that is not slashing our budget. We are not cutting our budget, even though we are going to set a record this year for deficit spending. We are going to set a record in deficit spending this year. But we can't continue to break the budget we fought so hard to create, a budget most of us committed to staying with.

Maybe somewhere, as this process goes along, there can be some offsets

that can help increase funding for the Global AIDS Program. I hope so. But I have, as so many have, voted against extra spending for things I care about—IDEA, kids in school, education, highways, matters I believe in and care about, when they exceed our budget. I have not been able to support them. I will not be able to support this one.

I know all of us have priorities, items we care passionately about. I certainly do. I know Senators DEWINE and DURBIN do. I respect their concerns and their passion. We are going to have a huge increase in spending for HIV/AIDS in Africa. It is the right thing to do. I have had two hearings in the HELP Committee on which I am a member on the AIDS problem in Africa. I have concluded we can do more for medical care. The amendment I crafted deals with rearranging the moneys we plan to expend to focus on that problem which can result in the greatest immediate decline in infections of any other action we could take. I cannot go along with breaking the budget on this matter. I hope we can work on it. I will certainly be willing to work with the Senator and we will see what we can do to increase this funding as we can.

The budget is an important matter. We don't need to get in the habit of breaking it. I will not vote to break it in this instance.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REFORESTATION PROGRAM IN AFGHANISTAN

Mr. CRAIG. Mr. President, I thank Chairman MCCONNELL for the hard work he has put into the Fiscal Year 2004 Foreign Operations and Related Agencies Appropriations bill. It is a challenging process, and he has done an excellent job balancing competing interests within the confines of a limited budget allocation.

I wish to engage in a colloquy with the distinguished chairman of the Subcommittee regarding the development of a reforestation program in Afghanistan. In this appropriations bill, with the adoption of an amendment the chairman and ranking member and I have worked on, \$5 million is to further a reforestation program in Afghanistan. I recently traveled to the Middle East with the chairman and witnessed first hand the devastating conditions of the natural landscape in Afghanistan.

As the chairman of Public Lands and Forestry Subcommittee, it saddens me to see the degradation that has occurred to the natural landscape of this country. Years of war and poverty have put a great strain on the ecosystems of this country. It is time to put an end to the denuding of the hillsides and turn them back to their brilliant shades of green.

I would like to see this funding be used to develop a reforestation program for the country. I think it is important to cultivate the native species to replenish and rejuvenate the area to provide additional opportunities for recreation, wildlife, and business development. The intent of this provision is that the expertise and skill of land grant universities, such as the University of Idaho, should be used to assist in developing this program. I also feel that this is an area in which the private sector could lend their assistance with both the development of the program and the reforestation of the country. Again, there are also leading edge forest products companies in my State like Potlatch Corporation and Boise Cascade who also have expertise of their own and a long time working relationship with the university.

This is an opportunity, through active management, to change the fate of the natural landscape of Afghanistan.

Mr. MCCONNELL. I commend the Senator for his interest in this project and look forward to the development of the reforestation program.

LANDMINE AWARENESS PROGRAMS FOR AFGHAN CHILDREN

Mr. DODD. Mr. President, for over two decades, the Afghan people have endured conflict and internal unrest. And although they are now in the process of rebuilding their country, for many, safety remains elusive. One reason is the continued presence of landmines, which were put into use by occupying powers and governments such as the Soviet Union and Taliban. Unfortunately, these weapons, whose danger is recognized by nations throughout the world, remain a major threat to the safety of ordinary Afghans—especially children.

I know my colleague, Senator LEAHY, has been a leader in calling the world's attention to the dangers created by land mines and the obligation of the United States and other governments to help ensure that innocent civilians, especially children, are not killed or critically injured by land mines and unexploded ordnance left behind after armed conflict ceases.

There are now over 10 million land mines throughout Afghanistan. This number is truly staggering. It is estimated that the process of clearing these devices could take up to 25 years—almost three decades. These land mines pose a tremendous danger to the children of Afghanistan. As my colleagues may be aware, Afghan children often perform a variety of chores that entails their passage through mine-laden fields. In fact, as several types of mines are small and brightly colored, children can be tempted to pick them up or to play with them. Too often, young Afghans die or lose a limb as a result of landmine-related incidents. Indeed, every month, 150 Afghans are injured by landmines, and many of these are children.

We need to help these innocent children. We need to protect them not only

from the horrors of war, but from the dangers that are left behind. Let me call to the attention of my colleagues an ideal organization to further this effort. Its name is "No Strings," and it is a new aid organization that seeks to use theater and puppetry to provide life-saving education about landmines to children in Afghanistan. "No Strings" is composed of two main groups: one with a broad background in humanitarian relief organizations, and the other with extensive experience in the field of children's educational entertainment and puppetry. I believe my colleague, Senator LEAHY also is aware of this organization.

I had intended to offer an amendment so that, "No Strings"—and other worthy organizations—would be able to engage Afghan children and teach them life saving mine safety lessons. Clearly, we must act in order to help to protect a generation of Afghans. However, since Senator LEAHY has generously offered to join with me in discussing this matter with appropriate officials at the State Department to encourage the Department to fund innovative programs like "No Strings," I will withhold offering the amendment at this time.

Mr. LEAHY. Mr. President, I concur with my colleague from Connecticut that we need to give special attention to children in Afghanistan and elsewhere who are being put at risk by landmines and unexploded ordnances that are a dangerous byproduct of the civil conflict in that country. Creative ways to teach children about the dangers that landmines and unexploded ordnances pose is critically needed to prevent any more innocent Afghani children from being killed or crippled. I believe that organizations, such as "No Strings" which has been mentioned by Senator DODD, that are prepared to develop novel programs to protect children from the dangers of landmines are worthy of US support. I look forward to working with Senator DODD in support of funding for such important projects.

INTERNATIONAL WATER SECURITY CENTER

Mr. LEAHY. I would like to ask the assistant minority leader two or three questions about international water security. First, what do we mean by water security and what is its relevance to foreign operations?

Mr. REID. I appreciate the question asked by my friend, the senior Senator from Vermont. As you know, water is vital for the life and health of people and ecosystems and a basic requirement for the development of countries. Yet, around the world, people lack access to adequate and safe water to meet their most basic needs. Water resources and the related ecosystems that provide and sustain them are under threat from pollution, unsustainable use, land-use changes, climate change and many other forces. Water shortages and degradation disproportionately affect arid regions of the world, many of which lack the technical and financial wherewithal to

effectively address the problems. Water and poverty are closely related. In areas of water scarcity, the poor are hit first and hardest. Conversely, water is the single factor most limiting economic development in many arid regions. There is, of course, a huge diversity of needs and situations around the world, but together we have one common goal: to provide water security. This means ensuring that freshwater, coastal and related ecosystems are protected and improved; that sustainable development and political stability are promoted; and that every person has access to enough safe water at an affordable cost to lead a healthy and productive life.

Water security is closely linked to national security. As we in the west are fond of saying, "whiskey is for drinking; water is for fighting." That may sound tongue-in-cheek, but in reality, there exists a long history of international tensions and conflicts over water resources, the use of water systems as weapons during war, and the targeting of water systems during conflicts caused by other factors. Strategic areas of the Middle East, South and Central Asia, South America and North Africa are plagued by recurring tensions over transboundary allocation of scarce water resources.

Mr. MCCONNELL. I understand that over 1 billion people do not have access to safe and secure sources of drinking water. Does my friend from Nevada have any thoughts on additional actions this subcommittee can take to promote international water security?

Mr. REID. I appreciate the question from my friend, the senior Senator from Kentucky. To achieve water security, we face the serious challenges of meeting basic needs, securing the food supply, protecting ecosystems, sharing water resources, managing risks, valuing water, and involving stakeholders in governing water wisely, while maintaining a balance between social, political, cultural, environment needs. The challenges are formidable, but so are the opportunities.

There are many experiences around the world that can be built upon. For example, through our experiences in managing scarce water resources in the desert State of Nevada, we have gained a valuable knowledge base upon which other arid and water-starved regions can build. Scientists in our university system are recognized among the foremost world leaders in water management in these lands. As an important initiative to increase water security, they have prepared an impressive proposal to launch an International Water Security Center.

Mr. LEAHY. What do you envision as the role of an International Water Security Center?

Mr. REID. The center would be a clearinghouse for scientific research in support of water conflict resolution. As a focal point for advanced research and education in water security issues, it would bring together scientists, engineers, water managers, and policy

makers from arid and other water-starved regions worldwide. Through collaborative research exchanges, the center would promote long-term capacity building in developing countries, which would benefit from our leadership in desalinization, water treatment, hydrologic modeling, water-use efficiency, and other technical approaches. The center would also support education of young Americans in international water policy and security, an area of expertise that we will certainly need in the future. The wide spectrum of cultures and landscapes would broaden the outlook of everyone involved, fostering the multidisciplinary approaches needed to ensure project viability and longevity.

Mr. MCCONNELL. Where might the center be based?

Mr. REID. The University and Community College System of Nevada would provide an excellent home for the center. Through the research and educational programs undertaken by its major institutions, this University System is known throughout the world for its expertise in water resource and watershed management. For example, the Desert Research Institute, or DRI, is a unique blend of academia and entrepreneurship. Grounded in fundamental research, DRI and its Center for Watersheds and Environmental Sustainability apply scientific understanding to the management of scarce water resources in countries around the world while addressing needs for economic diversification and science-based education.

The University of Nevada, Reno, and University of Nevada, Las Vegas collaborate with DRI and conduct nationally recognized research and educational programs in their own right. The University of Nevada, Reno, UNR, has one of the Nation's largest and well-known education programs in the study of groundwater. A new international program at UNR sends undergraduate and graduate students to work with local villagers in some of the world's most impoverished nations. This training works both ways, helping the world's poorest people and training American students to work safely and effectively overseas. At the University of Nevada, Las Vegas, UNLV, the interdisciplinary educational program in Water Resource Management considers the scientific and engineering aspects of the hydrologic sciences within the context of policy and management issues related to water and water security. The expertise of UNLV's William S. Boyd School of Law in the field of water rights and water allocations is also a fundamental to this program.

With its strong tradition of fundamental research and collaboration, the University and Community College System of Nevada is perfectly poised to host an International Water Security Center. The University System is overseen by a chancellor and a 13-member Board of Regents.

Mr. LEAHY. How much funding is requested and how would it be used?

Mr. REID. I am requesting an annual appropriation of \$1.25 million dollars each year for the next 3 years. This funding would be used to develop an administrative structure, identify potential collaborators and projects, initiate "seed" projects, educate and train American students in water security, launch research initiatives, and develop and implement a plan for continued center activities without the need for additional Congressional appropriations. The funding would be administered by the University of Nevada Chancellor's office, and made available to scientists and researchers throughout the University System. The Chancellor's office has a long tradition and expertise in administering federal, state and non-profit research grants.

Mr. NICKLES. Mr. President, S. 1426, the fiscal year 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act for 2004, as reported by the Senate Committee on Appropriations provides \$18.1 billion in discretionary budget authority and \$20.3 billion in discretionary outlays in fiscal year 2004 for Foreign Operations appropriations. This bill contains about two-thirds of total international affairs spending in the budget. The bill funds U.S. Export and Investment Assistance, Bilateral Economic Assistance, Military Assistance, and Multilateral Economic Assistance.

The bill equals the Subcommittee's 302(b) allocation for budget authority and is \$9 million in outlays below the 302(b) allocation. The bill provides \$796 million less in budget authority and \$713 million less in outlays than the President's budget request. The bill provides \$5.6 billion in budget authority less and \$148 million in outlays more than the 2003 enacted level including 2003 supplemental appropriations. Excluding those supplemental appropriations, the bill provides a \$1.866 billion increase over last year, or 11.5 percent.

I am concerned about a proposed amendment that would add funds for Global HIV/AIDs programs without providing an offset within the bill. Any amendments that add funding without offsets will have a budget act violation and I will not be able to support them.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—  
SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, dollars in millions)

	General purpose	Mandatory	Total
<b>Senate-reported bill:</b>			
Budget authority .....	18,093	44	18,137
Outlays .....	20,294	44	20,338
<b>Senate Committee allocation:</b>			
Budget authority .....	18,093	44	18,137
Outlays .....	20,303	44	20,347
<b>2003 level:</b>			
Budget authority .....	23,708	45	23,753
Outlays .....	20,146	45	20,191

S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—  
SPENDING COMPARISONS—SENATE-REPORTED BILL—  
Continued

(Fiscal year 2004, dollars in millions)

	General purpose	Mandatory	Total
<b>President's request:</b>			
Budget authority .....	18,889	44	18,933
Outlays .....	21,007	44	21,051
<b>House-passed bill:</b>			
Budget authority .....	17,119	44	17,163
Outlays .....	20,182	44	20,226
<b>Senate-Reported Bill Compared To</b>			
<b>Senate 302(b) allocation:</b>			
Budget authority .....	0	0	0
Outlays .....	-9	0	-9
<b>2003 level:</b>			
Budget authority .....	-5,615	-1	-5,616
Outlays .....	148	-1	147
<b>President's request:</b>			
Budget authority .....	-796	0	-796
Outlays .....	-713	0	-713
<b>House-passed bill:</b>			
Budget authority .....	974	0	974
Outlays .....	112	0	112

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCONNELL. Mr. President, I take a brief moment to draw the attention of my colleagues to the situation in Cambodia, and in particular to the continued courage and determination of the Alliance of Democrats.

The Alliance—which consists of the opposition Sam Rainsy Party and the royalist FUNCINPEC party—has taken a bold stand for freedom in Cambodia in the wake of flawed parliamentary elections last July. Despite intimidation and pressure from the ruling Cambodian People's Party, CPP, the Alliance is refusing to enter into a coalition government that is led by Prime Minister Hun Sen—himself an enemy of democracy and justice.

Having met with Alliance leaders in Washington not too long ago, and having personally traveled to Cambodia in 1998, I can appreciate their refusal to allow Hun Sen to continue to mislead that country. In the past, senior Alliance leaders have been targets of assassination attempts, a bloody coup d'etat staged by the CPP, and imprisonment and political exile. Under Hun Sen's misrule, terrorists, criminal triads and pederasts find a haven in Cambodia. Corruption is the norm in that country, as are politically motivated killings.

It might interest my colleagues to know that there have been two high profile shootings in Phnom Penh over the past several weeks, both victims being affiliated with the FUNCINPEC party. Reporter Chour Chetharith was murdered outside the Ta Prohm radio station. According to press reports, the "execution-style killing followed a warning by Prime Minister Hun Sen . . . that Ta Prohm should stop broadcasting programs critical of his speeches."

Pop singer Touch Sunnich was shot a few short days ago—her only crime apparently being a supporter of non-CPP party. My heart goes out to these victims and their families.

It is not enough for the diplomatic community to condemn this killing. It

is past time that someone is held accountable for all the lawlessness, violence, and corruption that unfortunately has become the norm in Cambodia. I offer to my colleagues that the Alliance is trying to do just that by holding Hun Sen accountable—and they deserve the full backing and support of the international community.

Let me close by expressing my great disappointment with the U.S. Embassy in Phnom Penh. Recently, they issued a visa to travel to the United States to a notorious human rights abuser and gangster in Cambodia—Chief of the National Police Hok Lundy. Why the Embassy would issue a visa to someone considered by many of his own compatriots to be a terrorist is beyond me. It is no understatement that Hok Lundy is the Li Peng of Cambodia—and should be held accountable for the violence following the 1998 elections.

AMENDMENTS NOS. 2021, 2022, 2023, AND 2024, EN BLOC

Mr. MCCONNELL. Mr. President, there are four remaining amendments that have been cleared on both sides: One by Senator BROWBACK providing funds for certain programs in Tibet; Senator LEAHY, additional funds for the related accounts; Senator KENNEDY regarding HIV/AIDS; Senator FRIST, myself, Senator LEAHY, technical clarifications on HIV/AIDS. I send these four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 2021

(Purpose: To provide for the use of not less than \$3,000,000 by the Bridge Fund for certain programs in Tibet)

On page 77, beginning on line 20, strike “not to exceed \$3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China;” and insert “not to exceed \$4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to \$3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:”

AMENDMENT NO. 2022

On page 53, line 21, strike “\$8,898,000” and insert in lieu thereof the following: \$898,000

On page 55, line 26, strike “\$314,550,000” and insert in lieu thereof the following: \$322,550,000

AMENDMENT NO. 2023

(Purpose: To provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries)

At the appropriate place, insert the following:

SEC. \_\_\_\_ The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2024

(Purpose: To modify provisions relating to activities for the prevention, treatment, and control of HIV/AIDS)

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY  
FUND

On page 22, line 10, insert “except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act,” after “law.”

On page 74, line 22, insert “except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act” before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

“(vi) for the purposes of clause (i), ‘funds contributed to the Global Fund from all sources’ means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.”;

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

“(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act).”;

(3) in section 301(f), by inserting “, except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency” after “trafficking”.

Mr. MCCONNELL. Mr. President, 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.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### FOREST FIRES

Mr. CRAIG. Mr. President, I come to the Chamber to express my profound

sorrow to the families in southern California who have lost their homes and some who have lost their loved ones during this conflagration of fire. I extend my sympathy to the millions of citizens in southern California who have lost part of their rural refuge to these massive wildfires.

Thirteen fires are burning an estimated 600,000 acres of brush and trees, and over 1,900 structures, as of this morning, have been burned. The fire has put thousands of others at risk and, of course, land and mud slides will come with the winter rains. More than 50,000 people have been evacuated as we speak. Over \$20 million has been spent thus far on fire suppression.

Yesterday our President declared Los Angeles, San Bernardino, San Diego, and Ventura Counties as major disaster areas and ordered Federal aid to supplement State and local recovery efforts.

The Old Fire, which started Saturday morning and by Sunday had merged with the Grand Prix Fire, had grown to over 52,000 acres in only a matter of a few hours. It is expected now, as we speak, to consume Lake Arrowhead today. Many firefighters on the ground are describing this fire as Armageddon. For communities such as Lake Arrowhead, that have been suffering through the third year of western bark beetle epidemic, the fire was their worst nightmare. Now it has come true.

In the San Bernardino greater forest area around Lake Arrowhead, over 90,000 acres are now dead. They are simply kindling, standing, waiting for the wave of fire that is now striking that forest. If the U.S. Forest Service had had a streamlined NEPA and appeals process that recognized the importance of dealing with insects, disease, and damage from windstorms and ice storms, and fire, the Forest Service might have had the opportunity to cut fuel breaks between the live forests and the wildland and the urban interface.

Sadly, the Senate has been fiddling around with H.R. 1904, and now southern California is ablaze. Not all of H.R. 1904 would have been directed to the California problem, but now that we are into the standing timber areas of San Bernardino, and we have watched that forest die through bug infestation, unable to do anything about it, here is where it could have helped. The wildland urban interface, where firebreaks could have been built, where the fire could have come down from the trees and onto the ground, many homes could have been saved.

If the Forest Service didn't approach every project as a one-size-fits-all NEPA process, they might have been able to thin the forest out a little, which would have increased the intensity and strength of the western bark beetle epidemic and perhaps reduce this risk of conflagration.

If a viable forest products industry still existed in the area, one which closed its doors in the mid-1980s due to the Forest Service's failure to manage