

judges for this President during the last 3½ years. So this is not about being unwilling to support filling judgeships, but it is about a very specific concern about what has been happening in Michigan and the lack of willingness of the administration to work with both Senators to fulfill our equal responsibilities of being able to pick the best people to serve our great State for a lifetime appointment.

These are not Cabinet appointments of this President. They are lifetime appointments. The reason the Framers of the Constitution divided the responsibility—half with the President and half with the Senate, as we know—is because this is a third branch of Government with lifetime appointments, and it is very important there be the maximum amount of input, balance, and thoughtfulness brought to this process.

Unfortunately, regarding the Sixth Circuit, until we have a fair solution, I believe I have no other option than to oppose this cloture vote and to urge my colleagues to do the same.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President. What is the business before the Senate?

The PRESIDING OFFICER. The nomination of Henry Saad to the Sixth Circuit Court of Appeals is the pending business.

Mr. HARKIN. I thank the Chair.

UNITED STATES-MOROCCO FREE-TRADE  
AGREEMENT

Mr. HARKIN. Mr. President, I wish to take a few minutes of the Senate's time to discuss the reasons behind my decision to vote against the Morocco free-trade agreement implementing legislation which the Senate passed earlier today. I want to make very clear that my vote was not in any way against a free-trade agreement with Morocco. My vote, as was my vote against the Chilean free-trade agreement, was a protest against the continued determination by this administration to undermine and to do away with provisions that address labor issues, especially the worst forms of child labor, that we had contained in the Jordan free-trade agreement and relevant provisions in the Generalized System of Preferences.

In fact, I welcome this affirmation of the strong economic and political relationship that exists between the United States and the Kingdom of Morocco which can be strengthened by this agreement. I recognize this legislation is almost certain to pass the House this week very easily, and the United States-Morocco Free-Trade Agreement will go into effect next January.

The Kingdom of Morocco is a politically moderate Muslim nation that has been a long-time friend of the United States, a friendship that has been demonstrated most recently with their support in the aftermath of the tragedy of September 11, 2001.

Morocco has been a valuable partner in fighting the global war on terror,

and so it is appropriate for the U.S. Government to reciprocate that support with a bilateral free-trade agreement so long as it leads to expanded economic opportunities for both partners.

Once in place, this agreement will generate significant economic benefits to both Morocco and the United States, and with Morocco's strategic position on the continent of Africa and easy access into Europe through the Strait of Gibraltar, it could serve as a gateway to even more markets.

This bilateral free-trade agreement could also serve as the foundation for a far wider free-trade agreement with the entire region of the Middle East and northern Africa.

With respect to agriculture, this free-trade agreement provides modest but clear opportunities to a wide range of U.S. commodities.

The opportunities provided in the free-trade agreement in non-agricultural goods and services will be substantial as well, and it reflects the determination of the Government of Morocco to modernize their economy to the benefit of the people of Morocco.

So count me as a friend of Morocco. Morocco has been a strong ally of the United States. It is a moderate nation. I have had the privilege of visiting Morocco on at least two occasions, maybe more, and I have a great deal of respect and admiration for the Moroccan people. Nonetheless, I decided to vote against it because I intend to call attention to the decision of U.S. negotiators to retreat from the provisions under the Generalized System of Preferences that requires the U.S. Government to monitor our trading partners on their progress in meeting international standards on the use of child labor, and these provisions in the GSP also provide leverage to encourage those countries to continue to make progress by permitting sanctions to be imposed against those who backtrack.

The Bush administration has taken a weak stand toward child labor in this latest trade agreement. In 2000, I, along with then-Senator Helms of North Carolina, authored an amendment that unanimously passed the Senate that extended GSP benefits to countries that took steps to implement ILO Convention 182 on the worst forms of child labor, and it mandated that the President report on the progress of these countries. If the President determined that countries were not taking steps to implement the ILO Conventions, benefits would be withheld.

The trade agreement that we passed with Chile earlier, and with Morocco, takes a step backward. As I said at the time, I first proposed we have a free-trade agreement with Chile in 1993, 11 years ago. So I had mixed emotions when I had to vote against the free-trade agreement with Chile because Chile's Government is making great progress. But this administration sought to undermine what we had achieved in the Jordanian free-trade

agreement and in the Generalized System of Preferences.

Morocco does have problems with child labor. Although not employed in regular manufacturing, child labor is commonly used in cottage industries, such as rug making, and many Moroccan middle-class households use children as domestic servants. The Government of Morocco did pass new labor laws last month which included raising the minimum working age from 12 to 15 and reducing the workweek from 48 to 44 hours, but a recent U.S. Department of Labor report indicates that enforcement of existing laws is severely constrained.

So while Morocco has been a good friend, while they are trying to make progress, I think our trade laws ought to bolster that progress in doing away with the worst forms of child labor.

I take into account these considerations when I determine whether I will support a given trade agreement, as well as the economic gains that may be generated.

As in the case of Chile, my concern about the lack of direct protection against the use of child labor was the overriding factor, so I voted no on the free-trade agreement with Morocco. Again, as I say, I do not want this to be misinterpreted in any way as any lack of support for our mutual friendship and the continued development of relations between the United States and Morocco.

APPROPRIATIONS

Mr. HARKIN. I was watching on the monitor when Senator BYRD was recently on the floor talking about the lack of considering appropriations bills. In 2 days, we are going to adjourn for recess. What do we have to show for it? By this point, the Senate should have passed most, if not all, of the 13 appropriations bills, but this year under the Republican leadership we have only passed one, the Defense bill. We have not even debated the 12 others, much less put them to a vote.

Why is that? Is it because we are so busy in the Senate that we cannot debate these? Hardly. We spent days talking about judges who stand no chance of being confirmed; days on an amendment to ban gay unions that everyone knew would not pass, could not even get a majority vote, let alone 67 votes needed for a constitutional amendment. We spent weeks on a class action bill because Republican leadership did not want to consider amendments on which they thought they might lose.

Meanwhile, the Senate leadership has taken no action on increasing the minimum wage or extending unemployment benefits that could really make a difference for hard-working Americans.

The highway bill, which would create thousands of jobs, is now almost a year overdue, hung up by a veto threat of the White House. The bill to authorize Corps of Engineers projects that are important to farmers in my State was passed by the committee a month ago. There is no sign of any consideration in the Senate.

According to the Senate leadership, there is no time to take up appropriations bills that provide funding for critically important Government services. Passing the appropriations bills ought to be one of our top priorities. These bills pay for everything from roads and veterans health to homeland security and education. But here it is, July 21, with only 21 legislative days remaining in the fiscal year, and we have passed one appropriations bill.

That is all.

As the ranking Democrat on the Labor, Health, Human Services and Education Appropriations Committee, I find this very troubling. It is not the committee chairman's fault. I know Senator STEVENS is anxious to pass these bills. The same goes for the chairman of the Labor, Health, Human Services and Education Appropriations Subcommittee, Senator SPECTER. Our staffs have worked together closely on a bill. We are ready to mark it up on a moment's notice, but the White House and the Republican leadership in the Senate seem to have no interest in moving any appropriations bill other than Defense.

The reason is simple when one thinks about it. If these appropriations bills get debated on the Senate floor, everyone will see what the Republican Party's priorities are. It will be very clear. The Republican Party is out of touch with middle-class and low-income Americans. Education is a case in point. Two and a half years after President Bush signed the No Child Left Behind Act, it is obvious he has no intention of providing the funding to make it work. President Bush's budget for next year shortchanges the No Child Left Behind Act by a whopping \$9.4 billion.

No wonder we hear from school boards, teachers, and principals all over our States complaining about the No Child Left Behind Act. It is an unfunded Government mandate, the biggest of all, telling our local schools what they have to do, and yet we do not provide the funding that was promised by the President, \$9.4 billion less than what he promised, and it is shortchanging our schools.

Look at title I in education. That is the Federal program that specifically serves disadvantaged children who are at the most risk of falling behind and being left behind. The President's budget shortchanges this program by more than \$7 billion. Now we are up to \$16 billion in two cases of education.

It is the same story with kids with disabilities. The President's budget provides less than half of the level Congress committed to paying when the Individuals with Disabilities Education Act was passed in 1975. Meanwhile, Mr. Bush continues to oppose the bipartisan legislation Senator HAGEL and I have offered to fully fund this law.

On higher education, the President offers virtually no help to low- and middle-income students who cannot afford to go to college. Under President

Bush's budget, the maximum Pell grant award would be frozen for the third straight year while college tuitions continue to rise through the roof.

The level of Pell grants in the President's budget next year will be lower than it was in 2002. One wonders why so many students cannot afford to go to college now or why they are borrowing more money and graduating with these big debts. Well, maybe that is the administration's goal: Get these kids to borrow more money from the banks, pay these big interest rates, pay it back, rather than making Pell grants, which they should be providing.

Meanwhile, President Bush's budget eliminates funding entirely for programs like school counselors, arts and education, gifted and talented programs, and dropout prevention, all zeroed out in the President's education budget.

The administration says there is no money to do this, no money to make good on the pledges made only 2 years ago.

Well, I am sorry if I strongly disagree. Bear in mind that in this same budget with all of these cuts to education, the President calls for another \$1 trillion in tax cuts.

It seems to me if there is room for \$1 trillion in tax cuts, surely there is room for \$9.4 billion to fund the No Child Left Behind education bill. That would be less than 1 percent of the proposed new tax cuts.

Time and again we hear this administration say, well, education reform is not about money. It is true, education reform is not only about money, but let's be real: If we are going to modernize school buildings, it costs money. If we are going to buy up-to-date textbooks and school technology, guess what. It costs money. If we are going to reduce class sizes, it costs money. If, under the No Child Left Behind Act, we want highly qualified teachers in the subjects in which they teach, guess what. It costs money. And if we want to ensure all kids with disabilities are learning at the proficient level as required by the new law, guess what. It costs money. If we want to ensure all young people, regardless of income, have a shot at going to college, guess what. It costs money. Unfortunately, money is something we do not get very much of in the President's education budget.

If they want a tax break for the wealthy, they get \$1 trillion. If we want to fund education, forget it in the President's budget.

We Democrats tried to increase funding for education during the debate on the budget resolution in March. We offered amendments on the No Child Left Behind Act, on afterschool centers and Pell grants, but the Republican majority rebuffed us every time. Now the Republican leadership in the Senate will not even give us a chance to debate an education appropriations bill and offer amendments on the floor of the Senate. They will not even give us a chance to do that.

A couple of years ago when the President signed the No Child Left Behind bill, he seemed to think that education was an important Federal responsibility—Federal, not local. The President signed the No Child Left Behind Act, a Federal mandate to local schools. If the President thought 2 years ago that education was an important Federal responsibility, why is the President so reluctant to have us take up an appropriations bill that would fund this law?

I believe I know why. The Republicans have backed themselves into a corner. They are doling out so many tax cuts for the rich that they do not have any money left to fund our Nation's schools. They know if they offer an education bill with the limited amount of money they are willing to spend on students, there is going to be a huge outcry across the country. The American people would see what the President really stands for. They would see, in black and white, that this administration has no real interest in leaving no child behind.

Four years ago we were looking at over \$5 trillion in surpluses over 10 years, with the Federal Reserve talking about the great economic effects of completely paying off the Federal debt by 2009. That was 4 years ago.

Four years later, now, this year, we are facing a record deficit of over \$400 billion just this year. There are many reasons for that turnaround, but the biggest by far is the tax cuts. About half of the tax cuts we have passed here go to people averaging an income of over \$1 million a year. Let me repeat that: Over one-half of those tax cuts that we have passed here go to people averaging an income of over \$1 million a year.

This administration's misguided tax policies are undermining our Nation's fiscal strength; they are weakening our economy, jeopardizing Social Security, and reducing our ability to provide for the needs of our children and our Nation's education. It is no wonder that the Senate Republican leadership wants to avoid the issue of education funding. They do not want to bring the education funding bill out on the floor for open debate and amendments. They just want to sweep it under the rug and hope that no one notices.

The Republican Party controls the Senate schedule, so they have that power. But I urge them to reconsider. Let's mark up the bill in subcommittee, to the full committee, and bring it to the floor.

As I said, Senator SPECTER has done his job. My staff worked with his staff. We have a bill that is ready to go. Bring it out here. Let's have a good debate about how much we want to fund education. Give the public a chance to weigh in and see an open debate. Let's have amendments. Let's vote on them. I thought that was the way the process was supposed to work.

Maybe my friends on the other side of the aisle are right. Maybe people

really do care more about tax cuts for the rich than about funding education. I don't think that is so, but there is only one way to find out. That is to bring the education appropriations bill to the floor in open debate and let Senators on both sides of the aisle offer their amendments. Let's vote on those amendments, and let's see how the elected Representatives of the people of this country feel about funding education after those debates and after those votes. As I said, it seems to me this is the way our democratic system is supposed to work.

Again, I urge the Republican leadership: Bring out our appropriations bills. I focus on education because I happen to be the ranking member on the appropriations subcommittee dealing with education, health, and labor. There are so many more, as I mentioned, such as the highway bill and homeland security, that we need to get through on the Senate floor. There are 21 days left, and we have passed only one appropriations bill.

The Senate is not doing its business. It is time we do.

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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business for 15 minutes.

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

Mr. DURBIN. Thank you, Mr. President.

#### DARFUR, SUDAN

Mr. DURBIN. Mr. President, 1,000 people died there yesterday, 1,000 people will die there today, 1,000 more will die tomorrow and the day after that, and then the next day for as long as we can possibly imagine. I am speaking of Darfur, Sudan. In that region of the world this year, 300,000 people may be dead; 1½ million people in Sudan are homeless. Villages have been decimated, women have been systematically raped, crops have been destroyed, and wells have been poisoned with human corpses. This is genocide. Let us not mince words. It demands action.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires signatories, including the United States of America, to prevent and punish acts that are "committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group." That is exactly what is taking place in Sudan today.

We in the United States have to join with civilized nations around the world to stop the genocide in Darfur because we have failed sometimes before. We

failed knowingly time and time again in the 20th century. Ten years ago we failed the people of Rwanda.

Samantha Power is the author of a book which I have read, a book which haunts and inspires me. It is a book entitled "A Problem From Hell: America and the Age of Genocide." She wrote, "The United States had never in its history intervened to stop genocide and had in fact rarely even made a point of condemning it as it occurred."

That is a terrible condemnation on our Nation, and it is one that I think calls us all to action in Sudan.

This is not a partisan issue. I want to salute my colleagues on the Democratic side, Senator JON CORZINE of New Jersey, and on the Republican side Senator SAM BROWNBACK of Kansas and Senator MIKE DEWINE of Ohio. They have spoken out on this floor time and time again about the genocide in Sudan. They remember, as I remember, what happened in Rwanda—what happened while I was a Member of Congress, and while I did not pay as much attention as I should have.

Ten years ago, between 800,000 and a million people were butchered in Rwanda. The killings took place with terrifying efficiency. The weapons of mass destruction were simple: the machete, the club, the torch. Those with enough money in Rwanda were sometimes able to pay their killers to shoot them rather than hack them to death with a machete. These killings were crudely carried out and executed, but they were carefully orchestrated. They were designed to wipe out an ethnic group, the Rwandan Tutsis, from the face of the Earth, along with any other moderate Hutus who dared to question the ruling ideology.

Bill Clinton, a man I count as a friend, was President of the United States when this occurred. He read a series of articles about the killings in Rwanda. He turned to his National Security Adviser Sandy Berger and asked, Is what they are saying true? How did this happen? Bill Clinton came to realize after the genocide in Rwanda that the United States had made a historic, tragic mistake of not speaking up, of not moving with other nations to stop what happened in Rwanda. He visited that country and apologized on behalf of our country and the rest of the world for ignoring, for standing idly by, while a million people died. That happened in Rwanda because the United States allowed it to happen.

I am dwelling on Rwanda today, but the crisis is in Sudan. Why? Because years from now I don't want those of us serving in Congress to be asked about Sudan, How did this happen? We know how it is happening, and we know it continues to happen even as we speak.

Ten years ago, seven Tutsi pastors trapped in a hospital that was no sanctuary wrote to the world pleading for intervention and assistance. Here are their words: "We wish to inform you that we have heard that tomorrow we will be killed with our families." There

was no intervention. There was no help. And the next day, these Christian pastors and their families were killed, and hundreds of others with them.

We failed to act in Rwanda. We cannot fail to act in Darfur, Sudan. For months, in western Sudan, the janjaweed, Arab militias—death squads—have waged war on the ethnic African villagers. They have killed thousands outright. They have engaged in massive, systematic rape and told their victims that they hoped they would produce "light-skinned" babies. They have made 1.5 million people homeless, some internally displaced and some forced into Chad and other neighboring nations. The Sudanese Government, a government which should be protecting its people, has conspired in this mass murder and contributed to it by deliberately shutting out international humanitarian efforts to reach the refugees. Starvation, disease, and exposure to the elements are also the weapons of genocide.

My family grew up in Springfield, IL in a typical American community and typical American neighborhood. Next door were our closest friends, the Mays family. There was a young woman, a young girl when I first met her, who grew up with my kids. Her name is Robin Mays. She is an amazing young woman who succeeded in so many different facets of life and decided to enlist in the Air Force right out of college. She was in the Air Force for 7 years as an officer in charge of logistics. When she came out of the Air Force, she came to me and said, I would like to do something that uses my skills that might help people. I put her in contact with the World Food Program. She went to Ethiopia, and she was involved in dealing with the refugee problems and feeding thousands. She came back to the United States and went to work for USAID. A few months ago, she was sent to the Sudan, and she is there. She is working in Sudan now with the victims of genocide, with the refugees. The other day she sent an e-mail to her family. She shared it with me. She was so excited because she heard there were actually people in the United States talking about what was happening in Sudan. It was encouraging to her that the rest of the world even knew what was happening in Sudan. She didn't hold any great hope that we would run to her aid and find some relief for these poor victims, but she was so encouraged that we even knew and that we even cared.

What a sad commentary on a great nation like the United States and many other great nations around the world, that that is the best we can do to acknowledge the problem, to express our concern.

An estimated 180,000 Sudanese have fled to Chad, one of the poorest countries in the world. Hundreds of thousands more are displaced within Sudan, roaming around, trying to look for a safe place or something to feed their children. When you look at the images