

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 58 seconds remaining.

Mr. BIDEN. Mr. President, the leader has much better access to the President than I do, but to the best of my knowledge there is no negotiation, has been no negotiation, no discussion, no comment whatsoever about changing the U.S. provision from 27 percent to 25 percent. I know of nothing. The State Department has never said anything to me. The Defense Department, the White House, Kofi Annan, nobody has raised this, except my friends on the conservative right in the Republican Party.

If we do not want to send a mixed signal, do not vote against the President. The President of the United States, not our conservative friends on the right side of the aisle, says 27 percent. Do not undercut the President and send a mixed signal.

I yield whatever time I have remaining, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 286.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAPO).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—40

Akaka	Feinstein	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden
Durbin	Lieberman	
Feingold	Lincoln	

NAYS—57

Alexander	Coburn	Graham
Allard	Cochran	Grassley
Allen	Coleman	Gregg
Baucus	Collins	Hagel
Bennett	Cornyn	Hatch
Bond	Craig	Hutchison
Brownback	DeMint	Inhofe
Bunning	DeWine	Isakson
Burns	Dole	Kyl
Burr	Domenici	Lott
Byrd	Ensign	Lugar
Chafee	Enzi	Martinez
Chambliss	Frist	McCain

McConnell	Shelby	Talent
Murkowski	Smith	Thomas
Nelson (NE)	Snowe	Thune
Roberts	Specter	Vitter
Santorum	Stevens	Voinovich
Sessions	Sununu	Warner

NOT VOTING—3

Crapo	Dayton	Rockefeller
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The amendment (No. 286) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 266

The PRESIDING OFFICER. The question is on agreeing to the Lugar amendment No. 266.

The amendment (No. 266) was agreed to.

Mr. LUGAR. 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:38 a.m., recessed until 12 noon and reassembled when called to order by the Presiding Officer (Mr. MURKOWSKI).

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 and 2007

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 308

Mr. SALAZAR. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 308.

Mr. SALAZAR. I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows: (Purpose: To increase the accountability and effectiveness of international police training)

At the end of title VIII, insert the following:

SEC. 812. INTERNATIONAL POLICE TRAINING.

(a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of training for police or security forces through the Bureau that begins after the date of the enactment of this Act, the Secretary shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

- (A) do not have a criminal background;
- (B) are not connected to any criminal or insurgent group;
- (C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(b) ADVISORY BOARD.—The Secretary shall establish an advisory board of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs. The board shall have not less than 5 members who are experienced United States law enforcement personnel.

(c) BUREAU DEFINED.—In this section, the term “Bureau” means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall submit to Congress a report on the training for international police or security forces conducted by the Bureau. Such report shall include the attrition rates of the instructors of such training and indicators of job performance of such instructors.

Mr. SALAZAR. Madam President, I rise in support of this amendment to document the importance of making sure we have the right standards and certifications with respect to training law enforcement and security officers on missions around the world.

I speak to this amendment based on my experience as Colorado attorney general where I sat as chairman of the peace officers standards and training board for a period of 6 years. Working with my colleagues in law enforcement, we developed a set of standards that made sure the people we were recruiting into our police forces in the State of Colorado were people who had been checked for criminal backgrounds and would be able to serve. We also developed a set of standards with respect to the training of these law enforcement officers. This amendment creates those same standards and background checks with respect to people being recruited into security forces to help with our efforts around the world.

I understand the amendment I have offered will be considered by Senator LUGAR and others as we return to the Senate.

I yield the floor and 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.

AMENDMENT NO. 284

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

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

Mr. DORGAN. Madam President, yesterday I offered an amendment on behalf of myself and Senator WYDEN from

Oregon. I will now describe that amendment in some greater detail. I know others, including my colleague from Oregon, will be here.

It is an amendment to terminate something called TV Martí, Television Martí. It is spending money on something that does not work, spending money we do not have on something that is not needed. Even waste, of course, has a constituency in this town, so there will be those who will oppose this amendment. I will describe why this is a tragic waste of the American taxpayers' money.

This is a picture of an aerostat balloon called Fat Albert. Fat Albert has a great history. Fat Albert has been used for a number of things. At one point we had an aerostat balloon, Fat Albert, that got loose of its mooring in Florida. Eventually, it lifted fishing boats from the sea. They had to shoot it down. The Air Force had to shoot down Fat Albert.

This is the aerostat balloon, along with a 20,000-foot tether cable that broadcasts television signals into the country of Cuba to tell the Cubans how good life is in America and to give the Cubans a straight story.

We have spent \$189 million on this program over a number of years since 1989. Over 16 years we have spent nearly \$200 million.

We have another program called Radio Martí. I don't propose that we terminate funding for that because by and large the Cubans are receiving signals from Radio Martí. Radio Martí is beneficial. I have been to Cuba and talked to the Cubans. They can listen to commercial stations from Miami, as well, and do. But Radio Martí gets its signals to the Cuban people.

TV Martí, by contrast, has cost the American taxpayer since 1989 \$189 million to broadcast television signals into Cuba that the Cuban people cannot see because the Castro Government routinely jammed those signals. In fact, for much of its existence, Television Martí was broadcasting signals from 3 a.m. until 8 in the morning—again, broadcasting signals the Cuban people could not see.

That, of course, is no barrier in this country. The 20,000-foot tether on the aerostat balloon called Fat Albert sits up there in the sky with the technicians. By the way, since they had to shoot one down and since another one got loose and went over to the Everglades and they had to round up this aerostat balloon and figure out a way to catch it, since then they now have three different ways of communicating with and controlling Fat Albert which I am sure is of great comfort to the people who might be in the way of an aerostat balloon that gets loose in this country.

Fat Albert is up there every day on the case, broadcasting television signals to the Cuban people. And every day, the Cuban people see this—this is a television screen in Cuba—they see snow, because Castro jams the signals.

So we have a program we pay for that doesn't work, that is not needed, and we keep doing it year after year.

And this year, guess what. The President wants to double the funding. Yes, that is true, a program that does not work, is unneeded, is wasting the taxpayers' money, and the President's budget says, let's double the funding.

Let me tell you what they did after they had this introduction of Fat Albert. Fat Albert gets loose, goes over to the Everglades, it is kind of a problem, and everyone is embarrassed about it. It is a worthless program that sends signals no one can receive to the Cuban people, and then they lose a balloon and they have all these embarrassing anecdotes of the fact that they are spending money to broadcast a television signal no one can receive, and so they decide they will do something different.

October 10, 2003, in the Rose Garden, the administration announced new "get tough" measures with Cuba which, among other things, said we will stop using Fat Albert; we are not going to use an aerostat balloon anymore. Now we are going to take Commando Solo, a C-130 Air National Guard plane, special operations C-130 airplane called Commando Solo. They are going to now broadcast television signals from Commando Solo.

The broadcast of TV Martí from Commando Solo commenced once a week for a 4½ hour broadcast. They use the same technology the current Fat Albert blimp uses. It broadcasts a signal from a high altitude which then is jammed by the Castro Government. The Commando Solo cannot overcome jammers in Havana, either. It can only reach areas if there are areas where the Castro Government is not jamming.

Commando Solo is operated by the 193rd Special Operations Wing of the Pennsylvania National Guard. It was designed for psychological warfare in military situations. It has been used to broadcast television messages in Panama, Desert Shield, Grenada, Desert Storm, Afghanistan, and Iraq, largely areas where there has been combat that has occurred. There are half a dozen of these airplanes that exist. They are a precious military resource that is being used for what is now a nonmilitary operation. So now instead of Fat Albert, or in addition to Fat Albert, we have Commando Solo. There is no evidence, of course, that the Cubans can receive a signal from Commando Solo, but we are still pumping taxpayers' money into this folly.

The President's budget says we are spending \$10 million a year. We have been doing that for 16 years, and we understand this is a program we do not need, a program that does not work, but we still want to keep funding it and we want to actually enhance it. Now what we want to do is go purchase a new airplane, go buy a new airplane for \$8 million so that it becomes the TV Martí airplane to broadcast signals the Castro Government will jam and that the Cuban people cannot see.

If you sat around a smalltown café and talked about this, you would not get one person in a million who would say, well, if we have something that doesn't work, let's keep doing it; in fact, let's double it. Let's do more of it. Almost everyone would say: Are you out of your mind? What are you thinking about, funding something that does not work? If it is clear it does not work, why does it take you 16 years to decide it does not work? And if it does not work, why on Earth would you suggest doubling the funding? Yet that is exactly what we have.

Now, we have people who will, I am sure, defend this, and they will say: Well, do you know something? There are some Cubans who say they have seen it. We have 19 million people in Cuba, somewhere in that neighborhood. I think when the State Department talks about this, they say: We have 250 sittings of people who actually have seen Television Martí.

What they were doing is, they were interviewing people off the boats coming from Cuba in order to see if they could get some evidence that somebody was actually able to see something more than the snow on this screen. They got such an embarrassingly small amount of testimony from people who have said they could see this, they finally stopped asking people. So now there are no surveys because it was too embarrassing to get a survey completed that said this is a tragic, complete, total, thorough waste of taxpayer money.

What we have is a bill on the floor of the Senate that promotes the President's budget that says we will double funding for this program that is a total waste from \$10.3 million to \$21.1 million in fiscal year 2006. And the \$10 million increase would go toward buying an airplane that would transmit 4 hours of TV broadcast to Cuba each day that would be jammed by the Castro Government and that would not be able to be received by the Cuban people.

TV Martí says it could operate a secondhand, modest twin engine plane for about \$8 million. They would buy it for \$8 million, and spend \$2 million a year on the plane. There is not a shred of evidence—not a shred of evidence—anywhere that this would put us in a different position than now exists. The desire to use, for 16 years, an aerostat balloon called Fat Albert, and then the desire to expropriate military assets to send a highly specialized military plane, designed for psychological warfare, up in the air to broadcast for 4 hours a week signals the Cuban people cannot see—it is unbelievable.

It is one of these things that leads me to say, as I have from time to time, that even waste has a strong constituency here in the Congress. But from time to time you can see waste for what it is. This is evident. It is clear. It is not about Republicans or Democrats. It is about whether we want to spend money on something that does not

work. Do we want to continue to do that?

My colleague, Senator WYDEN, and I say absolutely not. Let's finally, finally, finally—after 16 years—have the courage to shut down a program that is a total waste of the American taxpayers' money.

My colleague from New York wishes to, I think at this time, set aside and offer his own amendment; and then we will continue the debate with my colleague from Oregon immediately after the offering of the amendment.

Let me at this time yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 309

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendments be laid aside and that amendment No. 309, offered by myself and the Senator from South Carolina, be called up.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. GRAHAM, Mr. BAYH, Mr. BUNNING, Mr. DODD, Mrs. DOLE, Mr. FEINGOLD, Ms. STABENOW, and Mr. KOHL, proposes an amendment numbered 309.

Mr. SCHUMER. Madam 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 authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency are not successful)

On page 277, after line 8, add the following:

TITLE XXIX—CURRENCY VALUATION
SEC. 2901. NEGOTIATIONS REGARDING CURRENCY VALUATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over \$609,900,000,000 as of January 12, 2005, and have increased by over \$206,700,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address

concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) NEGOTIATIONS AND CERTIFICATION REGARDING THE CURRENCY VALUATION POLICY OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Notwithstanding the provisions of title I of Public Law 106-286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) CERTIFICATION.—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) ALTERNATIVE CERTIFICATION.—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) NEGOTIATIONS.—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G-7 nations.

AMENDMENT NO. 284

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be laid aside and we return to the Dorgan amendment.

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

The Senator from North Dakota.

Mr. DORGAN. Madam President, I said 19 million Cuban people. I meant 11 million people who live in the country of Cuba.

Madam President, before I yield the floor so my colleague from Oregon can have the floor, let me say again, I think we will have people come to the floor and say: What do you mean "a waste of money"? We have to deal with the Castro government. We have to get tough. We cannot back away.

I do not come to the floor to say anything good about the Castro government. The Cuban people deserve to be free and deserve to have the boot removed from their neck, the boot of oppression from a government that does not allow that kind of freedom.

But let me say this: This country has stated as its purpose for a long while with respect to China and Vietnam, both Communist countries, that the road to progress toward democratic reform in those countries is through trade and travel and engagement. We have believed that fervently, Republicans and Democrats. We trade with Vietnam. We trade with China. We travel to both countries. We believe that advances both countries toward more human rights and better human rights.

It is only with Cuba we have this obsession—believing if we can track down Americans who attempt to travel in Cuba, and slap them with big fines, restrict travel, restrict trade, and somehow waste money on things like TV Martí—it is only with Cuba we are obsessed with a policy that does not work.

Fidel Castro has lived through 10 Presidents. The fact is, the embargo this country slapped on Cuba is the best weapon he has to continue in office, to continue his power in the Cuban government. He says it is the 500-pound gorilla up North that has its fist around the throat of the Cuban people. It would be much smarter, in my judgment, to remove the travel restrictions and all the trade restrictions from Cuba and do with Cuba as we do with China and Vietnam. The quickest way to move Castro out of Cuba is through trade and travel and engagement, and I believe that strongly.

But this amendment of ours does not address that. It addresses one piece of this obsession with Cuba; and that is, the continued spending of money for TV signals into the Cuban country that the Cubans cannot see. It is one thing to do things that are wrong; it is another thing to do things that are dumb. I understand somebody shooting themselves in the foot. But after you have done it the first time, to take aim at your foot the second time—there is something fundamentally wrong and unsound about the thinking that allows you to do that. That is exactly what we are doing.

I will yield the floor so my colleague from Oregon, who is a cosponsor of this amendment, can speak.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I tell my colleague, I am pleased to be able to team up with him on this effort. Over the last few months, we have been digging into a variety of areas where waste of taxpayers' dollars has occurred.

I think Senator DORGAN has made the central argument with respect to our amendment; that is, you do not get tough with somebody by wasting money. In other words, we are going to have a fair amount of discussion, I suspect, on this amendment about whether you are being soft minded on Castro, or something of that nature, whether you agree with Castro's political agenda.

What we are talking about is stopping foolishness with respect to frittering away taxpayer dollars. As my colleague has said, what we are faced with is a situation where Fidel Castro has jammed TV Martí's airwaves since their conception. As a result, instead of feeding the Cuban people a glimpse of honest television, what we have been feeding the Cuban people is static and snow. Now, the snow on Cubans' TV screens may be the only snow they get in Cuba, but I can assure you this is about the most expensive snow we have seen on the planet.

What we want to do is protect the interests of taxpayers. We have gone through Fat Albert. Now you have the question of the sequel to Fat Albert, with the President having proposed slashing other programs, particularly programs here at home. How do you argue that something such as this ought to be preserved, that the use of taxpayers' dollars in this area ought to be preserved, where everything here at home is on the chopping block during a belt-tightening environment in Government?

TV Martí was intended to follow in the footsteps of Radio Martí, providing Cubans access to balanced information from the outside world so that Cubans living under Fidel Castro's regime would have a taste of the freedom that Americans enjoy here at home.

We are willing to stipulate for purposes of this discussion and debate we are having on the floor of the Senate that Radio Martí enjoys a strong listening audience and successfully transmits news to Cubans from the outside world. But the bottom line is, TV Martí has never come close—never come close—to meeting the standards of Radio Martí. I defy anybody to find a significant group of people in Cuba who see this television.

As Senator DORGAN has mentioned, the process of surveying people, which under normal circumstances would be a good way to determine the extent of use, has now been hot wired so they do not even do the surveys anymore because they are not going to get the results they want to have. They want to have surveys that show a significant number of people are getting this, and

they cannot prove it. So if you cannot prove it, you do not put out a survey that says: Oh, no viewers. You sort of figure out a way to make the surveys disappear. That is essentially what has happened.

Our discussions and examination, as we have pursued this issue over the last few months in an effort to root out this waste, indicates virtually nobody sees this. That is where we are now. So we are looking at the prospect, after all of this waste of money—well over \$100 million sunk into this static, this static and snow over the years—of spending still more money.

Senator DORGAN and I believe it is time to draw a line in the sand and say: Halt this waste. Halt this frittering away of the American people's scarce dollars.

The President does have a new plan to circumvent the jamming. His idea is to use military aircraft to broadcast TV Martí that way. We have our folks, men and women from Alaska and North Dakota and Oregon, and they are in harm's way today. So at a time when our troops are in harm's way and face great peril around the world, we are talking about transferring military assets that we need to protect their well-being and the well-being of this country. I do not see how you can make the case again that that is a wise expenditure at this time.

So I hope as the Senate debates the Dorgan-Wyden amendment, we can make it clear that when programs such as Radio Martí work, we are willing to make sure the United States plays an active role in trying to make sure people have information, accurate, objective information, on what freedom is all about. But where you are talking about waste, where you are talking about funding programs that may make people say, "oh, you're getting tough, you're getting tough on Castro," when in fact you are wasting money, that is where the two of us are trying to blow the whistle and prevent further efforts to throw taxpayers' money at TV Martí, when there is no evidence it will work.

The money we have spent year after year goes, as I have said, to finance some of the most expensive static, the most expensive snow in the history of television screens. What we ought to be doing is making sure that taxpayers' dollars are spent wisely. Here it could be used in a whole host of other areas. It is our hope, and the purpose of this amendment, to pull the plug on a program that does not work now, has not worked in the past, and is not going to work in the future.

Mr. DORGAN. Madam President, I wonder if the Senator from Oregon will yield for a question?

Mr. WYDEN. I am happy to yield.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I used a picture of Fat Albert, the aerostat balloon. I will show that once again. Fat Albert was fearlessly broad-

casting television signals that no one could receive, doing it for 16 years or so. And now, in order to continue broadcasting signals no one can receive, we have expropriated the use of the Pennsylvania Air National Guard's airplane called Commando Solo, one of only a half a dozen ever made, used in Bosnia, used in Iraq, used in Afghanistan, for very sophisticated electronic psychological warfare purposes. That has been flying now for 4 hours a week, broadcasting signals, without any evidence at all that the Cuban people can see those signals.

So we have gone from Fat Albert to Commando Solo and now the next step, to purchase a new airplane, to purchase a new airplane so TV Martí has its own airplane to broadcast signals no one can see. Does it sound a little goofy? It would in my hometown, if you told this story. Sometimes there are people who serve here who think they know more than anybody else, they can see over the horizon things others cannot see.

There is a broad common sense in this country that takes a look at things like this. And wouldn't it be the case that in a small town café in Oregon or a small town café in North Dakota or Alaska, people would take a look at this and say: What on Earth are you thinking about, spending money on something we don't need and doubling the funding for something that doesn't work? Where have you been? What planet are you living on?

Mr. WYDEN. I appreciate the Senator's question. It seems to me that this is Government Waste 101. This is not complicated. Since its inception in 1980, it appears that this particular program, TV Martí, has had essentially no real Cuban viewership. We have been doing everything we can to find anything resembling a current study, a current report, any body of evidence which would indicate that there is an actual market, a group of Cubans who see this.

As the Senator from North Dakota has indicated in his question, if you go into a coffee shop in Alaska or North Dakota or Oregon, this program doesn't pass the smell test. People are going to say: Look, we don't like Castro. And this isn't a debate about whether you like Castro. I have been studying this issue since my dad wrote a book about the Bay of Pigs, the untold story. So like many of my colleagues, I have been studying this issue for a long time. This is not a referendum on whether you are going to be tough on Castro or whether you like Castro. This is a referendum on whether we are going to allow millions of dollars of Government waste to go forward. We have been doing it for years. We should have pulled the plug some time ago. And yet, because this program sort of masquerades under the title of being tough on Castro, we just keep shoveling money at it.

I thank the Senator from North Dakota, who has spent a great deal of time on it. I also want to come back to

a point the Senator from North Dakota touched on that is very important. Personally, a lot of us would like to reexamine our policy with respect to Cuba. That is not what this amendment is about. This amendment is about one thing: whether we are going to sanction more waste. This program doesn't pass the smell test. You wouldn't possibly be able to explain it in a coffee shop.

My hope is that we support real programs, such as Radio Martí, that are going to make a difference in terms of getting information to the Cuban people about areas where there is waste and not continue to fritter away scarce taxpayer resources.

I thank my colleague for giving me the time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The point I have not made is, we don't propose to spend this money in other ways; we simply propose that we strike the funding for TV Martí, a program that doesn't work, and thereby reduce the Federal indebtedness. So we are not suggesting taking this money and spending it in some other way. Get rid of this program that doesn't work, that is unneeded, and thereby eliminate at least this small amount of Federal indebtedness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in opposition to the amendment. It is interesting that just a few minutes ago we were at the other end of this building in the House of Representatives in a joint session of Congress hearing from President Yushchenko speaking of freedom and the value of freedom and the unique opportunity freedom presents to a people. In order to ensure the ability of folks to raise a family, to conduct their lives, to conduct free commerce, all of these exciting things spark and begin with a flame of freedom. There is no more important way in which the flame of freedom can be conveyed than by information and communication.

We know that today the world of information transforms lives, transforms people around this Earth. We also know that there are still people across the world who do not have the opportunity to hear the free and unfettered bits of information that we so take for granted.

Let me take a moment to describe for you a little bit about what Cuba is like. Cuba is a country today where there is only one source of information: the Cuban Government. Cuba is a country where anyone who would dare to use the Internet without authorization from the Cuban Government, without oversight by the Cuban Government, would have their freedom threatened and taken away. In addition, we also know there is within Cuba a tremendous and growing movement of folks who believe that it is time for Cuba to be free as well and a dissident move-

ment within Cuba. Those people who dare to risk their lives and freedom each and every day, those people who today suffer in Cuba's prison camps because of their desire to seek freedom, those people are emboldened and encouraged by what they can hear and see in the voices and sounds of freedom.

For a long time the United States has had a long and valued tradition of standing with people who are oppressed and suppressed. Mr. Yushchenko spoke this morning eloquently of the words of Ronald Reagan when he said "tear down this wall" and what a profound impact that had in beginning the change that occurred in the eastern European nations.

In addition to that, we know the words of Vaclav Havel, other leaders of the "Velvet Revolution," and also the people of Poland, Lech Walesa. And they have said that without a doubt, the thing that made a difference in their lives was Radio Free Europe. I have never heard any one of these patriots of liberty of the modern day say in any public setting that the difference was made for them in seeking freedom when more tourists came and drank rum in their country or when they had the opportunity to see food-stuff in stores that they couldn't buy. But I have heard repeatedly said how valuable was the information and the opportunity to pierce that government control over the people.

You see the control of information is not just about the exchange of news and information, valuable as that is. It is about showing the people who dare to rise in opposition to tyranny that the tyrannical regime that controls their lives is not all powerful, is not omnipresent, but that they, in fact, have the right and opportunity to hear the message of freedom and liberty.

Let me talk specifically about TV Martí. The fact is that while we might mock in commentary what happens with the TV Martí broadcast to Cuba, I have a little different story. Around the time of my ascension to the U.S. Senate, when I had this awesome and unique privilege, the first Cuban American, the first person born in the island of Cuba to ever have the honor to speak from this floor, to be a part of this longest serving democratic institution in the history of mankind, the people of Cuba were rightfully proud and excited by that moment.

I want to tell you that about the time of my taking my oath, I did an interview for TV Martí. I spoke of my thrill and my pride and my hopes and aspirations as I came to the Senate. That interview was broadcast by Commando Solo. That interview was broadcast in the only way in which they can pierce Castro's control over his people about information: by flying this airplane over international waters in a way that can and does, in fact, pierce Castro's blockade and jamming.

That information that got through that night, that interview was seen by

people in the hometown where I grew up, Sagua La Grande, Cuba. It is a small city on the northern coast of Cuba where I had the joy of growing up as a small child and where today there are people who still remember me and my family, and where there were people who, unbelievably to me, heard the broadcast and were able to communicate through telephone and otherwise about what they had seen and heard on TV that day, about the images of me taking my oath on this very floor, about the images of me celebrating with other people who supported my candidacy, who came from Florida, many of them Cuban Americans who rode on a bus for 18 hours to come here and join with me and celebrate.

They joined with me here, but those people in Cuba had the opportunity to see those images in my very hometown where I was born, to see me take the oath of office from Vice President CHENEY, President of the Senate. That happened because of the Commando Solo flights. It was a moving experience to the people in this little town, the people who I know sometimes seem unimportant and are not very well known but who, in fact, have the rare opportunity to see that blockade pierced.

So what is our hope? Our hope is we can expand that, that we can do more of it, that we can transfer the technology we now have and the ability to pierce the information blockade so that more and more people can have this information. Too often we talk about an economic blockade with Cuba. The greatest blockade that exists in Cuba, in the words of some of Cuba's dissidents, is the blockade of the Cuban Government against its own people, whether it be for economic opportunity, the rights of the individual, or just to perceive and hear information that comes across the airwaves.

I believe that while imperfect and while still a work in progress, for us to turn our backs on those people in Cuba who depend today on the little bit of information they can get through Radio and TV Martí would be a step away from the long and proud tradition of this country to stand by people who are oppressed. To harken back to the words of President Bush, to the words he gave upon taking office for his second term, if you are oppressed, we stand with you. If you seek freedom, we will be by your side. That wave of democracy that President Bush has begun in places such as the Middle East, that is the very hope that we have.

The President's policy toward Cuba began on May 10 of last year. It is a dynamic policy. It is not just about what we don't do; it is about what we do, about the proactive measures such as the Commando Solo flights, the opportunity for TV Martí to, in fact, be seen by the Cuban people, the opportunity for us to help the dissident movements, for us to proactively help the people of Cuba to remove the yoke of tyranny from their backs.

I believe that when the facts are examined, we would also know that the Interests Section Survey in Havana monitors the ability of the Commando Solo flights to be seen by the Cuban people. There is no such thing in Cuba as a Gallup poll or the ability to even speak freely about what you watch on TV, but 16 percent of those surveyed responded in the affirmative to the U.S. Interests Section in Havana that they were, in fact, seeing TV Martí and that it reached an audience. It does not cover the entire island. It doesn't cover as much as we would like. But each and every day, we make more happen with it.

I am proud to be a supporter of the efforts of TV Martí, and I urge my colleagues to defeat this amendment which would end the little glimmer of light that is available to the people of Cuba today and that otherwise would not be there for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I ask unanimous consent to yield myself such time as I may consume on this amendment by the Senator from North Dakota.

The PRESIDING OFFICER. The Senator has that right.

Mr. ALLEN. Madam President, I rise to urge my colleagues to oppose this amendment and continue to support our country's investment in television broadcasting into Cuba. Otherwise known as TV Martí. The Senator from North Dakota may be exaggerating, and folks get carried away as well. He will say that this is not needed. This is needed. There may be a question as to how effective the TV Martí signal is getting in to Cuba.

Because we are talking about signals and broadcasts, let's make sure we are sending the right signal here. Whether it is my good friend from Oregon or whether my friend from North Dakota, we all, I would hope, want to make sure we are standing strong on the ability of people who are repressed and under the tyranny of Castro, to get information.

There are questions as to whether all the ways that we are trying to get around the jamming and scrambling of signals by Castro's regime are effective or not; however, it is a matter of our national interest that we try to get information, objective information, to the people of Cuba. It doesn't matter one's culture. All human beings, no matter their background or culture, if given the choice, the opportunity, will choose freedom. We have seen it with the Afghan people. We have seen it with the people in Iraq. We are seeing it with the Lebanese rising up to get the Syrian troops out. We have seen it with the Palestinians, with the death of the corrupt terrorist Arafat. The same applies to the people of Cuba, or anywhere else in the world. The Cuban people share the desire that all human beings have, and that is a need to have

information and an opportunity to determine their own destiny.

I believe that Radio Martí and TV Martí can help promote freedom and justice in Cuba. We all know the United States has sponsored television and radio broadcasting in Cuba for almost 20 years. The effect of all of that—and we can all try to find measurements. It is not as if you can go around Cuba and do surveys. This is not allowed. Remember, this is Castro's regime. If I want some evidence of a probative witness, I am going to listen to the Senator from Florida, Mr. MARTINEZ, who made history, standing here as the first person ever born in Cuba to be elected to serve in the U.S. Senate. He understands the impact of our message to Cuba better than anybody or any statistics one would want to put forth.

So while we understand it is very difficult to get into Cuba and make sure of the effectiveness of TV or radio broadcasts, it is well known that Radio Martí—and to the extent we can get TV Martí in—is looked upon as an authoritative and reliable source of accurate, objective, and comprehensive news for the Cuban people.

If this Congress were to eliminate TV Martí, we would be sending the wrong message to the Cuban people. At a time when freedom is on the march around the world, eliminating TV Martí would tell the Cuban people—I suspect Castro would be getting his minions and fellow thugs of that regime out to say the United States isn't going to bother. We succeeded with jamming or scrambling the signals, saying the United States doesn't want to worry about this. It would be a signal for him to say that the United States is not committed to the cause of freedom in Cuba. Of course, with his long history of repressing free speech and the free flow of information and ideas in Cuba, this plays right into Castro's hands.

Thomas Jefferson once said:

A free people [claim] their rights as derived from the laws of nature, and not as a gift of their chief magistrate.

The sharing of information and free flow of ideas, and the foundation of any free country is not to be something that is given or taken away by the machinations of a dictator like Castro.

In my view, there are four pillars of a free and just society. This is how I measure freedom myself for people if they are living in a free and just society. The first pillar is freedom of religion, where people's rights are not enhanced or diminished because of religious beliefs; second, freedom of expression; third, private ownership of property; fourth, the rule of law, where disputes are adjudicated fairly and God-given rights are protected. The second pillar, freedom of expression, is absolutely essential, where people are allowed to get information and to think for themselves. To communicate not in a way that is harmful, but the God-given rights of expression being protected.

We have to support the opportunity of the people of Cuba to get information. They are not going to get it from their Government. People will say, gosh, we are having to use airplanes. There are different ways you have to get at it. You cannot use balloons or a dirigible; you cannot do it off of broadcasting. Why can't we use it the way everybody else sees TV? It is because of that regime. Sometimes you have to be more clever than some of the reptilian cutthroats that we are dealing with. In my view, we ought to stand for the concept of freedom of expression. We have seen it work and we have seen it on Radio Martí. I hate wasting money, but there are certain things we need to do. This is actually a less expensive way of advocating freedom, by using technology—using extraordinary means, but still getting the message to the people of Cuba, regardless of the obstacles that are established by Castro's regime. I think we need to be providing news, commentary, and promoting the open exchange of information and ideas in Cuba and elsewhere to promote the cause of freedom.

To be effective in further opening communications and the sharing of ideas throughout Cuba, Radio and TV Martí must continue to be broadcast and should receive our country's support. I sincerely urge my colleagues to oppose this amendment and stand with the Senator from Florida, Mr. MARTINEZ, but, most importantly, stand for the advancement of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. NELSON, is recognized.

Mr. NELSON of Florida. Madam President, the business before us is the Dorgan amendment, which strikes \$21 million from the President's budget and prevents the funds from being used for the broadcast of TV Martí.

You can say I have a parochial interest in this, being the senior Senator from Florida, joining my colleague, Senator MARTINEZ. Indeed, we do have a parochial interest because we have quite a few Cuban Americans who are citizens of our State. But the reason we should defeat this amendment goes far beyond parochial interests, or any interest of any particular group, for it strikes at what the heart of America stands for in our promotion of freedom—freedom of speech, freedom of assembly, freedom of the press—all of these freedoms that we are privileged to have, protected by our Constitution, which supposedly are protected under the Cuban Constitution, but have never been protected.

This amendment sends the wrong message to the Cuban people at a time when change is in the wind, when in fact change is occurring on the island. This amendment would cut the entire budget for TV Martí.

It would also prevent the Broadcast Board of Governors from purchasing a small aircraft that they will use to transmit the signals. The aircraft is

equipped to broadcast both television and radio signals. Eliminating this funding would also limit the U.S. radio broadcast operations. Current broadcasting operations, including radio, are conducted from a Department of Defense EC-130 Commando Solo aircraft. It is based, interestingly, in Harrisburg, PA. It has to fly every Saturday all the way from Pennsylvania down to the Florida Keys for its mission. It makes a lot more sense for the Broadcasting Board of Governors to have a smaller aircraft that is located close to Cuba, being more economical and still having the same equipment.

This station and this money shows our commitment to the Cuban people as they continue to suffer under a dictatorship that ignores human rights and imprisons political dissidents. We simply should not be turning our backs on Cubans at a time when the regime is beginning to crack and a fledgling civil society is emerging.

Look, for example, at what has happened in the last couple of years. The Senate has heard me speak many times on the floor about this very brave Cuban named Oswaldo Paya and the Varela Project; where Cuban citizens put their name on a petition to the Government. Interestingly, this is under a process of the Cuban Constitution that said if you get 10,000 signatures—and they got well over that—that automatically an issue goes to the Government. The petition calls for freedom of expression, freedom of association, free enterprise, electoral reform, and also calls for elections within 1 year.

Have those brave Cubans who stood up suffered reprisals and intimidation by the Cuban security forces? You bet they have, and some of them went to jail. And only because the international community raised Cain were some of the dissidents released when, in fact, others are still in jail. But they were brave, and they went ahead and signed that petition that was generated by Oswaldo Paya. This type of dissident action is supported and promoted through TV Martí.

Some say all of these signals have been jammed. They have been jammed because they were either being transmitted from a stationary tower or they were being jammed when they tried to start transmitting from a satellite in the eastern Atlantic. This new airplane has only been flying since the fall of last year. We have to give it a chance to see if the signals are getting through. Now we will do it more economically with the smaller aircraft.

I will give another example of what is happening on the island in addition to the Varela Project. There are others in Cuba who are coming together to create civil society groups advocating for basic human rights and changes in the Cuban Government's structure. On May 20, next month, these groups will come together for the first time ever in Havana for a historic meeting to openly discuss and debate the future of the

island and a transition after the future death of Castro.

TV Martí has produced a series of TV programs, including a 10-part series in which experts discuss a possible transition to democracy. That needs to be out there to be received by the Cuban people.

These are just some of the historic changes that are occurring on the island. These are the reasons that, maintaining our commitment to the freedom-loving Cuban people, we need to continue to broadcast TV Martí to Cuba.

I urge my colleagues to oppose this amendment. Senators, we need your help. Senadores, necesitamos su ayuda.

I yield to my colleague from Florida.

Mr. MARTINEZ. Madam President, will the Senator yield for a question? I wonder if the Senator has considered why the Cuban Government would spend all the money and make all the effort that it takes for them to jam these broadcasts. If it is not insignificant, if it is not important, why does the Senator think the Cuban Government goes on day after day jamming at great cost and expense each and every time we have broadcasts to Cuba?

Mr. NELSON of Florida. Madam President, I say to my colleague from Florida, the proof is in the pudding. Absolutely, the Castro Government for years has continued to try to jam broadcasts, and the fact is that we know the broadcasts of Radio Martí get through to the island. Broadcasting by this airplane is a new means by which we can get the transmission of TV Martí into the island. This clearly is what America stands for.

I am going to close. I see the chairman of our Foreign Relations Committee wanting to be recognized. I say to Chairman LUGAR, when I was 17 years old, I was taken, representing the youth of America, to Germany to broadcast over Radio Free Europe behind the Iron Curtain on a broadcast that years later we found out, much beyond my little broadcast, had a profound effect in bringing information to people who were enslaved behind the Iron Curtain. That was effective.

I think this is going to be effective in Cuba behind that iron curtain that enslaves those people on the island of Cuba.

Therefore, it is my hope, my prayer, that we will continue this effort, particularly where there are the beginning signs of liberty striking out all over the island.

I thank the chairman of the Foreign Relations Committee, the esteemed Senator from Indiana, for the opportunity to speak on this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, there has been a good debate on this amendment. It is an important amendment. I just wanted to make the point, however, that we have reached a point in our bill where we are going to have to move expeditiously; therefore, I move

to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Will the Senator yield?

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. LUGAR. I yield to the distinguished Senator.

Mr. DORGAN. I simply wanted 5 minutes to respond to some of what has been said. I have no objection at all to the vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I would like an additional 5 minutes as coauthor of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the motion to table has been made. If we did it 5 minutes, 5 minutes, and then the vote?

Mr. LUGAR. OK.

Mr. REID. I ask unanimous consent that the Senator from North Dakota be recognized for 5 minutes, the Senator from Oregon for 5 minutes, the Senator from Indiana for 1 minute, and then we vote on his motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I regret that we have a disagreement on the Senate floor, but I am not surprised. I would like to make a couple of comments. First, those who have opposed this amendment apparently have tried to win a debate we are not having. This debate is not about nurturing the flame of freedom. It is not about resisting tyranny. All of that is wonderful. I could stand here and tell a story about Vaclav Havel on a late night on a street corner in Prague, Czechoslovakia, hearing the Declaration of Independence for this country being recited by someone in Czechoslovakia. I could tell a story about Lech Walesa and what he did to light the flame of freedom in Poland, but I will not do that. That is not what this debate is about.

My colleague from Florida, Senator MARTINEZ, talked about how important these television signals are and that is why the Castro Government jams them each and every day. That is the point he made. That is exactly the point I was making.

If, in fact, these are jammed—and they are—let me read the expert from the U.S. Government. He says: Even though TV Martí is jammed, it is well positioned to be an important instrument of U.S. foreign policy or a crisis will occur on the island. Transmission to Cuba “has been consistently jammed by the Cuban government.” That is a U.S. official saying that. So we spend \$10 million a year to send television signals no one can receive in Cuba to a Fat Albert, the aerostat balloon, and

now we have decided we are going to Commando Solo, a C-130 specially equipped.

By the way, there is no new technology here. I know several people have said this is new technology. Nonsense. This is plain old-fashioned waste of the taxpayers' money by now using a C-130 airplane to send television signals into Cuba the Cubans cannot receive. This is the same technology that is used by Fat Albert, the aerostat balloon. We have been doing it for 16 years. We have wasted \$189 million.

I support Radio Martí. I have been to Cuba. That gets through to the Cuban people. I believe we ought to remove the embargo and allow trade and travel to Cuba. That is the quickest way to get rid of Fidel Castro, but that is not even the subject. The subject is will this Congress, when they see colossal waste, fraud, and abuse, stand up and decide to stop the spending?

When we talk about freedom, the question is this: Is there freedom from waste, fraud, and abuse for the American taxpayer? Does that freedom exist? If it does, will we decide to take that step in this vote?

I started this morning by saying even waste has a constituency in the Congress. It seems to me quite clear that we have had our colleagues say: Well, this is not perfect. Not perfect? What do they mean, not perfect? We broadcast television signals that the receivers cannot get and spend \$10 million a year, and now we are going to double funding with the "purchase of a small airplane"? Eight million dollars to buy a new airplane now to broadcast signals the Cubans cannot receive? We are going to double the funding? I am sorry. This is simply wasting the taxpayers' money.

I am all for doing things that remove the boot of oppression from the necks of the Cuban people, but I am not for wasting the taxpayers' money. We have been told now by the opponents of this amendment that this would send a bad message if we cease TV Martí, sending signals they cannot receive. Stopping that would send a bad message. That is the point of all of this, is it not?

Are we sending a message or are we not? The point of it all is we are spending a lot of money believing we are sending a message that is never received. Sending a message to someone who does not receive it, sending a message by aerostat balloon or by a C-130 or by a new \$8 million airplane to 11 million people who cannot see it is fundamentally foolish.

Where is the freedom from waste, fraud, and abuse that the American people ought to expect from this Congress? We will see whether that freedom exists in the next 5 or 10 minutes. I yield the floor.

The PRESIDING OFFICER (Mr. ISAACSON). The Senator yields.

The Senator from Oregon.

Mr. WYDEN. Mr. President, as we conclude with this amendment, I particularly thank the distinguished

chairman of the committee for this extra time and get back to this question of what the amendment is really all about. I do not quibble at all with the fact that this is a laudable effort to promote freedom, as the Senator from Florida is talking about, but I believe it has to be about more than effort; it has to be about a result.

For example, something that strikes me as something that would be very useful is to set up Internet Martí. We have seen, for example, what happened in China. What really rattled the Chinese Government was the presence of the Internet. As far as I can tell, they have been struggling to block that out as well. They have not been able to do that. But that is the kind of investment that would make sense to me.

I would be thrilled to work with the distinguished Senator from Florida on wireless technology, for example. I have served on the Commerce Committee. I have a great interest in technology. I think there is a lot of potential as it relates to these kinds of concerns: wireless technology, Internet Martí.

What brings us to the floor today is that we talk about the flicker of freedom, which I am certainly for. As far as I can tell, the only thing the Cuban people see flickering is all that static on TV. So I hope we can save some money, which is the point of this amendment Senator DORGAN and I have offered, and then counsel together on a bipartisan basis through the chairman of the committee, Senator LUGAR, Senator MARTINEZ, our friend Senator NELSON, on something that would be practical. Sign me up for something like Internet Martí, something that would be a well-targeted investment, would allow us to build on the potential to cap other technologies, wireless technologies, Web-based technologies. That is something that seems to me makes sense.

I hope my colleagues will approve this money, allow us to start targeting these Government expenditures during a time of belt-tightening in a more cost-effective way.

I urge the passage of the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the President of the United States has directed deployment of aircraft with capability of transmitting radio and television signals into Cuba. Thanks to the aircraft, plus Radio and TV Martí, they are reaching parts of the island that were previously unable to receive those signals. That is tremendously important.

As oppressive as that regime is, the state exerts extensive censorship. The Cubans are told only what the state wants them to know and are denied the right to obtain accurate information on Cuba and the world. We need to do all we can to open that up.

I appreciate the debate. It has offered avenues of constructive criticism of

the program, but the program needs to continue. It is vital to our security and, we believe, the future of the Cuban people.

I renew my request 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 the motion to table amendment No. 284.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—65

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (FL)
Allen	Domenici	Nelson (NE)
Bayh	Ensign	Reid
Bennett	Frist	Roberts
Biden	Graham	Salazar
Bond	Grassley	Santorum
Brownback	Gregg	Sarbanes
Bunning	Hagel	Schumer
Burns	Hatch	Sessions
Burr	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Isakson	Snowe
Clinton	Kerry	Specter
Coburn	Kyl	Stevens
Cochran	Lautenberg	Talent
Coleman	Lieberman	Thomas
Collins	Lott	Thune
Cornyn	Lugar	Vitter
Craig	Martinez	Voivovich
Crapo	McCain	Warner
DeMint	McConnell	

NAYS—35

Akaka	Durbin	Levin
Baucus	Enzi	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Harkin	Obama
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Stabenow
Dayton	Kohl	Sununu
Dodd	Landrieu	Wyden
Dorgan	Leahy	

The motion was agreed to.

Mr. LUGAR. 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.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a moment I want to ask the Chair to recognize Senators SCHUMER and GRAHAM for an amendment on Chinese currency. Before I ask the Chair to do that, let me simply indicate that the status of our bill is such that amendments that clearly fall in the jurisdiction of the Finance Committee are going to be opposed not only by that committee but by the so-called blue-slip process, which means that our bill might not receive consideration on the floor of the Senate or ultimately on the floor of the House.

So leaving aside the substance of whatever may be the merits of an amendment, we are talking about an existential question for this bill itself as to whether it survives or has the hope of doing so.

For that reason, I just want to advise Senators why, at the end of about 40

minutes of debate, which I hope will be adequate for an exploration by the proponents of what they wish to do, I will be moving to table, to preserve really, this bill, the bill we are on. At that point I will ask the support of the body to table the Schumer-Graham amendment, whatever might be its merits, on the basis of jurisdiction.

We are going to have this problem two or three more times on amendments that have been suggested by Senators. So I make that point now, that will have to be the course of this chairman to preserve at least some hope we will have an authorization bill at all at the end of this process.

Having said all that, I am hopeful the Chair might recognize Senators SCHUMER and GRAHAM for a presentation of their amendment. And after about 40 minutes, we will come to a conclusion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, before that, will the Senator yield? I had spoken to the Senator from Indiana about perhaps taking 3 to 4 minutes before they start on another matter. I ask unanimous consent, if I might, to be recognized for not to exceed 4 minutes. I assure the Senator it will not be beyond that.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Proceed.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. LEAHY. Mr. President, I thank the senior Senator from Indiana for his usual courtesy.

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

AMENDMENT NO. 309

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Kentucky.

Mr. BUNNING. Mr. President, I call up amendment 309.

The PRESIDING OFFICER. The amendment is pending.

Mr. BUNNING. Mr. President, I rise in strong support of the Schumer-Graham, et al., amendment that would authorize actions in currency negotiations with China. I have come before the Senate on a number of occasions to speak about how strongly I feel against providing permanent normal trade relations to China. The Chinese have been systematically devaluing their currency, and they have been buying up dollars. This is all done in a concerted effort to keep their goods cheaper than United States goods.

This should come as no surprise to anyone who has followed how the Chinese behaved over the years. China's human rights record, their antagonism toward Taiwan, and the threat they pose to our own national security have been well documented. These issues have been swept under the rug as the Senate has given away its voice on our trade relationship with the most populous nation on the globe. For me it looks as though we are simply putting profits over people. That is plain wrong.

Now we have a chance to correct that. The amendment before the Senate will give the administration a real tool to deal with the Chinese. The Chinese need our markets to sell their goods. If we take it away from them, we will have their attention. Hopefully this amendment will show the Chinese we are serious this time and that they need to play fair and let the market set the value on their currency.

Those opposed to the amendment will talk as if the American economy will be seriously harmed if we pass the amendment. I argue our economy is already being harmed. We are losing manufacturing jobs as a direct result of Chinese policies. The Chinese are killing what is left of our domestic textile industry. Hopefully, the U.S. Trade Representative's office will step in. It sounds as though they will. But we are dangerously close to losing what few textile jobs we have left in Kentucky, and I know other States are in the same boat.

For those who are not concerned about China's human rights, foreign policy, and trade record, let's take another cold, hard look at the facts. China operates one of the most oppressive regimes in the world, brutalizing its own people and persecuting people of faith. China ships weapons of mass destruction to terrorist states. China threatens other freedom advocates such as Taiwan and snubs its nose at the international community by occupying Tibet. China tried to buy access to our Government through illegal campaign contributions and to influence our elections.

The trade deficit with China has grown to record heights. For over a decade, the supporters of free trade with China have been making the arguments over and over again that China is changing, that things are getting better, and that we will soon reap the benefits of free trade with China. The facts prove them wrong. It has been over 10 years since Tiananmen Square and the Chinese are still oppressing their own people. They are still selling weapons to terrorists. They are still bullying other nations and threatening Taiwan and United States interests in the Pacific. Nothing is any different with China now. In fact, it might be worse.

Those who say otherwise are fooling themselves. We are seeing a march of freedom around the world—in Afghanistan, Iraq, the Orange Revolution in the Ukraine, whose President addressed Congress today, the Cedar Revolution in Lebanon, and other pro-democracy revolutions. We have seen that the time of the oppressive regimes is coming to an end. It is time to stop propping up the Communist government of Red China. Vote for the Schumer-Graham, et al. amendment and tell the Chinese our Government will no longer support tyranny. Vote for this amendment for the sake of America's economy and our workers. Vote for this amendment because it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. What is the status of the time?

The PRESIDING OFFICER. There is no time control.

Mr. GRAHAM. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. GRAHAM. We are trying to do the debate within 40 minutes. That was our goal.

Mr. SCHUMER. No time limit, but we will try to keep it to 40 minutes. Great.

I rise in strong support of this amendment of which my friend from Kentucky is a cosponsor. The lead sponsor of this legislation is Senator GRAHAM as well as myself. What this legislation does is simple. It says to the Chinese, enough already. It says to the Chinese that their unfair trade policies have got to end. It says to the Chinese, this is a shot across your bow. Reform because if you don't, there are going to be dramatic consequences throughout the world, in our country, and in your country as well.

The bottom line is very simple: The Chinese have enjoyed a huge trade surplus with the United States, as this chart shows. Every year it gets larger and larger and larger. Admittedly, some of that trade surplus is due to the rules of free trade. But much of that trade surplus is because the Chinese don't play fairly. They don't let our goods into their country. I can tell you of company after company in New York that cannot sell goods in China or can only sell the goods under certain conditions that make it impossible for them to sell them.

The Chinese make no effort to prevent the ripping off of our intellectual property. These are our crown jewels, the great creativity, the great entrepreneurialness of the American business community that is taken, and they shrug their shoulders. And worst of all, the Chinese, despite the fact that they have tremendous advantages by the rules of free trade, pile on unfair rules that violate free trade.

At the top of that list is the fact that the Chinese peg their currency abnormally low so that their exports get a 27-percent advantage in the United States; our imports get a 27-percent disadvantage when sold in China. Every tenet of free trade, if you believe in it, says they should not peg their currency.

Senator GRAHAM and I have forebore. We were asked by the administration last year: Let us negotiate. I agreed. Negotiating would be better. But nothing happened. The Chinese give lip-service and don't change their trade policies a jot.

What does this mean for America? It means a huge job loss.

We have suffered dramatically in manufacturing jobs, and now service jobs and other jobs. It means we have a huge trade deficit. It means the dollar

sinks to abysmally low levels, threatening our wealth. It creates chaos in the whole world trading system. The euro and the yen bear the pressure of the Chinese currency evaluation against the dollar.

We are fed up. This is a measure that should not have to be on this floor. The Chinese should play by the rules once and for all. How can we stand by as millions of American workers lose their jobs, as thousands of American companies cannot compete fairly, as our country as a whole has wealth drained from it?

The U.S.-China Commission, set up by this and the other body to try to bring fair trade to China, believes this is the best way to go. The list of manufacturers, business leaders, and labor leaders who support this legislation is long and large. It is a bipartisan amendment. Senator GRAHAM and I have endeavored to pick up equal amounts of support from each side of the aisle. No one seeks political advantage. What we seek, rather, is fairness—fairness in trade, not in the sense of saying we don't want free trade, but in the sense of playing by the rules.

The Chinese do not play by the rules. We have talked and talked and talked, as a nation, to them, with other nations of the world. We have talked and talked to the Chinese until we are blue in the face. The time for action is now. If not now, when? If not us, who? Millions of American workers, thousands of American businesses, look to us to try to set things right. Today, by passing the Schumer-Graham amendment, we can do that. My guess is this would not have to become law. As soon as it passes this body, the Chinese will actually start to negotiate in earnest. But as long as they think all we do is wield words and do nothing to prevent these practices from continuing year after year after year, they will not budge. So it has come to this.

This amendment is probably one of the most important amendments we will vote on this year in this session of the Senate. I urge my colleagues to study it, to not put off the hour of decision, and to support the Schumer-Graham amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, first, I acknowledge that it has been a pleasure to work with Senator SCHUMER and others to develop this amendment. We have been involved in this effort for 2 years. We come from different ends of the political spectrum on many issues, but we found common ground here because we hear the comments, whether it is in South Carolina or New York, from manufacturing entities and other business people basically saying China has a business relationship that we cannot compete with. The political dynamic here is real.

Senator LUGAR explained how this amendment affects this bill. I want to

let him know I totally understand that. We are now basically running out of options. As Senator SCHUMER said, whether this amendment becomes law is probably not the point. The point is that the Chinese need to understand where the Senate and House stand. The President spoke numerous times about trying to get China to change the value of the currency. Secretary Snow has been to China and brought up this topic. There has been a begrudging movement in words but none in deeds. Talk is literally cheap with the Chinese. Their money is cheaper and it is having an effect on our economy and world relationships that need to be met with decisive political action, because the truth is, for the last decade we have had a very mixed message when it comes to China—both Republicans and Democrats. The only thing the Chinese understand is resolve. The one thing this country has had, when it comes to China in terms of trade, is the lack of resolve.

No one is advocating building a wall around our country. China presents a great opportunity for American business. What we are advocating is allowing China to become part of the world community under the same set of rules we all abide by. They are missing the mark by miles. The money they are making off these trade agreements, where they cheat, is not going into the hands of the everyday Chinese worker; it is going into their military. If we had the same approach during the Soviet Union era by having trade deals with the Soviet Union that would be constantly violated, enriching the government, the Soviet Union would never have collapsed.

China's Communist government is taking the benefit of these trade deals and enriching their military and growing in economic and military strength in the way that I think hampers freedom. It doesn't help spread it. Here are the facts. Since March, 2002, the U.S. dollar has fallen 30 percent against the euro. You know what that has done against the yuan? Not one change. Thirty percent against the euro, but no change against the yuan. They always create an advantage. When we passed normal trading relations with China in 2001, the trade deficit was \$100 billion; today it is \$160 billion—a 60-percent increase of a trade imbalance since PNTR was passed.

Now, is our market access improving? There is a 5-percent increase of American goods going to China. If you don't believe me and Senator SCHUMER, and you think we are advocating a protectionist philosophy that is antiquated and outdated in the 21st century, maybe you will believe the U.S.-China Commission, which was authorized and empowered by the Congress, the Senate and the House, to investigate China's business dealings, their trade policies.

I ask unanimous consent to have this document printed in the RECORD.

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

U.S.-CHINA COMMISSION RELEASES FINDINGS AND RECOMMENDATIONS ON CHINA'S WTO RECORD

The U.S.-China Economic and Security Review Commission has released the official record of its two-day public hearing held on February 3 and 4, 2005 in Washington, DC examining China and the WTO: Assessing and Enforcing Compliance.

The hearing examined China's record of compliance to date with its WTO commitments and explored options for using U.S. trade laws and WTO mechanisms to address continuing trade problems, including China's undervalued currency and weak enforcement of intellectual property rights (IPR) protections. The Commission heard testimony from senior Administration officials, industry groups, labor organizations, economists, and trade law experts, as well as a bipartisan group of Members of Congress from both the House of Representatives and the Senate.

There was a general consensus among the witnesses that China remains in violation of its WTO obligations in a number of areas impacting vital U.S. economic interests. Witnesses highlighted China's undervalued currency and lack of IPR protections and expressed the view that U.S. government efforts to move China to address these serious problems have not achieved satisfactory results. The hearing also dealt with the application of U.S. trade remedies. The Commission heard testimony that the Administration has not effectively utilized available U.S. anti-dumping laws and China-specific import safeguards to counter China's unfair trade practices.

"It has become increasingly clear that China is not meeting key commitments it made when joining the WTO and that our trade laws have to date been insufficient in addressing these problems," said Commission Chairman C. Richard D'Amato. "In some cases our trade remedies need to be enhanced, in other cases they have been woefully underutilized. The end result has been a trading relationship that is undermining important U.S. economic interests."

In response to these concerns, the Commission has developed a comprehensive set of recommendations to the Congress designed to improve the use of U.S. trade remedies and to move China toward more effective compliance with its WTO commitments. A list of the Commission's recommendations is attached.

The complete hearing record is available on the Commission's web site at www.uscc.gov. Copies may be obtained by calling the Commission at (202) 624-1407.

ADDRESSING CHINA'S CURRENCY MANIPULATION

The Commission recommends that Congress pursue the following measures to move China toward a significant near-term upward revaluation of the yuan by at least 25 percent.

Press the Administration to file a WTO dispute regarding China's exchange rate practices. China's exchange rate practices violate a number of its WTO and IMF membership obligations, including the WTO prohibition on export subsidies and the IMF prescription of currency manipulation.

Consider imposing an immediate, across-the-board tariff on Chinese imports unless China significantly strengthens the value of its currency against the dollar or against a basket of currencies. The tariff should be set at a level approximating the impact of the undervalued yuan. The United States can justify such an action under WTO Article

XXI, which allows members to take necessary actions to protect their national security. China's undervalued currency has contributed to a loss of U.S. manufacturing, which is a national security concern for the United States.

Reduce the ability of the Treasury Department to use technical definitions to avoid classifying China as a currency manipulator by amending the 1988 Omnibus Trade Act to (i) include a clear definition of currency manipulation, and (ii) eliminate the requirement that a country must be running a material global trade surplus in order for the Secretary of the Treasury to determine that the country is manipulating its currency to gain a trade advantage.

ADDRESSING INTELLECTUAL PROPERTY RIGHTS (IPR) VIOLATIONS

The Commission recommends that Congress urge USTR to immediately file one or more WTO disputes pertaining to China's violation of its WTO IPR obligations, particularly China's failure to meet the requisite standards of effective enforcement, including criminal enforcement.

TREATING CHINA AS A NONMARKET ECONOMY

The Commission recommends that Congress require that the Department of Commerce obtain Congressional approval before implementing any determination that a nonmarket economy such as China has achieved market economy status. Congress should ensure that China continues to be treated as a nonmarket economy in the application of antidumping and countervailing duties through 2016, as is explicitly permitted by China's WTO accession agreement, unless China clearly meets the statutory requirements for market economy status.

WTO DISPUTE RESOLUTION

The Commission recommends that Congress establish a review body of distinguished, retired U.S. jurists and legal experts to evaluate the dispute resolution mechanism at the WTO. The review body would consider all decisions made by a WTO dispute settlement panel or appellate body that are contrary to the U.S. position taken in the case. In each instance, a finding would be made as to whether the WTO ruling exceeded the WTO's authority by placing new international obligations on the United States that it did not assent to in joining the WTO. If three affirmative findings were made in five years, Congress would be prompted to reconsider the relationship between the United States and the WTO.

ENHANCING THE EFFECTIVENESS OF U.S. TRADE REMEDIES

The Commission recommends that Congress authorize compensation to petitioners in the Section 421 safeguard process for legal fees incurred in cases where the ITC finds that market disruption has occurred but the President has denied relief. Congress should also consider eliminating presidential discretion in the application of relief through Section 421 petitions or limiting discretion to the consideration of non-economic national security factors.

The Commission recommends that Congress maintain the Continued Dumping and Subsidies Offset Act of 2000 (CDSOA or the "Byrd Amendment"), notwithstanding the WTO's ruling that the law is inconsistent with WTO requirements, and accept any retaliatory tariffs that may ensue as the U.S. is permitted to do under its WTO obligations. Congress should press the Administration to seek explicit recognition during the WTO's Doha Round negotiations of the right of WTO members to distribute monies collected from antidumping and countervailing duties to injured parties.

The Commission recommends that Congress clarify without delay the authority of

the Committee on the Implementation of Textile Agreements (CITA) to consider threat-based petitions for use of the China-specific textile safeguard negotiated as part of China's WTO agreement.

The Commission recommends that Congress direct the Department of Commerce to make countervailing duties applicable to nonmarket economies to provide an additional tool to combat China's use of government subsidies for its exporters.

The Commission recommends that Congress repeal the "new shipper bonding privilege" that has allowed many importers of Chinese goods to avoid payment of anti-dumping duties. Importers of goods subject to anti-dumping or countervailing duties should be required to deposit in cash the amount of any estimated applicable duty.

COUNTERING CHINA'S GOVERNMENT SUBSIDIES

The Commission recommends that Congress direct USTR and Commerce to investigate China's system of government subsidies for manufacturing, including tax incentives, preferential access to credit and capital from financial institutions owned or influenced by the state, subsidized utilities, and investment conditions requiring technology transfers. The investigation should also examine discriminatory consumption credits that shift demand toward Chinese goods, particularly as a tactic of import substitution for steel, Chinese state-owned banks' practice of noncommercial-based policy lending to state-owned and other enterprises, and China's dual pricing system for coal and other energy resources. USTR and Commerce should provide the results of this investigation in a report to Congress that assesses whether any of these practices may be actionable subsidies under the WTO.

Mr. GRAHAM. What do they tell us? There was a general consensus among the witnesses—they held 2 days of hearings—that China remains in violation of its WTO obligations in a number of areas impacting vital U.S. economic interests:

It has become increasingly clear that China is not meeting key commitments it made when joining the WTO and that our trade laws have to date been insufficient in addressing these problems.

They lay out the problems: China currency manipulation, intellectual property theft; treating China as a nonmarket economy; lack of enforcement of U.S. trade remedies that are on the books; China subsidies to businesses that are in violation to WTO.

We have had a very tepid response to China's cheating across the board and we are paying a huge price. Many Americans are losing jobs not because they are being outworked, or because the Chinese are smarter, but because they are being cheated out of their jobs. One way is that the Chinese have taken the value of their currency and artificially suppressed it, creating a discount on every product coming out of China to the detriment of American manufacturing and the world community at large, and all we do is talk to China.

A lot of people are depending on us to do something about China in a constructive fashion. Is this the best way to have done it? No. This is the only way I know of, after 2 years, to get anybody's attention, our attention or China's attention. We passed a sense-

of-the-Senate resolution in 2003 that was a compromise that Senator SCHUMER and I made. OK, let's get the Senate on record. It was a sense of the Senate, and no one objected that China is manipulating its currency in violation of international norms and it costs Americans jobs. That was 2 years ago.

Last year, we were going to put it on the FSC/ETI bill. Everybody said you are going to mess up the bill. So we had a colloquy with Senator GRASSLEY, who is a good friend, and we talked about holding hearings and we talked about engaging China anew, because we didn't want to mess up the bill by bringing this bill forward. That was over a year ago. Not one thing has changed—not one hearing—and the problem gets worse and worse. The balance of trade between us and China is absolutely shameful. We are doing nothing about it other than talking.

Well, this amendment does something about it other than talking. Let me tell you what the U.S.-China Commission said about currency manipulation.

The commission recommends that Congress pursue the following measures to move China toward a significant near-term upward reevaluation of the yuan by at least 25 percent.

We look moderate compared to the United States-China Economic Security Review Commission.

Consider imposing an immediate, across-the-board tariff on Chinese imports unless China significantly strengthens the value of its currency against the dollar or against a basket of currencies.

The experts tell us the yuan is 15 to 40 percent below its true market, causing havoc on American manufacturing.

Reduce the ability of the Treasury Department to use technical definitions to avoid classifying China as a currency manipulator.

They have a list things for us to do. One is imposing an across-the-board tariff. What I and Senators SCHUMER, BUNNING, and others are suggesting we do is put China on notice: In the next 6 months, allow China to move toward reevaluation in a way that will help the American economy, will make China a true, fair member of nations, and if they do not act in the next 6 months in some significant way, then we will look at the ability of this country to protect ourselves against a Communist dictatorship that cheats. And if the Senate is not here to protect the American worker against a Communist dictatorship that cheats, what the heck are we here for?

I hope we will send a message to China they can understand because apparently they do not understand what we are saying any other way.

I have enjoyed this experience working in a bipartisan fashion to stand up for American business interests that are being cheated out of jobs because of a Communist dictatorship that cheats and is building up their military at our expense.

To the American manufacturing community, there are a million other ways we can help. I talked with Governor Engler today. We are going to do more domestically and internationally to level the playing field, but this is a significant start. Will it solve all the problems? No. Will this put China on notice as they have never been put on notice before? Yes. And if we fail to adopt this message, we are also sending a message to China. I am not sure that is a message the American worker can stand having sent to China.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that all the sponsors of the bill, S. 600—the amendment is identical to the bill—be added to amendment No. 309.

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

Mr. SCHUMER. Further, I ask unanimous consent that Senator DURBIN's name be added as a cosponsor to this amendment.

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

Mr. SCHUMER. I yield to my colleague.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator BURR be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Senator BURR will be added as a cosponsor.

The Senator from New York.

Mr. SCHUMER. Mr. President, I would like a followup to some of the comments the Senator from South Carolina has made in reference to our legislation.

First, I will mention the cosponsors of this bill, in addition to Senator GRAHAM and myself, as well as Senator BUNNING. They are: Senator REID, the minority leader, Senator BAYH, Senator DODD, Senator BURR, Senator DEWINE, Senator STABENOW, Senator MIKULSKI, Senator JOHNSON, Senator KOHL, and Senator FEINGOLD, and there are others as well. Senator DOLE I know is a cosponsor as well on the main bill. Now she is added to this amendment as well.

Mr. President, we have asked over and over again those who have said, Don't do this amendment, we know your intention is good, but don't do it, we have asked them over and over, What do we do? Secretary Snow called Senator GRAHAM and me and asked us not to do the amendment, give them a chance to negotiate with the Chinese. That was over a year ago.

You may recall before he even set foot in China, as his plane was in the air, the Chinese Government announced: Do not even try to negotiate on this; we are not changing. We are going to keep pegging our currency—which devalues our currency.

I sat down with a group of leading New York business people. It was at

the invitation of one of them who gathered the group of very bright men in an effort to persuade me not to be for this amendment. After an hour and a half, they all agreed it was the right thing to do because we made the argument to them that day that if you believe in free trade, you cannot have one of the largest trading countries abjectly violating the rules. It does not work. It does not work for China, it does not work for America, and it does not work for the rest of the world.

If anyone doubts that the Chinese really play fair, let me mention one little story, and this is the kind of thing that drives us crazy. There is a company in Cortland, NY, called Marietta. Cortland has had tough times. It is an industrial town. Smith Corona used to make typewriters there. It obviously does not do that anymore. Buckbee-Mears had a big ball bearing plant, and that closed. The one saving grace of Cortland was Marietta, which kept growing.

Marietta makes a product we all use. They are the manufacturer of the little soaps and little shampoos that you get when you go to hotels and motels. The way Marietta gets its business, the chairman told me, is that they go to the big hotel companies, such as Hilton, and they say: You pick the color of the soap and the smell of the soap, and we will make sure it is in every room. That is how they have Hilton and other big companies as their customers.

Only one country does not allow Marietta to import its soap and its shampoo—China. When the president called me and I visited the plant up in Cortland, NY, 30 miles south of Syracuse, he told me that the Chinese now do their own business in China. They are using that protected market in China to compete with Marietta now in Southeast Asia, in Europe, and soon in America.

I said: Why don't you file with the WTO?

He said: I will get an answer in about 8 years, and I will be out of business.

Mr. President, I say to my colleagues, I could not agree more with what Senator GRAHAM said. We must do something. This is the best thing to do. It is certainly a lot better than what we have been doing over the last 2 years, which is absolutely nothing.

I urge, on behalf of free trade, on behalf of the world system that really works, and on behalf of saying to countries, You have to play by the rules to gain the benefits, you should not have a \$162 billion trade surplus and not play by the rules, I urge them to support the amendment on which Senator GRAHAM and I have worked so long and hard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I, too, believe in free trade, but I share Senator SCHUMER's thoughts and Senator GRAHAM's ideas. A great nation such as

China needs to understand it has moved to a different level, that it sells an incredible amount of products to the United States of America, and what they do with the value of their currency impacts that trade.

What they have done is not sound policy. Because I believe in free trade, I believe it is not even going to be good for China. It is certainly not good for the United States today.

I do not want to be involved in telling a nation what their currency ought to be. I know the Senator from New York and the Senator from South Carolina do not believe they should, but this is reality.

We are not talking about theory. We moved beyond theory. It is jobs. It is trade. It is a deficit trade that we have with China to an extraordinary degree that continues to grow. So I thank the Senators for their efforts, and I would be pleased to support their amendment.

The PRESIDING OFFICER. Who seeks time?

The Senator from South Carolina.

Mr. GRAHAM. I do not believe we have any more speakers on deck.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as I indicated at the outset of the debate, as we asked recognition of the Senators who have spoken so eloquently on this amendment, the issue before the Senate is the preservation of the authorization bill itself that we are debating. The issue has been often expressed, but let me mention it again, that the Finance Committee claims jurisdiction of this item. They also have indicated, both on the Senate and House sides, that they will prevent passage of the authorization bill for the State Department and foreign assistance if this item and, for that matter, several others that have been included in prospective amendments are adopted as a part of this bill.

I will not debate the merits of the amendment on China. We have had a hearing before our Foreign Relations Committee and delved into what is clearly a very complex and important issue. I do know, however, that even as we had the hearing for our own information and that of the public, we understood the jurisdictional question. We have tried to respect that. Therefore, on this amendment and on others that also are clearly in the jurisdiction of the Finance or of other committees, I feel compelled, for the sake of preserving this bill, to move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New York.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The assistant legislative clerk called the roll.

The result was announced—yeas 33, nays 67, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—33

Alexander	Coleman	Lugar
Allard	Collins	McCain
Baucus	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Feinstein	Murray
Brownback	Frist	Nelson (NE)
Burns	Grassley	Roberts
Cantwell	Gregg	Smith (OR)
Carper	Hagel	Stevens
Chafee	Kyl	Sununu
Cochran	Lott	Wyden

NAYS—67

Akaka	Durbin	Nelson (FL)
Allen	Enzi	Obama
Bayh	Feingold	Pryor
Biden	Graham	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Chambliss	Isakson	Schumer
Clinton	Jeffords	Sessions
Coburn	Johnson	Shelby
Conrad	Kennedy	Snowe
Cornyn	Kerry	Specter
Corzine	Kohl	Stabenow
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Dayton	Leahy	Thune
DeWine	Levin	Vitter
Dodd	Lieberman	Voinovich
Dole	Lincoln	Warner
Domenici	Martinez	
Dorgan	Mikulski	

The motion was rejected.

Mr. LIEBERMAN. Mr. President, I voted for Senator SCHUMER's and Senator GRAHAM's China currency amendment even though I prefer my own legislation, S. 377, on this issue, which is consistent with our international obligations. Nonetheless, I supported this amendment to send a message to the administration that the time for action on currency manipulation has come.

I acknowledge that if passed, this legislation may be disruptive to our trade obligations. But as noted economist Fred Bergsten wrote in the Financial Times on March 15, the world economy would suffer from a rapid and precipitous decline in the U.S. currency. Such a shock could drive up interest rates and curb U.S. growth to the detriment of all our trading partners.

These risks are greatly exacerbated by the growing U.S. current account deficit and the connected actions by some countries, including China, that are blocking the orderly adjustment of the U.S. dollar by their direct currency intervention. It is long past time for market forces to be allowed to work and time for the administration to press this issue. I note that if national security problems arise, the President under the amendment has waiver authority.

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

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

The assistant legislative clerk proceeded to call the roll.

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

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

Mr. LUGAR. I object.

The PRESIDING OFFICER. There is objection. The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I ask the Senator from Massachusetts and the Senator from New Jersey would they be in agreement that a 15-minute presentation at this point would be possible, and then they would yield to me? I make this request because we have an existential crisis with the bill. Unless we solve it, we will probably not be continuing. This is serious. I understand you have an important colloquy. If it can be contained in 15 minutes, that would be fine.

Mr. LAUTENBERG. We appreciate the opportunity that the Senator has given us.

Mr. KENNEDY. Could we ask then that the Senator from Indiana be recognized after 15 minutes to take whatever action is necessary?

Mr. LUGAR. Yes. Mr. President, I ask unanimous consent to proceed as has been mentioned.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

INDEPENDENCE OF THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I want to discuss the situation that is developing, questioning the value of the separation of powers, about whether one of the powers has rights that succeed the powers of the other. Particularly, my subject now regards the judiciary and whether it is a free, unencumbered judiciary, as it ought to be.

Mr. KENNEDY. Will the Senator from New Jersey be kind enough to yield for a brief observation and question?

Mr. LAUTENBERG. Yes.

Mr. KENNEDY. Mr. President, the Senator from New Jersey is addressing the Senate on a very important issue, the independence of the judiciary. I

think this is an important statement. Many of us have been deeply concerned by statements that have been made recently by Congressman TOM DELAY, who used the words, "The time will come for men responsible for this to answer for their behavior," in relationship to the decision of the courts in the Schiavo case. The Senator from Texas has also mentioned and talked about the judiciary in a similar vein this week.

I ask unanimous consent that a New York Times editorial, regarding these statements be printed in the RECORD.

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

[From the New York Times, Apr. 6, 2005]

THE JUDGES MADE THEM DO IT

It was appalling when the House majority leader threatened political retribution against judges who did not toe his extremist political line. But when a second important Republican stands up and excuses murderous violence against judges as an understandable reaction to their decisions, then it is time to get really scared.

It happened on Monday, in a moment that was horrifying even by the rock-bottom standards of the campaign that Republican zealots are conducting against the nation's judiciary. Senator John Cornyn, a Texas Republican, rose in the chamber and dared to argue that recent courthouse violence might be explained by distress about judges who "are making political decisions yet are unaccountable to the public." The frustration "builds up and builds up to the point where some people engage in" violence, said Mr. Cornyn, a former member of the Texas Supreme Court who is on the Senate Judiciary Committee, which supposedly protects the Constitution and its guarantee of an independent judiciary.

Listeners could only cringe at the events behind Mr. Cornyn's fulminating: an Atlanta judge was murdered in his courtroom by a career criminal who wanted only to shoot his way out of a trial, and a Chicago judge's mother and husband were executed by a deranged man who was furious that she had dismissed a wild lawsuit. It was sickening that an elected official would publicly offer these sociopaths as examples of any democratic value, let alone as holders of legitimate concerns about the judiciary.

The need to shield judges from outside threats—including those from elected officials like Senator Cornyn—is a priceless principle of our democracy. Senator Cornyn offered a smarmy proclamation of "great distress" at courthouse thuggery. Then he rationalized it with broadside accusations that judges "make raw political or ideological decisions." He thumbed his nose at the separation of powers, suggesting that the Supreme Court be "an enforcer of political decisions made by elected representatives of the people." Avoiding that nightmare is precisely why the founders made federal judgeships lifetime jobs and created a nomination process that requires presidents to seek bipartisan support.

Echoes of the political hijacking of the Terri Schiavo case hung in the air as Mr. Cornyn spoke, just days after the House majority leader, Tom DeLay, vengefully vowed that "the time will come" to make the judges who resisted the Congressional Republicans' gruesome deathbed intrusion "answer for their behavior." Trying to intimidate judges used to be a crime, not a bombastic cudgel for cynical politicians.

The public's hope must be that Senator Cornyn's shameful outburst gives further

pause to Senate moderates about the threats of the majority leader, Senator Bill Frist, to scrap the filibuster to ensure the confirmation of President Bush's most extremist judicial nominees. Dr. Frist tried to distance himself yesterday from Mr. DeLay's attack on the judiciary. But Dr. Frist must carry the militants' baggage if he is ever to run for president, and he complained yesterday of "a real fire lighted by Democrats around judges over the last few days."

By Democrats? The senator should listen to what's being said on his side of the aisle, if he can bear it.

Mr. KENNEDY. Mr. President, I draw to the attention of the Senate that today the Judicial Conference has asked the White House and the Senate for \$12 million to help protect judges from violence. When we see leaders in Congress making statements which clearly have incited, or threaten to incite, violence against judges, the same judges, honorable men and women appointed to uphold America's laws and ideals, who are living in fear of violence, we must be concerned.

The Judicial Conference is requesting \$12 million to provide protection for the American judiciary. What in the world is this Congress and this Senate coming to? I think it is appropriate for the leaders and other members in this body and the House to tone down their rhetoric, and avoid the threats to the American judiciary. I think that is absolutely unconscionable.

When you have the Judicial Conference asking for this, that indicates where the judges themselves—made up of Republicans and Democrats—are coming from. I intend to offer an amendment on the supplemental to positively respond to their request and to get the \$12 million. I am interested if my friend from New Jersey would co-sponsor that.

Mr. LAUTENBERG. Yes, I would be pleased to. Mr. President, I ask the Senator from Massachusetts, why should we be surprised they ask for more protection? We have seen atrocious assaults on members of the bench and their families.

What we see is, I think, the beginning of a firestorm, and the problem is that the fuel is being provided by comments made here and in the other body.

I start off by reading from article III, section 1 of the U.S. Constitution. It says:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

It is pretty clear to me. It says judicial power is vested in our courts, not in the Congress. The Constitution gives the Senate a role in the appointment of judges, and we are supposed to provide advice and consent, not direction. But once a judge is seated on the bench, his or her decisions are not subject to our approval.

The Founding Fathers, in their brilliance, set it up that way on purpose. They wanted to make sure that court decisions would be based on legal

grounds, not political grounds. But today there is an orchestrated effort to smear the reputation of the judiciary, especially Federal judges. And the effort is being waged by Republicans in Congress as a prelude to an attempt to change the rules for confirming judicial nominations.

In order to justify this nuclear option, they are trying to paint judges as "activists" and "out of control."

In reality, it is the leadership of this Congress that is out of control and endangering the future of a fair court system.

In this Chamber on Monday, one of our colleagues said Americans are becoming frustrated by the rulings of the judges—so be it; that is all right, you can be frustrated as much as you want—but then he accused the judges of making "raw political or ideological decisions." That was in the quote from our colleague's statement.

He went on to say:

I wonder whether there may be some connection between the perception in some quarters, on some occasions, where judges are making political decisions yet are unaccountable to the public . . . that it builds up and builds up and builds up to the point where—

Listen to this—

where some people engage in violence.

These are comments made by a Senator. The remarks are almost unbelievable. Yet they echo the words last week of the House majority leader. Speaking of the judges in the Schiavo case, the House majority leader said:

The time will come for the men responsible for this to answer for their behavior.

What does that imply? These are inflammatory words. They ignore the fact that our Founding Fathers wanted judges to be insulated from political pressure, and they are words that could easily incite violence against judges.

On this past Sunday, a columnist in the hometown newspaper of the House majority leader, the *Houston Chronicle*, wrote:

It is time for him to stop sputtering ill-tempered threats, not only at the judiciary but also at the U.S. Constitution, which he repeatedly has sworn to uphold.

There were two matters that made things worse, two recent episodes to which the Senator from Massachusetts made reference involving violence against judges and their families. In Chicago, a man fatally shot the husband and the mother of a Federal judge who had ruled against him in a medical malpractice suit. And in Atlanta last month, a man broke away from a deputy, killed four people, including the judge presiding over his rape trial. Is that what these people see? Is that what our colleagues saw? Is that what the House majority leader saw, an opportunity to take revenge on judges who make decisions with which they disagree? What are we, some lawless nation where if you do not like it, you kill the person who did it?

Were these judges who suffered terribly while performing their official

duties activists? Were they out of control?

The message being sent to the American people by the other side of the aisle is not only irresponsible, but downright dangerous to our Nation's judges.

Like the nuclear option, the goal here is to have judges make political decisions rather than legal decisions. They are trying to intimidate sitting judges, and they are trying to change Senate rules to get bad judges on the bench.

I vow to fight this nuclear option, as well as these irresponsible threatening statements. I do that for my family and for American families across this country.

In my view, the true measure of democracy is how it dispenses justice. In this country, any attempt to intimidate judges not only threatens our courts but our fundamental democracy as well.

I note that a letter was sent out most recently by the distinguished majority leader. It is dated March 31, 2005. He invites colleagues—it says: "Get a Fresh Perspective on Our Nation's"—this is on the majority leader's stationery—"Get a Fresh Perspective on Our Nation's Religious Heritage with a Special Tour of the U.S. Capitol":

Dear Colleague: I am writing to invite you and your family to a private tour of the U.S. Capitol Building with WallBuilders' President, David Barton, on Monday, April 11, 2005. The walking tour will commence at my office—

And he identifies the location of his office and the time, and then adds:

David Barton is the founder and President of WallBuilders, a national pro-family organization which distributes historical, legal, and statistical information, and helps citizens become active in their local schools and communities. He is an historian noted for his detailed research into the studied the religious heritage of our nation. Among some of the interesting facts made by Mr. Barton:

The U.S. Capitol served as a church building for decades.

The first English-language Bible in America was printed and endorsed by the United States Congress.

The original Supreme Court—composed of numerous signers of the Constitution—began their sessions with ministers coming in and praying for the Court, the jury, and their deliberations.

The majority leader goes on to say:

You will also learn inspiring stories behind the faces, paintings, and statues in the U.S. Capitol Building and view original documents from George Washington and others . . . which are depicted in artwork. . . .

I have read something of Mr. Barton's biography:

Mr. Barton intends to prove that the separation of church and state is a myth, and that America's Founders intended for the United States to be a Christian nation.

Does that mean those of us who are not Christian—whether Muslim, Jewish, or some other religion—are not part of this great nation?

The majority leader is the one making this suggestion. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 31, 2005.

GET A FRESH PERSPECTIVE ON OUR NATION'S RELIGIOUS HERITAGE WITH A SPECIAL TOUR OF THE U.S. CAPITOL

DEAR COLLEAGUE: I am writing to invite you and your family to a private tour of the U.S. Capitol Building with WallBuilders' President, David Barton on Monday, April 11, 2005. The walking tour will commence at my office, S-230 of the U.S. Capitol at 6:00 p.m. and conclude at 7:00 p.m.

David Barton is the founder and President of WallBuilders, a national pro-family organization which distributes historical, legal, and statistical information, and helps citizens become active in their local schools and communities. He is an historian noted for his detailed research into the religious heritage of our nation. Among some of the interesting facts covered by Mr. Barton:

The U.S. Capitol Building served as a church building for decades.

The first English-language Bible in America was printed and endorsed by the United States Congress.

The original Supreme Court—composed of numerous signers of the Constitution—began their sessions with ministers coming in and praying over the Court, the jury, and their deliberations.

You will also learn inspiring stories behind the faces, paintings, and statues in the U.S. Capitol Building and view original documents from George Washington and others (some that are over 400 years old) which are depicted in artwork throughout the Capitol.

If you and your family would like to participate, contact Brook Whitfield in my office at 202-224-0948 or brook_whitfield@first.senate.gov to RSVP. I look forward to seeing you then.

Sincerely,

WILLIAM H. FRIST M.D.,
Majority Leader, U.S. Senate.

Mr. LAUTENBERG. Mr. President, I quote from this report:

Now Barton appears to be angling for a spot on the national stage. He is touring the nation again, this time with financial support from the Republican National Committee as part of what is described as a large get-out-the-vote effort.

As he tours the country, Barton leads pastors in sessions examining the role Christianity played in America's founding and puts forth his usual shaky thesis. But Barton doesn't stop there. Barton's not-so-subtle message is that America's Christian heritage is at risk—and only voting Republican can save it.

I want those who hear me across America to pay attention: "Christian heritage is at risk." That means that all the outsiders, all of those who approach God differently but are people who believe in a supreme being; people who behave and live peacefully with their neighbors and their friends. No, this is being put forward as an attempt—a not too subtle attempt—to make sure people understand that America is a Christian country. Therefore, we ought to take the time the majority leader offers us, as Members of the Senate, for a chance to learn more about how invalid the principle of separation between church and state is.

I hope the American public sees this plan as the spurious attempt it is.

I ask my colleagues if they want to go to a Christian-only spokesman who will tell us about how insignificant the separation between church and state is. The question is fundamental to the Constitution. Are we a country of laws? If we are, then we must respect the law and we must hold the law free from threats.

How does it feel when one looks at the Federal judge in Chicago who had her husband and her mother murdered because someone disagreed with her legal decision? How do we feel about seeing this guy break loose in Atlanta and kill the judge and a deputy? Senator KENNEDY just mentioned the fact that there was a \$12 million request for security for judges and courtrooms. I do not blame them. This is not some lawless country where if a judge makes a decision he better run for his life; nor is it Iraq, where those who are upholding the law are getting killed because other people disagree with them. We should not stand for this.

I ask the majority leader to withdraw that invitation to tour the U.S. Capitol with this man who says that this should be a Christian-only country. How can he dare undermine the principles that are in our brilliant Constitution that was written so many years ago? We are entering a dangerous period, in my view.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I yield the floor. The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, work continues among a number of Senators who are deeply interested, as I am, in the resolution and the amendment ahead of us. For the moment it appears we ought to give more time to this discussion. So 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. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. The objection is heard. The quorum call will be continued.

The legislative clerk continued to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, in a moment I am hopeful the Chair may recognize the distinguished Senator from Connecticut, Mr. DODD, for 10 minutes in which he will offer an amendment. On our side, we are prepared to accept the amendment. Therefore, we will at least make some progress while the other discussion continues.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 318

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

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

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 318.

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

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

The amendment is as follows:

(Purpose: To specify requirements under the Arms Export Control Act applicable to the VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program).

At the end of subtitle B of title XXII, add the following:

SEC. 2239. APPLICABILITY OF ARMS EXPORT CONTROL ACT REQUIREMENTS TO VHXX EXECUTIVE HELICOPTER PROGRAM.

(a) TREATMENT AS COOPERATIVE PROJECT.—The VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program) shall be treated as a cooperative project for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) as authorized under section 27 of that Act (22 U.S.C. 2767).

(b) LICENSING AND NOTICE REQUIREMENTS.—

(1) IN GENERAL.—Any licensing and notice to Congress requirements that apply to the sale of defense articles and services under the Arms Export Control Act shall apply to any foreign production (including the export of technical data related thereto) under the VHXX Executive Helicopter Program without regard to any dollar threshold or limitation that would otherwise limit the applicability of such requirements to such production under that Act.

(2) NOTICE TO CONGRESS.—Notwithstanding the treatment of the VHXX Executive Helicopter Program as a cooperative project for purposes of the Arms Export Control Act under subsection (a), section 27(g) of that Act (22 U.S.C. 2767(g)) shall not be applicable to the program, and the notice requirements of subsections (b) and (c) of section 36 of that Act (22 U.S.C. 2776) shall be complied with in the issuance of any letters of offer or licenses for the program as required by paragraph (1).

(c) LIMITATION ON ISSUANCE OF LICENSES.—No license may be issued under the Arms Export Control Act for any portion of the VHXX Executive Helicopter Program, including research and development and the sharing of technical data relating to the program, until each participant in the program agrees, in writing, not to enter into any contract, or otherwise do any business, with any party who is subject to the jurisdiction of a country that supports international terrorism for five years after the date of the completion of the participation of such participant in the program.

(d) COUNTRY THAT SUPPORTS INTERNATIONAL TERRORISM DEFINED.—In this section, the term "country that supports international terrorism" means any country whose government has repeatedly provided support for acts of international terrorism for purposes of either of the provisions of law as follows:

(1) Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)).

(2) Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. DODD. Mr. President, in order to move things along in time, I appreciate the willingness of the distinguished chairman of the Foreign Relations Committee to accept the amendment. It is very simple amendment.

It says that foreign companies involved in developing the President's Marine One helicopter must pledge in writing that they will not conduct business with state-sponsors of terrorism during the contract and 5 years after it has been completed. Moreover, it provides that those involved in building such technologies will be subject to at least the same export licensing requirements as other defense projects built jointly by the U.S. and foreign manufacturers, as governed by the U.S. Arms Export Control Act.

The principle is clear, and hardly controversial. I am sure my colleagues will agree that there are few more sensitive and more important national security concerns than the safe transport of our country's chief executive. But the aircraft we are talking about today is far more than a mode of transportation. It will be outfitted with some of the most advanced technology available to ensure secure communications and easy maneuvering to avoid any possible threats from the ground and air. As long as the President is in flight, this aircraft will be a global nerve center, with critical information constantly flowing in and essential decisions flowing out. This aircraft needs to be safe and secure, and well-equipped to ensure secure communications. For obvious reasons, the technology making this happen needs to be protected at all costs.

We cannot afford to let America's enemies gain access to any of this critically important technology. That is why companies involved in developing Marine One cannot be allowed to have any relations with our most dangerous adversaries. Such relations might present opportunities for the sharing of designs or materials with state-sponsors of terrorism.

Armed with such information, terrorists could learn about the vulnerabilities of the Presidential helicopter, and attempt to intercept critical communications or effectively target our President from the air or from the ground.

My amendment also says that when it comes to this critically important technology, there should be no chance that anyone wishing America harm could gain access to our most sensitive secrets. When it comes to this critical defense system, there should be no exceptions to our export licensing.

It may come as a surprise to some that this amendment would even be necessary, but it should not come as a surprise that Senator LIEBERMAN, my cosponsor on this amendment, and I are deeply concerned about what could happen. But I am afraid that troubling reports have surfaced about a European partner in the manufacturing team recently awarded the contract to build

Marine One. As many of my colleagues know, Agusta Westland, an Italian-British consortium, was tasked with building this helicopter's basic design as well as manufacturing approximately 30 percent of the aircraft's components, including the rotor blades to be built in Yeovil, England, and the main transmission, to be constructed in Cascina Costa, Italy.

Obviously, I have some local interests in this case. The Navy selected the European/American team over the Connecticut-based, All-American Sikorsky team which has administered the Marine One contract for about 50 years. Truth be told, I believe that Sikorsky has a better performing, more experienced aircraft team as well as a superior design. But my concerns go beyond parochial interests, and even the technical merits of the aircraft. I am gravely troubled about the impact this contract award will have on the United States' ability to stay competitive in the global helicopter industry. But more importantly, I am deeply troubled that the European partner in the winning contractor team is currently considering conducting business with a sworn enemy of the United States—the Islamic Republic of Iran.

I have here a list of companies who recently attended an air show in Kish, Iran, exhibiting their wares, and soliciting business from the Iranian Government. Listed at number 50 on this list is Agusta Westland as well as its parent company Finmeccanica at number 52. We do not know what they were marketing at their exhibits during the January 18–21 trade show, but it is surely the view of this Senator that no government manufacturer of such sensitive technology as the U.S. Presidential helicopter has any business even entertaining the idea of doing business with state sponsors of terrorism such as Iran.

How can we allow the chance that a sworn adversary of the United States like Iran could gain access to America's most sensitive defense technologies? I know that my colleagues are keenly aware of the history of Iran's government, dating back to the taking of American hostages in 1979 and the installation of a brutal fundamentalist dictatorship. But let me be utterly clear about the threat that we are dealing with here. We are talking about one of the three members of what President Bush referred to as "the Axis of Evil." This is how the State Department described U.S. relations with Iran in its most recent Iran country report:

As a state sponsor of terrorism Iran remains an impediment to international efforts to locate and prosecute terrorists . . . The U.S. Government defines its areas of objectionable Iranian behavior as the following: Iranian efforts to acquire nuclear weapons and other weapons of mass destruction; Its support for and involvement in international terrorism; Its support for violent opposition to the Middle East peace process; and Its dismal human rights record.

President Bush himself referred to the threat posed by Iran in his most re-

cent State of the Union address, stating:

Today, Iran remains the world's primary state sponsor of terror, pursuing nuclear weapons while depriving its people of the freedom they seek and deserve.

Unclassified intelligence reports have attributed dozens of acts of international terrorism to the Iranian government or surrogate terrorist groups since the 1990s. One such Iranian surrogate is Islamic Jihad, also known as Hezbollah, which publicly has claimed responsibility for a number of attacks on innocent civilians throughout the world from Argentina to Israel. And they continue to prosecute attacks in Israel, and threaten instability in Lebanon.

Meanwhile, terrorists are moving in and out of Iraq and Afghanistan across Iranian borders, attacking U.S. troops with either Tehran's support or outright sponsorship. And today, as we entrust the security of our President and our most sensitive national security secrets to a major European subcontractor, we are facing the prospect of having such a critical U.S. defense system shared with one of the America's gravest adversaries.

The stakes could not be any higher. We cannot afford to allow critical American technology to fall into the hands of terrorist states. And we cannot allow those who wish us harm access to information on any aircraft that would be carrying the President of the United States.

For these reasons, I am offering this amendment which, I repeat, addresses two critical concerns that I have raised here today:

First, my amendment forbids any company involved in building the Marine One aircraft from conducting business with a state sponsor of terrorism; second, it subjects the Marine One contract to standard export controls governing joint U.S.-foreign defense programs, waiving exemptions provided to companies from NATO countries.

I know that there are some who might object to this provision as being too harsh on our allies, particularly since it eliminates waiver protections pertaining to companies in NATO countries. But the honest and sobering reality is that I am not proposing anything nearly as drastic as what our NATO allies are currently doing in the conduct of their own defense contracts.

Unlike the legitimate security concerns I have voiced here on the floor today, our European friends are currently banning non-European helicopter manufacturers from even competing for bids in their countries, simply in order to protect their domestic defense industry. As this chart demonstrates—in the market for medium lift helicopters, the U.S. has been banned from even bidding for contracts with the governments of the United Kingdom, France, Portugal, Norway, the Netherlands, Sweden, Denmark, Finland, Germany, Italy, and Greece.

My amendment does not attempt to impose the same protectionist measures that these countries have imposed. This measure is critically important in safeguarding secrets that are fundamental to our Nation's government. It will ensure that no person with access to our most sensitive national security technologies has the opportunity to share these critical secrets with those who would wish us harm. We are simply standing up for the most sensitive security interests of our nation and the safety of our President.

Anything less would be reckless and a dereliction of our duty as Americans.

I merely point to this fact. Nothing in this amendment would suggest we ought to keep them out of our own country, but we ought to be aware that, while we are talking about free trade, in the European nations themselves a United States firm cannot even get in the bidding process. So there are other reasons why this amendment ought to be adopted.

I urge my colleagues to do so, and I thank the chairman of the committee for supporting the amendment.

Mr. LUGAR. Mr. President, as I indicated at the outset, we are prepared on our side to accept the amendment. Therefore, I urge its adoption.

The PRESIDING OFFICER (Mr. COBURN). Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 318) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment has the effect of placing a serious impediment, if not an absolute block, against the United States proceeding to fulfillment of a contract entered into by the Department of Defense—more specifically, the Navy Department having been the executive agent on this contract—for the procurement of the replacement helicopters commonly referred to as marine I. It is the fleet that serves the President primarily and others associated with the White House.

This contract was in negotiation for over a year. It was an open and free competition. So far as I know there was no question raised against the contract being awarded to the winning company, a U.S. company, together with a consortium of overseas participants with, nevertheless, the U.S. company being the lead company.

The amendment was drafted to the Arms Export Control Act and it is intended to prevent the Navy from going forward with this acquisition program. This is a matter that is clearly within the jurisdiction of the Armed Services Committee. Normally, we consult committees before acting.

I do not fault the distinguished chairman of the Foreign Relations Committee. I think at the time this was done very hastily, it was not clear to the staff and the chairman of the Foreign Relations Committee that it was within the jurisdiction of the Armed Services Committee. Otherwise, I would have come over to the floor earlier.

Now, the amendment having been adopted, I, together with my two distinguished colleagues from New York, Senators CLINTON and SCHUMER, will address this matter tomorrow or during the course of the further consideration of the Foreign Affairs Authorization Act. But I can assure you, we will employ every parliamentary device available to us to see that this matter is rectified because I think it was not done in a manner that is consistent with what we normally do around here by way of procedures. Secondly, I think it is detrimental to the whole performance of the contracting and procurement responsibilities of the Secretary of Defense.

So for the moment, for those interested in this contract, let it be known there is a group of us who are going to have this reexamined and, if necessary, take it to the full Senate for consideration before this bill is finally acted upon.

I thank the Chair.

Mr. LUGAR. I am advised the distinguished Senator from Illinois has a statement he would like to make at this time. I ask the Chair to allocate 5 minutes to the Senator and then to recognize me following that statement.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I wonder if I might be recognized after the distinguished chairman, Chairman LUGAR.

Mr. LUGAR. I amend my request that after I am recognized, the distinguished Senator from Alabama be recognized.

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

The Senator from Illinois.

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

Mr. LUGAR. Mr. President I ask that the Chair now recognize the distinguished Senator from Alabama. I understand he will discuss amendments but not offer them at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some comments about a matter which I became aware of recently. I think it is rather dramatic, and it is a matter which this Senate should deal with.

The United Nations is planning to renovate the United Nations Headquarters Building in New York. The New York Sun reports that they are projecting to spend \$1.2 billion to renovate that building. That is a lot of

money! But, frankly, I don't know what it takes to build a building in New York, and neither do most folks. But there are some people who do and we'll look to their opinions later.

It is a 30-story building. We own the real estate. It was modern once, when it was built in 1953, and people thought it was *avant garde* at the time. I have never been impressed with it, but it is an imposing structure. The fact that we need to renovate that building may not be disputable. It probably does need it, although it was renovated pretty substantially in the 1970's. Equivalent in today's dollars, over \$150 million was spent on it.

The current plan is for the United States to loan the money at a 5.5 percent interest, a somewhat realistic interest rate, whereas the U.N. is holding out on accepting the offer. They probably would like a loan at no cost. The GAO reported that was Annan's initial desire.

The United Nations, as we know, is notoriously wasteful in the spending of its money. I wish that it weren't so, but it is a plain fact. Their cost controls have never been good. The Oil-For-Food Program that has been discussed so much lately is the biggest boondoggle—fraud, really—in the history of the world. This U.N. program is out of control. Waste of money under any circumstances is not acceptable.

The United States, of course, pays about 20 percent of U.N. dues. We are the largest dues-paying member of the United Nations. I believe we pay a total of 22 percent of those dues. But regardless of that, UN dues are funds that have been sent to the United Nations by nations all over the world, and that money ought to be spent for good things with good purposes, purposes consistent with the ideals and principles on which the United Nations was founded—feeding the poor, improved medical care around the world, aid for research and treatment, river blindness, and peacekeeping missions.

We don't have enough money to handle all the missions we need to do in the world, and the U.N. ought to do more. They do economic development, infrastructure improvements, and democracy building, but there is never enough money to do all of those things we should. Surely, with all the potential beneficial projects in the world, there is no room to waste money on a project, much less a project that would build offices for bureaucrats.

Let me share this story with you, which is pretty shocking to me. The \$1.2 billion loan the United Nations wants is to renovate a building. Some member of the United Nations, a delegate, apparently, from Europe, had read in the newspaper in New York that Mr. Donald Trump, the premier real estate developer in New York, the largest in New York by far, who has his own television show now—had just completed the Trump World Tower—not a 30-story building like the United Nations, but a 90-story building, for a

mere \$350 million, less than one-third of that cost. So the European United Nations delegate was curious about the \$1.2 billion they were spending on the United Nations.

He knew he didn't know what the real estate costs are in New York. So, he called Mr. Trump and they discussed it. Mr. Trump told him that building he built for \$350 million was the top of the line. It has the highest quality of anything you would need in it.

They discussed the matter, and an arrangement was made for Mr. Trump to meet Kofi Annan, Secretary-General, to discuss the concerns. The European delegate was somewhat taken back at Trump's reaction because he just didn't know how much it would cost. He had originally thought Mr. Trump's figures that were printed in the paper were in error.

So according to Mr. Trump, who I talked to personally this morning, they go meet with Mr. Annan, who had asked some staff member to be there, and Mr. Trump is very outraged about this staffer. When the European asked how these numbers could happen, Mr. Trump said the only way would be because of incompetence, or fraud. That is how strongly he felt about this price tag because he pointed out to me that renovation costs much less than building an entirely new building. So he has a meeting with Mr. Annan, and they have some discussion. And Mr. Trump says these figures can't be acceptable.

He told me in my conversation this morning, he said: You can quote me. You can say what I am saying. It has already been reported in the newspapers. He said they don't know. The person who had been working on this project for 4 years couldn't answer basic questions about what was involved in renovating a major building. He was not capable nor competent to do the job.

He was further concerned. He went and worked on it, and talked about it, and eventually made an offer. He said he would manage the refurbishment, the renovation, of the United Nations Building, and he would not charge personally for his fee in managing it. He would bring it in at \$500 billion, less than half of what they were expecting to spend, and it would be better.

He told me: I know something about refurbishment and renovations. I do a lot of that, also. I know how to do that. Yet he never received a response from the United Nations, which raised very serious concerns in his mind about what was going on there.

Let me further note some comments in the New York Sun article of February 4 of this year dealing with this subject. It starts off quoting Mr. Trump in this fashion:

"The United Nations is a mess, and they're spending hundreds of millions of dollars unnecessarily on this project." And several other Manhattan real estate experts agreed, saying that the space should cost a fraction of what is being projected on a square foot basis.

In addition to this, by the way, after refurbishing their existing building,

there are plans to construct a 35-story, 900,000-square-foot swing space over Robert Moses Park, plus a 100,000-square-foot esplanade park, which the United Nations Development Corporation says will be built into the East River. That has an additional price tag of \$650 million. But that is a separate issue because they are having some additional problems with that, I understand, at this point.

An executive managing director at the commercial real-estate firm Julien J. Studley Inc., Woody Heller, said a thorough renovation of an office building would probably cost between \$85 and \$160 per square foot.

I am still reading from that newspaper article.

Also from there, an executive vice president at Newmark, Scott Panzer, said renovation prices could range between \$120 and \$200 per square foot.

From the article:

Mr. Panzer, who works with many corporations to redevelop their buildings for future efficiency and energy cost savings, put a price of \$70 to \$100 per square foot on infrastructure upgrades. Those would include heating; ventilation; air conditioning; replacing the central plant; fenestration (specifically, switching from single-pane to thermal-pane windows); upgrading elevator switch gears, mechanicals, and vertical transportation; improving air quality, and making security upgrades. On top of that amount, another \$50 to \$100 per square foot would take care of the inside office improvements.

Fifty dollars is a lot of money to renovate a room. Remember, this is renovation, not building. You can probably build a building in Alabama for \$100 a square foot.

The chairman of the global brokerage at commercial real-estate firm CB Richard Ellis, Stephen Siegel, said high-end commercial renovation usually runs from \$50 to \$100 per square foot. For a renovation that does not include new furniture . . . [and this plan does not] but does provide for improved heating, ventilation, and air-conditioning equipment, as well as work on the building exterior, the cost would be closer to the \$100 end of the range, Mr. Siegel said. Even accounting generously for upgrades that might be peculiar to the U.N., Mr. Siegel added he would set \$250 per square foot as the absolute maximum.

Some in the industry have estimated, however, that the dimensions of the U.N. headquarters building and total square footage in need of refurbishment is probably actually less than 1.1 million square feet, less than what they are saying, because it has been suggested that they were counting the parking deck in the renovation and other parts of the building that are not occupied. If you take out the parking deck and these other areas, you get a different figure than the 2.5 million they give you.

Using the U.N. figures, the capital master plan yields a square foot cost of \$452.71 for the renovation per square foot. That is breathtaking and completely out of common sense. It is almost twice what Mr. Siegel said would be the absolute maximum.

But that is not all. If you go back and take out the parking deck and

some of these other areas of the building that would not normally be considered when you think of the square foot of renovation, let me tell you what the figure comes to, and hold on to your hat: \$1,100 per square foot. According to Mr. Trump, this is three, four, maybe five times the cost of this renovation, making this the most expensive renovation in history. Mr. Siegel said the \$1.2 billion cost estimate was "outrageous." This is a professional real estate man in New York City. He said the cost of renovation would be nearly as much as the price of putting up a new building, including the cost of land, and he would set the cost of the land at \$500 per square foot, but that is already paid for in this case.

This is a big deal. A GAO report has looked at it. It assumes that our Government will pay 22 percent of the \$1.2 billion loan principal. In other words, because we pay about that much percentage in our dues to the U.N., we will pay 22 percent of the \$1.2 billion paying the principal back. The American taxpayers have a real interest in this.

There are some negotiations now. The administration is saying, you ought to pay some interest. We want to be paid 5.5 percent. We will loan you the money, but we want to be paid 5.5 interest. The U.N. is holding out to accept our loan, perhaps Mr. Annan is holding out for a loan with zero-interest.

We would like the U.N. to have good quarters. We would like them to renovate if that is the right thing to do. However, the United Nations has a responsibility not only to the United States, the largest contributor, but to every single country that contributes to that organization. Many of them are not wealthy. Many of them contribute significantly to the U.N. They have a responsibility to use that money wisely.

I am very concerned in light of the oil-for-food scandal and other problems we have seen at the U.N. that we are heading down the road to an incredibly wasteful adventure in New York. The U.S. Government ought to do everything it can not only to protect our own treasury, but to protect the U.N. Secretary, to make sure this boondoggle does not go forward.

At some point legislation by this Congress needs to be passed to allow, encourage, or require our leadership to demand strict accounting of what is being spent, to demand that any construction or renovation be done in a cost-effective way, to make sure there is no fraud, there is no corruption, no kickbacks, and no abuses whatsoever in building this building, and that every dollar of the U.N. is spent wisely and carefully.

Those are my concerns. I thank the New York Sun for making a point in this article. I thank Mr. Trump for his willingness to speak publicly. He is pretty frank about it. Obviously, he is very concerned. He felt this was not being handled in a wise way. He saw a

disaster on the horizon, and he was willing to speak out about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside.

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

AMENDMENTS NOS. 319, 320, 321, AND 322, EN BLOC

Mr. ENSIGN. Mr. President, I ask unanimous consent I be permitted to offer four amendments en bloc, and I send those four amendments to the desk.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments numbered 319 through 322, en bloc.

Mr. ENSIGN. Mr. President, I ask unanimous consent the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 319

(Purpose: To encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes)

At the end of the bill, add the following:

TITLE XXIX—PEACEFUL TRANSITION IN CUBA

SEC. 2901. SHORT TITLE.

This title may be cited as the “Cuba Transition Act of 2005”.

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The Cuban people are seeking change in their country, including through the Varela Project, independent journalist activity, and other civil society initiatives.

(2) Civil society groups and independent, self-employed Cuban citizens will be essential to the consolidation of a genuine and effective transition to democracy from an authoritarian, communist government in Cuba, and therefore merit increased international assistance.

(3) The people of the United States support a policy of proactively helping the Cuban people to establish a democratic system of government, including supporting Cuban citizen efforts to prepare for transition to a better and more prosperous future.

(4) The Inter-American Democratic Charter adopted by the General Assembly of the Organization of American States (OAS) provides both guidance and mechanisms for response by OAS members to the governmental transition in Cuba and that country’s eventual reintegration into the inter-American system.

(5) United States Government support of pro-democracy elements in Cuba and planning for the transition in Cuba is essential for the identification of resources and mechanisms that can be made available immediately in response to profound political and economic changes on the island.

(6) Consultations with democratic development institutions and international development agencies regarding Cuba are a critical element in the preparation of an effective multilateral response to the transition in Cuba.

SEC. 2903. PURPOSES.

The purposes of this title are as follows:

(1) To support multilateral efforts by the countries of the Western Hemisphere in planning for a transition of the government in Cuba and the return of that country to the Western Hemisphere community of democracies.

(2) To encourage the development of an international group to coordinate multilateral planning to a transition of the government in Cuba.

(3) To authorize funding for programs to assist the Cuban people and independent nongovernmental organizations in Cuba in preparing the groundwork for a peaceful transition of government in Cuba.

(4) To provide the President with funding to implement assistance programs essential to the development of a democratic government in Cuba.

SEC. 2904. DEFINITIONS.

In this title:

(1) **DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.**—The term “democratically elected government in Cuba” has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(2) **TRANSITION GOVERNMENT IN CUBA.**—The term “transition government in Cuba” has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

SEC. 2905. DESIGNATION OF COORDINATOR FOR CUBA TRANSITION.

(a) **IN GENERAL.**—The Secretary of State shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to coordinate preparations for, and a response to, a transition in Cuba;

(2) coordinating assistance provided to the Cuban people in preparation for a transition in Cuba;

(3) coordinating strategic support for the consolidation of a political and economic transition in Cuba;

(4) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title; and

(5) pursuing coordination with other countries and international organizations, including international financial institutions, with respect to assisting a transition in Cuba.

(b) **RANK AND STATUS OF THE TRANSITION COORDINATOR.**—The coordinator designated in subsection (a) shall have the rank and status of ambassador.

SEC. 2906. MULTILATERAL INITIATIVES RELATED TO CUBA.

The Secretary of State is authorized to designate up to \$5,000,000 of total amounts made available for contributions to international organizations to be provided to the Organization of American States for—

(1) Inter-American Commission on Human Rights activities relating to the situation of human rights in Cuba; and

(2) the funding of an OAS emergency fund for the deployment of human rights observers, election support, and election observation in Cuba as described in section 109(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(b)(1)).

SEC. 2907. SENSE OF CONGRESS.

(a) **SENSE OF CONGRESS REGARDING CONSULTATION WITH WESTERN HEMISPHERE.**—It is the sense of Congress that the President should begin consultation, as appropriate, with governments of other Western Hemisphere countries regarding a transition in Cuba.

(b) **SENSE OF CONGRESS REGARDING OTHER CONSULTATIONS.**—It is the sense of Congress that the President should begin consultations with appropriate international partners and governments regarding a multilateral diplomatic and financial support program for response to a transition in Cuba.

SEC. 2908. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN PREPARATION FOR A TRANSITION IN CUBA.

(a) **AUTHORIZATION.**—Notwithstanding any other provision of law other than section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish an amount not to exceed \$15,000,000 in assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including assistance for—

(1) political prisoners and members of their families;

(2) persons persecuted or harassed for dissident activities;

(3) independent libraries;

(4) independent workers’ rights activists;

(5) independent agricultural cooperatives;

(6) independent associations of self-employed Cubans;

(7) independent journalists;

(8) independent youth organizations;

(9) independent environmental groups;

(10) independent economists, medical doctors, and other professionals;

(11) establishing and maintaining an information and resources center to be in the United States interests section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet, subject to section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) **DEFINITIONS.**—In this section:

(1) **INDEPENDENT NONGOVERNMENTAL ORGANIZATION.**—The term “independent nongovernmental organization” means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) **ELIGIBLE CUBAN RECIPIENTS.**—The term “eligible Cuban recipients” is limited to any Cuban national in Cuba, including political prisoners and their families, who are not officials 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)).

SEC. 2909. SUPPORT FOR A TRANSITION GOVERNMENT IN CUBA.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds otherwise available for such purposes, there are authorized to be appropriated such sums as are necessary to the President to establish a fund to provide assistance to a transition government in Cuba as defined in section 4(14) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(14)).

(b) DESIGNATION OF FUND.—The fund authorized in subsection (a) shall be known as the "Fund for a Free Cuba".

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

AMENDMENT NO. 320

(Purpose: To amend chapter 118 of title 18, United States Code, to prohibit foreign war crimes prosecutions of Americans)

At the end of title IV, add the following:

SEC. 405. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§ 2442. International criminal court

"(a) OFFENSE.—Except as provided in subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

"(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

"(1) on territory subject to the sovereign jurisdiction of such government; or

"(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

"(c) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than \$5,000,000, imprisoned as provided in paragraph (2), or both.

"(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

"(A) 5 years; or

"(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

"(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

"(e) CIVIL REMEDY.—Any person who is aggrieved by a violation under subsection (a) may, in a civil action, obtain appropriate relief, including—

"(1) punitive damages; and

"(2) a reasonable attorney's fee as part of the costs.

"(f) DEFINITIONS.—In this section—

"(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

"(2) the term 'indict' includes—

"(A) the formal submission of an order or request for the prosecution or arrest of a person; and

"(B) the issuance of a warrant or other order for the arrest of a person, by an official of the International Criminal Court, another international organization, or a foreign government;

"(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998; and

"(4) the term 'war crime' means—

"(A) any offense now cognizable before the International Criminal Court; and

"(B) any offense hereafter cognizable before the International Criminal Court, effective on the date such offense becomes cognizable before such court."

(b) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 2442. International criminal court."

AMENDMENT NO. 321

(Purpose: To ensure the independence of the Inspector General of the United Nations)

On page 59, between lines 4 and 5, insert the following new section:

SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

AMENDMENT NO. 322

(Purpose: To ensure the United Nations maintains a no growth budget)

On page 11, line 15, striking "There" and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 11, between lines 23 and 24, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004-2005 United Nations biennium budget adopted in December, 2003.

Mr. ENSIGN. I yield the floor.

AMENDMENTS NOS. 290, 291, AND 317, EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent the pending amend-

ments be set aside in order to offer three amendments en bloc.

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

Mr. SESSIONS. I call up amendments numbered 290, 291, and 317.

The amendments are as follows:

AMENDMENT NO. 290

(Purpose: To require aliens to affirm certain oaths prior to admission to the United States)

On page 110, between lines 4 and 5, insert the following:

SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.

(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(i) Every alien applying for a non-immigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—

"(1) the alien shall adhere to the laws and to the Constitution of the United States;

"(2) the alien will not attempt to develop information for the purpose of threatening the national security of the United States or to bring harm to any citizen of the United States;

"(3) the alien is not associated with a terrorist organization;

"(4) the alien has not and will not receive any funds or other support to visit the United States from a terrorist organization;

"(5) all documents submitted to support the alien's application are valid and contain truthful information;

"(6) the alien will inform the appropriate authorities if the alien is approached or contacted by a member of a terrorist organization; and

"(7) the alien understands that the alien's visa shall be revoked and the alien shall be removed from the United States if the alien is found—

"(A) to have acted in a manner that is inconsistent with this oath; or

"(B) provided fraudulent information in order to obtain a visa."

(b) REQUIREMENT FOR OATH PRIOR TO ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security or an individual designated by the Secretary of Homeland Security shall require an alien seeking admission to the United States pursuant to a nonimmigrant visa to swear or affirm an oath reaffirming all the information provided by the alien for the purpose of obtaining the nonimmigrant visa.

(2) ADMINISTRATION OF OATH.—The Secretary of Homeland Security shall administer the oath required by paragraph (1) to an alien in the United States prior to the admission of such alien.

(3) FALSE STATEMENTS.—An alien who knowingly and willfully makes a false statement in swearing or affirming the oath required by paragraph (1) shall be subject to the penalties imposed for making a false statement under section 1001 of title 18, United States Code.

(4) ADMISSION DEFINED.—In this subsection, the term "admission" shall have the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

AMENDMENT NO. 291

(Purpose: To strike the authority to provide living quarters and allowances to the United States Representative to the United Nations)

Strike section 318.

AMENDMENT NO. 317

(Purpose: To provide for accountability in the United Nations Headquarters renovation project)

SEC. ____ UN HEADQUARTERS RENOVATION.

(a) **LIMITATION.**—Notwithstanding any other provision of law, no loan in excess of \$600,000,000 may be made available by the United States for renovation of the United Nations headquarters building, located in New York, New York.

“(b) **REPORTING REQUIREMENT.**—Any such loan shall be contingent upon the satisfactory submission, by the Secretary-General of the United Nations, of a report to Congress containing a detailed analysis of the United Nations headquarters renovation.

Mr. LUGAR. 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. DODD. 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. DODD. Mr. President, I will send a copy of an amendment to the desk, but I am not going to offer the amendment right now. I would like to discuss what I would like to do at some point on a matter of significance. I will send the amendment up to the desk and ask unanimous consent to lay aside the pending amendment.

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

Mr. DODD. Mr. President, very briefly, I know we are about to maybe have a more important matter come to the floor. I am going to keep my eye on the chairman of the committee so he can let me know when I should wrap up these comments.

The amendment that at some point I would like to offer, either on this bill or another piece of legislation, deals with what I believe is an extremely important issue about enhancing U.S. diplomatic and strategic influence in the Western Hemisphere.

As many of my colleagues know, I have been a member of the Foreign Relations Committee on the subcommittee dealing with Latin America for the 24 years I have been in the Senate, either as the ranking member or as the chairman of the subcommittee.

I am deeply concerned, as I know many of my colleagues are, that while our attention is focused on other parts of the world, for obvious reasons, there is a serious condition developing in Latin America that deserves our attention.

The amendment I would be offering is quite simple. It would permit nations in this hemisphere to receive international military and educational training, so-called IMET training, assistance from the United States.

My colleagues might say: Well, don't we do that? Haven't we been doing that for years? The answer is yes. But it has been stopped in 11 countries in Latin America, along with economic support funds. The reason is because these na-

tions have not signed on to the so-called article 98 agreement with the United States. The article 98 agreement has to do with the American Service Members Protection Act. That is because the administration is vehemently opposed to the International Criminal Court, and any nation that does not protect American servicemen from potentially being prosecuted under that act would have the international military and educational training funds, along with economic support funds, cut off entirely.

Now, again, I am not arguing at all about whether we ought to have the American Service Members Protection Act. My colleagues have voted for that. That is the law of the land. My concern is linking that legislation with the international military and educational training funds and economic assistance funds.

Let me tell you what has happened as a result of linking these up. We used to have as many as 800 junior officers or senior officers from Latin America come to the United States each year to go to our schools, to learn about how we would conduct our military operations, to receive the critical training that would make them more in tune with our ideals, our values, as military officers.

As a result of this linkage we have now adopted, we now have zero military personnel coming from these countries that I have already mentioned, the 11 countries affected; the countries being Bolivia, Ecuador, Peru, Venezuela, Brazil, Costa Rica, Paraguay, Uruguay, Barbados, St. Vincent and the Grenadines, Trinidad, and Tobago.

To give you some idea, we used to have from Peru 172 young officers come to the United States. Because of the linkage, we now have zero. Uruguay sent 202. We now have zero. Venezuela, 73; Ecuador, 85—to give you some idea in the last year or so, and on down the list.

I ask unanimous consent that the list of the number of people coming from these countries on a roughly annual basis be printed in the RECORD, if I may.

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, an amendment just passed without notice to any of us that involves a dispute about a helicopter between New York and Connecticut. I did not know of that amendment. Neither did Senator CLINTON. Neither did anybody else. So I have to object to this until I see what it is. It was offered by my good friend from Connecticut. I will serve notice, I will hold up this bill and sit here until we deal with this in a fair way. This was a sneak attack. We knew nothing about it. It was not debated. And it is not the right way to do business around here.

Mr. DODD. Well, Mr. President—

Mr. SCHUMER. So I object to whatever the unanimous consent request was until I see what it is.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, my point on this amendment is that with the significant deterioration in the connections between our country and these nations that have received in the past the international military and educational training funds and the economic support funds, that we find ourselves in a very precarious position with these countries and the junior officers and senior officers who have come here for their training. So the amendment, in effect, would delink these issues. It does not overturn the American Service Members Protection Act; it just delinks it.

Who is advocating this? SOUTHCOM, which is the military structure and organization that has the responsibility for dealing with Latin America, is a strong advocate of delinking these issues. In fact, in today's Washington Times, the headline is "U.S. 'hands tied' in South America." I will quote from the article:

As the Bush administration tries to craft a new foreign policy toward an increasingly belligerent Venezuela, Pentagon and military officials say they cannot blunt that nation's regional influence unless a law meant to protect U.S. personnel from prosecution in the International Criminal Court is changed.

The article goes on:

That law, the American Service Members Protection Act, prohibits U.S. security assistance funds and most military cooperation unless a country rejects the U.N.-backed ICC or signs a bilateral immunity agreement with the United States. . . .

Of the 22 nations in the world that are on the black list [so-called]—they have ratified the ICC agreement and have refused to grant the United States bilateral immunity—11 of them are in Latin America.

I have listed them already.

So again, I will not go on at great length. I know there is a possibility here of reaching an agreement on a matter that has held up this bill. This amendment would delink these issues. I do not need to emphasize the point. My colleagues should be aware of this.

There was a growing influence from the People's Republic of China in Latin America, offering to spend billions of dollars in the region and I presume, willing as well, to train military personnel. We do not want to lose the tremendous opportunity we have had over the years to maintain these relationships.

Again, I am not here to argue today the wisdom or lack of wisdom of the American Service Members Protection Act. The only case I want to make to my colleagues is, Should we be linking these IMET funds—that is, the international military and educational training funds—and economic support funds, which are critically important in Latin America, with that legislation? I do not think we should. SOUTHCOM, our military leaders, do

not think we should. Roger Noriega, with whom I do not always agree on Latin American issues, thinks it is wrong to link the economic support fund issues as well. So people who have strong credentials, if you will, in opposing the International Criminal Court believe that linking these issues in this region is not serving the interests of the United States well at all.

At an appropriate time, in consultation with the chairman of the committee and others, I would like to pursue this matter to see whether my colleagues might agree that we might delink these issues. With that, again, knowing there are other matters that can be dealt with, I won't belabor the point.

I have some further comments I will make, but I will wait for the appropriate time to do that so that my full statement can be read by those who may be interested in this particular proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me respond briefly to the distinguished Senator from New York. The amendment that was offered by the distinguished Senator from Connecticut, as I indicated before he was on the floor, we were prepared to accept. We presumed there was not Democratic Party opposition to that; there were not members of the committee on the floor. Senator DODD is a member of the committee, and, therefore, we acted in good faith, as we have to. We are trying very hard to proceed amendment by amendment, depending upon Senators to be on the floor, to be represented by their party officials and by their staffs. So I am hopeful the distinguished Senator from New York and the Senator from Connecticut may be able to agree on a course of action, but from our standpoint, we believe the amendment was offered and accepted legitimately and in due course.

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.

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

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The assistant legislative clerk continued with the call of the roll.

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

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

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for morning business with Sen-

ators permitted to speak for up to 10 minutes each. I also ask unanimous consent that I be recognized for 20 minutes as the initial speaker.

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

The Senator from New Hampshire is recognized.

THREAT OF BIOLOGICAL ATTACKS

Mr. GREGG. Mr. President, I appreciate the courtesy of the Members who are in the Chamber and who are dealing with the State Department authorization bill and allowing me to proceed as in morning business as they address the issues surrounding that bill.

I wanted to raise an issue which I believe is of very high significance of how we deal with the threat of biological attacks. This has been an issue I have been involved in for a considerable amount of time, having authored the first bioshield bill as the chairman of the HELP Committee at the time.

Just weeks after September 11, anthrax attacks occurred in Florida, New York, and Washington. They killed five people, and they crippled the mail delivery system in several cities and required a cleanup that cost more than \$1 billion. For all that, the President's Commission which just reported on weapons of mass destruction says we were lucky.

We cannot really know whether we were exclusively lucky or whether this was the result of responsible effort to prepare ourselves for the next attack that we have not been attacked again or in a worse way, but the facts remain that the threat continues. The President's Commission makes obvious the finding that biological weapons are cheaper and easier to acquire than nuclear weapons, and they could be even more deadly.

There is no question that if terrorists are able to get their hands on a weaponized biological agent, whether it is anthrax, small pox, botulism, or ebola, they will use it in a place where Americans gather in their daily lives. Whether it is a subway system as occurred in Japan or a building as occurred in the Capitol, it is these types of attacks—biological, chemical, and dirty bombs—that pose the greatest threat to our Nation.

The President's Commission, which released its report last Thursday, exposed the stark reality that our intelligence community may have underestimated the progress of terrorists and others in developing biological weapons. For example, in Afghanistan, investigators found evidence that after the war, al-Qaida had the capability to produce a virulent biological weapon identified only as "agent X," which documents suggest was anthrax.

Much of the information we have on the development of biological weapons by terrorist groups and rogue nations is classified; however, it is no secret that Soviet scientists were working on engineering biological agents before

the fall of the Soviet Union, including smallpox engineered to be totally lethal, a hybrid plague that is more resistant to vaccine, and a strain of anthrax resistant to seven different antibodies. Unfortunately, we have no assurance that all of these products which they were trying to develop have been destroyed. We are aware of some rogue countries that developed delivery systems such as anthrax-laced cigarettes and botulism-contaminated beer.

While the President's Commission finds the threat deeply troubling today, they foretell that it will be more tomorrow, when genetics modification techniques will allow creation of even worse biological weapons. These findings underscore that the threat posed to our national security from biological, chemical, radiological, and nuclear weapons is truly real and significant.

Even before the anthrax attacks here, we as a Congress recognized the need to enhance three critical enterprises or sectors in our country to better protect our people from attacks by biological agents: No. 1 the research enterprise, led by NIH and private researchers; No. 2 the biotechnology development and manufacturing sector, particularly vaccines but also other countermeasures such as drugs and devices; and No. 3 the broader health care delivery system, including physicians, hospitals, and public health departments here and abroad.

The first substantial effort, started before the anthrax attacks and completed in 2002, was the Bioterrorism Act of 2002, which dramatically increased funding for the Strategic National Stockpile so that a national pool of countermeasures, including those to protect against smallpox, could be maintained. It also dramatically improved our border protection authorities, particularly for food imports; protected our water supply; dramatically increased oversight of research labs that handled agents that could potentially be used in an attack; and committed substantial new resources to our state public health systems and hospitals to ensure improved surveillance and surge capacity. Institutionally, it also created a number of new Federal authorities to identify and develop and coordinate our response to a threat.

In 2003 and 2004, following the President's call and leadership, we passed the bipartisan Project BioShield Act to confront weaknesses in our ability to have the research enterprise speed results to us and to have FDA speed products to potential victims. Notably, we pre-funded a \$5.6 billion account to assure the developers of countermeasures that if they delivered a product that protected this country from a biological attack then the Government would in fact have the resources to purchase that product and recognize their work.

Project BioShield recognized that we had very little on hand to address even