

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

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

The PRESIDING OFFICER. The Senator from Illinois is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### AVIAN FLU VIRUS COULD HIDE IN DUCKS

(By the Associated Press)

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

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

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

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

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

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

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

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

in ducks, but still caused disease in chickens.

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

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

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

[From the Washington Post, July 7, 2005]  
DEADLY FLU STRAIN SHOWS UP IN MIGRATORY BIRDS

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

(By David Brown)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The likelihood of any of these steps is unknown.

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

How the Qinghai Lake birds acquired H5N1 influenza is unknown.

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

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

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

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

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

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

UNPREPARED FOR A FLU PANDEMIC

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

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

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

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

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

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

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

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

[From the Washington Post, June 18, 2005]

BIRD FLU DRUG RENDERED USELESS

CHINESE CHICKENS GIVEN MEDICATION MADE FOR HUMANS

(By Alan Sipress)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, the only alternative is oseltamivir, which stops

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

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

#### AMENDMENT NO. 1264

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

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

THE PRESIDENT'S SUPREME COURT NOMINEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1248

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

Senators McCONNELL and LEAHY have a longstanding commitment to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. That is correct.

AMENDMENTS NOS. 1276, 1277, 1278

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

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

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

The assistant legislative clerk read as follows:

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

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

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

Is there further debate on the amendments?

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

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1276

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

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

VIETNAMESE REFUGEES

SEC. 6113. Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-944; 118 Stat. 3038) is amended by striking "and 2005" and inserting "through 2007".

AMENDMENT NO. 1277

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

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

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

AMENDMENT NO. 1278

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

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

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

The motions to lay on the table were agreed to.

AMENDMENT NO. 1264

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

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

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

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

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

The amendment (No. 1264) was agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1238, AS MODIFIED

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

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

The assistant legislative clerk read as follows:

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

The amendment is as follows:

At the appropriate place, insert the following:

## COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

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

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

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

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

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

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

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

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1253, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

## REPORT ON ANTI-RETROVIRAL DRUG PROCUREMENT

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

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

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

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

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

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

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1262, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1273, AS MODIFIED

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

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

## EXPORT-IMPORT BANK

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 1283

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

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

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

## FORCED REPATRIATION OF REFUGEES IN CAMBODIA

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

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

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

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

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

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

The amendment (No. 1283) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 1271

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

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

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

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

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

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

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

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

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

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

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

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

States-Mexico so-called bilateral relationship.

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

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

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

My amendment reads simply as follows:

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

I ask unanimous consent to set aside the pending amendment.

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

AMENDMENTS NOS. 1241 AND 1242, EN BLOC

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

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

The amendments are as follows:

AMENDMENT NO. 1241

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

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

LIMITATION ON EXPENSES

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

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

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

EXPORT-IMPORT BANK OF THE UNITED STATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

Mr. CORZINE. Certainly.

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

Mr. LEAHY. That is right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is now recognized.

AMENDMENT NO. 1290

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

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

The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

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

TRANSFER OF FUNDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

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

THE PRESIDENT'S SUPREME COURT NOMINEE

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

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

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

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

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

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

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

I yield the floor to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

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

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

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

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

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

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

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

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

I yield the floor.

AMENDMENT NO. 1242

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

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

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

Mr. DORGAN. I make that unanimous consent request.

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

Who yields time on the Coburn amendment?

The Senator from North Dakota.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

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

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

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

The PRESIDING OFFICER. The Senator will be so notified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chinese Major General Zhu Chenghu said:

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator may so refer.

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

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

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

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

Mr. COBURN. How much time remains?

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

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

Officer to notify me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

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

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

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

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

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

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

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

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SANTORUM. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

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

Am I in control of the time in opposition?

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

Mr. SANTORUM. I thank the Senator.

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

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

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

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

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

Mr. COBURN. Will the Senator yield?

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

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

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

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

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

Mr. COBURN. Will the Senator yield?

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

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

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

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

Mrs. BOXER. Will the Senator yield to me?

Mr. COBURN. I am happy to.

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

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

Mrs. BOXER. Yes.

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

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

Mrs. BOXER. All right. Very good.

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs. BOXER. Yes, I do.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

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

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

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

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

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

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

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

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

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

Mr. SANTORUM. Will the Senator yield?

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

The PRESIDING OFFICER. There remains 3 minutes 10 seconds.

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

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

Mr. SANTORUM. I am asking a question.

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

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

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

With that, I reserve the remainder of my time.

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

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

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

Mrs. BOXER. I will take just 30 seconds.

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

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

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

I yield back the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

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

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

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

The PRESIDING OFFICER. The Senator is correct.

The Senator from Florida is recognized.

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

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

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

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

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

Mr. DORGAN. Mr. President, I am waiting a minute for something to be delivered from the cloakroom. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1294

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

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

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

We have Radio Martí that sends radio signals into Cuba. I have been to Cuba. The Cuban people told me they receive the radio signals. Of course, they can also receive the signals of the Miami radio stations, but Radio Martí is something that is valuable, is important, we should fund and will fund. I support it.

Television Martí, on the other hand, is a tragic, complete waste of money. We have now spent a substantial amount of money, \$189 million, sending television broadcast into Cuba that the Cuban people cannot see.

Let me tell you how we do that. This is a picture of Fat Albert. Fat Albert is an aerostat balloon. We have this balloon go way up into the air and then, on a big tether, it broadcasts television signals into Cuba. Castro, through his technology, blocks the signals so the Cuban people cannot see them. So we have \$189 million we have spent to send broadcast signals to Cuba that the Cuban people cannot receive.

We will hear people say today: That is not true, the Cuban people are receiving it. I am sorry, they are not. They just are not. There is no evidence they are receiving it, except very sporadically and in only a few spots in Cuba.

In fact, there have been some surveys that used to be taken and they have discontinued them because they could not find anyone who saw Television Martí and it was kind of embarrassing. On June 6, 2002, Brian Conniff, the acting director of the International Broadcasting Bureau, testified before the House subcommittee and said this. He is speaking of TV Martí:

Transmission to Cuba has been consistently jammed by the Cuban Government.

Let me say that again. This is not me. This is the person in the administration who is the acting director of the International Broadcasting Bureau. He said:

Transmission of these signals to Cuba has been consistently jammed by the Cuban Government.

So we spend \$189 million to send television signals that they cannot see in Cuba. Maybe it makes people feel better to waste that money. It does not make me feel any better. There is \$21 million proposed in this appropriations

bill. I say better use that to restore the funding for the Peace Corps where we need the money.

This Fat Albert aerostat balloon was up on a tether broadcasting signals no one could see. Fat Albert actually got loose once. They tracked it down. It flew over by the Everglades. They had to grapple up and find the hooks to get ahold of Fat Albert.

In all, \$189 million of the taxpayers' money has been spent to send television signals into Cuba that the people cannot see. That was not enough, however. The President announced he was going to get tough with Cuba recently so he restricted the right of people to travel in Cuba. I am talking about United States visitors to Cuba, including, by the way, Sergeant Lazo, who earned the Bronze Star Medal for bravery in Iraq. He came back to this country and had a sick child in Cuba and was denied the freedom by this Government to visit his sick child. We had a vote on that issue on the floor of this Senate. Sixty Senators voted to let him see his child. We needed 63 votes. So this Senate decided to deny a soldier who won the Bronze Star Medal in Iraq the freedom to see his sick child in Cuba. That is another debate for another time, but it shows the obsession of this policy with Fidel Castro.

Castro has lived through 10 Presidents. This embargo doesn't work. We understand it. This is a big, fat batch of politics dealing with particularly Florida, also New Jersey, and a couple of other spots in the country.

The President announced he is going to get tough. On October 10, 2003, in the Rose Garden, he said: We are going to get tough with Cuba. He says now instead of just Fat Albert, we are going to use Commando Solo C-130s. There are only a few of these planes. These are some real technology-laden airplanes that have been developed to use in combat areas for communications, specific communication areas. And so they fly this airplane.

I didn't mention, by the way, that the broadcast signals from old Fat Albert into Cuba occurred from 3:30 in the morning until 8:30 in the morning. Under the best of circumstances—let's assume nobody is jamming signals—one would wonder what kind of audience exists at 3:30 in the morning in Cuba. Notwithstanding that, they come up with this airplane. They expropriate this airplane from the National Guard, one of a few airplanes called Commando Solo. The C-130, with very special equipment, is now flying 4½ hours a week—let me say that again, 4½ hours a week—broadcasting signals into Cuba—signals, by the way, which are still jammed.

They say this jamming has now been overcome by this Commando Solo, this new airplane. Let me quote Chris Courson, former chairman of the President's Board Of Advisers on Broadcasting to Cuba. He was appointed to that position by the first President Bush. Until 6 years ago, TV Marti used

to conduct exit interviews with Cubans coming to the United States on rafts and to determine whether Cubans, in fact, watch TV Marti. From the interviews, it was clear TV Marti was seen by virtually no one in Cuba. And finally, they stopped doing interviews altogether, and they have no idea whether anybody from Cuba is watching these programs. In fact, these programs are being jammed.

We are going to hear, I am sure, today somehow somebody in Cuba is picking up the television signal. There is no credible evidence of that, except at most for a few sporadic reports from isolated spots in the Cuban hinterlands.

This is a terrible waste of the taxpayers' money. First with a big, old balloon, an aerostat balloon called Fat Albert, and second with Commando Solo. And now to top it off—failure is not anything that slows anybody down around here or at the White House—to top it all off, they want to buy a new airplane. They took one from the National Guard, Commando Solo, a handful of special airplanes, but that wasn't enough. Now they want to buy an entirely new airplane. They get \$21 million this year. Better it should be used, in my judgment, for the Peace Corps.

I have often wondered whether everything has a constituency in this Congress. It is quite clear, to me at least, that waste has a constituency. Waste has a relentless constituency. This is not the first time we have tried to shut this funding down. I think my colleague Dale Bumpers and I some years ago were trying to shut this down. But this keeps moving along. Waste has an enormous constituency here. Keep doing it. It doesn't matter if they can't see it; if it doesn't work, it doesn't matter what the facts are, keep doing it. It is as if the taxpayers have pockets with no bottoms. Have them ante up for a big balloon, ante up for an airplane, and send signals nobody can see.

People in Cuba are jumping on rafts to come here. They deserve to be able to have a new government. They deserve freedom and democracy. Radio Marti gives them the hope of that; it gives them some information. So, too, does Cuban radio off the radio stations in Miami or the regular radio stations in Miami which they can pick up. But Television Marti? If they can't get the signal, do we keep sending it?

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator has 5 minutes 20 seconds remaining.

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

The PRESIDING OFFICER. The clerk will report.

Mr. DORGAN. I send this amendment to the desk on behalf of myself and Senator WYDEN.

Mr. NELSON of Florida. Will the Senator yield?

The PRESIDING OFFICER. The clerk will first report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. WYDEN, proposes an amendment numbered 1294.

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

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

The amendment is as follows:

(Purpose: To provide that no funds may be made available to provide television broadcasting to Cuba, to increase by \$21,100,000 the amount appropriated to the Peace Corps, and to reduce by the same amount the amount appropriated under title I to the Broadcasting Board of Governors for broadcasting to Cuba)

On page 227, beginning on line 13, strike "headings 'Foreign Military Financing Program' and 'Broadcasting to Cuba'" and insert "heading 'Foreign Military Financing Program'".

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

PROHIBITION ON TELEVISION BROADCASTING TO CUBA

SEC. 6113. (a) None of the funds appropriated under this Act may be made available to provide television broadcasting to Cuba.

(b) The amount appropriated by title III under the heading "PEACE CORPS" is hereby increased by \$21,100,000.

(c) The amount appropriated by title I to the Broadcasting Board of Governors under the heading "BROADCASTING TO CUBA" is hereby reduced by \$21,100,000.

Mr. DORGAN. Mr. President, I ask the Senator from Kentucky how we allocate the time. I know we have two Senators who want to speak in opposition.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I believe there is 15 minutes on the side of the opposition. I think I heard the junior Senator from Florida offer to divide the time with the senior Senator from Florida.

I will take a moment to propose a unanimous-consent request related to several amendments so we can stack these votes for the very near future.

I ask unanimous consent that following debate on the current amendment, the Dorgan amendment, that there then be 5 minutes for Senator LEAHY and 5 minutes for Senator COBURN in relation to amendment No. 1241. I further ask unanimous consent that the Senate then proceed to a vote in relation to amendment No. 1242, which is the Coburn-Boxer amendment, on which we have already had debate, to be followed by a vote in relation to amendment No. 1241, which is the Coburn AID amendment, on which we have already had debate, to be followed by a vote in relation to the Dorgan amendment related to TV Marti.

Mr. LEAHY. Reserving the right to object, and I shall not object, should we not have 2 minutes between each vote evenly divided between the sides in the usual form to discuss the next vote?

Mr. McCONNELL. Mr. President, I had not put that in the request. We can

do that. I so amend the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, will the Senator from North Dakota yield for a question?

Mr. DORGAN. Mr. President, I am yielding on the time of the Senator from Florida. I will be happy to.

Mr. NELSON of Florida. Mr. President, I ask the Senator if we can see that photograph of the airplane, the C-130. Would the Senator be more amenable to this situation if he realized that the aircraft called Commando Solo has to fly all the way from Harrisburg, PA, to the Florida Keys on Saturdays to do the broadcasts, and what the Broadcasting Board of Governors is proposing is instead to buy a small aircraft that would be located in the Florida Keys so it would be close by and the broadcasts could be much more frequent? Would the Senator recognize that might be a wise thing?

Mr. DORGAN. Mr. President, since my colleague from Florida is going to oppose my amendment, I will not give him a lot of satisfaction with my answer except to say this: Sending another airplane closer to Cuba to send signals that the Cubans cannot receive does little for the American taxpayer, in my judgment.

Mr. MARTINEZ. Mr. President, if I may, I would like to be heard on the amendment. I rise to oppose the amendment because anytime someone would offer an amendment that is going to deny the Cuban people the opportunity to hear the voices and see the signs of freedom, I do not believe that is an appropriate amendment, and I oppose it.

I want to correct a couple of misperceptions. The Senator from North Dakota relishes showing the balloon photographs. I have heard him on several occasions discuss the unfortunate incident where apparently the wind blew it into the Everglades, which is inconsequential as to whether, in fact, it reaches Cuba.

The fact is that technology began and the Cuban Government began to jam it. The Cuban Government jams that information coming into the Cuban people and the images of TV for some reason or another. It is obvious to them that it does harm to their political interests for the people of Cuba to see these images of freedom. So I would discount the fact that because Cubans do choose to take that dangerous route of coming through dangerous, treacherous waters, where more than one-third of them perish and die, and they do understand the difference between freedom and tyranny, and out of desperation may come to this country, that the information that they receive through the images of TV Martí are, in fact, remarkable and important.

I also say that while Radio Martí does reach Cuba, the quantum impor-

tance of adding the images of television to those of radio are the same impact of the reasons I would daresay that most of us who have run for office in recent years choose to do television ads in preference over radio ads even though television ads are much more expensive, because the power of the images on the television set are much more powerful than those of the spoken word over the radio. That is why it is so important that not only Radio Martí but TV Martí also reach the people of Cuba.

I add to that, even though it has been jammed by the Cuban Government, the Cuban Government has been unable to jam the flights of Commando Solo, which is why they are so important as an added measure of policy of the United States towards Cuba.

In fact, the Cuban people were able to see me take my oath of office as the first Cuban American in the history of this Nation to become a United States Senator from the very floor of this Senate with images of TV Martí broadcast to Cuba. So I would daresay that the information that I receive anecdotally but certainly reliably is that the people of Cuba do see the Commando Solo flights, do see the images reaching them on television. The power of these images on television cannot be understated or minimized.

The fact is, the people of Cuba recently have suffered the ravages of yet another hurricane. As a result of that hurricane, it is unquestionable that the people of Cuba are desperate to know the facts of free information flow. For instance, the Cuban Government has refused humanitarian aid from the U.S. Government. We hear that most of Cuba today has blackouts given the fact that the hurricane destroyed large parts of the electrical system. Would it not be good to get the information to the people of Cuba that their dictator, their tyrant, while he sleeps in a comfortable, dry bed, does not want them to have the humanitarian assistance that our Government would provide?

We know from reports that are received that the audio and video signals are seen in the provinces of Havana, where more than one-third of the population of Cuba lives, also in Matanzas and Villa Clara provinces. Villa Clara happens to be the part of the country where I come from.

The fact is, the images in Cienfuegos, Pinar del Rio, Ciego de Avila, and Sancti Spiritus also have been seen and are seen frequently with the assistance of the airplane which cannot be jammed.

Why would Castro, why would this dictator, why would this tyrant, jam the signals that come into Cuba if it was of no significance to them politically?

The policy towards Cuba changed on that day in the Rose Garden where I had the honor, by the President of the United States, to be appointed to a Cuba study commission, which I co-chair with Secretary Powell. One of the

important tenets of this policy toward Cuba was, in fact, to include information flow and to make it effective, which is why we shifted from the balloon to the airplane, a way in which the information could get to the people of Cuba.

I would finally say that the same arguments that are being made today against TV Martí are the same arguments as those that have been made against Radio Martí. The words that are being used on this Senate floor to further this amendment, the fact that the voices and sounds and signs of freedom are given no importance, is a completely different message than that which we sent to the world when Radio Free Europe was piercing the Iron Curtain, when Radio Free Europe was beaming signs of hope and a better future to the people of Eastern Europe.

In talking to the Natan Sharansky and other heroes of those days, we know that they value greatly the partnership and the solidarity with the United States as they sought to stand up for freedom.

As the dissident movement in Cuba, each and every day growing, seeks to get a foothold and a toehold, the information from Radio and TV Martí is essential to the creation of voices of freedom, of people who live on an imprisoned island without the ability to get information that we today regard as casual and everyday, which is the evening news or the broadcast of any events that may take place in the world.

I yield time to my senior colleague, the Senator from Florida, so that he might speak on this issue.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we have been through this only a few weeks ago on another appropriations bill. This is the identical amendment that was offered then. It was defeated by a very strong vote of 65 votes against it and 35 votes in favor of it.

Senator DORGAN, who is one of the fiscal watchdogs of this Chamber, is clearly well motivated in his attempt to find waste, but I want to lay out why I do not think this is a good place for him to look.

Cuba successfully jammed TV signals before, when we were beaming them from a tower located in the Keys or when we were beaming them off of the ionosphere coming down where the Castro government could get a fix on the signal. Likewise, they were successful in jamming it when they could get a fix on a signal coming from a satellite. That is the reason the airplane is so useful. They cannot get a fix on the signal because the airplane is moving.

That is why I asked the Senator from North Dakota my question earlier: why is it not reasonable to think that we could save money, which is what the Broadcasting Board of Governors wants to do, instead of flying this C-130 all the way from Pennsylvania to off the

coast of Cuba every Saturday? Let us have a smaller aircraft stationed nearby so that it can go more frequently and at much lower cost.

Is there any reason why Castro wants to jam the broadcast? He wants to keep the information from getting in, but the Cuban people are hungry for this information.

My position on this goes back to when I was 17 years old, when I was sent by this country as a representative of its youth to speak to young people behind the Iron Curtain on Radio Free Europe. We know the success of that program. We know that they tried to jam the broadcast, but some broadcasts got through and were the lifeline for those people who ultimately—we know the story. The Iron Curtain came down.

Eliminating this funding would eliminate the Broadcast Board of Governors' radio and TV broadcast operations. With a dictator in Cuba who is trying to keep his people's minds enslaved, as well as their bodies, this is not the time to end these broadcasts.

I hope our colleagues will defeat this amendment even more strongly than they defeated the last one. Let us see how our broadcasts operate under this new system. Let us see how, under the new leadership and administration of Radio and TV Martí and all other forms of U.S. outreach and support to the island, this can demonstrate our commitment to the Cuban people and to all the oppressed people around the world.

If we were to end our support now we would be turning our backs on the dissidents who have been so brave to sign the petition in the Varela project, a petition signed by over 11,000 courageous Cuban citizens demanding greater freedoms. They made this petition in accordance with Cuban law, and yet were ignored by the Cuban Government.

So I urge our colleagues, on behalf of my colleague from Florida and this Senator from Florida, to oppose this amendment.

Mr. MARTINEZ. How much time remains?

The PRESIDING OFFICER. The Senator from Florida has 2 minutes 30 seconds remaining.

Mr. MARTINEZ. In closing, I would like to say a couple of words about the broader policy toward Cuba because I know that part of this has to do with whether, in fact, we believe that the policy of this country toward Cuba is misguided or actually correct.

The policy of this country toward Cuba has been enshrined in a study that was carried out by Secretary Powell, myself, and others on behalf of President Bush to try to arrive at a consensus way in which we would look at Cuban policy well beyond the fact of an embargo. An embargo had been in place for a long time, but that in and of itself did not constitute a policy. The fact is, it was then a multifaceted approach that was chosen. Included among those facets, one of the most

important underpinnings of it was the free information flow to the people of Cuba. Radio and TV Martí are only one of the means in which it is done.

One has to understand this in the context of a society that is closed, that does not permit people to seek information as casually as we do today by going on the Internet. The Internet is denied to the people of Cuba. Access to news and information is denied to the people of Cuba.

Cuba has always had the unfortunate circumstance of being an island, which has deprived it of communication and contact with other people in the Western Hemisphere. As a result of that, the ease of information control is greater there than it would be in many other places. That has been a great detriment to the Cuban people in being unable to free themselves from the shackles of oppression for now over 45 years.

Today we ought to defeat this amendment. We did so just a couple of weeks ago. This, again, is the same issue, the same time, the same misguided look at the way in which we want to see the people of Cuba have the opportunity for the free flow of information. So I urge my colleagues to defeat this amendment and to, once again, allow the people of Cuba to hear and see the voices and sounds of freedom, the voices and sounds of liberty, as they seek to themselves regain that for themselves.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 35 seconds.

Mr. DORGAN. Mr. President, let me just say that the case with respect to this country's dealing with Cuba is a case study in failure. I will not debate that at the moment, but it is absolutely absurd. We plead that the way to move China and Vietnam in a more constructive direction, both Communist counties, is through trade and travel and engagement. We take exactly the opposite position with respect to Cuba. This policy is the best friend Fidel Castro ever had, and that is why he is still in office.

Aside from all of that, this amendment does not deal with the whole Cuba trade policy. It deals with the issue of Fat Albert, and, yes, the new airplane they want to buy. They say they are going to get a new little airplane, fly it off the coast of Florida, and we will get some television signals into Cuba.

The fact is, they have already wasted \$189 million. Apparently, now after 10 years, or however many years it is, there is a new approach. I don't believe it will work.

Let me read something from the Chicago Tribune Foreign Correspondent, October 2004. He went right to the heart of this. Do the Cubans see these signals with Commando Solo or Fat Albert, the balloon? He says: In inter-

views on the island, speaking of Cuba, it is difficult to find anyone who says they have ever seen TV Martí, although one Havana resident said she picked up some of the audio portion of a Saturday evening broadcast.

That viewer said: There was no picture but I could hear it and the static was very loud.

One person hearing a voice without a picture on a television station.

My colleague from Florida, Senator MARTINEZ, said at the start of his presentation that Fidel Castro jams these signals. Yes, he does. That is exactly my point.

I am willing to do all kinds of things to send additional information to Cuba, to give them additional information, but I am not willing to sit by and say: Let's keep wasting money. If we send big fat balloons up in the air or send Commander Solo or buy a two-engine plane and run it off the coast of Florida and believe we are doing something, all we are doing is wasting the American taxpayers' money.

Maybe I am confused. Maybe I am just hopelessly confused and misguided. I thought when you spend money that is not yours—and the money here is the taxpayers' money—I thought you should spend it wisely. When you find somebody wasting it, you stop it. Maybe I am confused about that. I thought surely if all the evidence—I am talking about the evidence of the people who ran this thing, TV Martí—if all the evidence is you are sending television signals that no one can receive and spending \$189 million doing it, maybe at some point you would stop and say this doesn't make any sense. This doesn't pass any litmus test.

What I suggest is this: \$21 million, once again, \$21 million more to send a television signal that no one can see. That \$21 million is better spent by sending it to the Peace Corps, which is underfunded by \$25 million. The Peace Corps is something of which I am enormously proud. It gives me great pride, these people moving around the world representing our country in the Peace Corps in all corners of the world. Underfunding \$25 million to the Peace Corps and sticking \$21 million into this? Maybe next time it will not be Commander Solo or an aerostat balloon, or maybe they will train an eagle with some sort of transmitter. Who knows? No matter what it is, no matter what the waste is, no matter they spend millions and millions—now \$180 million—no matter, there will be people here representing that waste.

Vote for this amendment. Move this money to the Peace Corps where it will be used for the good of this country.

Have the yeas and nays been requested on my amendment?

The PRESIDING OFFICER. They have not.

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

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

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, am I correct we are now into a 10-minute debate on the Coburn amendment, or have we already had that?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Five minutes is under the control of Senator COBURN and 5 minutes is under the control of Senator LEAHY. Then, let me say for my colleagues, we are unaware of any other amendments on either side that will require votes. We are also unaware that there will be a request for a recorded vote on final passage. So we are very close to the end of consideration of the Foreign Operations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1242

Mr. COBURN. Mr. President, we are about to have a vote on the Coburn-Boxer amendment. It is a very straightforward amendment that says the U.S. Export-Import Bank should not subsidize a \$5 billion loan for the sale of nuclear powerplants to China. We are opposed to it. I am personally not opposed to nuclear power. I am not opposed to the Chinese having nuclear power. But I am opposed to financing a company owned by the British Government through the British Nuclear Fuels Company, which is wholly owned by the British Government, which wholly owns Westinghouse Nuclear Powerplant Division. This Export-Import Bank financing will also finance Mitsubishi Steel out of Japan.

The question that has been raised in the debate is if we don't do it, the French or Russians will. The fact is, if we have the best technology and the best quality, then we ought to earn it on the merits. The American taxpayers should not be put on the hook for financing.

The second issue is that when we buy business in this country—which is what we are doing; we are buying business by subsidizing and giving a deal to compete—what we are doing is taking away moneys and Export-Import financing that could be used elsewhere. This is by far the largest, by 250 percent, of any Export-Import Bank loan in the history of the Export-Import Bank. I don't believe our grandchildren should be on the hook for it, but I also don't believe this is the best use of that money.

I am an advocate of nuclear power both in this country and around the world. I think it can be used safely. These are great companies, but it is time we get out of the idea of buying business and out of the idea of putting our kids and our grandkids at risk for something that fully should be subsidized by the governments that are going to benefit the most from it.

I yield my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, yesterday on the floor I suggested that I

might offer an amendment to this bill dealing with the CNOOC Chinese oil company's purchase of Unocal. I wanted to tell the ranking member that I decided not to offer this amendment to this appropriations subcommittee bill. There are other avenues with which to discuss and describe that issue. It is very controversial. It is something which I believe very strongly the Congress—the Senate needs to deal with, but I have elected not to do it on this particular piece of legislation because other opportunities will exist in the days ahead.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from North Dakota. Then, as the Senator from Kentucky said earlier, I think it is pretty clear we on our side do not have any amendments beyond the unanimous-consent agreement that would require rollcall votes. I know of nobody on this side, nor am I, requesting a rollcall vote on final passage, insofar as we are going to have to have a rollcall vote when the conference report comes back, in any event.

AMENDMENT NO. 1241

The PRESIDING OFFICER. The Senator has 5 minutes on the Coburn amendment.

Mr. LEAHY. I have spent almost 30 years on this committee, cutting out areas where I believed we spent tax dollars frivolously. This, however, is talking about \$5,000 overall throughout AID regarding hospitality for visiting dignitaries. I have had disagreements with various Directors of AID over the years on particular programs, but I am not going to come on the Senate floor and seek to micromanage AID to the extent that if they have visiting dignitaries and they are trying to move through a program, they would be unable to even have recorded music for that or pay a modest honorarium to a local singer or something like that to come in and entertain, much the same way other countries do with us. We are talking about for the whole world—\$5,000 in a multimillion dollar budget.

Frankly, I will give the Bush administration—as I have since I have been in the Senate the Ford administration, the Reagan administration, the first Bush administration, the Clinton administration, and now the Bush administration—the benefit of the doubt that out of this multibillion dollar budget, they can handle this \$5,000.

I will vote against the amendment, and I yield the remainder of my time.

AMENDMENT NO. 1242

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment, numbered 1242.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. MCCONNELL. Do we now have rollcall votes on all three stacked amendments? Have they been requested of all three?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, further parliamentary inquiry: Is it the intent of the distinguished Republican leader to request subsequent votes after this first one be 10-minute votes?

Mr. MCCONNELL. I ask unanimous consent that the second and third votes on the three stacked amendments be 10-minute rollcall votes, and as was suggested earlier, there will be a minute on each side to describe each of the amendments prior to the vote.

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

Mr. MCCONNELL. I thank the Chair.

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDEAU) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—37

Allard	Enzi	Reed
Bayh	Feingold	Salazar
Boxer	Gregg	Sarbanes
Brownback	Harkin	Schumer
Byrd	Inhofe	Sessions
Clinton	Inouye	Smith
Coburn	Johnson	Snowe
Collins	Kennedy	Stabenow
Conrad	Leahy	Sununu
Dayton	Levin	Talent
Dorgan	Martinez	
Durbin	Mikulski	
Ensign	Obama	Wyden

NAYS—62

Akaka	DeMint	Lugar
Alexander	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Murkowski
Bennett	Feinstein	Murray
Biden	Frist	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Bond	Grassley	Pryor
Bunning	Hagel	Reid
Burns	Hatch	Roberts
Burr	Hutchison	Rockefeller
Cantwell	Isakson	Santorum
Carper	Jeffords	Shelby
Chafee	Kerry	Specter
Chambliss	Kohl	Stevens
Cochran	Kyl	Thomas
Coleman	Lautenberg	Thune
Cornyn	Lieberman	Vitter
Corzine	Lincoln	Voinovich
Craig	Lott	Warner
Crapo		

NOT VOTING—1

Landrieu

The amendment (No. 1242) was rejected.

AMENDMENT NO. 1241

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Coburn amendment No. 1241.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, the claim is that this is micromanagement

of USAID. USAID's role is to deliver goods, health care, and support to the needy people around the world. What this amendment does is negate what they have already said they are going to ignore anyway. I will read: USAID has the authority to use program and regular operating expense funds for entertainment under the necessary expense doctrine. GAO decisions to the contrary are not binding on this Agency.

This is a small amount of money, but it should send a signal to USAID, their job is to deliver what we want as American taxpayers in terms of health care and food and medicine to people in need. The best example of that is not to spend the money on furnishings, not on live recording artists, not on gifts for other bureaucrats but on food and medicine for those people who need it. That is what this amendment is about. It is not about micromanaging. It is about sending a signal: Do what you are expected to do.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had questions about what six different administrations have done, since I have been in the Senate, in their operation of USAID, but I have never seen such micromanagement. This would cost far more than it would save. It would actually cost far more money than this amount in debating it. It would not have been done in the Ford administration, the Nixon administration, the Reagan administration, the former Bush administration, the Clinton administration, and I would not support this kind of micromanagement in the current Bush administration. We would simply spend more money debating it than we could save, and I hope we would vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—59

Alexander	Bunning	Coleman
Allard	Burns	Collins
Allen	Burr	Conrad
Bayh	Byrd	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
Brownback	Cochran	Dayton

DeMint	Isakson	Smith
DeWine	Johnson	Snowe
Dole	Kyl	Specter
Domenici	Lott	Stabenow
Ensign	Lugar	Stevens
Enzi	McCain	Sununu
Frist	McConnell	Talent
Graham	Murkowski	Thomas
Grassley	Roberts	Thune
Gregg	Salazar	Vitter
Hatch	Santorum	Warner
Hutchison	Sessions	Wyden
Inhofe	Shelby	

NAYS—40

Akaka	Feinstein	Mikulski
Baucus	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Cantwell	Kennedy	Pryor
Carper	Kerry	Reed
Chafee	Kohl	Reid
Clinton	Lautenberg	Rockefeller
Corzine	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Voinovich
Durbin	Lincoln	
Feingold	Martinez	

NOT VOTING—1

Landrieu

The amendment (No. 1241) was agreed to.

AMENDMENT NO. 1294

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Dorgan amendment No. 1294.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have now spent \$198 million sending television signals to Cuba that the Cubans cannot see. It is called Television Martí. The President proposes to spend another \$21 million in the coming year, including buying an airplane to send these signals. Let me say that the Chicago Tribune foreign correspondent recently reported on this and said he couldn't find anybody who had ever seen TV Martí. In all of the surveys that have been done on people who came over by raft and so on, they couldn't find anybody who saw TV Martí. Why? Because it was jammed. So we are spending another \$21 million in the next year to send television signals the Cubans can't see. Meanwhile, we have now cut \$25 million in this bill from the President's budget request for the Peace Corps. I say let's take the \$21 million we now spend on television signals the Cubans can't watch and spend it on the Peace Corps which will invest in the future of this country and promote a better world.

I don't think I need to say much more about this. I could speak about Fat Albert and Commando Solo and the aerostat balloon, but I shall not do that at the moment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, a few weeks ago this same amendment was defeated in the Senate by a large majority. I urge my colleagues once again to defeat this bad amendment. The fact is, the people of Cuba have had these signals jammed by the Cuban Government because the Cuban Government places such a high value on controlling information and because it places such

a high value on controlling how the people of Cuba think. With the addition of airplane flights, we have now been able to get the signal to the Cuban people because the signal is not in one fixed point. It can move about. As it moves about, the people in Cuba can, in fact, receive the signal and did, in fact, see me take my oath of office on the Senate floor. As the first Cuban American in this Senate, it was a historic moment for the people of Cuba, and it was an exciting thing for them to see.

These are the kinds of voices and visual images that are encouraging the dissident movement within Cuba that is increasingly becoming more known and better known by the people of Cuba through the signals and the radio transmissions of Radio and TV Martí.

I urge my colleagues to join with me and my colleague from Florida, Senator NELSON, in defeating the amendment.

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

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me announce to all of our colleagues, this will be the last vote tonight. We are unable to finish the bill tonight. We will have to wrap it up tomorrow. But this is the last rollcall vote tonight.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1294.

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), is necessarily absent.

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

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—33

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

NAYS—66

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

Talent  
Thomas

Thune  
Vitter

Voinovich  
Warner

NOT VOTING—1

Landrieu

The amendment (No. 1294) was rejected.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I think Senator SANTORUM is here and is prepared to offer an amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1260

Mr. SANTORUM. Mr. President, I call up amendment No. 1260 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Mr. DURBIN, proposes an amendment numbered 1260.

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

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

The amendment is as follows:

(Purpose: To transfer \$100,000,000 from the Economic Support Fund to provide for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria)

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

#### TRANSFER OF FUNDS

SEC. 6113. Of the funds appropriated in title III for Other Bilateral Economic Assistance under the heading “ECONOMIC SUPPORT FUND”, \$100,000,000 shall be transferred to and merged with funds made available in title III for the United States Agency for International Development for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria under the heading “CHILD SURVIVAL AND HEALTH PROGRAMS FUND”. The funds made available for contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria in this section shall not be available for obligation prior to September 30, 2006.”.

Mr. SANTORUM. Mr. President, I thank the managers of this bill for agreeing to accept this amendment. We have been working diligently over the last few days to make sure this amendment could become part of the bill. Senator McCONNELL, in particular, has been exceptionally helpful in allowing this amendment to be entered into the managers’ package, which I am told the Senator will be offering.

It is an amendment Senator DURBIN and I have been working on to add \$100 million to the Global Fund for HIV/AIDS. It is an important \$100 million in that it brings the U.S. contribution up to the level of one-third the amount that is estimated to be contributed to the Global Fund.

A few years ago, we passed a piece of legislation on the floor of the Senate that the President signed into law that said that we would provide \$1 for every \$2 of international contributions to the

Global Fund to help fight this scourge that is killing 270,000 people a month—a month—on the continent of Africa. It is just remarkable. The number is almost too much for all of us to comprehend, the devastation occurring on the continent of Africa.

Senator DURBIN and I have in the past worked together on a bipartisan basis to try to provide the money to the Global Fund as an incentive for other countries to make their contribution and to up their contributions. So this \$100 million puts the marker out there, that those in the international community believe is the right marker for where they believe the international community will come in with contributions.

It is keeping the American commitment. It is a commitment the President of the United States, as recently as the G8 summit, says he believes we should, in fact, keep a 1-to-2 ratio of funds for the Global Fund.

This money is being used effectively. We are not only using the Global Fund effectively, but our bilateral aid, for which the President requested \$3 billion, is being used effectively to treat hundreds of thousands of people with antiretroviral drugs, as well as treatment for malaria and tuberculosis, not just in Africa, but the Global Fund reaches beyond the continent of Africa into other countries where there is a rapid increase in the infection of HIV/AIDS.

This is a vitally important amendment to keep our commitment, to keep the pressure on the international community to come up with the money necessary to help fight this pandemic in Africa and in many other countries around the world.

It is an opportunity for the Senate to go into conference with the House with a stronger number, with the right number, and hold that number. The way we have offset this—again, we had a lot of cooperation from Senator McCONNELL and Senator GREGG on the Budget Committee. We understand we are going to have to work on it in conference to make sure the offset squares a little better than what we actually have in this amendment. We are willing to work with the managers, as well as the chairman of the Budget Committee, to make sure we do this in a way that will meet with their satisfaction.

But we have laid down the marker tonight. This amendment is going to be adopted. We are going to be at \$3 billion in bilateral aid and \$600 million for the Global Fund, so the total U.S. commitment is going to be \$3.6 billion—\$500 million with this amendment, and Senator SPECTER, in the Labor-HHS appropriations bill, has an additional \$100 million, which brings the total to \$600 million, as I said before.

This is a very gratifying day, I know, for Senator DURBIN. I appreciate his support and the support of all the Members on the Democratic side of the aisle who have been stalwart sup-

porters of the Global Fund and making sure that America keeps its commitment it has made to those who are suffering from this pandemic around the world.

Mr. President, I thank again the Senator from Kentucky, the manager of this bill, for his tremendous cooperation. I thank all those who have worked very hard, all the outside groups who have been lobbying Members of Congress in the House and Senate and spending a lot of energy on this issue trying to get to this number, \$3.6 billion, with \$600 million in the Global Fund. That has been the target for this year. With the adoption of this amendment, all of that work has at least taken one big step in the right direction. Now our job is to make sure we hold this number in conference so we can do what is right for the people who are affected with this pandemic around the world.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I rise to speak about the Santorum-Durbin global AIDS amendment, which addresses the deadliest epidemic in modern times.

The amendment before us presents a simple choice: fighting AIDS, or funding cost overruns. Providing lifesaving treatment for tens of thousands of the most vulnerable people in the world, or allocating scarce funds for excess, and perhaps questionable, reconstruction costs in Iraq.

A number of my colleagues and I have argued on the floor of this Chamber that budgets are moral documents, that budgets are about choices.

If budgets are moral documents, then appropriations bills are where our moral principles are put into practice. Appropriations bills are where we decide, line by line, where the people’s money will be spent.

The choice before us is simple: we cannot place cost overruns ahead of lifesaving treatment.

AIDS is the deadliest pandemic of our times, killing 3 million people every year. That is one person every 10 seconds.

AIDS kills individuals, impoverishes families, orphans children, imperils economics, destabilizes societies, and steals hope.

This disease can undermine the stability and economies of nations, to such a degree that the CIA has called HIV/AIDS a threat to our national security.

Dr. Condoleezza Rice, while National Security Adviser, said that “fighting the scourge of HIV/AIDS is both a moral duty and a strategy priority.”

I would like to commend the Appropriations Committee, which has demonstrated their strong commitment to fighting HIV/AIDS around the world. The bill before us fully funds the President’s request for bilateral HIV/AIDS programs. It also provides \$400 million for the global fund to fight AIDS, Tuberculosis, and Malaria. When combined with the \$100 million provided to

the global fund in the Labor-HHS appropriations bill, the total U.S. contribution for fiscal year 2006 to the global fund will be \$500 million.

This is a good start, but it leaves us \$100 million short of what the global fund needs to simply renew existing programs and ensure that people receiving lifesaving treatment will not lose their access to care. Making sure that no one loses their access to care is the moral minimum that we as a nation must meet.

The global fund is an important complement to our bilateral programs. It supports projects in 130 countries, complementing the bilateral program's efforts in 15 focus countries. The fund tackles tuberculosis and malaria, which together kill 3 million people a year, along with HIV/AIDS.

The global fund also provides a unique opportunity for American leadership to directly result in increased contributions from others. The bill that created the President's emergency plan for AIDS relief established an important benchmark for the global fund. For every dollar that we put in, we asked other donors to put in \$2. This has helped to make the global fund a truly global effort, by encouraging other countries to step up their contributions to the fund. In response to the fund's needs, Japan recently tripled its donation to the fund, and France doubled its donations. The United States should also put in its share. I believe strongly that no one should lose their access to lifesaving treatment because the United States didn't come up with its share of the needed funds.

I have met a number of the individuals whose lives are being saved by global fund programs. I have met their young children and listened to their hopes for the future. I can't imagine that anyone in this Chamber would wish to cut off lifesaving care to any of these individuals. This is why our amendment provides an additional \$100 million for the fund.

To offset the \$100 million increase for the global fund, the Santorum-Durbin amendment reduces funding to Iraq programs in the economic support fund by \$100 million. The Senate Appropriations Committee provided the full requested level of \$3 billion for the economic support fund, including \$360 million in new money for Iraq programs. However, Congress has already provided over \$18 billion for Iraq relief and reconstruction programs in supplemental appropriations. Nearly \$12 billion of these funds remain unspent, including nearly \$5 billion that have not even been obligated.

A very small portion of this nearly \$5 billion in unobligated funds could be used to make up for our proposed reduction of \$100 million to the economic support fund.

I would like to be clear that I strongly support the rebuilding and reconstruction efforts in Iraq. Reconstruction is vitally important for the people

of Iraq, for stability in the Middle East, and for the spread of democracy around the globe.

But, it is also clear that there is more money currently available for Iraq reconstruction than is being used. Over 18 months after Congress appropriated over \$18 billion for reconstruction, nearly \$5 billion remains unobligated.

Moreover, according to the White House, there is \$1.3 billion that has not even been committed to programs. This \$1.3 billion is instead intended for "security-related cost overruns." This means that 7 percent of the total amount Congress appropriated for reconstruction is being reserved for "cost-overruns."

If cost overruns are preventing the use of reconstruction dollars for their intended purpose, Congress should be hearing about this so we can work with the administration to get these expenditures under control.

If the nearly \$5 billion in unobligated funds is not adequate to make up the \$100 million reduction imposed by our amendment and additional funds are determined to be needed, I would support replenishment of these funds in future appropriations bills.

I have voted for every penny for our troops, and I am committed to Iraqi reconstruction as part of our mission in Iraq. But if \$5 billion is still unobligated, including \$1.3 billion intended for "cost overruns," then I believe that \$100 million of these funds could be better served for another vital mission: saving lives.

President Bush has described AIDS as "an individual tragedy for all who suffer and a public health catastrophe that threatens the future of many nations."

And, Dr. Rice, while National Security Adviser, warned, "History will treat us unkindly if those of us who had the means and those of us who had the way were unresponsive to this great crisis."

We have the ability today to literally save the lives of millions. This \$100 million can provide antiretroviral treatment to 35,000 people, and provide over 2 million mosquito nets to keep children safe from malaria.

This is why I support an additional \$100 million contribution to the global fund. I hope my colleagues will join me in supporting this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, no one has been more tenacious in fighting for adequate funding for HIV/AIDS than the Senator from Pennsylvania. I thank him for his important contribution.

His amendment is such a good idea that it has been approved on both sides of the aisle. Mr. President, I recommend we move forward and approve the amendment on a voice vote.

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

The amendment (No. 1260) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1250 WITHDRAWN

Mr. McCONNELL. Mr. President, I ask unanimous consent that amendment No. 1250 be withdrawn.

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

AMENDMENT NO. 1290

Mr. McCONNELL. Mr. President, I call up amendment No. 1290, as it has been cleared on both sides, and ask that we adopt it.

The PRESIDING OFFICER. The amendment is pending.

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

The amendment (No. 1290) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I am a cosponsor of this amendment to provide \$50 million in assistance for the African Union in Darfur, Sudan. The African Union is today our only line of defense against genocide in Darfur. As the President restated at the G8 meeting earlier this month, what is happening in Darfur is genocide. And, as he said, the human cost is beyond calculation.

The African Union has struggled to raise the numbers of peacekeeping troops needed in Darfur, but it has nonetheless made a difference. The AU has saved lives, but it has not been able to create conditions of security. To make a greater difference, it will have to increase the number of troops on the ground.

This amendment earmarks \$50 million from the newly drafted Conflict Response Fund to the Foreign Military Finance Account for the African Union mission in Darfur.

The administration has asked for a Conflict Response Fund to respond to conflicts that may emerge in the next year. The conflict in Darfur has already emerged. It must be addressed.

And the State Department has said that it needs at least \$100 million to support the expansion of the African Union mission. This amendment at least gets us halfway there.

You might ask why the administration didn't ask for this money for the African Union directly. Apparently when the budget request was formulated, they did not think that the AU mission would have to be scaled up still further. Evidence on the ground tells us that expanding the mission is a necessity, and so is the additional funding.

This spring, the Joint Assessment Team of the EU, the U.N., the AU, and

the U.S. conducted assessment of the AU's Darfur mission.

The assessment found that where the current AU mission has deployed, the security situation has improved. The Joint Assessment Team also found that the general security level remains unacceptable. That is still true today.

The Joint Assessment report concluded that the African Union mission should be doubled by September, followed by a subsequent expansion "to contribute to a secure environment throughout Darfur in order to enable full returns of displaced persons."

To accomplish this task—even to undertake it—will require additional assistance from the United States. The AU is on the front lines against genocide. We have to help.

There are those who think that the crisis in Darfur is over because today the villages in the region are no longer on fire.

Sadly, the fires are out, not because the Sudanese Government has necessarily changed its policies, but because so many villages have already been burned to the ground.

Darfur is still the scene of terrible violence and terrible fear.

There are still hundreds of thousands, even millions of people who are living in displacement camps in Sudan or in refugee camps outside its borders. And these people are still under attack. Women and girls are still at risk of rape every time they go to collect firewood or water.

People are still being killed. Children, especially, are still dying from the diseases that plague refugee camps.

If the African Union cannot create conditions of greater security, these people cannot go home. If the AU cannot create conditions of safety, these people will not go home.

Right now, they would rather risk the misery, the disease, and the danger of the camps than go home and risk facing the jingawit and the Sudanese army.

The violence, food insecurity, and enormous numbers of displaced persons combine to make Darfur still one of the most desperate places on the planet. This is not yesterday's tragedy.

Over 2 million people have been driven from their homes. Over 300,000 have probably been killed, maybe even more. The insecurity makes humanitarian assistance difficult, meaning still more people will die. Increasing our assistance to the African Union is, frankly, the very least that we can do—I believe we should do far more—but at the very minimum we should help the African Union try to end this slaughter.

#### AMENDMENT NO. 1254, AS MODIFIED

Mr. McCONNELL. Mr. President, I call up amendment No. 1254 and send a modification to the desk. It has been cleared on both sides as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 1254, as modified.

The amendment is as follows:

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

#### SUPPORT FOR DEMOCRACY AND GOVERNANCE ACTIVITIES IN ZIMBABWE

SEC. . Of the funds appropriated under the heading "Economic Support Fund" not less than \$4,000,000 should be made available to support democracy and governance activities in Zimbabwe consistent with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107-99; 22 U.S.C. 2151 note).

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

The amendment (No. 1254), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1285, AS MODIFIED

Mr. McCONNELL. Mr. President, I call up amendment No. 1285 and send a modification to the desk. This also has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. NELSON of Florida, for himself and Mr. COLEMAN, proposes an amendment numbered 1285, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

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

#### VENEZUELA

SEC. 6113. Of the funds appropriated under the heading "ECONOMIC SUPPORT FUND" up to \$2,000,000 should be used for democracy programs in Venezuela administered through grants by the National Endowment for Democracy.

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

The amendment (No. 1285), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1274, AS MODIFIED

Mr. McCONNELL. Mr. President, I call up amendment No. 1274 and send a modification to the desk. This, too, has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. SESSIONS, proposes an amendment numbered 1274, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

(Purpose: To prohibit the use of funds for any loan to the United Nations in excess of \$600,000,000 for the renovation of its headquarters in New York, New York)

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

SEC. 6113. It is the sense of the Senate that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York should not exceed \$600,000,000. *Provided*, That, if any loan exceeds \$600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.

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

The amendment (No. 1274), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1273, AS MODIFIED

Mr. McCONNELL. Mr. President, I call up amendment No. 1273, as modified. This, too, has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The amendment is now pending.

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

The amendment (No. 1273), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1287, AS MODIFIED

Mr. McCONNELL. Mr. President, I call up amendment No. 1287 and send a modification to the desk. This also has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. VITTER, proposes an amendment numbered 1287, as modified.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest.

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

The amendment (No. 1287), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENTS NOS. 1295 THROUGH 1300, EN BLOC

Mr. McCONNELL. Mr. President, I have a managers' package: On behalf of Senator LEAHY and myself, an amendment regarding Indonesia; on behalf of Mr. BROWNBACK, for himself, Mr. COBURN, Mr. INHOFE, and Ms. LANDRIEU,

an amendment regarding malaria; an amendment by Senator FEINSTEIN requiring a report on small arms; an amendment by Senator SUNUNU regarding assistance for Lebanon; an amendment by Mr. KENNEDY and Mr. BIDEN regarding democracy promotion in Iraq; and an amendment by Senator STEVENS and Senator INOUYE regarding the Middle Eastern-Western Center for Dialogue.

Mr. President, I urge the consideration of the managers' package, en bloc, and also that the amendments not be read.

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

Without objection, the amendments are agreed to, en bloc.

The amendments were agreed to, en bloc, as follows:

(Purpose: Technical amendment relating to Indonesia)

On page 289, line 10, after the semicolon, insert the following:

(3) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and (4)

On page 289, line 10, strike "and".

On page 289, line 11, strike "(3)".

On page 302, line 11, after "may" insert: "only".

On page 289, line 12, after "Navy" insert ":",.

AMENDMENT NO. 1296

(Purpose: To support commodities, equipment and other assistance to combat malaria)

At the appropriate place in the bill, insert:

MALARIA

SEC. . Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than \$105,000,000 should be made available for programs and activities to combat malaria: Provided, That such funds should be made available in accordance with best public health, practices, and considerable support should be provided for the purchase of commodities and equipment including: (1) insecticides for indoor residual spraying that are proven to reduce the transmission of malaria; (2) pharmaceuticals that are proven effective treatments to combat malaria; (3) long-lasting insecticide-treated nets used to combat malaria; and (4) other activities to strengthen the public health capacity of malaria affected countries: Provided further, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report describing in detail expenditures to combat malaria during fiscal year 2006.

AMENDMENT NO. 1297

(Purpose: To require a report on states that have not cooperated in small arms programs)

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

REPORT ON SMALL ARMS PROGRAMS

SEC. . Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report—

(1) describing the activities undertaken, and the progress made, by the Department of State or other agencies and entities of the United States Government to encourage other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons; and

(3) recommending incentives and penalties that may be used by the United States Government to encourage states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

AMENDMENT NO. 1298

(Purpose: To increase by \$5,000,000 the amount available for Economic Support Fund assistance for Lebanon, and to increase by \$2,000,000 the amount of such assistance that should be made available for scholarships and direct support of American educational institutions in Lebanon)

On page 171, line 2, strike "\$35,000,000" and insert "\$40,000,000".

On page 171, line 4, strike "\$4,000,000" and insert "\$6,000,000".

AMENDMENT NO. 1299

(Purpose: To make available, out of funds appropriated for Economic Support Fund assistance, \$28,000,000 to the International Republican Institute and \$28,000,000 to the National Democratic Institute for fiscal year 2006 to support democracy building programs in Iraq)

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

DEMOCRACY PROGRAMS IN IRAQ

SEC. . Of the amount appropriated under the heading "ECONOMIC SUPPORT FUND"—

(1) \$28,000,000 should be made available for fiscal year 2006 to the International Republican Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women's rights; and

(2) \$28,000,000 should be made available for fiscal year 2006 to the National Democratic Institute to support, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State, democracy building programs in Iraq in the areas of governance, elections, political parties, civil society, and women's rights.

AMENDMENT NO. 1300

(Purpose: To provide funding to the Center for Middle Eastern-Western Dialogue)

At the appropriate place, insert the following:

SEC. . FOR AMOUNTS APPROPRIATED IN THIS ACT.

(a) Under the heading "Center for Middle Eastern-Western Dialogue" in title I of this Act strike "\$2,000,000" and insert in lieu thereof "\$7,000,000."

(b) Under the heading "Embassy Security, Construction, And Maintenance" in title I of this Act strike "\$603,800,000" and insert in lieu thereof "\$598,800,000."

AMENDMENT NO. 1299

Mr. KENNEDY. Mr. President, this amendment provides \$28 million for the International Republican Institute and \$28 million for the National Democratic Institute for their democracy-building programs in Iraq in fiscal year 2006. Funding will be used by the institutes to continue democratic develop-

ment assistance in the areas of governance, elections, civil society, women's rights and political party development.

The additional funding set aside in this bipartisan democracy amendment is necessary for the IRI and NDI to continue their important work in Iraq through the end of fiscal year 2006.

Both institutes, whose cutting-edge democracy work is well-known and respected in Iraq and throughout the world, have substantial operations in Iraq outside the Green Zone. Unfortunately, despite their deep commitment to advancing democracy and the great risks their employees take by working in a war zone, they have not been assured funding beyond February 2006. If additional funding is not provided, the danger is very real that they will need to begin cutting back on their democracy activities.

Under the current schedule, the new Iraqi Constitution now being drafted must be completed by August 15, and a referendum on it will take place on October 15. If it is approved, elections for a permanent government will take place in December. This is no time to short change democracy in Iraq. Doing so would send a very troubling and discouraging sign about the U.S. commitment to this difficult struggle.

IRI's programs in Iraq are bigger than its programs anywhere else in the world. It has offices in Baghdad, Irbil, and Basra, and it also operates a substantial media center. The Institute employs some 200 people, including those responsible for security.

Similarly, NDI is conducting a number of democracy programs in Iraq focusing on elections, political parties, governance, civil society and women's rights. It works directly with Iraqi partners, including hundreds of civic organizations, the Iraqi National Assembly, more than 81 political parties and entities, and the Constitutional Drafting Committee.

It has helped train more than 10,000 Iraqi election monitors, who covered 80 percent of the country's polling sites in January and provided opportunities for ordinary Iraqis to participate in that election. It is currently providing legal assistance directly to the Constitutional Drafting Committee, and is facilitating countless local civic dialogues on the constitution in communities throughout Iraq.

NDI operates much of the time outside the relative safety of the Green Zone. It has offices in Baghdad, Basra, and Irbil, with resource centers in Hilla and Kirkuk. It works with approximately 30 international staff and 200 Iraqi staff, including security personnel, to strengthen democracy for all people of Iraq.

Its people have sacrificed greatly. In February, insurgents killed an Iraqi woman working for NDI, and a Czech security guard working for the institute was killed in April. Three of NDI's Iraqi staff left their jobs because they felt their lives were in danger.

While Iraq continues to struggle with the insurgency, there is important

progress to be made on the political front. Thousands of Iraqis are working very hard, often at great risk to themselves, to develop civic groups, participate in political parties, run for and serve in political office, and contribute to the constitutional process. These are critical building blocks for the long-term development of democracy in Iraq. Its people continue to express a tremendous demand for the kind of nonpartisan assistance for long-term political development that NDI and IRI are providing.

All of us feel that long-term progress to defeat the insurgency is directly related to progress on the political front, and ongoing work on this key issue must be a top priority. History shows that building democratic institutions, including government, parties, and civil society, takes many years, considerable political engagement, and patience. For a country as repressed as Iraq, a serious long-term democracy plan must look at least a decade into the future. At a minimum, it should look to the end of fiscal year 2006, as our amendment would do.

The development of the constitution and the subsequent referendum and election are only the beginning of that process. It makes no sense to send a signal now that our support for Iraqi democracy will end next February.

We must be clear in our intention to stand by organizations such as NDI and IRI that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

To date, approximately \$1 billion of the \$18 billion provided by Congress for reconstruction has been allocated for democracy-building and related activities, including governance, the rule of law, human rights, civic programs, and the U.S. Institute of Peace. Nearly all of these funds have already been committed for specific programs and more than half of this amount has been spent.

We need to do far more. The hard work of strengthening democracy will continue long after the adoption of a constitution and the election of a permanent government.

On June 28, in his address to the Nation, President Bush spoke about the importance of democracy in Iraq as a way to quell the insurgency and end the violence. He said:

They know that as freedom takes root in Iraq, it will inspire millions across the Middle East to claim their liberty, as well. And when the Middle East grows in democracy and prosperity and hope, the terrorists will lose their sponsors, lose their recruits, and lose their hopes for turning that region into a base for attacks on America and our allies around the world.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. Funding IRI and NDI only through February 2006 sends an ominous signal that can only be harmful to this very important effort.

America spends \$1 billion a week on the war in Iraq. At this rate, it would take the military just 10 hours to spend the \$60 million. Certainly, we can make a commitment to spend this level of funding on democracy programs next year in Iraq.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill and, importantly, adequate resources.

We need to demonstrate we are genuinely committed to Iraq's political development. We need a long-term political strategy, and we need to back up that strategy with the necessary resources, if we truly hope for a stable, peaceful and democratic Iraq.

I urge my colleagues to support this amendment.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments in

order to the bill: Feingold amendment on oversight of funds; Chambliss amendment on extradition; Landrieu amendment on orphans; Schumer, reporting requirement; Frist, two relevant; McConnell, relevant; Leahy, relevant; Byrd, relevant; Lugar, MDB reform; Lugar, general provision; Reid, Iraq report; Reid, two relevant; Nelson of Florida, Haiti report; Dodd, Haiti report, Biden Nos. 1251 and 1252; Biden, nonproliferation.

I further ask consent that they be subject to second degrees which are related to the first degree to which they are offered. I further ask consent that following the disposition of the above-listed amendments, the bill be read a third time and the Senate proceed to a vote on the passage of the bill, as amended; provided further that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, the pending Department of State, Foreign Operations and Related Programs Appropriations Bill for fiscal year 2006, H.R. 3057, as reported by the Senate Committee on Appropriations provides \$31.842 billion in budget authority and \$34.998 billion in outlays in fiscal year 2006 for the Department of State and foreign assistance programs. Of these totals, \$174 million in budget authority and outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$31.668 billion. This amount is \$1 billion below the President's request, \$3 million below the 302(b) allocations adopted by the Senate \$11.4 billion more than the House-passed bill, and \$3.2 billion above fiscal year 2005 enacted levels.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3057, 2006 STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS; SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	31,668	174	31,842
Outlays .....	34,824	174	34,998
Senate 302(b) allocation:			
Budget authority .....	31,671	174	31,845
Outlays .....	34,827	174	35,001
2005 Enacted:			
Budget authority .....	28,466	175	28,641
Outlays .....	34,506	175	34,681
President's request:			
Budget authority .....	32,671	174	32,845
Outlays .....	34,939	174	35,113
House-passed bill. *			
Budget authority .....	20,270	42	20,312
Outlays .....	25,062	42	25,104

		General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority .....	.....	−3	0	−3
Outlays .....	.....	−3	0	−3
2005 Enacted:				
Budget authority .....	.....	3,202	−1	3,201
Outlays .....	.....	318	−1	317
President's request:				
Budget authority .....	.....	−1,003	0	−1,003
Outlays .....	.....	−115	0	−115
House-passed bill: *				
Budget authority .....	.....	11,398	132	11,530
Outlays .....	.....	9,762	132	9,894

\* House and Senate State-Foreign Operations subcommittees have differing jurisdictions.

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

Mr. MCCAIN. Mr. President, I support passage of the Foreign Operations Appropriations Act for fiscal year 2006. This important legislation funds the international development and assistance portion of our national budget and with its passage, we acknowledge the vital nature of these programs. Supporting foreign aid, military assistance, development funds, democracy promotion activities and other programs should be a matter of course—something that America does as part of its responsibilities as the global superpower.

This year's bill provides \$31.8 billion to carry out our many foreign operations programs. I commend Senator McCONNELL, chairman of the foreign operations subcommittee, and Senator LEAHY, ranking member of the subcommittee, on developing an appropriations measure that is generally light on pork. There are, nevertheless, dozens of earmarks, especially in the report language, including a few that simply leave me scratching my head. I am a longstanding champion of robust funding of America's international affairs budget. But I ask, whether that budget should include an earmark of half a million dollars for the Neotropical Raptor Center in Panama. I wonder if the birds of prey the center seeks to protect have instead descended on our appropriations bill. Likewise, the report includes a \$2 million earmark for "activities to protect the orangutan from extinction" and directs that some of these funds go to the Orangutan Foundation.

I note with regret that, once again, the Senate has failed to pass an authorization bill prior to considering this legislation. Again, the responsibilities of authorizers and appropriators are expected to be distinct. The Senate Foreign Relations Committee has the responsibility for laying out a blueprint for the policies and funding levels of USAID and the Department of State and their programs. I hope that the Senate will finish consideration of the State Department authorization bill, so that the Senate will have the benefit of the Foreign Relations Committee's recommendations. We should not continue to fund unauthorized programs and risk marginalizing our authorizing committees.

With that said, most of the provisions in the bill under consideration

serve America's interests and values in powerful ways. Let me comment on just one group. This year's version of the Foreign Operations bill states that \$495 million of our annual aid to Egypt "shall be provided with the understanding that Egypt will undertake significant economic political reforms which are additional to those which were undertaken in previous fiscal years." The bill also withholds \$227 million in economic reform assistance until the Secretary of State determines that the Government of Egypt has met its 2005 economic reform commitments—commitments it made to the United States. Finally, the bill directs that nongovernmental organizations providing democracy and governance assistance shall not be subject to prior approval by Government of Egypt. I believe that we should have conditioned aid to Egypt in this way for years, and I commend my colleagues on the Appropriations Committee for these bold steps. The Government of Egypt has, for too long, gotten a free pass from the United States. We are grateful for its friendship with the U.S. and its peace agreement with Israel, but its lack of real reform offends the universal values we hold dear and poses a security threat to the United States.

I would also like to note that the report language contains words of support for the ADVANCE Democracy Act. Working with Senator Lieberman and the other cosponsors of the ADVANCE Democracy Act, I will continue work toward passage of that bill this year, and I thank my colleagues on the Appropriations Committee for their support. I hope that we can work together to move the ADVANCE bill through the Senate in the near future.

I must once again convey my gratitude to the members of the subcommittee. Their attention and commitment to supporting vital programs has provided a sound bill with which to fund our foreign operations for the coming fiscal year.

Mr. INHOFE. Mr. President, somewhere in the world a child dies from malaria every 30 seconds. The disease debilitates more than 500 million people annually and kills well over 1 million of them. Suffering most acutely from this epidemic is the continent of Africa where 90 percent of the world's malaria deaths occur. In fact, malaria is the No. 1 killer of pregnant women

and children under the age of 5 in Africa.

I have personally visited nearly 20 countries in Africa. Everywhere you go there, children have it. These trips have changed statistics into incomprehensible reality for me. Malaria—a debilitating and deadly disease—is a huge problem. I recently heard from a young boy in Ghana named Ibrahim who has accepted the dismal reality of dealing with malaria. "Malaria is just a part of life," Ibrahim told me.

The United States has been concerned about this problem for many years. The United States Agency for International Development, USAID, budget to fight this disease has increased nearly fivefold since 1998 to \$90 million in 2005. However, the incidence of malaria continues to increase alarmingly in underdeveloped African countries. Unequivocally, the current strategy is not working. USAID spends 90 percent of its money on advice giving, conferences, and technical assistance, but not on direct interventions that produce significant results.

Insecticides to preempt malaria are cheap. Drugs to cure malaria can be purchased for \$2—less than a cup of coffee at Starbucks. Indoor residual spraying is a technique that has eradicated malaria in many regions. We know how to address malaria and we have the resources to do it.

We have talked enough about the problem. It is time to fix it.

I am pleased that we have addressed this problem with language in the Foreign Operations appropriations bill. This is an important step toward achieving real results. Instead of doling out money to beltway-based consultants, this language will ensure that tangible aid reaches desperate African women and children. It is vital that we require USAID malaria allocations go toward lifesaving drugs, mosquito nets, and pesticides, which are proven to reduce malaria death and infection rates. In the hands of the affected individuals these commodities can save lives. It does not take a lot of money to make a huge difference.

Additionally, this language requires transparency from USAID. I have often had difficulty determining exactly how USAID malaria money is being spent. In fact, the latest data available to Congress on how USAID spends malaria funding is from fiscal year 2004.

That year only 1 percent of total malaria funding was spent on indoor residual spraying, 1 percent was spent on purchasing antimalarial drugs, and 6 percent was used to purchase insecticide-treated bed nets.

I am also concerned that too much of our foreign aid goes to conferences and research. Not enough resources get directly to the Africans who suffer so acutely. No more studies. It is time to act and to prevent that aid from being diverted to Washington consultants.

To effectively address this epidemic, Congress needs to ensure that the money it appropriates is wisely spent. Within 90 days of enactment, this language requires USAID to submit their malaria expenditure report to the Senate and House Appropriations Committees to describe how they plan to follow these new priorities. I am confident that this increased accountability will prevent funds from going primarily primarily to beltway-based consultants.

When we know how to eradicate malaria and possess the resources to do that, there is no reason that six children should have died in the time it took me to give this speech. It is a needless tragedy that we have the opportunity to arrest.

Children in Africa have accepted the reality that malaria is inevitable. Today, we have the chance to change that dismal reality into tangible hope.

#### MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent that there now be a period for morning business.

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

#### CONSULTATION ON A NOMINEE TO THE SUPREME COURT

Mr. KENNEDY. Mr. President, it has now been 1 week since the President met with Senate leadership and the chairman and ranking Democrat of the Senate Judiciary Committee to discuss the nomination of a successor for Supreme Court Justice Sandra Day O'Connor.

All of us were saddened by Justice O'Connor's resignation. She served this Nation with great dedication for over 2 decades. She embodied the principles of fairness and reasoned judgment, and had a sincere appreciation for the effect of the Court's decisions on the everyday lives of all American people. Her dedication continues in her pledge to remain in office as long as it is necessary for her replacement to be confirmed, so that the Court will not have a vacancy while the task of selecting a new Justice is carried out. All of us regret Justice O'Connor's departure, but we are grateful for her service to the Nation, and we wish her well in what I am sure will be an active retirement.

I hope that the President will choose a consensus nominee, who can bring the Nation together, as Justice O'Con-

nor herself did, rather than further divide us. As President Bush and the Senate prepare to begin the process of confirming Justice O'Connor's successor, consultation between the President and the Senate has an important role.

I was encouraged when the President met with the leaders of both parties in the Senate and on the Judiciary Committee a week ago. I am also encouraged that the President has contacted a number of other Senators of both parties to hear their views. This was an important first step. But the sign of whether there has been a meaningful consultation is not simply the process, but the result. In the past, real consultation has led to consensus nominees, who could be easily confirmed with the support of a large bipartisan majority of the Senate and the confidence of the American people.

To reach that result, consultation must be more than a one-way street. No one is suggesting that Senators co-nominate candidates for the Supreme Court. But for Members of the Senate to provide advice to the President, there must be a real discussion and a two-way conversation about specific candidates.

It is a fundamental part of our system of checks and balances that the power to appoint judges, especially Justices of the Supreme Court, is shared by the President and Senators from all fifty States, so that the Nation's diverse interests can be represented in this important choice.

The Founders believed that the whole Senate and the President together would do the best job of confirming independent Supreme Court justices, who would be above politics, and not beholden to any politician or political party. They wanted an independent, impartial Supreme Court that would give everyone a fair hearing, rather than favoring powerful corporations or special interests with political clout.

In the early 1990s, as Senator HATCH recounts in his book, President Clinton consulted with Senator HATCH—then the ranking Republican Senator on the Judiciary Committee—sharing the names of candidates he was considering for the Supreme Court. President Clinton asked Senator HATCH's opinion, even though Republicans were then in the minority in the Senate. Senator HATCH recommended Stephen Breyer and Ruth Bader Ginsburg. President Clinton agreed that these were excellent choices, and nominated Justice Ginsburg in 1993 and Justice Breyer in 1994. Both were easily confirmed.

If the President takes seriously the advice of Senators from both parties on the persons he is considering, the result will be a distinguished nominee who is acceptable to the vast majority of the American people, and who will easily be confirmed. That was the case when Ronald Reagan nominated Justice O'Connor, a mainstream Republican, to the Court, and I am optimistic that this will be the case with her suc-

cessor. I hope the Senate and the White House can set aside partisanship, to ensure that the best possible person is nominated and confirmed to the Court.

Consultation is about more than process. It is about an outcome, and a consensus nominee is the best outcome for the Nation.

The importance of a consensus nominee is clear when we consider all of the vital issues decided by the Supreme Court, issues with enormous impact on Americans and their daily lives.

A Supreme Court nomination matters to all Americans. It is not just about a few hotly debated social issues. It is of great importance to every man, woman and child in America because the decisions of the Court affect their lives every day.

The Court's decisions affect whether employees' rights will be protected in the workplace. They affect whether families will be able to obtain needed medical care under their health insurance policies. They affect whether people will actually receive the retirement benefits that they were promised. They affect whether people will be free from discrimination in their daily lives. They affect whether students will be given fair consideration when they apply to college. They affect whether persons with disabilities will have access to public facilities and programs. They affect whether we will have responsible environmental laws that keep our air and water clean. They affect whether large corporations are held accountable when they injure workers and consumers.

The list goes on and on. Each of these issues has been addressed by the Supreme Court in recent years. In many of those cases, the Court was narrowly divided, and each of these areas is likely to be the subject of future Court decisions in the years to come.

According to a recent article in the Washington Post, entitled "Business Pushes Its Own Brand of Justice," major corporations are ready to "bankroll large-scale efforts to promote the President's choice" if he nominates a candidate who will side with big business against workers, consumers and environmentalists. Eighteen million dollars has already been raised—much of it from these corporate interests, and that amount is only the first installment of what they are willing to spend to influence the direction of the Court. In recent years, approximately 40 percent of the Supreme Court's docket has been cases involving economic issues, and that pattern is likely to continue in coming years. So it is essential that the new justice be someone who will hear these cases with an open mind, not someone who is biased in favor of corporate wealth and power.

The outcome of such cases will obviously affect the wellbeing of all Americans. The Nation is facing major economic challenges today. In the last 4 years, we have lost 2.8 million manufacturing jobs. Long-term unemployment has nearly doubled. Outsourcing