

The King, while professing to support democracy, seems determined to take the country back to the pre-1990 feudal days. This is not the first time he has dismissed the Prime Minister, and since February 1 he has surrounded himself with elderly advisers from the Panchayat era. He has ignored repeated urgings by our ambassador, and other governments, to sit down with representatives of the political parties to develop a plan for the prompt restoration of multiparty democracy.

As in any country where multiparty democracy has existed for only a decade and a half, Nepal's fledgling political parties suffer from internal divisions and are struggling to establish their credibility with the Nepalese people. This should surprise no one. Democracy is never perfect, and that is particularly true in an impoverished, isolated kingdom whose people have been ruled by a monarchy that ignored their needs for centuries. Yet, despite these obstacles, Nepalese journalists, political activists and civil society continue to speak out.

What is the alternative? A Maoist "people's republic" that could plunge Nepal into darkness? A return to an active monarchy that is accountable to no one?

Nepal is at an historic juncture. The Maoists have made steady gains over the past decade. Once a minor irritant, today they are a national menace. Even since 2001, when King Gyanendra ascended the throne and became commander in chief of the army, the Maoists have grown stronger. Although they are unable to hold territory or to seize power in Katmandu, they pose an increasing threat to the security and livelihoods of Nepal's people.

The King has made a tragic blunder, and the Nepalese people are paying a heavy price.

Former Prime Minister Deuba is in prison, which the State Department has rightly called a setback for democracy. This week there were new arrests. On July 25, several dozen journalists and civil society leaders were arrested and detained for over 24 hours during a peaceful protest. On July 27, a pro-democracy student leader, Gagan Thapa, was arrested while attempting to visit fellow detained student leaders. Mr. Thapa is reportedly being held on suspicion of sedition. His arrest is a threat to all democracy activists and should be strongly condemned by the State Department.

The King's strongest card is the army, but it lacks an effective counter-insurgency capability, it cannot defeat the Maoists in territory as rugged and isolated as parts of Afghanistan, and it has abused and alienated the very people it is supposed to protect. The army needs to demonstrate that it is worthy, if it wants U.S. support.

Earlier this year, in order to avoid criticism at the U.N. Human Rights Commission, the King agreed to permit the U.N. High Commissioner for Human Rights to open an office in

Nepal and deploy human rights monitors. This is a welcome development, which the U.S. should strongly support. If the UN monitors are provided with unimpeded access, they should be able to determine if the Maoists are prepared to stop attacking civilians and recruiting children, and if the army is serious about respecting international humanitarian law.

Recently, the U.N. Secretary General's Special Adviser traveled to Nepal to assess the situation. He concluded that a solution to the crisis rests on three elements: "a return to constitutional order and multiparty democracy, an end to hostilities, and inclusive national dialogue towards a negotiated solution to the underlying causes of conflict." The U.N. has a long history in Nepal, and it could play a key facilitating role on each of these elements. I would hope that the State Department would publicly support this.

No one should minimize the challenges. The Maoists have yet to demonstrate that they are ready to abide by a ceasefire, which should be a prerequisite for negotiations on their political demands. But our policy should be unambiguous. Democracy is the only viable alternative, and we should make clear that we unequivocally reject the King's imperial ambitions, that the days of an active monarchy are over, and that we support the political parties. Whether that means the restoration of the 1999 Parliament or the formation of a new constituent assembly, is for the Nepalese people to decide, but there should be no doubt that we support a political process that is open, transparent, inclusive and accountable to the people.

Democracy and dialogue are the key to peace in Nepal, and we should do everything possible to reaffirm our willingness to work with the political parties, with Nepalese civil society, the Indian Government, the British Government, other key countries, and with the United Nations, towards that end.

I ask unanimous consent that the amendment, which if agreed to by the Senate-House conference committee will apply to U.S. military aid for Nepal for the fiscal year beginning October 1, 2005, be printed in the RECORD.

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

NEPAL.—

(1) The Congress condemns the Maoist insurgency's atrocities against civilians, including torture, extrajudicial killings, and forced recruitment of children.

(2) The Congress recognizes the difficulties the Royal Nepalese Army (RNA) faces in countering the Maoist threat, but deplors the violations of human rights by the RNA.

(3) Funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces:

(A) has released all political detainees, including those detained before February 1, 2005;

(B) has restored civil liberties, including due process under law, freedoms of speech, the press and association, and the right of movement;

(C) has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable for the return to multiparty, democratic government consistent with the 1990 Nepalese Constitution;

(D) is ensuring that the Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its anti-corruption mandate and that no other anti-corruption body is functioning in violation of the 1990 Nepalese Constitution on international standards of due process;

(E) has determined the number of and is complying with habeas corpus orders issued by Nepal's Supreme Court and appellate courts, including all outstanding orders, and the security forces are respecting these orders;

(F) is restoring the independence of the National Human Rights Commission of Nepal (NHRC) in accordance with constitutional provisions, including providing adequate funding and staff;

(G) is granting civilian prosecutors and judicial authorities, the NHRC, the Office of the United Nations High Commissioner for Human Rights in Nepal, and international humanitarian organizations, unannounced and unimpeded access to all detainees, witnesses, relevant documents, and other requested information, and is cooperating with these entities to identify and resolve all security related cases involving persons in government custody; and

(H) is taking effective steps to (i) ensure that Nepalese security forces comply with the Geneva Convention on Law of Land Warfare; (ii) end torture, extrajudicial killings, and other gross violations of human rights; and (iii) prosecute and punish, in a manner proportional to the crime, members of such forces who are responsible for such violations.

(4) The Secretary of State may waive the requirements of paragraph (3) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States.

**IN MEMORIAM: POLICE OFFICER
NELS DANIEL NIEMI**

Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of the late Nels Daniel Niemi, an officer with the city of San Leandro Police Department. Officer Niemi was a 3-year veteran of the San Leandro Police Department who dedicated his life to his family, community, and Nation. He was tragically killed in the line of duty on July 25, 2005.

Officer Niemi was born 42 years ago in Guam. A graduate of De La Salle High School in Concord, CA, Officer Niemi first worked as a network administrator in the computer industry. Officer Niemi also taught self-defense and gun-awareness classes, which raised his longtime interest in law enforcement. Four years ago, he decided to switch careers, and enrolled in the Police Academy. An officer with the San Leandro Police Department for the last 3 years, he excelled at his job. He was a dedicated and caring officer, who often used his computer expertise in investigations. Through his hard work

and dedication to public safety, Officer Niemi earned the respect and admiration of those with whom he worked.

Officer Niemi will long be remembered for his courage, service, and bravery. He will be missed by all who knew him. Officer Niemi is survived by his parents Rudie and Mildred Niemi; brother Jim; wife Dionne; daughter Gabrielle; and stepson Josh Hewitt. I extend my deepest sympathies to his family.

HUMANITARIAN CRISIS IN NIGER

Mr. FEINGOLD. Mr. President, I rise to express my deep concern about the unnecessary suffering that is occurring in the African country of Niger. Last year's severe drought and locust infestation destroyed most of Niger's harvest and the fodder necessary for keeping livestock. As a result, an estimated 3.6 million people including 800,000 children under the age of 5—are now facing starvation. Aid workers in the field describe the situation as desperate, and report that children are dying daily and families have turned to a diet of acacia leaves and grass.

I urge the administration to continue to respond and to work with other donors to ensure Niger's humanitarian needs are met. In particular, it is crucial that USAID make certain the recently announced \$7 million in additional emergency funds go immediately towards alleviating the hunger in the hardest hit areas: the agro-pastoral regions of Maradi and Tillaberi and the pastoral regions of Tahoua and Zinder. Reportedly, there is a shortage of therapeutic feeding centers and clinics, and weakened villagers cannot manage the travel required to reach them.

We also need to address long-term food security issues in the Sahel, where drought and famine regularly afflict these poorest nations. Earlier this year I traveled to three of Niger's neighbors—Algeria, Mali, and Chad. I heard firsthand accounts of how devastating the locust crisis was, and I heard a consensus regarding the need for permanent mechanisms to facilitate crisis response and to prevent emergencies in the future. As the tragedy in Niger demonstrates, even when governments, international organizations, and NGOs are able to anticipate food insecurity almost a year in advance and implement their assistance programs, we can still have a crisis. Unfortunately, it sometimes takes media coverage of already emaciated children to jolt donor countries into emergency action. We need to remain alert and responsive to World Food Program appeals for extra funding before the starvation begins, and we need to stay committed to long-term efforts to improve food security throughout the region.

ADDITIONAL STATEMENTS

HONORING GUS FLOROS

• Mr. ALLEN. Mr. President, today I would like to honor a wonderful Virginian and American, Mr. Gus Floros, who this year is celebrating his 50th Anniversary of immigrating to America.

Born on May 25, 1928, in Greece, Gus Floros immigrated to the United States in 1955 settling in Harrisonburg, VA. He quickly went to work in his aunt and uncle's restaurant, Jess' Lunch, on Main Street in Harrisonburg. By 1967 he had purchased the restaurant and with a hands on approach and a commitment to excellence, he made Jess' Lunch one of Harrisonburg's finest eating establishments. Gus has expanded Jess' Lunch dramatically and in 2003 even built a sister location called Jess' Lunch 2.

Gus Floros is a fine example of the great American dream coming true. He is an inspiration to many. Upon his arrival in America, Gus had just one dollar in his pocket. Today he owns two successful restaurants in Harrisonburg that attract both local residents and those who are passing by on interstate 81. Through his entrepreneurial spirit, Gus Floros has made Jess' Lunch an eatery known across the Commonwealth. I often stop in to see Gus and have one of his tasty hotdogs or hamburgers whenever I am in Harrisonburg. You can always find quick, friendly service and a satisfying meal at Jess' Lunch and Gus is always there working just as hard as he did back in 1955.

I congratulate Gus Floros on 50 years of prosperity and good fortune, and I wish him continued success as he continues to serve the residents of Harrisonburg with a warm smile and a hearty meal.●

TRIBUTE TO JIM BERNSTEIN

• Mr. BURR. Mr. President, I rise today to discuss a North Carolinian who passed away on June 12, 2005, but will always be dear to our hearts. Jim Bernstein's work ended as it began—in selfless service to underserved communities in need. A career arc that began with volunteer service with the U.S. Peace Corps in Morocco ended with post-retirement volunteer service to the North Carolina Department of Health & Human Services' rural health initiatives. In between, Jim provided the Nation and the State of North Carolina with more than 30 years of distinguished leadership in a variety of health and social policy arenas, including rural health, health care finance, public health, social service delivery, medicaid, nonprofit management and health care system innovation.

After earning a bachelor of arts degree in political economy from John Hopkins University in 1964 and a masters of hospital administration from the University of Michigan in 1968, Jim

began his lifelong health care service as the director of Indian Health Services for Northern New Mexico. In 1970, he was awarded a 3-year fellowship in the U.S. Public Health Service, and relocated to North Carolina to concentrate his studies on rural health and fuel a passion that would serve as the basis for the next 35 years of his career.

In 1973, while still in his 20's, Jim became the director of the Nation's first Office of Rural Health, located in North Carolina. In that role—which he held for nearly 30 years—Jim spearheaded the development and implementation of a medical recruitment service designed to help rural and medically underserved communities recruit physicians and other health care providers. Since then, more than 2,500 physicians, nurse practitioners, physicians' assistants, dentists and other health care professionals have been recruited to North Carolina. He also directed the development of 83 community-owned health centers, and led the creation of Community Care of North Carolina, a care management program that today provides access to high-quality, cost-effective care to more than 643,000 North Carolinians. Those efforts—and countless others—have positioned the State's rural health function as a nationally recognized model of excellence.

Throughout his career, Jim served as a director, chairman or consultant to more than two dozen professional organizations, including: National Rural Health Association, where he was president from May 1994 to May 1995; National Advisory Committee on Rural Health—U.S. Public Health Service, Office of Rural Health Policy, 1994 to 1995; Institute of Medicine—Committee for Guidance in Designing a National Health Care Disparities Report, Washington, DC 2001 to 2005; Commissioner, Prospective Payment Assessment Commission, where he was selected by the U.S. Congress to advise the body on Medicare finance; 1990 to 1996; chairman, Advisory Panel to the Office of Technology Assessment's Study on Rural Health Care, U.S. Congress; 1988; Delegate, National Medical Tour to the People's Republic of China, 1978; Consultant, National Academy of Sciences/Institute of Medicine—Task Force on Study of Health Needs in Egypt, Cairo, Egypt; 1978. His extraordinary commitment to lifelong community service to these and dozens of other organizations garnered him the North Carolina Order of the Long Leaf Pine in 2005.

In 1982, upon the recommendation of a State legislative study commission, Jim helped establish the North Carolina Foundation for Advanced Health Programs, Inc, NCFAHP. From 1982 to 2005, he served as the foundation's president, helping it spearhead projects targeting the health care needs of low-income underserved communities. Under Jim's leadership, NCFAHP secured more than 40 grants totaling more than \$17 million, allowing it to