

The bill they sent the President today says one of two things: It says they are either determined to lose this war or they are convinced it is already lost. There is no other way to look at it.

Nothing good can come from this bill. It all but guarantees a delay in the delivery of supplies and equipment to the troops on the ground. It is loaded with pork that has no relation to our efforts in Iraq or Afghanistan. And it includes a deadline for evacuation that amounts to sending a "save the date" card to al-Qaida—a date that is not tied to circumstances on the ground, a date that is completely arbitrary—pulled out of thin air—a date the terrorists have already marked on their calendars.

This bill is the document of our defeat. That is why the President has said for weeks he would not sign it. Because it has no chance of becoming law, because the Democrats knew it never had a chance of becoming law, it is nothing more than a political statement—a political statement that says the Democrats have traded in the possibility of military victory for the promise of political victory here at home.

They have said as much. Earlier this week, one of the Democratic leaders said this about the emergency supplemental bill. He said:

It's not one battle. It's a long-term campaign.

So what is the aim of this long-term campaign? To pressure the President to retreat. The Democratic leadership is telling the President to retreat through a spending bill that is meant to deliver emergency equipment and supplies to our troops.

But I ask you: If the war is already lost, if it is already time to declare defeat, then why wait another year to do it? Why not simply vote against funding now? Would anyone disagree that it is wrong to ask American soldiers to stick it out for another year if you think the battle is already over? If Democrats want to end this war, they should vote against funding it. That would clearly end the war. But apparently that is not what is going to happen. They will wait another year. They will supply and equip our soldiers to fight a war they think we have already lost, and they will use the spending bill that funds that extra year of fighting as a vehicle for pork.

There is more than \$20 billion of spending in this bill that has nothing whatsoever to do with the war in Iraq or Afghanistan, and most of it simply should not be there.

The senior Senator from Nevada has said repeatedly that this spending bill is serious.

How serious is \$2.5 million for tours of the Capitol? Is \$3 million for sugar-cane serious? Is \$22.8 million for geothermal research or \$13 million for ewe replacement and retention? Is all of that serious?

This bill was intended to fund and equip American men and women who

have left their families to risk their lives overseas. But in some ways, it has become a bit of a joke. It has ballooned into a gravy train for Members. It absurdly broadcasts to our enemies a date certain for the withdrawal of U.S. troops from Iraq. And it is designed to draw a veto, risking that the very supplies it means to deliver would not even get there in time.

The American people are watching this charade. They have reason to be confused. They even have reasons to be angry.

I am pleased my colleagues voted against this bill to show it is right for the President to veto it and to show we will proudly sustain that veto. Then we can get about our real mission to fund the troops. Let's hope the President gets this bill as quickly as possible, so he can do with it what it deserves. No bill has deserved the veto pen more than this one.

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

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

GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. DURBIN. Madam President, with the beginning of this new Congress, Senator PATRICK LEAHY, chairman of the Judiciary Committee, honored my request to create a new subcommittee, entitled Human Rights and the Law. It is the first time in Senate history we have designated a subcommittee with that jurisdiction. Of course, the Foreign Relations Committee has responsibility for foreign policy, but what we are trying to focus on in this subcommittee I chair are laws that relate to fundamental human rights.

The subcommittee's first hearing, seven weeks ago, was on the law relating to genocide and the situation in Darfur. We had spectacular witnesses: Diane Orentlicher, an American University law school professor; Sigal Mandelker, a representative from the administration; Don Cheadle, the star in "Hotel Rwanda," who has become a strong advocate for ending the genocide in Darfur; Romeo Dallaire, a Senator in Canada, who in 1994 was the head of the U.N. Peacekeeping Force in Rwanda during the onset of the massacre. Their testimony was electrifying. It pointed not only to the experience in Rwanda but to what we face today in Darfur.

I still recall—and it bears repeating every time I come to the floor—that at the time of the Rwanda genocide, there were very few Senators paying attention.

One of my mentors and friends, Paul Simon, my predecessor, was the chair-

man of the Africa Subcommittee of the Foreign Relations Committee. He knew what was happening. He turned to his friend, Jim Jeffords, then a Republican from Vermont, and said: We have to do something. They called General Dallaire in Kigali, Rwanda, and asked: What can we do? The general said: If you would send me 5,000 armed soldiers, I can stop this massacre right now. So Senators Jeffords and Simon called the Clinton White House and asked for help. Sadly, there was no response.

Later on, President Clinton, after he finished his term in office, said it was the biggest mistake of his administration not to respond to the Rwandan genocide. It was a reminder to me that we do have the power as Senators and Congressmen, and many others, to make a difference, and we should never accept as inevitable things such as the genocide that occurred in this faraway country of Rwanda.

I was reminded of that during testimony just a few weeks ago. We talked about Darfur and the fact that 4 years ago, President Bush declared a genocide in Darfur. It is rare that the United States acknowledges a genocide. I applauded President Bush and his leadership for making this acknowledgment, but I have said to the President and on this floor many times: It is not enough to just declare a genocide. If innocent people are being killed, if they are being displaced from their homes and you have the power to do something about it, how can you stand by and do nothing? Sadly, that is what has happened for 4 straight years. We have done nothing—declaring a genocide and doing nothing.

I am reminded of a personal experience I had many years ago as a student at Georgetown University. I was in the School of Foreign Service and had as a professor Dr. Jan Karski from Poland. He was an inspiring man. He spoke with an accent. He came to his class with a suit and tie on every day, ramrod, military bearing, and told the story of his life in between lessons.

His story was that he was a member of the Polish underground fighting the Nazis in World War II. He saw Polish people swept out of the Warsaw ghetto, taken away. He finally realized that they were taken to concentration camps to be killed.

Determined to do something about it, Jan Karski found his way to Washington in the 1940s, even found his way to the office of President Franklin Roosevelt, and told him about the Holocaust, told him what was happening in the concentration camps.

Unfortunately, just as in Rwanda, the President at that time did nothing. Jan Karski returned to Poland crestfallen that he had finally alerted this great power, the United States of America, and nothing was going to be done.

I sat there as a student at the time and thought: How can that be? How can you hear that thousands of people are

being killed and do nothing? It happened then. It happened in Rwanda. It shouldn't happen again.

The purpose of the hearing on Darfur was to try to finally spark some action by this Congress and by this administration to do something. After 4 years of declaring a genocide, it is about time we rolled up our sleeves and did something. And there are things we can do.

Certainly, we can look at our own personal responsibility. Divestment means selling off or not buying investments in a country. In this case, the country of Sudan, with the capital of Khartoum, has a vibrant oil industry. Major companies in Sudan are owned by China, India, and Malaysia. Petro China is the Chinese oil company that is the largest oil company in the Sudan.

I have encouraged everyone, including the universities and colleges in Illinois, to divest themselves of any known holdings in companies doing business in Sudan. Maybe it is a small thing, maybe it is only symbolic, but for goodness' sake, shouldn't we do something on an individual and personal basis?

After I issued a press release, incidentally, calling for divestment, an enterprising reporter took a look at the mutual funds my wife and I own and said: One of your mutual funds owns stock in Petro China. I quickly sold it. It didn't change my net worth much, I can tell you, but it is a symbolic and personal thing. I am glad we did it. Others need to do it as well. Pension funds, governments, major companies—if they divest themselves of these Sudanese investments, maybe those companies will get the message that there is something wrong with Sudan and we shouldn't do business as usual with a country that won't allow peacekeeping forces to come in to save and help victims in Darfur.

There are other actions we can take as well. This subcommittee on human rights and law tried to focus on specific legislation we could enact. As a result of our hearing, 2 weeks ago we introduced the Genocide Accountability Act of 2007. S. 888, the Genocide Accountability Act, would close a legal loophole that prevents the U.S. Justice Department from prosecuting people in our country who have committed genocide. While genocide rages in Darfur, we have to make clear our commitment to hold accountable those who commit the ultimate crime.

The Genocide Accountability Act is the first legislation produced by the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law. S. 888 is a bipartisan bill introduced by myself, as chairman of the subcommittee; Senator TOM COBURN, the ranking Republican member on this same subcommittee; Senator PAT LEAHY, chairman of the Judiciary Committee; and Senator JOHN CORNYN, a Republican from Texas.

The Genocide Accountability Act has been endorsed by numerous organiza-

tions, and I thank them for their support and encouragement. They include Africa Action, the American Jewish World Service, Amnesty International USA, the Armenian Assembly of America, the Armenian National Committee of America, the Genocide Intervention Network, Human Rights First, Human Rights Watch, Physicians for Human Rights, Refugees International, and the Save Darfur Coalition.

Why is it necessary to change the law? Because under current law, genocide is only a crime in the eyes of America if it is committed within the United States or by a U.S. national outside the United States.

In contrast, the laws on torture, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non-U.S. nationals.

This loophole in the law has real-life consequences. The Justice Department has identified individuals who participated in the Rwandan and Bosnian genocides and who live in the United States under false pretenses. Under current law, these individuals cannot be arrested or prosecuted because they are not U.S. nationals and the genocides in which they were involved didn't take place in the United States.

Now let's go to the Sudan and Darfur. Salah Abdallah Gosh, the head of security in the Sudanese Government, has reportedly played a key role in that nation's genocidal campaign in Darfur. Just 2 years ago, Mr. Gosh came to Washington to meet with senior administration officials. Under current law, the FBI could not even interview him about his involvement in the Darfur genocide, much less charge him with a crime.

The Genocide Accountability Act changes that. It would close this loophole. It amends 18 U.S.C. 1091, the Genocide Convention Implementation Act, to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the United States.

The United States should have this authority and ability to prosecute genocidaires who find safe haven or at least seek safe haven in this country. The Genocide Accountability Act would end this impunity gap in genocide law.

What we are saying to those around the world who are engaged in uncivilized and barbaric conduct is do not even consider coming to the United States as your retirement home. It is never going to be a safe haven. There is no place for you to hide.

The Genocide Accountability Act gives our Government the power to stop those who seek to do that.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 89, S. 888.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 888) to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am glad that today the Senate is considering the Genocide Accountability Act, which closes a loophole in current law which has until now allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. This bill is the first legislation resulting from the work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I thank Subcommittee Chairman DURBIN for introducing the bill, and I was pleased to join him, along with subcommittee Ranking Member COBURN and Senators FEINGOLD, CORNYN, and KENNEDY in cosponsoring the bill. I have long called for greater U.S. involvement in resolving the crisis in Darfur and worked for greater accountability for those who commit war crimes. This bill is an important next step in working to do all we can to combat genocide throughout the world.

Too often, we in this country, the richest and most powerful Nation on Earth, have done too little to stop human rights atrocities in Sudan and elsewhere around the world. Many more lives could have been saved if we and other nations had shown stronger leadership. During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib and Guantanamo have tarnished that role and that tradition. The secret prisons that the President confirmed last year and this administration's role in sending people to other countries where they would be tortured have led to condemnation by our allies, to legal challenges, and to criminal charges.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, which is helping us to better fulfill our role in a challenging global environment. This subcommittee will continue to closely examine some of the important and difficult legal issues that have increasingly been a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years.

The Genocide Accountability Act is a perfect example of the bipartisan, consensus legislation that this subcommittee was created to produce. The bill allows for prosecution of those found in the United States who have participated in horrific acts against humanity in places such as Bosnia, Rwanda, and Darfur, and gives Federal prosecutors the tools they need to bring these people to justice. This bill

would amend 18 U.S.C. 1091, the Genocide Convention Implementation Act—the Proxmire Act—to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the country. In the past, Federal investigators have identified perpetrators of genocide, including the Rwandan and Bosnian genocides, who have come to the United States under false pretenses and have found safe haven here. Unfortunately, the Justice Department has not been able to prosecute these individuals because the Proxmire Act only criminalizes genocide committed by U.S. nationals or in the United States.

The Genocide Accountability Act would close this loophole, allowing Federal prosecutors to prosecute those who have committed or incited genocide who are in our country. This change would make the genocide statute conform with numerous existing Federal crimes that allow for similar extraterritorial jurisdiction if the offender is found in the United States, including torture, piracy, material support to terrorists, terrorism financing, and hostage taking.

I commend Senators DURBIN and COBURN for holding a hearing on this important issue and for their diligent work to ensure that that this loophole in our law is closed. I urge my colleagues to support this legislation to ensure that the United States takes this significant step in combating genocide worldwide.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 888) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Genocide Accountability Act of 2007”.

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

“(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

“(1) the offense is committed in whole or in part within the United States;

“(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

“(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

“(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

“(5) after the conduct required for the offense occurs, the alleged offender is brought

into, or found in, the United States, even if that conduct occurred outside the United States.”.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CATASTROPHIC DISASTER RECOVERY FAIRNESS ACT OF 2007

Ms. LANDRIEU. Mr. President, I intend, in a few minutes, to call up a bill for passage, and I think I will be joined on the floor by Senator REID at the appropriate time. The bill I am going to speak about in a minute is the Catastrophic Disaster Recovery Fairness Act of 2007, which I am proud to co-sponsor with Senator LOTT and others. We have been working on trying to get this bill cleared, and I will come back to that in a moment, but before I call this bill up for final passage, I would like to speak for a moment about the emergency supplemental bill that we passed.

The Congress must—and usually does—and is required to take care of emergency issues. These are situations that, by the nature of emergencies, we cannot plan for. The war we are prosecuting and trying to win has extended well beyond the boundaries that many of us believed initially, so there are new costs associated with that war. There have been emergencies right here in the country that have taken place that could never have been predicted or anticipated.

We are still recovering, as you know, from two of those very terrible storms, two of the worst to ever hit the United States of America, Hurricanes Katrina and Rita. The aftermath of those storms was the multiple failure of a levee system that has protected this great community for over 300 years. It is not just any city or any region, it is a very special historic city and region, the city of New Orleans. It is also of great economic significance for the Nation.

We could not necessarily predict this in our regular budgets, and so it is appropriate that we provide emergency funding for emergencies, and that is what the supplemental is. It isn't a war spending bill, it is an emergency bill. There are things associated with the ongoing war in Iraq and Afghanistan that are emergencies, but there are things happening in the United States also that are emergencies.

For Senators to come to this floor and argue over the last 2 weeks that there are no emergencies in the United States that we need to take care of and that all we need to do is to focus on the war in Iraq, I would ask them to go home and talk to their constituents be-

cause that is not what my constituents are saying. Republicans and Democrats. I don't think that is what anyone is saying, any constituent in anybody's State. I think they are saying, whatever their feelings are about the war and how we should prosecute it, there are most certainly emergencies right here in the United States that need to be dealt with.

I am proud that many of us on the Democratic side, as well as some of our Republican friends, decided to put some money in this emergency supplemental bill to take care of real American emergencies right here on the home soil—right here in America. One of those emergencies is the ongoing attempts to rebuild the gulf coast, primarily in Louisiana and Mississippi, but we also have friends in the southern part of Texas who are still hurting and also in the southern part of Alabama and through some parts of Florida. So I like to always say we are fighting hard for the gulf coast and trying to rebuild the gulf coast.

This Congress has been generous, has been innovative, and has been trying to think outside of the box to respond to an unprecedented disaster. Again, the scope of this disaster is beyond anything we have attempted. You know the long and sorry record: When we went to call on FEMA, it showed up but it was weak, anemic, underled, and underresourced. When we called on the Red Cross, as respectable as that organization and that name is, and they have done remarkable work, they too were overwhelmed. This is a job that was beyond the ability of the tools that we normally have to rebuild, and so we have been scrambling as a Congress to redesign tools. Some we have done a good job on and some we haven't.

There is a lot of redtape we unwittingly created, and not with any ill intent, but that has been the consequences of many of the things we have passed. And so people are caught up in a lot of bureaucracy and a lot of redtape. There has been a lot of money thrown at them, which is very frustrating because they hear about it, they think they are going to get it, but they can't feel it because the bureaucracy has it basically tied up.

So part of what we have done in this supplemental, which is very good, is we have removed some of the redtape and added some additional funding where we thought we were short, so that the hundreds of thousands of people on the gulf coast who have lost their homes, who have lost their businesses, who have seen everything they have worked for, some for 50 years or 60 years, literally washed away by floodwaters or collapsed levees, they could have a chance to rebuild.

I feel very strongly about this. I have been very generous as an appropriator with help to foreign countries. I have helped send money to Afghanistan, to countries in Africa, and to South America. I was one of the first Senators on the ground when Hurricane