

Mr. BIDEN. Mr. President, I am pleased that the Senate is considering H.R. 5834, a bill to reauthorize the North Korea Human Rights Act. The act underscores U.S. concern about the poor human rights conditions inside North Korea and the difficulties faced by thousands of North Koreans who have fled the country and become refugees. I support this bill because I believe our Government's approach to North Korean human rights and refugee issues must be seamlessly integrated into a coherent strategy that promotes regional peace and stability, advances core U.S. national security interests by verifiably eliminating North Korea's pursuit of nuclear weapons, and step by step encourages North Korea to adhere to international norms in the areas of human rights, security, and trade.

It is essential that the United States reach out and begin a dialogue with North Korea on issues related to basic human rights. Four years ago, I was proud to work with my colleague, Senator BROWNBACK of Kansas, on an amendment to the North Korean Human Rights Act that created within the Department of State a Special Envoy for Human Rights in North Korea. In reauthorizing the act, the Congress expresses its intent that the envoy should be a full-time employee, and Congress elevates the post to the rank of ambassador, subject to the advice and consent of the Senate. The incumbent special envoy has pursued his duties part-time while residing outside of Washington, making coordination with the Department more difficult and limiting the overall effectiveness of his diplomatic efforts. By expressing the sense of the Congress that the new ambassador should be a full-time position, the Congress does not preclude the possibility that the President may find it desirable to nominate as ambassador an individual who already has other duties closely related to those to be pursued by the Ambassador for North Korean Human Rights Issues. Indeed, such dual assignments are not uncommon within the State Department.

The bill acknowledges that the new Ambassador for North Korean Human Rights Issues should be able to participate in policy planning and implementation with respect to refugee issues, particularly given the fact that returning refugees are among those most likely to be persecuted by North Korean authorities. But it is my expectation that the State Department's Bureau of Population, Refugees, and Migration (PRM) will continue to play the leading role on North Korean refugee issues, engaging with China and other nations to ensure humane treatment in accordance with international norms. PRM has the staffing, expertise, congressional authorization, and experience needed to spearhead U.S. efforts in this area, and they should continue to do so.

The new Ambassador for North Korean Human Rights Issues will have to

approach the job with quiet determination and considerable patience. Discussing human rights issues with North Korean authorities will not be easy, and the new ambassador will need to have both excellent diplomatic skills and a deep understanding of East Asia and the particular circumstances on the Korean Peninsula. Change will not come easily, and is more likely to flow from dialogue and engagement than from bombast and condemnation.

There are many issues on the table, ranging from family reunification visits for the thousands of Korean-Americans with relatives in the north, to ending the persecution of people of faith inside North Korea. Other humanitarian issues may also enter the mix, including food security and public health. It is my hope that the new ambassador will work with our treaty ally, South Korea, and with other countries neighboring North Korea to craft an approach to human rights issues that can, step by step, see an improvement in the lives of average North Koreans and compassionate care for those who have fled the country. In this effort, the ambassador may find it useful to draw appropriate lessons from the Helsinki process in Europe, but ultimately the approach will have to be one that is specifically tailored to the North Korean situation.

As Congress passes this legislation, we must not lose sight of the fact that members of the Bush administration are toiling to convince North Korea to resume the disablement of its nuclear facilities and to agree to a verification mechanism for its nuclear declaration. These efforts are of vital importance. It is regrettable that progress has been derailed over a dispute about sanctions relief and the verification protocol. North Korea should understand that if Pyongyang honors its commitments, we stand ready to honor ours. On the basis of action-for-action, I hope the United States and North Korea, along with other members of the Six Party Talks, will work to accomplish the denuclearization of the Korean Peninsula and the full integration of North Korea into the community of nations. In exchange for the complete and verifiable elimination of its nuclear weapons programs, North Korea stands to receive energy assistance, sanctions relief, and security assurances from the United States and other members of the Six Party Talks. I look forward to the day when North Korea is truly at peace with its neighbors and enjoys normal relations with the United States. It is a future that is within North Korea's grasp if it abandons its pursuit of nuclear weapons.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 5632) was agreed to, as follows:

(Purpose: To make certain technical and clarifying amendments)

On page 3, beginning on line 4, strike the comma and all that follows to the end period and insert the following: "and has increased the bounty paid for turning in North Korean refugees".

On page 3, beginning on line 11, strike "including" and all that follows through "killings" on line 17.

On page 4, line 4, strike "On February", and insert the following: "Since the passage of the North Korean Human Rights Act, Congress has on several occasions expressed interest in the status of North Korean refugees, and on February".

On page 4, line 19, strike "at overseas posts".

On page 5, line 10, after "should", insert "continue to".

On page 6, line 3, strike "rights, humanitarian, and refugee issues," and insert the following: "rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues".

On page 7, line 20, strike "\$4,000,000" and insert "\$2,000,000".

On page 9, line 13, after "including", insert the following: ", in coordination with the Bureau of Population, Refugees, and Migration".

On page 9, line 21, strike "coordinate" and insert "participate in the formulation and".

On page 11, line 13, strike "paragraphs" and insert "paragraph".

On page 11, strike line 14 and all that follows through line 19.

On page 11, line 20, strike "(4)" and insert "(3)".

On page 12, lines 3 and 4, strike "may be provided in a classified format, if necessary" and insert the following: "shall be provided in unclassified form, with a classified annex, if necessary".

The amendment was ordered to be engrossed and the bill be read a third time.

The bill (H.R. 5834), as amended, was read the third time, and passed.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 677.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 677) to authorize testimony and legal representation in Ramsey, et al. v. Wilson, et al.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a civil action in Federal district court in the Southern District of Ohio. In this action under the Federal Tort Claims Act, in which the plaintiffs seek damages arising out of an accident involving a pickup truck, the United States has requested testimony from a former employee in Senator VOINOVICH's office who was traveling in his own car on official Senate business at the time of the accident. A trial in this case is scheduled

to commence on November 10, 2008. Senator VOINOVICH would like to co-operate. This resolution would authorize the Senator's former staffer to testify in connection with this action, and in related proceedings, with representation from the Senate Legal Counsel.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motions to reconsider be laid upon the table en bloc; that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 677) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 677

Whereas, in the case of Ramsey, et al. v. Wilson, et al., Case No. 06-82, pending in federal district court in the Southern District of Ohio, the United States has requested testimony from a former employee of the Office of Senator George Voinovich;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Anthony Condia is authorized to testify in the case of Ramsey, et al. v. Wilson, et al., and related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Anthony Condia in connection with the action referenced in section one of this resolution.

UNANIMOUS CONSENT AGREEMENT—S. 3507

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3507 and that it be referred to the Finance Committee.

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

MEASURE READ THE FIRST TIME—S. 3535

Mr. REID. Mr. President, I understand there is a bill at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3535) to amend the Internal Revenue Code of 1986 to index certain assets for purposes of determining gain or loss.

Mr. REID. I now ask for its second reading—I do that in order to place the bill on the calendar under the provisions of rule XIV—and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 894, S. 3297.

ORDERS FOR TUESDAY, SEPTEMBER 23, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., September 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate proceed to the consideration of H.R. 6049, the tax extenders legislation, under the previous order; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. REID. Mr. President, under the previous order the Chair has issued, the Senate will consider up to three amendments to the tax extenders legislation with limited debate on the amendments and on the bill. The first vote of the day is expected to occur prior to the caucus luncheons and the remaining votes to occur in the afternoon. This bill is one of the most important ones done by this Congress. It is so important that we get this bill done. I hope the House will accept this legislation very quickly.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 6:42 p.m., recessed until Tuesday, September 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3037:

To be lieutenant general

MAJ. GEN. SCOTT C. BLACK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARROLL F. POLLETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES H. PILLSBURY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DAVID N. BLACKORBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID E. GRAETZ
BERT S. KOZEN
BRUCE A. POSTMA
STEPHEN E. VAUGHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ORMAN W. BOYD
SCOTT R. CARSON
BRENT V. CAUSEY
RANDALL C. DOLINGER
THOMAS L. DUDLEY, JR.
THOMAS E. ENGLE
THOMAS G. EVANS
JOEL C. HARRIS
FRANKLIN L. JACKSON, JR.
YOUNG H. KIM
KARL O. KUCKHAHN, JR.
WILLIAM H. PHILLIPS, JR.
JIM L. PITTMAN
JONATHAN E. SHAW
D0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTOPHER C. CARLSON
JAMES R. COTTER
STEVEN E. DYESS
BRADFORD L. FIPPS
RALPH J. GORE, JR.
PHILLIP L. HUNTER
WYLLIE W. JOHNSON
DAVID B. KOCH
JEFFREY D. MCGRADY
ALVIN E. MILLER
BERNARD K. NISWANDER
JOHN C. PETTIT
DAVID A. POLLOK, JR.
MARK SACHS
OTTO C. SCHNARR, JR.
STEPHEN B. SHOW
HARRY W. TERMAAT
LARRY O. TONEY
KEVIN R. TURNER
JAMES G. WINTER, JR.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

BILL NELSON, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BOB CORKER, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.