The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Our Father, in whose patient hands the mighty seasons move with quiet beauty, we acknowledge today our great need for Your guidance. Lord, we are challenged by complexities that require more than human wisdom. We sometimes feel like children grasping in the darkness, lost without light.

Bless this Government of the people, for the people, and by the people. Guide its leaders to strive to possess that righteousness that exalts a nation and to inspire others to pursue truth. Enlighten the Members of this body with Your wisdom, lest the darkness of our times hide the paths of Your providence.

We commit this day to You, Lord, for You are able to do exceedingly, abundantly above all that we can ask or imagine, according to Your power, working in and through each of us. We pray this prayer in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Ted Stevens led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The President pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS
The President pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the majority leader or his designee and the second 30 minutes under the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER
The President pro tempore. The majority leader is recognized.

SCHEDULE
Mr. Frist. Mr. President, today we will have a period for morning business for up to 60 minutes. Following that hour for debate, we expect to begin consideration of the State Department authorization bill. We have not yet locked in that agreement, but I am hopeful we will be able to reach a consent agreement shortly. Chairman Lugar is ready to proceed with the bill. We hope to make substantial progress during today's session.

Under the order last night, we have scheduled a vote for 4:45 p.m. today on the adoption of a resolution relating to Pope John Paul II. I anticipate we will have additional votes today on amendments to the State Department bill.

Also this evening, once we complete our business for the day on the State Department legislation, we will have a 70-minute period for debate on the issue of Social Security. I encourage all Members to remain for this important question-and-answer period.

I also remind our colleagues that on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That address is scheduled for 11 a.m. Senators should be in the Senate Chamber at 10:30 so we may proceed to the Hall of the House of Representatives.

I yield the floor.

The President pro tempore. The Senator from Florida is recognized.

HONORING POPE JOHN PAUL II
Mr. Martinez. Mr. President, this morning, as the world has taken notice of the passing of Pope John Paul II, I rise to speak. I know the Senate today will be taking a resolution to speak to the issue of the Pope's passing.

As a person of the Roman Catholic faith myself, I thought it important and appropriate that this morning I take a few moments to speak to the greatness of this man and the contributions he made not only to enriching the faith life of those of us who practice the Roman Catholic faith, but to the people of the world as a great statesman and moral leader.

Pope John Paul was one of the remarkable people of our times. His papacy lasted 26 years, which is the third longest in the over 2,000-year history of our church. But it was during tumultuous and difficult times. Pope John Paul was prepared for this papacy, prepared for this mantle of leadership through tremendous hardships in his life. As a young person, he lost his mother very early in life, only to be followed by the very dramatic loss of his only brother, and only a very few years later the loss of his beloved father. So at a very young age, as a very young man, Pope John Paul was left alone in the world without any close family. He developed a long and strong network of friendships that he maintained all through his life, and even through the days of his papacy.

In addition, the Pope's youth was tempered by living under tyranny, by the fact that in his youth he had to be subjected to the tyrannical occupation by Germany of his Polish homeland and the persecution of people such as himself—people of faith.

In addition, once that was over and he began to seek his vocational pursuit in the priesthood, he had to do so underground, because subsequent to the German occupation and the Nazi reign, and immediately thereafter, it was followed by the Communist takeover of Poland, Eastern Europe, as we...
all knew, became engulfed and con-
tained by what came to be known, in
the words of Sir Winston Churchill, as
the Iron Curtain, with Poland falling
behind the walls of that Iron Curtain,
where religion was suppressed, faith
was denied openly, and where he could not attend seminary
openly. He would have to do it in an
underground fashion.

The Pope’s preparation for his priest-
hood and his papacy was forged in the
difficult times that he faced not only
personally but also in his life as a cit-
izen of Poland. It then fell upon him to
be Pope at a time when the world was
undergoing change, and at a time when
the people of his beloved Poland were
energized as no other in history by his
papacy and his theme of “be not afraid.” His trip back to Poland in the early years of his papacy was punctuated by his remarkable reception by the people of Poland—people thirsty
for freedom, thirsty for an opportunity
to end the tyranny and the bustle of
Communism. So the papal visit was a tran-
scending moment in the history of Po-
land. As we now know, it was a tran-
scending moment in the history of our
world because it did signal the begin-
ing of the kind of religious oppression
the kind of religious oppression I
felt in my life that led me to seek free-
dom in Poland, where it also led to political
change, but it did have a strong pas-
torial theme, a message that the people
of Cuba welcomed with open arms. It
also inspired the archbishop in
Santiago, Cuba, the second largest city
in Cuba, to speak forcefully about op-
pression—the kind of religious oppres-
ion and continuation of oppres-
sion that led me to seek free-
dom in Poland, with the very
help of the same church the Pope
came to lead, the Catholic Church. His
fight against atheists and communism
over the years also led him to conduct
a program called Operation Peter Pan,
which took 14,000 young people from
Cuba to freedom in the United States.
It was during his visit to Cuba, so
my life began under the care of the
Catholic Church.

I understand fully the religious op-
pression the people of Cuba have suf-
f ered, which continues to this day but
which the Pope made a little better. He
gave them a window, an opening, a mo-
ment, for the first time in over 35
years. Christmas was celebrated in an-
ticipation of the papal visit. Unfortu-
nately, Cuba now has fallen back into a
more oppressive practice, and freedom
of religion is curtailed even more
today.

As we look at the Pope’s life, at this
moment in history, as we reflect on
this remarkable man, his remarkable
life, and the contributions he made, we
also must continue to understand there
is work still to be done. There are peo-
ple in the world who still are hungry
and suffer, and there are those who
still lack the religious freedoms to open
their faith, much as the Pope in his youth was curtailed.
People today in Cuba and other places
around the world still yearn for that
opportunity to freely worship and to do
what we do. As we began our pro-
ceedings this morning, the Chaplain of
the Senate offered a word of prayer.
I conclude by simply saying that we
have been touched in our lives by this
remarkable man, this life which has
shaped the world in which we live. It is
a life well lived. As he has come to the
end of his journey, I hope those of us
who share in his faith and in his ideals
of the respect of every human life and
every human being will continue to
carry on the wonderful legacy he left for
us.

The PRESIDENT pro tempore. The
Senator from Montana is recognized.

Mr. BURNS. Mr. President, today I
join in mourning the loss of Pope John
Paul II. In my lifetime, he was the first
Pope I can remember who could actu-
ally be put in the category of being an
evangelist.

No other Pope ever traveled as much
as this Pope did, and no man ever took
the Word to the different corners of the
world like this man did, and that is
why he is so revered around the world.

The remarks of Mr. Burns pertain-
ting to the introduction of S. 696 are
printed in today’s RECORD under
“Statements on Introduced Bills and
Joint Resolutions.”

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

The PRESIDING OFFICER (Mr. Mart-
inez). The clerk will call the roll.

The assistant legislative clerk pro-
cceeded to call the roll.

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

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

UNANIMOUS CONSENT
AGREEMENT—S. 600

Mr. BURNS. Mr. President, I ask
unanimous consent that following
this morning’s business today the Senate
begin consideration of S. 600, the State
department authorization bill.

The PRESIDING OFFICER. Is there
objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The
clerk will call the roll.

The assistant legislative clerk pro-
cceeded 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.

GOVERNMENT ACCOUNTABILITY

Mr. DORGAN. Mr. President, I rise
this morning to talk about three areas
of accountability as we begin dis-
cussing a range of things in the Senate
this week. One of those things is the
challenge we face this morning to
accountability as we begin dis-
cussing a range of things in the Senate
this week. One of those things is the
challenge we face this morning to
We know what we were told prior to the Iraq war. All of us went to briefings up in the room in the Capitol where we receive top secret briefings, and we heard all kinds of language there and in the popular press by people in this administration and others who said that this was our accountability, that they knew where the weapons of mass destruction were in Iraq; it was urgent; there were unmanned aerial vehicles to deliver weapons of mass destruction; this is a slam dunk.

Now, of course, not only from this report but from previous reports that this intelligence was gathered, for example, with respect to one of the issues, as our Secretary of State told the world in the United Nations presentation, concerning the prospect that the Iraqis were developing a mobile chemical weapons lab to produce weapons of mass destruction. Now we discover that information came from a source named “curve ball.” It was a single source of information. Some suspect that “curve ball” was a drunk, at least when he met with our intelligence folks. It says that he was suspected of having a hangover. We know that he was a fabricator.

So on the basis of a fabricator, a drunk, single source, we told the world through our Secretary of State that Iraq had mobile chemical weapons labs that threatened our country. The aluminum tubes are another story. I am not going to go through all the stories, but the question is, Where is the accountability? We get a 600-page report that tells us what we already know; that the intelligence with respect to Iraq was dead wrong. Where is the accountability? Where does the buck stop?

Mr. Tenet, who was the head of the CIA—and this 600-page report points certainly to him among others—was brought to the Oval Office, to the White House, on the occasion of thecio’s Freedom after he left the CIA. Where is the accountability? Is there accountability in this country for having gotten it not just wrong but, as the 600-page report says, dead wrong? Will this Congress require accountability? I think it is very important.

This 600-page report is half the story. The other part of the story is not only bad intelligence, but how was it used, and what was the purpose of using it? Go to the Woodward book, go to the O’Neill book—and a source gets some hint of the connection to this.

I think this Congress is owed additional answers. I think this report was far too narrow.

Second, I want to ask about accountability with respect to an independent investigation that is going on in this town. The Washington Post report was surprising to me because I was not aware of these facts. The Washington Post did a story that said one of the contractors, Mr. Cisneros, pleaded guilty, paid a $10,000 fine, and then following that he was later pardoned by President Clinton. By then, the independent counsel had spent $10.3 million on his investigation, and since that time he has spent $10 million-plus on the investigation.

Is there a screw loose someplace? What are they thinking about? There was an independent counsel appointed 10 years ago. This is not a legitimate kind of waste, fraud, and abuse that is being charged. It is shameful, and if the three-judge panel does not have the common sense to shut it down, I am going to offer an amendment to the supplemental to shut off the funding. Ten years later, $21 million, investigating the question of whether a Cabinet official pleaded guilty 4 years later, was pardoned a year after that. The independent counsel is still working? He is supposed to be supervised by this Senate.

I think waste is a disaster in the Federal Government. Talk about waste, this is shameful, and if the three-judge panel does not have the common sense to shut this down, then the Congress, I hope, will have the common sense to shut it down. I will offer an amendment during the supplemental that shuts off the money and does it now.

The third area of accountability is this: As chairman of the Policy Committee on our side, I have held a good number of hearings on the issue of contracting in Iraq with $450. They have been paid tens of millions of dollars now. Two of their employees, by the way, became the White House fundraisers and said: What we are seeing is making us sick, so we are going to tell somebody about it.

Here is what they said: These two people who started this company and are contracting with the U.S. Government—it is called the Coalition Provisional Authority that we created in Iraq; it was us, we paid for it—were providing security at an airport, and they were alleged by the employees to have taken forklift trucks off the airport property to a warehouse, repainted them blue, and then bringing them back to the airport and sell them to the U.S. taxpayers through the Coalition Provisional Authority. Again, in my hometown, they call that fraud.

We had a big picture that one of the other whistleblowers had taken who worked in Iraq, and he said: We told contractors in Iraq that when it was time to get paid, just bring a big bag of money because we are going to give you cash. That showed us one picture of the contractor I discussed, the one with respect to the forklift trucks. He showed one picture of $2 million wrapped in Saran Wrap in bundles sitting on a table and the contractor comes with a big bag and they get their $2 million and walk off.

This contractor, by the way, was also alleged to have created a subsidiary in the country of Lebanon for the purpose of buying and selling to and from itself so it could inflate prices and therefore further cheat the United States taxpayer.

It is unbelievable what we have learned about contracting in Iraq. One whistleblower came forward and said he worked for the buyer who was supposed to buy towels for U.S. soldiers. He said this is the towel I bought under orders from my superiors. The company wanted to pay almost double the price of the towel in order to have the company’s name embroidered on the towel that the soldiers used. This is waste.

When you think of what is happening, this Congress is skimming out tens of billions of dollars in pursuit of...
all of this and nobody is watching the store. You hear the stories about us paying for reconstruction of a building in Iraq—and we are doing it for thousands of buildings. We decide we are going to put an air conditioner in that building, so it is subcontracted to a company in Iraq. How do we know it is true?

We determine our soldiers is, I have never seen the kind of waste we see in the investigations of that committee. Senator Kennedy, who is still operating and has served in the Congress? I don't know whether I will offer it on the floor, but that was not all. We are going to stop anywhere. Nobody seems to be accountable for anything.

I intend to offer another amendment. I don't know whether I will offer it on the existing bill or on the supplemental, but I will offer it again, setting up a Truman committee of sorts. In 1941, at the start of the Second World War, Harry Truman, then a Democratic Senator when a Democrat was in the White House, traveled around this country and spoke with people about waste and how to stop it.

The buck doesn't seem to stop anywhere. Nobody seems to be accountable for anything.

I think the key issue here is accountability. There are whistleblowers all over who are disgusted with what they saw, working for contractors and supervising contractors in Iraq. I have only described a brief portion of what we learned in these hearings. My preference would be that the authorizing committees and the relevant committees that should be assuming oversight of this would hold aggressive hearings, but they don't and they probably won't, and as a result we will continue to do this.

I am intending to offer an amendment to create a Truman-type committee here in the Congress, as we did some decades ago, to take a hard look at what is happening through that kind of committee, an investigative committee that would include Republicans and Democrats, all of whom I hope would be committed and dedicated to the task of deciding that waste, fraud, and abuse is not something that should happen on any of our watches here in the Congress.

Again, I think the key issue here is accountability. There seems to be no one preventing it in any direction. I hope in all of these areas we can begin to decide there is accountability, at least here in the Congress.

I yield the floor and make a point of order a quorum is not present.

The PRESIDENT OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HONORING JOHN PAUL II

Mr. SALAZAR. Mr. President, I rise this morning, just having returned from Washington from Colorado, to share a few comments about the Holy Father, Pope John Paul II.

My family's faith tradition—like yours, Mr. President—since time immemorial has been Roman Catholic. In Pope John Paul II, we witnessed a great spiritual leader, a conscience and a statesman.

I, too, this morning, just having returned to Washington from Colorado, to share a few comments about the Holy Father, Pope John Paul II.

My family's faith tradition—like yours, Mr. President—since time immemorial has been Roman Catholic. In Pope John Paul II, we witnessed a great spiritual leader, a conscience and a statesman.

In the quarter-century since then, Pope John Paul II continued to surprise—and challenge—not only members of my church but, indeed, the entire world to recognize and celebrate the dignity of each and every person.

But that was not all "the Pilgrim Pope" revolutionized. Where previous pontiffs had often seemed distant from their flocks, Pope John Paul II traveled more than any other pontiff in the history of the Roman Catholic Church.

His first trip abroad as pontiff was to a region in crisis. Latin America, home of half the world's Roman Catholics, was ravaged not just by poverty and hunger but by violence and civil war that claimed tens of thousands of innocent lives.

His next trip was to his homeland—Poland, a land that was subjugated for decades, first by Nazism, then by communism. One journalist wrote that the pope's visit to Poland "helped bring about such profound, irreversible
changes that Poland then became a country which was clearly ceasing to be a communist country.”

John Paul also visited America during the first year of his Papacy, attracting huge crowds wherever he went. On June 27, 1979, he went to the State of Colorado. In 1993, he came to Denver, bringing a message of substance and hope to the young people of the world. I remember that visit fondly—and recall my father’s excitement after he reached over a fence to touch the Pope.

This Pope—rightly—so as a sort of patron saint for the Solidarity movement in Poland and a catalyst for the demise of communism in the Soviet Union and Eastern Europe. But that was only part of this pope’s message. He has also warned repeatedly about the shortcomings of capitalism. He reminded us all that we have an obligation to help the poor and the oppressed.

In 1986, he traveled to Cuba, strengthening a Church that is doing more and more to help that country’s forgotten, and breathing life into an opposition movement that surprised the world—and that country’s backward regime—with a grassroots call for reform.

In 1999, he again visited the US, reminding us of our duty to not forget the poor and oppressed and continuing his special outreach to America’s young people and challenging them to fight for a better America and a better world.

And in 2000, a visibly frail Pope visited the Holy Land to mark the Millennium and in an attempt to bring Jews, Christians and Muslims together. Both Jews and Muslims and Christians welcomed him—and recognized and celebrated his visit—and applauded of optimism his words and hope.

His efforts to heal the rift between the Vatican and Jews had to be colored by his own experience with the brutality of anti-Semitism that he had witnessed. In September 1939, he saw his university in Krakow shut down and eventually saw several of his friends and classmates sent to Auschwitz after the Nazis invaded Poland.

His efforts at healing historical rifts continued, evidenced by meetings with the Archbishop of Canterbury, the highest ranking official in the Episcopal Church. Many wished he could have done more on these hurtful rifts, but no one doubted that he began to confront these challenges like no Pope has ever done in the history of our Church.

For these nearly 27 years, the Pilgrim Pope John Paul II—an accomplished poet, an intellectual and a mystic in that fine Catholic tradition—was hailed as a visionary and attacked as a relic. Within the Church itself—as in the societies of countries he visited—he was criticized by critics on both the left and the right. That is because in the Church and on each of his many trips, he brought not only comfort and hope—for peace in Latin America, freedom in Eastern Europe, reconciliation in the Middle East, and improvement in America—but he also brought discomfort and challenges for all of us to do better.

In 2003, the Vatican had this to say about the role of the Church in public life:

The Church does not wish to exercise political power or to eliminate the freedom of opinion of Catholics regarding contingent questions.

Instead, it intends—as is its proper function—to instruct and illuminate the conscience of all, especially those particularly close involved in political life, so that their actions may always serve the integral promotion of the human person and the common good.

None of us lived up to the challenges and prescriptions the Pope mapped out in 27 years in a perfect way. We could not because Pope John Paul II challenged all of us to do more, to be better.

Physically, the frail, stooped Pope we saw in the last weeks bore little resemblance to the athletic 58-year-old who ascended the throne of Peter nearly 27 years ago. But inwardly, he remained deeply consistent—challenging us to uphold the dignity of each and every person and illuminated and instructed, as well as challenged and surprised the entire world.

We will miss Pope John Paul II, but his vibrant legacy lives on in each of us and in the lessons and challenges he placed before us.

I thank the President and yield the floor.

Mr. DURBIN. Mr. President, Zbigniew Brzezinski, the Polish-born national security advisor to President Jimmy Carter, tells a story about how the news of Cardinal Karol Wojtyla’s election as Pope was received by the communist rulers of Poland.

On that day in October 1978, Mr. Brzezinski said, a group of communist writers and party leaders were meeting in Krakow. A police colonel was speaking, complaining about the opposition of the church, when a woman ran into the room and said, “Wojtyla has been elected Pope!”

The second secretary of the party, not realizing his microphone was still on, turned to the first secretary and said, “My God, my God, now we will have to kiss his”—and he did not say “ring.”

The first party secretary, understanding the enormity of the moment, replied, “Only if he lets us.”

In neighboring Czechoslovakia, a dissident playwright was with friends when news of the new Polish Pope came. Vaclav Havel, who would go on to become the first elected president of the Czech Republic, said he and his friends literally danced with joy when they heard the news. “We felt,” he said, “that he was a great and charismatic successor who would open the door to an unprecedented renaissance in Christianity and through it, to human spirituality in general, and who will fundamentally influence the future destiny and political order of the world.”

More than 26 years later, those stories seem prophetic. Karol Wojtyla, Pope John Paul II, did indeed change the world. He is being mourned not only in his beloved Poland, and not only by Catholics, but by people throughout the world: Christians, Jews, Muslims, Hindus, Buddhists, people from every faith tradition, and many with no religious connections.

Last Friday, when it was clear the Pope was dying, a man in Havana, a self-described communist, told an Associated Press reporter, “I don’t believe in God. But if there is a God, let him send us a Pope as good as this one.”

In Istanbul, Turkey, the brother of the man who nearly killed the Pope said his brother is grieving. “He loved the Pope,” his brother said.

In this country where this Pope’s death has left many with an aching sadness is the Five Holy Martyrs Church on the southwest side of Chicago, the historic heart of Chicago’s large Polish community. More Poles live in Chicago, IL, than any other city in the world, other than Warsaw.

In October 1979, when Pope John Paul II made his first visit to America as Pope, he said Mass at the Five Holy Martyrs Church, where the Eucharist is celebrated on an altar in the church parking lot, surrounded by more than 17,000 people.

Today, the altar still stands in the parking lot; it is used once a year for a special commemorative Mass. A portion of 43rd Street near the Five Holy Martyrs Church has been renamed in the Pope’s honor. And many who saw him still recall it as one of the greatest days of their lives.

Think of this: half the people in the world today were not even born when Karol Wojtyla became Pope John Paul II. Most people under 40 have no memory of any other Pope, and remember John Paul only as an elderly and frail man.

Those of us who are a little older, though, remember just as clearly what a strong, athletic man he was before age and Parkinson’s disease began to take their toll. “God’s athlete,” some called him, and he showed in his life how much strength and courage he had.

He was a traditionalist and a revolutionary, an elder of Poland, and a citizen of the world. He was a mystic and a man of prayer, but he was also a man of action and seemingly inexhaustible energy. Reporters decades younger who accompanied him in his travels even in recent years, said they returned home exhausted. But John Paul never stopped. He was more than a spiritual leader; he was a major player on the world diplomatic stage. He was an ideological statesman in Polish, one who could even in recent years, said they returned home exhausted. But John Paul never stopped. He was more than a spiritual leader; he was a major player on the world diplomatic stage. He was an ideological statesman in Polish, one who could even
the distance from the Earth to the Moon.

He spoke more languages than many people can name. In 1993, he visited Lithuania, Latvia and Estonia—his first trip as Pope to the former Soviet Union. For the first time, he spoke his 14th language, Lithuanian, which I am sure my Lithuanian-born mother was very happy to hear.

Everywhere, his message was the same. As he told his fellow Poles on his first visit home as Pope in 1979: “Be not afraid.” There is more to this life than what you can see here and now. “The moral arc of the universe is long,” as another great moral leader told us, “but it bends toward justice.”

He sided always with the oppressed, the marginalized, the voiceless, the victims of war and injustice.

He was fearless and unblinking in the face of leaders of governments that suppressed human rights and crushed human hopes. He defined the Nazis who occupied Poland when he was a young man, and the communists who followed them. He showed real strength that all of us need.

His role in ending communism in Poland and bringing about the end of the Soviet empire is well documented and rightly praised. He also helped to bring an end to apartheid by refusing to visit South Africa until that repugnant form of government was abolished.

Peace, non-violence, the sanctity of life, the dignity of work, the realization that we are all part of one human family, that every person on earth shares “a common dignity and a common destiny,” the belief that those who have much owe those who have less true justice, not mere charity—these are the lessons John Paul preached.

He taught us about reconciliation. He apologized for the Church for the Crusades, the Inquisition and the persecution of the Jews.

He showed us how to ask for forgiveness on his first trip home to Poland, when he visited the Nazi death camp at Auschwitz and knelt in prayer before a cell?

What other kind of man could have led so well?

Mr. SCHUMER. Mr. President, I rise to pay tribute to the Holy Father.

Pope John Paul II was an extraordinary ambassador for the betterment of humankind in every corner of the globe. His humanity shone through every day for two and a half decades of his papacy and his impact on the world will be everlasting.

He was a moral leader in so many of the great battles of our time. He fought Communism without violence, and he was dogged in his battles against war, injustice, and intolerance wherever he found them. He viewed the world in clear terms of good and evil, but he never once descended to demagoguery. He was a man who at once understood both the frailty and potential of the human spirit.

What other kind of man could have forgiven his war and prayed with him in his jail cell?

His capacity for belief in the betterment of man moved the world.

What other kind of man could overcome centuries of mistrust and conflict to establish diplomatic ties between the Vatican and the State of Israel. That was truly a bold and historic move.

As a New Yorker, I also must offer to say a special thanks to the Pope from the residents of our State and city. I yield the floor.

Mr. GRAHAM. Mr. President, I add my voice to the millions of people throughout the world as we try to put in perspective the passing of Pope John Paul II.

As has been said many times in many ways, probably more than anything what struck me the most about the Holy Father was his ability to understand what could be when other people only saw what couldn’t be. He understood our common human capacity for the creative and expansive system. He lived under Nazi rule, and as he had the power to bring about change, he used that power for the
good. He went back to his home country of Poland and challenged his people to expect better and to demand better. That is what he did for the world.

He tried to challenge his church, to stick to the principles of the church as he saw those principles to be. He challenged them to do better when it came to the less fortunate. He was consistent. He saw war as a bad thing. He understood that life was sacred and that the state should not take life. He was in opposition to the death penalty. They would disagree, an honest disagreement.

But he had a consistency about him. When we try to put his beliefs in secular terms of being liberal or conservative, we totally miss the mark of understanding the Pope. He understood the past, he changed the present, and the future will be better because of his time on earth.

His passing has left a void in a great religion. The Catholic faith has lost a great leader because the world has lost a great voice for humanity, for decency, for love, for caring, and that voice will echo throughout the ages. As the Catholic Church embarks on picking a new Pope, I can understand the legacy that he fulfilled.

The great religion called the Catholic faith is in mourning for the loss of a great leader, but all of us are in mourning for the loss of a great leader. Anyone who loves freedom, anyone who believes that there is a right and wrong when it comes to certain issues, has lost a great guidepost. I believe his legacy will be in challenging the status quo for the common good, seeing pain and hearing the cries of the oppressed when other people only heard faint noises, and having the courage of his convictions. He said, Be not afraid, and that is a lesson for us all.

He has gone to his eternal home. He deserves all the accolades he has been given. The world is better for his time on earth.

I yield the floor.

Ms. MIKULSKI. Mr. President, also of the greatest generation is someone whom I rise to pay tribute to today and that is to Pope John Paul II. I was saddened at the passing of Pope John Paul II. The Holy Father was an inspiration to me as well as to millions around the world. His faith, his compassion, his eloquence, transcended religion and politics. We saw this in his Holiness because he stood for those who suffered, those who were oppressed, those who could not give voice through their own advocacy for human rights. He offered faith and hope and courage with his famous phrase, Be not afraid. He reached out to young people to give them a moral compass that they needed—that we all need to guide our lives.

Pope John Paul was the true people's Pope. God has revealed to over 150 countries. He didn't just speak from the pulpit; he reached out and touched people. He moved into the crowds, and he spoke the language of the people, often literally because he spoke so many languages. The Pope was the father of the church, but he was also a son of Poland, my own cultural heritage. I remember when I heard the news about the new Polish Pope, the first non-Italian in over 400 years. I lived in Warsaw then. I grew up near the Motławka, near St. Stanislaw's in Fells Point. We felt such pride and joy. The bells rang, the tugboats tooted. We closed the streets and had a fantastic party. We were so excited.

In Baltimore we even knew him before he became Pope. He came to visit us as the cardinal from Krakow. He visited Holy Rosary Church, again one of the Catholic churches serving large numbers in the Polish community. I was so pleased to be there that day for this young, vigorous, athletic man who came from Poland to speak to us, wanting to know about our own country, speaking to us in English also about our own hopes and aspirations. He said that when he was under Nazi fascism and lived under the boot of communism, he spoke to us about what it was like to live behind the Iron Curtain.

As you so well know, he came from the nations. I was so proud then to be part of the American delegation when he was Invested over 2 years later. And even then we could see the hint of things to come. There was a mass for hundreds of thousands of people speaking truth in the Pope's Holy illness gave his first blessing and spoke the Word to the people in many tongues. Before he came over to greet the diplomatic corps, he went over to a special section of children, and not just ordinary children but extraordinary children—the mentally retarded, those with birth defects, cerebral palsy. And the first touch of the Pope was to those children. I think it touched us all.

One of my best memories was taking my son to the White House when Jimmy Carter was President and Brzezinski was his National Security Adviser. I took my mother and father through the receiving line, and they had a chance to talk with him in both Polish and English. He turned and smiled with his wonderful humorous way and said: Don't forget to listen to your mother and father and to the Holy Father.

Twenty-five years later, I joined my colleagues and presented the Pope with our Congressional Medal, the highest honor we can bestow. The Pope doesn't usually accept awards, but he made an exception because we wanted to thank him for his stand for human rights and for peace and justice around the world. After the presentation and the blessing, he said to us: God bless you and God bless America.

The Pope visited this country seven different times, both as a bishop and as Pope. And during those times, he always spoke and emphasized our promise of the Gospels calling us to feed the hungry, care for the sick, and turn our spears into plowshares.

Mr. HATCH. Mr. President, when Pope John Paul II died over the weekend, the Catholic Church lost its spiritual shepherd. The world lost a giant of a man. As successor of St. Peter, he began his papacy by reminding the world to “Be not afraid.” The captive people of Eastern Europe and Latin America heard that message loud and clear. And as he prepared for his own death, he met his suffering with a fearlessness and hopefulness that was heard by us all, including millions of American Catholics, including many Utahns, and many of my colleagues in this body. Pope John Paul II's passing represents the loss of a profound spiritual leader. My prayers are with all of you and with the Pope, our colleague and friend.

For non-Catholics like myself, the Pope's death is a cause for mourning as well. His was an example of strength, commitment, and moral courage that we will all miss and that we will never forget. The Communist tyranny that the Pope ultimately triumphed over with his own strength and strength of faith and freedom, the Pope had. While it is true that the Pope possessed no military might, his
witness to hope, his faith that life would triumph over death, that the light would prevail over the darkness, was more powerful than any army.

As a result of his simple faith, this humble man from Krakow, Poland emerged from the Iron Curtain, and he became the first non-Italian Pope in nearly 500 years, and concluded his life as one of the towering figures of the Twentieth Century. I have no doubt that his example will guide us in the Twenty-first Century as well, and I understand why it is that so many Catholics are already referring to him as John Paul the Great.

My career as a public servant began shortly before John Paul II became Pope. I am fortunate to have spent time with him on two occasions over the years, and so it was no surprise to me to watch the world’s and this country’s admiration and love for him grow. I was struck by his joyful and his charitable spirit. Yet behind that peaceful demeanor, he recognized the totalitarian assaults on human dignity that stained much of the last century.

As a young man he was witness to the Nazi terror in his native Poland, and he went on to lead and encouraged the Solidarity movement. He understood that all persons are created in the image and likeness of God and that no matter how small, old or weak, no person is without significance. Yet behind that peaceful demeanor, he did not fail to see the totalizing threat that the divisions of his time posed to the dignity of all people contributed as much to the downfall of the horror of communism as anything we accomplished in Washington. A year after he assumed the papacy, John Paul II went to Poland and awakened a sleeping giant. Today, I hear that over a million thankful Poles are en route to Rome to pay their respects to their native son.

As the Pope grew older and he lost his youth’s vigor, his own suffering served as a powerful reminder of the need to nurture a culture of life. Catholics and non-Catholics alike have heard this call. As President Bush put it the other day, it remains the duty of the strong to protect the weak.

It only took about twenty-four hours before some commentators came out to declare the Pope’s legacy a mixed one. The Pope was too strident on certain issues, they say. He left certain groups unsatisfied. But I think that these criticisms really miss what this man was about. John Paul II reminded us of the meaning that our human lives can have. This truth is not something that you can focus group. The truth about the universe, about our duty to God and to our fellow man, is not something that you can triangulate.

Still, some fault the Pope for not being more like a politician. He was not accommodating enough. He should have compromised and found a middle ground. As elected officials, that is our charge. But as the spiritual head of the Catholic Church, the Pope’s duty was greater than what we work to accomplish. He was a witness to truth. His message was not always one that people on either side of the aisle wanted to hear, but the call to the faithful is not often an easy one to swallow. The Pope reminded us of the splendor of truth. I understood why some critics of the Pope is the knee-jerk aversion by some to the very idea that there are eternal truths. The Pope should be commended, not criticized, for reminding us of them.

The Pope was too strident on certain issues, and he did not accommodate enough. He should have been more like a politician. He was a man who felt lost, but he should not forget that our divisions are something to be overcome. The Pope spoke to what Abraham Lincoln called the better angels of our nature. He was not someone seeking political advantage or gain. He sought peace and unity, and his message was not always one that people do not accept. People in this country stood in the rain to attend papal masses in Boston and Miami, New Orleans and New York. Youth from around the world came to celebrate with him in Denver. Though this was a man with a universal message, I think that he had a certain American spirit as well. He was a kindred spirit. His faith in the future, and in the inherent dignity of man, made him at home with the American people, and it is appropriate that the nation was blessed with his visits on numerous occasions, will be flying its flags at half staff until his interment on Friday.

This weekend the Catholic Church lost one of its pillars. In a quarter of a century, Pope John Paul II watched over his flock. With his death this weekend, I am sure that there are some who feel lost, but they should not forget the Pope’s reminder: “Be not afraid.” When he reminded his native Poles of this, they changed the course of history. In his passing we should take heed as well. We will miss him, and we will mourn, but we have faith that he is now at peace and at one with his Lord.

Mrs. FEINSTEIN. Mr. President, on Saturday evening the world lost a voice for peace, justice, and human dignity.

Born in Poland in 1920, Pope John Paul II grew up in the aftermath of World War I. As a young man, he witnessed the injustice of the Nazi occupation of his country, lived amid the horrendous crimes of the Holocaust, and survived decades of repression behind the Iron Curtain.

Of those experiences, he developed a hopeful view of the world that defined his 26 years as the leader of the Roman Catholic Church, and he shared that vision with Catholics and non-Catholics worldwide.

As the first non-Italian Pope since 1523, Pope John Paul II was a truly groundbreaking figure. He redefined the papacy, coming out from behind the walls of the Vatican to travel to 129 countries and literally reach out to people wherever they went.

Through his travel—more than any other Pope—he helped rejuvenate and expand Catholicism to areas far beyond its roots.

During his 26 years as Pope, the Catholic Church grew from 750 million people to over 1 billion, with most of that growth coming from the third world.

For those in developing countries who struggled merely to survive, the Pope was a strong advocate for economic justice. And for those who lived under repression, he was a powerful voice for freedom.

His 1979 visit to his native Poland is viewed as the spark that ignited the labor movement which toppled communism in Poland and led to its demise throughout Eastern Europe a decade later.

As a Catholic, he was his powerful yet simple belief in the value of human life that brought him to challenge violence wherever he saw it.

He chastised the brutal Communist governments of Eastern Europe. He condemned the military junta that governed Brazil in the early 1980s. He condemned nuclear war while meeting with survivors of the Hiroshima bombing. He called for an end to the violence in Northern Ireland. And he appealed for human rights in Cuba.

The Pope consistently urged leaders and citizens alike to seek peace and respect human life. The Pope also sought to heal wounds.

He apologized for the errors of Catholics over the last 2,000 years and for injustices against Jews, women, indigenous peoples, immigrants, and the poor. He acknowledged the failure of many Catholics to help Jews during the Holocaust. And more recently, he condemned the sexual abuse of children by priests in the United States.

The Pope reached out to members of other faiths at a time of growing sectarian violence and religious strife.

He was the first Pope to pray in a synagogue, the first to visit Auschwitz, and the first to make an official papal visit to the Holy Land—John Paul II made great strides in improving relations between Catholics and Jews.

And just as he acknowledged the mistakes made by his Church and its members, he also demonstrated a willingness to forgive those who had done harm to him.

In December 1983, he met with the man who had attempted to assassinate him 2½ years earlier. During that meeting, the Pope forgave the man who had tried to kill him.

The Pope regularly visited the United States and met with five Presidents. He believed that the U.S. had a
special responsibility to the world calling on our Nation to be "for the world, an example of a genuinely free, democratic, just and humane society."

In recent years, even as his health deteriorated, he refused to give up. And in that act of perseverance, he showed us all how faith and willpower can overcome adversity.

Indeed, I cannot remember a Pope who has been more warmly received and beloved. I had the great honor to meet him at the Vatican in 1982 where I presented him with a cross sculpted from handgrips melted down after being turned into police when they were banned in San Francisco. He received my gift warmly, giving me a rosary in return.

The world has lost a strong voice for peace, justice, and human dignity. Pope John Paul II will be dearly missed.

Mr. CONRAD. Mr. President, I watched with great sadness this weekend as the world lost a remarkable leader and faithful servant. Pope John Paul II, born Karol Wojtyla, was the leader of the world's largest church and shepherd to more than a billion Catholics throughout the world. In my home State of North Dakota, more than 130,000 Catholics are mourning the Pope's death this week and praying for the repose of his soul. I join these faithful and millions of others in grieving for the Holy Father who spread a message of peace and charity during his 26-year-long pontificate.

Reflecting on the Pope's legacy, I will forever admire his bravery, both in answering God's call and in challenging corrupt governments for the sake of humanity. In his first mass at St. Peter's Basilica in 1978, Pope John Paul II called on Catholics throughout the world to "be not afraid.

The Pope spent his entire life living that call. Born on the eve of World War II, Pope John Paul knew the horrors of war; the Nazis forced him into labor when they invaded Poland in 1939. During this period, he found comfort in his Catholic faith and challenged the Nazis by attending illegal prayer meetings. These experiences hardened his conviction that war is "always a defeat for humanity."

He again answered the call to "be not afraid" when he challenged the Soviet Union and many of communism in his homeland, Poland. Both as Archbishop of Krakow and then as Pope, John Paul II provided religious strength to those fighting these regimes. He is credited with helping to topple communism in Poland, and his steadfastness in his death, the Pope recovered and continued his public works.

Two years after the shooting, he visited his attacker in jail and offered his forgiveness. Responding to this act of evil with compassion and grace, John Paul served as a witness to what humanity should strive to become.

The world has lost a great leader and the father of a religious family. John Paul II will be remembered as a teacher and defender of the faith he was called to serve. He will be honored as a diplomat and as a revolutionary in the fight against injustice and oppression. And he will provide us ongoing inspiration to respect human dignity and the worth of all humankind.

I am saddened by the loss of this just and holy man; however, I am joyful that he surely has passed to a more perfect place and is in communion with the God he served so faithfully. My thoughts and prayers are with the Catholic community and all those who mourn the death of Pope John Paul II.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, today, the Senate will be considering S. 600, the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007. The Foreign Relations Committee passed this bill on March 3 by a vote of 18-0. This is the third successive year that the Foreign Relations Committee has reported out a comprehensive Foreign Affairs Authorization bill by a unanimous vote. We are pleased to have this opportunity to bring it to the floor for the Senate's consideration. I want to especially thank the majority leader and the Democratic leader for their assistance and support in bringing this measure to the floor.

This legislation gives voice to Senate views on issues touching every continent—from the threat of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to an increased and focused effort to spur economic growth in the poorest countries. It authorizes the executive branch to take important actions on a wide range of issues. And, it authorizes appropriations for our diplomats, workers, and our Peace Corps volunteers, as well as the programs and policies that they manage on behalf of the United States.

These people are our civilian soldiers—they pursue a bold war on terrorism and a noble and far-sighted battle against disease, poverty, and humanitarian disasters. Most work in circumstances where the threat level is severe. American diplomats and aid workers have been the frequent targets of terrorism while serving overseas. But they understand the importance of representing the United States, and they go anyway.

At this time in our history we are experiencing a confluence of foreign policy crises that is unparalleled in the post-Cold War era. Our Nation has lived through the September 11 tragedy, and we have responded with a worldwide war against terrorism. We have fought wars in Iraq and Afghanistan, where we are likely to be engaged in security and reconstruction efforts for years to come. We have been confronted by nuclear proliferation problems in North Korea and Iran that threaten our national and regional stability. We are continuing efforts to safeguard Russia's massive stockpiles of chemical, biological, and nuclear weapons and to prevent proliferation throughout the world. We have experienced sudden and surprising openings in the Middle East peace process and spurred the advance of democracy in many countries. Emerging powers, including China, India, and Brazil, may soon reconfigure the world economically and politically in ways that we do not yet comprehend.

There is a tendency in the media and sometimes in this body to see diplomatic activities as the rival of military solutions to problems. We have to get beyond this simplistic view. We have to understand that our military and our diplomats are both instruments of U.S. national power that depend on one another. They both help shape the international environment and influence the attitudes of governments and peoples. They both gather information and provide expertise that is vital to the war on terrorism. And they both must be unsurpassed in their capabilities, if the United States is going to survive and prosper.

Americans rightly understand that U.S. military capabilities be unrivaled in the world. Should not our diplomatic strength meet the same test? If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapon, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.
from inadequate funding. The American public generally understands that the United States reduced military spending in the 1990s following the fall of the Soviet Union. Few are aware, however, that this peace dividend spending reduction scheme was a called even as the Pentagon was spending billions of dollars on new programs. In constant dollars, the foreign affairs budget was cut in six consecutive years from 1992 to 1998. This slide occurred even as the United States heavyadded costs of establishing new missions in the fifteen emergent states of the former Soviet Union. In constant dollars, the cumulative effect was a 26 percent decrease in our foreign affairs programs. As a percentage of GDP, this six-year slide represented a 36 percent cut in foreign affairs programs.

By the beginning of the new millennium, these cuts had taken their toll. The General Accounting Office reported that staffing shortfalls, lack of adequate skills, and a lack of adequate resources, curtailed our diplomatic programs. In 2001 the share of the U.S. budget devoted to the international affairs account stood at a paltry 1.18 percent—barely above post-World War II levels—and only about half of its share in the mid-1980s, during the Reagan administration.

Under President Bush, funding for the Foreign Affairs Account has increased substantially. The President has made a strong case for the need to get our foreign affairs programs going, but in many cases, they have had to do so without proper authorization. In some years, the Congress did pass a State Department authorization bill, but that bill only authorized about 35 percent of the Function 150 Account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

Passing a comprehensive Foreign Affairs authorization bill is good politics, as well as good policy. It is good politics because it underscores the leadership of this Senate at a time when our country is in peril. It is good politics because foreign assistance is an instrument of national power in the war on terrorism. It is good politics because it recognizes that our standard of living, the retirements of our parents, our children’s education, advances in our health care, and the security of Americans can be undermined by what happens overseas. It recognizes that American prosperity is far more likely to be sustained if we are successful in spreading democracy, stability, and free market principles.

I thank the members of my committee for their hard work during the authorization process. Members on both sides of the aisle devoted many hours and much thought to constructing a bipartisan compromise that reflects the President’s second year of funding request. For those reasons, I express my support for the amendments that seek to use MCC funds as an offset for other priorities.

This bill contains numerous policy initiatives, most notably the bipartisan Stabilization and Reconstruction Account, the Global Millennium Challenge Account, which was developed in the Foreign Relations Committee and included in last year’s bill. The bill before the Senate also includes a 10 percent increase in danger pay for State Department employees who serve in dangerous posts overseas, funding for refugee assistance, and provisions designed to improve protections for women, children, and other vulnerable populations in the context of war or disaster.

Since the mid-1980s, Congress has not fulfilled its responsibility to pass an Omnibus Foreign Assistance Act. Several discrete measures, such as the Millennium Challenge Account, the global AIDS bill, the Freedom Support Act, the Northern Ireland Freedom Act, and the Global Millennium Challenge Account, have been enacted. But in the absence of a comprehensive authorization, much of the responsibility for providing guidance for foreign assistance policy has fallen to the appropriators. Appropriators have kept our foreign assistance programs going, but in many cases, they have had to do so without proper authorization. In some years, the Congress did pass a State Department authorization bill, but that bill only authorized about 35 percent of the Function 150 Account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

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

AMENDMENT NO. 266

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment is as follows:

Pursuant to the resolution of the Senate, the amendment before the Senate on page 55 shall be dispensed with, and the amendment is declared in order.

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

The amendment is as follows:

(Purpose: To strike the amendment to the limitation on the United States share of assessments for UN Peacekeeping Operations)

On page 55, strike lines 3 through 11.

Mr. LUGAR. I rise to offer an amendment that strikes section 401, a section which establishes a permanent cap of
Mr. MCCAIN. Mr. President, as we all know, the recent Orange Revolution in Ukraine marked a huge victory for the advancement of democracy in the world. The people of Ukraine made clear that they would not stand idle as a corrupt regime sought to deny them their democratic rights. Now that the people of Ukraine have seized control of their destiny, the United States must stand ready to assist them as they do the hard work of consolidating democracy.

The purpose of the amendment is to repeal the so-called and well-known Jackson-Vanik amendment, for it to be terminated with respect to Ukraine. At his appearance yesterday with President Viktor Yushchenko, President Bush pledged to seek the termination of Jackson-Vanik. In a White House statement yesterday, both Governments stated that they support "immediately ending the application of Jackson-Vanik to Ukraine." We should all agree. This 31-year-old legislation is, with respect to Ukraine, now anachronistic and inappropriate. I am pleased to offer this amendment along with Senator DeWine. And I know there will be others.

Specifically, this amendment would authorize the President to terminate the application of Jackson-Vanik, which is title IV of the Trade Act of 1974, to Ukraine. Ukraine would then be eligible to receive permanent normal trade relations tariff status in its trade with the United States. Several Members in the Senate and House have also introduced legislation to terminate the Jackson-Vanik cris. All these bills in the Senate have been pending in the committee since the start of this session. I am hopeful that today the Senate will agree to adopt this amendment.

Beyond any benefits to our bilateral trading relationship, lifting Jackson-Vanik for Ukraine constitutes an important symbol of Ukraine's new democracy and its relationship with the United States. In February, along with three other Senators and six representatives, I went to Kiev, where we met with President Yushchenko, Prime Minister Tymoshenko, and students who led protests in Independence Square. I was struck by the great enthusiasm of our leaders, the new leaders that has taken hold in Ukraine, and I know we all wish the new leaders all the best as they begin the challenge of governing. I pledged to them that we would work toward the lifting of Jackson-Vanik on Ukraine, and today I am happy to move toward that end.

Tomorrow, President Yushchenko will address a joint session of Congress, an honor which we bestow on few foreign leaders. As we have the privilege of welcoming this true friend of democracy, I think it is better to terminate than today terminating the anachronistic and inappropriate Jackson-Vanik restrictions on Ukraine.

I note the presence of my most respected colleague, Senator Lugar, who has gained the respect and appreciation of all of us with his knowledge and expertise on issues of national security and foreign affairs and his chairmanship of the Foreign Relations Committee. I hope he would see his way as have a lot of support for this amendment, and I would obviously seek his support.

Mr. President, we who follow events in that part of the world were thrilled at the Orange Revolution. We saw a flawed election that was repudiated by the people of Ukraine in a peaceful manner. It was one of the remarkable events in that part of the world.

I remind my colleagues that Ukraine is a very pivotal and important country with its own rich and tragic history of bloodshed and sacrifice but also, when its geostategic location is considered, a very important part of the world. Dr. Henry Kissinger once wrote, quoted me as saying: "Russia with Jackson-Vanik is a Western power, without Ukraine is an Eastern power."

I fully agree with our President's stated commitment yesterday for repeal of Jackson-Vanik as far as Ukraine is concerned.

The Jackson-Vanik was a very incredibly important tool in asserting our support and advocacy for human rights in then-Iron-Curtain countries. I think it is
very clear that neither Senator Jackson nor Congressman Vanik envisioned this anachronistic provision to apply to a country that is now on the verge of a functioning democracy in a free and exuberant nation.

I am one of the authors of one of those bills, S. 632, which authorizes the extension of permanent normal trade relations treatment with Ukraine. As the Senator from Arizona has pointed out, unfortunately Ukraine is still subject to the provisions of the Jackson-Vanik Amendment of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. My bill, and I believe Senator McCain's bill, would repeal permanently the application of Jackson-Vanik. This bill has been mentioned by the distinguished Senator, that bill has been referred to the Finance Committee, which still has it under consideration.

But I would offer this argument. In the post-Cold-War era, Ukraine has demonstrated a commitment to meeting the requirements for the lifting of Jackson-Vanik and, in addition, has expressed a strong desire to abide by free market principles and good governance.

Last November 21, I served as President Bush's personal representative to the runoff election between Prime Minister Yanukovich and Viktor Yushchenko. During that visit, I promoted free and fair elections to a process that would strengthen worldwide respect for the legitimacy of the winning candidate. Unfortunately, that was not possible at that time. The Government of Ukraine allowed, or aided and abetted, wholesale fraud and abuse that changed the results of that November 21 election. It is clear that Prime Minister Yanukovich did not win that election.

In response, however, the people of Ukraine rallied in the streets and squares and demanded justice. After tremendous international pressure and mediation, Ukraine repeated the runoff election. It was held on December 26. A newly named Central Election Commission and a different set of election laws led to an improved process. International monitors concluded the process was generally free and fair. Viktor Yushchenko was inaugurated as President of Ukraine, and tomorrow he will address a joint session of our Congress.

Extraordinary events have occurred in Ukraine over the last several months since the December 26 election. A free press has revolted against Government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of its Government. It is in our interest to recognize and to protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction Act. Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program, the United States has assisted Ukraine in eliminating this deadly arsenal and joining the nonproliferation treaty as a non-nuclear state.

One of the areas where we can deepen United States-Ukraine relations is bilateral trade. Trade relations between the United States and Ukraine are currently governed by a Generalized trade agreement signed in 1992. There are other economic agreements in place seeking to further facilitate economic cooperation between the United States and Ukraine, including a bilateral investment treaty which went in force in 1996 and a taxation treaty signed in the year 2000. In addition, Ukraine commenced negotiations to become a member of the World Trade Organization in 1993, further demonstrating its commitment to adhere to the free market principles of fair trade.

In light of its adherence to freedom of immigration requirements, democratic principles, compliance with threat reduction, and several agreements on economic cooperation, the products of Ukraine should not be subject to the sanctions of Jackson-Vanik.

There are areas in which Ukraine needs to continue to improve. These include market access, protection of intellectual property, and reduction of tariffs. The United States must remain committed to assisting Ukraine in pursuing market economic reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic partnership can be made.

My colleagues on the Finance Committee have committed to joining me in supporting this important legislation. It is essential that the Finance Committee and the full Senate act promptly to bolster this burgeoning democracy to promote stability in this region. I am most hopeful that in the course of the day, we will take favorable action on the legislation the Finance Committee and the full Senate act promptly to bolster this burgeoning democracy to promote stability in this region.

For the moment, 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. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I rise for the point of giving information to all Senators about the legislation we have in front of us. As the Chair has observed, several minutes have passed with no activity. The Chair has attempted to notify all Senators who might be anticipating offering amendments or action on this bill. This will be an excellent opportunity to do so prior to the time the two party conference has been convened for that reason. We know that following lunch, there will be two important amendments offered, and we welcome those. I would like to proceed to
our debate and votes, with disposition of amendments that are now pending.

I simply mention, Mr. President, that I recognize, as does the Chair, many Senators are under some urgent requirements in terms of scheduling in this particular passage of the bill to conclude activity on this bill today and as early today as possible.

My understanding is a potential debate on the Social Security issue will ensue at some point this evening after we have concluded activities on the authorization bill. So we might make that more readily available and that time more certain. I mention this because for Senators who do have amendments, even if they are not completely formalized that they bring those to the floor so that staff on both sides of the aisle can work through those amendments to find an acceptable form. It would be at least our general view of a liberal policy of adopting amendments that enhance the authorization process and do no violence at least to the foreign policy objectives of the United States.

With that in mind, hopefully those listening to the debate will hear our plea, proceed with amendments, and help us with the activities. 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. DURBIN. 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. DURBIN. The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, I send to the desk a group of amendments to S. 600 that have the approval of the managers of the bill. The package has bipartisan support. I intend to ask they be agreed to by unanimous consent as soon as the ranking member has joined me in the Senate.

I have received word that the presence of the ranking member will not be required. Staff on both sides of the aisle have cleared these amendments; therefore, I ask they be agreed to on bloc by unanimous consent.

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

The amendments were agreed to, as follows:

(Purpose: To permit grants to be used for broadcasting outside the Middle East region)

On page 59, strike lines 16 through 25 and insert the following:

(a) Authority.—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

(b) Function.—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

(Purpose: To limit the compensation paid to employees of the Middle East Broadcasting Networks)

On page 60, between lines 20 and 21, insert the following:

(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation not exceeding $100,000 per annum.

(Purpose: To require payments from the Broadcasting Board of Governors for costs resulting from the creditable service of employees of the Middle East Broadcasting Networks)

On page 64, strike lines 3 through 6, and insert the following:

(4) Creditable Service.—

(A) In general.—Section 303(b)(11) of title 5, United States Code, is amended by inserting “the Middle East Broadcasting Networks;” after “the Asia Foundation;”.

(B) Other requirements.—With regard to creditable service in the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Trust Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph 4, computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

(Purpose: To extend the United States Advisory Commission on Public Diplomacy until 2008)

On page 118, between lines 4 and 5, insert the following new section:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Re structuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2005” and inserting “October 1, 2008”.

(Purpose: To provide an additional appropriation for the abbreviated overpayment of an annuity)

On page 47, line 13, strike “and”;

On page 47, between lines 15 and 16, insert the following:

(3) by striking “or allowances” and inserting “allowances, or annuities”.

(Purpose: To limit the availability of funds authorized for contributions for international peacekeeping activities)

On page 12, strike lines 11 through 13, and insert the following:

(2) Availability of funds.—

(A) Fiscal Year 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) Fiscal Year 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

(Purpose: To provide a short title)

On page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the “Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007”.

(Purpose: To require a determination to provide assistance for destruction of small arms and related ammunition)

On page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

ClAIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2361) is amended by adding at the end “Such assistance may also include assistance for demining activities, clearance of unexploded ordinance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, notwithstanding any other provision of law.”.

(Purpose: To require a determination to provide assistance for the safeguarding, removal, or elimination of conventional weapons and related ammunition)

On page 272, line 15, strike “weapons,” and insert “weapons and related ammunition when determined to be in the national security interest of the United States,”.

(Purpose: To waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member)

On page 74, between lines 2 and 3, insert the following new section:

SEC. 603. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking “or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave or such member or to attend a funeral or memorial service for such member” and inserting “or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member”.

Mr. LUGAR. I simply point out these are amendments that followed the consideration of the bill in the Committee on Foreign Relations and were suggested by the administration. They have been carefully considered over the course of several days, and there has been unanimous consent on the list that was agreed to.

I encourage Senators who have amendments, once again, to come to
the Senate to make their presence known so we can work with them. It would be our hope we could accept most of those amendments or work on modifications so they can be part of the legislation, as has been the case with the package we just agreed to. I suggest the absence of a quorum.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. Voinovich).

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. SHELBY. Mr. President, I rise today with a heavy heart to pay tribute to the passing of my good friend, our former colleague, Senator Howell Heflin.

Judge Heflin, as we often called him, was a stalwart in the Senate, devoted to improving my State of Alabama and the Nation with each decision he made and I believe every vote he cast.

When I first entered the Senate in 1987, Judge Heflin was the senior Senator from my State of Alabama. I considered him a good friend and colleague over the 18 years he served here. I always appreciated his humor and his solid values. I believe he will be remembered as one of Alabama's most respected politicians.

Judge Heflin was a strong voice for Alabama in the Senate. He served as chairman of the Senate Ethics Committee and as a member of the Senate Judiciary Committee. He worked to ensure that Alabama was indeed well represented in this body.

He was deeply devoted to his job, and whenever he spent dinners out that were meant to be time off as an opportunity to help his constituents who happened to be at the same restaurant.

Howell Heflin was born June 19, 1921, in Poulain, GA, to Reverend Marvin Rutledge Heflin and Louise Strudwick Heflin. He graduated from Colbert County High School in Leighton, AL, and Birmingham Southern College in Birmingham, AL.

Following his graduation from Birmingham Southern College in 1942, Judge Heflin enlisted in the U.S. Marine Corps. His military service during World War II took him to the Pacific Theater, where he was wounded twice and awarded the Silver Star for bravery. He was also awarded two Purple Hearts.

Upon his return from World War II, he attended the University of Alabama School of Law and was admitted to the Alabama State Bar in 1948. From 1948 to 1971, Judge Heflin was an attorney in Tuscumbia, AL.

He was elected as the chief justice of the Alabama Supreme Court in 1970. He was well known for his efforts to modernize Alabama and for his dedication to his State and country.

In 1997, he left public life and returned home to Tuscumbia, AL, to enjoy time with his family. Howell Thomas Heflin led a full life. Each chapter of his life—as a war hero, a jurist, and a public servant—was completed with great fervor and devotion. He did nothing halfway, and everyone who knew him recognized and appreciated his dedication.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, wish to speak in morning business. What a passing of a great generation. I, too, Senator Heflin, an outstanding Senator, a wonderful Senator from Alabama. When I came to the Senate in 1987, he was one of the men of the Senate who welcomed me with graciousness. He introduced me to hand-pulled barbecue from Alabama. He also introduced me to the Marshall Space Program. I had the opportunity to work with him in terms of creating jobs in Alabama and also creating opportunity through the Space Program.

He embodied the qualities of hard work, honesty, humility, and humor, and he left this earth with a great legacy. Senator Heflin died on March 29, 2005, last week. He is survived by his wife Elizabeth Heflin; a son, Howard Thomas Heflin Jr.; a daughter-in-law, Cornelia Hood Heflin; grandson Wilson Charmichael Heflin; and a granddaughter, Mary Catherine Heflin.

Senator Heflin was devoted to his family, his State, and his country. As a World War II hero, he put his love of country above all else. He made remarkable contributions to Alabama and the Nation as a whole. His warm-hearted personality will be remembered by all who knew him well. We will miss him. We will certainly miss him in the Senate.

I yield the floor.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

Mr. BIDEN. Mr. President, very shortly there will be a unanimous consent request on how to proceed on the Boxer amendment, which has not been introduced yet but will be spoken to shortly. I would like, with the permission of my friend from California, to withdraw the statement relative to the overall bill.

Mrs. BOXER. Would the Senator also then make the unanimous consent request for the 40/20 so I know that is in line.

Mr. BIDEN. Mr. President, I say to my friend, we are just clearing it with the leadership. We are working that out. I am sure we will be able to move the amendment immediately after my statement which I don't think will take more than a few minutes.

Mr. President, under the leadership of Chairman LUGAR, we tried very hard to move this bill in the last couple of years. I hope the third time is a charm. I believe the chairman has explained the bill and the authorizations for all the major foreign affairs agencies and programs at the Department of State, foreign assistance programs, the Broadcasting Board of Governors, and the Peace Corps.

The bill contains several initiatives I would like to briefly highlight.

I am glad the bill includes the Global Pathogen Surveillance Act, which we have been trying to enact over 3 years. In recent years, the SARS epidemic and the Asian flu pandemic have made us acutely aware of how vulnerable the world is to a rapid spread of infectious diseases. We face that same vulnerability for diseases that might be used as weapons of bioterrorism.

The Global Pathogen Surveillance Act will combat the bioterrorism threat by improving other countries' capabilities to detect and limit disease outbreaks and by improving international investigation of disease outbreaks because the world is an interconnected place—whether they are natural occurrences or man-made—have no respect for borders, we are only as safe as the weakest link in the chain is strong. This bill will go a long way to help other countries at an early stage detect the existence of these diseases, these potential biodszes that can be spread via what we call bioterrorism.

The majority leader, who cosponsored the original version of the act in the House, agreed again to act on this bill. He added a very useful provision to the act, which Chairman LUGAR and I have happily endorsed, calling for the executive branch to develop a real-time data collection and analysis capability to serve as a warning sign for a possible bioterrorism event. With the majority leader's support, I hope and believe this year we will finally enact this important measure.

I am also proud of the work the committee has done, with the chairman's leadership, to help the U.S. Government strengthen its capacity to handle postconflict reconstruction.
In the last decade, the United States has taken on stabilization missions in countries such as Bosnia, East Timor, Haiti, Somalia, Afghanistan, and Iraq. In the decade to come, whether we like it or not, nation-building and postconflict resolution and reconstruction will remain important to our security. As the Presiding Officer knows because of all the work he has done in the Balkans, this is not something that gets done in a day and we are able to leave behind in a year. We should not attempt the wheel every time we are faced with a stabilization crisis, such as the one we faced in the last decade. It is inefficient and ineffective. Rather than address crises by cobbling together plans and personnel each time they occur as we have been doing, we need to be better prepared.

This bill establishes a special office in the State Department for reconstruction and stabilization. It establishes a special corps of civilian reconstruction officers who would be ready to be deployed on short notice. The bill also creates a special emergency fund to deal with such crises.

Finally, I am pleased the chairman and I are able to agree on the inclusion of a provision that protects vulnerable persons during humanitarian emergencies—an undated version of a bill I first introduced in 2003 called the Women and Children in Conflict Protection Act. I have been concerned about the vulnerability of women and children affected by conflict and humanitarian emergencies for some time now. Since the accusations were made about sexual exploitation of refugees by humanitarian workers in west Africa nearly 3 years ago, that concern has been heightened.

Most recently, we have been confronted with cases of rape used as a weapon of war in Darfur, sexual exploitation of U.N. peacekeepers in the Democratic Republic of Congo, and concerns that the children affected by the tsunami in Asia could be vulnerable to human trafficking.

This provision in the bill establishes a coordinator at the Department of State or AID specifically charged with ensuring that our assistance programs not only provide food and shelter, but also support programs to prevent sexual exploitation and abuse of those living in refugee and internally displaced persons camps. It prohibits U.S. funding of humanitarian organizations that do not sign a code of conduct prohibiting improper relations between aid workers and beneficiaries. Finally, the provision authorizes the President to provide aid specifically for things such as security for refugee camps or something as simple and inexpensive as buying firewood so women will not have to leave these camps, which they have to do now, in order to find material with which to make a fire and thus make themselves subject to rape and exploitation outside the confines of these camps.

We have a very good bill that was passed out of our committee 18 to 0. I urge my colleagues, as Senator BOXER is about to do, to come forward with their amendments because I, like the chairman, would very much like to move this bill forward. It is within the framework of the President’s budget number. It has, as I said, unanimous support out of our committee. I believe it is a solid bill, and I hope we can move it forward this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a short while, we hope to have a unanimous consent agreement so that Members will have a roadmap for the remainder of the afternoon. That is not at hand for the moment; therefore, I hope the Chair might recognize the distinguished Senator from California, who will offer an amendment. Informally, we have agreed on the terms of an hour of debate being the limit, 40 minutes for the Senator from California, 20 minutes for me or others I may designate. We will encapsulate, hopefully, a unanimous consent agreement in due course during the course of this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to ask my chairman, for whom I have great respect and admiration, if I then send the amendment to the desk at this time?

Mr. LUGAR. Mr. President, I prefer the Senator send it to the desk and our debate commence.

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

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

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

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

On page 172, after line 23, insert the following:

SEC. 227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulations or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961, it is right on the President’s budget number. It has, as I said, unanimous support out of our committee. I believe it is a solid bill, and I hope we can move it forward this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a short while, we hope to have a unanimous consent agreement so that Members will have a roadmap for the remainder of the afternoon. That is not at hand for the moment; therefore, I hope the Chair might recognize the distinguished Senator from California, who will offer an amendment. Informally, we have agreed on the terms of an hour of debate being the limit, 40 minutes for the Senator from California, 20 minutes for me or others I may designate. We will encapsulate, hopefully, a unanimous consent agreement in due course during the course of this debate.

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Mr. LUGAR. Mr. President, I prefer the Senator send it to the desk and our debate commence.

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

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

Mr. LUGAR. 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 prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.)

On page 172, after line 23, insert the following:

SEC. 227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulations or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country and of which they are provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements related to the use of United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. BOXER. Mr. President, today I am offering an amendment to overturn the so-called Mexico City policy which undermines some of our country’s most important values and goals. The Mexico City policy is also known as the global gag rule, and I will explain what it does in a moment.

Most of my colleagues know the history of this policy. It was named the Mexico City policy because that is where it was announced in 1984. But it is also known, as I said, as the global gag rule because that is exactly what it does—it gags international organizations that receive USAID family planning funds.

What does that mean? It means, for example, that a family planning clinic in Nepal that receives USAID funding is prohibited from using its own funds—the clinic’s own funds—to provide, advocate for, or even talk about abortion to the women they serve. It even talks to a woman about her options. Let’s be clear what we are talking about one more time. We are not talking about spending one slim dime or one penny of U.S. money to pay for abortions abroad because that has been illegal under the Helms Act since 1973. So since 1973, U.S. funds abroad cannot be used in any way to advocate for abortion, to allow women to have an abortion, or to refer her for an abortion. U.S. funds simply cannot be used for any of those purposes.

We can debate that, but I am not going to debate that. What I am going to debate is why the greatest, freest country in the world, the United States of America, would put a global gag rule, put a tape over the mouths of organizations that are trying to help the women in their country if they use their own funds—not U.S. funds but their own funds—for those purposes.

I cannot understand for the life of me how we can in good conscience be leading democracy in the world, sending our troops abroad—and they are dying every day for freedom of speech and for the kind of constitution we hope others will have—how we could put a global gag rule on those organizations when in this country we could not even consider it for 2 seconds because it would be completely unconstitutional.

This is a free country. We are proud of the fact that it is free. We are proud of the fact that we do not tell our citizens what they can say, if it is on their own dime. Yet abroad, in some of the poorest countries in the world, we are saying if they
want to get a penny of Federal funds, USAID or the like, they cannot use their own funds in any way they would like. We are telling family planning clinics that are in the toughest of circumstances, treating women in the direst poverty, that they are gagged if they work with any U.S. funds. Again, these restrictions we are placing on these nonprofit agencies would be unconstitutional and unacceptable in the United States of America.

Ironically, what is very interesting is the global gag rule is even stricter than the requirements put on by the Helms amendment. So this is an unbelievable move by this administration, after these restrictions were removed in 1999, to place these restrictions back.

It is true that the White House, depending who is in the White House, has shifted back and forth on the advisability of the gag rule. The Senate has always said it has no place as part of American law. The Senate has stood proud. Democrats and enough Republicans, yes, to make sure that we do not have a double standard, that we are not stepping on the shoes to these countries we want democracy for them, we want freedom for them, we want freedom of speech for them, and then on the other hand, but if they exercise it are going to be punished.

Tell me how that makes sense for America. Tell me how that makes any sense for our credibility in the world.

The last time we debated this global gag rule in the Mexico City policy in this Chamber was about 2 years ago. I introduced this exact amendment, and it passed with bipartisan support. We hope we will achieve that same outcome today. It will be a close vote— we have had no changes in this body since this amendment was introduced, and we still think and hope we have the votes. We will find that out.

What is at stake is do we want to have an America that lives what it says, that says to the world that the United States of America stands up for freedom. freedom is good and freedom of expression is good, and if groups work hard and raise their own funds, as long as they spend them consistent with their own laws in their own countries, we will say it is their right. But, oh, no, that is not what this administration has done. One of the first things the President did when he got elected the first time was to put back in place this global gag rule.

The global gag rule is not fair. We are a country that believes in fundamental fairness. Yet this global gag rule tells foreign nongovernmental organizations—these are people working in the toughest of circumstances—how they have to spend their own funds. For example, it tells clinics they cannot use their own money to help a woman in deep despair who comes in with a serious problem, an unintended pregnancy that perhaps was even forced on her. It tells the NGOs, the nongovernmental organizations, they cannot use their own funds even to advocate for less restrictive laws.

For example, let’s say there is a law on the books in one of these poor countries that says if a person is raped or a victim of incest they cannot have an abortion, and in this country we changed that. If one is a victim of rape or incest we say Federal funds can be used if they are not using the money from there we have a country that has a total restriction, even if someone is raped or there is incest involved, and the nongovernmental entity is trying to change that law in their country. Under the global gag rule they would lose all of their Federal American dollars if they advocate to change what I would call ignorant laws.

This global gag rule tells clinics that they cannot use their own funds to even tell a woman who comes before them what her options could be. Even if the woman asks what she can do, they cannot tell her. In our country, that would be illegal, unconstitutional. But, no, we put this on the poorest nations if I do not tell you, it is like Sam, that is Imperial Sam, and none of us wants to be imperial. At least that is my impression. We want to be democratic. But we are not acting in a democratic fashion when we have this double standard.

We believe in freedom of speech and yet the global gag rule tells foreign nongovernmental organizations they cannot in any way express an opinion on this subject without losing their funds. We, democracies of the United States of America what they can say and what they cannot say in this country, even if we find it offensive. There are a lot of organizations that I find we would be better off without. I do not think their advocacy is right, but I have no right as a Senator to tell any organization in America I am tired of hearing what they are saying, do not say it anymore, because if I tried to stop them I would be ruled out of order, unconstitutional, and that would not be good.

Yet we do it to foreign nongovernmental organizations.

Some Senators just came back from Iraq, I was one of those people. We saw the unimaginable challenges facing our soldiers, government officials, and the Iraqis themselves as they struggle to deal with a very dangerous insurgency in that country. Our soldiers are putting their lives on the line so that the Iraqis have a chance to live in freedom. One of the foremost freedoms in our country that we wish for other people is freedom of speech. Government will not interfere with a person no matter what they say. As long as they are not hurting anybody or inciting anybody, they can hold an opinion. That is why our soldiers are out there fighting so that the Iraqis can write a constitution that gives them the same freedoms we have.

We heard the Iraqis tell us, the up and coming leaders: We read your constitution, we read your history, we know about your filibuster, and how it protects minority rights. These are the Iraqis. We heard our soldiers say they are willing to risk their lives so the Iraqis can have freedom. Well, that includes freedom of speech. Yet we take away the freedom of nongovernmental organizations to tell the truth to the women who may come before them and help with their reproductive freedom.

Our policy should be a model for the world, but the gag rule instead sends a bad signal. It enforces a dangerous code of silence. It tells people if the government does not agree with them, then they should put a gag over their mouth and just suck it up and not tell the truth about how they feel and keep vital information from the women they are serving. Whether one is pro-choice or anti-choice, this has nothing to do with it. It is a question of freedom of speech. I hope that regardless of how we come down on the issue of choice, we would agree that it is fair to debate it. I may not like to hear your views, but it may be hard for me to handle, but that is part of this great country. We have to listen to each other. We have to debate and we have to respect each other’s views. But I am not showing respect if I walk up to a Senator on the floor and say, you know what, I am tired of hearing your point of view and I am going to put a gag over your mouth. How ridiculous. If they did that to me? How ridiculous. It is freedom of speech we are talking about, and the gag rule tells us to violate our Constitution, to our credibility, and I think just knocks us down in the eyes of the world. And it makes hypocritical what we are asking our soldiers to do across this globe.

I want to give some examples. In Peru, for example, family planning NGOs funded by the U.S. were barred from advocating against a constitutional clause banning abortion. It was not the Peruvian Government gagging those organizations, it was the American Government. And it was not all Peruvian NGOs who were barred from participating in that debate, it was only those who opposed the abortion ban. The other people were free to talk about it.

What is that about? America comes in and says if you want our money you can only advocate for the position that the Government in power wants. You cannot have another opinion. I think that is beyond outrageous.

Just listen to what one nongovernmental organization leader in Peru said, and I am quoting this individual:

We used to hold debates, invite medical doctors, produce research publications. We cannot speak as freely now. No one knows at what point it becomes prohibited speech. USAID told us we couldn’t lobby for abortion liberalization or decriminalization. If we attend a general conference and the issue of abortion comes up, whatever is very interesting, we don’t know how much we can talk about it before it crosses over to not being permitted anymore. We, for example, can do research on family planning, but any conclusions someone can say, “that’s lobbying.”

[and we will lose all of our money.]
This is a terrible thing, this global gag rule. I am so proud of the Senate. Every time we have brought it up we overturned it. I hope that will be the case today.

I want to tell you a story about a real family planning project. In 2001, this issue came to my attention. There was a nongovernmental organization that had to make a Hobson's choice: Do we take USAID money which we desperately need to help our people if it will force us to remain silent on the issue of women's freedom of speech? What should we do? Should we give up the money and retain our freedom?

Let me tell you what this organization did. It gave back the USAID money, even though it put them in a very precarious financial position. They did it because of a 13-year-old girl named Min Min. I brought her picture with me to the Senate floor 2 years ago because I wanted my colleagues to see the face of what we are talking about here. This is not just about freedom of speech. This is about real, live people and what happens to them if they cannot get reproductive health care.

Min Min was raped by a relative. She was raped by an uncle. She became pregnant, and it was a shame upon the family and the family said you must have an illegal abortion. As a result of that illegal abortion of a girl 13 years old who was raped by her uncle, someone was sentenced to 20 years in prison.

Who was it? Was it the rapist? No. Was it the parents who said you have to end the pregnancy? No. It was this tiny girl, 13 years old, who was sent to jail for 20 years for the crime of being raped by a relative and being forced by her family to have an abortion.

The nongovernmental organization wanted to go to bat for this child, so they turned back American money. Can you believe it? We punished an organization that wanted to go to bat for a 13-year-old rape victim—incess victim, really. We took the side of the rapist. That is what we did. We said to the NGO: If you want to help this child, give back the money because you cannot advocate for changing the law in your land.

So this clinic in Nepal turned back their money—our money—and fought for Min Min. She had her 14th birthday in prison. She had her 15th birthday in prison. But then, because they did not take American money and they were free to lobby in behalf of Min Min, they succeeded in changing the laws of Nepal, and they helped set that little girl free.

For their valor and their courage and their success in freeing a child from prison who was put there after she was raped by her uncle, this is what they had to do. They had to give up $100,000 in USAID funding, and they had to let 60 staff members go. They couldn’t help more than 50,000 other people who desperately needed them.

These are the real stories behind this Presidential edict of the President, when he steps up to the plate and says I am putting in place a gag rule. I am ashamed. I am ashamed that we were on the side of the rapist and against the side of a little girl who was a victim of incest. How can this Senate look at that and say, yes, that’s right, we want to be on the side of the rapist? Why should the rapist suffer? We don’t want to change the laws in Nepal. To me, this example alone is enough reason to do away with this global gag rule.

Here is another point. We should always look at our policies and ask the question: Are our policies decreasing the number of abortions that take place worldwide because all of us want to decrease the number of abortions taking place worldwide. Frankly, the Mexico City global gag rule makes it far tougher to reduce the number of abortions. We support family planning counseling and care. We support family planning, I thought, because we want to decrease the abortion rate. I say this, even though I believe that is a known fact, but sometimes we seem to forget it. So what happens when we punish a nongovernmental organization that is involved with family planning, such as that clinic in Nepal I talked to you about, that had to give back $100,000 and lay off 60 people? They could no longer serve the women who so desperately needed their help.

Is this President saying he wants to keep contraception away from women who are asking for it? Because if that is what he wants to do, this global gag rule is doing just that. This is a radical thing we are dealing with because when you tell agencies they have to make a deal with the devil, take money and then be gagged, many of them will say: I don’t want your money. I would rather be able to advocate.

And if they do not take the money, then they are in a terrible circumstance because they have to lay off people who would otherwise go out and counsel young women about family planning. Then, when those young women, in the poorest of the poor nations, come to them and say, voluntarily, they may seek what we called here, when abortion was illegal, back-alley abortions—and women died. Many women have died, thousands every year across this globe, because of illegal, unsafe abortions.

I believe very much that family planning is the answer. It can bring us to another point. We should want to have family planning because it decreases the number of abortions. We support family planning counseling and the contraceptions that they use contraception and the abortion rate went down 60 percent. So there is a direct correlation between contraception and education on how to prevent abortions. Between 1988 and 2001, modern contraceptive use in Russia increased by 74 percent, and the abortion rate went down 60 percent. So there is a direct correlation between contraception and education on how to prevent abortions. Should we do? Should we give up the money and retain our freedom?

I am putting in place a gag rule. I am ashamed. I am ashamed that we were on the side of the rapist and against the side of a little girl who was a victim of incest. How can this Senate look at that and say, yes, that’s right, we want to be on the side of the rapist? Why should the rapist suffer? We don’t want to change the laws in Nepal. To me, this example alone is enough reason to do away with this global gag rule.

Here is another point. We should always look at our policies and ask the question: Are our policies decreasing the number of abortions that take place worldwide because all of us want to decrease the number of abortions taking place worldwide. Frankly, the Mexico City global gag rule makes it far tougher to reduce the number of abortions. We support family planning counseling and care. We support family planning, I thought, because we want to decrease the abortion rate. I say this, even though I believe that is a known fact, but sometimes we seem to forget it. So what happens when we punish a nongovernmental organization that is involved with family planning, such as that clinic in Nepal I talked to you about, that had to give back $100,000 and lay off 60 people? They could no longer serve the women who so desperately needed their help.

Is this President saying he wants to keep contraception away from women who are asking for it? Because if that is what he wants to do, this global gag rule is doing just that. This is a radical thing we are dealing with because when you tell agencies they have to make a deal with the devil, take money and then be gagged, many of them will say: I don’t want your money. I would rather be able to advocate.

And if they do not take the money, then they are in a terrible circumstance because they have to lay off people who would otherwise go out and counsel young women about family planning. Then, when those young women, in the poorest of the poor nations, come to them and say, voluntarily, they may seek what we called here, when abortion was illegal, back-alley abortions—and women died. Many women have died, thousands every year across this globe, because of illegal, unsafe abortions.

I believe very much that family planning is the answer. It can bring us all together, whether we believe in a woman’s right to choose or we believe the Government should be involved in it, we should not tell a woman, tell a family how to live their lives regardless of what side you are on. My goodness. Family planning ought to bring us together.

For those of us who believe abortion should be safe, legal, and rare, the way to get to that place is to have adequate family planning. For those of us who believe the Government should proscribe the kinds of abortions we allow, they should be safe, legal, and rare. The way to make abortion rare? That is the key. But the global gag rule has the opposite impact. The global gag rule is causing more abortions because the nongovernmental organizations will not take the funding; they won’t be gagged, and they won’t have the staff to go out and give those women the advice and the contraceptions that they are asking for.

There is another issue that comes into play here, and that is the issue of sexual and reproductive health. The global gag rule is dangerous directly, and it is damaging indirectly. It robs us of our Constitution and freedom of speech. If this President tried to put this kind of gag rule on in America, he would be laughed out of the courts. Of course, they do not do that because we have something called the Constitution and freedom of speech. We don’t go around putting a gag on doctors who have their own practices. We let them do what they think is right—to do no harm and to help people.

I want to talk about a school in a clinic in the area where one man impregnated three girls in the school. It was a horrible tragedy. But the local clinic still didn’t know what to do since it received USAID funding. They had a situation where three girls were impregnated by the same man, and they didn’t want to give back the money they had gotten from the United States of America. This is what they said.

What should the school do? Refer the girls to the clinic? It is a very difficult situation for the nurses. What can they counsel about? Is it a problem if the provider is a member of that community? A person cannot even speak as a member of that community? This is a situation where people have or give abortions, they have or give abortion counseling. Is this President saying he wants to do that? I am ashamed. I am ashamed that we were on the side of the rapist and against the side of a little girl who was a victim of incest. How can this Senate look at that and say, yes, that’s right, we want to be on the side of the rapist? Why should the rapist suffer? We don’t want to change the laws in Nepal. To me, this example alone is enough reason to do away with this global gag rule.
to a woman who comes to you in desperate need or shut down your doors because you have to give back the funding from the United States of America. It is really a stunning and unfair policy.

One of the Planned Parenthood chapters in my State is in Ethiopia right now. They are seeing firsthand the impact of the global gag rule on women’s lives. Think about what it means to try to get health care in Ethiopia. If you are lucky, you might have only a 3-day or 4-day walk to a clinic—a 3-day or 4-day walk to a clinic in Ethiopia.

Less than 8 percent of the population has access to contraception. Only 20 percent get prenatal care. One in seven women die from pregnancies or unsafe abortions. In fact, backyard abortions are the second leading cause of death among women only, behind tuberculosis.

Because of the global gag rule that this administration has put in place, supplies and planning services provided in Ethiopia have been cut. They have been cut because they refuse to be gagged. The people in Ethiopia are looking to America with our Constitution and our freedom and our freedom of speech, and they are saying: We are not going to allow the President of the United States of America and this Congress to gag us. We will have to give back the money. That is the most counterproductive thing we can do. Why? Because they are running out of the contraceptives because they don’t have the money. They are still able to serve rural areas, only 7 percent of which have access to basic sanitation. They are still able to curb the rising tide of HIV which is sweeping over the population, leaving shattered lives and families in its wake.

Why would we want to be responsible for that? We don’t have to be today. We have an opportunity to do so. Why? Because we are on the correct side of the law when the time comes—and I hope the chairman will let us know at what point we will be voting—I urge Members when the time comes and I hope the chairman will let us know at what point we will be voting—I urge Members to stand with Senators BOXER and SNOWE in this bipartisan amendment to end the global gag rule. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, once again the distinguished Senator from California has presented her case, as always, with conviction and with eloquence. She is an able and a remarkable advocate for her position on this very important and controversial issue.

When President Bush restored the so-called Mexico City policy upon coming into office in 2001, he stated his conviction that United States taxpayer funds should not be used to pay for abortions overseas. This is what our people, those who actively promote abortions as a means of family planning, needed the United States of America to do.

It should be made clear this does not lessen our country’s commitment to strong international family planning programs. Indeed, President Bush’s fiscal year 2005 budget requests $425 million for population assistance, the same funding level appropriated during fiscal year 2001. President Clinton’s final year in office.

President Bush has confirmed his commitment to maintaining these funding levels for population assistance because he knows that one of the best ways to prevent abortions is to provide women with access to voluntary family planning services. This is the policy of our Government today and it is one that President Bush advocates in the future.

I expect we will continue to have debates in the Senate on the Mexico City policy. As the distinguished Senator from California has pointed out, that has been the case for several years. Over the years there have been numerous attempts to reach compromise language that would address President Bush’s concerns on this important issue, but no acceptable accommodation has thus far been found. This is why President Bush has advised us he will veto any legislation that seeks to override the Mexico City policy.

USAID can and does provide the family planning information services in developing countries through many foreign NGOs. The President has determined that such family planning assistance is provided only to those foreign grantees whose family planning programs are consistent with the policies of this administration. Every
President since 1984 has exercised that right.

As manager of the President's bill, I, along with every other Senator, must take seriously the President's statements that he would veto the legislation were it presented to him without the Mexico City policy. I believe it is highly unlikely that he will change his mind at this point. The President has been very clear and the directives with regard to administration policy on this legislation are also clear.

I will oppose this amendment. I ask other Senators to do so for the reasons I have given.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE and MIKULSKI to the amendment.

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

Mrs. MURRAY. Mr. President, women around the world should have access to safe health care, especially those who are struggling in some of our world’s poorest nations. That is why I am in this afternoon to support the Boxer amendment. I thank Senator BOXER for standing up on an issue that affects women around the globe. I am very proud to be a cosponsor and supporter of this amendment.

This is about ensuring that women around the world have access to health care that they need, especially reproductive health care. It does not get much attention, but in the developing world, complication from pregnancy is one of the leading causes of death for women. It ranks right up there with tuberculosis. According to the World Health Organization, more than half a million women die every year of causes related to pregnancy or childbirth. That is more than one woman dying every minute of every day. That is what we are talking about with this amendment. That is a crisis.

Now, you know when there is a medical crisis, something that kills hundreds of thousands of people every year, we do not just stand by. We work to make things better. In poor countries around the world, medical professionals and nongovernmental organizations are simply trying to make things better. They have set up clinics. They have done an excellent job. They are reaching out to poor communities. And they are opening the doors of access to women and families who desperately need health care. They are doing great work. But today their hands are tied, and even worse their hands are being turned by President Bush. The Bush administration has imposed a political ideology on the world. We cannot allow this undemocratic policy to deny women and their children health care and ultimately sentence them to death.

As my colleague, Senator BOXER, has talked about, when President Bush took office in 2001, he signed an Executive order known as the global gag rule. It denies U.S. funds to any overseas health clinic unless it agrees not to use its own—its own—private, non-U.S. funds for anything related to abortion. If you are a medical professional living in an impoverished country trying to help people, save lives, you are being forced to either lose your funding or not certain reproductive health services.

We would not stand for that in the United States. We know how important the doctor-patient relationship is. When we go to a doctor, we want to know that the doctor has the advice we need—not holding something back because of a gag rule imposed on him by someone else. But that is exactly what the global gag rule does. It is forced on women in poor countries around the world, and that is just simply wrong.

I am not going to take the time to go into detail on why I believe this gag rule is so wrong, but I just want to mention a few things. Simply put, the global gag rule undermines our ability to provide reproductive health care, it hinders our efforts to prevent HIV and AIDS, and it limits access to contraceptives. The gag rule places limits on women and doctors that we would never accept here in the United States.

But here is the bottom line and something all of our colleagues should remember as we go to vote on this amendment: This is about protecting women’s lives. Today, the women around the world are being denied the care they need because of an ideological policy, and they are dying as a result. We cannot tolerate that as Americans, and that is why I have come to the floor this afternoon, to urge my colleagues to support the Boxer amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank young very much, Mr. President. I thank my colleagues for discussing this important issue and I appreciate Senator BOXER’s concern. This is well-plowed ground that we have traveled over several times. We have been over this issue a number of years. The Mexico City Policy was first introduced by Ronald Reagan. It is a commonsense policy that President Reagan first put forward in 1984, based in part on his belief that U.S. taxpayers should not be forced to support organizations that promote abortions in many countries all around the world. The administration is implementing and remedying concerns for women in Iraq who are now voting and are now proudly waving their fingers with the ink stain upon them. Brave women are demonstrating their rights and standing up to defend their rights around the world. This administration, on a very practical level, is putting forth and implementing programs in great strides to assure women’s rights around the world, and they should be congratulated for that and thanked for all their efforts.

Now, you can try to tie this question of taxpayer funding for abortions overseas back into that issue, but I do not think that is a fair point of the debate. The fair point of the debate is, it is taxpayer dollars. It involves the very difficult, sensitive issue of “when does human life begin?”—a question which we have failed to resolve in this country in this moment.

Should American taxpayers be funding abortions in many countries all around the world? People say: Well, there is more family planning now. The dollars do not go directly for abortion. The money is fungible. It can go into an organization and be used to replace dollars that can then be used for abortion. Why should we put that sort of ideology forward on another country when we have not resolved it ourselves?

I think the Bush doctrine, formerly the Reagan doctrine, the Mexico City Policy, should stand for good reason. It stands with the American public. We
should not be using Federal taxpayer dollars to fund abortions overseas. That is the view of 75 to 80 percent of Americans.

Many Americans do not like the way we handle foreign assistance now anyway. I personally think we spend too generous in our foreign assistance and some cases do substantially more to alleviate poverty. But if you frame the debate into these sorts of issues alone, you start to drive away people’s support for foreign aid and for supporting the good things going on in many countries. That is not a good thing to do, particularly when we have been given so much as a nation. I would hope we could help more overseas, but it has to be in a sensible way that the American public agrees with.

So while I appreciate being able to work with my colleague from California on many issues, this is one where we will have to part company. I really think President Reagan got this principle right and the continuation of the Mexico City Policy by President Bush is right as well. Respectfully, I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California?

Mrs. BOXER. Mr. President, I so appreciate my colleague coming to the floor and taking time to express his views, but I think it is very important to straighten out the record.

What my colleague is talking about is putting strings on U.S. taxpayer funds. That is the Helms amendment, and that has been the law since 1973. What the global gag rule does is different. It tells nongovernmental organizations abroad that they will lose U.S. funding if they use their own funds not ours, but theirs—to lobby to change egregious laws in their country.

In order for a nongovernmental organization to fight to change an egregious law, one that used to exist in Nepal—which I know my friend would not agree with—that nongovernmental organization, I tell my friend, had to give back their USAID money because they were using their own funds to change the laws of Nepal. So we gagged this nongovernmental organization from helping a child who was raped. The rapist did not go to prison. The rapist—the uncle—was free. The parents did not go to prison even though they forced her to have an illegal abortion.

The only way the nongovernmental organization was able to work to change the law in that country, which punished a child who was a victim of incest, was to give back the USAID money. Otherwise, they could not lobby for law changes in their own country.

Now, I use that example because it shows why this law is so egregious. And again, to make the point to my friend, the Helms amendment, which has been in place since 1973, already precludes U.S. Federal funds from being used by nongovernmental organizations in any aspect having to do with abortion. They already cannot use our funds to perform abortion. They already cannot use our funds to refer.

They already can’t use funds to advocate. That is taken care of. The global gag rule is different. It is putting a gag over the very people who are trying to help prevent pregnancies, who are trying to help girls such as Min Min in Nepal who was the victim of incest. That is plain wrong. I don’t mind my friend disagreeing with me. And if her friends have different issues and have worked together and will continue to. But I would hope we would not confuse the Helms amendment, which has been in place since 1973 and does not allow a penny of taxpayer funds to go in any way to the provision of abortion services. Don’t confuse that with the gag rule, which keeps nongovernmental organizations from being able to use their own funds as they see fit to help women and girls in tragic circumstances such as the one I described by changing the repressive laws in some of their countries.

I urge my friend to please be clear that these are different issues. We already deny the use of Federal funds for anything having to do with overseas abortion or its lobbying. But the gag rule takes it a step further and says these organizations that work so hard in the toughest environments cannot use their own funds in the way they see fit to help women and girls in tragic circumstances, such as the one I described, by changing the repressive laws in some of their countries.

I urge my colleagues to please vote on what this issue is, not on what this issue is not. We live with the Helms rule. We live with the Helms amendment. We simply want to get rid of this global gag rule today. I hope Members will vote aye on the Boxer-Snowe amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are looking forward to conclusion of this debate and another debate prior to getting into the voting sequence at about 4:30. May I ask the participants, the distinguished Senator from California and the distinguished Senator from Kansas, could there be agreement that the amendment would come to conclusion in 20 minutes of time and that this be apportioned 10 minutes to the distinguished Senator from California and 10 minutes to the distinguished Senator from Kansas? Would there be no other speakers and that would conclude the debate. Then we would be able to proceed with an amendment by Senators Craig and Baucus.

Mrs. BOXER. Mr. President, if I may respond to the chairman, I have no problem. I would like to close the debate. That will be fine with us as long as I may conclude.
There being no objection, the material was ordered to be printed in the Record, as follows:

At Mexico City, Reagan Administration officials emphasized the need for developing countries to adopt sound economic policies that strengthened open markets and an active private sector.

Again nearly a decade later, the Clinton Administration changed the U.S. position on family planning. Legislative and executive provisions adopted at the Mexico City Conference. At the 1994 Cairo Conference, U.S. officials emphasized support for family planning and reproductive health services, improving the status of women, and providing access to safe abortion. Eight years later, President Bush revoked the Clinton Administration position on family planning issues and abortion, reimposing in full the Mexico City restrictions in force during the 1980s and early 1990s. Throughout this debate, which at times has been the most contentious foreign aid policy issue considered by Congress, the cornerstone of U.S. policy has remained to be a commitment to international family planning programs based on principles of voluntarism and informed choice that give participants access to information on all major methods of birth control.

Nevertheless, the controversy spilled over into U.S. foreign aid policy almost immediately after that President approved legislation that would have reversed the policy, however, were removed from legislation under further legislation. Congress attempted to legislate modified Mexico City restrictions in force during the 1990s: perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest; violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or attempt to alter the laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted. If an organization certified or did not return the certification form, it was ineligible to receive FY2000 USAID population funds unless it secured a waiver under the $15 million exemption cap.

The regulations also contain exceptions: abortions may be performed if the life of the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest; health care facilities may treat injuries or illnesses caused by legal or illegal abortions. The new Administration Mexico City guidelines established that U.S. could not only not provide assistance to foreign NGOs which perform or actively promote abortion as a method of family planning USAID-member country; or that would be used to support similar activities by other foreign NGOs that conduct such activities. Examples of what constitutes the promotion of abortion include: operating a family planning clinic; having a doctor on staff; providing counseling; providing abortion-related activities and guidance. In the regulations. The regulations also contain exceptions: abortion may be performed if the life of the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest. Health care facilities may treat injuries or illnesses caused by legal or illegal abortions.

"Passive" responses by family planning counseling agencies to pregnant women who have already decided to have a legal abortion are not considered an act of promoting abortion. Referrals for abortion as a result of rape, incest, or where the mother’s life would be endangered, or for post-abortion care are permitted. Recipients of USAID grants, however, could use their own funds to engage in abortion-related activities, but were required to maintain segregated accounts for U.S. money in order to show evidence they were in compliance with the abortion restrictions.

Mr. BROWNBACK. Furthermore, I want to back up to an earlier point that I engaged on with my colleague. We live in a wonderful nation. This is a beautiful land. I have traveled to many of the developing countries around the world. They look up to America. They seek help and support from America. They seek our ideals. When we go there and we push issues such as abortion or any other issues that push that is, whether it is issues such as abortion, we are reduced as a nation. Actions like this says to developing countries: We have issues such as malaria, we have issues such as HIV/AIDS, feeding our poor people, and you are only pursuing this ideology. Why are you doing that?

I go home to my constituents in Kansas. They think the foreign aid budget is about 25 percent of the budget, which it is not. It is about 1 percent. But then if a case such as this comes up, tax payer funding of abortions in developing countries—and they don’t say it as much now—they say: We are funding abortion overseas. That is like it. I remember in 1994 hearing many people saying things such as that.

If we pursue this sort of policy, it diminishes our feasibility to go to the public and say: We do nothing whatever we can to end poverty, hunger, and alleviate suffering in the world. We can do more and we want to do more. We are out there pushing to do more. If we force policies such as this, it cuts the knees out from underneath all our other efforts because the w.a.n. number of people say: How are you doing alleviating poverty by funding a group that funds and works for abortion? How is this work alleviating suffering and poverty? It seems as though you are going against the thing you ought to be driving and pushing forward.

My colleague and I have come together to discuss and work on many important issues, and I agree sometimes. We have different views on the point of life. But, from my work, I know that there are great groups of people in this country and a pretty strong majority that says we need to help those overseas. But it has to be sensible help. There have to be ways we can feed more people and ways we can take care of sickness, where we can end the fighting in places such as Darfur, where we can move forward in economic efforts because the Millennium Challenge Account Program is structured to do.

Amendments such as this have a harmful overall impact on the body politic of this country, disrupting a chain of thought. Are you proud of that? They de-mark that we are a very noble and good. I understand my colleague is putting it forward as a noble cause. I don’t think it is being received or can be viewed in that way. This all due respect to my colleague and her heart for her goodness to do the right thing, this amendment is not helpful on many levels. I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my colleague misses the entire point. The reason this child was sent to prison in Nepal after incest by an uncle and breaks the law is because having an abortion is because of the former law in Nepal. And the policy my friend is supporting, the global gag rule he en-tolls, prohibited that clinic from going to bat for this child and using its own funds to save her life. So they had to turn back their U.S. funding. Are you proud of that? They de-cide, this nongovernmental organiza-tion, to give back the money because they felt it was that important to fight for that child who was the victim of incest and get that law changed. It took them several years. That child had a 16th birthday in prison, and
she had a 15th birthday in prison. But they succeeded. One would think we would be on their side. One would think the United States of America would be on the side of a child who was raped and against a man who performed that act. One would think that is what this is about. But it is not. It is about the side of this child. But, oh, no, the global gag rule told that clinic: You cannot change the law because if you do that, you are violating the global gag rule.

That is the point. It is true there is an exception for rape and incest in the rule, but it does not apply if the country does not make an exception for rape and incest. So what we should say in those cases—at least work with me on this—is allow them to keep their money if they are working to change the law on rape and incest in their country. But my friend is not doing that. He wants the status quo.

Then we have the case in Uganda where three underage girls died from botched abortions. The same man impregnated them, and the clinic was afraid to help because they could lose all their American money. The girls died.

Is that what we are celebrating today? A policy that allows a child to rot in prison if she is raped, a policy that allows a rapist to be free, a policy that says three girls impregnated by the same man should die in a back alley? I hope not. This is very serious. This is not a cute little point about words. This is not a debate about when life begins. We can have that debate any day of the week.

I will tell my friend right now, I would die for his right to believe what he believes on that issue, and I hope he would die for my right to believe what I believe on that issue because that is a question between us and our God. That is not on the table today.

What is on the table is a real-life tragedy. How do we stand? I hope when we come to this vote, which we are going to have shortly today, we are going to stand with the women and girls of the world who need our protection, not our vengeance, who need to know we are not going to gag the people who are there to help them. But, in fact, allow the people who are there to help them, to use their own funds to tell the truth about their life and their options and their health. This is a very serious matter.

Mr. President, if the other side will yield back its time, I will be glad to yield back mine; otherwise, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I could have 1 minute. How much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. BROWNBACK. Mr. President, I will yield specifically one point, if the Senator does not object. I read from the CRS document May 19, 2003, on this topic:

In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds: . . .

Perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest;

Violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted;

Attempt to alter laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

As I understand it, USAID is required by the Mexico City policy, in that in horrific difficulties and circumstances, such as the case the Senator discussed, individuals may work with organizations who provide abortions. But it is on a narrow set of circumstances because the American public does not agree with taxpayer funding of abortions overseas.

I submit the report for the Record, and I yield back time. If my colleague is prepared to yield back time, too.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond.

Again, my colleague has made my point. He read into the Record exactly what I said. Under the gag rule, you cannot perform abortions except for rape, incest, or life of the mother. That is right. But here is the second point: You cannot attempt to alter the laws, and that is the exact reason I cited for why the nongovernmental organization that is prohibited from altering the laws of their country had to give back their funding. That is exactly the point.

My friend made my argument for me by reading what I have been saying. This nongovernmental organization wanted to help in Nepal so that a child who was raped or a victim of incest would not rot in prison. They were precluded from using their own money to alter the laws of their country. My friend read it right into the Record, and I thank him for that. He made my point.

So, yes, at the end of the day, we stand with the rapist in this case against the child, and that is wrong, and that is the reason I hope my colleagues will join with me. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, in an effort not to belabor this too much, there is a set of semantics being argued back and forth. I invite my colleague to submit suggestions on regulatory changes to the USAID to try to address this narrow point, if that is, indeed, the case. I hope we do not, in focusing on a particular very narrow tragic case, lose sight of the fact that says three girls impregnated by a man who impregnated three of his students, and the clinic was scared to say anything, and these girls got illegal, what they call backyard abortions in this country. The sad thing is, the American public does not agree with that.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is as if we are talking past each other. My friend made the case for me. He read the restriction which is that no organization can attempt to alter the laws of their country. And so we are standing against people having their rights at self-determination. Can you imagine if we sent out a notice to our people, let’s say on both sides of the gun debate, that we will not talk to both sides of the gun debate, let’s not discuss this matter with your representatives. We could not do that for 3 seconds. First, we would be run out of office on a rail. But we are willing to be an imperial power and tell others in other countries what they can and cannot do on behalf of the people of their country.

The last point I will make is my friend keeps repeating the phrase “U.S. taxpayer funds.” He is confusing the terminology. We have already talked about this. We are not talking about U.S. taxpayer money; we are telling nongovernmental organizations that to get that money, they cannot use their own funds in any way to provide abortion, to counsel women, to tell women their options, or—and this is the case in point—even to lobby their legislature to change laws, such as the one that put this child in prison who is the victim of incest. I do not understand how we can stand on that side of this issue.

I can give you 100 examples. I do not want to take the Senate’s time to do that. The other case was in Uganda where the clinic was gagged and could not tell these girls where they could go to get a safe abortion to end a pregnancy forced on them by a gentleman—I should not call him a gentleman—a man who impregnated three of his students, and the clinic was scared to say anything, and these girls got illegal, what they call backyard abortions in this country. They died for their right to believe what they believe.

Now, why do we want to stand on the side of the law that is resulting in girls going to jail when they are raped by a
relative and girls dying from botched abortions because we put a gag on the clinic? I hope this Senate will pass the Boxer-Snowe bipartisan amendment that will send a signal to the world that we believe very strongly in their right to aggressively approach their government and talk about laws that may need changing, their rights to look a woman or a girl in the eye and say, look, regardless of what your religion is or what your feeling is, these are the options you have. I do believe keeping women ignorant is a very liked policy, and anyone who votes for this global gag rule votes to keep the women of the world ignorant. I hope my colleagues will vote for the Boxer-Snowe amendment. I look forward to a successful vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senators for this debate. A vote will occur on it at a time in the future, probably in session with the 4:30 vote.

At this point, I have two points of important business. These are amendments that are to be agreed upon.

AMENDMENT NO. 279

Mr. LUGAR. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 279.

Mr. LUGAR. 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 impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C., or New York City.)

At the appropriate place, insert the following new section:

SEC. 4. WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES.

Sec. 4. (a) In general.—Subject to subsection (c), the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by such government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) Payment withheld for obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) Amounts withheld to be additional funds.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) Waiver.—

(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to unpaid parking fines or penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Report.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consulting the Council of the States of the District of Columbia shall submit to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(1) Definitions.—In this section:

(A) The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The term ‘fully adjudicated’ includes circumstances in which the person or government to whom the vehicle is registered:

(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term ‘parking fines and penalties’ means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2000.

(4) The term ‘unpaid property taxes’ means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

Mr. LUGAR. I ask unanimous consent that the amendment be adopted.

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

The amendment (No. 280) was agreed to.

AMENDMENT NO. 274, WITHDRAWN

Mr. LUGAR. Mr. President, I ask unanimous consent that adoption of amendment No. 274 be vitiated and the amendment then be withdrawn.

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

Mr. LUGAR. Mr. President, I would like to raise a question with the distinguished Senator from Montana. Would the Senator and his colleague, Senator CRAIG, be prepared to enter into an agreement that the amendment should have 36 minutes of consideration; namely, between now and 4:30, with the time equally divided between opponents and proponents, no second-degree amendments?

Mr. BAUCUS. I might tell the chair that I am certainly fine with this Senator.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. What was the Senator’s conditioning on the second degree?

Mr. LUGAR. The request is 36 minutes total for each Senator, 18 minutes per side, that concluding at the time of our voting sequence starting at 4:30.

Mr. CRAIG. Including all amendments?

Mr. LUGAR. Yes, with no second degree.

Mr. CRAIG. No objection.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, the minority leader staff tells me we have to check with other Senators on this side who may want to speak to this amendment, but why do...
we not proceed. I would object for the moment, but hopefully I can resolve this very quickly.

The PRESIDING OFFICER. The objection is heard.

The Senator from Montana.

AMENDMENT NO. 281

(Purpose: To terminate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 281.

Mr. BAUCUS. 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 text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 282 TO AMENDMENT NO. 281

Mr. CRAIG. Mr. President, I send a second-degree amendment to the desk on behalf of myself and Senator Roberts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, and Mr. ROBERTS, proposes an amendment numbered 282 to amendment No. 281.

Mr. CRAIG. 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 clarify the payment terms under the Trade Sanctions Reform and Export Enhancement Act of 2000)

In the matter proposed to be added, strike section 2905 and insert the following:

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) In General.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and

"(ii) the control of such commodity or product to the purchaser."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2003.

Mr. CRAIG. Mr. President, I rise today to offer a second degree of time certainty to the most important legislation of the Senator from Montana, S. 328, that was produced in bill form and now we hope can become an amendment to the State Department’s authorization bill that deals with agricultural export facilitation. I speak to that most importantly because of the tremendous, positive work that has been going on in agricultural exports between this country, our agricultural producers, and the Nation of Cuba.

I am in complete agreement with the President when he said:

Open trade is not just an economic opportunity, it is a moral imperative. When we negotiate for open markets, we are providing new hope for the world’s poor. And when we promote open trade, we are promoting political freedom. Societies that open to commerce across their borders will open to democracy within their borders, not always immediately, and not always smoothly, but in good time.

That was a quote in 2001. It is most appropriate today. Senator BAUCUS, myself, Senator ROBERTS, Senator HAGEL, Senator LUGAR, and 25 other Members of this Senate have grown increasingly frustrated with the bureaucratic effort at the Department of Treasury literally to shut down the intent of very important legislation that became law in 2000. The Trade Sanctions Reform Act recognized a need and an opportunity to sell agricultural products to Cuba for cash, that we would not ask the taxpayers of this country to facilitate. In fact, we would be very strict and very narrow in those relationships with the nation of Cuba because of our own competing interests in a variety of other areas at that time, and it passed the Congress.

That became law. That law began to work. In the course of its workings, Cuba grew from a trading partner that was the 226th largest against all of our trading partners to the 21st largest this past year. We have produced and sold nearly $1 billion worth of agricultural products to Cuba since that law became operative in 2000. It has become one of the tools that the agricultural community of this Nation uses in trade.

Nearly 34 States have sold products to Cuba and that clearly speaks about the broad base of support that this legislation has.

Somehow and for some apparently very biased reason—let me be blunt—Cold War bureaucrats in the Department of Treasury at OFAC decided, no, we are going to change the law by regrettably cutting and narrowing a law and making it very very narrow in those areas.

What we do with this amendment of course is that it excludes Cuba for cash, we say we are for all in-trade and non-trade issues.

Second, big government has no business telling the U.S. farmers and ranchers to whom they could sell their products, for a lot of reasons. One is agriculture is facing such dire straits in many parts of our country. In addition the U.S. agriculture is facing a shrinking trade surplus. It used to be agriculture products exported overseas were the one bright spot in the trade imbalance. That is no longer true. Agricultural programs are under tremendous pressure, budget cuts—more so than has been the case in the past.

We should be looking around for new markets for American products, not
cutting out export markets for American agricultural products. Cuba certainly presents a promising market for Montana and for American agriculture. Yet, unbelievably, the Treasury Department has recently issued a new rule. That rule makes it harder. It makes it more difficult for American farmers and ranchers to sell agricultural products to Cuba. It makes it much more difficult in spite of the intent of the law we passed in 2000.

The rule by Treasury requires Cuba to pay for goods before shipment instead of before delivery, as was the case in the last 3 years after the act was passed. For some reason, here in 2005, a few years after the act has been in operation and working, the Treasury Department passes new regulations, just out of the blue, which make it much more difficult for American farmers to sell their products to Cuba. If Cuba pays for the goods while they are still on U.S. soil, these goods, under our new interpretation, become Cuban assets, which make them vulnerable to seizure to satisfy unrelated claims.

What is the effect of that? That has a very chilling effect. Treasury says it issued this rule as a “clarification” of the laws in the bill that Congress passed in the year 2000. Let me be clear. My colleagues and I did not vote for a bill to enhance exports to Cuba that contained payment restrictions so severe as to render U.S. exports uncompetitive. Clearly we did not pass a bill, we did not vote for a bill which makes it more difficult to sell agricultural products to Cuba rather than less difficult, and this regulation makes it more difficult. That was not the intent of Congress. We pass the laws. We decide what the laws of the Nation should be. It was our intent that agricultural sales should proceed unimpeded on a cash basis to Cuba.

When Treasury proposed this rule, I and others on both sides of the aisle in both Chambers made our point very clear that we did not intend this. It was not our intent to have this interpretation.

Why is this so important? Cuba, the largest island in the Caribbean, was worth $400 million to U.S. agriculture exporters in the year 2004. Since 2001, Cuba has purchased more than $800 million in agricultural products from 35 States in our Nation, making that island the 25th largest export market for agricultural products.

A year and a half ago, I led a trade mission to Cuba, and I walked away with what I think is a pretty good deal for my State of Montana: $10 billion in agricultural products on a cash basis; and the fact is they bought $10.4 million of agricultural products from my State of Montana. I went back last December and signed a new agreement, this time worth $15 million for Montana agricultural products. Unfortunately, that agreement is now in jeopardy because of the new rule.

In the interim, Treasury passed this new rule. It also applied this new rule even to sales completed months earlier on a retroactive basis, which is totally unfair. The rule is wrong in the first place. It makes it doubly wrong when it is retroactive. We have $3 million worth of wheat and pea shipments lined up, and now they have to be renegotiated because of this Treasury rule. That is wrong, just dead wrong. I, in this body, have worked hard to sell agricultural products to Cuba and will not stand idly by while Government bureaucrats try to undo all that hard work.

First, this reverses that Treasury rule and clarifies the intent of Congress for Cuba to pay cash for delivery of U.S. goods before delivery, not before shipment. This will ensure that cash sales continue as they have without interruption.

Second, the amendment gives general license to producers and port authorities to travel to Cuba whenever they have agreements to negotiate. This is a bill that I supported. The United States makes it very difficult with a huge amount of bureaucracy and paperwork to go through when the American agricultural exporters want to go to Cuba to negotiate an agreement. It makes it difficult to sell. So if we can’t go to Cuba to put the deal together.

Third, it requires greater transparency in visa processing for the Cuban buyers and inspectors who have legitimate itineraries in the United States. We need to be able to see inspection of TSREEA-authorized products.

Again, if a State has sales to Cuba, it only makes sense if the State Department can allow a representative for the Government of Cuba or the representative of agriculture, the purchaser, to come visit that State to see what products that State has in mind. So far the Government is making it very difficult for that to happen.

Fourth, this authorizes direct banking relations so that U.S. banks can deal directly on this matter rather than as currently is the case where they would have to go through a third party, where European banks are making money off the U.S. agricultural sales.

Finally, this amendment repeals an obscure trademark law that benefits no U.S. company, but puts at risk thousands of U.S. trademarks, including those branded food products sold to Cuba in the past 3 years. Section 211’s supporters say it protects confiscated trademarks but in fact makes very clear no government—not even Fidel Castro’s—can expropriate legally registered trademark rights. It is impossible to do. That is why this provision must be enacted.

The truth is section 211 was enacted to interfere in an ongoing rum label dispute. The fight is not my concern. But what concerns me is unless we fully repeal section 211, Cuba has the right, under international trademark law, to deny U.S. trademarks reciprocal recognition. That does not make any sense.

In conclusion, I am here to urge us to pass this amendment. It allows American farmers and ranchers a break. More importantly, let them do what we intended them to do when we passed that law in the year 2000. Let us send a message to Treasury that when we pass laws, we mean it. It is not for Treasury to unilaterally change them and they are supposed to implement the laws, not make new laws, which in effect Treasury is doing by changing its regulations. They are being totally irresponsible. There comes a time when, frankly, it is up to us to put a stop to it and say this is not right and we are going to change it.

I see many of my friends on the floor. I thank my good friend from North Dakota, Senator Dorgan, who cosponsored this amendment.

I say also that I support the trade amendment offered by Senator Craig, a perfecting amendment which will implement the major underlying amendment which I described.

Go back 5 years to the year 2000 when I, then-Senator John Ashcroft, and my colleagues Senators Craig, Baucus, and many other colleagues who have worked so hard on this. Their leadership is especially appreciated.
to Cuba to be fed to the Cuban people. Cuba paid cash for it. It was the first shipment in 42 years.

We have people who never liked that law; didn’t like the fact that Congress passed that law; still want to use food as a weapon; have been told something when they give you the product, you pay cash and they give you the product. That is the way it is. You pay the money, they give you the product.

What the Department of Treasury has decided in OFAC is that the Cubans would have to pay for this. By the way, they paid cash through a European bank because they can’t use a U.S. banking institution. They have to pay for it before that shipment even leaves the local country elevator. It dramatically changes circumstances of being able to sell and be competitive. They are doing it for one reason, because those who did this don’t want American farmers to sell food into the Cuban marketplace. The Canadians sell into the Cuban marketplace. The Europeans do. But they want to go back to the good old days when the American farmers were paying the cost of an embargo. They are dead wrong.

It is interesting. We are told repeatedly we have been told for years that the way to move Communist countries into the mainstream toward democratic reform is through trade and travel. I have been to the country of China; I have been to Vietnam—both Communist countries. We encourage trade and travel with Communist countries, China and Vietnam. But when it comes to Cuba, a Communist country headed by Fidel Castro, who admittedly keeps sticking his finger into our country and understanding that it is not about Fidel Castro. It is about our farmers being able to sell food into the Cuban marketplace. When it comes to Cuba and Castro, he has lived through six times with the new ruling by OFAC.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The amendment (No. 273), as modified, was agreed to as follows:

On page 12, strike lines 16 through 18, and insert the following:

AMENDMENT NO. 273, AS MODIFIED

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

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

The amendment will be so modified. The amendment (No. 273), as modified, was agreed to as follows:

The amendment will be rescinded.

On page 12, strike lines 16 through 18, and insert the following:

(2) Availability of funds.—

(A) Fiscal Year 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) Fiscal Year 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

Mr. LUGAR. Mr. President, I now ask unanimous consent that following the vote at 4:45 on the resolution regarding Pope John Paul II, the Senate proceed to a vote in relation to the Boxer amendment; provided further that there be 2 minutes of debate equally divided between the votes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I will take the time before the vote to rise in support of the Craig-Baucus amendment. I am a cosponsor of S. 328, the bill on which the amendment is based. I appreciate the views of the Senators on both sides of the Cuban embargo issue. In the Committee on Foreign Relations, concerned Senators have offered constructive ideas on how to approach Cuba with the goal of transforming it into a democracy, even as Senators disagree on interim policy steps.

My view is within the defined limits of Trade Sanctions Reform and Export Enhancement Act of 2000, United States businesses and farmers should be able to sell products to Cuba. In the interest of expanding opportunities for U.S. agriculture, 5 years ago Congress enacted this law. It exempts from the trade embargo on Cuban commercial sales of agricultural and medical products and allows only for cash sales. No credit or subsidies to the Cuban Government are allowed.

This law has provided a new market for our farmers and ranchers. The American Farm Bureau has reported that since the passage of the bill, United States farmers have sold approximately $800 million in agricultural products to Cuba. Exports to Cuba have more than doubled since 2002, reaching approximately $400 million in 2004. Growth in the Cuban market has become especially important as the United States agricultural trade surplus has narrowed over the last 2 years.

Recently, the Bush administration issued a clarification to our Cuban export policy which changed the payment terms of cash sales to Cuba. The Treasury Department rule will make it more difficult to sell agricultural products to Cuba.

The amendment would reverse the Treasury rule by returning it to the status quo payment terms. That has worked well since 2001. It also would cut some of the redtape that makes United States producers less competitive in the Cuban market.

Expanding international markets in our hemisphere and the world will have a positive impact on the lives of Americans. All sectors, especially American agriculture, must benefit from the opportunity to sell products to other nations that create jobs in the United States. My home state of Indiana is a world leader in agricultural production and manufacturing. If we hope to sustain our economic strength in the 21st century, we must participate in an expanding global economy. We must aggressively pursue opportunities in new markets and we must keep our competitive advantage and sell our products worldwide.

As a Senator, I worked in the Congress to support trade and economic policies that I believe are in the best long-term interests of our Nation. Congr...
The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues. This is well-plowed ground. We have been around this issue since 1984, with Ronald Reagan putting this policy in place. The Boxer amendment overturns that policy. This is about taxpayer funding of abortion overseas.

We can separate the issue of abortion here altogether and say we are not going to talk about that, but this is taxpayer dollars used to support organizations supporting abortion overseas. We talk about different semantics. That is what it does. I urge my colleagues to vote against this amendment. Clearly, 70-plus percent of the American public would be against that. Let’s work on foreign policy issues and funding of things on which we have great unity, not ones on which we are divided.

I respectfully urge a vote against the amendment of my colleague, Senator BOXER.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Colorado (Mr. ALLARD).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—52

Sakata
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Capito
Carper
Collins
Conrad
Corzine
Dayton

NAYS—46

Smith
Snowe
Specter
Stabenow
Stevens
Warner

NAY

Alexander
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Colin
Corley
Crapo
DelMont

Lugar
Martin
McCain
McConnell
Roberts
Sanburn
Shelby
Sessions
Shumen
Smith
Sununu
Thune
Voinovich

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Capito
Carper
Collins
Conrad
Corzine
Dayton

NAYS—46

Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Jeffords
Kerry
Kohl
Landrieu
Lautenberg
Levin

DURDEN

Yeager
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Schatz

NAY

Walker
Warner
Wyden

YEAS—52

YOUNGSTOWN

NAYS—46

Amended

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 283

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 283.

Mr. DODD. 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 concerning recent provocations actions by the People’s Republic of China and for other purposes)

At the appropriate place in the bill add the following new section:

SEC. .

(a) FINDINGS.—

(1) During most of last four years relations between the United States and the People’s Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China’s human rights as poor;

(3) Bilateral economic and trade relations are important components of the United States/Chinese relationship, and

(4) China’s growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(b) SENSE OF CONGRESS.

(1) The United States Government should undertake a comprehensive review of the implications of China’s growing international economic and political influence that are by-products of its expanding network of trade agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the U.S. industrial base and maintain and enhance United States economic competitiveness and political interests.

Mr. DODD. Mr. President, it is not my intention to debate the amendment at this moment, but I wanted to get in the queue. I will develop debate on the amendment until a later time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

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

Mr. LUGAR. Mr. President, we have been attempting to arrange for a vote on the Lugar amendment. Senator BOXER would like to debate that amendment, as I understand it. It may be that an arrangement can be made for a conclusion of debate tonight and a vote certain tomorrow morning. But for the moment, 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.
Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and Senator Wyden and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. Dorgan], for himself and Mr. Wyden, proposes an amendment numbered 284.

Mr. DORGAN. 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 prohibit funds from being used for television broadcasting to Cuba)

On page 16, strike lines 13 through 21 and insert the following:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For “International Broadcasting Operations,” $260,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements,” $10,950,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) PROHIBITION ON TELEVISION BROADCASTING TO CUBA.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

Mr. DORGAN. Mr. President, I visited with Senator Lugar and Senator Biden and indicated, on behalf of myself and Senator Wyden, I would offer the amendment. We would be prepared to discuss it in the morning, but we will be happy to have it set aside for other business on this legislation. I want to say also it is not our intention in any way to delay this legislation. It is a very important amendment to us and I think to the Senate. But when we come back tomorrow to spend some time talking about it, we will not necessarily take very much time, and we will hope for favorable consideration by the full Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, very briefly, I thank Senator Lugar and Senator Biden and indicate, in particular, for working this arrangement out with Senator Dorgan and me. We think this is a waste of money. We are anxious to talk about this, but you know after folks have had a chance, overnight, to look at it.

I thank the Presiding Officer for the chance to make these brief remarks.

Mr. LUGAR. 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. 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.

Mr. DORGAN. Mr. President, it appears there are a couple of minutes before we move on. I will debate the amendment, along with my colleague, Senator Wyden, more extensively in the morning. I will not take a lot of time. But as long as the floor was available, I wanted to indicate that the amendment is one we just laid down deals with TV Marti.

We fund broadcasts into Cuba on something called Radio Marti which are very effective. The Cuban people listen to Radio Marti. Of course, they can listen to Miami radio stations as well. But we also fund something called TV Marti, and we have done it for years. The Government of Cuba, of Fidel Castro, jams the signals. We have Fat Albert, an aerostat balloon up there thousands of feet in the air, and the American taxpayer is paying for a fancy studio down on the ground. And up through this cable to Fat Albert we actually send signals into Cuba, television signals that the Cuban people can see. Traditionally, they have been broadcast from 3 to 8 in the morning, and they are systematically jammed.

We have been spending about $10 to $12 million a year, and we have been doing it for years. We have spent about $21 million. But the President wants to double the funding. There is something called waste, fraud, and abuse. I am not exactly sure where this fits, but it is one of the three. It fits with something else called stupidity.

We ought not continue to pay to send television signals to a country that can’t receive them or television signals to people who can’t see them because the Government is jamming them. Let me say that the Acting Director of the International Broadcasting Bureau, Mr. Brian Coniff, testified before the House Subcommittee on International Operations and Human Rights. He said, Transmission to China has been discontinued. Jammed by the Cuban Government. The American official said that. This transmission of television signals has been systematically jammed by the Cuban Government. We don’t have any official evidence that the audience has increased due to broadcast schedule change. They did have some anecdotal evidence that just a smattering of Cubans would be able to spot the signal that we broadcast into Cuba. Before the Castro government caught the signal and jammed it, they would get one or two. So that is a sighting. That is a Cuban who was able to see the signal of TV Marti. They finally stopped measuring that because the audience was so miniscule as to be almost zero.

Finally their argument was, the same official says: TV Marti, though jammed, is well positioned to be an important instrument of U.S. foreign policy should a crisis occur on the island.

So three years. We have big, old Fat Albert up there, an aerostat balloon sending signals to the Cuban people they can’t see. We spend $10, $12 million a year on something we don’t have. And now the President says we should double that. And do you know how we are going to do it? A balloon isn’t enough and a balloon causes problems because the balloon got off of its aerostat mooring and went over the Everglades, and we have seen on grappling hooks and ladders trying to tame the balloon that was broadcasting signals into Cuba. So now they want to buy an airplane.

If this were a television show, it would be a comedy. Now they want to buy an airplane for $8 million to send signals into Cuba that they can’t receive. All of this would be funny were it not for the fact that this is paid for by American taxpayers. If ever there was a case of waste, fraud, and abuse in government spending, it is this.

I also would note, it is not a Democratic waste or Republican waste. There is just plain old waste. It seems to me when you see something that doesn’t work, it shouldn’t be done and doesn’t function at all, maybe it is time for all of us to say: This we can get rid of.

This is not the largest amendment offered this year. If you want roughly $200 million, it saves money: $21 million is a lot of money in my hometown. It saves the tax payers money and stops doing something that has always been completely ineffective.

We broadcast in Radio Marti. That is effective. The Cubans listen to it. They can listen to Radio Marti. Of course, they can listen to Miami radio stations as well. But Television Marti has never worked because the Castro government systematically jams it. So we send signals no one can receive.

This amendment, I hope, should be simple enough. I know there will be some who may have an apoplectic seizure about my offering this amendment because there are those who believe the Cuban vote is very important and there are some in the Cuban community who think we are doing something very important and very worthy if we send signals from this country that can’t be seen by the Cuban people. That escapes some notion of mine that would represent logical thinking. But nonetheless there may be some who will feel that way.

We will have a broader discussion of this tomorrow. I support many of the broadcasting programs we have. Many have been very effective. But this is pure, solid, thoughtless waste. It is time for this Congress to take a stand to shut this spending down.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator Biden...
be recognized in order to offer a substitute amendment to the language proposed to be stricken; provided further that there be 30 minutes equally divided for debate this evening; provided further that at 10 a.m. tomorrow, the Senate proceed to a vote in relation to the amendment without any amendments in order to the Biden amendment prior to the vote.

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

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 286

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 286 in lieu of the language proposed to be stricken by amendment No. 236.

Mr. BIDEN. 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 a second degree amendment related to the United States share of assessment for United Nations Peacekeeping operations)

In lieu of the matter proposed to be stricken, insert the following:

"Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent."

Mr. BIDEN. Mr. President, I will be very brief. The amendment I have sent to the desk does a simple thing. It maintains the current cap on the amount that the United States contributes to the United Nations peacekeeping missions. It keeps it at 27.1 percent for the next 2 years.

For those who may be watching, they may wonder what that is all about. When a peacekeeping mission gets sent overseas, authorized by the United Nations, the countries in question have a prior assessment as to how much they are going to pay, usually based on the size of their countries and the size of their economies, and it has been agreed to by us that the appropriate figure for the United States to chip in is 27.1 percent. So if it costs $1 million for peacekeeping, our share would be $271,000, and so on.

Let me briefly explain the history of the law and what this does to the Lugar amendment.

In 1994, Congress unilaterally limited what we would pay for the peacekeeping endeavors of the United Nations. We said we will no longer pay any more than 25 percent. I believe at the time we were paying 31 percent. That is what the previous administrations had agreed to. That is what the U.N. was assessing us, 31 percent. We said in 1994: No, no, we are not going to pay any more than 25 percent.

What happened was, we never negotiated that rate with the United Nations. We unilaterally stated that. We did 25 percent, and we said: Look, we want to reconfigure how much we are paying. We want to go down from 31 percent, which we had been paying, to 25 percent. It never occurred, and the U.N. continued to bill us at 31 percent. So if a peacekeeping mission was $1 million and none were as cheap as $1 million—we were getting billed $310,000 and we only agreed to pay $250,000. So we were in arrears of $60,000.

The bill that my former colleague Jesse Helms and I did in the late 1990s to clear up what the United States allegedly owed—everybody used to call it dues, but it was more than dues. This peacekeeping is part of what people euphemistically refer to as dues. The assessments make clear who owed how much to what country, so to the United Nations, although somewhat in dispute, was a little over $1 billion.

Senator Helms, and many others, when he was chairman of the committee, proposed an amendment saying: I guess, on second thought, I do not like that. Let’s change it. So the amendment proposed and amend what passed 18 to 0 and say: We are going to pay 25 percent. The U.N. peacekeepers perform critical functions in the area of conflict and instability around the world. They keep peacekeepers when cease-fires are in place, keep minefields, disarming combatants, providing humanitarian assistance, and organizing and observing elections, which all costs money.

The U.N. peacekeeping missions have become increasingly critical in the past year as authorizing missions that support U.S. policy objectives for stabilization in Burundi, Haiti, and other places, as well as an operation to Sudan which will begin to deploy in the upcoming weeks.

Through missions such as these, the United States contributes to international peace and stability while sharing the cost of doing so with other nations. Therefore, it is my view that we need to continue to pay our U.N. peacekeeping bill, the one negotiated by Holbrooke, particularly at this point in time when we are asking for and need U.N. cooperation on issues such as democracy building in Iraq, post-tsunami disaster relief in Indonesia, and other areas.

I remind my colleagues, and I am in no way being critical of my chairman, the bill we reported out of the Foreign Relations Committee corrected the problem. It said we are lifting the 25-percent cap in 1994, and we are doing it permanently. What the chairman of the committee is doing is introducing an amendment saying: I guess, on second thought, I do not like that any more. I want to go back and amend what passed 18 to 0 and say we are going back to the 25-percent level.

I know that is complicated for all the Members, but the bottom line is my amendment does what the President’s budget request proposed. I want to do it permanently, but the President said keep it at 27 percent for another 2 years. That is what the Senate requested. That is what I am attempting to amend the Lugar amendment with. It is a big difference, the election prevails. We no longer go in arrears, and we put off another 2 years reckoning with the underlying problem.
I see my colleague from Maryland in the Chamber. With the permission of the Senator from Indiana, I would be happy to yield to him on this point. There is a time agreement. I do not know how much of my time I have used. I am sure we could accommodate the Senator for the time remaining.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be brief. I rise in very strong support of the amendment offered by the distinguished Senator from Delaware. I do it out of respect for his past efforts in addressing this issue, along with Senator Helms. I have to confess that, at the time, I thought we should pay all of our arrears without those conditions. We had a very difficult situation in the U.N., but in the end, the situation was negotiated out and an agreement was reached on the 27 percent. So as long as we pay that amount, we are not falling into arrears.

If we could bring the percent down to 25 percent, as I understand the amendment of the chairman of the committee would do, we immediately throw ourselves back into a situation where we start building up arrears. In effect, we would do, we immediately throw ourselves back into a situation where we would end up going back on an agreement not falling into arrears.

Mr. RUSSELL. Mr. President, I would be very brief.

Mr. BIDEN. The PRESIDING OFFICER (Mr. THUNE). The time of the Senator from Delaware has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as the distinguished Senators from Delaware and Maryland pointed out, and certainly Senator BIDEN was very heavily involved in the Helms-Biden legislation of 1999, that bill came after considerable argument in the committee and in the Senate, perhaps in the country, about what our fair share ought to be, the Helms-Biden decision was that the U.S. share of peacekeeping duties would decline to 25 percent of the total. That still remains the law and important goal of U.S. policy toward the United Nations, at least for many Senators.

Expression has been made tonight that perhaps our Nation ought to be more generous, and that could very well be the result of negotiations with the United Nations, but the intent, at least, of the amendment that I offered earlier in the day would strike section 401, which established a permanent cap of 27.1 percent. The Senate substitute changes that permanent idea to a 2-year cap of 27.1 so that perhaps pragmatically there is some room and time to come to some agreement either up or down from that point.

I simply observe that this issue, long before Senator Helms and Senator BIDEN reached a bipartisan compromise in 1999, exercised strong feelings on both sides of the aisle. I appreciate very much the sentiment of the Senators who wish to preserve the 27.1 cap. Nevertheless, I will oppose the Biden amendment with the recognition that, as a substitute, if it is adopted, it will be language that I hope at least goes to final passage of this legislation.

The Secretary General, Kofi Annan, has suggested very substantial reforms. We are about to have a hearing on the nominee for our country’s representative at the United Nations, John Bolton. I am certain many Senators on the committee will question Secretary Bolton on his ideas and how he could be effective in bringing about a stronger United Nations and what the correct presence ought to be and what the correct leadership ought to be. Peacekeeping ought to be a part of that negotiation.

I would further observe that in the coming weeks Congress will have further opportunities to work with President Bush and his administration to craft the most effective means of reform of the U.S. share or increasing them, as may be our preference. I believe this is an issue in which further consultation with the executive branch is desirable.

For the moment, I appreciate that Senator BIDEN will continue to have strong feelings about the United Nations generally, as well as our degree of participation financially and otherwise. That has been the nature of several debates over the years, and each time one of the authorization bills comes to the floor, this issue arises in one form or another. Nevertheless, I will oppose the Biden amendment with the recognition that, as a substitute, if it is adopted, it will be language that I hope at least goes to final passage of this legislation.

If the Senator’s substitute is not adopted, then he has assured me that by voice vote we will adopt the amendment I offered earlier on and proceed on to other considerations.

Mr. BIDEN. Mr. President, very briefly.

Mr. LUGAR. I am happy to yield the Senator 2 minutes of my time.

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

Mr. BIDEN. Mr. President, very briefly, necessarily, the administration has not asked for any latitude. The administration is quite clear. They came up and indicated that we were trying to negotiate on 27 percent for dues. They didn’t ask for that. Speaking to the Secretary of State, I asked her...
about Assistant Secretary Bolton, nominee for the United Nations post. She assured me he shares the administration’s view. The administration’s view was sent to me in writing. It said we ask you to extend for 2 more years at this 27-percent number. There may be negotiating for a stronger negotiation in hand by keeping this at 25 percent.

So it may turn out to be that. The administration’s statement says—this is Executive Office of the President, Office of Management and Budget, date April 5, 2005:

Section 401 makes permanent the 27.1 percent United Nations peacekeeping rate, which is not consistent with the Administration’s year extension.

So they are asking for a 2-year extension. They didn’t want to make it permanent, but they asked for 2 years. That is the only point I want to make.

Mr. SARBANES. What does the Senator’s amendment do?

Mr. LUGAR. My amendment does exactly what the administration asks. I thank the Senate for the additional 2 minutes.

Parliamentary inquiry: Tomorrow the vote is set for 10, and I believe the Senator from Delaware will have 2 or 3 minutes before the vote?

I thank my colleague. I yield the floor. I see our friends are on the floor to debate another substantive issue, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I will conclude at least my portion of the debate by saying I recognize the Senator from Delaware does visit and works carefully with our administration. I appreciate that. I think it is important that America present as united a voice and face to the world as we can. I would just observe, pragmatically, that the administration in my judgment would like to have some latitude on an issue that has divided the Senate as well as the country for some time.

I don’t think this is a monumental subject. I think it is one that, clearly, constructive people can resolve. My hope is that we can strike the peacekeeping issue from the bill so that latitude is available for whatever reform, reconstruction, and debate the administration reformers may wish to have at the U.N. in the coming months.

Having said this, I appreciate Senators staying with this debate. I understand another will be on the way and there will be a short debate on this issue at 10 o’clock or thereabouts tomorrow, and then a vote on that issue before we retire to see the distinguished visitor from Ukraine.

I yield back my time.

Mr. FEINGOLD. Mr. President, I wish to express my support for S. 600, the State Department and Foreign Assistance Authorization bill. I commend Chairman LUGAR and Senator BIDEN for their efforts to make the authorizing role of the Senate Foreign Relations Committee real again, and to thank all my colleagues on the committee for their hard work on this bill, which represents a strong bipartisan consensus in favor of energetic, engaged diplomacy.

I am especially pleased that this bill contains a number of provisions that I authored, including a provision emphasizing the importance of supporting press freedom in Ethiopia. Many of my colleagues may be aware of the Government of Ethiopia’s recent troubling decision to expel representatives of the National Democratic Institute, the International Republican Institute, and the International Foundation for Election Systems from the country in the lead-up to the May elections. But I suspect fewer people know about the Ethiopian Government’s well-established pattern of suppressing the independent press. According to the Committee to Protect Journalists, “in the run-up to 2005 elections, the ruling Ethiopian People’s Revolutionary Democratic Front came under increasing criticism from local journalists and international media organizations for its antagonism toward the country’s private press. Authorities continued to suppress reporting and to intimidate others into silence on sensitive issues, such as government infighting and Ethiopia’s tense relations with its neighbors. Throughout 2004, local journalists and international press freedom groups petitioned the Ethiopian government to revise a repressive press bill, with little success.”

The United States-Ethiopian relationship is an important and complex one. American support for a truly free press should be a part of it.

This bill also contains a provision I authored encouraging a more focused effort to combat impunity and build judicial capacity in the Democratic Republic of the Congo, Burundi, Rwanda, and Uganda. In the eastern part of the DRC, government troops and rebel fighters have raped tens of thousands of women and girls, but fewer than a dozen perpetrators have been prosecuted. The brutality of these crimes and the staggering scale of the problem strike me as requiring years without attracting adequate international attention, demand justice. Similarly, impunity for brutal crimes against civilians is the norm in Burundi. But if Burundi’s peace process is to deliver lasting stability and bring an end to the horrifying violence that keeps families afraid to sleep in their homes at night, the international community must work to help create a strong and independent judiciary in the country. Rwanda continues to struggle with the thorny issues relating to the 2004 genocide, and in Northern Uganda, civilians are too often trapped between the thugs of the Lords Resistance Army and a military presence that has not proven able or willing to provide security or justice. These problems are moral outrages, but they are also destabilizing factors. Over the long run, reasserting the rule of law in Central Africa must be a part of the region’s future security, and creating space for peaceful development.

This bill also contains authorizing language for the administration’s Global Peace Operations Initiative. This language will ensure that Congress and the administration have a shared set of understandings about the nature of this program and about criteria for participation as we move forward with this effort to strengthen global capacity to provide security or justice in peacekeeping missions. By clearly stating that human rights standards and democratic governance are important factors in determining eligibility for participation, and by explicitly calling for outreach to civil society in participating countries, these provisions can help build confidence in this important program and avoid the mistakes of past military assistance initiatives.

I know that the administration and colleagues on both sides of the aisle share my conviction that the global fight against HIV/AIDS is one of the most important and urgent issues of our time. This bill contains an amendment that I offered that supports efforts to provide treatment to the millions infected with HIV, by requiring full transparency regarding the price of the HIV/AIDS drugs being purchased with U.S. assistance under the auspices of the President’s Emergency Plan for AIDS Relief, or PEPFAR. Last year, I learned that the GAO found that the United States was purchasing antiretroviral drugs that differ in price by as much as $328 per person per year from corresponding generic drugs. Shining a light on what is being accomplished with U.S. taxpayer dollars will help us all to determine if there are responsible ways to stretch those dollars further to save more lives. My provision does not require that any specific drugs—be they generic or brand name—be purchased. It simply requires transparency.

I have asked Ambassador Tobias in the past directly about his support for this kind of transparency, and he has assured me that he absolutely supports transparency. I firmly believe that this kind of transparency is language one’s interest, protecting taxpayers and supporting AIDS relief efforts.

The bill also contains a provision I authored related to Indonesia. This provision simply requires the administration to report the status of the ongoing investigation of the murder of American citizens that occurred on August 31, 2002 in Timika.
Indonesia, before releasing funds for certain military assistance programs for Indonesia in 2006. As my colleagues know, for the past two years Congress has supported language restricting Indonesia’s access to certain, very narrowly defined types of military assistance, pending a determination that the Indonesian Government and military are fully cooperating with the FBI in the investigation of the murder of American citizens that occurred on August 27, 2002, in Timika, Indonesia. Secretary Rice has made such a determination for the current fiscal year, but this issue is by no means resolved. The FBI considers this an ongoing investigation, and the FBI has not exonerated anyone. A number of questions remain unanswered, and clearly other conspirators were involved.

Most importantly, I believe that resolution of this case means that efforts are made to hold those responsible for the ambush accountable for their actions in a court of law. But even the one individual indicted by the U.S. remains at large, and has been neither indicted nor arrested by Indonesian authorities. It is important to keep Congress apprised of ongoing cooperation in the investigation, as this case tells us a great deal about the context in which our bilateral relationship is moving forward. I look forward to receiving this report, and I certainly hope we will contain positive news that will reinforce the United States-Indonesian bilateral relationship.

This bill also contains the text of several important measures that I have cosponsored and strongly support. The Global Pathogen Surveillance Act, which will help strengthen international capacity to cope with the threats of biological terrorism and infectious disease, has been turned into a title in this bill, and I commend Senator Biden for his excellent work on this initiative, the Protection of Vulnerable Populations during Humanitarian Emergencies Act is also reflected in this larger authorization bill. This provision will help place the U.S. Government on a firmer footing to administer this new money. The reason behind this request is to give the administration more flexibility with four very different countries—Haiti, Sudan, Afghanistan, and Ethiopia—to the need for flexibility in these important countries, I am also alarmed at essentially putting the entire foreign aid budget for these countries in an account that does not operate under the rules and restrictions that apply to other types of foreign assistance. I am also concerned about the likely consequences for OTI itself, which has never been more than $50 million and was always intended to be a small, highly flexible, very special entity. I urge my colleagues to consider these provisions carefully and to oppose this blank check approach to foreign assistance.

Overall this bill is a vitally important step toward placing the congressional role in foreign policy on a more serious footing. When we consider the stakes in world affairs; when we consider the potential for increased international cooperation in fighting terrorism, we can see that our constituents and future generations stand to gain a great deal from getting foreign policy right. At the very least, we need to start by talking about the issues seriously, authorizing important activities and programs, and giving impetus to initiatives the support they deserve.

The PRESIDING OFFICER. The Assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276b-276k, as amended, appoints the following Senator as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 109th Congress: the Senator from Texas, Mr. CORNyn.

FRANK PERDUE

Mr. MIKULSKI. Mr. President, I want to acknowledge the passing of a great Marylander, Frank Perdue, Sr., who helped build the poultry industry on the Eastern Shore, a leading entrepreneur, a philanthropist. He passed away of Parkinson’s disease a few days ago.

Born in Parsonsburg, on the Eastern Shore of Maryland, Frank Perdue grew up working in his family’s egg business—collecting and cleaning eggs from childhood. But Frank Perdue was determined to take the family business to another level—and it was his tremendous capacity for hard work that did just that. When Perdue said, “It takes a tough man to make a tender chicken,” America listened, and Frank Perdue became both a savvy businessman and a philanthropist. Once a college baseball player and always a baseball fan, Frank Perdue brought the Delmarva Shorebirds to Salisbury in 1996, and then built the team and the Eastern Shore community a stadium. It is for both his business sense and his philanthropic heart that I salute him today.

Frank Perdue and I came from different ends of the political spectrum. Yet we both believed that the best social program is a job—and that we must give help to those who practice self-help. We joked that we should do an ad for a group we both support—we would say—we’re tough birds from the right wing and the left wing—but we both support this tender cause.

Today as we grieve the loss of one of Maryland’s finest, Frank Perdue, we send our thoughts and prayers to his family and many friends and colleagues.

HONORING OUR ARMED FORCES

STAFF SERGEANT SHANE KOELE

Mr. GRASSLEY. Mr. President, today I speak in remembrance of an Iowan who has died in service to his country. A member of the 212th Military Police Company, SSG Shane Koelle died on the 16th of March from injuries sustained when his military vehicle ran over a land mine the day before near Shindand, Afghanistan. He was 25 years old and is survived by a wife, Cheryll, a young daughter, Kiley, a mother, Mary Donnenwerth, a father, Keith Koelle, and two sisters.

Staff Sergeant Koelle grew up in Hartley, IA, and graduated in 1998 from Hartley-Melvin-Sanborn High School. He attended college at Eastern College and Wayne State before joining the Army. After serving in Iraq for 6 months in 2003, Shane returned home to get married. He was sent to Afghanistan on March 13, 2005.

SGG Shane Koelle is remembered by family and friends as a true hero. President Ronald Reagan once said, “Those who say that we’re in a time when there are no heroes, they just don’t know where to look.” Today, we don’t have to look far. We have only to remember with pride SSG Shane Koelle and all those who have died in courageous service to their country. As his family and friends grieve their loss, I can only offer my prayers and my gratitude.

CHLD LABOR

Mr. HARKIN. Mr. President, it is with extreme disappointment that I am proud to work have worked with Frank Perdue—and now with his son Jim Perdue—to fight for fair trade policies that enable Maryland chicken producers to export around the world.

As Frank Perdue’s business soared, he worked to bring Maryland with him. He became a great benefactor to Salisbury University, establishing the Perdue School of Business with a generous gift. Once a college baseball player and always a baseball fan, Frank Perdue brought the Delmarva Shorebirds to Salisbury in 1996, and then built the team and the Eastern Shore community a stadium. It is for both his business sense and his philanthropic heart that I salute him today.

Frank Perdue and I came from different ends of the political spectrum. Yet we both believed that the best social program is a job—and that we must give help to those who practice self-help. We joked that we should do an ad for a group we both support—we would say—we’re tough birds from the right wing and the left wing—but we both support this tender cause.

Today as we grieve the loss of one of Maryland’s finest, Frank Perdue, we send our thoughts and prayers to his family and many friends and colleagues.
Mr. DOLE. Mr. President, I rise today to congratulate the University of North Carolina Tar Heels men's basketball team on their national championship. This is the fourth NCAA Division I title for this storied program and a well deserved finish to an amazing season.

Now, I know some of you are wondering... Yes, I am a Duke graduate and a Duke fan, and as you know, Duke
and North Carolina have one of the most legendary rivalries in the nation. That being said, I truly have been behind this team—I even wore Carolina blue to several events in North Carolina last week to show my support!

On the Tar Heels' road to victory, Roy Williams, who returned to his home state and alma mater just two years ago, earned his first title and demonstrated again why he is one of the best coaches in college basketball. Under his leadership, this group of talented young men developed into truly great players with heart and determination.

The Tar Heels' Sean May was named most outstanding player in the Final Four for his dominant scoring and rebounding. Sean finished an incredible season with 26 points and 10 rebounds against Illinois.

This year started with great expectations as the Tar Heels were picked as the pre-season #1 team by Sports Illustrated. However, in recent years, such impressive rankings were not always the case. Seniors on this Tar Heel team faced great adversity early in their careers as they fought to overcome a disappointing 8-20 season their freshman year. Still, these players were determined to work hard to become a better team. And did they ever. Just 4 years later, these young men completed an incredible turnaround and are now able to call themselves national champions.

Today is a proud day for Coach Williams and the players and fans of the University of North Carolina. College basketball is a special tradition for so many North Carolinians. It is a pastime shared from generation to generation and amongst neighbors and friends. It's what so many folks chat about at the grocery store, before class, over dinner, and after church. We are so proud of the North Carolina Tar Heels' accomplishments this season and delighted that they gave us yet another memory to talk about for years to come.

I yield the floor.

UNIVERSITY OF ILLINOIS MEN'S BASKETBALL SEASON

Mr. DURBIN. Mr. President, Monday night in Saint Louis a dream season came to an end. The University of Illinois was defeated for only the second time this season by the Tar Heels of North Carolina. But as painful as the loss was, it does not detract from a remarkable season.

Head coach Bruce Weber and his Illini should know there is nothing to be disappointed about. As much as I would have enjoyed seeing the Illini conclude their remarkable run with an NCAA championship, there is no doubting what the Illini have accomplished. Illini fans were thrilled with 37 straight victories. They made the first championship game appearance in the school's 100-year basketball history. They won regular-season and conference tournament Big 10 championships and went on to win the Associated Press poll since early in the season.

If I could pick one word to describe the Illini this season, it would be "team." Rarely has a group of young men worked together as well as the Illini have. After Illinois defeated Louisville 72 to 57 on Saturday evening, Louisville head coach Rick Pitino said, "I don't know if they necessarily had the greatest talent I've seen from a Final Four team. He is the best team I've seen in some time."

The Illini are the ultimate team, and that is the ultimate compliment to coach Weber and his players.

Every man on the floor was capable of leading the team to victory, whether it was guards Dee Brown, Luther Head or Deron Williams, or forwards James Augustine or Roger Powell. Yet Illinois plays within head coach Bruce Weber's system and doesn't allow ego, personal statistical goals, or anything else to disrupt the philosophy.

Unfortunately, they came up short against North Carolina. But the State of Illinois is proud of their Illini. An orange hue has been cast across the State as Illinoisans got behind the team for their NCAA tournament run. So many people have enjoyed this tournament and they won't soon forget where they were when the Illini shocked Arizona, or when Roger Powell slam-dunked the rebound from his own one-point shot against Louisville.

I would like to congratulate B. Joseph White, who became the University's 16th president on January 31 of this year, and the administration, faculty, staff, student body, and fans of the University of Illinois on making it to the championship game of the 2005 NCAA tournament.

To the coaches, Illini players, and their families, thanks for the memories. Thanks for showing us what teamwork is all about.

HONORING ARLEN LANCASTER

Mr. CRAPO. Mr. President, I rise today to honor a longtime staff member who is moving onto a new and exciting work challenge. Arlen Lancaster has been a valued member of my staff since the start of my first term in the Senate in 1999. He is leaving my staff to become the Deputy Assistant Secretary for Congressional Relations at the U.S. Department of Agriculture.

Arlen joined my staff as a legislative correspondent and worked his way through two promotions. He now serves as senior policy adviser, covering agriculture, conservation, rural development, energy and the Idaho National Laboratory, natural resources and public lands, defense as well as serving as the staff director for the Agriculture Conservation and Rural Revitalization. Arlen was instrumental in the work that I have done regarding the conservation title in the 2002 farm bill and shepherdng the historic Healthy Forest Restoration Act through Congress.

While Arlen's family hails from the Burye area in my home State of Idaho, he lived in many areas due to his father's work with the U.S. Air Force. He attended high school and college in Utah, graduating with a political science degree from the University of Utah. He is definitely a Westerner at heart and his work for me has benefited many in Idaho.

On a personal note, Arlen was great to work with. He is decisive, insightful and innovative. His easy-going personality and sense of humor permeated all that he did in his public service for the people of Idaho and the United States. He provided a certain spark to my office. In fact, he sparked so much with another LA that they will be getting married this summer and Arlen and Staci have my best wishes for a long, happy life together.

I am excited by Arlen's new challenge at USDA and know he will be up to the task. Although I won't have the same opportunity to work with him on a daily basis, I look forward to our new working relationship and Arlen's continuing successes. His extensive knowledge of agriculture, natural resources and other policy issues will serve Arlen well in his new capacity.

ADDITIONAL STATEMENTS

LIEUTENANT COLONEL ANTONIO R. BAINES

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Army, Lieutenant Colonel Antonio R. Baines, upon his retirement after more than 20 years of distinguished service. Throughout his career, Colonel Baines has personified the Army values of duty, integrity, and selfless service across the many missions the Army provides in defense of our Nation. As a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, many of us on Capitol Hill have enjoyed the opportunity to work with Lieutenant Colonel Baines on a wide variety of Army issues and programs, and it is my privilege to recognize his many accomplishments. I commend his superb service to the United States Army and this great Nation.

Mr. CHAMBLISS. Mr. President, Antonio R. Baines, the son of Mr. Albert and Yolanda Baines of Jonesboro, GA, attended high school in Hephzibah, GA,
and was commissioned as a second lieutenant in the Signal Corps after graduating from North Georgia College in 1984. His first assignment was as the Battalion Signal Officer for the 6th Battalion, 37th Field Artillery, 2nd Infantry Division. He has served in multiple assignments within the United States, including two tours at Ft. Gordon, GA, and notably as the Signal Officer for 1st Squadron, 9th U.S. Calvary Regiment at Fort Lewis, WA, and the 22nd Aviation Brigade, 82nd Airborne Division at Fort Bragg, NC. Lieutenant Colonel Baines served two tours in Europe as the Signal Officer for the 3rd Battalion, 9th Armor Regiment in Stuttgart, Germany, and deployed to South West Asia as part of Operations Desert Shield and Desert Storm. Later as the Assistant Division Signal Officer for the 1st Infantry Division in Wurzburg, he again deployed to Bois inside Rennes to A. by Signal, Lieutenant Colonel Baines excelled in a wide variety of leadership and staff assignments to include Platoon Leader, Battalion Adjutant, Company Commander, Brigade Adjutant and Battalion Executive Officer.

In 1999, Lieutenant Colonel Baines was selected to be a Force Development Officer with assignment to the Pentagon. He served on the G-3 and G-6 staff as the Army’s Systems Integration and Signal radios element. He was subsequently selected as a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, Congressional Legislative Liaison, Programs Division from June 2001 through June 2005.

Lieutenant Colonel Baines maintained constant liaison with the Professional Staff Members of the Senate and House Armed Services Committees on issues relating to the Army’s educational programs focusing on Army Research, Development, Test and Evaluation, Information Technology, and Ammunition Procurement. In 2003, Lieutenant Colonel Baines was selected to be the leader of the hardware section of the Programs Division.

Throughout these assignments, Lieutenant Colonel Baines provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. Antonio’s actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. On behalf of Congress and the United States of America, I thank Colonel Baines, his wife Peggy, and his entire family for the commitment, sacrifices, and contribution that they have made throughout his honorable military career. Congratulations on completing an exceptional and extremely successful career.

TRIBUTE TO ADMIRAL CARLISLE

A.H. TROST, U.S. NAVY, RETIRED

Mr. WARNER. Mr. President, I rise today to pay tribute to ADM Carlisle A.H. Trost, U.S. Navy, Retired, as he steps down after 17 faithful, diligent, and honorable years as the chairman of the board of directors of the George and Carol Olmsted Foundation of Falls Church, VA. In years past it was a privilege to have worked closely with both George Olmsted and Admiral Trost.

Admiral Trost, who ascended to the position of Chief of Naval Operations during his long and distinguished career as he served his first role as a director, then as chairman of the board, of the prestigious Olmsted Foundation. Demonstrating a vital understanding of this complex world, he led the foundation in its expanding role to educate young, talented, and dedicated military officers in learning foreign languages and in understanding foreign cultures through the awarding of scholarships to study overseas for 2 years. With our military deployed for wars in over 100 countries today, the importance of having officers imbued with the cultural sensitivities and language capabilities provided by this special education is essential. Thanks to Admiral Trost’s innate understanding of the importance of providing to Olmsted scholars and his visionary leadership, the number of scholars studying annually doubled and the foundation’s endowment increased dramatically.

Admiral Trost also established the Tri-Service Academy Cadet and Midshipman Overseas Travel and Cultural Immersion Program at our three service academies in 2001. He later extended this important training and educational program to the three Service Reserve Officer Training Commands, ROTC, and the six senior military colleges, title 10 schools. Admiral Trost graduated from the Naval Academy in 1953, where he was first in his class of 258. He went on to become an Olmsted Scholar in 1960, studying in the German language at the University of Freiburg from 1960 to 1962. From there he had a most successful tour as a submarine officer, eventually commanding the blue crew of the nuclear-powered ballistic missile submarine, USS Sam Rayburn, SSBN 635.

As a young captain, he was selected by his superiors to serve as a naval aide to the Under Secretary and, later, Secretary of the Navy. This was Secretary of the Navy. As a young captain, he was selected by his superiors to serve as a naval aide to the Under Secretary and, later, Secretary of the Navy. This was Secretary of the Navy. This was Secretary of the Navy. It was Secretary of the Navy. It was Secretary of the Navy. It was Secretary of the Navy. Admiral Trost always served his country with honor and dignity.

Admiral Trost has provided outstanding leadership, advice, and sound professional judgment on many critical issues and at many key levels of decision making for both the Navy and the Nation. Indeed, his actions and wise counsel over the years have been of enormous importance to the U.S. Congress. Though he is a modest man, he truly is an extraordinary individual and leader who has contributed so much to this country and the cause of freedom. He has been dedicated fully to mission accomplishment, education, leadership, and professionalism in the highest traditions of the American spirit.

HONORING THIRTY YEARS FOR R.J. VIAL ELEMENTARY SCHOOL

Ms. LANDRIEU. Mr. President, every session in Congress, we spend a large amount of time discussing education in this country. Debates range from accountability to school construction to teacher recruitment. While our discussions are of the utmost importance, it is the implementation of our decisions by individuals within the education system that changes how our children learn. Today, I would like to take a minute to talk about the real celebration of this school.

In the past 5 years, R.J. Vial Elementary School has steadily increased the number of students passing the LEAP 21 test in all four areas that the test covers. R.J. Vial is clearly meeting its mission of developing respectful, lifelong learners. That is what I would like to celebrate today in the United States Senate.

In the April 2005 Community Newsletter of R.J. Vial Elementary School, Principal Frederick A. Treuting wrote, “Our greatest and perhaps only truly effective discipline tool is a strong relationship that bonds us to our children.” Principal Treuting could not be more correct. If we are to succeed in educating our children to the best of our ability, we must reach out to them and work to raise academic achievement in our public schools by putting the priority on performance instead of process, delivering results instead of developing rules, and on actively encouraging bold reform instead of passing legislation that only tolerating failure.

At 510 Louisiana Street in Paradis, LA, R.J. Vial Elementary School is already doing these things and because of that, has become one of the finest schools in the state of Louisiana. There is no greater investment we can make in our future than in the education of our children. I commend the hard work of all the people who have and currently work at and with R.J. Vial Elementary School; you are giving the best gift you can to our youth. It has been said that it takes a village to raise a child, so we must all work together to see that we educate our children to the best of our ability. And to the students, both past
and present, of R.J. Vial, I offer my congratulations. Because of your efforts in the classroom for the past thirty years, R.J. Vial Elementary School has become the beacon of success that it is today.

Happy Birthday, R.J. Vial Elementary School! My heartfelt congratulations to all involved with the school, and best wishes to another great 30 years.

HONORING POPE JOHN PAUL II

• Mr. ALLARD. Mr. President, I was unable to be present for today’s vote honoring His Holiness, Pope John Paul II. At the time of the vote, I was in Colorado attending my father-in-law’s funeral service. Having been an original cosponsor of the resolution, I would have supported the measure if present.

As we mourn the passage of Pope John Paul II, we also pause to reflect on the many blessings his life bestowed upon the world. This great man was not only a defender of his faith, but of the weakest and most vulnerable among us. He will be remembered, without doubt, as one of the most significant and influential figures of the 20th century who influenced and ascended the Roman Catholic Church and has had an impact on everyone’s relationship with the Creator. I humbly pay my respects and honor the legacy that he leaves behind.

NICOLE WAYANT AND CORMAC O’CONNOR

• Mr. BROWNBACK. Mr. President, I congratulate and honor two young Kansas students who have achieved national recognition for exemplary volunteer service in their communities. Nicole Wayant of Topeka, KS, and Cormac O’Connor of Prairie Village, KS, have just been named State Honorees in The 2005 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each State, the District of Columbia, and Puerto Rico.

Ms. Wayant is being recognized for creating a youth health council to promote the benefits of an active, healthy lifestyle among the students in her school district. Mr. O’Connor is being recognized for implementing an intergenerational arts program that brought senior citizens and at-risk children together for classes in visual arts, movements, theater and jazz.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Wayant and Mr. O’Connor are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial, Inc. The National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other youth to follow their example. Over the past 10 years, the program has become the Nation’s largest youth recognition effort based solely on community service, with more than 170,000 young people participating since its inception.

Ms. Wayant and Mr. O’Connor should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington, D.C., along with other 2005 Spirit of Community honorees from across the country, for several days of special events, including a congressional breakfast on Capitol Hill. While here in Washington, 10 will be named America’s top youth volunteers of the year by a distinguished national selection committee.

I applaud Ms. Wayant and Mr. O’Connor for their initiative in seeking to make their communities better places to live, and for the positive impact they have—along with others—I also salute the other young people in my State who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are Shawn Bryant of Leavenworth, KS; Brad Harris of Saint Paul, KS; Amanda Knox of Clifton, KS; and Creighton Olsen of Larned, KS.

All of these young people have demonstrated a level of commitment and accomplishment—extraordinary in today’s world and they deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America’s community spirit continues to hold tremendous promise for the future.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1454. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2004; to the Committee on Foreign Relations.

EC–1455. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the Taiwan Relations Act; to the Committee on Foreign Relations.

EC–1456. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the annual report covering international agreements, other than treaties, between the United States and foreign governments; to the Committee on Foreign Relations.

EC–1457. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the annual report covering international agreements, other than treaties, between the United States and foreign governments; to the Committee on Foreign Relations.

EC–1458. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report required under the Nuclear Non-Proliferation Act of 1978 relative to U.S. Government departments and agencies relating to the prevention of nuclear proliferation between January 1 and December 31, 2004; to the Committee on Foreign Relations.

EC–1459. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending December 31, 2003; to the Committee on Foreign Relations.

EC–1460. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1461. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1462. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1463. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1464. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1465. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1466. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1467. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.
EC-1468. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1469. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1470. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1471. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Northeastern Hemisphere Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1472. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1473. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Protection of Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1474. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1475. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1476. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1477. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Western Hemisphere Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1478. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1479. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1480. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1481. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1482. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1483. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1484. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1485. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1486. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1487. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1488. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1489. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1490. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

S. 696. A bill to suspend temporarily the duty on methacrylamido ethyleneurea monomer; to the Committee on Finance.

S. 699. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Finance.

S. 700. A bill to reduce temporarily the duty on potassium sorbate; to the Committee on Finance.

S. 701. A bill to reduce temporarily the duty on certain sorbic acid (hexadienonic acid) (2,4-dihydrogenenic acid); to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. BUNNING, Mr. JOHNSON, Mr. TALENT, and Mr. CRAIG):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. RUDI):

S. 703. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 704. A bill to authorize appropriations for the year 2005 for certain contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on Foreign Relations.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COLEMAN:

S. 706. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Indian Affairs.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 708. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to information concerning the quality of care provided by
skilled nursing facilities and to provide incentives to skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

By Mr. DeWINE (for himself, Mr. Reed, Mr. Burr, and Mr. Dodd):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. Lincoln (for herself, Mr. Lugar, and Mr. Bingaman):

S. 710. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicare and State children’s health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. Akaka (for himself, Ms. Murkowski, and Mr. Stevens):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

By Mr. Chambliss (for himself, Mr. Isakson, Mr. Lott, and Mr. Cochran):

S. 712. A bill to require a study and report regarding the designation of a new interstate route from Augusta, Georgia to Natchez, Mississippi; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. Frist (for himself, Mr. Reid, Mr. Durbin, Mr. Santorum, Ms. Mikulski, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Boren, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Mr. Cantwell, Mr. Cardin, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Durbin, Mr. Domenech, Mr. Dorgan, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Ky, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Ms. Murkowski, Mr. Murray, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reid, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Sargent, Mr. Schumer, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, and Mr. Wyden):

S. Res. 35. A resolution relating to the death of the Holy Father, Pope John Paul II, considered and agreed to.

By Mr. Inhofe (for himself and Mr. Coburn):

S. Res. 96. A resolution commemorating the tenth anniversary of the attack on the Alfred P. Murrah Federal Building; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3. At the request of Mr. Ensign, the name of the Senator from Colorado (Mr. Allard) and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 6, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 35. At the request of Mr. Conrad, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind.

S. 43. At the request of Mr. Hagel, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 43, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

S. 46. At the request of Mr. Levin, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 46, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 55. At the request of Mr. Inhofe, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 77. At the request of Mr. Sessions, the name of the Senator from Texas (Mrs. Hutchinson) was added as a cosponsor of S. 77, a bill to amend titles 10 and 36 United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119. At the request of Mrs. Feinstein, the names of the Senator from Wisconsin (Mr. Kohl) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 119, a bill to provide funding to the protection of unaccompanied alien children, and for other purposes.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 119, supra.

At the request of Mr. Akaka, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 186. At the request of Mr. Allard, the names of the Senator from Indiana (Mr. Bayh) and the Senator from Utah (Mr. Hatch) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

S. 241. At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 260. At the request of Mr. Inhofe, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 260, a bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 269. At the request of Mr. Harkin, the names of the Senator from Indiana (Mr. Bayh) and the Senator from Vermont (Mr. Jeffords) were added as cosponsors of S. 269, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 300. At the request of Ms. Collins, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333. At the request of Mr. Santorum, the names of the Senator from Florida (Mr. Martinez) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337. At the request of Mrs. Clinton, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor...
of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 339

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 347

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care, and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 352

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 352, a bill to revise certain requirements for H-2B employers and require submission of information regarding H-2B non-immigrants, and for other purposes.

S. 357

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 357, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to conform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 394

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 424

At the request of Mr. BOND, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. BINGAMAN) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 445

At the request of Ms. STABENOW, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 471

At the request of Mr. SPECKER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. BURGDORF) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Kentucky (Mr. BUNNING), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 484, a bill to amend title XVIII of the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 498

At the request of Mr. ALEXANDER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 498, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 492

At the request of Mr. FRIST, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 496

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 496, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 526

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 526, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 570

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 570, a bill to amend title XVIII and XIX of the Social Security Act and title III of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.
At the request of Mr. Pryor, the names of the Senator from New York (Mrs. Clinton), the Senator from Tennessee (Mr. Alexander), the Senator from New Mexico (Mr. Bingaman), the Senator from Ohio (Mr. Hollings), the Senator from Washington (Ms. Cantwell), the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Carper), the Senator from Kentucky (Mr. Bunning), the Senator from Rhode Island (Mr. Shaheen), the Senator from New Jersey (Mr. Corzine), the Senator from Mississippi (Mr. Cochran), the Senator from Minnesota (Mr. Dayton), the Senator from Texas (Mr. Cornyn), the Senator from Illinois (Mr. Durbin), the Senator from Idaho (Mr. Craig), the Senator from Wisconsin (Mr. Feingold), the Senator from Ohio (Mr. Dewine), the Senator from Vermont (Mr. Jeffords), the Senator from North Carolina (Mrs. Dole), the Senator from Massachusetts (Mr. Kennedy), the Senator from Indiana (Mr. Lugar), the Senator from New Jersey (Mr. Lautenberg), the Senator from Alaska (Ms. Murkowski), the Senator from Vermont (Mr. Leahy), the Senator from Illinois (Mr. Durbin), the Senator from Michigan (Mr. Levin), the Senator from Pennsylvania (Mr. Specter), the Senator from Connecticut (Mr. Lieberman), the Senator from Alaska (Mr. Stevens), the Senator from Maryland (Mr. Mikulski), the Senator from Missouri (Mr. Talent), the Senator from Washington (Mrs. Murray), the Senator from Wyoming (Mr. Thomas), the Senator from Illinois (Mr. Obama), the Senator from South Dakota (Mr. Thune), the Senator from West Virginia (Mr. Rockefeller), the Senator from Louisiana (Mr. Vitter), the Senator from Colorado (Mr. Salazar), the Senator from Florida (Mr. Nelson), the Senator from North Dakota (Mr. Dorgan), the Senator from Massachusetts (Mr. Kerry), the Senator from Louisiana (Ms. Landrieu) and the Senator from South Dakota (Mr. Johnson) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

At the request of Mr. Conrad, the names of the Senator from Michigan (Mr. Levin) and the Senator from South Dakota (Mr. Johnson) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

At the request of Mr. Brownback, the names of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prematurely diagnosed conditions.

At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 626, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and establish national standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program.

At the request of Mr. Johnson, the names of the Senator from Arkansas (Mr. Pryor), the Senator from New Jersey (Mr. Lautenberg) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

At the request of Mr. Frist, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

At the request of Mr. Roberts, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 643, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

At the request of Mr. Johnson, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

At the request of Mr. Bingaman, the names of the Senator from Colorado (Mr. Allard) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

At the request of Mr. Santorum, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 204

At the request of Mr. Smith, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Burns:

S. 696. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, I rise today to introduce a bill to amend the Elementary and Secondary Education Act with regard to the transfer of students from certain schools. The No Child Left Behind Act of 2001 includes a requirement that schools not meeting adequate yearly progress—the AYP—for 2 consecutive years must provide transfer within the school district, and if no such schools exist, make efforts to provide transfers between school districts to the extent that the Secretary determines is practical or feasible, and where definitions are provided, they are overly broad.

We have just come off the Easter break. We had an opportunity to talk to a lot of educators and students. We return to our work starting today to make some significant—maybe not significant changes, but little changes to No Child Left Behind to make it more practical and make it more common sense in States such as Montana.

When we start looking at these maps, and as the President pro tempore leaves the Chamber, he understands what rural is when he looks at his State of Alaska. We are not nearly as big as Alaska. However, when we look at the State of Montana—and for those who wonder about distances and sizes, from the Yak, which is up in the northwest corner of the State, to Alzada in the southeast corner, it is farther than it is from Chicago to Washington, DC. So there is a pretty fair chunk of land out here, and we have young folks who go to school in just about every part of the State.

These are the elementary schools I am going to talk about as I speak on No Child Left Behind and the legislation I am introducing today.

The bottom line is No Child Left Behind is not a one-size-fits-all legislation. We have some of the greatest teachers there in the country, and we have some of the brightest minds to teach. Accordingly, it is imperative that Congress continue to hear the needs and concerns of America’s rural education communities.

Just to give my colleagues an idea, I had a little bit to do with the passage
and the shaping of the 1996 Telecommunications Act. In that bill, we had a piece included called broadband. Back in those days, most folks had not heard of the Internet, broadband, or digital. There were not very many of us around then even computer literate. We are getting better. We are getting a little younger.

I can remember when we put the broadband section in the bill, primarily to do two things in my State: distance learning, the following of those smaller schools in rural areas to access the Internet and classes to be taught via a two-way interact from another location so that their curriculum could be broadened, just like a school, say, located in Billings, Great Falls, Missoula. Just because someone was born way out here and went to school in Jordan, MT, where we have a county the size of Rhode Island—it only has 1,800 folks and only one high school. It used to be a boarding school. I do not think it is anymore. But it used to be when you took your student to school on Monday morning, you did not see them until Friday night after the football game was over. So we deal in a little bit different kind of environment and situation.

The Federal law must recognize the significant differences between urban and rural school districts with regard to student transportation, school spacing, and, of course, the school choice options. Although No Child Left Behind leaves the State of Montana in control of determining the feasibility of transfers between different school districts, it is much less flexible when it comes to transfers within the same school district.

My legislation would add to existing guidelines on the practicality and the feasibility of school choice that a school district would not be required to provide a student with a transfer option if providing the option is impractical due to the distance to be traveled, a geographical barrier or hazard, the duration of the travel, or an unusually high cost of travel. However, if choice is not offered under the latter circumstances, students in affected schools will still receive valuable supplemental education services, and school districts will still have the option to provide students school learning choices through distance learning programs, our summer schools or several other options offered under current law.

We are pretty sparse in eastern Montana. From Miles City to Jordan is about 90 miles. I was talking about Jordan a while ago up on the big dry creek. You heard me say I have a lot of dirt between light bulbs out there. Well, we have a lot of land between schools out there also, and school districts can be quite large. The centers of Billings, Great Falls, Missoula, the Flathead, Bozeman, even grouped pretty closely. In eastern Montana, however, they are far apart. We have elementary schools not even on paved roads, still on gravel. I know one that is still on a mud road. If it rains real hard or during the spring thaw, they cannot get a car in there or a pickup truck or even a four-wheel drive vehicle, so they all ride horses, which is not a bad idea. It saves on gas, and they like it. I do not think I have a bad idea at all. This is a map of the elementary schools to give an idea of where they are located way out there.

Now, I want to take a look at the high schools. There are not as many of them as you might think to do if a school in Miles City is in need of improvement under the current law? Where are you going to send them? To Broadus? I do not think so. That is another 90 or 90 miles. Pretty soon the miles start adding up.

Right now the law requires the schools to pay for students to transfer them in the same district unless doing so is too expensive. In Montana, as with many rural schools in rural States, and the costs are greater than just cost. While the law makes sense in Billings, it does not work in districts where the schools are farther apart.

Take the Broadus County School District in southeastern Montana as an example. As we can see, there is a lot of distance between schools. There are not very many schools out there. These are high schools. These are not elementary schools but high schools. Some must travel one way or the other to drive. It not only hurts the family life of the students, but it disrupts what they do and also has an adverse effect on their academic performance.

Sometimes this type of commute may be necessary. My legislation makes this decision a matter for rural States to decide instead of the politicians here in Washington, DC, or by a rule written into a law that just is unworkable in my State. I realize No Child Left Behind has some built-in flexibilities, and I also realize that some States did not take advantage of some of those flexibilities. Now we are locked into a situation where it is almost impossible to change unless we change the legislation and reword it. My legislation simply clarifies what is feasible and practical for school choice transfers within school districts and gives the States, especially my State, the ability to move students in rural Broadus different than it does in rural schools in more urbanized Billings, MT.

I would imagine the Senator from Florida who is new to this body and a terrific addition to this body has some rural areas in Florida. We think of Florida as more urbanized, but they have some rural areas too, just like Montana. That does not mean there are kids out there whose needs should not be addressed.

When we visit schools, we get all kinds of questions from the students. I was visiting a sixth-grade class the other day. They came up with all kinds of questions. Some of them were pretty good, some were not so good. I did have one that was just a little bit different. This young man stood up in sixth grade, and he said: Senator, what do you want written on your tombstone? My gosh, I never had that question before, and I did not know exactly how to answer it, so I just told him: He's not here yet. That is the only way I could answer him.

These young people are very bright. They like their schools in these areas. They like some distance learning. And we have telemedicine. We are delivering medical care much differently now. We are doing it with broadband services. We have 14 counties that do not have a doctor. It is done by physician assistants and many other people.

The other day a student from our part of the country enrolled at Montana State University at Billings. He had taken enough courses in his senior year in distance learning from MSUB that he has a full semester completed. When he goes away to school, he already has half a year done.

This is why we have the Telecommunications Act. This is why we have the No Child Left Behind Act. We have to look at schools and libraries, and some of the kinks we have to work out in that law so that these smaller schools and libraries can get their moneys so they can offer this online education. This is just another part of tweaking the No Child Left Behind law to handle it work in rural area.

I urge my Senate colleagues, especially those from rural States, to join me in cosponsoring this bill because it is very important. If we are really dedicated to the program of No Child Left Behind, we cannot leave rural children behind either, and we have to make it work.

Mr. BURNS. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 696

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 "Rural Schools Geography Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are significant differences between urban and rural school districts with regard to student transportation, distances between schools and school districts, and school choice options. Local educational agencies (LEAs) in rural areas often have only 1 school serving a particular grade level, and the distance between these schools is often much greater than in urban areas.

(2) In 2000, rural schools (those in communities with populations below 2,500) taught 32 percent of the children in the United States, but rural schools accounted for $5,670,000,000 of the Nation's spending on school transportation, or nearly half of the total.

(3) Rural transportation costs, per-pupil, are double that of urban transportation.
Diploma. Everywhere I go, I hear the children are dreaming about what they will do with their lives and what they will become after they leave the public schools. In my home state of Illinois, we have long commutes to school, and in other parts of the country, children travel to distant schools. This not only undermines the physical health of the students, but makes transportation during poor weather much more difficult or impossible for some children. The longer commutes are more likely to miss school because of inclement weather. School attendance is an important factor in school performance.

(5) School students who have long commutes actively avoid advanced and high-level courses because they do not have time for the extra homework. This self-imposed restriction retards maximization of educational potential.

(6) Students with long commutes are less likely to engage in in-home and out-of-home activities, such as family dinners, after-school jobs, and athletic or musical extra-curricular activities. Participation in these activities benefits overall educational progress.

(7) Section 1116(b)(10)(C) of the Elementary and Secondary Education Act of 1965 instructs the lowest achieving children be identified the option to transfer to another school agency shall not be required to provide a student with performance assistance benefits overall educational progress.

The families I have met in Illinois are determined to give their kids a chance at that diploma. Everywhere I go, I hear the students who need the most help. Right now, in schools, playgrounds, and backyards across America, children are dreaming about what they will do with their lives and what they will become after they leave the public schools. In my home state of Illinois, we have long commutes to school, and in other parts of the country, children travel to distant schools. This not only undermines the physical health of the students, but makes transportation during poor weather much more difficult or impossible for some children. The longer commutes are more likely to miss school because of inclement weather. School attendance is an important factor in school performance.

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By Mr. BAUCUS (for himself, Mr. Bunning, Mr. Johnson, Mr. Talent, and Mr. Craig):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my colleagues Senators Bunning, Johnson and Talent today in introducing legislation that will repeal the special occupational tax on taxpayers who manufacture, distribute, and sell alcoholic beverages.

The special occupational tax is not a tax on alcoholic products, but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcoholic beverages. Believe it or not, this tax was originally established to help finance the Civil War, which was over, and this inequitable tax has outlived its original purpose. Repealing the SOT will also simplify the tax code for thousands of small businesses.

The SOT on alcohol dramatically increases the cost of government, and has unfairly burdened business owners across the country since. From Thompson Falls to Sidney, from Chilnook to Billings, small businesses are burdened with yet another tax in the form of the SOT. According to the Alcohol and Tobacco Tax and Trade Bureau, there are 426,193 locations nationwide that pay the SOT every year, including 399,657 retailers. These retail establishments account for $99 million out of $103 million collected in SOT revenues.

In Montana, there are 2,969 locations which together pay nearly $1 million in the SOT every year. Seasonal resorts like Big Sky, Whitefish, and Sunlight, “motels, bars, and pop” convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana, and the United States, pay the Federal Government over $100 million per year for the privilege of running businesses that sell beer and wine beverages.

The SOT is extremely regressive. Retailers must annually pay $250 per location; wholesalers pay $500; vintners and distillers pay $1,000. Because the SOT is levied on a per location basis, a sole proprietorship must pay the same amount as one of the nation’s largest retailers, and locally-owned chains having to pay to per location, would have to pay as much as, if not more than, the nation’s largest single single brewhouse.

This is a tax that Congress had in mind 150 years ago, and I don’t believe it’s a situation we want today.

Repealing the SOT on alcohol is supported by a broad-based group of business owners across the United States. The GAO examined SOT efficacy several times, and found it fundamentally flawed. The Joint Committee on Taxation called for the elimination of SOT in its June 2001 simplification study.

More than 90 percent of all SOT revenue comes from retailers—a great majority of those are small businesses. Our small business sector is a great strength of our economy. President Bush has said that the best way to encourage job growth is to let small businesses keep more of their own money, so they can invest in their business and make it easier for somebody to find work. Repealing the SOT would provide an immediate and visible tax cut to small businesses.

In recent months, there has been much talk of tax reform inside the beltway. President Bush has made tax reform one of his key priorities and established a panel that will make recommendations to the Department of Treasury for a better tax system. Getting rid of a tax that has outlived its original purpose is one small step toward reform that makes sense for Montana and our country. We urge our colleagues to pass this legislation so it can be signed into law. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 702
Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the SOT be enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER. (a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of stills, bonded wine cellars, etc.); (B) Subpart B (relating to brewer); (C) Subpart C (relating to wholesale dealers) (other than sections 5114 and 5116); (D) Subpart E (relating to retail dealers) (other than section 5124).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 of such Code is amended by striking “...on payment of a special tax per gallon...”

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 of such Code is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) The heading of such section of subchapter A of chapter 51 of the Internal Revenue Code of 1986 and the table of subparts for such part are amended to read as follows:

"PART II—MISCELLANEOUS PROVISIONS"

Subpart A. Manufacturers of stills.

Subpart B. Nonbeverage domestic drawback claimants.

Subpart C. Recordkeeping and registration by dealers.

Subpart D. Other provisions.

(2) The table of parts for such subchapter is amended by striking the item relating to part II and inserting the following new item:

"Part II. Miscellaneous provisions."

(3) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(3B) The table of sections for such subchapter is amended by striking "and rate of tax" in the item relating to section 5111, so redesignated.

(3C) Section 5111 of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking "AND RATE OF TAX" in the section heading;

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 of such Code is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

"Subpart C—Recordkeeping by Dealers"

Sec. 5121. Recordkeeping by wholesale dealers.

Sec. 5122. Recordkeeping by retail dealers.

Sec. 5123. Preservation and inspection of records.

(c) Effective Date.—Such provisions shall apply to taxable years beginning after the date of the enactment of this Act.

S. 702
Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the SOT be enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,
II and inserted after the table of sections for such subpart.

(B) Section 5114 of such Code is amended—

(1) by striking the section heading and inserting the following new heading:

"SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.",

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) WHOLESALE DEALERS.—For purposes of this section—

(1) WHOLESALE DEALER IN LIQUORS.—The term 'wholesale dealer in liquors' means any dealer (other than a wholesale dealer in beer who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer).

(2) WHOLESALE DEALER IN BEER.—The term 'wholesale dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

(3) DEALER.—The term 'dealer' means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in carrying on business as a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.

(C) Paragraph (3) of section 5121(d) of such Code, as so redesignated, is amended by striking "section 5146" and inserting "section 5123.

(6)(A) Section 5124 of such Code (relating to records) is moved to subpart C of part II of subchapter A of such Code and inserted after section 5121.

(B) Section 5124 of such Code is amended—

(i) by striking the section heading and inserting the following new section:

"SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.",

(ii) by striking "section 5146" in subsection (c) and inserting "section 5123";

and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) RETAIL DEALERS.—For purposes of this section—

(1) RETAIL DEALER IN LIQUORS.—The term 'retail dealer in liquors' means any dealer (other than a limited retailer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

(2) RETAIL DEALER IN BEER.—The term 'retail dealer in beer' means any dealer (other than a limited retailer) who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

(3) LIMITED RETAIL DEALER.—The term 'limited retail dealer' means any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization making sales of distilled spirits, wine or beer on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, or any meetings under sales of distilled spirits, wine or beer to the members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or other similar outings, if such organization or persons at such meetings are not otherwise engaged in business as a dealer.

(4) DEALER.—The term 'dealer' has the meaning given such term by section 5122(c).

(7) Section 5146 of such Code is moved to subpart C of part II of subchapter A of chapter 51 of such Code, inserted after section 5122, and redesignated as section 5123.

(8) Subpart C of part II of subchapter A of chapter 51 of such Code, as amended by paragraph (7), is added at the end of the following new section:

"SEC. 5124. REGISTRATION BY DEALERS.

"Every dealer who is subject to the recordkeeping requirements of section 5121, or 5122 shall register with the Secretary such dealer's name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence of such persons, shall be registered.

(9) Section 7012 of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) For provisions relating to registration by dealers in distilled spirits, wines, and beer, see section 5122.

(10) Part II of subchapter A of chapter 51 of such Code is amended by inserting after subpart C the following new subpart:

"Subpart C. Other Provisions

"Sec. 5131. Packaging distilled spirits for industrial uses.

"Sec. 5132. Prohibited purchases by dealers.

(11) Section 5116 of such Code is moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after the table of sections, redesignated as section 5131, and amended by inserting "in defined in section 5121(c)" after 'dealer' in subsection (a).

(12) Subpart D of part II of subchapter A of chapter 51 of such Code is amended by adding at the end the following new section:

"SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

(a) IN GENERAL.—Except as provided in this section, it shall be unlawful for a dealer to purchase distilled spirits for resale from another dealer.

(b) LIMITED RETAIL DEALERS.—A limited retail dealer may lawfully purchase distilled spirits for resale from a retail dealer in liquors.

(c) PENALTY AND FORFEITURE.

For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302.

(D) The table of sections for subpart D of part II of subchapter A of chapter 51 of such Code is hereby repealed.

(13) Subsection (b) of section 5002 of such Code is amended—

(A) by striking "section 5121(a)" and inserting "section 5121(c)";

(B) by striking "section 5112" and inserting "section 5121(c)";

(C) by striking "section 5122" and inserting "section 5122(c)";

(14) Subparagraph (A) of section 5101(c)(2) of such Code is amended by striking "section 5134" and inserting "section 5114".

(15) Subsection (d) of section 5002 of such Code is amended to read as follows:

"(d) USES.—For purposes of this chapter, the term 'brewer' means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e).

(16) The text of section 5102 of such Code is amended to read as follows:

"For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122.

(17) Subsection (b) of section 5002 of such Code is amended by striking "section 5002(b)" and inserting "section 5002(d)".

(18) Section 5671 of such Code is amended by striking "or 5691".

(19) A Part V of subchapter J of chapter 51 of such Code is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(20) Subsections (a), (b), and (c) of section 5002 of such Code are moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended by striking "this part C" wherever such place it appears and inserting "this subchapter".

(B) Section 5732 of such Code, as redesignated by subparagraph (A), is amended by striking "liquors" both places it appears and inserting "tobacco products and cigarette papers and tubes".

(D) The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following:

"Sec. 5732. Payment of tax.


"Sec. 5734. Application of State laws.

(E) Section 5731 of such Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(21) Subsection (c) of section 6071 of such Code is amended by striking "section 5142" and inserting "section 5232".

(22) Paragraph (1) of section 7652(g) of such Code is amended—

(A) by striking "subpart F" and inserting "subpart B"; and

(B) by striking "section 5131(a)" and inserting "section 5111".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005, and shall apply to taxes imposed for periods before such date.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, I am introducing legislation to establish an Interagency Council on Meeting the Housing and Service Needs of Seniors, which will help the Federal Government work with its partners to meet the growing housing and related needs of senior citizens around the country. The Interagency Council will work to better coordinate Federal programs so that seniors and their families can access the programs and the services necessary to allow them to age in place or find suitable housing alternatives.

It is important that we take note of the needs of this rapidly growing senior population. In 2000, the population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. By the year 2030, nearly one-fifth of the United States population will be above 65 years of age.

In recognition of the importance of this issue, in 1999 Congress established the Commission on Affordable Housing and Health Facility Needs, a bipartisan, bicameral, 14 member group of Representatives and Senators—the "Seniors Commission"—to assess the Federal role in senior housing, health and supportive services. The Seniors
Commission made a number of significant findings. For example, the commission found that seniors require a wide array of housing options with access to services, including meal preparation, transportation, health care, and assistance with daily activities. According to the Seniors Commission, over 18 percent of senior citizens—over 5.8 million seniors—who do not reside in nursing facilities have difficulty performing their daily activities without assistance. Over a million of these seniors are severely impaired, requiring assistance with many of their basic tasks. Many other seniors, those that can perform their daily functions, still require access to health care, transportation, and other services. Without enhanced housing opportunities, such as service-enriched housing or assisted living facilities, these seniors find it increasingly difficult to remain outside of nursing homes or other institutional settings. In fact, the Seniors Commission found that many seniors believe the income spectrum are at risk of institutionalization or neglect due to declining health and the loss or absence of support and timely interventions.

For many seniors, in-home care, service-enriched retrofitting of homes and apartments, and assisted living-type facilities are sorely needed so that seniors can access necessary services where they live.

While there are numerous Federal programs that assist seniors and their families in meeting these needs, they are fragmented across many government agencies, with little or no coordination. In fact, the Seniors Commission found that the most striking characteristic of seniors’ housing and health care in this country is the disconnection of one field from another.

For example, housing assistance is available from the Department of Labor; the Department of Housing and Urban Development; the Department of Agriculture, and the Department of Health and Human Services, such as the Centers for Medicare and Medicaid Services, and the Administration on Aging, as well as through the Department of Transportation and the Department of Labor.

The Seniors Commission concludes that the time has come for coordination among Federal and State agencies and administrators. The legislation I am introducing today, the “Meeting the Housing and Service Needs of Seniors Act of 2005,” answers the commission’s call to action by implementing the recommendations for better federal coordination.

Through a high-level interagency council the Federal Government will take a simple, but critical, step in addressing the fragmented system. This Council will have a variety of functions. The council will review all Federal programs designed to assist seniors, identify gaps in services, make recommendations about how to reduce duplication, identify best practices for relevant programs and services, and most importantly, work to improve the availability of housing and services for seniors. The council will also monitor, evaluate, and recommend improvements to existing programs and services that assist seniors in meeting their housing and service needs at the Federal, State, and local level, and will work to more effectively coordinate programs at the federal level, as well as at the State and local level, in the making of decisions regarding health and service needs are made. In addition, the council will be responsible for collecting and disseminating information, through a variety of means, about seniors and the programs and services relating to their needs. Through collaboration with the Federal Interagency Forum on Aging Statistics and the Census Bureau, the council will consolidate data on these needs and identify and address unmet data needs.

With improved collaboration and coordination among the Federal agencies and our State partners, we can ensure that seniors are better able to access housing and services. To ensure its effectiveness, the council will be comprised of top-level officials who oversee the Federal and State administration in this country, including the Secretaries of the Department of Housing and Urban Development; the Department of Health and Human Services; the Department of Labor; the Department of Transportation; and the Department of Veterans Affairs; as well as the Commissioner of the Social Security Administration; the Administrator of the Centers for Medicare and Medicaid Services; and the Administrator of the Administration for the Aging.

This is a step we must take. It is essential that we make it easier for seniors and their families to access housing and supportive services together, so that when faced with difficult decisions, they do not have to navigate a confusing maze of programs and services, and work through multiple bureaucracies. We must also make it simpler for developers and providers to link housing and services to those greater supportive housing opportunities are available to the senior population. Through my Interagency Council, I believe that we can move toward a model of providing housing and services to seniors around the country.

If we are to successfully address these growing needs, it is clear that much work must be done. The establishment of an Interagency Council on Meeting the Housing and Service Needs of Seniors is a critical first step in this endeavor. I urge my colleagues to support this important legislation, and I ask unanimous consent that the text of the bill together with letters of support be printed in the Record.

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

SEC. 3. DEFINITIONS.

In this Act:

(1) The term “housing” means any form of residence, including rental housing, ownership, assisted living, and institutional housing, such as nursing facilities and group homes.

(2) The term “service” includes transportation, health care, nutrition assistance, case management, and any other services needed by seniors.

(3) The term “agency” includes any Federal or State program providing income support, health benefits or other benefits to seniors, housing assistance, mortgages, mortgage insurance or guarantees, home modification, counseling, supportive services, and assistance with daily activities.

(4) The term “Council” means the Interagency Council on Meeting the Housing and Service Needs of Seniors.

SEC. 4. INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS.

(a) Establishment.—There is established in the executive branch an independent...
The Council shall meet not less than twice a year, and the Administrator of the Administration on Aging or a designee of the Administrator shall preside at the meetings of the Council. The Council shall make such rules and regulations as it deems necessary to carry out the purposes of this Act.

The Council shall keep minutes of its meetings and shall at all合理 times open to its members the records of the Council. Such minutes shall be kept by the Administrator of the Administration on Aging or a designee of the Administrator. Such minutes shall be kept for a period of 3 years after the date of approval of the Council's report under Section 6.

The Council shall keep minutes of its meetings and shall at all reasonable times open to its members the records of the Council. Such minutes shall be kept by the Administrator of the Administration on Aging or a designee of the Administrator. Such minutes shall be kept for a period of 3 years after the date of approval of the Council's report under Section 6.

The Council shall keep minutes of its meetings and shall at all reasonable times open to its members the records of the Council. Such minutes shall be kept by the Administrator of the Administration on Aging or a designee of the Administrator. Such minutes shall be kept for a period of 3 years after the date of approval of the Council's report under Section 6.

The Council shall prepare and transmit to the President, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Education, Labor, and Pensions, the House Financial Services Committee, and the House Committee on Education and the Workforce a report that—
(A) summarizes the reports required in paragraph (1);
(B) utilizes recent data to assess the nature of the problems faced by seniors in meeting their unique housing and service needs; and
(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs as problems described in subparagraph (B); and
(D) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) Hearings.—The Council may hold such hearings, sit and act at such times and place and by such procedure as it may determine, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) Information from Agencies.—Agencies writing to members of the Council shall provide all requested information and data to the Council as requested.

(c) Postal Service.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The Council may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) Compensation of Members.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to their other compensation.

(b) Travel Expenses.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) Staff.—
(1) In general.—The Council shall, without regard to civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel
as may be necessary to enable the Council to perform its duties.

(2) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional professional and technical personnel as are necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter III of chapter 55 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council, without reimbursement, for such detail to be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall provide the Council with such administrative and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $1,500,000 for each of fiscal years 2005 through 2010.

ELDERLY HOUSING COALITION.

Washington, DC, April 5, 2005

Re support for Interagency Council on Housing and Service Needs of Seniors.

Hon. PAUL SARBANES,
Chairman, Committee on Banking, Housing and Urban Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Elderly Housing Coalition (EHC) is comprised of organizations that represent providers of affordable housing and supportive service for the elderly. We are writing in enthusiastic support of your legislation that would establish the Interagency Council on Housing and Service Needs of Seniors.

In my testimony, before the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, I stated that ‘‘even for long-time professionals, the current ‘crazy-quilt’ tapestry of federal support programs makes it difficult to fully grasp their complexities, let alone try to access them. The results are confusion among consumers, duplication of service delivery, government agencies not knowing who supplies what service or that some services even exist, reduction in qualified service workers, regulations that impede dedicated service providers from providing the services they were hired and want to perform.’’

One of AASC recommendations to the Commission was the establishment of a cabinet-level department that would encompass in one entity housing, health care and other federal services and shelter services for the elderly to better focus federal policy and regulatory efforts, in conjunction with states and communities. AASC believes that your bill is an important step to establish a permanent national platform to address many of the cross-cutting needs and issues confronting increasing numbers of frail and vulnerable older persons.

As you may know, AASC is a national, nonprofit organization representing professional service coordinators who serve low-income older persons and other special populations living in federal, state and local public housing facilities nationwide, their caregivers, and others in their local community. Our dedicated membership consists of service coordinators, case managers, social workers, housing managers and administrators, housing management companies, public housing authorities, state housing finance agencies, state and local area agencies on aging and a broad range of national and state organizations and professionals involved in affordable, service-enhanced housing.

Background information on AASC is available on our website: www.servicecoordinators.org.

We are grateful for your leadership on the vital issue. Please let me know how AASC
can assist you to expedite enactment of this important legislation.

Sincerely,

JANICE MONKS,
President.

ELDERLY HOUSING DEVELOPMENT & OPERATIONS CORPORATION,
Fort Lauderdale, FL, April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased that Elderly Housing Development Operations Corporation (EHDOC) representing over 40 senior housing facilities in 14 states, is joining with other non-profit organizations invovled with federal assisted senior housing to strongly support your bill to establish an Interagency Council on Housing and Service Needs of Seniors. We believe that the establishment of this Interagency Council will provide a cost-effective and efficient means to promote coordination between the various federal agencies involved with senior housing and services, particularly HUD and HHS.

EHDOC is well aware of the need to improve collaboration between the various federal agencies based on our efforts to assist low-income, frail elderly in Council House in Sutlitt, MD. Unfortunately, it is often difficult to link the various services needed to enable many frail elderly to remain in their homes. In the absence of the existing fragmentation of federal housing, services and health care policies and programs.

The difficulty experienced by EHDOC with linking housing and services is repeated by many nonprofit sponsors of federally assisted senior housing throughout the country. As you know, I was honored to serve as your appointee to the Interagency Coordinating Committee on Affordable Housing and Health Care Facilities Needs of Older Persons. We repeatedly heard testimony from public and private agencies involved with housing, supportive services and health care, older persons and others, of their difficulties in bringing together these services to meet the needs of older persons.

As stated in the Senior Commissions final report, “the very heart of this Commission's work is the recognition that the housing and service needs of seniors traditionally have been divided, frail elderly are often fail to recognize or communicate with each other.” Findings of the Commission concluded “while policymakers have struggled to be responsive to the needs of seniors, the very structure of Congressional Committees and Federal agencies often makes it difficult to address complex needs in a comprehensive and coordinated fashion. For example: medical needs of seniors are addressed by Medicare and Medicaid; social service needs are addressed by Medicaid, the O.A.A., and other block grant programs; housing programs are administered by HUD and the Department of Agriculture's RHS; and transportation programs are administered by the U.S. Department of Transportation (DOT).”

We commend you for your leadership in addressing this critical need to effectively bring together the various federal agencies and others involved with affordable housing and service needs of older persons through the establishment of an Interagency Council on Senior Housing. Please let me know if you have any questions or how EHDOC can assist you with the enactment of this important legislation.

Sincerely,

STEVE PROUTUS,
Executive Director.

NATIONAL PACE ASSOCIATION,
April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National PACE Association (NPA), I want to express our support for your bill to establish an Interagency Council on Service Needs of Seniors. NPA believes that this legislation is essential to provide effective linkages between housing, health care and services, and that the proposed Interagency Council will facilitate an effective national forum to promote coordination among key federal agencies involved with these programs, particularly HUD, HHS, CMS, and DOT.

As you may know, NPA represents non-profit organizations in 21 states, including Hopkins ElderPlus in Baltimore that are providers of PACE—a Program of All-Inclusive Care for the Elderly. PACE programs coordinate and provide all needed preventive, primary, acute and long term care services so that older persons can continue living in the community. PACE serves individuals who are aged 55 or older, certified by their State to need nursing home care, are able to live safely in the community, and live in a state designated PACE service area. PACE provides a “one stop shop” for health care services that are typically provided by four different agencies. NPA members under this experience with the holistic needs of frail elderly, the interrelationship between housing, services, health and long-term care.

While housing is not a direct PACE benefit, our members have long recognized the importance of housing as a vital aspect of promoting wellness and quality of life for older persons. In fact, nearly all PACE programs nationwide serve enrollees who reside in public and federally assisted multifamily senior housing and nearly one third of our members co-locate their PACE health care centers with senior housing or assisted living. Unfortunately, it is often difficult to link housing, services and health care due to conflicting funding streams, licensing, eligibility, and other factors.

Additional background information on PACE, NPA, and our members are available at our website: www.npaonline.org. Our members strongly support your bill and the prompt establishment of an Interagency Council on Senior Housing.

Sincerely,

SHAWN BLOOM,
President and CEO.

By Mr. COLEMAN:
S. 706. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesta; to the Committee on Indian Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 706
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 “Prairie Island Land Conveyance Act of 2005”.

SEC. 2. PRAIRIE ISLAND LAND CONVEYANCE.
(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1,290 acres of land associated with the Lock and Dam No. 3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO-325, GO-326, GO-277, GO-278, GO-284, GO-301 through GO-313, GO-314A, GO-314B, GO-329, GO-330A, GO-330B, GO-331A, GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-335 through GO-336, GO-339A, GO-339B, GO-339C, GO-339D, GO-339E, GO-340A, GO-340B, GO-358, GO-359A, GO-359B, GO-359C, GO-359D, and GO-359E, less all the land contained in the “United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights” and dated December 1966.

SEC. 3. BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (b), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

SEC. 4. EASEMENT.—
(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.8.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—
(A) the perpetual right to overflow, flood, and submerge property as the District Engineer, in the opinion of the District Engineer, may be detrimental to the project.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(h) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation; or
(2) construct any structure on the land without the written approval of the District Engineer; or
(3) conduct mining (within the meaning of section 3 of the Indian Reorganization Act (25 U.S.C. 276)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural
By Mr. ALEXANDER (for himself and Mr. DODD): S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality, morbidity, and long-term disability caused by prematurity, to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am reintroducing the Prematurity Research Expansion and Education for Mothers and Delivering Infants Early Act, or PREEMIE Act. This bipartisan bill expands research into the causes and prevention of prematurity, babies born 3 weeks or more early, and increases education and support services for families of premature babies.

I am pleased that Senator DODD is once again my partner on this legislation.

In June 2004, the Subcommittee on Children and Families, which I chaired, held a hearing to learn about the problem of premature birth. Unfortunately, Tennessee has the fourth highest rate of premature birth in the country. Fourteen percent of Tennessee babies are born prematurely. In an average week in Tennessee, 210 babies are born prematurely. Premature infants are 14 times more likely to die in the first year of life. It is the No. 1 cause of infant death in the first month of life. Premature babies who survive may suffer lifelong consequences including: cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

In February 2004, the National Center for Health Statistics, NCiHS, reported the first increase in the U.S. infant mortality rate since 1958, from 6.8 infant deaths per 1,000 live births in 2001 to 7.0 in 2000. This increase is extremely disturbing because the infant mortality rate is a measure of the health of society. NCiHS subsequently reported that 61 percent of this increase in infant mortality was due to an increase in the birth of premature and low birthweight babies. Almost half the cases of premature birth have no known cause—-a pregnant woman is at risk. We must address this issue.

Finally, this is a costly problem. In 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight, LBW, were $15.5 billion. The average hospital charge per infant stay with a principal diagnosis of prematurity/ LBW was $79,000, with an average hospital stay of 24.2 days. Hospital charges for newborn stays without complications averaged $1,500 in 2002, with an average hospital stay of 2.0 days. Employers carry much of the burden. Almost half of that $15.5 billion was billed to employers or other private insurance according to the March of Dimes. The other half is billed to Medicaid.

As a nation, we must address this problem. The PREEMIE Act calls for expanding Federal research related to preterm labor and delivery and increasing public and provider education and support services. It is supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the Association of Women’s Health, Obstetric and Neonatal Nurses, and many others.

I hope my colleagues will join me in the fight to ensure a healthy start for all of America’s children by cosponsoring and working with me for passage of the PREEMIE Act during this Congress.

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

SEC. 2. FINDINGS AND PURPOSE.

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

(1) Premature birth is a serious and growing problem. The rate of preterm birth increased in the U.S. between 1983 and 2002. The rate increased from 9.4 percent to 11.9 percent. In 2001, more than 480,000 babies were born prematurely in the United States.

(2) Preterm infants are 14 times more likely to die in the first year of life.

(3) Premature infants are 14 times more likely to die in the first year of life.

(4) Premature infants who survive may suffer lifelong consequences including: cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

(5) Preterm birth and low birthweight birth is a significant financial burden in health care. The estimated charges for hospital stays for infants with any diagnosis of prematurity/low birthweight weight infants was $15,500,000,000 in 2002. The average lifetime medical costs of a premature baby are conservatively estimated at $500,000.

(6) The proportion of preterm infants born to African-American mothers (17.3 percent) was significantly higher compared to the rate of infants born to white mothers (10.6 percent). African-American mothers with low birthweight is the leading cause of death for African-American infants.

(7) The cause of approximately half of all premature births is unknown.

(8) Women who smoke during pregnancy are twice as likely as nonsmokers to give birth to a low birthweight baby. Babies born to smokers weigh, on average, 200 grams less than nonsmokers’ babies.

(b) PURPOSES.—It is the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor and other serious complications, and for infants born preterm and at a low birthweight;

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF NIH RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 408J. EXPANSION AND COORDINATION OF RESEARCH ON PRETERM LABOR AND DELIVERY AND INFANT MORTALITY."

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor and delivery, infant mortality, and improving the care and treatment of preterm and low birthweight infants.

(b) AUTHORIZATION OF RESEARCH NETWORKS.—There shall be established within the National Institutes of Health a Maternal Infant Research Network and a Neonatal Research Units Network. In complying with this subsection, the Director of NIH shall utilize existing networks.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.

(b) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"(d) STUDY ON ASSISTED REPRODUCTION TECHNOLOGIES.—Section 1004(c) of the Children’s Health Act of 2000 (Public Law 106-310) is amended—

(1) in paragraph (2), by striking "and" and inserting "or"; and

(2) in paragraph (3), by striking the period at the end and inserting a semicolon.

(b) STUDY ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFORMITIES.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct a study on the relationship between prematurity, birth defects, and developmental disabilities.

(2) STUDY BY DIRECTOR.—Not later than 2 year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under paragraph (1)."
concerning the results of the evaluation conducted under paragraph (1).

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

SEC. 399O. PUBLIC AND PRIVATE HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, shall conduct a demonstration project to improve the provision of information to health professionals and other health care providers and the public.

(b) ACTIVITIES.—Activities to be carried out under this project under subsection (a) shall include the establishment of—

(1) information and education to health professionals, other health care providers, and the public concerning—

(A) the signs of preterm labor, updated as new research results become available;

(B) the screening for and the treatment of infections;

(C) counseling on optimal weight and good nutrition, including folic acid;

(D) smoking cessation education and counseling; and

(E) stress management; and

(2) to improve the treatment and outcomes for preterm infants (including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and infants born preterm and at a low birthweight.

(c) REQUIREMENT.—Any program or activity funded under this section shall be evidence-based.

(d) NICU FAMILY SUPPORT PROGRAMS.—The Secretary shall conduct, through the awarding of grants to public and nonprofit private entities, projects to respond to the emotional and informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death. Activities under such projects may include providing books and videos to provide information about the neonatal intensive care unit experience, and providing direct services that provide emotional support within the neonatal intensive care unit.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies and components of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) MEMBERS.—The Council shall be composed of members to be appointed by the Secretary, including representatives of—

(1) the agencies of the Department of Health and Human Services;

(2) voluntary health care organizations, including grassroots advocacy organizations, providers of specialty obstetrical and pediatric care, and researcher organizations.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services on current Departmental activities relating to prematurity and low birthweight;

(2) plan and hold a conference on prematurity and low birthweight; (3) establish a consensus research plan for the Department of Health and Human Services on prematurity and low birthweight;

(4) report to the Secretary of Health and Human Services and the appropriate committees of Congress on recommendations derived from the conference conducted under paragraph (2) and on the status of Departmental research activities concerning prematurity and low birthweight; and

(5) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(6) oversee the coordination of the implementation of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of fiscal years 2005 through 2009.

Mr. DODD. Mr. President, I rise today to join Senator ALEXANDER in reintroducing the Prematurity Research Expansion and Education for Mothers and Babies Act (PREEMIE Act)—legislation intended to address the growing crisis of premature birth in our nation.

I think when many of us hear about a baby being born early, we don’t give much thought to what it means after all, it is not all that uncommon—I’m sure that almost all of my colleagues knows someone born prematurely. Thanks to modern medicine it is also not uncommon for a baby born early to end up healthy and happy.

But this feeling that prematurity is somehow “normal” or to be expected masks a growing health crisis. Prematurity has real consequences in health and economic terms. We need to bring light to the enormous social and financial burdens associated with prematurity.

The growth of premature births is not in any way abated since the last decades. In 2002, the prematurity rate actually increased for the first time since 1958. Much of this increase is attributable to infant death in the...
first month of life—of which prematurity is the leading cause. Since 1981, the premature birth rate has increased by 27 percent. This stands in stark contrast to some of the breathtaking medical discoveries of the past two decades. We now know and even cure many types of cancer, but we can’t prevent babies from being born too soon.

Mr. President, the consequences of prematurity are devastating. As mentioned earlier, it is the leading cause of neonatal death—a tragedy that no family should have to face. For those infants that survive, a lifetime of severe health problems is not uncommon. Prematurity has been linked to such long-term health problems as cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Preterm babies have the deck stacked against them from the moment they are born. Some of these infants are born too soon in the cases where there are no life-long health consequences. The experience of a premature birth takes an enormous emotional toll on a family.

Prematurity also carries a significant cost. According to a recent study conducted by the March of Dimes, hospitalizations due to prematurity cost a total of $15.5 billion during the year 2002—accounting for nearly half of all hospital charges for infants in this country. And this number does not even include the cost of care for problems later in life resulting from a premature birth. Much of this cost falls on employers who are already bearing the weight of skyrocketing health care costs.

Given the emotional and economic toll that prematurity takes on this country, we know remarkably little about why it happens, and how it can be prevented. Some of the risk factors associated with preterm birth are known, including advanced age of the mother, smoking, and certain chronic diseases. But nearly 50 percent of all premature births have no known cause. And we know so little about the causes of prematurity, we also do not know how to prevent it.

For such a large (and growing) problem, it is astounding how little we know. It is critical that we make a national commitment to solving this puzzle. We must do everything we can to expand research—both public and private—into the root causes of prematurity.

Senator Alexander and I are introducing the PREEMIE Act for precisely this reason. Our bill would coordinate and expand research related to prematurity at the Federal level. It would also educate health care providers and the general public about the risks of prematurity, and measures that can be taken before and during pregnancy to prevent it. Pregnant mothers need to know the warning signs and symptoms of premature labor—and they need to know what to do if they begin to notice those signs.

Finally, because we will never eliminate prematurity completely, our legislation would provide support services to families impacted by a premature birth. As we’re investigating the causes of prematurity and increasing awareness in expectant parents, we need to reach out to the mothers and fathers across our country whose children are born too soon to provide them emotional support during the difficult days, weeks, and months that often follow a premature birth. We need to make sure that the doctors, nurses, and other hospital staff who care for preterm babies are sensitive to the needs of their parents, their brothers, and their sisters. And we need to make sure that when the time finally comes to bring a premature baby home, parents have all the information they need to make that transition.

It is my hope that this legislation will complement and support some of the efforts going on in the private sector—such as the March of Dimes ambitious campaign to increase public awareness of the causes of preterm birth. I urge all of my colleagues to join us in support of this important legislation.

By Mr. Wyden (for himself and Mr. Smith):

S. 708. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to information concerning the quality of care provided by skilled nursing facilities and financial incentives and financial incentives that will spur competition and improved quality of care provided by skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the medicare program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

Mr. Smith. Mr. President, I rise today to introduce the Long Term Care Quality and Consumer Information Act of 2005. Medicare spending for skilled nursing facilities has grown rapidly during the late 1980s and 1990s increasing from almost $4 billion in 1992 to $12.9 billion in 1997. While spending has increased under Medicare, there has not been an effort to reward skilled nursing facilities that have provided exceptional care to seniors.

The bill I am introducing today with my colleague from Oregon, Senator Wyden, will establish a system to reward skilled nursing facilities that provide exceptional care. We must take steps to ensure that skilled nursing facilities that are providing the best care be rewarded. We must also create incentives for other facilities to strive to provide excellent care.

The Long Term Care Quality and Consumer Information Act of 2005 directs the Secretary of Health and Human Services to establish 10 to 15 quality measures for skilled nursing facilities. While establishing these measures, the Secretary must consult with representatives of skilled nursing facilities, patient advocacy organizations, state regulatory representatives, representatives from the skilled nursing facility industry and quality measure experts. The quality ratings for the facilities will then be published on the Centers for Medicare and Medicaid Services’ website and published in newspapers with a national circulation.

The quality measures created by this bill will be used as an incentive for facilities to provide excellent care. Skilled nursing facilities that submit data shall receive a full market basket update and starting in fiscal year 2006 skilled nursing facilities that are in the top 10 percent of facilities will receive a 2 percent payment bonus. Skilled nursing facilities that are below the top 10 percent, but within the top 20 percent shall receive a one percent payment bonus.

The increased public disclosure of facility-specific quality data and the financial incentives included in this bill will spur competition and improved performance in skilled nursing facilities. It is my hope that this will help the 77 million elderly and disabled Americans who are in nursing homes by making sure they receive the highest quality care possible.

Mr. President, I look forward to working with my fellow Senators and with the chairman of the Finance Committee on this important bill in the upcoming months, and I urge my colleagues to join us in support of this legislation.

Mr. Wyden. Mr. President, I rise to discuss a bill I am introducing today, “The Long Term Care Quality and Consumer Information Act.”

As we begin discussions on how to assure that we reward quality health care, I believe we need to include long term care as part of that discussion. Nursing homes serve some of the most vulnerable among us, and assuring quality of care is encouraged and rewarded is important. I hope that this bill will spark a serious debate about how we pay for quality care. This proposal establishes a voluntary system under which nursing homes providing better quality of care would receive higher payment and in turn would provide more information about the quality of care provided. Information would include nurse staffing ratios and would be made public to consumers and their families.

Historically, Americans have been paying the same for quality health care as for medicare care. Efforts have been made by some in the private sector to better recognize and provide incentives for those providers who consistently provide a higher level of care. The Institute of Medicine in its report “Lead by Example,” declared the government should take the lead in improving health care by giving financial rewards to hospitals and doctors who improve care for beneficiaries in six Federal programs, including Medicare and Medicaid. The Institute of Medicine’s recommendations are in our bill.

Mr. President, I urge you to consider the Long Term Care Quality and Consumer Information Act carefully. Its purpose is to reward skilled nursing facilities that provide quality care and suffer financially on the low end of the scale. Its purpose is to reward skilled nursing facilities that provide quality care.

This bill will spark a serious debate about how we pay for quality care. This proposal establishes a voluntary system under which nursing homes providing better quality of care would receive higher payment and in turn would provide more information about the quality of care provided. Information would include nurse staffing ratios and would be made public to consumers and their families.

Mr. President, I urge you to consider the Long Term Care Quality and Consumer Information Act carefully. Its purpose is to reward skilled nursing facilities that provide quality care and suffer financially on the low end of the scale. Its purpose is to reward skilled nursing facilities that provide quality care.
the quality of care among providers. The Centers for Medicare and Medicaid Services has begun pilot programs. I think nursing homes should also be an area in which we explore payment policies that regard those providing a higher quality of care.

I look forward to continuing the discussion with all stakeholders about these concepts so we can assure a high level of care and find ways to help providers improve the level of care they provide.

By Mr. DeWINE (for himself, Mr. REED, Mr. BURR, and Mr. DODD):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DeWINE. Mr. President, today I rise with my colleague, Senator JACK REED, to reintroduce the Services for Ending Long-Term Homelessness Act. I would like to thank Senator REED for his support in introducing this bill and for his continued commitment to this issue. I also would like to thank Senator BURR for his work on this bill. Senator BURR introduced a similar version of this bill when he was a member of the House of Representatives. I appreciate his support and the support of Senator Dodd as well. Both are co-sponsors of this legislation.

The chronically homeless represent about 10 percent of the entire homeless population, but consume a majority of the services. There are approximately 200,000 to 250,000 people who experience chronic homelessness. Those numbers include the heads of families, as well.

Tragically, for these individuals, the periods of homelessness are measured in years, not weeks or months. They tend to have disabling health and behavioral health problems: 40 percent have substance abuse disorders, 25 percent have a physical disability, and 20 percent have serious mental illness. These factors often contribute to a person becoming homeless, in the first place, and are certainly an impediment to overcoming it.

The President has set a goal of ending chronic homelessness in 10 years. The President’s New Freedom Commission on Mental Health, chaired by the Ohio Department of Mental Health Director, Mike Hogan, recommended that a comprehensive program be created to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. This recommendation is so important because affordable housing, alone, is not enough for this hard to reach group. And, temporary shelter-housing does not provide the stability and services needed to provide long-term positive outcomes. Only supportive housing, where the chronically homeless can receive shelter and services, such as mental health and substance abuse treatment, has been effective in decreasing their chances of returning to the streets and increasing their chances for leading productive lives.

Not only is it right to help this group of hard to reach individuals, but it is also fiscally responsible. This group is one of the most expensive groups to serve. As I mentioned previously, they represent 10 percent of the overall homeless population, however, they consume a majority of homeless services. They consume the most emergency health care services, which are also the most costly to provide. By encouraging supportive housing, we are providing the services necessary for these individuals and families to really get back on their feet. We can either continue to provide expensive emergency services to these needy people or we can give them the right kind of help—the type of help they need for their long-term well-being and the long-term well-being of our communities.

Unfortunately, current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be coordinated with housing programs. These programs also were not designed to meet the challenging needs of this specific subgroup of the homeless. That is why the bill we are introducing today would provide the authorization for services for supportive housing by providing grants which can be used with existing programs through HUD and state and local communities.

Our bill also would encourage those who provide services to the chronically homeless, such as SAMHSA within the Department of Health and Human Services, to work with and coordinate their efforts with those who provide the physical housing, such as HUD. Under the current administration, these two departments have started to truly coordinate their efforts, and this bill would encourage and support that continued collaboration.

This is a good bill, Mr. President, and it could make a real difference in the lives of so many individuals in need. I ask my colleagues to join us in support.

I ask unanimous consent that the text of my bill be printed in the Record.

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

S. 709

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 “Services for Ending Long-Term Homelessness Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nationally, there are approximately 200,000 to 250,000 people who experience chronic homelessness, including some families with children. Chronically homeless people often live in shelters or on the streets for years at a time, experience repeated episodes of homelessness without achieving housing stability, or cycle between homelessness, jails, mental health facilities, and hospitals.

(2) The President’s New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to facilitate access to permanent supportive housing for consumers and families who are chronically homeless. The Commission found that affordable housing alone is insufficient for many people with severe mental illness, and that flexible, mobile, individualized support services are also necessary to support and sustain consumers in their housing.

(3) Congress and the President have set a goal of ending chronic homelessness in 10 years.

(4) Permanent supportive housing is a proven and cost effective solution to chronic homelessness. A recent study by the University of Pennsylvania found that each unit of permanent supportive housing for individuals with mental illness in New York City resulted in public savings of $16,281 per year in systems of care such as mental health, human services, health care, veterans affairs, and corrections.

(5) Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless.

SEC. 3. DUTIES OF ADMINISTRATOR OF SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) in paragraph (17), by striking “and” at the end;

(2) in paragraph (18), by striking the period and inserting “; and”;

and

(3) by adding at the end the following:—

“(19) collaborate with Federal departments and programs that are part of the President’s Interagency Council on Homelessness, particularly the Department of Housing and Urban Development, the Department of Labor, and the Department of Health and Human Services, and with other agencies within the Department of Health and Human Services, particularly the Health Resources and Services Administration, the Administration for Children and Families, and the Centers for Medicare and Medicaid Services, to design national strategies for providing services in supportive housing that will assist in ending chronic homelessness and to implement programs that address chronic homelessness.”.

SEC. 4. GRANTS FOR SERVICES FOR CHRONICALLY HOMELESS INDIVIDUALS IN SUPPORTIVE HOUSING.

Title V of the Public Health Service Act (42 U.S.C. 258aa et seq.) is amended by adding at the end the following:

“PART J—GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS

“SEC. 596. GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS.

“(a) IN GENERAL.—

“(1) GRANTS.—The Secretary shall make grants to entities described in paragraph (2) for the purpose of carrying out projects to provide the services described in subsection (d) to chronically homeless individuals in permanent supportive housing.

“(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), an entity described in this paragraph is—

“(A) a State or political subdivision of a State; an Indian tribe; a tribal organization; or a public or nonprofit private entity, including a community-based provider of
homelessness services, health care, housing, or other services important to individuals experiencing chronic homelessness; or

(B) a consortium composed of entities described in subparagraph (A), which consortium includes a public or nonprofit private entity that serves as the lead applicant and has responsibility for coordinating the activities of the consortium; and

(2) higher funding commitments from State or local government agencies responsible for overseeing mental health treatment, substance abuse treatment, medical care, and employment (including commitments that are consistent with Federal funds provided under programs that are broad enough to include the provision of mental health, substance abuse, or other services that will be delivered by the project).

(3) have a history of interactions with the Federal or private entities.

(4) have demonstrated experience providing services to address the mental health and substance abuse problems of chronically homeless individuals living in permanent supportive housing to the extent that is responsive to their individual needs and preferences.

(D) Health education, including referrals for medical and dental care.

(E) Services designed to help individuals make progress toward self-sufficiency and recovery, including benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions.

(F) Parental skills and family support.

(H) Other supportive services that promote an end to chronic homelessness.

(I) Coordination or partnership with other agencies to ensure that clients receive mainstream benefits to maximize the availability of services and resources to meet the needs of chronically homeless persons living in supportive housing using co-occurring disorders approaches that avoid duplication.

(J) Data collection and measuring performance outcomes as specified in subsection (k).

(K) Services, as described in paragraph (1), that are delivered to individuals and families who are chronically homeless and who are scheduled to become residents of permanent supportive housing within 90 days pending the location or development of an appropriate unit or site.

(3) For individuals and families who are otherwise eligible, and who have voluntarily chosen to seek other housing opportunities after exiting permanent supportive housing, services, as described in paragraph (1), that are delivered, for a period of 90 days after exiting permanent supportive housing or until the individuals have transitioned to comprehensive services adequate to meet their current needs, provided that the purposes of the services is to support the individuals in their transition to housing that is responsive to their individual needs and preferences.

(e) Matching funds.

(1) In general. — A condition for the receipt of a grant under subsection (a) is that, with respect to the cost of the project to be carried out by an applicant pursuant to such subsection, the applicant agree as follows:

(A) In the case of the initial grant pursuant to subsection (j)(1)(A), the applicant will, in accordance with paragraphs (2) and (3), make available toward such costs in an amount that is not less than $1 for each $3 of Federal funds provided in the grant.

(B) In the case of a renewal grant pursuant to subsection (j)(1)(B), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than $1 for each $3 of Federal funds provided in the grant.

(2) Source of contribution. — For purposes of paragraph (1), contributions made by an applicant are in accordance with this paragraph if made as follows:

(A) The contribution is made from funds of the applicant that are donations from public or private entities.

(B) Of the contribution —

(i) not less than 80 percent is from non-Federal funds; and

(ii) not more than 20 percent is from Federal funds provided under programs that are broad enough to include the provision of a service or services described in subsection (d) as authorized expenditures under such programs.

(3) Determination of amount contributed. — Contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may be used in determining the amount of non-Federal contributions required in paragraph (2)(B)(i).

(f) Administrative expenses. — A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant. Expenses for data collection and measuring performance outcomes as specified in subsection (k) shall not be considered as administrative expenses subject to the limitation in this subsection.

(g) Certain uses of funds. — Notwithstanding other provisions of this section, a recipient of payments under an initial or renewal grant may expend not more than 20 percent of the grant to provide the services described in subsection (d) to homeless individuals who are not chronically homeless.

(h) Application for grant. — A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such information, as the Secretary determines to be necessary to carry out this section.

(i) Certain requirements. — A condition for the receipt of a grant under subsection (a) is that the applicant involved demonstrate the following:

(A) Compliance with all local, county, or State requirements for licensing, accreditation, or certification (if any) which are applicable to the proposed project.

(B) A minimum of two years experience providing comparable services that do not require licensing, accreditation, or certification.

(C) Certification as a Medicaid service provider, including health care for the homeless programs and community health centers.

(D) An executed agreement with a relevant State or local government agency that will provide oversight to the mental health, substance abuse, or other services that will be delivered by the project.

(E) There is a mechanism for determining whether residents are chronically homeless. Such a mechanism may rely on local data systems or records of shelter admission. If there are no sources of data regarding the duration or number of homeless episodes, or if such data are unreliable for the purposes of this subsection, an applicant must demonstrate that the project will implement appropriate procedures, taking into consideration the capacity of local homeless service providers to document episodes of homelessness and the challenges of engaging persons who have been chronically homeless, to verify that an individual or family meets the definition for being chronically homeless under this section.

(F) The applicant participates in a local, regional, or statewide homeless management information system.

(j) duration of initial and renewal grants; additional provisions regarding renewal grants.

(1) In general. — Subject to paragraphs (2) and (3), the period during which payments are made to a grantee under subsection (a) shall be in accordance with the following:

(A) In the case of the initial grant, the period of payments shall be not less than three years and not more than five years.

(B) In the case of a subsequent grant (referred to in this subsection as a ‘‘renewal grant’’), the period of payments shall be not less than five years.

(2) Annual approval; availability of appropriations; number of grants. — The Secretary may make grants under paragraph (1) that are renewable. The payment to the Secretary of the amounts appropriated for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under subsection (a) that may be made to an entity in any fiscal year.

(3) Additional provisions regarding renewal grants.

(A) Compliance with minimum standards. — A renewal grant may be made by the Secretary only if the Secretary determines that the applicant involved has, in the
In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report from a work group and an interagency subcommittee that was assembled to define the issues and challenges facing the chronically homeless and develop a comprehensive approach toward providing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

Similarly, the President’s New Freedom Commission on Mental Health recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. However, affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness and improving service delivery and coordination across Federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration to coordinate their efforts not only with the Department of Housing and Urban Development, but with other Federal departments and the various agencies within the Department of Health and Human Services that provide support services.

Mr. President, SELHA is an important bipartisan measure which will help to ensure that the growing number of Americans experiencing chronic homelessness have access to the range of services they need to get them back on their feet, living in permanent supportive housing and taking the steps necessary to become productive and active members of our communities again.

I look forward to working with my colleagues toward expeditious passage of this legislation.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Mr. STEVENS):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce a bill to re-authorize a critical program for our energy future. It is widely believed that the U.S. must diversify its energy portfolio and explore new domestic sources and technologies for energy to curb our dependence on foreign oil. As a senior member of the Committee on Energy and Natural Resources, I know we have...
been assessing the potential for a variety of energy sources for the future including natural gas, clean coal technology, nuclear energy, renewable energy, and others. This bill, the Methane Hydrate Research and Development Act of 2005, will reauthorize a small but important program on methane hydrate research and development, a key and abundant non-conventional source of energy.

I would like to extend my appreciation to my colleagues, Senators Kowksi and Stevens, who share my interest and determination in exploring the potential of methane hydrates for energy production. We share a common goal to see that we fully understand the prospects for this domestic energy resource. This new legislation will foster the research and development needed to expand our knowledge to better assess both the opportunities and challenges this potential energy resource presents. Our legislation provides for a higher level of federal funding and partnering between government agencies, academic institutions, and industry.

The United States and the world will require substantially increased quantities of electricity, transportation fuels, and natural gas to satisfy energy demands in the face of growing demand for clean fuels and the relatively low capital costs of building new natural gas-fired power equipment. The National Commission on Energy Policy reported that the United States resource base may contain up to two thousand trillion cubic feet of methane gas hydrates offshore in the Alaskan permafrost, and off-shore on much of the Nation’s deep continental shelf. If even one percent of the estimated domestic resource base proves commercially viable, it would roughly double the Nation’s technically recoverable natural gas reserves, according to the Department of Energy’s Office of Fossil Energy.

Given the growing demand for natural gas, the development of new, cost-effective supplies can play a major role in moderating price increases and ensuring consumer confidence in the long-term availability of reliable, affordable fuel. Today, the potential to extract commercially-relevant quantities of methane hydrates offshore is not yet viable. Without an incentive to fund its own research and development, the private sector is not vigorously pursuing the research currently needed that could make methane hydrates technically and economically viable. Federal support for the research and development challenge, shared by the federal government and private industry, remains the best effort in which the United States can explore the viability of an energy resource whose long-range possibilities might one day dramatically change the world’s energy portfolio.

Uncertainties exist regarding the nature of these deposits and, in particular, how best to extract the enormous quantity of natural gas they contain in an economic and environmentally sensitive manner. However, some alternatives are worse. For example, transporting natural gas from foreign gas fields to the United States by shipping it in liquid form at negative 162 degrees Celsius is an expensive undertaking and one that is attractive to terrorists. Methane hydrates, on the other hand, can be found domestically, in Alaska and the Gulf of Mexico, and with our ally to the north, Canada. Hydrates are likely to provide commercially viable natural gas supplies by 2025. Their long-term potential to meet United States energy demands for natural gas is considerable.


The United States will consume increasing volumes of natural gas well into the 21st century. United States natural gas consumption is expected to increase from approximately 22 trillion cubic feet in 2003 to more than 32 trillion cubic feet in 2020—a projected increase of 45 percent. Natural gas is expected to take on a greater role in power generation, largely because of the increasing demand for clean fuels and industry, and academia involved in methane hydrates research. The legislation I am introducing incorporates the recommendations of the National Research Council, and improves upon the act by requiring external scientific peer reviews, strengthening the advisory panel, broadening the field work proposals to include test wells, increasing the appropriations needed to conduct the research, and emphasizing the need to promote education and training in the field of methane hydrate research and resource development. The bill also incorporates comments from the Department of Energy.

Mr. President, science and technology have and will continue to help us learn more about our world, and I believe, help us solve some of our toughest problems, not only domestically but globally. These are complex and significant problems relating to the impact of human activities on our environment, our heavy dependence on finite fossil fuels from sources that may not prove reliable, and limited energy supplies in the face of growing demands of expanding national economies that are increasingly intertwined in a global economic network. I believe the Federal Government must continue to foster the needed research and development in the field of methane hydrate research.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the “Methane Hydrate Research and Development Reauthorization Act of 2005.”

SEC. 2. METHANE HYDRATE RESEARCH AND DEVELOPMENT. The Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 193 note; Public Law 106-190) is amended to read as follows:

SECTION 1. SHORT TITLE. This Act may be cited as the “Methane Hydrate Research and Development Act of 2000.”

SEC. 2. FINDINGS.

“Congress finds that—

“(1) in order to promote energy independence and meet the increasing demand for energy, the United States will require a diversified portfolio of substantially increased quantities of electricity, natural gas, and transportation fuels;

“(2) according to the report submitted to Congress by the National Research Council entitled ‘Charting the Future of Methane Hydrate Research in the United States’, the total United States resources of gas hydrates have been estimated to be on the order of 200,000 trillion cubic feet;

“(3) according to the report of the National Commission on Energy Policy entitled ‘Ending the Energy Stalemate — A Bipartisan Strategy to Meet America’s Energy Challenges’, the United States may be endowed with over 1/4 of the methane hydrate deposits in the world;
"(4) according to the Energy Information Administration, a shortfall in natural gas supply from conventional and unconventional sources is expected to occur in or about 2020; and

"(5) the National Academy of Science states that methane hydrate may have the potential to alleviate the projected shortfall in the natural gas supply.

SEC. 3. DEFINITIONS.

"In this Act:

"(1) CONTRACT.—The term 'contract' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

"(2) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

"(3) DIRECTOR.—The term 'Director' means the Director of the National Science Foundation.

"(4) GRANT.—The term 'grant' means a grant awarded under a grant agreement (within the meaning of section 6304 of title 31, United States Code).

"(5) INDUSTRIAL ENTERPRISE.—The term 'industrial enterprise' means a private, non-governmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means a nonprofit, public, or proprietary institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

"(7) SECRETARY.—The term 'Secretary' means:

"(A) the Secretary of the Navy, in the case of the Methane Hydrate Research and Development Reauthorization Act of 2005, in consultation with the Secretary of the Army, and the Secretary of the Air Force; and

"(B) the Secretary of Defense, acting through the Assistant Secretary for Fossil Energy.

"(8) SECRETARY OF COMMERCE.—The term 'Secretary of Commerce' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

"(9) SECRETARY OF DEFENSE.—The term 'Secretary of Defense' means the Secretary of Defense, acting through the Secretary of the Navy.

"(10) SECRETARY OF THE INTERIOR.—The term 'Secretary of the Interior' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Bureau of Land Management, and the Director of the Minerals Management Service.

SEC. 4. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

"(a) IN GENERAL.—

"(1) COMMENCEMENT OF PROGRAM.—Not later than 90 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

"(2) The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

"(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

"(4) MERTINGS.—The individuals designated under paragraph (2) shall meet not later than 180 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005 and not less frequently than every 180 days thereafter:

"(A) review the progress of the program under paragraph (1); and

"(B) coordinate interagency research and partnership efforts in carrying out the program.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

"(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions of higher education and industrial enterprises to—

"(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy;

"(B) identify methane hydrate resources through remote sensing;

"(C) acquire and reprocess seismic data suitable for characterizing methane hydrate accumulations;

"(D) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

"(E) promote education and training in methane hydrate resource research and resource development through fellowships or other means for graduate education and training;

"(F) conduct basic and applied research to assess the environmental impact of hydrate degassing (including both natural degassing and degassing associated with commercial development);

"(G) develop technologies to reduce the risks of drilling through methane hydrates; and

"(H) conduct exploratory drilling, well testing, and production testing operations on permafrost and non-permafrost gas hydrates in support of the activities authorized by this paragraph, including drilling of 1 or more full-scale wells.

"(2) COMPETITIVE PEER REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive process using external scientific peer review of proposed research.

"(3) M ETHANE HYDRATES ADVISORY PANEL.—

"(a) IN GENERAL.—The Secretary shall establish an advisory panel (including the hiring of appropriate staff) consisting of representatives of industrial enterprises, institutions of higher education, oceanographic institutions, State agencies, and environmental organizations with knowledge and expertise in the natural gas hydrates field, to—

"(i) assist in developing recommendations and broad programmatic priorities for the methane hydrate research and development program carried out under subsection (a)(1);

"(ii) provide scientific oversight for the methane hydrate program, including assessing progress toward program goals, evaluating program balance, and providing recommendations to enhance the quality of the program over time; and

"(iii) not later than 2 years after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, and at such later dates as the panel considers advisable, submit to Congress an assessment of the methane hydrate research program and an assessment of the 5-year research plan of the Department of Energy.

"(3) CONFLICTS OF INTEREST.—In appointing each member of the advisory panel established under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that the appointment of the member does not pose a conflict of interest with respect to the duties of the member under this Act.

"(3) MEETINGS.—The advisory panel shall—

"(a) hold the initial meeting of the advisory panel not later than 180 days after the date of establishment of the advisory panel; and

"(b) meet biennially thereafter.

"(4) COORDINATION.—The advisory panel shall coordinate activities of the advisory panel with program managers of the Department of Energy at appropriate national laboratories.

"(d) CONSTRUCTION COSTS.—None of the funds made available under this Act shall be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

"(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

"(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources and energy sources;

"(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

"(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development;

"(5) report annually to Congress on the results of actions taken to carry out this Act; and

"(6) ensure, to the maximum extent practicable, greater participation by the Department of Energy in international cooperative efforts.

SEC. 5. NATIONAL RESEARCH COUNCIL STUDY.

"(a) AGREEMENT FOR STUDY.—The Secretary shall offer to enter into an agreement with the National Research Council under which the National Research Council shall—

"(1) conduct a study of the progress made under the methane hydrate research and development program implemented under this Act; and

"(2) make recommendations for future methane hydrate research and development needs.

"(b) REPORT.—Not later than September 30, 2009, the Secretary shall submit to Congress a report containing the findings and recommendations of the National Research Council under this section.

SEC. 6. REPORTS AND STUDIES FOR CONGRESS.

"The Secretary shall provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of Congress.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act to remain available until expended—

"(1) $15,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $30,000,000 for fiscal year 2008;

"(4) $50,000,000 for fiscal year 2009; and

"(5) $50,000,000 for fiscal year 2010.

Ms. MURKOWSKI. Mr. President, I am proud to come to the floor today to introduce legislation of vital importance to our Nation. Enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005
will provide the authorizations nec-

essary to unlock a potentially huge supply of domestic natural gas, enough
gas to supply our Nation for genera-
tions.

However, before I introduce this legis-
lation, I would like to thank my good friend and colleague, Senator Akaka, for his dedication to helping
address our Nation’s energy crisis through legislation that should dra-
matically increase our domestic supply of environmentally friendly, clean
combustion fuels. Without Senator Akaka’s hard work and focus on
this issue we would not be introducing this legislation today.

Mr. President, our Nation is facing an
energy crisis. Oil and natural gas prices are at historic or near historic
high levels. Oil prices are over $50 a barrel. Natural gas prices are over $7.00
a MMBtu. Indeed, United States nat-
gural gas prices have increased by almost 350 percent since 1998 and are cur-
rently the highest in the world. Despite this huge increase in cost, domestic
natural gas production has declined by almost 5 percent and Canadian imports
have declined by almost 25 percent from 2001 to 2004. Estimates are that
during the next two decades United States natural gas consumers have paid near-
ly $200 billion more for natural gas than they paid in the preceding 5 years.

These extraordinarily high natural gas prices are having a profound impact
on every segment of our economy. Chairman Greenspan identified our
current natural gas price and supply situation as a crisis that could have a
devastating impact on the United States economy. In fact, estimates are
that the natural gas crisis has signifi-

antly contributed to the loss of 2.5 million United States manufacturing jobs. Indeed, the ongoing “demand de-
struction” caused by current gas prices with its devastating impact on United
States manufacturing will only con-
tinue unless we address the current
natural gas supply shortage and high prices.

Today, the United States produces
about 22 trillion cubic feet of natural gas each year. By 2025, the Energy In-
formation Administration estimates that United States natural gas con-
sumption will reach 31 trillion cubic feet. That’s an increase of more than 40
percent. Much of the new electric genera-
tion capacity now on line and in the works over the next two decades will require nat-
ural gas according to a study by the American Gas Foundation. Indeed,
clean burning natural gas remains the
premium fossil fuel for electric power generation.

The EIA estimates that by 2025 the United States will produce only 21.8
trillion cubic feet of natural gas meeting just 70 percent of the Nation’s expected demand. Thus, absent securing a new domestic supply of gas, the United States will have to import 30 percent of its natural gas supply. We have already
gone down this path with our petroleum supplies. We have witnessed the
unacceptable national security, balance of payments and general eco-

nomic consequences of this level of reli-
ance on foreign sources for our na-
tion’s critical supply of oil. We must
not repeat this reality with natural gas.

This is why I am proud to introduce the Methane Hydrate Research and De-
velopment Reauthorization Act of 2005. As stated in the findings section of
the legislation, the National Research Council has estimated the total United
States methane hydrate resource base to be on the order of 200,000 trillion cubic feet. Alaska alone is thought to have potential hydrate resources of 32,000 trillion cubic feet. Indeed, a re-
port issued by the National Commiss-
ion on Energy Policy states that the United States may be endowed with over one-fourth of the methane hydrate deposits in the world. This is an im-

mense supply of secure, domestic en-
ergy that could supply our country for many years.

The Methane Hydrate Reauthoriza-
tion Act of 2005 builds upon the success of the original Methane Hydrate Re-
search and Development Act of 2000. The new act incorporates certain
changes to the 2000 legislation sug-
gested by the National Research Coun-
cil of the National Academies and the
Department of Energy. The 2000 act estab-
lished an advisory panel to advise the Secretary of Energy on potential applications of methane hydrate and to assist in developing recommendations and priorities for methane hydrate re-
search and development programs. The
new act strengthens the role of the advisory panel to ensure that the re-
search funds are put to their most ef-
fective use. The 2005 act also increases
the use of a scientific peer review proc-
cess in determining which projects will be funded. Further, the new legislation
will designate a portion of funding for
methane hydrate research and training pro-
grams. The new act also establishes a
solid scientific foundation of expertise in the United
States on methane hydrates. Finally, the 2005 act authorizes increased fund-
ing for the methane hydrate program.

The increased funding is critical in order to allow for the transition from a largely research oriented program to one that will foster the beginning of the commercialization of our Nation’s methane hydrate resources.

Again, I thank Senator Akaka and his staff for their hard work and com-
mittment to this legislation that is so important to our nation’s future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—RELAT-
ING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL

II

Mr. FRIST (for himself, Mr. Reid,
Mr. McConnell, Mr. Dursbin, Mr. Santorum, Ms. Mikulski, Mr. Akaka,
Mr. Alexander, Mr. Allard, Mr.
Allen, Mr. Baucus, Mr. Bayh,
Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback,
Mr. Bunning, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee,
Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Cole,
Mr. Collins, Mr. Cornyn, Mr. Cozine, Mr. Craig, Mr. Crapo, Mr. Dayton,
Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan,
Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley,
Mr. Gregg, Mr. Hagel, Mr.arkin, Mr. Hatch, Mrs. Hutchinson, Mr. Inhofe,
Mr. Inouye, Mr. Isakson, Mr. Jeff-

fords, Mr. Johnson, Mr. Kennedy,
Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms.
Landrieu, Mr. Lautenberg, Mr.
Leahy, Mr. Levin, Mr. Lieberman,
Mrs. Lincoln, Mr. Lott, Mr. Lugar,
Mr. Martinez, Mr. McCain, Ms.
Murkowski, Mrs. Murray, Mr.
Nelson of Florida, Mr. Nelson of Nebraska, Mr.
Obama, Mr. Pyor, Mr. Reed, Mr.
Roberts, Mr. Rockefeller, Mr. Salazar,
Mr. Sarbanes, Mr. Sessions, Mr.
S⻘, Mr. Shaheen, Mr. Smith, Mrs.
Snowe, Mr. Specter, Ms. Stabenow,
Mr. Stevens, Mr. Sununu, Mr. Talent,
Mr. Thomas, Mr. Thune, Mr. Vitter,
Mr. Vonovich, Mr. Warner, and Mr.
Wyden) submitted the following reso-

lution; which was considered and

agreed to:

WHEREAS Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

WHEREAS he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

WHEREAS throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

WHEREAS he practiced and inspired resist-
te to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

WHEREAS he fostered harmony between Catholics and Eastern Orthodox and Protes-
tant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith under-
standing and cooperation; and

WHEREAS he dedicated himself to the de-
flence of the weakest and most vulnerable members of the human family; and

WHEREAS on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice

incribed in our Declaration of Independence and Constitution; and

WHEREAS his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe; therefore be it

Resolved, That the Senate of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be “one Nation, under God, indivisible, with liberty and justice for all.” and to help our neighbors in immeasurable ways.
SENATE RESOLUTION 96—COMMEMORATING THE TENTH ANNIVERSARY OF THE ATTACK ON THE ALFRED P. MURRAH FEDERAL BUILDING

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 96

Whereas on April 19, 1995, at 9:02 a.m. Central Daylight Time, in Oklahoma City, Oklahoma, the United States was attacked in one of the most terrorist attacks on the soil of the United States, which killed 168 people and injured more than 850 others;

Whereas this dastardly act of domestic terrorism affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, state, and Federal law enforcement, firefighters, and emergency services; search and rescue teams from across the United States, public and private medical personnel, and thousands of volunteers from the community who offered aid to the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to help those endangered and whose lives were changed forever;

Whereas the people of Oklahoma and the United States pledged themselves to build and maintain a permanent national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by creating the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of this tragic event in United States history;

Whereas the Oklahoma City National Memorial brings comfort, strength, peace, hope, and serenity to the many visitors who come to the memorial and its museum each year to remember and to learn;

Whereas the mission of the National Memorial Institute for the Prevention of Terrorism is to teach that there is a way to resolve disputes for the sake of goodwill and to teach that good endures in the world even among those who commit bad acts and further to teach that there is a way to resolve differences other than resorting to terrorism or violence, including the:

(A) Day of Education;
(B) Day of Understanding;
(C) Day of Remembrance;
(D) Day of Sharing;
(E) Day of Tolerance;
(F) Day of Caring; and
(G) Day of Inspiration;

(6) designates the week of April 17, 2005, as the National Week of Remembrance, in recognition of the tenth anniversary of the Oklahoma City bombing;

(7) calls on the people of the United States to participate in events scheduled for each day of that week to teach a lesson of hope in the midst of political violence and to teach that good endures in the world even among those who commit bad acts and further to teach that there is a way to resolve differences other than resorting to terrorism or violence, including the:

(10) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Memorial Foundation, as an expression of appreciation.

Mr. INHOFE. Mr. President, I rise today along with my colleague, Tom Coburn, to introduce a resolution to commemorate the tenth anniversary of the attack on the Alfred P. Murrah Federal Building. The attack occurred at 9:02 a.m. Central Daylight Time on April 19, 1995, in Oklahoma City, Oklahoma. 168 Americans lost their lives while more than 850 others were injured. This terrorist attack of domestic terrorism affected thousands of families across the State of Oklahoma and the United States. I thank the local, State and Federal law enforcement, firefighters and emergency services and search and rescue teams across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured, comforted the grieving, and provided meals and support to those who came to help the people of Oklahoma. I applaud the people of Oklahoma for making tremendous progress over the past decade and demonstrating their steadfast commitment to the ability of hope to triumph over violence;

(9) applauds the people of Oklahoma City as they continue to persevere and to stand as a beacon to the rest of the Nation and the world attesting to the strength of goodness in overcoming evil wherever it arises in our midst; and

(10) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Memorial Foundation, as an expression of appreciation.

TEXT OF AMENDMENTS

SA 266. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes. S. Res. 96, Mr. MCCAIN (for himself, Mr. DAVIS, Mr. GRAHAM, Mr. Kyl, Mr. CONCUMING, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, supra. S. 266. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 270. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 271. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 272. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 273. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 274. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 276. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 278. Mr. BOXER (for herself, Ms. SANTORO, Mrs. MURRAY, Mrs. CLINTON, Mr. JEF FORD, Mr. JOHNSON, and Mr. LUGAR) proposed an amendment to the bill S. 600, supra. S. 279. Mr. LUGAR proposed an amendment to the bill S. 600, supra. S. 280. Mr. ROUSSEAU (for Mr. SHUMAR and Mr. HARKIN) proposed an amendment to the bill S. 600, supra. S. 281. Mr. Baucus (for Mr. HELMS) proposed an amendment to the bill S. 600, supra. S. 282. Mr. CRAIG (for himself and Mr. Roberts) proposed an amendment to the bill S. 600, supra. S. 283. Mr. DODD proposed an amendment to the bill S. 600, supra. S. 284. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, supra. S. 285. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 286. Mr. BIDEN proposed an amendment to the bill S. 600, supra. S. 287. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 288. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 289. Mr. OBAMA (for himself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 292. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 293. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 294. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 295. Mr. BURTON proposed an amendment to the bill S. 600, supra. S. 296. Mr. BURTON proposed an amendment to the bill S. 600, supra. S. 297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 298. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 299. Mr. OBAMA (for himself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 300. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table. S. 301. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra, which was ordered to lie on the table. S. 302. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.
On page 56, strike lines 3 through 11.

SA 267. Mr. MCCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

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

TITLE XXX—TRADE TREATMENT OF UKRAINE

SEC. 2001. FINDINGS.

Congress finds that Ukraine has:

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without fear of reprisal;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

SEC. 2002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

SA 268. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, between lines 20 and 21, insert the following:

“(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate used in the computation required by subparagraph (4), computed using dynamic assumptions; and

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

SA 270. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 64, strike lines 3 through 6, and insert the following:

(4) CREDITABLE SERVICE.

(A) IN GENERAL.—Section 8332(b)(11) of title 5, United States Code, is amended by inserting “the Middle East Broadcasting Networks;” after “the Asia Foundation;”.

(B) ORGANIZING REGARD TO CREDITABLE SERVICE WITH THE MIDDLE EAST BROADCASTING NETWORKS, THE BROADCASTING BOARD OF GOVERNORS shall—

(1) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(2) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

SA 271. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 119, between lines 4 and 5, insert the following:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON MIDDLE EAST DIPLOMACY.


SA 272. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 47, line 13, strike “and”; On page 47, line 15, strike the period at the end and insert as semicolon and “and”.

On page 47, between lines 15 and 16, insert the following:

(3) by striking “or allowances” and inserting “allowances, or annuities”.

SA 273. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 60, between lines 20 and 21, insert the following:

“(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate used in the computation required by Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisos of section 5307 of such title.”
SEC. 3901. SHORT TITLE.

This title may be cited as the “Agricultural Export Facilitation Act of 2005.”

SEC. 3902. FINDINGS AND PURPOSE.

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

(1) The export sector of United States agriculture makes an important contribution to this country’s trade balance.

(2) The total value of United States exports of agricultural products shipped to Cuba from 2000 through 2005, when such sales were authorized by Congress, is approximately $1,000,000,000, including transportation, port fees, and insurance costs. In December 2001, Cuba purchased approximately $138,600,000 in food and agricultural products. In 2002, Cuba purchased approximately $380,000,000 in food and agricultural products. Cuba purchased approximately $350,000,000 in food and agricultural products. In 2003, Cuba purchased approximately $325,000,000 in food and agricultural products. In 2004, Cuba purchased approximately $305,000,000 in food and agricultural products. Cuba purchased approximately $285,000,000 in food and agricultural products.

(3) To be competitive in sales to Cuban purchasers, United States exporters of agricultural products and their representatives, including representatives of United States air or sea carriers, ports and shippers, must have ready and reliable physical access to Cuba. Such access is currently uncertain because, under existing regulations, United States exporters and their representatives must apply for and receive special Treasury Department licenses to engage in sales-related activities. The issuance of such licenses is subject to both administrative delays and periodic denials. A blanket statutory authorization for sales and transport-related travel to Cuba by United States exporters will remove the current bureaucratic impediment to agricultural product sales. After Cuba passed the Trade Sanctions Reform and Export Enhancement Act of 2000, United States companies submitted 9,800 applications for licenses to export food and agricultural products. In 2002, Cuba purchased approximately $138,600,000 in food and agricultural products. In 2003, Cuba purchased approximately $380,000,000 in food and agricultural products. In 2004, Cuba purchased approximately $350,000,000 in food and agricultural products. In 2005, Cuba purchased approximately $325,000,000 in food and agricultural products. In 2006, Cuba purchased approximately $305,000,000 in food and agricultural products. In 2007, Cuba purchased approximately $285,000,000 in food and agricultural products.

(b) PURPOSE.—The purpose of this Act is to authorize U.S. exports to Cuba and to remove the current bureaucratic impediment to the sale of agricultural products to Cuba.
Cuba. Indeed, late last year payments due United States exporters from purchasers in Cuba were frozen in United States banks while the terms of those payments were reviewed. This action by the Department of the Treasury has created a climate of commercial uncertainty that has inhibited agricultural sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 to Cuba.

(6) There is nothing in either the Trade Sanctions Reform and Export Enhancement Act or related legislative history to support the view that Congress intended payment to be made in advance of the shipment of goods to Cuba or that it is the intent of Congress that a seller of a product authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 must route their payments through third country banks that charge a fee for this service. Allowing direct payments between Cuban and United States financial institutions will permit the United States exporters to receive payment directly to their financial institutions within hours instead of days and will eliminate an unnecessary transactional fee, thereby allowing Cuban purchasers to purchase more United States origin agricultural products.

(7) At present it is the policy of the United States Government to prohibit direct payment between Cuban and United States financial institutions. As a result, Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 must route their payments through third country banks that charge a fee for this service. Allowing direct payments between Cuban and United States financial institutions will permit the United States exporters to receive payment directly to their financial institutions within hours instead of days and will eliminate an unnecessary transactional fee, thereby allowing Cuban purchasers to purchase more United States origin agricultural products.

(8) Trademarks and trade names are vital assets of the United States companies that export branded food products, including those small businesses that will be the future owners of such products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000. Hundreds of United States companies have registered their trademarks in Cuba in order to ensure the exclusive right to use those trademarks when the United States trade embargo on that country is lifted. Moreover, following the enactment of the Trade Sanctions Reform and Export Enhancement Act of 2000, many United States companies are today exporting branded food products to Cuba. They hope to one day establish their brands with Cuban purchasers in order to benefit from current sales under the Trade Sanctions Reform and Export Enhancement Act of 2000, as well as position themselves for the larger post-embargo market for United States goods in Cuba.

(9) Branded products of United States companies contribute to the livelihoods of American workers and the balance sheets of United States businesses. Those products depend on the security of United States trademarks and trade names protected in Cuba by reciprocal treaties and agreements for the protection of intellectual property rights (TRIPS) and the Inter-American Convention for Trademark and Commercial Protection. The court’s ruling will now be reviewed by the United States Court of Appeals for the Second Circuit.

(11) Cuba’s international remedy under customary international law (as codified by Articles 11–14 of the Vienna Convention on Treaties), for a breach by the United States of the Inter-American Convention, is to suspend or revoke the protections Cuba currently affords United States trademarks and trade names.

(12) In order to preserve the rights of trademark owners in Cuba, including those engaged in authorized sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 now and in the future, this Act shall repeal section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999, and the United States must comply with all applicable laws in all transactions in which they relate to trademarks and trade names.

(b) PURPOSE.—The purpose of this title is to remove impediments to approved sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 to and in Cuba.

SEC. 2904. SENSE OF CONGRESS THAT VISAS SHOULD BE ISSUED.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals whose membership in the Cuban National Association has an interest. The filing and prosecution of opposition and infringement proceedings related to any trademark or trade name in which a designated national has an interest and the prosecution of any defense to such proceedings shall also be authorized by general license.

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) Removal of Prohibition on Enforcement of Rights to Certain United States Intellectual Property Rights and Transfer of Such Properties, Including Repeal of Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999.—(1) In General.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals whose membership in the Cuban National Association has an interest. The filing and prosecution of opposition and infringement proceedings related to any trademark or trade name in which a designated national has an interest and the prosecution of any defense to such proceedings shall also be authorized by general license.

(b) PERIODIC REPORTS.—(1) In General.—Not later than 45 days after the date of enactment of this Act and quarterly thereafter the Secretary of State shall submit to the Committees on Finance, Agriculture, Nutrition, and Forestry, and Foreign Relations of the Senate and the Committees on Agriculture, Ways and Means, and International Relations of the House of Representatives a report on the issuance of visas described in subsection (a).

(2) CONTENT OF REPORTS.—Each report shall contain a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 and shall describe the disposition of each application received.
2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In the matter proposed to be added, strike section 2005 and insert the following:


(a) In General.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

“(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”;

(b) Effective Date.—The amendment made by this section shall take effect on February 22, 2005.

SA 283. Mr. DODD proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

Section 404(b).—Nothing in this Act shall be construed to preclude the release from detention of all political and human rights activists.

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

(a) Withholding of Portion of Certain Accounts.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), $80,000,000 shall be withheld for each of the fiscal years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004–2005 United Nations biennial budget adopted in December, 2003.

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

(1) Actions by the United Nations.—

The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103–236) is amended by adding at the end the following:

SEC. 406. The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/188 to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not
require the approval of the United Nations Budget Office.
(D) The length of the fixed, non-renewable term of the Under-Secretary-General of the Office of Internal Oversight Services is seven years.

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

SA 289. Mr. OBAMA (for himself, Mr. NIETO, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 227. ASSISTANCE TO THE PHILIPPINES.
(a) FINDINGS.—Congress makes the following findings:
(1) On May 19, 2003, President George W. Bush and President of the Philippines Gloria Macapagal-Arroyo issued a joint statement that stated that the Presidents agreed that relations are deeper and warmer today than at any time in recent history and noted that those ties are rooted in shared history, shared values, and a common interest in global peace and prosperity. President Bush and President Macapagal-Arroyo paid tribute to a revitalized and maturing bilateral alliance and pledged to strengthen the partnership further in the years ahead.
(2) According to the Department of State, the U.S. has important security, commercial, and political interests in the Philippines, a treaty ally that straddles important air and sea lanes. In recognition of the critical nature of Philippine support to the Global War on Terrorism, President Bush designated the Philippines as a major Non-NATO ally.
(3) On February 16, 2005, the Director of Central Intelligence stated: “In the Philippines, Manila is struggling with prolonged Islamic and Communist rebellions. The presence of terrorist organizations operating safe havens and training bases adds volatility and capability to terrorist groups already in place.
(4) According to the United States Agency for International Development, “[c]orruption and conflict continue to impede the Philippines’ economic and social development. Forty-six percent of the country’s population lives on $2 per day or less. The Philippines continues to suffer some of the worst effects of underdevelopment: a 4.26 percent rate of population growth; destruktive exploitation of natural resources; and vulnerability to political instability. Nevertheless, the Philippines has maintained its democratic institutions and its market-based economic system, as well as its historic ties with the United States.”
(5) Despite the importance of the bilateral relationship between the United States and the Philippines, the budget request submitted by the President for fiscal year 2006 contains no direct assistance to the Philippines in several important foreign assistance accounts.
(b) ASSISTANCE TO THE PHILIPPINES.—There are at least 11 appropriate committees to which the President for assistance for the Philippines the following amounts for fiscal year 2006:

(1) For “Development Assistance” to carry out the provisions of sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2280), $37,576,000.
(2) For “Child Survival and Health Programs Fund” to carry out the provisions of sections 194 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2280), $26,800,000.
(3) For “Economic Support Fund” to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), $34,720,000.
(4) For “International Narcotics and Law Enforcement” to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), $2,000,000.
(5) For “Nonproliferation, Anti-Terrorism, Demining, and Related Programs”, $5,150,000, among others.
(6) For “International Military Education and Training” to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), $1,000,000.
(7) For “Foreign Military Financing Program” grants to carry out the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2782), $100,000,000.
(c) REPORT REQUIRED.—(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Agency for International Development, shall submit to the appropriate congressional committees a report containing a 10-year strategy for providing assistance to the Philippines.
(2) CONTENT.—The report required under paragraph (1) shall include projected funding levels to help the Government of the Philippines deal effectively with a number of issues facing the country, including poverty, corruption, military reform, economic development, environmental damage, international terrorism, democracy building, and narcotics trafficking.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.
(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISAA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1222) is amended by adding at the end of the following new subsection:
(1) Every alien applying for a nonimmigrant visa, or seeking admission to the United States pursuant to a nonimmigrant visa, shall, prior to obtaining such visa, swear or affirm an oath stating that—
(i) Every alien applying for a nonimmigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—
...
Mr. KYL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the scheduled debate with respect to Social Security.

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

ORDER FOR ADJOURNMENT

Mr. KYL. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon following the vote tomorrow morning.

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

SPECIAL COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, let me make a couple of comments and then I will yield to Senator DORGAN a couple of minutes as respective chairmen of the policy committees of both parties to describe what is going to happen briefly.

Sometimes, people watching C-SPAN will see a lone Senator giving a speech on the floor of the Senate and that passes for debate, and they ask, Where is the debate? Where is the joiner of the issues with one side asking the other a question and one side responding to the other's questions?

As a result of the fact that we don't have enough of that real debate in the Senate, what Senator DORGAN and I and our respective parties have agreed to is to conduct real debate, such as high school or college debates that many are familiar with, where there is a set time—in this case, 70 minutes—and each of four speakers, two on the Republican side and two on the Democratic side, have a few minutes, in this case 6 minutes, to make a presentation. Then when those presentations are over, each will ask the other questions. They will take a minute to ask the question with 2 minutes to respond; then, when the questions are over, there will be a brief summing up period

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

SPECIAL COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Special Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2005 at 9:30 a.m. to hold a closed hearing.

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

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

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The PRESIDING OFFICER. Without objection, it is so ordered.
of time. That can allow the positions of
the parties to be articulated well and
yet permit an exchange of rebuttal and
surrebuttal, which actually enables the
parties to question each other, to chal-
genue each other's premises and then to
respond; in effect, conduct a real de-
bate. The time limits are known to the
parties.
At this time, I ask unanimous con-
sent, without reading the agreement
which has been agreed to by both par-
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now, put it into personal accounts. If we don’t do that, we will have a cashflow problem in our ability to pay benefits. We cannot pay benefits with IOUs. The President showed that today in Parkersburg, WV. You have to pay benefits with cash. That is the cash

deficits we will be running in the Social Security Program alone: $63 billion in 10 years, $250 billion cashflow. What does that mean? Someone will have to pay more in taxes in 10 or 15 years, someone will get less benefits, or we will have to be running the Social current benefits—not doing anything about saving money, not doing anything about having a better benefit, just to pay the current benefits being promised and that we cannot deliver on.

The PRESIDING OFFICER. The Senator’s time is expired.

The Senator from Illinois.

Mr. DURBIN. I thank my colleagues. Sometimes the debate seems to lapse into something which perilously resembles debate. This may be one of those moments.

For those who are following it, welcome to the Senate as I hoped it would be. I congratulate my colleagues on the Republican side and my colleagues Senator STABENOW for engaging in this debate.

The first question the American people ought to ask is a very basic question: Congress, if you did nothing, if you did not move the word in the Social Security law, how long would the Social Security system make payments to every retiree with a cost-of-living adjustment every single year? To listen to my colleague from Pennsylvania, it sounds as though doomsday for Social Security is right around the corner. But the professionals tell us it is 35 to 45 years away; 35 to 45 years if we do nothing.

President Bush and Senator SANTORUM and others have said, but what about beyond that date? That is a legitimate challenge to all of us. When I came to Congress in 1983, I faced that challenge on a bipartisan basis. We met that challenge. We extended the life of Social Security for 39 years with common sense changes. That is what we should do again.

Yet the President comes to us and proposes privatization. Now I have said it. I said the word which drives the Republican side and my colleague Senator BYRD, Senator HARarkin, Senator CONRAD, Senator REID, Senator Hollings, they have said no, we don’t privatize Social Security, weak-ening it, cutting benefits, creating a massive debt for our children? Why don’t we work on a bipartisan basis to make it stronger?

The PRESIDING OFFICER. The Senator’s time is expired. There is 6 minutes for the minority.

The Senator from Michigan is recognized.

Ms. STABENOW. First, thanks to my colleagues on both sides of the aisle for arranging in this incredibly important debate, Senator KYL and Senator DORGAN, for bringing us together in this way.

Social Security is a great American success story. Senator DURBIN and I, while were not around when it was created, are very proud of the fact that as Democrats led the way to create a great American success story. Our goal today is to keep the security in Social Security. That is the fundamental issue, I believe, for each American family.

We are very proud of the fact that Social Security is a great American success story because prior to Social Security, half of the seniors in this country, half of older Americans, were in poverty. Today it is about 10 percent. We still need to work on the 10 percent but this is a great American success story. We want to make sure nothing is done to unravel this.

It is important we have this debate, though, and we talk about the fact that Social Security is America’s insurance policy. It is our families’ insurance policy because it is more than just retirement, which is so critical. But it is also a disability policy. Most of us do not have a private disability policy. In fact, 75 percent of us do not. It is a disability policy; it is a survivors policy.

Heaven forbid if mom or dad lose their life, where they are not there to care for their children. In fact, in my own family, my mom was 10 years old, his father died. His mom was older and not well, and he and his mom literally survived on Social Security.
This is a great American success story. Anything we do that pulls dollars out of an insurance policy will cut those who are left. No matter how forcefully the President or our colleagues say that somehow some folks can be protected, when you pull dollars out of the system, it is not possible. I think it is very important for us to understand that as well.

Also, we can each have our own opinions but not our own facts. There are a couple of different numbers floating around the Senate to support the notion that the folks whom we are obligated to look to, the Congressional Budget Office—the folks where nobody is appointed by the President, such as the Social Security trustees—those who are the nonpartisan folks we refer to at all the time, they tell us, as has been said, that the trust fund can pay 100 percent of its obligations until 2052, and after that, if nothing was done, it would be about 80 percent, maybe 78, 80 percent the trust fund could pay.

There is no question there is a gap, and we are here to say we want to work with you to address that gap. That is what we ought to be doing. What we know, and the President has already talked about others, is the privatization scheme proposed does nothing to fix this; nothing. It does not add a day, does not add an hour to 2052. In fact, it makes it worse.

There is a solution. In fact, there are a number of things we can talk about. But 2 weeks ago we had a vote on the floor on the budget resolution. This was a vote based on an amendment that Senator KENT CONRAD and I had to put Social Security first. I know people are concerned about Social Security, those who support continuing it. But the reality is, we had a vote 2 weeks ago on an amendment that simply said, before we permanently extend tax cuts predominately to those most blessed in our country, we need to at least have a vote about Social Security, or before we add new mandatory spending, we should secure Social Security first.

It is staggering when we look at the differences in values and priorities in this Congress and with the administration. Mr. President, $3.7 trillion is a lot of money; $3.7 trillion would secure Social Security for 75 years. That is, what, a third, a third maybe, of what we are going to be asked to vote on later this year and beyond to extend tax cuts predominantly for the wealthiest Americans for 75 years.

What are our values? What are our priorities? What does this say about us as a country? We can easily, by putting Social Security first, fill that gap for 75 years. And I believe we ought to do it.

Specifically, on why privatization is something that does not make sense. Privatization does three things we are concerned about: It increases the national debt; it increases administrative costs; and it adds deep benefit cuts. No matter who says, “We’ll protect this group or that group, these folks will be OK,” if you take money out of the insurance system, everybody gets cut. That is the reality.

The first thing is the budget deficit, the deficit for the country. When we look at what is happening right now, it is aast 26 trillion Fed­er­al deficit right now in the history of the country. We should all be ex­tremely concerned about it. It is $4.6 trillion, projected. This adds, over 20 years, another $4.9 trillion. It more than doubles the national deficit in order to do privatization.

One of the things I am particularly worried about, both as a member of the Banking Committee and a member of the Budget Committee, is who is buying that debt? Who is buying that debt from us? This is at a time when we are concerned about national security and trade deficits and what is happening around the world.

Well, the top two folks buying it are Japan and China. But can you imagine, South Korea and OPEC own some of our deficit. What happens when we add more to that deficit? And what happens when foreign countries buy more and more of our debt? This is a bad idea to add more to the debt.

Let me add a couple of points. The PRESIDING OFFICER. The Sen­ator’s time has expired.

Ms. STABENOW. I will do that later.

Thank you. The PRESIDING OFFICER. The majority is now recognized for 6 minutes.

The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. Pres­i­dent. I thank my colleagues as well.

This is a great opportunity to discuss such an important program. I appreciate all three of my colleagues who have spoken who have stressed how important it is that we keep the promise of Social Security. We have heard a lot of numbers and different information. I do not want to try to make this a little simpler so at least I could understand it.

I am reminded, as I hear some of the information, of a TV commercial I have seen that the AARP has sponsored. Some of you may have seen that commercial. The Presiding Officer may have seen it as well. In the commercial they have a wrecking ball that is tearing down a house and a Caterpillar tractor tearing down the walls and a family fleeing, and they are saying: This is what the President is trying to do to our Social Security system, to tear it down completely when all it takes is a few simple adjustments.

I think the real truth here is the house is more like one I saw on the news during the rains and the mud slides in California: a beautiful big house sitting on the mountainside, and from the front it looked perfect. It was perfect in the inside. The roof was perfect. It did not leak. But when you looked at it from the air with a helicopter, you could see that half of the foundation had been washed away, and it was precariously perched
personal accounts is welding them to the current Social Security system.

As you will see with the first bar on the chart, this year, in 2005, all of the benefits will be paid from a funded Social Security system, from real savings, and people will actually get better benefits in the future than they do today.

Let me point out on a second chart, it is important to recognize no money is going out of the system. It is all part of a system that has a new foundation of real savings.

This is something we require of every corporation in the country that offers a pension plan, that they have real money in it. That is what we need to do to Social Security.

One of the benefits of this—in addition to structuring a program where we can guarantee benefits; we don’t change disability; survivors benefits can be even better—is the average American worker, if you look at 2035, average median income at 35, it is already close to $400,000 that they can work with their current system. The benefit there is that if you die before you are 65 instead of today when you have nothing, it is left to your heirs. It is part of your estate. More people can inherit wealth.

We can continue to talk about this as we go through the questions and answers.

The PRESIDING OFFICER. The minority is now recognized and has 1 minute to pose a question.

Mr. DURBIN. Mr. President, I will ask the first question. If you take up to 2 percent out of the Social Security trust fund—and it is a pay-as-you-go system—it is clear you don’t have enough money to pay the benefits. The White House memo suggested that the way to deal with this is to reduce the amount of benefits paid to Social Security retirees. So I would like to ask my Republican friends if they are State and local workers. My first question is, Do you support requirements—just as you did in 1983 by requiring Federal workers to participate in Social Security; those State and local workers to participate in Social Security?

Mr. SANTORUM. I thank the Chair. I would like to ask a question about the 6 percent of the workforce that does not participate in Social Security. They are State and local workers. My first question is, Do you support requirements—just as you did in 1983 by requiring Federal workers to participate in Social Security; those State and local workers to participate in Social Security?

Mr. SANTORUM. I would answer that and say that as you see, we have a surplus right now that can be used to fund these accounts for the next 10 years. After that we run a deficit in the Social Security Program, and we would have to come up with a way of financing that deficit.

What the President has suggested is that with Social Security, if we fix it the old-fashioned way, the way you did in 1938, which was increase taxes and cut benefits, workers would be paying more and getting less. With personal accounts, you have the opportunity of getting more because you use the compound interest, you use the miracle of the markets, and a balanced investment portfolio that is being used by pension plans in this country to fund their accounts. And so what we would suggest is you initially use the surplus money and then you balance for future workers—again, no reduction in benefits today, but you balance for future workers.

What the President has talked about is a promise, a lower promise of benefits but a better opportunity for a return because you have the personal savings accounts which can exceed the promised benefit. So you have at least the opportunity to do as well as the current system promises but cannot pay—promises but cannot pay—and you have the opportunity of not having to have future tax increases, again, because you are able to compensate with the amount of money that is earned in these accounts, again, because of the compounding of interest and because of the diversified portfolio of investments you have.

To that, this is a balanced approach. It takes the good part of the Social Security system which is the security of having money go into this old system, keeps that in place for about two-thirds of the money, and a third of the money, and a third of the money will be able to offset what would have to be a future reduction of benefits with the growth in the personal account.

The PRESIDING OFFICER. The time of the Senator has expired. The majority is now recognized for 1 minute to ask a question.

Ms. STABENOW. Mr. President, to continue to talk about the Social Security crisis? I don’t think so. I listened to my friends on the Republican side likening the Social Security trust fund to Santa Claus, the Easter Bunny, and a file cabinet. They may not recall it, but it hasn’t been that long ago, 6 or 7 years ago, when we generated surpluses in the Federal budget. The Social Security Program was stronger. We were borrowing less money from it.

Since President Bush arrived we have borrowed $800 billion out of the Social Security trust fund. The so-called file cabinet that has been very generous to the President when he wanted to finance his tax cuts. If he hadn’t given tax cuts to the wealthiest people, that file cabinet would have been full of money for Social Security recipients, lengthening the life of this program.

Also, this whole thing about the miracle of the markets.

I commend my colleague from Pennsylvania. Thank you for finally saying the words. You said we are talking about lower benefits but the opportunity to do better. That is what it is all about. So there is a guarantee of lower benefits to Social Security and the possibility of making more money on your investment.

Does the phrase “past performance is no indication of future results” ring a bell? That is what you see at the bottom of every ad for stocks and bonds and mutual funds. There is risk involved. Some may profit, others may not.

The PRESIDING OFFICER. The minority has 1 minute to pose a question of the majority. The Senator from Michigan.

Ms. STABENOW. Mr. President, to follow up on the fact that we are hearing that there is no money in the trust fund, I am quite shocked to hear that because back in the 1980s, when the decision was made to come together, President Reagan, based on Alan Greenspan, he came to Bob Dole and Tip O’Neill, they came together and on purpose designed a system to create surpluses for all of us baby boomers so there would be more dollars available in surplus. And, in fact, what the President looks at, of course, just like when you get to a bank, you don’t look in and just see dollars because there are investments being made and so on.

In the Social Security trust fund, individuals have been given secured bonds, an IOU, each one of us as individuals, with the full faith and credit of the United States behind it.
My question is this: We are giving those same kinds of assurances to those who buy our foreign debt, that we have the full faith and credit of the United States behind it. Would you suggest that we would pay China back and Japan back and our foreign creditors or would we pay back over people of America who have paid into the Social Security trust fund and have been given a secured IOU?

Mr. DEMINT. An excellent question. Those are legal obligations of the Federal Government which was to honor. But the Supreme Court has said Americans have no legal right to a Social Security benefit. It is not their money. They don’t own it. Unfortunately, the Social Security trust fund could not write one check to a Social Security retiree today. There is no money.

The only place the money can come from for the trust fund is if it comes back from the general fund to the trust fund. This is one of those choices. The Social Security deficits that we have talked about are the money that has to come out of the General Treasury, out of our education fund, our transportation fund, out of our military, in order to pay these IOUs. They are paid in this so-called trust fund. And we don’t have the money to do that.

And the talk of tax cuts hurting the Social Security trust fund, I am afraid, is ridiculous. The money was all being spent anyway. If we had not had a tax cut, more would have been spent. This year there is $75 billion in a Social Security surplus that we are spending.

My question to the Senator is, would the Senator support a proposal that actually saved the Social Security trust fund—that is all we do—save the money that is surplus between now and the time that runs out in 2017—and that is when the program is in trouble because that is when we have to start pulling money out of the General Treasury to pay Social Security, that is the time that the Social Security trust fund runs out of money.

But my question to both of my Democratic colleagues is, would they support a proposal to save the Social Security surplus today?

Ms. STABENOW. Mr. President, first I say to my friend and colleague, I am shocked to hear him say the people of America who have paid in the Social Security trust fund, the baby boomers, do not have a secured obligation by all of us. Is the Senator saying whether it is moral or whether it is legal, or is he saying do we have to pay those benefits? He is actually saying that for the folks who have paid in as baby boomers that we are not obligated to pay those benefits?

Mr. DEMINT. That is what the Supreme Court.

Ms. STABENOW. I want to make it clear that we Democrats believe with all our hearts and souls we have a responsibility to pay and we will pay those obligations. To somehow say that it is different to pay a foreign country than it is to pay our own people the obligations when they are both secured obligations—this is not something written down on a little piece of paper. This is a secured obligation with the full faith and credit of the United States of America behind it.

So I ask my colleague in return, the simple thing to do here, the very simple thing to do, is go back and and vote again on simply making a policy statement. Why didn’t my colleagues, either of my colleagues, vote to say “put Social Security first,” let’s make sure we secure the obligation, keep it secure for 75 years, and then can we give 70 percent of the tax cuts; to say to those who most blessed in this country, will you take 70 percent of $11.6 trillion rather than 100 percent so every single person cannot only have retirement, but have a disability policy, have survivor benefits?

Isn’t that based on the great values of America in terms of paying into a system, knowing it is going to be there, working hard all your life and creating a way for people to care about and for each other when they are out of work? To me this would be the easiest thing, and we could do it tomorrow if we had the votes to do it.

Mr. SANTORUM. Mr. President, I suggest the chart is not accurate. According to the Congressional Budget Office, extending the tax cuts would cost about .7 percent of the gross domestic product between now and 2050, whereas the Social Security deficit is 1.4 percent of GDP. Even if we repeal all the tax cuts, we would be better off than that, richest to everybody we provided—that is child credit, that is marriage penalty, all of those things—if you take all of those tax reductions the President has put forward, they only make up half, according to the Congressional Budget Office, of the shortfall. It does not solve the problem, No. 1, and it also would be mixing apples and oranges.

We have never in the history of this system had a general fund tax transfer to Social Security. We have always funded Social Security within the Social Security system through payroll taxes, and I showed the increases of taxes over time. So now we are talking about something fundamentally different. We are talking about general fund revenue to fund Social Security, I do not think most people would see that as an insurance policy anymore. I think they start to see it as a transfer program; we should not have a welfare program than what has historically been a social insurance program.

I do not think we want to head down that road. I think we want to keep the integrity of the Social Security system in place. That is why what we are suggesting, which is personal retirement accounts, where the money stays in the system—there is a lot of talk saying you are taking money out to put in those accounts. Remember, these accounts pay Social Security benefits, those are still there, it does not come out of the system. It is used as a way of actually saving and capturing this money that right now is going to the Federal Government to spend, and in exchange we are getting this IOU.

Is the IOU an obligation to pay? Yes. How does the Government pay benefits? It pays benefits on the ability to get back some of the money and pay out benefits.

What we are suggesting with this chart of showing the cashflow problems is the deficits are going to be huge in the future, and that is going to be a problem. In the Social Security benefit payments in the future. It is not that we will not pay them; it is the deficits are going to be huge.

The PRESIDING OFFICER. The Senator’s time has expired. The majority has 1 minute to pose a question to the minority.

Mr. SANTORUM. Mr. President, I ask either of my colleagues, they have heard of the solution we have put forward, and I guess the question I have is, the Senator from Illinois suggested we can fix it the way we fixed it in the past. The way it was fixed in the past is we raised the payroll tax from about 10.4 percent to 12.4 percent and we raised the base and indexed it. And then secondly, we increased the retirement age. From 65 to 67. Finally, we came up with a package, as the Senator from Pennsylvania described. A final vote in the House of Representatives included 81 Republicans voting with 158 Democrats.

When it came to the Senate, there were more Republicans than Democrats supporting the Greenspan Commission proposal. Yes, it gets down to basic math, and that is what troubles me about some of the statements made by my colleagues on the floor. It seems we think we can defy the laws of gravity and the laws of mathematics, and it simply gets down to this: If you want to strengthen a program such as this, you are either going to raise taxes, cut benefits, or find some new way to generate money into that system. My colleagues propose a program that puts money out of the system. It takes money out of the system that then can be invested, that may have a good return, and if it
Ms. STABENOW. With all due respect, I am trying to figure out the new math in my head because the math that the Senator is talking about certainly does not add up to anything that I have seen. I would encourage folks who are watching to go and do the math. I can base that on a 6-percent rate of growth that some financial folks put together where they can put in their date of birth and their average yearly earnings and find out for themselves how they would do. So far we have not found anybody who does better under these privatized accounts.

So when one is talking about what we ought to do, we need to start with the reality that the privatized accounts are a guaranteed benefit into a guaranteed gamble, No. 1. Secondly, there is nothing in what the Senator is talking about that has a relationship to what we are hearing about these private accounts.

I said to Secretary Snow in a committee hearing that I understand folks have to pay some of this back, so let me give an example. My daughter is 25. Let us say I give her $1,000. At retirement she tells me I want the $1,000 back, 3-percent interest, plus inflation. Is that what you are talking about? And he basically said yes. He did not disagree with that.

What we are seeing is a lot of hocus-pocus, a lot of where is the pea on the table moving things around. Of course, we have nothing specifically in writing yet from the President, which is one of the problems. But what we are seeing is a commitment. It is a commitment to a relationship to reality. The reality is that for the first time, in 2017 we begin to dip into the surplus that the Senator and I have been paying into as baby boomers all of our working lives. It is a commitment.

The minority now has 1 minute to pose a question to the majority.

The Senator from Illinois.

Mr. DURBIN. President Bush created a commission that was stacked to be for privatization and personal accounts, but notwithstanding that the closest option to what the President has described, option 2 from that Commission, says in the first 10 years $2 trillion would be added to the national debt, in the second 10 years $4.9 trillion to the national debt. We have asked the administration repeatedly how are they going to deal with doubling America’s national debt, doubling our indebtedness to the rest of the world. How can they believe America will be stronger in years to come when America’s mortgage grows and America’s mortgage holders, Japan, China, OPEC, Korea, and Taiwan, if they end their love affair with the dollar, will sink us by demanding higher interest rates to continue to finance our debt? How can this be fiscally conservative, I ask my Republican friends?

Mr. SANTORUM. I thank the Senator. This is really an interesting question, and I think everyone admits that there is a gap between the amount of money coming in and the amount of money that we are going to need to pay, and that is shown by this cash deficit. The fact is, we have to somehow or another in Social Security bring these two lines together. I think everyone would agree that is the option.

Right now, the life of the program is 11 trillion between the revenue line and the benefit line—the benefit line being up here, the revenue line down here. How do we bring those lines together, and how do we keep it solvent? We keep it solvent, just like we prefund every other retirement system.
in America. In fact, they are required by law to prefund. We put the money into a diversified portfolio of investments and then that borrowing at the beginning creates an elimination of the $1 trillion long-term problem. So I would ask them a $1 trillion investment now worth save almost $11 trillion in making the system permanently solvent in the future?

I would answer that question with a resounding yes, and we put the Social Security in a stable funding forever and have it supported by ownership. Of course, we all know ownership has its privileges. One of the things is it can be passed to the next generation. One can do better than the current system problems cannot pay for. Let me repeat that. The promised benefits we cannot pay for for my generation and for future generations of Americans.

What we want to give is ownership to future generations. We want to give to them a good chance. This gamble for future generations. We want to give to them their union is gambling. This gamble for future generations. We want to give to them a good chance.

The other thing I would say about the issue of asking folks about pensions, we have all been told by our folks that retirement is about a three-legged stool: Social Security, pension, and savings. When it comes to savings, the risk is with us to save. I believe we ought to create more opportunities for that. When it comes to pensions today for many workers, will be of a risk for the worker, not a defined benefit but a defined contribution.

The leg of the stool that has been secure, that we will fight to keep secure, is Social Security. I will never forget people looking for Enron who came into my office 2 years ago, men in their fifties who worked all their lives and played by the rules and invested in their company, and one man with tears in his eyes said to me: Thank God for Social Security. It is the only thing I have left, and I never thought I would be in this situation.

Social Security is not a 401(k). It is not meant to be a pension system. It is America’s families’ life insurance policy, regulated survivor’s benefits. It has worked now for years and years. The issue is how do we keep it going.

Mr. SANTORUM. Now my question. I asked this question, Senator DeMINT asked the same question of both of my colleagues, and in neither instance did we get a response. So I will give my colleagues one last try. We asked, what would my colleagues do, what is their plan? I just want to get the transcript. In neither case did either my colleague from Michigan or my colleague from Illinois put forward specifically what what increases in taxes do they recommend, what reduction in benefits do they propose, or how much are we going to tax existing Social Security benefits to make up the shortfall. Pick the date as to when my colleagues want to solve the problem they want to solve until 2018 or 2042 or 2052, whatever the case may be. How are they going to solve this problem that at least some on their side of the aisle admit exists?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBEN. Thank you, Mr. President, and thank you to my colleagues for taking time for this debate. I don’t know how much be have lit up the face of this brilliance, but at least we did our very best to explain our points of view.

My colleague from South Carolina uses an interesting analogy of the house sliding off the hill. What they have suggested for that house that is starting to slide off the hill in privatizing Social Security is, before it slides off the hill, let’s rip the roof off and start a fire in the kitchen. That is privatization. Does it create a stronger Social Security or for that house. It makes it weaker. It weakens Social Security, it cuts benefits, it drives more seniors into poverty, and it creates $2 trillion to $3 trillion more in debts.

If you want to make that house stronger, you have to backfill. You have to take the money you took out of the Social Security trust fund, money you took out for tax cuts, money you took out for things we shouldn’t afford to pay, money that has driven us into the deepest deficits we have ever seen in America under this President. That is how you backfill a foundation to save this house on the hill.

This debate is not about solvency. I think we know now that it is about the legitimacy of Social Security. I believe in it. Most Americans believe in it. It is a safety net we have counted on for almost 65 years and we will continue to count on.

But some of my friends on the Republican side see the world much differently. They have what they call the so-called ownership society. If you can just own it, then it has to be great. The model of the ownership society is, just remember, we are all in this alone.

But we are not in this alone. When Franklin Roosevelt created Social Security, he said the American family, will not have to sacrifice through their payroll to make sure that if all bet falls, if your pension system falls, if you don’t have enough in savings, you can always count on Social Security. That, he said, is what the American family needs.

They need it today more than ever. Pension systems are failing. These corporations are going bankrupt and throwing their shareholders and retirees and employees to the wolves. We cannot do the same with Social Security.

We ought to be able to stand together and make even difficult choices, as we did in 1983, when a larger number of Republican Senators joined Democratic Senators to find a bipartisan solution. How are they going to make it any safer.

The PRESIDING OFFICER. The majority is now recognized for 2½ minutes to close. The Senator from South Carolina.

Mr. DeMINT. Thank you again. I have enjoyed this tonight. Our talk, I guess, has gone in some interesting directions. My opinion is that Social Security is not just an insurance policy. When Americans paid $90 a year when the program started, yes, maybe it was an insurance policy. But today, with Americans averaging over $5,000 a year, for many it is their only savings plan. We cannot assume that the average American can save, after we take 12.5 percent of their income, additional money for retirement. We have to transform Social Security into a program that is not self-sustaining but helps people create real savings to build a foundation of the program.

We are as committed to Social Security as you are. In fact, we wouldn’t be here talking today if Social Security was secure. In fact, we see that it is running out of money, and the best way to fix it is to save some of the money that we are putting into Social Security.

I know there are plans that don’t put pensioners at risk because I have one and several other Republicans do. The plan I have introduced, which has been scored by the Social Security Administration, guarantees that no American will ever receive less from Social Security than is promised by the current system. It gives the passive to be accounts. It reduces the deficit for Social Security by two-thirds. It is a program that makes every American a saver and investor.

In this country today, with so many Americans who do not own anything, the opportunity to own something, and for that ownership to grow in wealth so that they can participate in a country
as our economy flourishes, this is what Social Security can be in the future—just as secure, but it can contain real savings for the first time.

That is all we are asking today. Let’s not cut benefits. We don’t want to cut benefits just to raise taxes. The problem with Social Security is that the foundation does not include real savings, and that is what we are proposing. Let’s save Social Security with real savings.

The PRESIDING OFFICER. The minority is now recognized for 2½ minutes to close.

Ms. STABENOW. Mr. President, I thank you and my colleagues very much. This is an important debate, and I appreciate being able to participate in it.

The President’s privatized accounts, we know, will do three things, and that is why my colleagues and I are opposed to the privatized accounts.

First of all, they will greatly increase the national debt. In fact, do you know what folks are going to own with this? Seventeen thousand dollars more in debt for every man, woman, and child in the United States. That is what they are going to own. It is a lot more than higher interest rates as a result of this plan. This is a bad idea.

The other thing that doesn’t make any sense to me is that right now Social Security, which is retirement, and we do have a shared obligation to make sure that we pay it, but it is retirement, disability, and it is a life insurance policy. For that we pay about a half a percent in administration. On average we are told that it could be upwards of 20 percent, maybe 10, maybe 25, but we are told by the experts, 20 percent in order to administer an annuity or other kind of private account.

One of the things I find interesting is that among folks who are really push— particularly the older people, the folks who would be paid to administer these accounts. I understand we now have something like five financial services lobbyists for every one Senator now here on Capitol Hill. Certainly there are folks who will make a lot of money from this, but it is wrong. This system works right now and we pay a half a percent.

The final thing I would say is it is estimated that the average person over 20 years of age will lose $152,000 under the approach the President is talking about. This is wrong. This is not better for people. This is, in fact, worse.

I agree with my colleagues, and in fact let me also say I would welcome folks going to my Web site or any of my colleagues’ Web sites to learn more about Social Security and the facts. We do need to be working together, not only to secure Social Security for the future past 2052, but we also need to work on other ideas that have opportunity for people. One of my great concerns is that one-third of the cuts proposed by the President in the budget are in education. That is opportunity. That is the opportunity for ownership in the future. Why don’t we focus on jobs and health care and those things immediately that need to be addressed?

We welcome those debates as well and we welcome working with our colleagues to keep the security in Social Security.

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

Mr. SANTORUM. I thank my colleagues from Illinois and Michigan, and my colleague from South Carolina and my colleagues in the chair on this debate. I think it was a good and spirited debate. Hopefully, we added a little light to the issue. Let me try to focus a little bit.

The Senator from Illinois used a quote: We are not in it alone. If you are a 20-year-old today, you are feeling pretty lonely because there are only two of you going to be paying for every one retiree. When FDR said that, there were 42, and he could say we are not in it alone. You are pretty close to being in it alone today, and that is why we need a different system, a system that pre— pre— that usually uses the money, the surplus today, and saves it for future retiree benefits. We are not taking money out of the system. We are putting the money, instead of for the Government to spend and giving an IOU to replace it, we are putting it in real assets that will be real benefits when real workers really retire.

Second, I want to comment on the cost of administering the program. The cost of administering the program has been estimated by the Congressional Budget Office, not at 20 percent—I can maybe understand the difference—it is 20 basis points. That is .2 percent, not 20 percent. It is 20 basis points, which is .2 percent of the amount of money. So I believe there is a dramatic difference. It is actually less expensive to administer this system than to administer the current Social Security system.

The other thing I would like to mention, if we can go to the next chart, three times we asked the question, How are you going to fix the Social Security system? The only answer we got was to repeal the Bush tax cuts which, of course, does nothing to the Social Security system because that money is not paid to the Social Security system. So repealing the Bush tax relief would simply put more money in the general fund, but it would have no impact at all, no actuarial impact at all on the Social Security system. So when the Senator from Illinois said we had to make difficult choices in 1983, that may have been the case in 1983, but so far we have not heard word one of the difficult choices that the other side would like to present to the American people.

Several Republicans have come forward with plans, plan after plan after plan of details of how we are going to save this program, and all we have gotten from the other side is sniping at the plan that we put forward and no answers. If we do not solve the problem.

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

Mr. SANTORUM [continuing]. Of what the promised benefits are, we are looking at taxes of 18 to 20 percent if we wait until 2041 or later. That is not a plan fair to future generations.

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

ORDER OF PROCEDURE

Mr. SANTORUM. I ask unanimous consent there now be a period for morning business with 10 minutes equally divided between Senators CORNYN and DURBIN, and following the use or yielding back of the time, the PRESIDING OFFICER. The Senator’s time has expired.

COURTHOUSE VIOLENCE

Mr. CORNYN. Mr. President, thank you. I appreciate the opportunity for Senator DURBIN and me to speak for a few minutes.

The purpose for my rising is to follow up on some remarks I made yesterday, Monday, on the floor of the Senate. The full transcript of those remarks, which has to do with judges and recent decisions of the U.S. Supreme Court is available, of course, in the CONGRESSIONAL RECORD, but it is also available on my official Web site for anybody who would care to read it.

As a former judge myself for 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I certainly hope no one will construe my remarks on Monday otherwise. Considered in context, I don’t think a reasonable listener or reader could.

As I said on Monday, there is no possible justification for courthouse violence. Indeed, I met with a Federal judge, a friend of mine in Texas, this past week to make sure we are doing everything we can to help protect our judges and courthouse personnel from further acts of violence. And like my colleague from Illinois, I personally know judges and their families who have been victims of violence and have grieved with those families. But I want to make one thing clear. I am not aware of any evidence whatsoever linking recent acts of courthouse violence to the various controversial rulings that have captured the Nation’s attention in recent years.

My point was, and is, simply this: We should all be concerned that the judiciary is losing respect that it needs to serve the interests of the American people well. We should all want judges
who interpret the law fairly—not impose their own personal views on the Nation. We should all want to fix our broken judicial confirmation process. And we should all be disturbed by overheated rhetoric about the judiciary from both sides of the aisle. I regret that my remarks have been taken out of context to create a wrong impression about my position, and possibly be construed to contribute to the problem rather than to a solution.

Our judiciary must not be politicized. Rhetoric about the judiciary and about judicial nominees must be toned down. Our broken judicial confirmation process must be fixed once and for all.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak in morning business.

First, let me commend my colleague from Texas. I think his remarks yesterday were subject to interpretation which he obviously does not want them to be, and I think he has clarified his position, and I am glad he has.

Some of the quotes in the newspapers were difficult to resolve, and they seemed inconsistent with my knowledge of him, his service on the court of Texas, and his service with me in the Senate Judiciary Committee. I think he would understand, as I do, that I have a personal interest in this issue.

I recommended the nomination of Joan Lefkow to the Federal bench in Chicago. On February 28, a bitter plaintiff in a medical malpractice lawsuit murdered her husband and her 89-year-old mother. Judge Lefkow had dismissed that individual’s lawsuit. She was not engaged in judicial activism.

This tragic incident in my home State has been a wake-up call about the need for more judicial security. I met with the Director of the U.S. Marshals Service to discuss it, and sent a letter to the Senate Appropriations Committee today urging that we allocate more funds to protect our judges.

In mid-March, at a trial for rape in Georgia, a man took a gun, killed a deputy, a court reporter, and a judge presiding over the rape trial.

In both of those tragedies, the killers were driven not by political philosophy but by inner demons. Neither of these incidents appear to be politically motivated in any way whatsoever. They were horrible deeds committed by deranged men.

A recent New York Times article indicated that 10 State and Federal judges have been murdered since 1970. None were related to the judges’ politics or ideology. Rather, the murders were committed by embittered or mentally ill litigants in emotion-laden cases, many of which involved notions of self-esteem.

I hope Senator CORNYN’s clarification now will make it clear to everyone who has followed this debate that we need to respect our judiciary and its independence, even when we disagree with their decisions. I disagreed strongly with the decision of the Supreme Court in Bush v. Gore after the 2000 election. But never, ever did it cross my mind, nor should it have crossed the mind of anyone feeling as I did, that you should take it out on the judges. They are doing their duty. I may disagree with them, but to suggest that they should pay a price for it is wrong.

Notwithstanding what I consider to be a very positive statement made by the Senator from Texas clarifying his position, I am afraid there is another realization of its responsibility to hold the judiciary accountable. No longer.

Earlier this year, Mr. DELAY publicly condemned members of the Ninth Circuit Court of Appeals for “writing laws instead of interpreting laws.” When he was asked a few years ago about Federal judges by a reporter, he said:

I woke up one day realizing the judiciary had turned themselves into a regulatory branch.

We can impeach judges who get drunk, so why not impeach those who get drunk with power?

In 1997, in reference to Federal judges, he said:

As part of our conservative efforts against judicial activism, we are going after judges.

DELAY also said the House Republican leadership was prepared to go after activist judges “in a big way.”

Then he went on to say in the Houston Chronicle:

For too long we’ve let the judicial branch act on its own, unimpeded and unchallenged. And Congress’ duty is to challenge the judicial branch.

He went on to say in the Houston Chronicle in 1997:

I want to bring one (an impeachment) to prove my point. And I want to make sure that one sticks.

He said he and other Republicans had a “whole, big file cabinet full” of judges who may be candidates for removal.

This type of intemperate rhetoric, sadly, does great harm to the reputation of our judiciary, and the relationship between the legislative branch and the judicial branches.

I have felt as strongly, I am sure, as he has about decisions made by judges, but those of us in positions of leadership should be careful about the words we use, and that the actions we threaten are entirely consistent with the law at every moment. What we have heard from Congressman DELAY when it comes to judges crosses that line way too often.

I think we understand that deranged people, for reasons beyond political speeches, beyond differences on political issues, will do tragic things, and often that violence is visited on public servants doing their duty as judges serving America.

I yield the floor.