

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

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

THE SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

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

Mrs. LINCOLN. Mr. President, today I rise to speak on passage of the Safe and Timely Interstate Placement of Foster Children Act. This legislation seeks to expedite the interstate placement of foster children into the safe and nurturing families they so desperately need and deserve. In doing so, it encourages and provides incentives to States to help expedite the completion of home studies, which are all too often the cause or delays in interstate placement cases.

Nationwide, there are currently over 500,000 children in foster care, and more than 2,500 in my home State of Arkansas. On trips back home and in meetings with my constituents, I have listened to the many heartbreaking tales of children who continue to suffer needlessly because of barriers to their timely placement. While a recent increase in the number of adoptions has allowed many of these children to spend less time in foster care homes, an unacceptably large number still encounter barriers that delay their timely placement. This is particularly the situation for children placed across State lines. In fact, recent reports indicate that interstate placements take an average of one year longer than placements within a State.

The situation is unacceptable, and I am grateful that we are addressing this issue by taking a step forward. Al-

though we are taking that step here today, we must also recognize that we are improving a process, not fixing it. In cooperation with our State child welfare agencies and State court systems, we need to continue working to finish the task before us by carefully evaluating improvements that result from passage of this legislation and looking at other ways Federal and State agencies can work together in the future to make interstate placements work even better.

We must work together to provide both better guidelines for the process of gaining approval for sending children across State lines while allowing States the much-needed flexibility to cater them to their specific circumstances. We must work together to find a way to set deadlines that expedite the processing of home studies yet does not set unrealistic timelines on our States. We must work together to find better ways to ensure more efficiency in the process while also taking each State's circumstances under consideration.

In short, we must continue working together to ensure that no more of our children are unnecessarily stuck in foster homes because of bureaucratic inefficiencies, unnecessary delays, and red tape. We can do better by these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity, but given timely placement with the home and the family that each and every one of them deserve.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5403) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, this bill, H.R. 5403, the adoption bill, is a bill that is aimed at improving protection for children. It holds States accountable for the safe and timely placement of children across State lines.

I am gratified we have passed this bill today to help our children who are in foster care. Finding permanent and loving homes for foster care children is the first order of a compassionate society. Far too often, these children bounce from one temporary situation to another and then to another, never finding a permanent loving family.

The bill we passed just a few moments ago speeds their placement by making interstate placements easier, particularly with extended family. I, in particular, commend the former majority leader of the House, Tom DeLay, for his passionate crusade for at-risk children. A foster parent himself, Tom has worked tirelessly on adoption and

foster care issues during his long service in the House of Representatives.

It is a fitting tribute to Tom DeLay's service that the House passed this bill on his last day in office. And I am gratified we just passed it a few moments ago.

MEASURE READ THE FIRST TIME—H.R. 5638

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

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of \$5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

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

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 2370, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2370) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

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

Mr. McCONNELL. Mr. President, today I would like to applaud my colleagues for passing S. 2370, the Palestinian Anti-Terrorism Act of 2006.

My friend, the senior Senator from Delaware, Mr. BIDEN, and I cosponsored this legislation. We were joined in our efforts by Senators FRIST, REID of Nevada, DEMINT, MIKULSKI, MARTINEZ, NELSON of Florida, HAGEL, NELSON of Nebraska, DEWINE, TALENT, ALLEN, BURNS, BOXER, BUNNING, KERRY, SALAZAR, LIEBERMAN and THUNE; all of whom are original cosponsors of this bill.

I particularly thank my colleague, the senior Senator from Indiana, Mr. LUGAR, for his leadership on this issue. He has been instrumental in fashioning language on the important question of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The elections of January 25 in the West Bank and Gaza produced the frightening result of a majority of Hamas supporters in the Palestinian parliament. Since that time, Hamas has demonstrated its continued unwillingness to accept Israel's right to exist and to accept the prior commitments made by the Palestinian Authority. It has also failed to renounce terror. That is antithetical to our security interests in the Middle East and it is clearly unacceptable to this Senate.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless the Hamas-led PA has publicly acknowledged Israel's right to exist, has recommitted itself to all its prior agreements with Israel, has made progress toward dismantling terrorist infrastructure, and has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

In short, this legislation urges the current Palestinian Government to take another step toward joining the community of peaceful nations and to step away from the ranks of terrorism.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation, and other basic human needs. Thus, humanitarian assistance that does not go through the Hamas-led PA will continue. Moreover, funding for democracy programs will also be continued.

Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions their government may take. Our concern is with terrorism and with terrorists and in providing Hamas the proper incentives to embrace peace and to abandon the proterror stance they have taken up until now. As Prime Minister Olmert said this week before a joint session of Congress: such legislation "sends a firm, clear message that the United States of America will not tolerate terrorism in any form."

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few months back reflect this fact. International observers indicate that the elections were essentially free and fair—which in and of itself is certainly a good thing. I strongly support democratic elections. That said, any right-minded person deplores the result of those elections that placed a proterror party at the helm of parliament.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to

Israel, then they should be held accountable for their actions, and be prepared to forfeit the prior foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is dependent in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Foreign assistance is not an entitlement. It is not a free lunch. Foreign aid is an act of generosity from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It must not be given to organizations that actively work against those interests. Hamas, as it now stands, is just such an organization.

The ball is squarely in Hamas's court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a terrorist organization to the profound detriment of its citizens and the prospects for peace in the region.

I close by recognizing the hard work of staff on this legislation. In particular, I thank Bob Lester, Brian McKeon, Puneet Talwar, Paul Clayman, and Brian Lewis.

Mr. BIDEN. Mr. President, I support the Palestinian Anti-Terrorism Act of 2006, of which I am the lead cosponsor.

The political rise of Hamas presents us with a difficult policy challenge. None of us want to see a penny of American taxpayer money going to a Hamas-led government that refuses to meet the basic demands not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations. Those demands are that Hamas recognize Israel, renounce violence, and accept past agreements.

At the same time, the situation in the Palestinian Territories is an explosive one, with potentially disastrous consequences for the Palestinian people, Israel and the entire region. Tensions between Fatah and Hamas militias have been escalating in recent weeks. 165,000 Palestinian Authority employees have not been paid in months. Avoiding a genuine humanitarian crisis and a descent into a Palestinian civil war will require diplomatic flexibility and sustained American engagement.

In this sensitive environment, my friend from Kentucky and I have tried to find the right balance between isolating Hamas, while simultaneously not doing anything to harm the Palestinian people. So let me say a few words to clarify what our bill does—and does not—do.

First, it sends a clear message: the United States will provide no direct assistance to a Hamas-led government unless it meets the three conditions—acknowledging Israel's right to exist,

renouncing violence and accepting past agreements between Israel and the Palestinian Authority. We must not retreat from insisting that these three conditions be met.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, something that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assistance to Hamas. In addition, it places restrictions on diplomatic contacts with, and movements by, representatives of Hamas.

But in dealing with Hamas, it is important that we keep our strategic objectives clear. While our intention is to pressure Hamas to accept the same terms that bound previous Palestinian governments, it is not in the interest of either the United States or Israel to be seen as punishing the Palestinian people. It is critically important that in pressuring Hamas we make it clear to the Palestinian people that it is Hamas that is failing them, not the international community. We must maintain the moral high ground.

That is why our bill allows for assistance to continue to support the basic needs of the Palestinian people. It permits assistance to the Palestinians, through non-governmental organizations, for things such as food, water, health, medicine, and sanitation, as well as for democracy promotion, human rights, and education.

It also recognizes the important distinction between Palestinian President Mahmoud Abbas—who has committed to the Road Map and a negotiated two-state solution—and Hamas, by incorporating exemptions to support Abbas in fulfilling his duties as President.

Lastly, our bill creates an Israeli-Palestinian Peace, Reconciliation and Democracy Fund to support organizations that are trying to build bridges between the two societies through the promotion of democracy, civil society development and reconciliation between Israelis and Palestinians.

My friend from Kentucky and I have been able to make important changes to address the most significant issues raised by the administration and the chairman of the Foreign Relations Committee. These include broadening the President's waiver authority as well as narrowing the focus of the bill to the Hamas-controlled Palestinian Authority. I look forward to continuing to work with the administration as the bill moves forward.

Mr. President, Hamas has a decision to make. It must respond to international demands and, even more important, be responsive to the Palestinian public which voted for reform, but not poverty, international isolation and a government that can't pay its own bills or keep the lights on. If Hamas ultimately proves unable to provide for its own people, it won't be

because of the restrictions in this legislation. It will be because Hamas is either unable or unwilling to make rational policy decisions over destructive terror and xenophobic ideology.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways. The legislation I have sponsored with my colleague, the senior Senator from Kentucky, is an attempt to clarify the choices for Hamas and to make clear our rejection of a group that is committed to terror.

Mr. FRIST. Mr. President, I ask unanimous consent that the McConnell amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4542) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2370) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, I wish to make a brief comment on the legislation. I congratulate my colleague, Senator MCCONNELL, for leading on this amendment as the primary sponsor of the Palestinian Anti-Terrorism Act of 2006.

Although all our colleagues have had the opportunity to review and express their support for this act, very briefly, I would like to at least comment on a couple of things that it does that are very important to the United States and our international relations.

The bill itself states that it shall be U.S. policy "to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. . . ."

It also promotes democracy and the cessation of terrorism and incitement in institutions and territories controlled by the Palestinian Authority and urges members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the roadmap.

This is a very important piece of legislation, one that has been led by Senator MCCONNELL. I know he has made several comments and has comments in the RECORD on this important bill.

ORDERS FOR MONDAY, JUNE 26,
2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 26. I further ask that following the prayer and pledge, the

morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business until 4 p.m., with the time equally divided between the leaders or their designees. I further ask that at 4 p.m., the Senate proceed to the immediate consideration of the flag antidesecration resolution, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will begin consideration of the flag resolution. There will be no votes during Monday's session, but Senators are encouraged to come to the floor to speak. The next rollcall vote will occur on Tuesday, and Members should plan their schedules accordingly.

ADJOURNMENT UNTIL 2 P.M.
MONDAY, JUNE 26, 2006

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

There being no objection, the Senate, at 12:40 p.m., adjourned until Monday, June 26, 2006, at 2 p.m.