

been proposed on the assumption that we do know some of the answers. We believe that successful societies cannot be built without good leadership, economies based on sound market principles, and significant investments in health and education. By establishing firm criteria to measure and reward the progress of low-income nations in these areas, the MCC can provide a powerful incentive to foreign governments to embrace and sustain reform.

The Senate Foreign Relations Committee strongly supported the basic premise of the MCC and applauded the President's personal commitment to the concept. However, members came forward with differing proposals on the organization and bureaucratic status of the MCC. The committee passed a version of the MCC that differed substantially from the President's initial vision.

Since that time, Senator HAGEL, Senator BIDEN, and myself have sought to construct an efficient format for this concept that would be supported by the White House while meeting the concerns of our committee. These talks were difficult, but they also were a positive indication of the interest in the ultimate success of the MCC. I believe that we have succeeded in constructing a good compromise. Everyone gave up something to move the bill forward. Senator BIDEN and Senator HAGEL will be addressing the Senate on their views toward the MCC, and I am sure that they will outline some concerns and reservations. I want to thank both of them for their willingness to be flexible and their contributions during this process.

I would note that the White House also was instrumental in concluding this compromise. The administration has endorsed Senate passage of the the Lugar-Hagel version of the MCC.

Our MCC compromise creates the needed ingredients for inter-agency coordination, a top priority among a majority on the committee. It puts the MCC under the authority of the Secretary of State and has the chief executive officer report to the Secretary. But it does not determine the integrity of the President's concept. It gives the MCC the same autonomous status as the US Agency for International Development with the right to manage itself, hire staff, and create its own new culture. It mandates coordination between the MCC and USAID in the field and gives USAID the primary role in preparing countries for MCC eligibility.

I believe our MCC approach is the right plan at the right time. It provides a way to focus single-mindedly on economic development that is results-based and meets clear benchmarks of success. We can have the coordination we seek while also insulating it from short-term political considerations so that it can focus on the long-term benefits of widening the universe of countries that live in peace and look to a prosperous and stable future.

I would like to notify members that I will be offering a managers' package of amendments and will be asking unanimous consent that it be adopted. As part of that package, Section 204 of S. 925 will be deleted from our bill because it has been included in the defense authorization bill. I would like to express appreciation to Senator WARNER, the distinguished chairman of the Armed Services Committee, for his help on that matter.

The other amendments in the managers' package are technical in nature, clarifying original intention, or correcting errors.

I am looking forward to the debate on this bill and the constructive contributions of our Members at this important time in our Nation's history.

The PRESIDING OFFICER. The Democratic leader.

ACCELERATING THE INCREASE IN THE REFUNDABILITY OF THE CHILD TAX CREDIT—MOTION TO PROCEED

Mr. DASCHLE. Madam President, first, I compliment the distinguished chair of the Foreign Relations Committee for his work on this omnibus piece of legislation. I intend to support it. I admire the work that has been done. I notice Senator HAGEL is in the Chamber, and Senator FEINGOLD. They and Senator BIDEN have really done yeoman work bringing us to this point. The MCC, foreign aid legislation, in addition to the State Department authorization bill, represents a tremendous amount of work and effort to get us to this point. I look forward to the debate.

Having said that, however, I must rise to express my frustration on an unrelated matter. I want to call to the attention of my colleagues the fact that it has now been a month since the Senate passed bipartisan legislation, 94 to 2, to rectify a problem that we all agreed should be fixed. I am referring to the 12 million children, and over 6 million families, that were excluded from legislation we recently passed and signed into law providing tax relief to American families.

Shortly after the exclusion was noted, the President admonished the Senate and the House to solve this problem as quickly as we can because we were bumping up against a deadline.

I recall all the speeches on the Senate floor. Republicans and Democrats came to the floor and said: Yes, we have to change this. Yes, we have to recognize that by July 25th all of this must be done. Yes, when all of these checks go out and relief is provided to everybody else, we should not be leaving out these 12 million children or these 6 million families. Let's resolve it. Let's do it. We said unequivocally that we were going to resolve this by the 25th of July.

Here we are, well into the second week of July, just a matter of a couple of weeks to go before the 25th is here,

and yet there is no action. We keep promising. We keep hearing the promises made by others. The fact is, nothing has been done.

I think it is important for us, once again, to light a fire, to reignite it, to state again our determination to see that this is going to be done, to see that these people are not left out, to ensure that we address this issue as we all promised we would do just a month ago.

While I want to get on with this bill and while I want to be as supportive as I can to assure that the very distinguished chair of the Foreign Relations Committee can move this legislation along, I simply believe it is time for us, once again, to restate our determination to solve this problem. We do not need any time. We can have the vote just as we had it before and complete our work on it. But I do think it has to be done prior to the time we get into the real, legitimate debate and discussion about the many worthy aspects of the bill the distinguished chair has laid down.

So, Madam President, at this time I move to proceed to S. 1162, the child tax credit bill, in order for us to accomplish that task first.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAGEL. Madam President, I ask unanimous consent I be allowed to speak for not more than 10 minutes on the pending legislation, to be followed by the distinguished Senator from Wisconsin for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, if I could ask, when I am recognized, that my statement be as in morning business, rather than as part of this subject.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Madam President, I thank my friend and colleague from Wisconsin.

I rise this afternoon to support the legislation that the chairman of the Senate Foreign Relations Committee has brought to the Senate floor today. I also wish to acknowledge his strong leadership, along with that of the distinguished ranking minority member, Senator BIDEN. They have done a particularly effective job at a historic time in the history of this country and the world. This country, the world, and this body will continue to look to their leadership as we go forward into the next challenging year.

I also rise this afternoon to support the Lugar-Hagel compromise regarding

authorization for expanded development assistance through President Bush's initiative to establish the Millennium Challenge Account—MCA, as the distinguished Chairman mentioned, as part of the substitute to the Foreign Relations Authorization bill which is now before the Senate.

America faces no greater challenge in the world today than assisting global development and helping eliminate poverty. The security and prosperity of America and our allies cannot be disconnected from stability in the developing world. There are approximately 6.3 billion people in the world and roughly half of them live on less than \$2 per day. An estimated 2.4 billion of them are 19 years old or younger.

The next generation hangs in the balance. Global threats and connections to terrorism, weapons of mass destruction, poverty, despair, oppression and infectious disease are not always apparent, but this combination of threats presents complex challenges for America and her allies. Global economic development is a shared interest and must be a shared responsibility.

The Millennium Challenge Account represents a significant new direction in economic development. Linking American development assistance to good governance, democracy, human rights, transparency, and rule of law, will help support the transition to more stable and democratic political systems in the developing world.

The Lugar-Hagel compromise on Millennium Challenge assistance addresses the concerns of myself, Senator BIDEN, and some of my colleagues on the Senate Foreign Relations Committee regarding the organization and management of the Millennium Challenge Corporation, the new agency that will be established to administer this program.

There was unanimous support in the committee for the goals of the President's program—the innovative evaluations and indicators that will be used to assess a country's eligibility for assistance, and the need for more funding for economic development. But I shared the concern of Senator BIDEN and other colleagues that this initiative should complement and expand, not constrain or complicate, the authority of the Secretary of State to manage foreign assistance.

This is a particularly critical time in the history of our Country and the world.

Given the many challenges we face in the world, the secretary's role as America's chief diplomat must not be undercut or compromised. The Lugar-Hagel compromise places the management of the MCA directly under the authority of the Secretary of State, who chairs the board of the corporation.

We have the potential to bring a new dynamic to American government interagency cooperation and coordination on economic development on a large scale. The board of the Millennium Challenge Corporation, chaired by the Secretary of State, would also

include the Secretary of the Treasury, the USAID Administrator, and the U.S. Trade Representative, as well as the CEO of the corporation, who will report directly to the Secretary of State. This type of coordination, if managed properly, will bring new energy and creativity to our development programs.

America remains the world's indispensable leader in working with others to help promote global stability and prosperity and help eradicate poverty and disease. We need to do more. We will do more. And we need to do it better, smarter and wiser in meeting the challenges of global poverty.

That means our programs and the management of those programs must be more efficient and accountable. Establishing the Millennium Challenge Account is clearly in the interest of the United States. Millennium challenge assistance can play a creative and important role in helping shape a new approach to development policy.

Global development is not a zero-sum game.

As economies stabilize and grow, the citizens of those countries prosper, as well as citizens from all countries. Trade-based growth is the most effective approach to long-term economic stability and prosperity. America's development policies should reflect these economic development fundamentals.

America's credibility will much depend on our ability to continue to assist the developing world. Our power and influence is not defined solely by our military might. President Bush's Global AIDS initiative, his trip to Africa, and the MCA proposal all reflect dynamic and new commitments to security and development.

September 11, 2001 reminded Americans that we face a dangerous world with complex connections and enormous responsibilities for U.S. leadership. The world is inter-connected. Global development, prosperity and stability are directly connected to America's future.

I urge my colleagues to join Senator LUGAR, myself, and others in supporting this compromise management approach to the Millennium Challenge Assistance program.

As the chairman of the Senate Foreign Relations Committee indicated, this approach, this amendment, this compromise, is also being supported by the White House and the State Department.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business.

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

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Mr. President, I thank the chairman for allowing me to speak at this point and for the excel-

lent experience of serving on the committee during his tenure as chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Wisconsin for his extraordinary leadership as subcommittee chairman and ranking member over a number of years and his eloquent and important statement on Africa today.

In a moment, the majority leader will be on the floor, and Members will want to take note that a rollcall vote is likely to occur sometime around 2 p.m. The leader will explain the situation. In the meanwhile, 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I understand the Democratic leader has made a motion to proceed to a bill on the calendar regarding the child tax credit and that the motion is pending.

As my colleagues know, we have been considering critical legislation regarding the State Department reauthorization and are ready to proceed with that debate. The child tax credit bill is currently in conference. That conference is underway. We need to allow the conferees the opportunity to work through the regular order and reconcile the differences between the House and Senate bills. Meetings are underway. We will be meeting later today on the very important issue of the child tax credit. Therefore, in order to allow the process to move forward on that issue and to allow us to return to the important pending legislation, I now move to table the motion to proceed and ask that the vote occur at 2 p.m. today and further that the pending motion be set aside until that time.

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

Mr. FRIST. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Delaware.

Mr. BIDEN. Mr. President, I am pleased to join Chairman LUGAR in presenting the Foreign Relations Authorization Act for fiscal year 2004. As the chairman has described, we will soon submit a substitute amendment consisting of the text of three bills: S. 925, the Foreign Relations Authorization Act as reported out of committee in April; S. 1161, the Foreign Assistance Authorization Act, as reported out of committee in late May; and thirdly, a bill authorizing a new program, the Millennium Challenge Account which

was initiated by the Bush administration in March of 2002. This program was authorized by the committee in legislation also reported in May. Since then, further discussions have occurred between myself, Senator HAGEL, and the chairman which the chairman has already described. I will return to that subject in a few moments.

All three bills received unanimous support from the Committee on Foreign Relations. The markups of these bills were not at all contentious and, quite frankly, didn't last very long. Their easy passage in committee is a testament to the bipartisan approach the chairman is developing on this legislation and the committee as a whole. The chairman has already summarized the provisions of the substitute amendment. Let me join him in highlighting a few of the key points.

First, the bill provides the President's budget request for the Department of State, and it does more. We increase the authorization for several programs where we believe the budget request is inadequate, such as embassy security, international exchanges, public diplomacy, and in certain foreign aid accounts, including programs devoted to nonproliferation activities. If we are going to send people overseas to advance American interests, we have to protect them. We have to give them the tools to do the job. That is what we attempt to do here.

Second, the bill authorizes establishment of a Middle East television network. In recent years, the Broadcasting Board of Governors has done an incredible job in reviving our radio broadcasting in the region. Radio Sawa now is, if not the most popular, one of the most popular and oft-listened-to programs in the region. I would note parenthetically that as we struggle to make our case known in the Middle East, we have to understand who our target is. You have the vast majority of the people, for example, in Iran under the age of 18. You have the vast majority, 60 percent of the folks in the Arab world, under the age of 18. We have a very young audience, an audience that if we don't begin to get the U.S. message across, in light of what they are being fed now, these young pages sitting here who make the Senate run, they are going to, when they get to be my age, inherit the whirlwind. They will have a gigantic problem.

The television network is a new undertaking that I and others have been pushing for some time. It is a new undertaking for the U.S. Government in broadcasting but one that I believe is clearly worth trying. Most people in the Middle East get their news from television. Three of us, the Presiding Officer, the chairman and I, returned a week or so ago from Baghdad. One of the things we found out was our case has not even been made there. We control the television *de facto* right now, and we are on, unless something changed in the last week, at least 4

hours a day with the most bland broadcasts. It is not but it seems that it is straight out of the public information department of one of the agencies in the Federal Government. We have to figure out a way to get Iraqis on television 12, 14, 18 hours a day explaining straightforwardly what is going on over there.

The Iraqi people right now are in 123 degree weather. They have no electricity and they are wondering why Uncle Sam, who could defeat their great Satan Saddam Hussein in such a short time, rout his vaunted army and Republican Guard and fedayeen, can't get everything up and running immediately for them.

They think like most folks in that difficult region of the world that there must be some plot. What they don't know is—and we are not broadcasting it—that all our efforts—not all—are being sabotaged, literally blown up, blowing up the grids, blowing up the powerplants. They are blowing up the oil pipelines.

So one of the larger points about the television network is we have to be in the game. We have to be in the game to be able to try to get our points across in a region where we don't get a very fair shake.

Third, the bill authorizes expanded international exchanges with the Muslim world, including high school exchange programs, modeled on a successful effort that has been in place with Russia and the newly independent states for some time now, and it is successful. There are a lot of avenues for reaching out to the Muslim world, and face-to-face exchanges are one of the best ways to be able to have impact on opening people's minds.

In the foreign assistance portion of the bill, let me call attention to two provisions—the Radiological Terrorism Threat Reduction Act and the Global Pathogen Surveillance Act. My friend from Indiana, the chairman, may be quietly smiling at me for taking these two and focusing on them because they are two proposals that I put forward. But I thank him for concluding they had merit and seeing to it they are in the bill.

I developed these bills over the past year to address the threat of possible radiological terrorism and bioterrorism. The bill on radiological terrorism would address the threat posed by radiological dispersion devices, colloquially known as dirty bombs. Most people listening to this do not understand when we talk about dirty bombs. A lot of people think it is a nuclear device, a homemade nuclear device. That is of consequence, but the dirty bomb can cause incredible economic dislocation, although it is not likely to kill a lot of people. It is taking radioactive material and packing it around conventional explosives and blowing it up and ending up making the area in which it is dispersed have a level of radiation that exceeds what is safe in the minds of the EPA and sci-

entists for people to be engaged in. But it is not going to kill a lot of people if one went off, God forbid, in the Mall, which is not far from here. But it is a clear and present danger and a concern.

The Global Pathogen Surveillance Act is the second piece of legislation which authorizes \$35 million in assistance for fiscal 2004 for developing nations to improve their efforts to detect, track, and contain disease outbreaks.

As the SARS epidemic has demonstrated, viruses and pathogens do not respect national borders. Without a quick diagnosis of a biological attack or a rapid recognition of suspicious patterns of diseases, and fast transmission of that information, we can see that an epidemic can spread very rapidly by getting people heading out of an airport not knowing they were exposed.

In dealing with dirty bombs and dangerous pathogens, it is in our national interest to help other nations contain these threats before they get to our shores—threats that do not respect national borders. This legislation does that. It helps them set up infrastructures to be able to have their public health systems go out and identify the existence of these pathogens. One of the things we know about SARS—and the criticism of the Chinese is they didn't acknowledge what was happening quickly enough. They didn't put in place quickly enough a national system to contain it. You have to know the problem before you can warn people of its existence. Many of these countries—a vast portion of them—do not have a public health infrastructure to be able to do this. This helps them; it is a small start of \$35 million for that effort.

Finally, let me say a few words about the millennium challenge account. The President deserves, in my view, credit for proposing a significant increase in foreign aid, and requiring that such assistance be targeted to selected countries which meet certain performance criteria. I will acknowledge on the floor what both of my colleagues here know. I was skeptical of whether or not the performance criteria were really a way to avoid delivering foreign aid or a way to identify what we know is important. When we give foreign assistance to a country that, for example, is a democracy, as opposed to a dictatorship, we know that aid is more likely to meet its desired end and be used in a way that is efficacious than when we give it to a country that has no standards, so that we can determine how the money is being dispersed. I have become convinced for some time now that—and this is a President who, historically, I am told has been opposed to foreign aid *per se*, and some of his predecessors share his view—this is actually a way to increase not only our contribution in foreign assistance but also its efficacy. When we spend a dollar, we will get a dollar's worth of benefit—not us, but the people who get it for the expenditure.

We have learned over the last several decades that providing foreign assistance is important. We have learned a lot. One thing we know is that assistance works best in countries that get the basics right, countries that invest in the health and welfare of their people, have a relatively democratic system and an economic system that is open and transparent. That is what this millennium account is about—making sure that more money goes to places that will be able to use it well.

Where the administration has taken the wrong turn, in my view, is with this proposal to establish a new governmental agency to administer this program. Five years ago, under the leadership of our friend and former colleague, Senator Helms, Congress abolished two foreign policy agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, and merged them into the State Department. The legislation enacted in 1998 also gave the Secretary of State more authority to supervise operations of agencies; in particular, the Agency for International Development, so-called AID. I supported that initiative as did I think both of my colleagues here.

The President's proposal, the Millennium Challenge Account, in my view, is directly contrary to the decision Congress made 5 years ago about how we should organize. It would create a new agency to be located outside the State Department and outside the Agency for International Development. In my view, it would weaken the authority of the Secretary of State to coordinate all foreign assistance. I find it ironic that a Republican President would seek to expand the Government's foreign policy bureaucracy, just a few years after Congress voted to reduce the size of that same bureaucracy.

During the committee markup on this bill, the Presiding Officer, Senator HAGEL, and I offered an amendment with the very powerful case he made, which the committee adopted by an 11-8 vote, to prevent the establishment of such an agency. Instead, the Hagel-Biden amendment gave the Secretary of State the authority to coordinate this new program consistent with the 1998 Helms reorganization legislation that passed. The administration responded by threatening a veto if the Hagel-Biden amendment were to survive in conference. I must say I don't find that veto threat very credible. It is easy for me to say, since I am not the chairman. There is a degree of sensitivity that increases when you are the ranking member and it is a President of your own party. I have been there. So I am sure my friend believes that veto threat is much more credible than I think it is. But that is pure conjecture. The reason I am doubtful is the President has yet to veto a bill—I would be shocked if he would veto this whole bill over that one issue. But that is a matter of subjective interpretation.

Subsequent to our markup and this veto threat, the chairman developed a compromise text that meets Senator HAGEL and me part of the way. It retained the provision establishing a new agency, but it does do some good, in my view. It gives the Secretary of State greater authority over the agency by having its chief executive officer report to the Secretary of State, just as the AID administrator reports to the Secretary.

That is an improvement, but it still contains a fatal flaw, and that fatal flaw is the new agency, in my view. Moreover, it adds to the confusion by having the head of the agency report to the Secretary of State, but then assigns several of its critical functions to a five-member board on which the Secretary of State is only one of those five members and dispersing this aid through the millennium account.

Reluctantly, I will go along with this compromise proposed by the chairman. I still believe it is a mistake to create a new agency, and if things were to change, and if by the grace of God and the good will of the neighbors my party took over the Senate again, and if I were chairman of this committee, I must put everyone on notice that I will try to eliminate that agency and try to put it back in the State Department because I think it is a mistake. But I want to deal in full disclosure here.

I am going along with it because, quite frankly, the option is not particularly acceptable. The option is not have the agency, not have the money, not have the increased foreign aid, which I think is not a rational option.

If this legislation is enacted, as I said, I reserve my right to fight another day to attempt to reverse the decision. But based on the way things are going, I do not think anybody should get too worried if you think having a separate agency is a good idea.

I have acceded to the desire of the chairman in order, as I said, not to let the bill get bogged down on this organizational issue. I agree Congress should move forward and improve this important initiative, but in the coming months, the President's proposal will be put to the test relatively quickly. In announcing this initiative, the President pledged to increase foreign assistance above and beyond current aid budgets; in other words, not to sacrifice current programs. This is not we take away from here to give to foreign aid. It is to increase foreign aid and maintain our commitment on other programs as well.

I must tell my colleagues, I am starting to doubt the President will be able to deliver on that commitment. The allocations of the foreign operations appropriations account for fiscal year 2004 in the other body, the House, is abysmally low, in my view, just \$17.1 billion, a reduction of \$1.7 billion below the President's request. The allocations in this body, in the Senate, are better, \$18.1 billion, but still three-quarters of a billion dollars below the President's request.

Even the bill before us falls short. It authorizes \$1 billion in fiscal year 2004 and increases to the \$5 billion level by 2006. But for this fiscal year, it is \$300 million below the President's request.

Again, this is not a criticism of the chairman. He made a very valid point. We have not passed an authorization bill in a long time, and we did pass a budget with which I did not agree. I voted against the budget resolution, but the majority of the U.S. Senate voted for it. The chairman's argument is we must stay within that budget to have credibility in order to get the requisite number of votes to do something we have not done in a long time: pass an authorization bill.

The fact is, we are below the President's request because of being constrained by the budget guidelines we passed, and the House is way below it, \$1.7 billion. According to press reports, the Vice President of the United States was involved in negotiations with the House leadership over House allocations. If that is true, it does not look to me as if the administration is working very hard to support this millennium challenge account. Again, as the old saying goes, the proof of the pudding will be in the eating. We are going to know very soon, God willing.

It is beyond my comprehension how the Congress will adequately fund the millennium account, keep our commitment to \$3 billion a year to HIV/AIDS assistance, and not reduce any current programs. I seriously doubt it can be done, but I sincerely hope I am proven wrong on that score.

The burden, in my view, is on the President and the majority in Congress in both Houses to deliver on the President's promise. Just as the United States will demand accountability for countries that become eligible, the rest of the world is waiting to see if we will fulfill the President's commitment that has been widely circulated at the G-8, widely circulated in every international forum, and I think we will be making a gigantic mistake if we do not meet the President's commitment.

Mr. President, I yield the floor. I thank the chairman, and I believe we are ready to consider amendments. I see Senator BROWNBACK is in the Chamber. It is my understanding Senator BROWNBACK may start, but we are going to, at 2 o'clock, have a vote and then go back to Senator BROWNBACK.

I thank the chairman for his diligence, for his courtesy, and for his leadership in getting us to this point.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in the absence of the Senator from Delaware, I congratulated and commended him earlier on for his work as former chairman of the committee and one who has worked so closely with the chair and with myself on the MCA and so many other issues. I deeply appreciate that. That is the reason we are at this point.

AMENDMENT NO. 1139 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send a managers' amendment to the desk, and

I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. BIDEN, proposes an amendment numbered 1139.

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

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1139) was agreed to.

Mr. LUGAR. I thank the Chair. Senator BROWNBACK is in the Chamber, and he has amendments to offer. I am hopeful he might be recognized.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank Senator LUGAR for his outstanding leadership on this bill and on the issues of foreign affairs. He has done a fabulous job, as has Senator BIDEN, the ranking member.

I also thank Senator BIDEN for the tremendous eulogy he gave about Strom Thurmond at the funeral in South Carolina last week. The Senator really did us very proud with his representation of this body and his relationship with Strom Thurmond. It was a touching event. His eulogy of Strom Thurmond was beautiful. I heard a number of people comment about it. It was very nice of him to do that. It was very nicely done.

Mr. BIDEN. Mr. President, I thank my colleague. It was a great honor for me to participate.

AMENDMENT NO. 1138 TO AMENDMENT NO. 1136

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1138.

Mr. BROWNBACK. 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 allow North Koreans to apply for refugee status or asylum)

At the end of title VIII, add the following:
SEC. . TREATMENT OF NATIONALS OF THE
DEMOCRATIC PEOPLE'S REPUBLIC
OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

Mr. BROWNBACK. Mr. President, this is a simple amendment. I wish to spend a little bit of time talking about it, but it is quite straightforward, it is very important, and it is quite timely.

This amendment regards North Korean refugees and their seeking of refugee status in the United States. It is

a one-paragraph amendment. Succinctly put, this will allow the United States to accept as refugees North Koreans who are fleeing North Korea and accept them as refugees into the United States. There currently is a legal dispute as to whether they can be accepted as refugees into the United States. The reason is because when you are born on the Korean peninsula, under the South Korea Constitution, they are automatically citizens of South Korea. Under our law, if you go to another country, you can go there and not seek refugee status here.

There are exits of massive proportions taking place out of North Korea today. We do not know how many. Some have guessed it is as low as 30,000 and as high as 300,000 North Koreans currently outside North Korea and in China living off the land. South Korea really cannot be expected to take all of these refugees who are fleeing China.

It would be an important statement, an important gesture of the United States to be willing to accept North Koreans who are fleeing as refugees into the United States. We can talk about how many at a later time. This seeks to clarify the legal dispute right now so they can be accepted.

The reason I say it is important right now is because currently, at a British consulate in China, there are four North Korean refugees seeking refugee status in the United States, and they are being denied that status of coming to the United States.

I think it is very important that they be allowed to come here as a statement of our support for freedom and liberty and against the tyranny of Kim Jong-il and his regime. The story of the North Korean people is one of the saddest tales on Earth, of hunger and fear and desperation. Isolation, indoctrination, torture, and arbitrary executions are the means to keep North Korean leader Kim Jong-il and his circle of cronies in power, and they exercise this authority and abuse that enormously.

Just the other day, the Financial Times reported on the lavish lifestyle of the North Korean tyrannical dictator saying that while Kim kept a private chef flown in from Japan to prepare his meals:

His people were forced to consume . . . tree bark, grass and insects to stave off starvation.

The wretched situation inside North Korea has forced many North Koreans to take flight to any country that will accept them. The most logical destination is China, given its porous border and proximity with North Korea. Yet China refuses to acknowledge North Korean refugees, instead calling them "economic migrants," thereby denying them protections normally afforded those fleeing political persecution. This is first and foremost a humanitarian concern for the fate of several hundred thousand refugees currently hiding in fear from North Korea in northeast China.

Without forcing China to grant this opening for safe harbor, not only will

we be abandoning the North Korean refugees in China but we will be abandoning the 22 million people still inside North Korea. If a window for exodus is created, then the North Korean people will want to escape Kim Jong-il's tyranny. Though it is not yet certain, this exodus will likely expose the fissures in the regime, therefore triggering its implosion.

I rise to offer this amendment to the Foreign Relations Authorization Act, an amendment version of the North Korean refugee bill that I recently introduced along with other Members. Senator KENNEDY has been a key sponsor and supporter of this effort, which will allow North Koreans fleeing Kim Jong-il's tyranny to be resettled in the United States.

Under the Constitution of the Republic of Korea, any person born on the Korean peninsula of a Korean father automatically retains the right to citizenship in the Republic of Korea, that is South Korea. That presents a simple problem for Koreans wishing to be resettled here in the United States.

This past weekend, as I noted, while we were enjoying hot dogs, fireworks, and family during the Fourth of July Independence Day, four teenaged North Koreans made their way to the consulate of the United Kingdom in Shanghai, China. These four North Koreans wanting to get away from the Stalinist-style repression sought refuge first with the British consulate, but expressed the desire to be resettled as political refugees in the United States.

According to today's Korea Times, their request to be resettled in America was denied by the U.S. Government, reportedly saying that it is the U.S. position not to "accept North Korean defectors."

These are people simply yearning to be free from a Stalinist, repressive regime, one of the worst human rights situations in the world, one of the worst politically oppressive situations in the world. If this is the case, if they are being denied by our Government, then I wonder if the Department of State believes that by doing so it is upholding America's responsibility under international law and fulfilling our moral obligation to give safe harbor to anyone fleeing persecution, and clearly they are.

I find this report to be appalling. It is sad to me to think that of all the United States can do in the world, and do so correctly, it is to be humane and uphold the principles of human dignity.

On June 5 of this year, I chaired a hearing titled "Life Inside North Korea," exposing the brutality of Kim Jong-il's regime. In January, I attended the inauguration of the new South Korean president, President No, in which I asked him, a former human rights lawyer and admirer of Abraham Lincoln, to have compassion for his fellow Koreans across the DMZ and help them in their exodus.

Last December, I traveled to northeast China along the North Korean-

Chinese border to see the situation there, to meet with local Chinese officials and get input from NGOs working with North Korean refugees trapped in China.

Finally, in June of 2002, Senator KENNEDY and I held a hearing on North Korean refugees and the resettlement question.

My amendment would ensure that at least there is the opportunity to come to the United States as refugees and it would give hope to those fleeing this repressive regime of North Korea.

There is much we could do to prioritize resettlement of North Korean refugees, but this is the first, easiest, and most noncontroversial step. I want to thank Chairman LUGAR and Senator BIDEN for allowing me to offer this amendment and give this consideration before the committee.

This is a situation that needs to be addressed now. It will be an enormous positive statement to the world and to the Korean refugees if the United States says, yes, we will accept refugees from North Korea. It will be a terrible travesty if we say, no, we will not accept refugees fleeing one of the cruelest, meanest dictators in the world.

About a third of the North Korean people right now live on international food donations, much of which are coming from the United States. It is a regime that is repressive beyond belief. There are books out now—one I have read, "Eyes of the Tailless Animals"—about how the regime treats the people so horrifically, worse than animals.

We have had pictures of refugees coming out—they drew them. They could not take pictures, but they showed how deplorable the conditions are.

I ask for a strong vote in this body to pass this amendment allowing the possibility of resettlement of North Korean refugees in the United States.

I yield the floor.

Mr. LUGAR. Mr. President, I support the amendment of the Senator from Kansas. Some may suggest this legislation is unnecessary, that any legal right to citizenship that North Koreans may have in South Korea would not necessarily bar them from eligibility for refugee or asylum status under the Immigration and Nationality Act.

However, with enactment of this legislation, certainty is provided on this issue. And I believe we must do more. It is important that we continue to press China toward better treatment of North Korean refugees, and I support efforts by the Administration in providing greater emphasis on supporting non-government organizations assisting North Korean refugees.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, very shortly we are going to have a rollcall vote. I am hopeful we might take action before that point. So I will make just a brief statement of support for the amendment of the Senator from Kansas. He is a dedicated member of

our committee, has traveled to Korea as he mentioned in his statement, as well as other parts of Asia that are relevant to this amendment.

Some suggest the legislation is not necessary, that the legal right to citizenship North Koreans may have in South Korea would not necessarily bar them from eligibility of refugee or asylum status under the Immigration and Nationality Act. However, with enactment of this legislation, certainty is provided on this issue.

I believe we must do more. It is imperative that we continue to press China toward better treatment of North Korean refugees and support efforts by the administration in providing greater emphasis on supporting nongovernmental organizations assisting North Korean refugees.

Both managers of the bill, Senator BIDEN and I, are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1138.

The amendment (No. 1138) was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

CHILD TAX CREDIT

Mrs. LINCOLN. Mr. President, I rise today to speak on behalf of an issue we are getting ready to vote on at 2. This is an issue we have had a lot of debate on. We have certainly discussed the issue in great detail about how important it is to provide the kind of tax relief to all working Americans trying to raise a family. This is an issue, of course, of the refundability of the child tax credit.

I do not know what it is going to take for this body and the other body to send a bill to the President, who has already said he would sign this initiative. It is less than 1 percent of the overall tax package that was passed and sent to the President to be signed. The fact is multitudes of Americans are going to get tax relief in the next couple of weeks and 12 million children in this country are going to be left out. These are hard-working American families who are playing by the rules. They do not even qualify for this unless they have a working income and they have children.

This is a special opportunity we have. If one individual in the House of Representatives can hold up providing relief to 12 million children, 200,000 military families, not to mention well over 50 percent of the population of my State, there is no reason we should be here to begin with.

I encourage my colleagues, let's move to proceed to the bill to provide the refundability of the child credit to all working families and those who are working desperately to provide for their children and our great Nation.

Mr. MCCAIN. Mr. President, I will vote to table the motion to proceed to the consideration of S. 1162, the Child Tax Credit bill. However, I am only voting in favor of the motion to table

in order to give the conference sufficient time to create a final bill so that millions of American families earning between \$10,500 and about \$25,000 will receive tax relief through the acceleration of the refundable child tax credit.

Accelerating the refundability is especially important for military families. The Department of Defense estimates that there are approximately 192,000 families whose income is between \$10,500 and about \$25,000. I believe that it is highly unconscionable that many of them will not receive child tax credit relief this year unless we pass a child tax credit bill this summer.

Therefore, I urge the conference to complete a final bill in a timely manner. Otherwise, if there is another motion to proceed to the consideration of this legislation, I will vote in favor of the motion to proceed.

VOTE ON MOTION TO TABLE MOTION TO PROCEED
TO S. 1162

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, there will be a vote on the motion to table the motion to proceed.

The yeas and nays have been ordered. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—45

Akaka	Conrad	Hollings
Baucus	Corzine	Inouye
Bayh	Daschle	Jeffords
Biden	Dayton	Johnson
Bingaman	Dodd	Kennedy
Boxer	Dorgan	Kohl
Breaux	Durbin	Landrieu
Byrd	Edwards	Lautenberg
Cantwell	Feingold	Leahy
Carper	Feinstein	Levin
Clinton	Harkin	Lincoln

Mikulski	Pryor	Sarbanes
Murray	Reed	Schumer
Nelson (FL)	Reid	Stabenow
Nelson (NE)	Rockefeller	Wyden

NOT VOTING—

Graham (FL)	Lieberman
Kerry	Miller

The motion was agreed to.

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

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

Mr. LUGAR. Madam President, the distinguished Senator from California, a member of our committee, is prepared to offer an amendment, and we are eager to have that debate.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1141

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. SNOWE, proposes an amendment numbered 1141.

Mrs. BOXER. Madam President, I ask unanimous consent that the reading of the remainder 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)

At the end of title VIII, insert the following new section:

SEC. 815. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance

upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, 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 in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-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. Madam President, the reason I was happy to have the clerk read the first three findings in this amendment is that I think these words really speak to what the United States is all about, which is free speech, the ability for people to be told the truth, and the ability of medical professionals not to be gagged from telling the truth.

Most unfortunately, what is happening right now, as a result of this administration's policy known as the Mexico City policy, foreign nongovernmental organizations—in other words, nonprofit organizations—that received USAID family planning funding are restricted in how they can help their patients.

Who are these patients? I will go into this later in detail. But they are the poorest of the poorest women in the world. What has happened, I would say because of politics in this country, is we have a very unfortunate worldwide policy now that says to the private, nonprofit organizations that are helping the poorest of the poor people—mostly women—they cannot use their own money to advocate for changes in the abortion laws of their own country.

So if they believe the abortion laws in their own country are, for example, killing women because they are saying there can be no abortion ever, even to save the life of a woman, they cannot use their own funds to advocate for

change. Or if they believe the woman who comes before them has decided, of her own free will and her own conscience and with her own religious guidance and with her own family guidance, that she would like to have a legal abortion, these foreign, nonprofit organizations may not use their own money to help that woman. Not only that—this is, to me, the worst of it all—they may not use their own money to provide full and accurate medical information about what options a woman has.

It is hard for me to understand that in a country as free as ours, in a country as great as ours, we would have a policy which we dare not do in our own country because it would be clearly unconstitutional. A domestic gag rule is clearly unconstitutional. Why would we put such a policy forward and tell these little nonprofit organizations, that are struggling to meet the needs of the poorest of the poor, they would jeopardize their USAID funding if they absolutely do nothing more than even tell a patient what her legal options are, what her safe options are?

This is known as the Mexico City policy because it came out of a conference in Mexico City a very long time ago. This policy ended with President Clinton in 1992, when he said he would absolutely uphold the law that we had before this global gag rule which said you cannot use Federal money in any way to promote abortion—that was the law, and he didn't disturb that—but certainly a group could use its own money.

What happened is for 8 years we did not have this regressive policy that turns the clock back on women's rights, and yet when President Bush came in, it was one of the first things he did, to reinstate this Mexico City policy.

I am very proud that cosponsoring my amendment, which would overturn this policy, are Senator CHAFEE and Senator SNOWE. I am very proud to have them as Republican lead cosponsors. I am also very proud to have Senator MIKULSKI and Senator MURRAY as cosponsors. I am very happy to say the ranking member of the committee has told me I may add his name and he will be speaking in behalf of this amendment.

Clearly, we have an opportunity to do the right thing today. We have done it before. We have overturned this before. We have taken a stand before. I hope we will do it again.

Again, I wish to say what we are talking about here because there is always confusion. This has nothing to do with Federal funds. Federal funds may not be used in any way related to abortion. This only has to do with the private funds of these little nonprofits that are trying to help women.

What has been the impact of this gag rule? You may say, Senator BOXER, that is very interesting, but what is really happening on the ground?

Here is what is happening on the ground. With the gag rule in place,

these organizations face two choices: They can either refuse U.S. assistance or they can limit their own services. You know how hard that must be for these struggling organizations in these very poor nations.

Madam President, you have seen the world in your capacity as head of the Red Cross. You know some of these places are struggling. You know very much of it is the women who struggle the most, who are the most poor, who have the most health needs. We are seeing organizations saying: OK, I can't take the money. I can't take USAID funding because I cannot limit my ability to help my patients.

I am going to show you a case later that is very emotional and very disturbing as one example of a group that turned back this funding, and I will tell you why.

Imagine the Hobson's choice they face. Here they are, struggling, yet if they take this money, they can literally not tell their patients the truth. They are literally barred from telling their patients what is the most safe procedure for you, what are your options. They may not tell the patient that.

What is happening on the ground—and we will prove it with cases before you—we say women and families are suffering increased misery and even death. They are suffering this because there are clinics that are shutting down because they cannot take the money, and there are clinics that are being gagged, they cannot tell the truth.

Why is family planning assistance important? This is not just about abortion. These are clinics that help women plan their families. We know family planning increases child survival rates. It improves maternal health. It prevents the spread of HIV/AIDS. We have the President of the United States—and it is wonderful that he has decided to visit Africa. I have to say, while he talks about how much he wants to help HIV/AIDS, and I believe he does, he needs to understand, and perhaps he doesn't get the fact, if these clinics close down, we are going to see the spread of HIV/AIDS, we are going to see the spread of other infectious diseases.

International family planning funding helps save lives. On the one hand, to say I am here in Africa to help and on the other hand to have imposed a gag rule on doctors and nurses and clinicians so they cannot tell poor women the truth about their options or they cannot work to change the regressive laws of their country—for example, to say if a child is raped, if a child is the victim of incest, that child ought to be able to get a safe, legal abortion—these clinics cannot even do this under this global gag rule.

As a result of USAID funding, more than 50 million couples in the developing world use family planning. In the last 30 years, the percentage of couples using family planning has risen five-

fold. This is something to celebrate. We know fewer than 10 percent of couples used contraception in the 1960s. We are talking about foreign countries that we helped. Now 50 percent of the couples use contraception. So the word is getting through. But the need for family planning assistance continues because of the growth of population.

Why on Earth are we setting in place a vehicle, this global gag rule, which will deprive people of their health care, will deprive women of knowing what their options are? We don't know exactly how many organizations have refused funding because of this gag rule, and we cannot measure exactly how many abortions would have been prevented by family planning. But we know clearly whenever you cut back in family planning services, you see an increase in abortions. We know 78,000 women throughout the world die each year. I want us to think about what that means. Seventy-eight thousand women throughout the world die each year as a result of unsafe abortions. At least one-fourth of those unsafe abortions in the world are girls age 15 to 19.

When we have a policy that results in clinics shutting down, we have a policy that results in illegal abortions because if they take the money, they can't tell a young girl the truth of what her options are. She may run to a back alley in desperation, and she may well die.

Seventy-eight thousand women throughout the world die each year from unsafe abortions. That is not a pro-life policy. I am sorry. That is an anti-life policy to put women at risk.

Seventy-eight thousand women die each year. That is a horrific statistic. That is happening because women cannot avail themselves of the family planning services they need.

What does our amendment do? What does the Boxer-Chafee-Snowe-Mikulski-Murray-Biden amendment do? First, it says foreign nongovernmental organizations cannot be denied funding based on the medical services they provide with their own funds, including counseling and referral services. Withholding medical information, as I have said before, to patients who need it is an intolerable situation. It would be intolerable in this country. We know, because it was tried in this country 20 years ago. There was absolutely an uproar. Doctors would say, excuse me, are you putting a gag over my mouth? Are you saying I cannot tell my patients what their legal options are? The answer came back: This cannot be sustained in a country that believes in freedom of speech. So what we couldn't do here we are doing there.

We say there shall be no gag rule. That is the first part of our amendment.

The second part says in addition to being able to tell the patients the truth about their options, an organization should be able to lobby in any way it wants as long as it doesn't use USAID funds.

We have a win-win situation in this amendment. Doctors and nurses and folks who work in these nongovernmental organizations and these small nonprofits are going to be able to tell the truth to their patients. Here are your options. Treat their patients like adults. I think it is essential to treat a woman like an adult. This is your predicament. These are the things you can do. You can have a child. You need to think about that. You could keep the child. You can give the child up for adoption. That is an option. You can end this pregnancy, if you end it early without complication. But it is your choice. I think women should be treated as adults.

Then if these organizations see that women are dying from illegal abortions because this country, let us say, outlawed legal abortions, they can lobby for this with their own funds. What we are doing is restoring democracy to the USAID program.

Frankly, I can't believe this regressive policy is even here in the 21st century. It is killing women. This is not something that is preventing abortions. Its impact is that women will seek illegal abortions. It is what happened in this country. Hundreds of women in this country died every year because they could not get access to safe, legal abortions until *Roe v. Wade*. Then we said to women, this is a legal option. It is your call. It is up to you at the early stages of the pregnancy. It is really a very straightforward and fair law.

What we are saying to women abroad now is if you go to a doctor, you should be able to hear your options. If your organization wants to be able to lobby on your behalf for better laws to protect your life, they ought to be able to do that—not with Federal funds, not with USAID funds, but with your own funds.

The global rule is undemocratic. It is a miserable impediment to poor women. It would be unconstitutional if imposed on our own citizens. It is bad foreign policy. I believe our bipartisan amendment ends it and does it in a very good way—in a way everybody can be proud of.

I want to tell you a story and give an example that occurred in Nepal.

I am so proud to serve on the Foreign Relations Committee at this time. I am the only woman, which is a lonely thing. Madam President, you ought to think about coming on with me. It is a great honor and privilege.

I want to say that our chairman, Chairman LUGAR, could not be a more fair chairman, could not be a more hard-working chairman, and could not have more respect on both sides of the aisle. It is an honor to be on that committee in the Senate. It is an honor to be serving with the ranking member, JOE BIDEN. I think our colleagues are very bipartisan. It is a tough time now in our country for bipartisanship. We really work together on that committee.

At the time we were in the majority, we had a series of hearings on this

global gag rule to see what was happening on the ground.

In 2001, I chaired a subcommittee hearing where we had a small non-profit, nongovernmental organization from Nepal. They were faced with this global gag rule. They had to make that Hobson's choice: Do they take the money and then give up their right to lobby in behalf of their patients or do they turn back the money? This little organization turned back the money. The reason they did it was not some abstract theory but a specific case. They cited how their organization was able to advocate on behalf of the 13-year-old girl whose name was Min Min.

This is a story I want to share with my colleagues. How can we turn our backs on this child and other children like her? How we can turn our backs on the organizations that are out there is beyond my comprehension to understand.

Min Min was raped by a relative. I want to show you her face. She was 13. Her family forced her to have an illegal abortion after the rape. As a result of illegal abortion, she was arrested and she was taken to a central jail in Nepal. In 2001, Nepal put the victim in jail—not the relative who raped her. Look at this child. The girl's relatives were not punished. But Min Min was sentenced to 20 years in jail, and she was abandoned by her family.

In your life, could you even imagine such a thing? A 13-year-old girl jailed for her life after she was raped. That was her crime.

This particular NGO in Nepal had refused to take USAID money because they wanted to advocate to change the laws in Nepal.

You would think we would be on their side. You would think we would be horrified that 13-year-old girls can go to jail for 20 years because they are the victims of rape by a relative. You would think we would say to this nongovernmental organization: We want to help you. But, no, under this global gag rule put into place by this administration this little girl was left that way, without the help of USAID, without the funding of USAID.

This NGO, which turned back the money, went to bat for her and to change the law. After 2 years in prison, this child—2 years in prison, from age 13 to age 15, when a child should be home with her family, getting the guidance and love of her family—after sitting in jail after 2 years, finally, the laws were changed. Because the NGO, the nongovernmental organization, refused to take the money—because they knew they must work to change laws—they were free to go and do it, and they got the law changed and she was released after 2 years in jail—2 years in jail for being a victim of a sexual assault by a relative.

Now, had this NGO taken the money of USAID, they would not have been able to advocate on behalf of this child. We had the leader of this organization come before the Foreign Relations

Committee, and this is what he said: "How can we turn our back on women who die or are injured daily due to unsafe abortion?" How can we stop organizations from changing the laws?

The happy ending to this terrible tale is that the NGO worked with the government and last year the law was changed. There will no longer be lifetime jail sentences when these young girls are raped. That is the good news.

Let me give you the really terrible news. This NGO has been forced to close clinics in Nepal because of the loss of their USAID money. Now, can anyone stand up here—and I would ask someone. We have a Senator in the Chamber who I know opposes this and may get up and defend what we are doing. But it is pretty clear, my friends. You can put any fancy language and ideology on it. I am not ideological. I just do not want to kill women. I just do not want to have little girls age 13 sitting in prison because they are raped. I just do not want to tie the hands of organizations to rescue girls such as this, to change the laws of their country that wind up killing women, harming women, and making them sit in jail when they are raped.

If you can explain why that is a good law, that is your choice, and I respect that and all, but I cannot understand how we would, in this 21st century, tie the hands of small nonprofit groups that want to help girls and women such as this.

In Zambia, the Family Life Movement of Zambia, a faith-based, anti-abortion organization, has been unable to expand programs because the global gag rule has disqualified Planned Parenthood Association of Zambia, a partner organization. The FLMZ promotes abstinence among young people in Zambia and it does not provide contraceptives but they are in partnership with Planned Parenthood. They are a faith-based antiabortion organization.

I told you, I am not ideological on this point. They are in a partnership with Planned Parenthood. This group that believes in abstinence, they cannot get the funding from USAID. Now, you explain to me how that works.

What this organization does is, if they would come across a young person or young people who are sexually active, they would be referred to this Planned Parenthood group or they could receive information about contraception. But the global gag rule has forced Planned Parenthood of Zambia to close three of its nine rural outreach programs and costs them more than \$100,000 worth of contraceptives.

So here you see it. You see on the ground what is happening to organizations that are trying to help the most desperate women and girls.

The Family Planning Association of Kenya, which does not provide abortion, has had to cut its outreach staff in half, close three clinics that served 56,000 clients in traditionally underserved communities, and they have had to raise their fees at their remaining

clinics because they would not take the money because they did not want to be gagged.

One of the clinics that closed housed a unique well-baby center that provided comprehensive infant and postpartum care, making it easier for women to receive critical followup care. The baby center is now closed.

What is going on? I think there is a misunderstanding in this administration because they are shutting down well-baby clinics. They are shutting down organizations that distribute contraception. They are shutting down organizations that are fighting for laws that will save women's lives.

This is a terrible, terrible regulation. It is terrible for the women. It is terrible for the doctors there. It is terrible for the nurses there. It is terrible for the babies there.

I think it is a terrible message from our country that we are so ideological over here that we will not let nongovernmental organizations that are trying to help women and families do their work because of some dispute over abortion in this country. I have some words about that: Get over that dispute. That dispute will be with us for a long time. We are going to have to resolve it in our way. But why make women in foreign countries pay the price, children in foreign countries pay the price, little girls such as Min Min pay the price because we have an argument over here over whether a woman should have the right to choose?

We are doing things to these organizations we cannot do in this country because it is a violation of the Constitution; it is a violation of freedom of speech. We are going around the world trying to bring democracy to countries.

We have soldiers dying for freedom of speech in Iraq right now—every single day. I have another 14 Californians who are dead since the war "ended." Why are they there? They are fighting for freedom and democracy and freedom of speech for the Iraqi people.

But we have a policy that takes away freedom of speech from folks who want to help people get health care. It is a very bizarre twist in our country's history, and one that, believe me, is not lost on other nations.

Recently, the Health Minister of Kenya has suggested that abortion should be made legal as a way to confront the devastation that unsafe abortion has on the women in that country.

Well, congratulations to the Health Minister of Kenya for understanding something that our Supreme Court figured out a long time ago: that abortion should be legal and women should not be made into criminals, nor should doctors who help them as long as that abortion is performed in the early stages of the pregnancy. That is all that Roe says in this country.

The Health Minister in Kenya is looking at the devastation of illegal abortion. He is looking at the devastation of back-alley abortion, just as our

people looked at that in the 1950s, 1960s, and 1970s and came to the conclusion that we ought to legalize this and keep the Government out of it and let the people decide such an intensely personal, private, difficult, moral, religious issue.

He has come to the conclusion that people know better, not the government, that there should not be a rule that you must be forced in any way on this issue—either to not have an abortion or to have an abortion—and that maybe his people should be trusted. The organizations that have the gag rule in Kenya cannot speak out, when they know what they see and they want to help reduce maternal mortality and morbidity.

I am giving you these examples of various countries because I want my colleagues to understand this is not about ideology. This is about practicality. This is about children like this. This is about women. This is about families. This is about babies. This is about people getting help.

The Family Guidance Association of Ethiopia, the largest reproductive provider in that country, operates 18 clinics, 24 youth service centers, 671 community-based reproductive health care sites, and hundreds of other sites for health care. Still fewer than 20 percent of Ethiopians live within a 2-hour walk of any health provider.

We are talking about countries where people can't jump in a car and drive an hour to get health care. They literally have to walk to their health care. So if even a few of the clinics have to close down because of lack of funding, women are consigned to trouble. They are going to have to go two blocks around the corner, down the street, behind a house and have an illegal abortion and maybe face death or infertility.

A half a million dollars has been turned away by this organization, the Family Guidance Association of Ethiopia, because they will not abide by being gagged. They will not say to their doctors: You can't tell women the truth. They will not say to the nurses: You can't tell women the truth. They will not say to their people: You can't lobby your own government for changes in laws that will help women.

So what has happened? They have had to cut off the supply of contraception. It is a very sad day. Since abortion is illegal in Ethiopia, imagine what is going to happen if people can't have contraception?

You want the world to be perfect. I well remember this discussion when my children were younger. You want your children to listen to you. You want to make sure that every child is a wanted child. You want to make sure that there is abstinence, yes. But it might not happen. And if it doesn't happen that way, the way you want it to happen, to what are we consigning our young people?

In the case of these foreign governments, we are looking at a child in jail,

and this one was raped by a family member. What is the policy of our country to be that we are going to tell these young women we are not on their side?

I cannot fathom it. A girl put in jail, served for 2 years because she was raped by a relative, and the nonprofit foreign organization that helped her was punished by America because they wanted to help her, because they wanted to get the laws changed, because they wanted to get her out of jail? What is wrong with us? How can we proudly stand by this gag rule? We should not. We should repeal it today.

As I say, we have bipartisan sponsorship on this bill and we have a chance to overturn it. The President has threatened to veto the bill if we overturn this global gag rule. Can you imagine, the President has said he will veto the bill if we reverse this rule, if we want to help children like Min Min. I want to ask the President: Do you think it is right to put a little girl in prison because she was raped by her family? I am sure he would say: Of course not. It is awful.

Then I would ask him: Do you think it is a good thing for people in that country to come to this little girl's rescue and help her? I am sure he would say: Of course.

My next question would be: Then why are you shutting off the funds to the nonprofit organizations that want to help her cause? He would probably say: Let me get back to you.

Frankly, I don't see how he could answer that without taking a long time to twist it around. This isn't about ideology. This is about real people. This is about the poorest children, the poorest women, the poorest families. This is about imposing a gag rule, which we are not allowed to do in this country because we have a Constitution, on other people. Why? I guess because we can. It is wrong.

It is wrong that the largest family planning organization in Ethiopia—God knows they have enough trouble there; they have droughts and everything else—loses \$500,000 because they won't be gagged. And as a result, people cannot get contraception. And as a result, women are going to have to have illegal abortions because abortion is illegal in that country.

We know 78,000 women every year die across the world from illegal abortion. We are the United States of America. We are a good country. We are a kind country. We are a generous country. We are a great country. Why would we do this to the poorest of the poor?

In the case of Ethiopia, 229,000 men and 300,000 women in urban areas are not getting served by this organization because there is some ideological problem that we have here in this country that we should not export elsewhere.

I am coming to the end of my examples. I have one more about Peru. There is a program in Peru that is designed to engage local women from poor communities across the country

in identifying the most pressing reproductive health needs. This organization, Manuela Ramos, convenes the discussions and then works with the Ministry of Health to develop specific responses to those needs. In many communities, women identify unsafe abortion as their most pressing problem. The gag rule prohibits this organization from even engaging in discussions about ways to reduce illegal, unsafe abortion.

I am mortified that a decision by this administration is gagging not only the people who receive USAID funds but even the people who go there are not allowed to discuss together how to make life better for the women of Peru, the women of the world.

I am taking a lot of time on this today because I am pleading with my colleagues to stand up and be counted. If it is true that you are not going to vote for this because the President said he will veto the bill, I say: Let's go for it. Maybe he will change his mind. I am happy to sit down and tell him about Min Min, this 13-year-old girl. I am happy to give him the statistics. I will be glad to talk to him about the 78,000 women dying every single year from illegal abortions. I believe I could maybe change his mind.

Maybe he will change his mind—let's give it a chance—if he sees a strong bipartisan vote.

I want to show you a couple of other charts and then I will be finished, until I hear the other side and I will come back to debate.

This is an editorial that appeared in the Washington Post when this global gag rule was put into place. It is headlined "Divisive on Abortion."

Making an organization censor its views as a condition of receiving government money would be unconstitutional on free-speech grounds in this country; it should have no place in U.S. foreign policy. Moreover, requiring doctors to withhold information from patients violates the common conception of medical ethics. There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

I will take a minute to talk about this because this really sums up what I have been saying in a very neat little package.

Making an organization censor its views as a condition of receiving government money would be unconstitutional on free speech grounds in this country.

Well, you know that is true. We don't do that. We don't tell every group in this country that receives Federal funds they cannot talk about anything, because this is America, the land of the free and the home of the brave. Free speech is the basis of our country. It is what our soldiers are dying for in Iraq. So we don't tell people in this country that if you get Federal funds, if you get Social Security, you cannot talk about X, Y, or Z. If you get funds through Medicare, you cannot talk about A, B, or C. Try that on the elderly population in this country. You will be out

of office so fast you won't know what hit you. Face it, that is what we are doing here.

They say that kind of condition on receiving money should have no place in U.S. foreign policy. I agree with that. Here we are, a bastion of freedom and democracy and free speech, going around the world telling people about that on the one hand and our soldiers are putting their lives on the line. Yet in this program, we are telling little charitable, nonprofit health care centers they cannot tell their patients the truth. Not only that, if they see a law that is killing their patients, they cannot work to change it. What a shame on our country. They say it should have no place in foreign policy. That is exactly right. That should have no place in foreign policy.

Requiring doctors to withhold information from patients violates the common conception of medical ethics.

How true is that? When our doctors take the Hippocratic oath, they say they will do no harm, they will do everything to save the life of their patients and give them the best of health care. Imagine going to your doctor and you have a terrible illness and the doctor knows four options for you and he cannot talk about two of them because the Government said he could not. So you hear about two options but not the other two. When you found out that you didn't get the whole story, and something happened to you, your family would be in the courthouse door—and rightly so—saying: How could my doctor not have told my dad that this particular type of surgery would have cured his cancer?

The fact is, we are gagging doctors and health care practitioners in foreign countries from telling patients the truth. Then this editorial says:

There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

We have a policy in our country called the global gag rule which I, Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator MURRAY, and Senator BIDEN are trying to overturn. We hope to get a lot of you with us. We are trying to overturn a policy that is causing illegal, unsafe abortions to take place because, clearly, if you tell a nonprofit organization they cannot tell you the truth, you are going to be desperate.

Seventy-eight thousand women a year die. So you are also going to see more circulation of the AIDS virus. Why? Because a lot of these clinics that are closing down—and it is not just about abortion; it is about family planning, contraception, and learning how to protect yourself from the AIDS virus and other sexually transmitted diseases. And there are going to be "poverty-entrenching high birthrates."

Why would this be a policy of the United States of America? It is hurting people, not helping them. It is gagging people, not giving them free speech. It

is hurting America's reputation in the world. It turns the clock back on progress.

Let me say very clearly as I close my opening statement that the Washington Post said:

Around the world, more than a half-million die from pregnancy-related causes annually. A real pro-life policy would focus on reducing that death toll by providing more contraception and safer abortions.

That is it in a nutshell. It is not like we are dealing in mysteries. We know certain truths. We know that if women have access to good health advice, they will avoid unwanted pregnancies. We know that if they have access to good health advice, they will have healthy babies and they will be healthy. We know all those things. And we know for that to happen, women have to be educated on their options. We know that.

What else do we know? We know that some countries do terrible things. I want to show you again the picture of Min Min, who is 13 years old. She is in prison because a family member raped her. The organization that tried to help her, in order to do that, had to hand back their USAID funding because President Bush said they could not help her. He put the global gag rule in place. He said nobody can help her. That is what it says. If I talked to him one on one, I know he would be shocked at this story, but the fact is that this policy of a global gag rule made it impossible for the organization to help her until they gave back their USAID funding. What a shame on our country—to be associated with such an outcome.

I want to be proud. This is a country I love. I want to be seen as helping, as spreading democracy and freedom of speech and ideas.

So for all those reasons, I hope we will have a good vote that will get rid of this global gag rule. I don't care if there are veto threats. We have to stand up for something here. This is the Senate of the United States of America. This is the year 2003. Little girls such as this should not have to suffer because we have a policy that punishes folks who want to help her.

With that, I yield the floor and I hope we can continue this debate.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from California has presented her case, as always, with eloquence. Let me ask the distinguished Senator, I understand Senator BROWNBACK may wish to speak on this issue, I want to speak for a short while on the issue, and the Senator from California perhaps wants some time.

Mrs. BOXER. Mr. President, if my friend will yield, Senator REID wants to be here, and I believe Senator BIDEN. I can get back to the Senator from Indiana in short order with how much time we will need.

Mr. LUGAR. What I would like to propose is we plan to vote at 5 o'clock and have 40 minutes more debate even-

ly divided, 20 minutes to a side. That would be my hope.

Mrs. BOXER. I would think that will work, if I can just have a moment to get back to the Senator.

Mr. LUGAR. Very well. I will proceed, and then if the Senator can inform me, that will be helpful.

Mr. President, when the Mexico City policy, which is our discussion today, was restored by President Bush in 2001 when he came into office, he stated once again the conviction that the U.S. taxpayer funds should not be used to pay for abortions or for the advocacy, for those who actively promote abortions as a means of family planning.

The fact that this President has taken this position, as have other Presidents before him, does not lessen his commitment or our commitment to strong international family planning programs. Indeed, President Bush's fiscal year 2004 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 one of the best ways to prevent abortion is by providing voluntary family planning services. That is a policy of our Government now. It is a policy that our President advocates for the future.

We are all aware of the numerous attempts to reach compromise language that would satisfy all sides on this very important issue but no acceptable accommodation has been found to date. Perhaps in recognition of this state of affairs, the President has advised that any legislation that seeks to override the Mexico City language will be vetoed.

Let me make clear that the restrictions in the Mexico City policy do not prevent organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest. Similarly, health care facilities may treat injuries or illnesses caused by legal or illegal abortions.

I wish to make that point because the distinguished Senator from California has told the story, and it is a tragic one, of a 13-year-old girl. I simply want to clear up the point that the Mexico City policy has not prevented organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest.

The issue comes in whether taxpayer funds of the United States should be utilized by organizations in the internal debates within countries. That clearly is an issue upon which Senators will differ, but it is a different issue than the issue of whether, in fact, funds might have been utilized in this particular tragedy.

There are many foreign nongovernmental organizations through which

USAID can provide and does provide family planning information and services to people in developing countries. The President has decided that assistance for family planning will be provided to those foreign grantees whose family planning programs are consistent with the values and the principles of his administration. And every President since 1984 has exercised his right in that regard.

I wish to make clear, and the Senator from California is correct in this assumption, the administration's statement of policy with regard to legislation that we now are engaged in states with regard to the amendment on Mexico City policy:

The administration would strongly oppose any amendment that would overturn the administration's family planning policy, commonly known as the Mexico City policy, and allow U.S. taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. The President would veto the bill if it were presented to him with such a provision.

Mr. President, as manager of this bill, I have to take that statement seriously, as does every Senator. The distinguished Senator from California has indicated perhaps the President might be persuaded to change his mind, and perhaps that is the case. But this President has been very clear and I think the directives with regard to policy on this legislation are very clear in the language I have just read.

I appeal to Senators that there are so many important provisions in this legislation with regard to our national security, the importance of our diplomacy, humanitarian concerns to international organizations, the dues that are paid—a whole host of issues. I think Senators are aware of that. I hope we will not jeopardize all of this progress. I hope we will continue to have honest debate on the Mexico City policy in other fora, and there are opportunities for Senators, simply with bills that are directed to this issue, as opposed to amendments added to legislation in which we have put together the State Department authorization, the foreign assistance authorization, the Millennium Challenge Account, and a number of issues which are very important to the future of our country.

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

If I may engage in colloquy with the distinguished Senator from California, is there disposition that we may be able to proceed to an agreement on time for a vote?

Mrs. BOXER. We have spoken with the Senator's staff, and we have made a suggestion. They apparently are working on finding out if it is acceptable. I will, once there is a quorum call in place, explain the details.

Mr. LUGAR. I yield the floor.

Mrs. BOXER. 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. REID. 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. REID. Mr. President, just a few years ago I traveled to Nepal, a country with one of the highest maternal mortality rates in the world, certainly in Asia. More than 500 out of every 100,000 women in Nepal die from pregnancy-related complications compared to 7 out of every 100,000 women in the United States. Again, 500 women in Nepal die from pregnancy-related complications compared to 7 in the United States.

Nepal is not the only place where women are at such high risk. Every minute of every day at least one woman somewhere in the world dies from causes related to pregnancy in childbirth. Every minute of every day a woman dies from causes related to pregnancy. That is 600,000 women every year who die from causes related to pregnancy. I repeat for the third time, 600,000 women every year.

Our country offers hope to women around the world. Our support for international family planning programs spells the difference between life or death for women in developing countries. And family planning efforts prevent unintended pregnancies, save the lives of thousands of women and infants every year. Family planning also helps prevent the spread of sexually transmitted diseases.

Last summer, I traveled to South Africa: Kenya, Nigeria, and Botswana. The subject of AIDS and the terrible damage it has done to the African people became the focus of this trip. We did not want it to be the focus of the trip, but it became the focus of the trip. It overwhelmed everything that we talked about and saw. Africa has been overwhelmed by the AIDS epidemic. More than 20 million Africans have died from AIDS and more than 5,000 continue to die each day from this disease. It is 7 days a week. It does not matter if it is Thanksgiving, Christmas, or whatever holidays they might have. There are no vacations, no holidays. Seven days a week, every week of the year, more than 5,000 Africans die, and that number is going up, not down. They die from this disease we call AIDS.

In seven southern African countries, 20 percent or more of the adult population is infected with the HIV virus. In Botswana—and I would mention about Botswana, it is a democracy. It is a country that is based on the rule of law. It is really a fine country with great leaders. We stayed for a few days in Botswana. The infection rate is about 40 percent; that is, 4 out of every 10 people who live in Botswana are infected with the HIV virus. In other African countries, the HIV infection rates are higher among women than men.

As a result, family planning providers are the best source of HIV prevention information and services. But

now, the Mexico City policy threatens our efforts to save the lives of women in Nepal, on the continent of Africa, and all over the world. President Bush reimposed the gag rule because he wants to decrease the number of abortions abroad. That is a worthy goal, but restricting funds to organizations that provide a wide range of safe and effective family planning services can lead only to more, not fewer, abortions.

Cutting funding for family planning diminishes access to the most effective means of reducing abortion. Research shows the only way to reduce the number of abortions is to improve family planning efforts that will decrease the number of unintended pregnancies. Access to contraception reduces the probability of having an abortion by more than 85 percent.

Of course, I do not support the use of a single taxpayer dollar to perform or promote abortions overseas, but that is what the law says. The law has explicitly prohibited such activities for 20 years, from 1973. Instead, I support family planning efforts that reduce both unintended pregnancies and abortions.

The Mexico City policy not only undercuts our country's commitment to women's health, it restricts foreign organizations in a way that would be unconstitutional in the United States. This policy violates a fundamental tenet of our democracy: freedom of speech. That is why my friend from California, the chief sponsor of this amendment, Senator BOXER, calls this a global gag amendment because that is exactly what it is. This policy violates a fundamental tenet of our democracy: freedom of speech.

Exporting a policy that is unconstitutional in the United States is the ultimate act of hypocrisy. Surely, this is not the message we want to send to struggling democracies that look to the United States for inspiration and guidance. My friend, the distinguished Senator from Nevada—from California, Senator BOXER—I wish she were from Nevada. She does a great job for Nevada, along with California and the rest of the country. Senator BOXER's amendment would ensure that U.S. foreign policy is consistent with American values, including free speech and medical ethics.

I support this legislation. I support this amendment and urge my colleagues to support this effort to protect and defend women around the globe.

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. BROWNBACK. 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. BROWNBACK. Mr. President, I rise to address the Boxer amendment being considered. I acknowledge the

passion and leadership of the Senator from California. I have always respected her thoughtful arguments. We have had some issues in agreement and some issues in disagreement. This happens to be one we are in disagreement but it does not reduce my acknowledging her skill and abilities and the heart she brings to each and every discussion she puts forward.

This is a straightforward and simple issue, one that everyone can clearly grasp. It is about the use of taxpayer dollars, Federal, U.S. taxpayer dollars to fund abortions overseas; do you agree or disagree with that.

Some say, yes, we should do that; other people say, no, I don't think we should use taxpayer dollars overseas to fund issues such as this. Others say, I don't think we should use taxpayer dollars to fund abortion because of their deeply held feeling they are aborting a child and they disagree fundamentally with that. We have a clear issue before the Senate.

I note the history behind the so-called Mexico City language. On January 22, 2001, when President George Bush was sworn in and put into office as President of the United States, in one of his first acts, he reinstated the Mexico City policy. I say "reinstated"; this was a policy President Reagan put in place. It was in place during President Reagan's term in office, in place during President Bush I's first term in office, and immediately repealed when President Clinton came into office.

The policy simply states that it prohibits Federal taxpayers from funding foreign organizations that "perform or actively promote abortion as a method of family planning in other nations." That is what the Mexico City language is: "perform or actively promote abortion as a method of family planning in other nations."

So the President is saying as part of U.S. policy that we will not fund private organizations, NGOs, that perform or actively promote abortion overseas.

That is the issue. That is the point of the issue. You can color it with a lot of stories, you can color it with a lot of rhetoric, but the issue to decide in this body is, do we want to use taxpayer dollars to fund abortions or promote abortion overseas.

As I note to people, there are primarily two grounds that people disagree. The first ground is as a moral objection. A number of people just disagree with the issue of abortion. It is probably the most difficult social issue today as a society. We debate it regularly. The issue is, is the young child a person or a piece of property.

Others look at this differently. Senator BOXER and I have different views on that particular issue. I think history will clearly point out the side I represent is accurate and true and is the side I hope ultimately all Americans will agree with, that we believe in the fundamental rights of a personhood and of dignity, of each and every individual, no matter how weak or helpless

they might be. It is in the great traditions of the Democratic Party to support people in a difficult spot, and it should be that support for the weakest and the most vulnerable which clearly that child in the womb represents. That is No. 1 as an issue.

The second issue, should you use taxpayer dollars, taxpayers from California, from Missouri, from Kansas, from Indiana, wherever they might be, should we be using those to support a policy that funds abortion in Nepal and Africa or that supports organizations in various places around the world that want to either perform abortions or promote the use of abortion in that country and that society? A number of people would say yes, I am willing to use taxpayer funds to go do that. Probably more people in the country, I think if you would poll people in the United States, would say no. No. 1, I think you spend too much overseas the way it is right now. No. 2, I disagree with you either paying for abortions overseas or supporting organizations that are trying to promote abortion overseas. I think that is a bad use of taxpayer dollars.

Those are the fundamental arguments that people bring forth in looking at the Mexico City policy. I think the Mexico City policy is a very commonsense policy that has been put forward by President Reagan, put forward by President Bush, George Bush No. 1, President Bush No. 2 as well. It has been in law since 1984, as an administrative act by the President. It is based in part on the belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions overseas for family planning programs.

I have noted some of the specific arguments why that takes place. I want to take on one of the indirect arguments that a number of people raise. Some people argue incorrectly that Federal tax dollars would not have to be used for the actual abortion but could still be used to support the organization's other activities. This argument fails to properly understand the fungibility of money. Once you give money to an organization, it can use that for a broad range of causes. It can say, Look, we don't use this money for abortions or promoting abortions because we will use it in this sector, sector A of our organization. But in sector B of our organization we do fund abortions and we do promote abortions.

This money can be used to subsidize the overhead operation of the organization, it can be used to subsidize a mailing, and while this portion doesn't support abortion, there is also an additional mailing inserted that does. It can be used in the fungibility of the dollars. That is why we tried to put forward—why President Bush has tried to put forward a clear firewall on this set of funds.

It is not that the United States should not try to do good overseas, because we should and we are. I applaud

this President for his efforts in global HIV, on the Millennium Challenge Account, where we are trying to help people in other countries to get out of these debilitating, horrific situations of HIV and its spread, of trying to give them some economic opportunity. The President put those forward. I strongly support those and hope those will clear through the Congress.

But here is one: Why would we take something so controversial, so counter to so many Americans' fundamental beliefs, fundamental thoughts, and say to the American taxpayer: We are going to use your dollars to do this, and, yes, we know you disagree with it on moral grounds and, yes, we know you disagree with it on fiscal grounds, yet we are going to go ahead and do that?

If we are so concerned about the individual overseas, and we should be, why not put the money in something we all agree with that is a terrible problem like global HIV or solving issues dealing with malaria or other diseases that are horrific but that do not get the number of research dollars they should for developing cures for them because they are in countries where people do not have enough resources to be able to buy the pharmaceutical drugs that would cure them? There are so many better ways you could spend this type of money than in something so controversial and so counter to what America stands for.

I think it is important for us to vote against the Boxer amendment.

There is a final reason here. I want to hit this point. There is another one as well. The final reason here is that the President has stated clearly he will veto the bill if this language that funds overseas abortions or the promotion of abortion is included in this bill. If that is in this bill, the administration will veto this bill.

The chairman and the ranking member have worked very hard to put a bill together to do the authorizing on authorization instead of appropriations so we can get a bill through. Rather than having it vetoed, wouldn't it be wise for us to go ahead and get this through?

One of the reasons we were criticized, and I think rightfully so, in the last Congress was that we didn't get anything done. There was a major Energy bill, didn't get it done; a major Medicare bill, didn't get it done. What the chairman and ranking member are trying to do here is pass a major State Department authorization, foreign assistance. We are trying to get it done and we can get it done. We can finish this and we can get it done. Yet you are trying to insert language to kill the whole bill and the whole process. On top of the controversy for using the funds for these purposes, the controversy about the whole moral issue of abortion, you are going to cause the veto of a bill over this issue.

I do not think that is wise legislating on our part. I do not think it is the appropriate way for us to go. I think the

American people would look at that as well and say: You know, this isn't a life-or-death issue on the point of getting this language.

Some would contend it is. If that is the case, let's make a malaria cure a portion. That is a life-and-death issue. But you are going to kill a bill by including such controversial language in it.

I urge my colleagues to reject this attempt to overturn President Bush's clear language, the clear policy that I think represents, really, what the American people want to see us do.

With that, I would like an opportunity—I think there are others who are going to speak on this bill—to possibly be able to rejoin the debate to answer some of the points that might be put forward.

I yield the floor.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. LUGAR. Madam President, just for the sake of explanation to Senators of what is about to transpire, I am going to move to table the amendment that has been offered by the distinguished Senator from California. Senators will have a chance to vote. I will call for the yeas and nays, so it will be a recorded vote. In the event that Senator BOXER's amendment is not tabled, then I will move that we adopt the amendment by voice vote.

Mrs. FEINSTEIN. Mr. President, I rise today to support Senator BOXER's amendment to the State Department authorization bill to eliminate the so-called global gag rule to lift the restrictions for U.S. assistance to international family planning providers included in this legislation.

There have been few issues in recent years that have been more debated. I have come to the floor on several occasions in years past to express my deep concern for the global gag rule. Year after year, we have come to the floor to try to overturn the rule.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership in the area of international family planning and reproductive health issues.

But the global gag rule places very limiting restrictions on U.S. assistance to international family planning organizations. Overseas family planning providers would be barred from using their own money to even provide information to patients about the availability of a legal abortion if these pro-

viders receive any funding or even access to contraceptives from the U.S. Government.

International family planning providers are being faced with a very difficult choice; either give up desperately needed U.S. funding or edit the information about reproductive health that providers share with the women they are trying to help. Either choice will hurt some of the poorest women in the world.

Family planning providers don't just lose funds under the global gag rule. They also lose donated contraceptives. The United States is the most important donor of contraceptives to the developing world, providing about 37 percent of all donations at a value of \$45 to \$55 million annually.

I was disappointed that one of President Bush's first major policy actions, on his first business day in office, January 22, 2001, was to reinstate the global gag rule.

I think it is important to point out that Senator BOXER's amendment does not change any laws about abortion. In fact, this amendment only allows for funding to organizations that provide services that are legal in their own country and also legal in the United States.

Beginning with the reinstatement of the gag policy in January 2001, several organizations working in the developing world that have lost access to much needed funding or contraceptives, including the International Planned Parenthood Federation, IPPF. IPPF is made up of more than 150 agencies working in 180 countries and is the largest provider of reproductive health services in the world.

Between 2001 and 2003, this organization has lost more than \$8 million in U.S. Government funds—mostly for contraceptive supplies.

Some country-specific examples to demonstrate the impact of the global gag rule include: Ethiopia where the Family Planning Association lost \$56,000 in contraceptive supplies; Zambia where the Planned Parenthood Association lost \$137,092 in contraceptive supplies; Cote d'Ivoire where the Family Planning Association lost \$186,000 in contraceptive supplies which eliminated contraceptive services from nearly 50 percent of their 92 distribution points; Congo where the Family Planning Association lost \$17,000 in U.S. assistance and, as a result, they had to eliminate programs that served 15,739 clients; and Kenya where the Family Planning Association had received an average of \$580,000 per year to fund its clinics. Three urban clinics serving 56,000 poor and underserved clients closed.

The amount of funding lost may not sound like much to you. But in the developing world, every dollar, literally, counts.

And every woman deprived of access to education or contraceptive supplies risk an unwanted pregnancy.

Access to contraceptives is not only about family planning. It is about re-

productive health. And it is also about protecting people from HIV/AIDS.

Much of the developing world is struggling with HIV/AIDS. The loss of U.S. funds has reduced the capacity of many family planning providers to also address the HIV/AIDS crisis.

In Ghana, for example, 697,000 Planned Parenthood Association clients will lose access to not only family planning services but also to voluntary testing and counseling for HIV/AIDS as well as AIDS prevention education programs.

With the world population now at more than 6 billion, and estimates of this figure growing to 12 billion by 2050, we must give couples and women the resources necessary to plan the number and spacing of their children.

The vast majority of this population growth will occur in the developing world, in countries that don't have the resources necessary or the infrastructure to provide for basic health care.

Limited access to family planning services results in high rates of unintended and high-risk pregnancy and maternal deaths.

Every minute around the world, 190 women face an unplanned or unwanted pregnancy. About 110 women experience pregnancy-related complications and 1 woman dies. This can be avoided.

I would ask the women of America, as they consider their own reproductive rights, to consider the aim and intent of a policy in which the reproductive rights of American women are approached one way and those of women in the developing world another.

Perhaps worst of all about the global gag rule is that it is a cynical ploy by those who would challenge domestic reproductive rights but are too fearful of the political repercussions. So, instead, they practice the divisive politics of reproductive rights on the poor, sacrificing the lives of women and children overseas, where they think we are not paying attention or do not really care.

I truly believe that the only way to help women in the developing world better their own lives and the lives of their families is to ensure that they have access to the educational and medical resources necessary to make informed decisions.

I urge my colleagues to join me in supporting this amendment.

Ms. SNOWE. Mr. President, I rise in support of the amendment offered today by Senator BOXER to repeal the global gag rule.

We take up this debate once again during the consideration of the State Department authorization, a bill which governs our country's federally sponsored foreign aid programs. Each year, we have to fight for the adoption of this amendment which would bolster these international assistance efforts, and yet each year we find ourselves here again debating this same issue.

There is no question that U.S. population assistance is of critical importance to our international aid efforts. Population assistance is the primary

deliverer of health education, health care, and prenatal care to millions of women in developing countries. But beyond the social and physiological aid that this program brings to these nations, there is a real economic benefit as well. According to USAID, studies in several countries have shown that for every dollar invested in family planning programs, governments save as much as \$16 in reduced expenditures in health, education, and social services. This is not only an investment in the health of women, and their children, and their families but for whole nations and their ability to stabilize and grow stronger.

There is also no question that U.S. population assistance efforts in developing countries have been successful, as demonstrated by the fact that the average family size in countries that have received U.S. population assistance has decreased from six children to four. AID assistance has increased the use of contraceptives in developing countries from 10 percent of married couples in the 1970s to 50 to 60 percent today. This not only allows for family planning which helps ensure healthier pregnancies, resulting in healthier babies, but is critical to our efforts to fight infectious diseases like AIDS that are plaguing many Third World countries.

The discussion of contraceptives leads me to a very critical point . . . the issue before us today is not abortion, because current law already prohibits the use of any U.S. funds for abortion-related activities. This is a crucial fact that needs to be on record. Under the Helms amendment of 1973, U.S. funds cannot be used for abortion-related activities and have not been permitted for that purpose for 30 years. I support that law as an important guarantee that our international family planning programs stay apart from domestic debates on the issue of abortion.

At the hear of the issue we are debating today is the so called Mexico City policy because it was at the 1984 U.N. Population Conference in Mexico City that the Reagan administration adopted this policy. Under the Mexico City policy, the Reagan administration withheld international family planning funds from all groups that had the slightest involvement in legal abortion-related services even though they were paid for with their own private funds. This was done despite the fact that similar restrictions were not placed on funding programs run by foreign governments that related to legal abortions. Quite appropriately, this policy is also referred to as the international "gag rule" because it prevents organizations from even providing abortion counseling or referral services.

The need for the passage of this amendment is in part about leadership. The United States has traditionally been the leader in international family planning assistance. This has been the

case ever since this issue rose to international prominence with the 1974 U.N. Population Conference in Bucharest. At that time, a great number of the world's developing countries perceived family planning as a Western effort to reduce the power and influence of Third World countries. However, in the years since, the need and importance of family planning has been recognized and embraced by most developing nations.

If, as a country, we believe in volunteerism in family planning—and we do—then we should maintain our leadership. Because of our leading role in international family planning, we have unrivaled influence in setting standards for family planning programs. A great number of other donors and recipient countries adopt our models in their own efforts.

According to the Center for Reproductive Law and Policy, the Mexico City policy penalizes 56 countries whose nongovernmental organizations—NGOs—receive family planning assistance funds from the United States. NGOs are prohibited not only from providing abortion-related services but also counseling and referrals regarding abortions.

That is the policy; let's consider the real effect on people. According to the Alan Guttmacher Institute, about 4 in every 10 pregnancies worldwide are unplanned, and 40 percent of unintended pregnancies end in abortion. Knowing this, the net effect of the Mexico City policy on these 56 nations is to limit or eliminate critical family planning work that has a very real impact on the quality of life. Moreover, the absence of family planning increases the instance of the one thing that the advocates of the Mexico City policy are most opposed to—abortion.

The bottom line is, family planning is about health care. Too often, women in developing nations do not have access to the contraceptive or family planning services they need because contraceptives are expensive, supplies are erratic, services are difficult or impossible to obtain, or the quality of care is poor. In a report by the Population Action Institute it was estimated that about 515,000 women die each year in pregnancy and childbirth, or almost one death every minute, and millions more women become ill or disabled. In addition, an estimated 78,000 women die every year from illegal and unsafe abortion and thousands more are injured. How many women die because the access to these services is limited?

Quite simply, the Mexico City policy is bad public policy. That is why year after year we fight for this amendment and some years we win in committee and other years we don't, yet we still fight this important fight. The Mexico City policy not only limits discussion, counseling, and referrals for abortion, but it also limits the ability of organizations, in at least 59 nations, to carry out needed family planning work.

We must remember that family planning is about—just that—planning one's family. By spacing births at least 2 years apart, family planning can prevent an average of one in four infant deaths in developing countries. Family planning provides access to needed contraceptives and gives women worldwide the ability to properly space out their pregnancies so that they can have healthier babies, which will lead to healthier children and healthier nations.

Mr. President, I urge my colleagues to support the amendment before us and ensure that international organizations are no longer forced to limit or eliminate critical family planning work that has a very real impact on the quality of life of women and families worldwide.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: Is it appropriate to ask unanimous consent that is how we proceed; that is, a voice vote will follow if, in fact, the amendment is not tabled?

The PRESIDING OFFICER. The Senator cannot order a voice vote by unanimous consent.

Mr. BIDEN. That is what I thought. That is why I asked the question. The amendment can be agreed to; is that possible?

The PRESIDING OFFICER. By unanimous consent.

Mr. BIDEN. At the time? I can't ask that now?

The PRESIDING OFFICER. The Senator is correct. The Senator can ask that the amendment be agreed to now, but it must be by unanimous consent.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BIDEN. The Senator from Indiana is about to make a motion to table the Boxer amendment. It has been stated verbally that if that tabling motion fails, then we would move to a voice vote to accept the Boxer amendment. Is there any way in which to get a unanimous consent agreement that is how we would proceed?

The PRESIDING OFFICER. The Senator may ask that the amendment be agreed to by unanimous consent but cannot ask for a voice vote.

Mr. BIDEN. I thank the Chair. Words make a difference.

I ask unanimous consent that if, in fact, the Boxer amendment is not tabled, the amendment be agreed to.

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

Mr. BIDEN. I thank the Chair and apologize for the clumsy way in which I phrased the question.

I commend Senator BOXER for her leadership on this legislation. I cosponsored this bill in the last Congress and I am proud to support it again.

The Mexico City policy, also known as the "global gag rule," is bad policy and a bad idea.

Let us be clear what this issue is not about. The issue is not about abortion—although it is often portrayed as

such by the proponents of Mexico City. Rather, the provision is about free speech and democratic values.

Longstanding law—a law authored by former Senator Jesse Helms—already prohibits the use of U.S. funds to perform or promote abortions.

Let me repeat that. Current law, on the books for nearly three decades and authored by our former colleague Jesse Helms, already bans the use of U.S. taxpayer dollars to perform or promote abortions. Any assertion to the contrary is false.

The “Mexico City” policy goes much further: it demands that foreign, non-governmental organizations which receive U.S. population assistance funds agree that they will stop using their own funds to discuss with their own governments how abortion will be regulated.

No such restrictions would be imposed on U.S.-based organizations, for a simple reason: they would be unconstitutional under the First Amendment.

Nor are such restrictions imposed on foreign governments. If they were, then U.S. assistance to countries such as Israel might be in danger, because the Israeli government uses its own funds to pay for abortions.

In my view, the Mexico City policy is anti-democratic, because it attempts to silence foreign recipients of U.S. funds.

It is the policy of the United States to advance the cause of democracy by promoting the values which we hold dear—such as freedom of speech, freedom of association, and freedom of the press.

The Mexico City policy flies in the face of these fundamental values by attempting to restrict the speech of recipients of U.S. funds.

This is a gag rule, pure and simple. It restricts speech. And for the life of me I cannot understand why anyone—Republican or Democrat—would support a provision that would violate the First Amendment if applied to U.S.-based organizations.

Of course, foreign citizens and organizations do not have constitutional rights. But just because we can legally apply this restriction does not mean that it is good policy. And I do not believe that it is.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank all Senators for their assistance in this procedure.

I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr.

GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote “nay.”

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—43

Alexander	DeWine	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Chambliss	Gregg	Sununu
Cochran	Hagel	Talent
Coleman	Hatch	Thomas
Cornyn	Hutchison	Voinovich
Craig	Inhofe	
Crapo	Kyl	

NAYS—53

Akaka	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Harkin	Pryor
Boxer	Hollings	Reed
Byrd	Inouye	Reid
Campbell	Jeffords	Rockefeller
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Chafee	Kohl	Smith
Clinton	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Corzine	Levin	Stevens
Daschle	Lieberman	Warner
Dayton	Lincoln	Wyden
Dodd	Mikulski	

NOT VOTING—4

Edwards	Kerry
Graham (FL)	Miller

The motion was rejected.

Mr. BIDEN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment is now agreed to.

The amendment (No. 1141) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. 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 Indiana.

Mr. LUGAR. Madam President, we have made progress on our bill. There are three amendments that will require some debate—but that will inevitably be accepted—still lined up for this evening.

I encourage—and I am certain the distinguished ranking member would join me—all Members who want to resolve their amendments to please do so this evening. We will be here. We have a good opportunity to work through al-

most all of the known amendments this evening.

Having said that, the leader has told me there will be no more rollcall votes and authorized me to make that announcement once again. We will proceed on this bill as long as it is productive. We hope Senators will come to the floor, offer their amendments, and have them resolved.

Mr. BIDEN. Madam President, I share the view of my friend from Indiana. I think of the 20-some amendments out there, 99 percent of them are able to be worked out. Many of them will be accepted with a few small changes. I encourage if not the Senators, the staffs who are authorized to come to the floor and work them out.

Further, it is my understanding, regarding the distinguished Senator from New Jersey, we should proceed on an amendment he may withdraw. However, he is prepared to speak to that amendment. He wants to do that. I promised him I would try to get him up next. I am not asking unanimous consent but I am talking long enough so his staff can hear this and get him back over here. He is ready to go.

Mr. LUGAR. I will assist the Senator by indicating I suggest an order of Senator BROWNBACK offering his amendment, then Senator LAUTENBERG, and then Senator ALLEN so the Senators would have some idea of the batting order. Senator BROWNBACK, I understand, is prepared to go with an amendment on Iran that Senator BIDEN and I have studied. Then we would have Senator LAUTENBERG immediately following.

Mr. BIDEN. Mr. President, I will be happy to accede to that in light of the fact that Senator BROWNBACK is here to go and Senator LAUTENBERG is not.

Mr. REID. That was just information; it was not a unanimous consent request.

We have been on this bill for just a few hours. I know, having managed a bill or two in my day, how important it is for the two managers of this bill to get their legislation passed.

Everyone has to stop and pause a little bit. The last time this bill came up we spent 2 weeks on it. We are not going to finish this bill in 3 hours. Everyone should understand that. I know there are 20 amendments and 90 percent of them will be agreed to. There may be other amendments that the two managers are not aware of. It is important we move this long and we are certainly not trying to stall this legislation.

However, I apologize to Senator LAUTENBERG because I thought we were going to do no more tonight. We have a joint function that Senators are to attend tonight and I told Senator LAUTENBERG we would not be doing any more tonight. So that is my fault. I did not know the manager would try to do other amendments. We have a lot of amendments that people want to offer but I didn't believe tonight that was going to happen.

I told the two leaders I would work during the night to find out some indication of what we would have tomorrow but in the few minutes since I spoke with the distinguished majority leader there are people who want to offer amendments. The vast majority of those amendments are related to this bill; they are not unrelated. Senator MURRAY has indicated she wants to offer an amendment on unemployment benefits. We want to make sure she has an opportunity to do that.

I don't want to rain on the parade other than to say this bill is not going to be finished early tomorrow.

Mr. BIDEN. I want to make clear what I am saying. We already know there are 20-some amendments out there. I believe we can settle almost all of those amendments by negotiation without long discussions on the floor tonight or tomorrow or any time. I have no illusions, having been here a long time—even longer than the assistant leader—that we are going to get this thing done quickly, nor that we may not have nongermane amendments that may be meritorious and may take a long time. I understand that.

All I am saying is what we do know is this: Let's get it done because most of it is not nearly as controversial as it appears to be. That is the point I am trying to make. Not that I am making any predictions. There are two things I never predict. One is the weather and the second is what the Senate is going to do. So I am not predicting. I am saying we know what we have before us; let's get it done and we can move on tomorrow or the next day or next week or next year to do whatever comes up.

I yield the floor.

Mr. REID. Mr. President, I understand this bill is very important. The two managers have both talked to me how important they think it is, and I acknowledge it is important. We will try to help them any way we can to get this bill passed.

The good news is Senator LAUTENBERG has heard us talking and he is on his way back. That is an amendment that will be disposed of tonight. I look forward to working with the two managers tomorrow to see what we can do to help expedite this legislation.

Mr. LUGAR. I thank the distinguished Senator for mentioning Senator LAUTENBERG and for obtaining his attention so he will be back and we can proceed.

I am prepared to yield the floor, and I understand Senator BROWNBACK is prepared to offer an amendment.

AMENDMENT NO. 1145 TO AMENDMENT NO. 1136

Mr. BROWNBACK. Mr. President, I have an amendment that I call up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1145.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide support for democracy in Iran)

At the appropriate place in the amendment insert the following

SEC. . IRAN DEMOCRACY ACT.

(a) FINDINGS.—The Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the guardians council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(B) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

Mr. BROWNBACK. This concerns providing support for democracy in Iran and has been previously filed and been amended.

I worked closely with Senator LUGAR, chairman of the Foreign Relations Committee, and Senator BIDEN, the ranking member. Together we have worked out language that we have all agreed to on an important issue of democracy and promotion of democracy in Iran.

This is a very important issue to the country and to the people of Iran. I am very thankful to the chairman and to the ranking member and their staffs for working together to get this language put together, language that is very strong, quite good, and makes a very positive statement.

I rise to discuss this important issue. It is our policy toward Iran. As the President rightly stated, Iran is a member of the axis of evil. The terrorist atrocities it spreads around the world are equalled by the horrific atrocities committed against its own people.

Today marks the fourth anniversary of the first major Iranian protest against a government that promised reform and utterly failed. I will show a picture to my colleagues of that protest 4 years ago, 1999, July 9—4 years ago today. The students, protesters, were out, thousands protesting the Government of Iran and saying they desired freedom.

This is a scene of that. It is being replayed again today. Protesters are out

in Iran, even though the regime is doing everything they can to stop it, having quasi-police groups—really, thugs—going around and beating people with chains. They are putting people in prison. But people continue to protest.

This is a picture of a protest taking place 2 weeks ago, not just in Tehran now but protests are taking place all over the country, as the fire of democracy and liberty continues to burn aggressively among the people of Iran.

These are people who are pro-American, as well, broadly throughout Iran. They support the United States and our stand for freedom and democracy. It is important we stand with them.

The fact we continue to see protests in Iran despite very harsh treatment is showing the world that these protests are growing and will eventually lead to real change inside Iran. It is very appropriate it is today that we are offering this amendment to the State Department authorization bill which declares firmly that America supports real democracy in Iran. What is there now is not democracy.

It is a very basic message. It is extremely important that this body send a message to the Iranian people, and send it today, that we support their struggle for freedom.

This is not just an altruistic gesture of support. Supporting the forces of democracy in Iran is in the direct security interest of America. As I am sure many of you have heard, there are new reports about additional nuclear weapons facilities in Iran—these are based on military complexes and there can now be no misunderstanding of the intent behind this technology. Estimates are that Iran could have nuclear weapons as early as 2005.

Also, Iran has just confirmed that it has successfully tested a midrange missile, the Shahab-3, which is capable of hitting Israel, parts of Saudi Arabia and Iraq, where many of our troops are stationed.

This means that Iran could have nuclear weapons—and the means to deliver them to hit us and our allies.

Clearly, this is a bad situation which is growing worse by the day. So, why, in this context, would we shy away from supporting pro-democracy forces in Iran that want to bring the rule of law, respect for human rights and an end to support for terrorism to their country?

Some have said that if the U.S. supports the protestors, we will be bound to intervene militarily. These people have not paid attention to the unique situation inside Iran or the fact that Iranians don't want U.S. military intervention but, rather, strong moral and political support.

Young people make up nearly 70 percent of the country—and they are taking it back from the mullah minority. The Iranian people are a proud, strong, and independent people. They do not need, nor do they want, an outside military force to come into their land.

They will handle this matter themselves. They have already begun to do so. This does not mean that the military option is off the table. America reserves the right to protect its people and innocent civilians from a nuclear threat or further Iranian-backed terrorists, but this is a defensive option.

To be honest, America hopes that the Iranian people change their regime themselves, and the hesitancy you see within America's foreign policy circles with regard to Iran comes largely because there is such hope for internal change, where there was none in Iraq or Afghanistan.

There is no division in the U.S. Government about the fact that Iran is a threat to its own people and certainly to Americans. The Iranian people and the Iranian regime alike should know that we are united and resolute in our understanding of what Iran is doing. We will not allow Iran to spread its corruption throughout the region.

As President Bush so clearly stated in his State of the Union Address this year:

In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty and human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny—and the United States supports their aspirations to live in freedom.

That is what the President, stated in the State of the Union Address of January 28, 2003.

Recently, the President praised the Iranian people who kept up protests for over a week in the face of government sponsored thugs who beat innocent women with chains. The President called these protests "heroic" and indeed they are.

Just as it was an important rhetorical step for President Reagan to dub the Soviet Union "an Evil Empire," so too it is important for us to recognize the current regime in Iran for what it is—an illegitimate, ruling elite that stifles the growth of genuine democracy, abuses human rights and exports terrorism.

It is clear by the Iranian regime's treatment of its own people in their attempt to be heard, that Iran is no democracy.

After all, it is the State Department's own report that classifies Iran as the largest state sponsor of terrorism. Do we really believe this is the will of the entire Iranian population? If so, we are saying that all Iranians are terrorists. This is wrong, and America must make it clear that we see the difference between the Iranian regime and the Iranian people—and we are supporting the people.

You can't call a country that screens the candidates a democracy. You can't call a government that tortures and kills its people openly a democracy. You can't call a country that refuses to enforce the laws that the screened, elected officials pass a democracy. All

this is currently going on under Iran's so-called reformers.

I want to show how the reformers were elected into office. I will show a chart so my colleagues can easily see how we do get to the government that is currently in place in Iran. Seven years ago President Khatami was elected by the people. But how did he even get on the ballot? I want to show that, and also make some statements about his election.

For people to be running as candidates in Iran today, they have to go through the Council of Guardians. This is six members appointed by the Supreme Leader and six by the judiciary. The Supreme Leader is appointed by the council as well and is appointed for life. Khamenei, Supreme Leader, appointed six and six by the judiciary. Then all the candidates running for President, Assembly of Experts, 86 clerics elected for 8-year terms, and the Parliament, 290 members elected for 4-year terms, all these candidates have to be vetted by this 12-member council, so you can't get on the ballot unless you clear through the 12-member council for any of these three—the Parliament, the Assembly of Experts, or the President. You can't get on the ballot unless you clear through these 12 people, 6 appointed by the Supreme Leader who is appointed by them for life, never stands for election in front of the people, and 6 appointed by the judiciary. This is not a free election.

What about Khatami's election to President? He was elected for 4 years, for a 4-year term initially. This was 7 years ago. In his initial attempt he was elected. He was voted on, overwhelmingly favored by the people as the most reformist-minded candidate that the Council of Guardians would even let on the ballot. Over 60 percent of the people say: This is our guy because he is the most reformist, open-minded of the group, even though he was not. And it turned out that he was exactly what the Council of Guardians wanted: Good face, looks a little friendlier, gives the people a way to voice their thoughts. But he did not reform. He did not bring democracy. He did not bring human rights. He did not bring rights to women within the country. And he kept the country continuing its movement toward terrorism.

Even if you take all the power of these elected officials—so-called elected officials—they don't have the power over foreign policy, over the military, or over the Treasury. That continues to be held by the Supreme Leader and the Council of Guardians. So most of the power isn't even in the people who are so-called elected.

This is not a democracy, and that is why the people continue to protest—because they do not get to pick their own leaders and they want to pick their own leaders.

I want to show you what has taken place inside Iran, as a country, and why there is so much discontent, and why people are saying: Down with the

President of Iran. Down with the Council of Guardians. They are so actively willing to protest and risk their own lives, and risk being arrested and beaten.

One thing I want to point out, too, these protests that have been taking place in the last couple of weeks, several sons and daughters of parliamentarians have been arrested as protesters. They are saying: Look, this government is not reform minded and we, as children of the parliamentarians, are saying this is not reform. And they have been arrested. They see the fallacy of the system, that it isn't working.

Look at this long-term trajectory pattern that Iran is on since 1978. Since the last government was thrown out, the Shah, and the protests were taking place, in 1979, what has happened to Iran? It was taken over by the ruling Mullahs, the Ayatolla at that time. They took captives of U.S. Embassy personnel for over 400-some days. Look what has taken place. Per capita, GDP is 20 percent lower today than in 1978 in Iran. There is widespread corruption, which was a key contributor of the 1979 revolution. Youth unemployment exceeds 30 percent. There has been a huge population explosion. Fifty percent of the population is under age 20—50 percent of the population.

There are religious legitimacy problems, persistent challenges to the Supreme Leader's religious credentials, and most Grand Ayatollahs do not approve of the Supreme Leader's doctrine on religious matters.

So this is really fomenting a situation. All we are doing with this amendment, which has been agreed to, and has strong language, is saying this is an illegitimate government; that we should and we do support true democracy in Iran and the right of the people to actually choose their leadership in Iran.

I think it is one of the most important things we can do. We need to show clear moral support to the people who are risking their lives today on the streets, across the country of Iran.

I hope we can get this through, that we can express our clear support to the Iranian people. This will be a powerful statement to the people protesting today.

I hope we can agree to this yet this evening.

I thank the chairman for allowing me to bring it up on the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Kansas for his research, for his leadership on this issue, and for the amendment he has offered.

On our side, we are prepared to accept the amendment.

Let me inquire of the distinguished ranking member of the committee if he is prepared to accept it on the Democratic side.

Mr. BIDEN. Yes. We are prepared to accept the Brownback amendment.

Mr. LUGAR. Thank you very much.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1145) was agreed to.

Mr. LUGAR. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I thank the chairman and ranking member very much for allowing us to put this forward. I think it is the very strong and right thing for us to do, and it is the right time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1135

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1135.

Mr. LAUTENBERG. 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 provide justice for Marine victims of terror)

At the appropriate place in the amendment, add the following:

SEC. ____ . JUSTICE FOR UNITED STATES MARINES ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Justice for United States Marines Act”.

(b) **AMENDMENT.**—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking “December 21, 1988, with respect to which an investigation or” and inserting “October 23, 1983, with respect to which an investigation or civil or criminal”.

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment which we are calling Justice for the United States Marines. The amendment would make sure that the families of the 241 U.S. marines who were killed by terrorists in 1983 have equal access to assistance from the Federal crime victims fund.

In 1996, I authored a law that enabled terrorism victims’ families to receive assistance to file suit against foreign sponsors of terror. This enabled families to receive judgments for those countries that aided terrorists in killing their children.

My amendment makes two small changes in the current Victims of Crime Act that would allow these families the same rights as other terror victims. Right now, technicalities in the current law would deny these rights to Marine families who lost family members in the tragic barracks bombing in Beirut, Lebanon, in 1983.

My amendment is simple. First, it changes the date of eligibility in the

current law to terrorist acts that occurred “on or after October 23, 1983”—the day of the vicious attack on the U.S. Marine barracks in Beirut.

Second, my amendment clarifies an ambiguity in the original law about the type of cases that are eligible for Federal funds.

On October 23, 1983, a suicide bomber affiliated with Hezbollah detonated a truck full of explosives at a U.S. Marine barracks located at the Beirut International Airport. Shortly after this took place, I was there and saw what remained of the building. It was almost totally destroyed. Two-hundred and forty-one U.S. marines were killed that night, and more than 100 were wounded the same day. They were part of a contingent of 1,800 marines who had been sent to Lebanon as a part of a multinational force to help separate warring Lebanese factions.

The loss to those families of these victims was enormous. These marines were killed by terrorists as they slept in their barracks. Terrorists are cowards. The marines didn’t even have a chance to fight back.

But now the families of these marines are able to fight back against the sponsors of this terrorist act through our judicial system. On May 30, 2003, the United States District Court for the District of Columbia found Iran liable for the Beirut Marine Corps barracks bombing. The court found that Iran sponsored this terrorist act by Hezbollah, and was, therefore, accountable to these families.

This trial now proceeds to the damages phase. The court wants to use over a dozen “special masters” to hear the damage claims of the participating victims’ families. Each special master will hear approximately 15 cases.

The court has requested the use of the crime victims fund in order to pay for the cost of employing these special masters. Terror victims are generally permitted to make use of this fund but a technicality in the law is preventing these families from utilizing this resource.

The technicality is that the law now says the crime victims fund can be used to assist victims of terrorist acts occurring on or before December 21, 1988. The problem is that the Marine barracks was bombed on October 23, 1983—approximately 5 years earlier. We need to change the date so the U.S. Marine families can see justice done.

In finding Iran liable for this horrible terrorist act in Beirut, the judge said the following, which I want to read to the Senate. He said:

No order from this Court will restore any of the 241 lives that were stolen on October 23, 1983. Nor is this Court able to heal the pain that has become a permanent part of the lives of their mothers and fathers, their spouses and siblings, and their sons and daughters. But the Court can take steps that will punish the men who carried out this unspeakable attack, and in so doing, try to achieve some small measure of justice for its survivors, and for the family members of the 241 Americans who never came home.

I would also like to share with my colleagues the poignant words of one victim’s family member after the court’s recent ruling. Captain Vincent Smith, from Camp Lejeune’s 24th Marine Amphibious Unit, was one of the service members killed in the bombing.

After the court’s ruling, Captain Smith’s sister said:

I think the whole family feels that the ruling gives us a sense of justice after all of these years. Finally, someone has been named a guilty party . . . It’s a huge sense of justice to say that the government of Iran is guilty.

My amendment will allow the cases of these U.S. Marine families to move forward so they can hold the sponsors of this terrorist act accountable.

Since September 11, 2001, this Congress has worked hard to provide justice to the families and communities affected by terrorist acts. It is critical that we also devote attention to the losses incurred by many American families in earlier terrorist incidents.

I urge my colleagues to vote for this amendment in order to extend justice to the families of the 241 Marines killed in the Beirut bombing.

We need to teach sponsors of terror that they will be held accountable. A vote for my amendment will help further this lesson by bringing the perpetrators of this 1983 terrorist act to justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I have listened very carefully to the distinguished Senator from New Jersey. What is the desire of the Senator? Does he desire to proceed to a vote on his amendment?

Mr. LAUTENBERG. I would like to see the amendment accepted. I would like to have a vote on this amendment, unless, of course, the amendment is acceptable to both sides.

Frankly, I think it is a good amendment. It does justice in some measure to the memory of those who were killed. They were there as a peace-keeping force—1,800 of them. A quarter of the force was killed in that single incident. The crime victims fund is a fund that is there to assist—not to provide damage awards to the people but to help them discover the evidence that is necessary. The fund has a few hundred million dollars which would assist these 15 special masters by providing them per diem so they can travel and get the details from these families, as they must do in order to have a sensible trial for damages.

Mr. LUGAR. Mr. President, I appreciate that thought of the Senator. I indicate the amendment still needs to be discussed by some Members who have asked for an opportunity to speak; therefore, I am not prepared to accept it on our side at this point. So I am hopeful the Senator will allow us to lay the amendment aside temporarily for action tomorrow morning when others will be present to speak, and then we

would progress in the normal order to resolution.

Mr. LAUTENBERG. I have no objection.

Mr. LUGAR. I thank the Senator.

Mr. President, I ask unanimous consent that the Lautenberg amendment be temporarily laid aside and that Senator ALLEN be recognized.

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

The Senator from Virginia.

AMENDMENT NO. 1144 TO AMENDMENT NO. 1136

Mr. ALLEN. Mr. President, I call up amendment No. 1144.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. ALEXANDER, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1144.

Mr. ALLEN. 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 enhance efforts to combat the piracy of United States copyrighted materials)

At the end of subtitle B of title II, add the following:

SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), \$5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

Mr. ALLEN. Mr. President, I rise on behalf of my colleagues, Senator ALEXANDER of Tennessee and Senator GRAHAM of South Carolina, to offer amendment No. 1144, which will provide direct assistance to developing countries to combat piracy of U.S. copyrighted works, materials, and intellectual property.

Specifically, our amendment authorizes \$5 million for the State Depart-

ment to provide equipment and training to foreign law enforcement officials—judges and prosecutors—as well as assistance in complying with that foreign country's obligations under the appropriate international copyright and intellectual property treaties.

The United States is the world's largest creator, producer, and exporter of copyrighted materials. Unfortunately, this vital, important sector of our country's economy is at great risk due to widespread global piracy. This piracy and theft is more specifically defined as the unauthorized reproduction, distribution, and sale of U.S.-made movies, music, software, video games, and other creative works.

The widespread piracy of U.S. copyrighted works and intellectual property threatens U.S. jobs. It threatens our businesses, creativity, and our economic prosperity.

In 2001, the U.S. recording industry alone lost \$4.2 billion to the piracy of compact discs worldwide. The U.S. motion picture industry lost \$3 billion to videocassette piracy, and the U.S. video game entertainment industry lost \$1.9 billion due to piracy in just 14 countries.

In 2000, hard-goods piracy cost the U.S. business software industry \$11.8 billion.

A recent study was commissioned by the Business Software Alliance, and it concluded that the largest trade barrier facing the U.S. software industry is worldwide software piracy. An estimated 37 percent—37 percent—of all software loaded onto computers globally in 2000 was illegal—37 percent illegal.

Most importantly, this report by the Business Software Alliance found that by lowering the software piracy rates by just 10 percent around the world, the IT industry would contribute an additional \$400 billion in economic growth worldwide.

This is a very serious problem that needs to be addressed here at home and internationally. Unfortunately, though, developing and economically depressed countries have significant problems enforcing intellectual property protection laws due primarily to a lack of law enforcement training and expertise.

Under the requirements of the World Trade Organization's Agreement on Trade Related Aspects of Intellectual Property Rights, all WTO countries must have a legal frame in place to effectively protect intellectual property and copyrighted works. Therefore, in order to be compliant, a nation must not only have adequate civil and criminal laws regarding copyright protection, but it also must effectively enforce those laws.

Our amendment would provide assistance and resources to adequately train and enforce intellectual property laws in developing countries. This amendment will significantly aid efforts to protect American copyright holders all around the world. Our amendment does

not increase the overall authorization level in this bill but, rather, constitutes a small portion—less than 2 percent of the entire budget—for educational and cultural exchange programs.

This amendment has broad support from both the content and technology industries. For example, the Recording Industry Association of America, the Motion Picture Association of America, the EMI Music Group, and the Walt Disney Company all support this amendment. Additionally, the Business Software Alliance, Apple Computers, AutoDesk, Cisco Systems, Entrust, Hewlett-Packard, IBM, Intel, Intuit, Adobe, Network Associates, Symantec, and Microsoft all support the Allen-Alexander-Graham amendment.

Mr. President, I ask unanimous consent that letters from these groups be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. Thank you, Mr. President.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. ALLEN. I yield.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment.

Mr. ALLEN. It would be my great honor and pleasure to add Senator BIDEN of Delaware as a cosponsor.

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

Mr. ALLEN. Mr. President, I thank my colleagues, in particular Senator ALEXANDER and Senator LINDSEY GRAHAM, as well as Senator BIDEN, for their hard work. I know the Senator who is presiding over the Senate right now cannot respond, but I very much appreciate Senator ALEXANDER's understanding, hard work, and support for this amendment. And I urge the rest of my colleagues to vote in favor of this important provision.

Finally, I express my gratitude to our chairman of the Foreign Relations Committee, Senator LUGAR, as well as the ranking member, Senator BIDEN, for their support, for their assistance in working through this amendment, and, hopefully, having it included as part of this important bill.

With that, Mr. President, I yield the floor.

EXHIBIT 1

RECORDING INDUSTRY ASSOCIATION
OF AMERICA,
Washington, DC, July 9, 2003.

Senator GEORGE ALLEN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR ALLEN: The Recording Industry Association of America ("RIAA") would like to express its strong support for the Allen/Alexander amendment to the State Department Authorization bill being considered by the Senate. The amendment would authorize \$10 million to the State Department for purposes of working with law enforcement officials in nations around the world to increase enforcement of intellectual property laws.

One of the greatest challenges facing the music industry, and other domestic industries that produce intellectual property, is international physical piracy. In recent years, the U.S. recording industry has lost nearly \$5 billion in revenues as a result of physical piracy around the world. Although the RIAA and its sister international organization, IFPI, continue to work cooperatively with diplomatic and law enforcement entities throughout the world in an effort to address this growing problem, the Allen/Alexander amendment would significantly aid our efforts to protect American intellectual property abroad.

We appreciate the leadership of Senators Allen and Alexander and strongly support their amendment to the State Department Authorization bill.

MITCH GLAZIER,

Senior Vice President Government Relations.

THE EMI GROUP,

New York, NY, July 9, 2003.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of EMI—the world's third largest music company—I am writing to express our support for the Allen-Alexander Amendment to the Department of State Authorization bill currently pending in the Senate. The Allen-Alexander Amendment would authorize a State Department program to finance technical support and assistance for foreign governments that are combating intellectual property theft.

As you know, many of the industries founded on intellectual property are facing an international physical piracy crisis. In the last few years, international physical piracy has increased dramatically. Today, the pirate music market is estimated to be worth more than \$4 billion a year and is having a substantial impact on our legitimate business. Many legitimate international markets that were once vibrant are being destroyed by physical, pirate product. Worldwide, about 40 percent of all music sold is pirate product. In countries like Mexico, Taiwan, and Brazil, the piracy rates exceed 60 percent. These were once countries where the record companies could build successful businesses.

International physical piracy is having a real impact on our companies. It contributed to our decision last year to publicly and painfully cut our work force by about 20 percent. As a result, hundreds of people were laid off in the United States. Moreover, we had to pare our artist rosters by one third. Other record companies have had to make similar moves and have actually withdrawn from countries where they once ran successful businesses—countries like Greece and Paraguay.

EMI, the other record companies and our trade associations are working hard to protect ourselves. The Recording Industry Association of America has investigators throughout the country—from Miami, to Chicago, to Los Angeles to New York. The International Federation of the Phonographic Industry has hundreds of investigators worldwide. In the last 18 months, due to their work, more than 60 illegal production lines with a combined capacity of nearly 300 million CDs (equal to about 1/3 of the U.S. market and larger than the entire market in France) were shut down. EMI has a high-ranking executive in charge of worldwide anti-piracy efforts. We have full-time, anti-piracy employees in every major EMI office worldwide.

But physical piracy has become the province of organized crime, and we cannot fight it without government help. Asian Triads and the American Mafia among other groups

have been linked to physical piracy. Drug gangs, arms dealers and human smugglers have turned to music piracy to get quick easy money for their activities. Many of these counterfeiting rings are heavily armed. Our investigators and local law enforcement officers risk their lives when they raid pirate operations. Physical piracy involves complex, organized crime rings. They move quickly and across international boundaries.

A U.S. program to provide financial assistance to foreign governments fighting this crime will prove invaluable. It will demonstrate the U.S. government's meaningful commitment to protecting one of its vital industries, and it will provide foreign government's with the resources they need to fight this problem. Without this assistance and without U.S. leadership, the problem will continue.

EMI is the only major record company whose sole business is music. We are dedicated to making the music business work and thrive. And we have a workable model to accomplish that goal. We are aggressively distributing our product digitally and physically. We have implemented significant measures to curb rampant physical piracy, and we remain committed to intensifying those efforts in the future.

We appreciate your leadership in this important area and look forward to working with you to curtail the international physical piracy that is afflicting our industry.

Yours sincerely,

IVAN GAVIN,
Chief Operating Officer,
EMI Music, North America.

MOTION PICTURE ASSOCIATION
OF AMERICA, INC.,
Washington, DC, July 9, 2003.

DEAR SENATOR ALLEN: I write to you today to express our support for the Allen/Alexander Amendment, which we feel will prove to be a useful and effective tool in combating international piracy of copyrighted works. As you are no doubt aware, addressing the piracy of our creative works is an issue of primary importance to us.

The corrosive fallout of copyright poses an ever-growing hurdle, costing the film industry more than \$3 billion annually. Piracy in the international realm is of particular concern, since our industry earns approximately 40% of its revenues outside of the United States. International piracy has proven to be an enduring problem, threatening to eviscerate this vital market. All too often studios must compete in these foreign markets with illicit copies that have been illegally available for months before films arrive in foreign theaters, hit store shelves, or debut on the TV program guide.

The film industry is not the only victim vulnerable to theft—an entire segment of the economy is jeopardized. The piracy of America's intellectual property poses a grave threat to all of the U.S. Copyright Industries. These industries—movies, home video and television programming, music and sound recordings, books, video games and software—are a vital engine of economic growth for the American economy and generate more international revenues than any other single manufacturing sector, including automobiles and auto parts, aircraft, and agriculture. They are responsible for more than five percent of the nations' total GDP and are creating new jobs at three times the rate of the rest of the economy. The film industry alone has a surplus balance of trade with every country in the world.

We feel this measure will help fight international piracy and we support your efforts in addressing this problem.

Sincerely,

KEN INOUE.

THE WALT DISNEY COMPANY,
Washington, DC.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: I am writing to express The Walt Disney Company's support for the Allen/Alexander amendment designed to provide direct assistance to non-OECD countries for the purpose of combating piracy of U.S. copyrights works.

Copyright piracy costs the film industry more than \$3 billion annually. You and Senator Alexander should be commended for your leadership in this effort. Staunching copyright piracy both domestically, and internationally, should be a paramount goal of our government. Piracy undercuts the creative process and saps the strength of the U.S. copyright industry, which is a leading source of job creation and exports.

Sincerely,

MITCH ROSE,
Vice President.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the members of the Business Software Alliance, I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. BSA conducts an annual survey of software piracy around the world. In 2002, our study identified an estimated \$13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

Sincerely,

ROBERT HOLLEYMAN,
President and Chief, Executive Officer.

NETWORK ASSOCIATES,
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Network Associates, Inc., a world leader in security and availability software, I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. The Business Software Alliance conducts an annual survey of software piracy around the world. In 2002, their study identified an estimated \$13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software

is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

At Network Associates, we see piracy as a tool for criminals to use for their own nefarious gain. By proactively educating foreign law enforcement and judicial officials about piracy, we can begin to reduce the threats not only to our industry, but to the integrity of intellectual property itself.

Sincerely,

STEPHEN C. RICHARDS,
Chief Operating Officer & Chief Financial
Officer.

INTERACTIVE DIGITAL
SOFTWARE ASSOCIATION,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate, Russell Office Building, Wash-
ington, DC.

DEAR SENATOR ALLEN: The Interactive Digital Software Association (IDSA) is the U.S. trade association dedicated to serving the business and public affairs needs of companies that publish interactive games for video game consoles, personal computers, handheld devices, and the Internet. The IDSA's members collectively accounted for more than 90 percent of the entertainment software sold in the U.S. in 2002. IDSA operates an anti-piracy program aimed at combating the global piracy of our members' products.

We are writing to convey our full support for S. 925 and its provision for training resources for law enforcement officials, prosecutors and judges in non-OECD countries. Many non-OECD countries are the locales of some of the most virulent piracy environments afflicting our industry, not only from the standpoint of impeding the development of legitimate local markets for entertainment software but also frequently serving as the seedbed for the large-scale manufacture and export of thousands of infringing copies to destinations around the world.

A lack of knowledge of and appreciation for intellectual property among local law enforcement officials, prosecutors and even judges in many of these countries are frequently material factors contributing to the ineffectiveness of efforts to control and reduce the activities of local pirates. There is no question that the allocation and application of resources to address this problem would go a long way to enhancing the productivity of local law enforcement efforts targeting local pirate operations. Accordingly, IDSA would like to express its full support for the bill and its objectives.

Sincerely,

FREDERIC HIRSCH,
Senior Vice President.

ENTRUST®
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Entrust, Inc., I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

As you know, piracy results in significant harm to the U.S. software industry, which results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just begin-

ning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

Thank you for your leadership,

Sincerely,

DANIEL F. BURTON,
Vice President, Government Affairs.

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

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

Mr. ALEXANDER. Mr. President, I rise in support of the antipiracy amendment that the Senator from Virginia just discussed and of which I am proud to be a cosponsor.

I am delighted that Senator BIDEN from Delaware, Senator GRAHAM from South Carolina, and other Members of the Senate are either cosponsors or interested in this amendment.

The Senator from Virginia has explained, very clearly, why this is important, why it is important to authorize the State Department to establish an antipiracy program that will help foreign governments establish and protect intellectual property rights. It authorizes \$5 million for the program, which is an important amount, a good start, but a relatively small amount in the overall bill.

The antipiracy program, as the Senator from Virginia explained, would help protect American intellectual property abroad by, first, providing equipment and training for foreign law enforcement of intellectual property rights; second, train judges and prosecutors; and, third, assist foreign governments in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

We all know the importance of this. We have come to take it for granted in our country. We are a country of inventors, of artists, of entrepreneurs, of creators. So much of our wealth and our uniqueness comes from that. The Senator from Virginia knows that because of the technological progress in his State, as there is in mine. We know it in Tennessee especially because of our musicians.

We know the importance of protecting physical property in America. The owner has bought it or built it, and it belongs to them. Intellectual property should be treated no differently. Whether it is a song or a computer program, a patent or a piece of art, someone has created it, and it should belong to him or to her until he or she chooses to sell it or to give it to someone else.

Nashville is the home of country music. Memphis is the home of the

blues. A lot of our Tennessee music started in Bristol which spreads itself across the States of Virginia and Tennessee. We have strong feelings about this in our part of the world.

The music business is suffering because of mass piracy of intellectual property. In the past 4 years, unit shipments of recorded music have fallen by 26 percent. In terms of sales, revenues are down 14 percent, from \$14.6 billion in 1999 to \$12.6 billion last year. The music industry worldwide has gone from a \$39 billion industry in 2000 down to \$32 billion in 2002, which is a decline of 18 percent. Much of this decline is due to music piracy, most of which occurs on the Internet. Computer users illegally download more than 2.6 billion copyrighted files, mostly songs, every month. At any given moment, approximately 4 to 5 million users are on line offering an estimated 800 million files for copy.

According to a November 2002 survey by Peter D. Hart Research, by a 2-to-1 margin most consumers who say they are downloading more music report that they are purchasing less. Much of this problem is domestic. We need to acknowledge that. But some of it also comes from abroad. About 25 percent of the total files available on unauthorized Internet services are hosted outside the United States.

In my State of Tennessee, this theft of intellectual property hurts a key sector of our economy. Nashville is home to more than 29 different major and independent record labels and 52 recording studios. It has one of the Nation's largest concentrations of song writers, performers, and music publishers. An estimated 20,000 Nashvillians work in music tourism, broadcasting, and related fields. The city is home to more than 1,500 entertainment companies. Musicians unions have more than 5,500 members in Music City.

I think the Presiding Officer can understand, especially because of his leadership on this issue, why protecting their intellectual property rights means more than just helping one artist earn money off a hit record. It means protecting thousands of jobs and maintaining an industry that brings joy to millions of fans in this country and around the world.

I urge my colleagues to support the amendment which authorizes a small but important amount of money to protect intellectual property rights around the world.

I thank the Senator from Virginia for his leadership and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we commend the distinguished Senators who have offered this amendment and worked carefully through the text of it to an amendment that is acceptable to both sides. I indicate my support and we are prepared to accept the amendment. My understanding is that the distinguished Senator from Delaware,

the ranking member, is prepared to accept the amendment.

Mr. BIDEN. I am prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1144) was agreed to.

Mr. ALLARD. Mr. President, I rise today to thank the Foreign Relations Committee for their hard work on the legislation before us. Specifically, I am pleased to see included in S. 925, the State Department authorization, a provision relating to the international military education training and foreign military financing for Indonesia.

The committee has seen fit, and rightly so, to deny the release of any of these funds to Indonesia without certification from our President that the Indonesian Government has taken effective measures to conduct an investigation into the August 2002 attacks on American citizens and to prosecute those responsible.

By now I know that my colleagues in the Senate are aware of the tragedy that occurred last August in West Papua, Indonesia, which resulted in the deaths of two Americans. Justice has still not been found for Rick Spier or Ted Burgeon, and I am grateful that the Foreign Relations Committee has recognized the need for Indonesia and its military apparatus to determine what has occurred. Hopefully, this provision will demonstrate to the Indonesian Government that the United States Senate will not allow this issue to fall to the wayside, and that we remain committed to finding and punishing those responsible.

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

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

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

LIBERIA

Mr. FEINGOLD. Mr. President, I rise to comment on the urgent crisis in Liberia, and on my conviction that the United States has a role to play in its resolution. I also rise to call for the kind of information and clarity that we need if we are to take effective action.

In recent days the newspapers have reminded Americans of the special relationship that exists between America

and the west African Republic of Liberia, a country founded by freed slaves from the United States in 1820. But it is important to note the more recent historical links between our countries as well.

During the cold war, eager for reliable client states in Africa, the United States supported Samuel Doe when he seized control of Liberia in a 1980 coup, and kept supporting him even when he stole the 1985 elections. In fact, in the first five years of the Doe regime, the United States contributed nearly \$500 million in economic and military aid—effectively bolstering the government's staying power. The Doe regime was an extraordinarily brutal one that not only disenfranchised many Liberians, it also effectively erased the boundaries between legitimate and illegitimate political action. When the cold war was over and Charles Taylor's band of rebels—some of them children—clashed with government forces and other ethnic militias in the streets, the resulting conflict was so frighteningly gruesome that for many it was almost impossible to understand.

And the United States, no longer concerned about Communist influences in Monrovia, simply evacuated American citizens and then watched the country tear itself apart from the sidelines. In the end, Taylor essentially held the country hostage to his desire for power, and war-weary Liberians elected him President in the hopes of avoiding conflict. Taylor's desire for power and wealth turned out to extend beyond his own borders, however, and he became a primary patron of the brutal Revolutionary United Front, or RUF, force in Sierra Leone, which provided his regime with riches from Sierra Leone's diamond mines in exchange for military support and protection.

On November 2, 2001 the Washington Post ran a front-page article about alleged connections between al-Qaida's financing and the illicit sale of diamonds mined by Liberian-backed rebels in Sierra Leone—rebels who, you may recall, are best known for cutting off the limbs of civilians, including children, to make a political statement. Reports have also linked illicit diamond sales to Hezbollah. Additional articles focused on notorious arms dealer Victor Bout, whose deliveries to the region may have been paid for in diamonds. Law enforcement officials have suggested that Bout has been involved in arming international terrorists and the forces that harbor them worldwide. These reports have been the subject of controversy, and the connections and relationships involved are murky at best, but the issue that they expose—the vulnerability of weak states to exploitation by international criminals—is not in doubt.

Meanwhile, Taylor's criminal enterprise has proved the rule that order, when imposed through injustice and repression, tends to crumble, and the forces currently challenging the re-

gime for power—the LURD and MODEL—appear to be have learned their abusive tactics from their enemies. Criminality rules, chaos threatens, and the civilians of Liberia—the people with a real interest in building a stable future, the people who simply want a chance to send their children to school, are once again likely to be caught in the crossfire.

It is time for the international community to stand up and say, "no more" to this cycle of chaos in west Africa. No more deals with thugs, no standing by as observers to cycles of slaughter, no more watching the predictable fomenting of instability across borders, no more standing by as organized crime expands its reach from the very seat of government, no more opportunities for terrorists. Enough—because more of the same threatens our interests and denies our basic humanity.

The United States should take a leadership role in responding to the Liberian crisis. And that means that we need to clarify the costs and commitments entailed in a response now, so that we can take informed and responsible action.

Recently the distinguished chair and ranking member of the Armed Services Committee indicated that they believe Congress should vote on any commitment of substantial forces in the region. I believe that they are right, and that United States troops must always be deployed in a manner consistent with the War Powers Act of 1973. But I also know that watching and waiting is not an option that will serve United States interests.

In Liberia, we can and should act in concert with the international community. In 2000, the British made a courageous decision and helped to bolster peacekeeping efforts in Sierra Leone, bringing an end to a violent spectacle that had outraged the world without provoking an effective response for years.

The French deployed to Cote d'Ivoire when it fell victim to the forces of disorder, are trying to reverse the trend toward violence and chaos that recently gripped that once-stable place. African states have mobilized as well, and they continue to work feverishly to resist the spread of misery, deprivation, and violence that has spread throughout this region. For historical reasons, most in the international community looks to the United States for commitment and leadership in stabilizing Liberia, which is the country that is at the heart of this regional decline in West Africa. In fact, unlike the situation we recently faced in Iraq, virtually the entire international community is urging the United States to act: from our closest allies in Britain to the Secretary General of the United Nations. And most importantly, west Africans themselves are asking for our help. Liberians are frantically waving U.S. flags, hoping to get our attention, praying we will come to their aid. This is not a situation that involves antagonizing allies in the fight against