it has in the past, but the conference committee was concerned that requiring a higher level could have the unwanted effect of tying up available Ex-Im Bank resources if the Ex-Im Bank could not achieve higher levels of small business financing in a given year. The conference committee requires the Ex-Im Bank to conduct outreach to socially and economically disadvantaged small business concerns, small business concerns owned by women, and small business concerns employing fewer than 100 employees.

The conference report also makes a number of other significant changes to the Ex-Im Bank Act. It establishes an inspector general for the Export-Import Bank. It makes clear that the Ex-Im Bank’s objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers. It increases the aggregate loan, guarantee, and insurance authority for the Bank to $100 billion by 2006. The conference report also requires the Ex-Im Bank to submit its annual competitiveness report to Congress by June 30 of each year in order to ensure its availability for oversight, and require the competitiveness report contain an estimate of the annual amount of export financing available from other foreign government and foreign government-related agencies.

The conference report to accompany S. 1372, the Export-Import Bank Reauthorization Act of 2002, makes a number of significant changes to the charter of the Ex-Im Bank that I believe will greatly strengthen the Ex-Im Bank’s effectiveness as a tool to help U.S. exporters and the workers they employ to level the playing field of competition in international trade, and strengthen the ability of U.S. negotiators to achieve meaningful international agreements to limit the use of export credits. Taken together, these changes represent a major enhancement of the Ex-Im Bank charter. I strongly urge my colleagues to support the conference report.

Mr. BAYH. Mr. President, I rise today to offer my support for the conference agreement on the charter reauthorization of the Export-Import Bank of the United States.

As chairman of the Subcommittee on International Trade and Finance, I have worked with my colleagues to craft a bill that creates a level playing field for all U.S. companies. The conference agreement includes a number of important provisions that will help make the Bank more competitive with other export credit agencies. Although the Ex-Im Bank has played an important role in increasing our country’s exports, there have been a few instances in which the Bank has lent its support to exports that have helped foreign companies who are engaged indumping products into our domestic market. For this reason, I included a provision in the conference agreement that would prohibit the extension of a loan or guarantee to any entity subject to a determination of injury under section 201 by the International Trade Commission, ITC or subject to a countervailing duty or anti-dumping order. Action by the President is not necessary. Additionally, it would require a heightened level of scrutiny and comment period for transactions where a preliminary injury determination exists.

Since its creation in 1934, the Export-Import Bank of America has contributed greatly to the welfare and well-being of America’s economy. I hope that we will allow the Bank to continue its function, and I encourage my colleagues to support reauthorization of this important organization.

Mr. DURBIN. Mr. President, I would like to commend the conferees to the Export-Import Bank Reauthorization, S. 1372, and particularly Senators BAYH and DODD, for preserving language that helps protect the U.S. steel industry from illegal dumping. By facilitating foreign purchases of U.S. goods and services that might not otherwise be possible, the Bank helps promote economic growth at home and abroad. Since its creation in 1934, the Export-Import Bank of the United States has helped several Illinois companies, such as Caterpillar and Motorola, finance exports to foreign countries. However, there have been some instances in which the Ex-Im Bank has lent support to foreign companies that have engaged in dumping products, including steel, into U.S. markets. Such support is inconsistent with our desire for a strong domestic steel industry and our belief in a level playing field for international commerce.

The reauthorization legislation that passed the Senate today requires significantly increased scrutiny of transactions that could adversely impact domestic industries. Furthermore, it prohibits the extension of a loan or guarantee to any company or country subject to a determination of injury under Section 201 by the International Trade Commission (ITC) or subject to a countervailing duty or anti-dumping order. This is a significant step forward and I am pleased to have aided in this effort.

Mr. REID. Mr. President, I ask unanimous consent that the conference report be adopted, the motion to reconsider be laid upon the table, and any statements relating to this be printed in the RECORD, without any intervening action or debate.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

The question is on agreeing to the motion to table.

The PRESIDING OFFICER. The result was announced yeas 65, nays 31, as follows:

[Rollcall Vote No. 137 Leg.]
Mr. STEVENS. Will the Senator yield?
Mr. WARNER. Yes. Mr. STEVENS. The Senator from Arizona was kind enough to give us notice of the additional amendments, and we sequenced them. I urge the Senator to wait until that is over. We are going to establish sequencing of amendments after that time. There have been others waiting, too, during the morning until this series is over. I urge the Senator to cooperate with us, and we will put his in the sequence that comes next.
Mr. REID. If the Senator from Alaska will yield, we have known the Senator from Virginia is going to offer an amendment. I think it would be in everyone’s interest, as suggested by the Senator from Alaska, that after Senator McCain finishes with his amendments, we move to the amendment of the Senator from Virginia and other amendments.
Mr. WARNER. Mr. President, that is most accommodating. If we can have a gentleman’s understanding that at the conclusion of the two amendments by the Senator from Arizona, the amendment the Senator from Georgia and I want to put before the Senate could be considered at that time without binding the leadership.
Mr. REID. Without that being a unanimous consent request, we will do our best to put the Senator’s amendment in the queue as quickly as we can.
Mr. WARNER. Mr. President, I thank my colleague. The PRESIDING OFFICER. The Senator from Arizona.
Mr. McCAIN. Mr. President, before the Senator from Virginia leaves the floor, I say to him that we intend for sure to offer one more amendment. I want to discuss with the Senator from Texas if we have to do an additional amendment because it is clear there is about a 30-vote ceiling. The Senator and I have made our point. Also, the Senator from Texas is probably going to at some point make a budget point of order. How that falls into the queue the distinguished managers of the bill will establish. In the interest of disclosure, I thought the Senator from Virginia should know that perhaps there may not be a second amendment, only the one we are about to offer, and the Senator from Texas is going to make a budget point of order.
Mr. WARNER. Mr. President, I thank my colleague.

AMENDMENT NO. 2704
(Purpose: To strike the appropriation for Agricultural Research Service buildings and facilities.)
Mr. McCAIN. Mr. President, I have an amendment on behalf of myself, Senator GRAMM of Texas, and Senator SMITH of New Hampshire, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GRAMM, and Mr. SMITH of New Hampshire, proposes an amendment numbered 2704. On page 2, strike lines 24 through 26.

Mr. McCAIN. Mr. President, the amendment that has been offered would remove extraneous items from the supplemental and emergency appropriations bill. In particular, I propose to remove language in the bill that provides $50 million for buildings and facilities construction at the National Animal Disease Laboratory at Ames, IA.

Mr. President, $50 million is designated to add new facilities to the National Animal Disease Laboratory currently located in Ames, IA. The current plans by the Agricultural Research Service, an estimated $380 million, will be utilized to construct new buildings and facilities to further animal disease research and related activities. These new facilities are approved and sanctioned by the administration with funding previously included in the fiscal year 2002 budget. However, despite this support, the administration has stated its view that additional funding suggested in this supplemental bill is not an essential priority at this time.

According to the message sent by the President—to be totally accurate, the Statement of Administration Policy sent by the Executive Office of the President, Office of Management and Budget:

Funding provided for the construction and renovation of an Ames, IA, facility is redundant because a total of $90 million has been provided for fiscal year 2002 as part of the ERF and regular appropriations so that additional funding is not needed in fiscal year 2002 and 2003.

The study of foreign animal diseases and controlling known and unknown diseases affecting national and public health issues. As part of the Government’s efforts to improve its knowledge of disease agents and mechanisms, this institution and other research agencies serve an important purpose. The work is already underway as the administration asserts. Adding an additional $50 million as part of this emergency spending measure is neither required nor necessary.

This ongoing project will clearly be subject to additional appropriations in future years during the routine appropriations process. These particular renovations are not scheduled to be completed for another 8 years.

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This ongoing project will clearly be subject to additional appropriations in future years during the routine appropriations process. These particular renovations are not scheduled to be completed for another 8 years.

I find it difficult to believe that removing this $50 million earmark at a time when it is not needed will jeopardize its continued planning and construction. The report also indicates that this program was asked for and funded long before the events of September 11.

I do not dispute the merit of a facility such as this. In 1998, it says both agencies, the National Animal Disease Research Center and the National Veterinary Services Lab, saw an excellent
new opportunity to create a single new center encompassing all their work. The joint plan promises to provide many advantages over separate new facilities, including a large cash saving and much shorter completion time. The proposed facility will cost $375 million on an 8-year completion plan beginning in 1999.

I am sure the National Animal Disease Center is an important project. I have no doubt in my mind it has merit. I also note that it was in May of 2001, I quoted to the committee a report, correspondence to this committee, the Secretary of Agriculture noted, that there is an urgent need to renovate and modernize existing facilities in Ames, IA, since the events of September 11, in view of the fact that the primary mission of this facility is research on highly infectious animal diseases such as bovine spongiform encephalopathy, which is mad cow disease, and others which terrorists might use with devastating results to the U.S. economy. The needs outlined by the Secretary have become even more pronounced.

I have heard a long catalog of threats. The one at the Smithsonian has risen now to national consciousness, and in alcohol and tobacco, one of our highest priorities and deemed an emergency, but I did not know the spread of mad cow disease was one of the tools of preference for the terrorists. I understand that mad cow disease is a problem. I am fully aware of the events of Europe where thousands of cows had to be killed. But the administration, which is responsible for the construction of these facilities, clearly states in the President's veto threat that this $50 million is not necessary at this time because it is an 8-year project.

I am sure the Senators from Iowa will rise, and the Senators from Hawaii will rise, as will the Senators from whatever State that is affected by these projects will rise, and stoutly defend them and make it in the defense of freedom and democracy. The fact is that the name of this bill is to respond to the acts committed on September 11 and how to prepare for further responses to them. I do not believe it is needed in this supplemental appropriations bill.

I yield the floor.

Mr. BYRD. The supplemental provides $50 million in construction funds toward the modernization of the National Animal Disease Laboratory in Ames, IA, under the Agricultural Research Service Buildings and Facilities account. The full $50 million is offset. This is not designated as an emergency. The money is fully offset. The total construction costs for modernization of this laboratory are estimated at $430 million. To date, including the $50 million supplemental, the Congress will have provided $149 million.

Mission responsibilities of the Ames, IA lab include the eradication or control of devastating diseases, including bovine tuberculosis; vaccine development; disease control strategies for scrapie; chronic wasting disease; and others.

The National Animal Disease Laboratory is responsible for research and regulatory responsibilities of the Agricultural Research Service and the Animal and Plant Health Inspection Service.

In May 25, 2001, correspondence to this committee, the U.S. Department of Agriculture noted, that it is the national research center responsible for the prevention of mad cow disease in this country. Recent episodes of mad cow disease, foot and mouth disease, and others in the United Kingdom, are stark evidence of the public health and economic disasters that result from such outbreaks.

In addition, on May 15, 2002, the Secretary notified the committee that the U.S. Department of Agriculture is responsible for the National Animal Disease Laboratory in fiscal year 2003, and approval by the USDA Office of General Counsel of a justification for other than full and open competition to hire the architectural/engineering firm.

Supportive documents provided by the Secretary on May 25, 2001, state:

If facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies.

So if we fail to provide the $50 million in the supplemental, the Congress will be required to appropriate $232 million in the next two years for this project, just to stay on the USDA's schedule. Construction information from USDA has indicated that longer term construction schedules than the one now in place could result in an additional $17.7 million in construction costs. So the committee has made its judgment that this money is appropriate, and I hope that the amendment will be defeated.

Mr. GRAMM. Mr. President, let me be brief and try to put this amendment in context. The President, as Commander in Chief, sent the Congress a request for some $28 billion of emergency funding; that is, funding that we did not ask for and cannot afford to waive the Budget Act, increase the deficit, and spend Social Security money for the purpose of funding it. To basically try to respond to the attack on 9-11 and to try to prevent another attack.

The President made that request and the Senate Appropriations Committee has now come forward with a bill that spends $4 billion more than the President asked for; that underfunds his request for emergency items by $10 billion. That overfunds nonemergencies by $14 billion.

There is no way on the floor of the Senate that we are going to get this bill back in line with the President's request. Hopefully, that will happen in conference. But the President has sent a letter saying he is going to veto this bill because it spends $4 billion more than he asked, he does not give him $10 billion he wanted, and it gives him $14 billion he did not want.

Obviously, it is within our capabilities and within the ingenuous ability of the Senate and Senators to make almost anything an emergency. I make the following points about this building. First, the President did not ask for it. The President did not include this in his emergency request. I assume he did not include it because, while he supported funding it consistent with the costs, I believe it met the high threshold of a national crisis.

Second, it is not as if we are talking about money for research. We are talking about money for a building that is 8 years away. It looks to me as if what we are seeing is an effort to take this emergency bill and tack on money to speed up a project that would be funded anyway.

Now maybe if we built this building in ½ years instead of 8 years there would be a benefit to come from it. I don't doubt it. That might very well be. I am against animal diseases, so I might be a beneficiary. Next year I might be in the goat business and there might be a benefit directly in this for me.

But the question is, Is this such a dire emergency that it ought to be funded in an emergency bill that is aimed at the threat of terrorism? A plausible case, even though the President did not ask for it, that if this were direct funding for research that we were going to conduct over the next 3 or 4 months, one might make a plausible case. I don't believe you make a plausible case in a building that will be built over the next 8 years, that giving it $50 million more now is an emergency.

Again, some people want to view this as Senator MCCAIN and I are trying to be tightwads and that we are trying to take out those projects that have merit. I assume since we have been funding this for a while, and intend to fund it for another period of years, that it does have merit. The question is, is it a dire emergency? I don't believe it is.

Senator MCCAIN and I could have gone on and on and on in offering these little amendments. After this third
one, we will have made our point. Our point is that no one cares. Our point is, the fix is in, we have done this bill, and 31 people cared, but the vast majority of Members of the Senate are not willing to try to trim this bill back.

I do up the time of the Senate. I want the President to sign an emergency bill. I personally believe we would get there quicker if we get it closer to what he requested. I don’t understand why we want to move forward with the President’s veto, if you will. Maybe it will be fixed in conference.

After this vote, we will have made the point that the bottom line is, when it gets right down to individual programs, even in what is supposed to be a dire emergency, a crisis, and even though the President did not request it, we just simply do not have the vote to take these things out.

There is no lesson in the second kick of a mule and this is the third kick Senator McCaIN and I are experiencing.

If you didn’t learn anything from the first or second one, you are unlikely to learn anything from the third one. It would be our intention, I believe, that we have to do it now, and whatever happens here, happens. Then I have a point of order if there are 60 votes for this bill, so far as I am concerned, it is off to the President and conference and see what happens.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the question really before the Senate is whether we are going to provide $50 million for the modernization of the USDA national animal disease facility.

I have listened to the comments made by the Senator from Arizona and the Senator from Texas and, of course, I listened to the statements made by the distinguished chairman of our committee laying out why this is necessary.

I will not speak about any of the other amendments offered on this bill, but this one is of the utmost importance if we are concerned about homeland security. Perhaps one of the most vulnerable parts of our country in terms of a terrorist threat that could have a multiplier effect more rapidly than anything else in affecting more people is our food supply chain. That is the most vulnerable right now, and we all know it.

The chairman of the committee has asked me as the chairman of the subcommittee that funds Health and Human Services medical research and also the agriculture subcommittee that is chaired by the distinguished Senator from Wisconsin, Mr. KoziG—and I serve on the Subcommittee on the bioterrorism threat to America. We have had hearings on it. We have looked at this. The National Animal Disease Laboratory is, if not the key, one of the key elements we will need to ensure the safety of our food supply and the safety of animals but the people of this country.

Again, I suppose some people say, sure, HARKIN, you are defending it because it is in Iowa. I said some time ago that I was not responsible for the National Animal Disease Lab being located in Iowa. That predates my birth but it predates my coming to Congress. I can honestly say that it would not be my idea and I don’t care in which State it would be. I would be a strong supporter of this amendment and for, as rapidly as possible, refurbishing and rebuilding this National Animal Disease Laboratory because it was not in the State of Iowa. Keep in mind, this is a national laboratory. It is not an Iowa lab. It is a national laboratory. It is the premier veterinary, biologic, and diagnostics lab anywhere in the world. But it is about 60 years old. It is run down.

We found last year after the anthrax scare that permeated our country in our mail system that we had some very dangerous pathogens located in a strip mall in Ames, IA, because the National Animal Disease Laboratory did not have the facilities for that. That has since been taken care of but gives Members an idea for the need for this.

The National Animal Disease Lab should have been modernized 10 or 15 years ago, probably more than that, but it was not. We got a little complacent. But then when we saw what happened in Europe and Great Britain with hoof and mouth and BSE, it became more and more imperative that we not only rebuild the lab but do it very rapidly.

We started on that last year, but the events of September 11 have compelled us to move even more rapidly.

The modernization of the national animal disease facilities is critical for both homeland defense and America’s defense against animal diseases such as anthrax, brucellosis, salmonella, E. coli, many of which—in fact, all of which—can be transmitted to humans and cause a lot of illness and death in our population.

So the importance of the facility is not in dispute. There are those who say let’s wait and do it later. We cannot wait and do not have at this luxury right now because, as I said earlier, the most vulnerable part of our society right now, in terms of a terrorist threat, is the food supply and the animal systems in our country.

Let me read from a USDA 2001 report to the Appropriations Committee to buttress that.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. Yes, I am glad to yield for a question.

Mr. REID. It is my understanding that this $50 million in this bill is not designated as an emergency, it is fully paid for. Mr. HARKIN. This is not an emergency; it is fully offset in the bill.

Mr. REID. So people talk about this not being an emergency. It is not deemed to be an emergency in this bill, it is not fully available?

Mr. HARKIN. It is fully paid for. The Senator is right. I am glad he made the distinction.

There are those who say we don’t have to do it now, we can put it off until later. The USDA said last year in its report to the Appropriations Committee:

The modernization plan proposed by ARS and APHIS is crucial to fulfilling the mission of USDA, specifically in ensuring a safe food supply and expanding global markets for agricultural products and services . . . if facilities in Ames are not modernized, both agencies could lose their ability to respond to animal disease emergencies. Because of the safety concerns and levels of safeguards necessary to work with animal pathogens, the work done in Ames is not easily transferred elsewhere within USDA.

Before September 11, both the House and the Senate Appropriations Committees had moved to provide an additional $50 million for the design of the facility.

With the tragedy of September 11, the need for modernization sharply increased. The Senator from Texas mentioned before that it would be 8 years before it would be done. The information we have now is if we move rapidly we will have the facility done in 2006, that is 4 years from now.

The Senate Appropriations Committee wisely placed an additional $50 million for construction of the facility in this measure. That is because in these dangerous times we realize that America’s food supply could be the target of terrorism.

I would like to share with my colleagues some of the facts about the NADL and the important work it does. I think it would shed some light on this debate.

The USDA Animal Health Facilities in Ames have the highest level of research capacity, expertise, and track record available in this area. It also provides diagnostic expertise, technology transfer, and training in the event of an outbreak.

The National Veterinary Services Laboratories, in Ames, is the principal Federal diagnostic laboratory for animal diseases in the U.S. As such, it is the reference point for the State and other diagnostic laboratories, and provides training and testing. NVSL has recently been involved in West Nile virus diagnosis, mad cow disease diagnosis, and anthrax diagnosis. It has provided critical supplies to CDC in its investigations of human anthrax cases.

The Center for Veterinary Biologics in Ames has the national responsibility for regulating and licensing all biologics for use in animals. Their knowledge, expertise, and capacity to expedite availability of an antitoxin in the event of a bioterrorist outbreak will be centrally important to provide tools for disease control. As an example, they
were recently involved in anthrax vaccine issues during the recent terrorism scare.

Secretary Veneman recently said we do not need this money right now. But, in a report she provided to Appropriations on May, just last month. She noted that under the lab’s master plan, construction would be delayed if less than $331 million is spent on the lab in fiscal year 2004, the start of which is less than 16 months away.

So the real question is, do we want to delay this in the hope that maybe, somehow, terrorists will not attack our food supply chain, which is the most vulnerable part of our system right now? I suppose if you wanted to just hope on that, maybe you could vote to support the McCain amendment. But I would not want to hope on that. When we know what to do, we know this is a national animal disease lab that will respond and provide the necessary resources to prevent and repel a widespread terrorist attack on our food supply, especially our animal system of agriculture, and second to respond immediately if, God forbid, anything like this happens; and, third to respond immediately, especially our animal system of agriculture.

I am concerned that the money is not needed for an emergency. For the life of me, I don’t understand why the President would not want to move ahead more rapidly with the modernization and rebuilding of this National Animal Disease Laboratory. This is an amendment to the National Animal Disease Laboratory. This is not an emergency, nor is there a need for additional money for the National Oceanic and Atmospheric Administration.

We are going to give millions of dollars to Amtrak to repair cars that were damaged more than 10 years ago in the name of an emergency. And we are going to dig wells in the State of New Mexico—just in a certain place in the State of New Mexico—when wells are running dry all over the Southwest, including my State. But we are not going to give a couple in the State of New Mexico that we are going to spend $3 million on in the name of combating terrorism and the results of the attacks of 9-11.

The list goes on. Professional training of Middle East journalists may be important, but I would argue that it is probably not necessary on this bill.

We are going to have acceleration of advanced technology program awards; economic assistance for fishermen in the Northeast; the National Water Level Observation Network. The list goes on and on. It is very unfortunate.

As I say, sooner or later, the American people, when they see this buried in a bill they did not need to be concerned about, are going to want to know where the money went. They are going to want to know where the money went. When they find out where the money went, whether it be for Amtrak, or construction of apartments in Baltimore, whatever they are—then I don’t think they are going to be very happy with our performance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. HARKIN. That is true, yes. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I agree with 99 percent of what the Senator from Iowa just said.

Let us come back to what the amendment is all about. The amendment is about $90 million of money that has already been provided for fiscal year 2002. It is part of the regular appropriations. According to the President of the United States—and I assume the Secretary of Agriculture who works for him—if an additional money is needed for fiscal year 2002 or for the additional money for research, inspection, and monitoring activities relating to bioterrorism. This is all the money that anybody believes is necessary for research, inspection, and monitoring activities.

Again, I share the view of the Senator from Iowa about the dangers of bioterrorism. The Senator from Kansas, Mr. Roberts, who has been involved in this issue for many years, just approached me, I explained to him that this amendment in no way affects the moneys which are in the bill for research, inspection, and monitoring activities. What it simply does is take away money that is not needed for an 8-year construction project. That is over $4 billion. It is money that is not needed in which the administration and the President of the United States in his message to Congress say is redundant and because the money is already part of the regular appropriations process.

Again, perhaps this will accelerate construction of 8 years down to 7 years. But it has no place on an emergency supplemental appropriations bill.

I would like to add that I filed 21 amendments which largely reflected the views of the Senator from Texas. I will not take the time of the Senate to read all of those amendments and objections that I have. I still feel very strongly that those amendments filed, along with those of the Senator from Texas, are important amendments and would save tens or hundreds of millions of dollars of the taxpayers’ money that were taken directly out of the Social Security trust fund. It is now increasing the debt by leaps and bounds, but nobody wanted to take up the time of the Senate by having votes that—as the last two did and I imagine this one would—get 30 or 31 Senators in support.

But I do think it is important that we are on record on this issue. I will not waste the time of the Senate, but the American people deserve to know when the time comes—we are $100 billion in debt this year, and the previous estimate was that we would have a surplus that all of this money is not being spent in the name of the war on terrorism.

There is no more need to add unneeded money for the construction of these facilities anymore than there is an emergency. For the life of me, I don’t understand why the coral reefs off the State of Hawaii—nor is there a need for the cost-sharing requirement for the bio-mass project; nor is there needed $2 million to begin construction of an alcohol storage; nor is there a need for additional money for the National Oceanic and Atmospheric Administration.

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We are going to dig wells in the State of New Mexico—just in a certain place in the State of New Mexico—when wells are running dry all over the Southwest, including my State. But we are not going to give a couple in the State of New Mexico that we are going to spend $3 million on in the name of combating terrorism and the results of the attacks of 9-11.

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I yield the floor.
granted and some $10 billion to $15 billion was used for purposes other than that requested by the President.

I also hope this bill will be repaired in conference. I don’t have very much confidence in conferences. I think if you reviewed the record of what conferences do, they usually come out in the propensions with higher numbers of spending. I hope that this will be an exception to that general rule. I think, because of our inability to enact even the smallest cuts and the smallest reductions, the President of the United States said he will veto the bill. That will hold up the whole process of these much needed funds to fight the war on terrorism.

I understand that the Senator from Iowa will move to table the amendment. I will be glad to get that done so we can move on to other issues.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNANA): The Senator from Iowa.

Mr. HARKIN. Madam President, first, I wanted to say that I have a great deal of respect for the Senator from Arizona and his keen eye on spending. I think he is to be commended for that. Sometimes it is a lonely job. I commend him for that.

I appreciate what he said. He said he agrees with 99 percent of what I had to say earlier. I guess the 1 percent just happens to be the time limits.

But I will respond to my friend from Arizona by saying, first, that I want to make it very clear. If there is not an emergency, we will fully offset it.

Second, it is not a project that just happened; it was considered to be a project some time ago. But with September 11, and with the recognition now that our food supply is extremely vulnerable, especially animal agriculture facilities more than anything else, because of the concentration, because of the travel in and out of the country, and the ability to transmit some of these very deadly kinds of pathogens that can infect our animals in this country—and some of those can be transmitted to humans—after September 11, it is vitally important that we move ahead as aggressively as possible to rebuild this national lab.

Interruption and honestly, even if it weren’t in my State of Iowa, I would be saying the same thing the chairman of the Agriculture Committee and the chairman of the Appropriations Subcommittee on this health said. I don’t care where it is. This needs to be done sooner rather than later.

That is what the debate is all about: Do we want to make our food supply safer sooner or take a chance and make it later? Do we want to invest our money in our ability to respond quickly to a terrorist attack to our food supply sooner or do we want to do it later? That is what this is about. By doing this, we can get this thing finished by 2006. I have a timeline right here in front of me—8 years, 4 years. Quite frankly, we ought to do everything we can to collapse the timeframe as much as possible.

So, Madam President, I just close and ask unanimous consent that a letter dated today, June 6, by the Animal Agriculture Coalition, strongly supporting the $50 million included in the Senate version of the bill for the national animal disease facility, signed by a number of animal agricultural associations in the United States, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANIMAL AGRICULTURE COALITION,
June 6, 2002.

Hon. Tom Harkin,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned members of the Animal Agriculture Coalition (AAC) urge your support for the $50 million in the Fiscal Year 2002 Department of Defense Supplemental Appropriations bill for the U.S. Department of Agriculture (USDA) Animal Health Facility Modernization Plan in Ames, Iowa. The complete modernization of important U.S. Department of Agriculture facilities, including Animal Health Services Laboratories, and the Center for Veterinary Biologics, is urgently needed to protect the U.S. animal agriculture industries.

The Secretary of Agriculture issued a report on May 25 assessing the scope and need of the Modernization Plan. The report stated the "urgent need to renovate and modernize the existing facilities." The Secretary described four options for modernizing the facilities. The AAC supports the accelerated completion of building the joint facilities in 6 years at a cost of only $450 million, compared to 10-year plans costing from $440 to $545 million.

These current facilities are antiquated, inefficient and need to be replaced with a centralized modern facility, able to meet the national animal agricultural needs for research, diagnosis, and product testing for animal health. Only an up-to-date animal health and food safety research facility will ensure the safety of our national meat supply, allow the United States to compete globally in advanced medicine in order to respond quickly to disease outbreaks, such as those faced in Europe.

We urge your support for the $50 million in the FY 2002 Defense Supplemental Appropriations bill for the USDA Animal Health Facility Modernization Plan in Ames, Iowa.

Sincerely,

American Feed Industry Association; American Horse Council; American Meat Institute; American Society of Animal Science; American Veterinary Medical Association; Federation of Animal Science Societies; Holstein Association USA, Inc.; National Association of Veterinarians; National Cattlemen’s Beef Association; National Chicken Council; National Institute for Animal Agriculture; National Milk Producers Federation; National Pork Producers Council; National Renderers Association; United Egg Association; United Egg Producers; U.S. Animal Health Association.

Mr. HARKIN. Madam President, I now move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HARKIN. Madam President, I now move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I request unanimous consent that a letter from the American Horse Council have been read out a procedure to dispose of this amendment one way or the other. It is my understanding that the amendment of the
Senator from Georgia will be called up, and the Senator from Connecticut will offer a second-degree amendment to that amendment. We should move through this pretty quickly.

I would say, even though he is not on the appropriate Senator MCCAIN not offering his 15 amendments he had ready to offer, and he did not take a lot of time offering amendments. He stopped at three, and I appreciate that. We are moving down the road.

Following the amendment of the Senator from Virginia, the Senator from Illinois has an amendment he will offer. That, to my knowledge, is the only one we have on our side. I know Senator GRAHAM of Florida is talking about offering an amendment. We are about through on our side as far as amendments to offer. I am told the Senator from Texas, Mr. GRAMM, wants to make a point of order. We will be ready for that when that is done.

My point is, we are moving through these matters quite quickly. If everyone continues to cooperate, there is no reason we should not be able to finish this bill tonight.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I ask the majority whip, would it be appropriate, since the Senator is directing traffic, to put me in the queue before Senator WARNER and Senator DODD so I can offer my amendment?

Mr. REID. We, of course, yesterday indicated that on the bill itself, we would go back and forth, and the Senator from Virginia is offering this amendment. It would be appropriate we go to this side and the Senator from Illinois would be next recognized. I will put that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM addressed the Chair.

Mr. WARNER. The Senator from Virginia has the floor. I have been yielding for the purposes of letting our distinguished leader and others get their points made. I think we are progressing. If I understand, the UC has been granted; am I correct in that, Madam President?

The PRESIDING OFFICER. The unanimous consent request has not been granted.

Mr. WARNER. Is the Chair prepared to receive the vote of the Senate on that?

Mr. WARNER. If I might be so bold, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. DODD. Mr. President, why don't we submit the amendments and see how the debate goes. We are under a time limit anyway, under cloture for 2 hours, an hour for either side. There is a time limit, but possibly we can truncate that. Of course, the willingness of my colleagues to accept the amendment would be very appealing to the Senator from Connecticut.

AMENDMENT NO. 3597
(Purpose: To add the American Servicemembers' Protection Act of 2002)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for himself, Mr. HATCH, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST, proposes an amendment numbered 3597.

Mr. DODD. Madam President, why don't I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. The amendment is acceptable. I will let him look at the amendment and make his case for the first-degree amendment.

Mr. WARNER. Madam President, I think the normal way to proceed is for the principal amendment to be addressed by the sponsor, myself, and the cosponsors, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST and Senator sessions likewise.

This is a matter with which the Senate has considerable familiarity so I shall be brief in my remarks.

This amendment, the American Servicemembers' Protection Act, is necessary to protect—protect—our servicemembers and certain Government officials from prosecution—or that is potential prosecution—by the International Criminal Court, hereinafter referred to as the ICC, an institution which comes into effect on July 1, 2002, over the objections of the United States of America.

This amendment would protect U.S. military personnel and other elected and appointed officials of the U.S. Government against potential criminal prosecution by an international tribunal court to which the United States is not a party.

In light of our ongoing global war on terrorism, it is vital that the Senate adopt this important amendment to protect our brave servicepersons and others who are now being dispatched to the far-flung points of this globe in the battle against terrorism.

At the outset I would like to recognize the leadership of our distinguished
colleague, Senator HELMS, who by necessity is absent today; otherwise, he would be handling this. This is his legislation which I am privileged and, indeed, honored to bring forth on behalf of my distinguished longtime friend and colleague from North Carolina.

He has worked tirelessly on this issue for a number of years, and we all, every Member of this Senate, owe to him a debt of gratitude for keeping this matter before the Senate and to be the ever watchful eyes on the steps this Senate must take to protect our servicepersons and others.

President Bush has consistently—I repeat, consistently—opposed this treaty. In May of 2002, a short time ago President Bush notified the United Nations that the United States does not intend to become a party to the ICC.

However, since over 60 nations have ratified the treaty, the ICC will be established and will become effective on July 1 of this year. The International Criminal Court will have the power at that moment to proceed to indict, prosecute, and imprison persons anywhere in the world accused by the Court of “war crimes,” crimes against humanity,” and “genocide.”

In 2000 and again last year, Senator HELMS introduced, and I cosponsored, freestanding legislation similar to this amendment. Last December, the Senate approved by a vote of 78 to 21—and I encourage my colleagues to do their basic research on that vote to see how they cast their vote—a version of this legislation on the Defense appropriations bill which was dropped in the conference. It is important to note that the administration supports this amendment. I repeat, the President supports the amendment brought by myself and other colleagues. The Departments of State, Defense, and Justice have all been closely consulted and their views incorporated into this amendment.

Also, an identical provision is contained in the House-passed supplemental defense bill adopted by the House on May 24 of this year.

I received a call from the distinguished chairman of the Foreign Relations Committee, Congressman HYDE, early this morning, expressing his strong support of the Senate adopting favorably the amendment of the Senator from Virginia.

This amendment seeks to protect American servicemembers, embassy officials, and Department of Defense personnel from the ICC, and preclude cooperation with the ICC so long as the Senate does not ratify the treaty. This body, I repeat, will again have the opportunity, if for some reason it is brought up, to ratify this treaty. However, the amendment does allow, on a case-by-case basis, cooperation with ad hoc courts founded—that is, ad hoc courts elsewhere in the world—they are created through the United Nations Security Council, examples being those courts created by Yugoslavia and Rwanda.

I shall now outline key provisions of this amendment. First, no Federal or State entity, including courts, may cooperate with the ICC in law enforcement matters such as arrest and extradition, searches and seizures, discovery, asset seizure, financial support, transfer of property, personnel details, intelligence sharing, or otherwise render services to the ICC.

No classified national security information can be transferred directly or indirectly to the ICC.

The United States must secure permanent, unimpeachable jurisdiction for American personnel before they can participate in any United Nations peacekeeping operation or other arrangements must be in effect to protect U.S. peacekeepers from the jurisdiction of this Court. The President may submit a national interest certification, however, effectively waiving this restriction if that is his judgment.

Another provision: No ICC treaty party can receive U.S. military assistance except for NATO countries and for some NATO peacekeepers. The President may again may waive this restriction for other countries that ratify the treaty but then conclude agreements with the United States to protect our personnel from the Court. The President may also waive this restriction if he determines that such waiver is important to the national interest.

The President is authorized to use all means necessary and appropriate to bring about the release from captivity in the ICC of any U.S. armed forces member detained or imprisoned against their will by or on behalf of this Court.

The President is urged to analyze existing alliance command arrangements and develop plans to achieve enhanced protection from the ICC for U.S. military personnel subject to such arrangements.

Let me quote from testimony given before Congress in 1998 by the lead U.S. negotiator on the ICC, Ambassador David Scheffer. He explained the danger posed by the Court:

Multinational peacemaking forces operating in a country that has joined the treaty can be exposed to the court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the basic principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives.

In closing, let me also quote from a floor statement on this legislation given by Representative HENRY HYDE, chairman of the House International Relations Committee, on May 15, 2001:

The ICC threatens the sovereignty of our Nation. This legislation has been endorsed by a who’s who of the American foreign policy establishment—a bipartisan group of some of the most experienced experts on national security matters, men and women who held high office in every Administration since that of Richard Nixon. From Henry Kissinger, George Shultz and Brent Scowcroft to Donald Rumsfeld, Jeane Kirkpatrick, and Zbigniew Brzezinski, they all agreed. I quote one of them here. This legislation is an appropriate response to the threat to America’s sovereignty and international freedom of action posed by the International Criminal Court.

This is an important amendment that deserves the support of all our colleagues. We have a responsibility to protect our servicemembers and the adoption of this amendment is the right thing to do.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise to support the American Servicemembers’ Protection Act amendment. I am very pleased to join with my distinguished colleague from Virginia in support of this legislation, just as I was pleased to join with Senator HELMS in working with him and his staff on its behalf.

It might be worth noting that Senator HELMS made a determined effort and has been making a determined effort to pass this legislation. I think that is very admirable, and I would like to commend Senator HELMS for his leadership and wish him well.

I will not restate the details of this amendment since Senator WARNER has already articulated them so well, but I would like to make a few brief points.

As Senator WARNER mentioned, the Senate passed legislation similar to this amendment as part of the 2002 Defense appropriations bill. The final vote was 78 to 21, which constituted a clear majority of this Senate. Unfortunately, the conference committee missed an opportunity to have this protective legislation in place before the International Criminal Court was ratified earlier this year. Now the International Criminal Court becomes effective July 1. All American servicemembers, officials, and citizens will then potentially be subject to a court to which we are not a party.

That is why, in a nutshell, this legislation is so important. We need some degree of protection for our men and women in uniform and for other officials who sacrifice so much for our Nation.

This amendment is appropriately entitled the American Servicemembers’ Protection Act because our war on terrorism could put our military at risk of politicized prosecutions by the International Criminal Court. Other brave Americans who serve this country are also at risk, and this legislation will protect them as well. I believe that as elected lawmakers we are obligated to safeguard them from this potential threat just as we would from threats on the battlefield. I also believe it is important for our military to know that Congress will not stand idly by while this questionable Court comes into existence.

Make no mistake about it, our servicemembers are very aware of the
importance of this pending legislation. We must send them the clear message that they have our full support. I can guarantee that if we do not get this done, and done soon, we will look back and regret our inaction. I, for one, do not want any Senator to go back to the people and explain why their son or daughter is being subjected to an international court on a trumped up charge of war crimes.

The administration supports this amendment, Mr. Warner said, and so should we. Let us do the right thing again, as we did in December, and pass this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Connecticut.

Mr. DODD. Mr. President, first let me explain my second-degree amendment. In fact, I will read it because it is easier to read it than go through an explanation.

At the end of the amendment being offered by my friend from Virginia, we would add a new section that says:

Nothing in this title shall prohibit the United States from rendering assistance to international tribunals, to bring to justice Saddam Hussein, Slobodan Milosevic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

This title shall cease to be effective at the end of September 30, 2002.

The reason for that last section is because, pending in conference, is this very issue, in the Department of State-Judiciary authorization bill. I do not understand why we are proceeding with this matter today. Currently, we have in conference a debate going on over this very matter, why should we now add it to an appropriations bill? If we pass the Warner amendment, those who sit on the committees of jurisdiction of this matter will be excluded from the debate. This is not the place for this amendment.

But first let me turn to my second-degree amendment. I hope my colleagues might accept this second-degree amendment because I cannot believe, I do not want to believe, that if we apprehend, through the international community, people I have just mentioned on my list, that under this bill we would be prohibited from assisting in the prosecution of Osama bin Laden, the Islamic Jihad, Saddam Hussein, and other members of the terrorists throughout the world.

My amendment merely says that despite whatever else we have said, when it comes to prosecuting these people, we would participate and help, even though we are not a signatory or a participant in the International Criminal Court.

I hope my amendment is adopted and accepted. It seems to me, if not, we will have to have a vote on this amendment as the second-degree amendment to this bill.

And, now let me make a case against the underlying proposal. I remind my colleagues this amendment is 29 pages long. This is a bill. This is not an amendment. It deserves to be looked at.

Let me state what the bill does, and remember that our NATO allies have signed this treaty. I read from the bill: "in the case of war crimes, bars the transfer of intelligence of law enforcement information which specifically relates to matters under investigation by the ICC, to the ICC, or any government which is a party to the Court."

That is striking. We are going to bar intelligence sharing with the European Community and our NATO allies because they have signed this? Two, it restricts U.S. participation in U.S. peacekeeping. It bars U.S. participation and U.S. peacekeeping or peace enforcement operations unless the President certifies the action.

Third, it prohibits military assistance to any country that is a party to the ICC. That was mentioned: NATO; and major non-NATO allies are exempted, as well as Taiwan, unless they have concluded an agreement to prevent proceedings against U.S. personnel.

Lastly, and this is one to pay attention to, this amendment authorizes the President to use "all means necessary and appropriate" to free any U.S. personnel of NATO and major non-NATO allies, including persons working on behalf of nonallied nations detained by the ICC.

We now send troops to free people from the ICC? The Philippines is an allied nation, but there are terrorists in the Philippines. Now, in the future the UN could bring Philippine terrorists to The Hague and try them, and the United States, under this, you can make a case, would have to go in and free them because they are an allied nation.

Do we really want to do that? Please read this bill. This goes far beyond what may be a reasonable proposal of trying to guarantee the U.S. military personnel not be unfairly, unnecessarily, or unjustly prosecuted. The idea we are going to bar intelligence sharing is ridiculous. We are not going to participate in peacekeeping, and that we are actually going to go in, not on behalf of just U.S. personnel, but under this amendment, if adopted and agreed upon under the supplemental appropriations bill, we go in and free criminals when allied personnel are subjected to the ICC.

This is a 29-page amendment. This goes way beyond what I think my colleagues believe we are trying to do. Please read this amendment. We are doing things quickly around here. It is a supplemental appropriations bill, and we are trying to rush it through.

If we are in conference dealing with this very same proposal or one like it, which is the place of being done—and we wouldn’t deal with defense matters here or other issues. That is the reason we have a Foreign Relations Committee. It is the reason we have a Judiciary Committee.

So we are going to turn this matter over to the Appropriations Committee and deny the other committees that have worked on this a chance to rework it. That is an insult to the Senate ought to be doing its business, in my view.

Let me give my colleagues a bit of history. It was the United States at the World War II conference when George Marshall and Harry Truman and Douglas MacArthur and Dwight Eisenhower and Arthur Vandenberg, who stood in this Chamber and outside of it and argued for rebuilding Japan, rebuilding Europe with the Marshall Plan, setting up the U.N. system, the World Bank, the IMF. And they did it in spite of huge opposition. Only about 18 percent of the American public believed we ought to have a Marshall Plan. But we had a Harry Truman who said the right thing to do. It may not be popular, but it is the right thing to do.

When you have 133 nations, and 60 of them have signed this treaty, and we are not a signatory, we ought to be doing something to make it work right.

I quickly add, if that treaty as written were before the Senate today, I would have a hard time voting for it. And my colleague from Virginia is right. When President Clinton signed that treaty, he recommended it not be ratified as written. However, to say we should not ratify it when we signed it is wrong. We should not work at it. And it does not mean you go around and penalize every one of your allies because they have. We do protect service people. Each day we protect them. We have agreements, we have our service people located all over the world, on how they would be handled should a matter arise, such as it has in Japan with allegations of rape by servicemen. And we deal with those matters.

But the idea that we would walk away at the very hour we are trying to build support internationally for dealing with terrorists is absurd. I also note that we have been told flatly there will be no further ad hoc trials, the ICC is a U.N. system that has been set up so as not to go through it on an ad hoc basis. It means for all the future efforts our recourse only is military action.

There are many who believe if we had an international criminal court in the early part of the 20th century, we might have been able to avoid some of the tragedies that occurred. Listening to people such as Elie Wiesel, today’s powerful advocate of Auschwitz, an Holo- caust victim. Elie Wiesel says this bill is an outrage, it is wrong. The people who went through what they did as a result of the Nazis ought to understand that we are trying to set up a system so that we might avoid that kind of atrocity being repeated.

This bill is poorly written. It is poorly crafted. It does great damage to the
United States at a critical time when we are trying to build support in dealing with the issues of terrorism.

It should be fresh in our minds the fact that at the end of the cold war, an explosion of ethnic brutality led to the necessary but horrific bloodbath in Rwanda and in Yugoslavia, but there was no means available during those days to try the Idi Amins and Saddam Husseins of the world and others who evade their nation's justice and avoid the response of the international community. Even after the few exceptions, the world has stood helpless and silent in the face of such crimes against humanity.

Finally, the world stands up. We have been begging to do it for half a century, and they finally do it. They finally adopt the Rome treaty—133 countries, and 67 sign it. It goes into effect in a matter of days. They are finally doing what they are doing—executed for those crimes.

In the face of such crimes against humanity, with them in a harsh way. I don't think that is wise. These are our NATO allies, Our Russian friends.

We should be rejoicing that finally—finally—at our insistence, with the entry into force of this Court, any individual who commits genocide, war crimes and crimes against humanity, will be on notice that they will be prosecuted for those crimes.

So these thugs around the world who are doing what they are doing—we are finally getting the world to recognize we have to stand up to them. Now we are going to go after our allies and penalize them because they signed the Rome treaty and because they believed that finally this may be a way to proceed on some of these issues. We attack the Court and those who have chosen to join it. We have nothing to fear from this Court. We have nothing to fear about strengthening the rule of law.

That is what people such as Harry Truman, George Marshall, and Douglas MacArthur stood for. They believed it. We ought to be joining them historically by opposing this amendment and encouraging the improvement of this International Criminal Court, becoming a party to a great effort and not walking away from it.

I do not understand in many cases why our allies continue to support our efforts when we react to them as we are doing with these amendments.

Last month, in fact, the Bush administration took the unprecedented step of UNSIGNING the International Criminal Court. Ironically, I offered an amendment at that time when we were debating the issue to say I will accept this amendment that the authority to walk away from this. We only had 158 votes in this Chamber. This President—not the past President, this President—got 48 votes in this Chamber, deferring to the President to decide whether or not to invoke the provisions of this particular bill. Here we are now even walking away from that.

I point out that when the President decided to UNSIGN this treaty it was an unprecedented act in the history of this Nation. I cannot find a single example in our own history of more than 200 years where a United States President of either party ever unsigned something like this. What does that say to the countries around the world that we that get to sign treaties with us if we are not going to live up to our agreements when a American President signs them, is going to create real problems for us down the road, I predict.

On May 6, 2002, Under Secretary of State Grossman announced that the United States would make its objection to the death penalty, with a reservation to the Court’s Rome statute and said the United States would seek agreements with other countries to remove American servicemen.

Mr. Grossman also said: Not withstanding our disagreements with the Rome treaty, [again, the Rome treaty was our idea] the United States respects the decisions of those nations who have chosen to join the ICC.

Is this respecting these other nations, when we go down that list of the provisions of this bill? Is this respecting those who have signed it? We bar intelligence or law enforcement sharing. We are not going to participate in U.N. peacekeeping in their countries.

Mr. WARNER. Ambassador Pierre Prosper, who is head of the War Crimes Office, said:

The President has made clear that what he wanted to do today was make our intentions clear and to not take aggressive action or wage war. If you will, against the ICC or the supporters of the ICC.

Read that statement and then read this bill that you are going to vote on shortly and ask whether that is consistent with the administration's position. Read what we do here under this amendment if adopted.

I wonder if our colleagues know the amendment that is being offered is called The Hague Invasion Act by our allies because of its extreme provisions authorizing the use of armed force. All but one other NATO nation completely and strongly backs the ICC, and the entire European Union has ratified the ICC and strongly demarched the United States, indicating disappointment with the U.S. signature nullification.

The amendment by the Senator from Virginia forces the United States into a dangerous and counterproductive game of diplomatic chicken with our closest allies at a time when the alliance is already under great strain, and throws salt in the open wounds of our closest allies in the war on terror, and I think it is dangerous.

The amendment is a very complex agreement. It is not one size that fits all. There are waivers within waivers which turn out not to be waivers at all because the conditions of the waivers are unattainable in many instances. This is not an issue we should be considering as part of the emergency supplemental appropriations bill, but as I said earlier, it truly belongs in the conference where it is, with the members of the committees of jurisdiction debating it. This matter is in that conference. That is the place it ought to be considered.

The Warner amendment would prevent the United States from participating in peacekeeping or peacemaking activities pursuant to the United Nations in countries that happen to be members of the Court. There is no significant amount of assistance in this bill for Colombia on which we are voting here. I wonder if our colleagues know that Colombia ratified this treaty on June 5 and is now a party to the Court. President Pastrana said ratification with the ICC would send a message to the FARC, the revolutionary group in Colombia, that it would be held accountable for the murders of 110 civilians. It is a refuge in a church in that country. The Warner amendment would prevent the President from sharing national security information with a court or any country which is a party to the Court, absent assurance the information would not go directly or indirectly to the Court.

I don't think you could ever give that assurance. If faced with an effort to prosecute the FARC and Colombian request for assistance to go after the people who murdered these civilians, under the provisions of this amendment, if adopted, the United States would refuse cooperation.

I think that is outrageous, I think that is bad. I think if it is adopted.

Mr. WARNER. Will the Senator yield for a quick question? Is there not incorporated in the amendment of the Senator from Virginia sufficient Presidential waiver to take care of every point that the Senator has made?

Mr. DODD. I say to my colleague, you have to give assurance that none of this information either indirectly or directly would go to the Court in allowing for the prosecution of those people, I don't think the President could get that assurance. If you are going to be prosecuted in the Court and you are going to share information with the country that wants them prosecuted, how can you give a waiver doing that? That is what I mean by the amendment if adopted.

Mr. WARNER. Why would the Secretary of Defense have indicated?

Mr. DODD. It is my time. I will be finished in a minute, and then I will give my colleague all the time.

Mr. President, may I finish?

The PRESIDING OFFICER. The Senator from Connecticut.
Mr. DODD. This is outrageous, this amendment. I urge my colleagues to read this. Read this, please, what we are about to do, here.

This has waivers within waivers. It is 29 pages of complex contradictory provisions. It is doing something that make it virtually impossible in many instances for any kind of waivers to be applied here. Further, the amendment would also prohibit the United States from providing military assistance to many countries that are parties to the Court, including such countries as Colombia, unless the President first takes the step of waiving the provisions of that particular provision.

I would say what is going to happen, if our allies respond to this prohibition by barring the sharing of information they may have, which we have a strong national security interest in having—we are sort of provoking this kind of tit for tat, but, a new brand of the Hague?

I don’t believe that is the way to go. There are ways of improving this treaty. This is not the way. This is about politics and votes in here. This is not about making this a stronger agreement. This is about doing something that would make our Nation proud.

I can only imagine what would have happened if this Senate had been operating in the days after the end of World War II, when the Marshall Plan, when it wasn’t popular to do so, using taxpayer money to rebuild Japan and rebuild Europe. In a sense, that is what we are trying to do here; it is to rebuild an internationally community to deal with the issues of justice in the world. We are now going to walk away from it entirely.

It has been further said you can set up ad hoc courts. No, you can’t. The U.N. is not going to do so, using taxpayer money to rebuild Japan and rebuild Europe. In a sense, that is what we are trying to do here. We are, instead, to establish the ICC. That is it. Not ad hoc courts. The ad hoc courts work when there was no ICC. Now in the establishment of an ICC, whether we like it or not, it is going to go into effect in July. That is a fact. So, the ad hoc courts are not going to be set up. So when we go after these other people, or try to anyway, the only place you can bring them is to the ICC. But by not being a part of, that we take ourselves out of the game and leave ourselves only the option of militarily going after these people.

That may be a viable option if nothing else works, but I don’t think you want to exclude the option of taking these people to court under the rule of law.

The ICC is now the only game in town. The bottom line is that the Security Council is unlikely to approve any new ad hoc courts unless once the ICC is established. When international efforts attempt to bring Saddam Hussein or Osama bin Laden or the Islamic Jihad to justice, what is the United States going to be doing? What about slave traders and war criminals around the globe?

We will exclude ourselves from assisting in those efforts. That is what this amendment says. We will not be a party to it.

The Warner amendment gives the administration a war powers blank check. Section 3008 of the Warner amendment authorizes “use all means necessary and appropriate” just as the Gulf of Tonkin Resolution authorized all necessary means to release persons arrested by the ICC.

This is a huge giveaway of congressional war power. Do we really want to be giving open-ended authority to the executive branch to put American servicemembers at odds with the forces of some of our closest allies? Are we prepared to send troops, in a sense, to the Hague? This extraordinary grant of authority in section 3008 just doesn’t apply to U.S. servicemen. It extends to “any person working on behalf of” many foreign nations, including Egypt, or the U.K., or the Philippines, or Korea, and the like. That goes way beyond what we are being told this amendment accomplishes.

This amendment breaks faith with the House amendment. Mr. Weisel has warned that this bill “would erase the legacy of U.S. leadership on international justice.” Further, he said, for the memory of the victims of the genocide and the war crimes, this bill must be defeated. This comes from Elie Weisel. These are the people we ought to be listening to when it comes to establishing an international criminal justice court to deal with crimes against humanity and genocide.

Therefore, I urge my colleagues to vote against this amendment. Israel, Israel signed the Rome Treaty, which is supported by the American Jewish Committee and the Religious Action Center to Reform Judaism. Most of Israel’s concerns have already been factored into the negotiations. But Israel is going to need the United States as a fully engaged partner in future negotiations over the definition of aggression and other issues. No matter what one thinks of the ICC, it is clear that the International Criminal Court is bad for our ally in the Middle East at a critical time, the State of Israel.

For all those reasons, I hope the second-degree amendment I have offered will be agreed to. That would at least provide us an opportunity to go after the people I have mentioned should they be apprehended by the Court, and we could be a part of pursuing them. If my amendment is not adopted, it would certainly be in the absence of that we are going to look rather ridiculous in making a claim about seeking support for antiterrorism.

Mr. REID. Mr. President, if the Senator from Connecticut agreed to, the Warner amendment still stands. Will the Senator explain to the Senate the finality of that, if both amendments are agreed to by the Senate?

Mr. DODD. If the Warner amendment is agreed to, I still have a problem with it. However, I will read my amendment again.
directly or indirectly with the ICC, we then would have to cut off the aid to them.

Remember that this proposal is presently in conference. What do you have a Foreign Relations Committee for? What do you have a Commerce Committee for? What do you have a Judiciary Committee for? If we are just going to adopt things on the appropriations bill, why not get rid of the authorizing committees?

What is the point? If I have to watch things being thrown on a supplemental appropriations bill, why do we spend the hours in committee trying to work these things out if we come in and just wipe it out and adopt it on a supplemental appropriations bill, when negotiators have no knowledge of the work that has gone into drafting the language that is sitting in a conference, trying to resolve it?

Unless you are on the Appropriations Committee, you have nothing to do with this and yet you are bringing up all the authorizing controversies and throw them on here—to satisfy Tom Delay and the House leadership who want to jam this thing through? That is what they want to do. There is no mistake about it.

This isn’t a serious debate about where the United States ought to be on a critical issue facing our country at a time when we were attacked, only 9 months ago, by terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened very carefully in a very quiet and dispassionate way to my friend from Connecticut. I have studied his amendment. I have an observation, and then a question to put to my friend.

The first is, his amendment has two sections: Section 2015, and section 2016 relates to any prohibition of the United States rendering assistance to international criminal tribunals. It gives the executive branch the authority to initiate, participate in, or exercise control over international criminal proceedings. The Senator from Virginia has indicated that he intends to have the executive branch use all means necessary to bring to justice Hussein, Milosevic, bin Laden, and so forth.

I say to by good friend that if you will look at my amendment, we have a provision that begins actually on page 8, and I shall read it: Authority to waive sections, and so and so, with respect to an investigation or prosecution of a named individual, and the President is authorized to waive the prohibitions and requirements of section 3005, to the extent to the agreed section prohibitions, and so forth.

This was carefully crafted in consultation with the Department of State to do precisely what the Senator from Connecticut desires to do in section 2015.

I think our amendment has taken care of section 2015.

Mr. DODD. Mr. President, will the Senator yield?

Mr. WARNER. I yield only for the purpose of a response to my question.

Mr. DODD. You have to understand that, if you go on to page 9, line 14, a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of section 3005 and 3007, and I refer back to page 6, 3005 and 3007.

There it says, “authority to initially” waive these sections. It says, “notifies the appropriate congressional committees”; and “determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement.”

You have to get a waiver. You have to go back to the earlier waiver, and you have to notify the appropriate committee by the ICC.

That is what I mean by this.

Mr. WARNER. Mr. President, in order to save the Senate time, I think the amendment cares for the concerns that the Senator from Connecticut has about 2015. But I make an offer to the Senator from Connecticut that I amend my amendment to incorporate verbatim his section 2015. Would he have any objection if I put it in? I think that would alleviate his concerns. Then we would have a provision left in his amendment to consider.

Mr. DODD. The only thing, 2016—

Mr. WARNER. Mr. President, I am directing a question to 2015. Let us stay on that for a minute.

Mr. DODD. I want to respond as well. I appreciate that. The reason 2016 is there is to say at least give the authorizers a chance to complete our work.

Mr. WARNER. That is a separate argument. Could we address them one at a time? I put to my colleague the question: Would he have an objection if the Senator from Virginia sought to amend his amendment to include verbatim the provisions of the Senator designated as 2015?

Mr. DODD. My point is—I appreciate that—I want to also talk about 2016.

Mr. WARNER. Fine. Can we do them separately?

Mr. DODD. No. Let’s do them together.

Mr. WARNER. Well, we are not, Mr. President. The question is not: May I amend it to include 2016?

Mr. DODD. Section 2015—

Mr. WARNER. To facilitate the Senate moving ahead on this matter and on the bill—you have raised this question—I am prepared to amend my amendment to include 2015.

Mr. DODD. Let me suggest the absence of a quorum.

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

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

Mr. WARNER. Now, Mr. President, I formally put to the Senate the unanimous consent request that the Senator from Virginia may modify his amendment to include verbatim section 2015 of the second-degree amendment offered by the Senator from Connecticut.
and appropriate’’ to bring about the release of a ‘‘covered person’’ that is being held for trial before the International Criminal Court.

Who is a ‘‘covered person’’? The amendment defines him to be an American, or a foreign national of one of our allies. Is Congress really prepared to issue a blanket authorization to allow the President to use ‘‘all means necessary’’ to rescue from prosecution a person from counties like Argentina, Jordan, or Egypt.

There is no way that we could predict the circumstances under which a person from one of these countries could be accused of war crimes. But this amendment gives the President a congressional authorization to use our military to compel the release of a prisoner of the International Criminal Court before Congress even has a chance to examine if the use of force is justified. This is a dangerous and unwise delegation of the constitutional power of the legislative branch.

I must also question why this amendment is being proposed to the supplemental appropriations bill. This very same amendment is included in the State Department authorization bill passed by the House of Representatives. This provision is now being deliberated in a conference committee. Further consideration of legislation relating to the International Criminal Court would best be left to the committees of jurisdiction, including the Foreign Relations Committee, rather than the members of the Appropriations Committee who will be appointed to the conference on the supplemental appropriations bill.

To that end, I support the Dodd-Leahy amendment, which will limit the duration of the American Servicemembers’ Protection Act to fiscal year 2002 only. If the proponents of the American Servicemembers’ Protection Act believe that there is an urgent need to pass this legislation, then there should be no problem in accepting the Senators’ amendment. The Dodd-Leahy amendment would provide for a stopgap protection against the International Criminal Court until such time as the conference to the State Department authorization bill complete their work. This is a reasonable limit to an intrusion into an issue that is being debated in a conference committee.

While we must seek to preserve the sovereignty of the United States by protecting our citizens against prosecution in front of the International Criminal Court, a body which will operate without any checks or balances from any branch of our government, this amendment goes too far in delegating the constitutional responsibilities of Congress over authorizing the use of force. Furthermore, the supplemental appropriations bill is not an appropriate legislative vehicle for addressing this issue. I urge my colleagues to support the Dodd-Leahy amendment.

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**The motion was agreed to.**

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. REID. It is my understanding the Senator from Virginia has moved to table the Dodd amendment, and the yeas and nays have been ordered.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL), are necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 139 Leg.]
me state at the outset my view on sev-
eral issues that this amendment raises.

First, I want to make clear that I do not
support the International Criminal
Court as it is constituted. The Rome
Statute which creates the Court is flaw-
ed and would be a mistake for the
United States to become a party to the
Court under the Statute. The President
made clear last month that the United
States will not do so.

I do support protecting American
servicemen and women. The Court
Statute purports to provide jurisdiction
over individuals from nations which have
not become party to it. That is
wrong as a matter of treaty law and of
basic fairness. We can and must protect
our servicemen from the jurisdiction of
the United States will not do so.

The authority to rescue foreign na-
tionals, I submit, is probably unnecess-
ary: most scholars would agree that the
President has the authority to rescue Amer-
can citizens or nationals who are in
danger from a foreign power or cir-
cumstance. If an American is detained
by the Court, the President will surely
have the support of the Congress to
take whatever action necessary to res-
cue that servicemember.

The authority to rescue foreign na-
tionals, such as an accused war crim-
inal from Australia or Egypt, is unwise.
As a constitutional matter, I am un-
willing to give the President such a
blank check to invade the Nether-
lands—where this Court will be
located. Only the Congress has the power
to authorize such use of force, and we
should not do so in advance, without
knowing all the circumstances.

I am also concerned about a provi-
sion which bars military assistance to
countries which join the Court. This
would apply, as the Senator from Con-
necticut noted, to our assistance to Co-
lombia, a country we have been strong-
ly supporting with substantial military
assistance. Such restriction may be
waived on two alternative grounds, but
I ask my colleagues: why would we
ever consider cutting off aid to our
ally in Colombia because it made the
sovereign choice to join the Inter-
national Criminal Court?

This provision does not apply to our
NATO partners, and certain non-NATO
allies like Egypt, Israel and Japan.

How can we tell our NATO allies or
others that they are free to join the
Court without fearing an aid restric-
tion, but then turn around and tell
other countries that they could face
penalties if they join the Court?

This provision is directly contrary to
the position of the Bush Administra-
tion. When the Administration an-
nounced its position on the Inter-
national Criminal Court last month,
Under Secretary of State Marc Gross-
man made it clear that the United
States was going to “respect the deci-
sion of those nations who have chosen
to join the ICC.” This provision to cut
off military aid would violate that
principle.

My bottom line is this: we should not
join the Court as it is currently con-
stituted. Its provisions purporting to
extend jurisdiction to non-parties and
the inclusion in the Statute of the
court of aggression and sufficient rea-
son to do so.

But this legislation is not necessary
to protect our interests. President
Bush has adequate powers to do that.
it adds very little to the powers he now
possesses. But it could complicate our
foreign policy with friends in Europe
and elsewhere. And it gives future
Presidents a blank check to rescue for-
gain nationals detained by the Court. I
think that is a mistake, and therefore
will vote no.

Mr. BROWNBACK. Mr. President, as
you know, on December 31, 2000, former
President Clinton signed the UN’s
Rome Statute that would obligate the
United States to comply with the
International Criminal Court. I was
disappointed in this action, and until
President Bush formally notified the
United Nations on May 6 that the U.S.
would not become a party to the Rome
Statute, I was prepared to fight the
Court without fearing an aid restric-
tion, and in defining and crimes that parties
to the treaties themselves are not bound
by.

The American Servicemembers’ Pro-
tection Act, ASPA seeks to protect the
United States from these coercive
elements of the treaty, and precludes co-
operation with the International
Criminal Court so long as the United
States is not a Rome Statute party.
ASPA still permits cooperation with ad-
hoc courts created through the UN Se-
curity Council, such as the Yugoslav
and Rwanda tribunals, and prosecution
of future war criminals. Such a tri-
bunal created by the Security council
at least provides the U.S. with a veto
option where we have a say in its man-
date and are therefore about to ensure
that war criminals will not escape jus-
tice.

From Sudan to China, Eastern Eu-
rope to South Asia, many of my col-
leagues and I have devoted consider-
able time in the Senate to protecting
human right, democracy, and religious
freedom.

This treaty would undermine the U.S.
ability to promote and protect the
ideals that we have fought for: the
values of democracy, freedom and open
societies for the people of the world.
While this treaty may be well-intentioned, its vague language gives UN officials unchecked authority, and it imposes an unbearable burden upon the U.S.

This country’s commitment to pursuing accountability for war crimes, genocide and crimes against humanity is an important part of our foreign policy objectives and one that serves as a model for others. It was through U.S. leadership that Nazi war crimes were prosecuted. It was through U.S. leadership that war criminals in Bosnia-Herzegovina and Kosovo were brought to justice. If my fellow members want to maintain America’s ability to keep its international commitments abroad, then we must protect our soldiers and our civilian leaders by passing the American Servicemembers’ Protection Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for the unanimous consent that the Senator from Virginia has the floor.

Mr. REID. For the unanimous consent, the Senator from Nevada.

Mr. REID. For the information of Senators, Senator ALLEN from Virginia wishes to speak on this underlying amendment for 5 minutes. I do not know of anyone else who wants to speak on this amendment. We will have a vote in the next few minutes on the underlying amendment.

Following that, next in order, by virtue of a unanimous consent agreement, is Senator DURBIN. He has indicated he will speak for perhaps half an hour. There may be others who wish to speak. We will have a vote sometime after that. We are going to have a series of votes in the near future. Members should remain close to the Chamber because we are moving pretty well.

It is yet to be seen whether we can complete our work tonight.

I will say to my friend from Connecticut, this was not in the Senate bill that is before this body. I just want to make sure the Appropriations Committee that I am a member of made sure this was put in on an amendment from the floor. The Appropriations Committee did not do it.

I say to my friend, this was not put in by any member of the Appropriations Committee. It was put in by an authorizer to the Senate. Senator DODD from Connecticut is an exemplary Senator who does a great job on every authorizing committee he is on, but I want to say do not blame the Appropriations Committee, because it did not put it in the Senate bill. It was offered separate and apart.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. BIDEN. Will the Senator yield for a question?

Mr. WARNER. Were the yeas and nays ordered?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator?

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Has the Dodd amendment, which reads, “Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosevic, Osama bin Laden, and other leaders of al-Qaida, leaders of Islamic Jihad, and other foreign nationals accused of crimes in the United States or crimes against humanity,” been made a part of what we are about to vote on?

The PRESIDING OFFICER. It has been modified.

Mr. WARNER. Mr. President, I assure the Senator it is. The Senator from Virginia made two attempts, failed on the first attempt for the vote, but succeeded on the second attempt just a minute or two ago.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I understand the Senator from Virginia put forth a unanimous consent agreement that there would be a vote following 5 minutes from the other Senator from Virginia. Is that right?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. No, the request was not made as a unanimous consent.

Mr. REID. Then I would propound that as an unanimous consent request.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in support of the amendment that my good friend, Senator WARNER of Virginia, has offered. I am a co-sponsor of this act and a co-sponsor of this amendment, along with my friend, Senator MILLER of Georgia. I continue to believe that the International Criminal Court poses a threat to the sovereignty of the United States and the individual freedoms of America.

Americans do care about the rest of the world. The rest of the world, though, can make their own decisions. The Europeans, if they want to merge their currencies, can do so. It does not mean we have to put our dollar in with their currency. We have a right to control our own destiny and the sovereignty and fair justice administered in our country.

This International Criminal Court would have the jurisdiction to punish individual American officials for foreign policy and military actions of the U.S. Government. The laws and the rules of this treaty do not offer fair and equal justice, nor do they offer the due process rights guaranteed and protected under our Bill of Rights.

The mechanism used to introduce and pass this treaty was not put forward by an independent prosecutor, who would be one who is not really accountable but would be given the autonomy to enforce justice as that prosecutor sees fit. Placing such power in the hands of one individual is not only ill-advised, it runs contrary to the very foundation of justice upon which our country was built upon.

For example, if the international prosecutor believes a U.S. court’s decision was inadequate or incorrect, then this prosecutor is authorized to indict the alleged human rights abuser and demand a new trial in the International Criminal Court. This is all contrary to the laws of the constitutions of our States and the Constitution of our country. Our constitutions do not give this prosecutor the autonomy to introduce a new trial. Instead, it has been a part of our justice system to give the accused a fair trial and a new trial if necessary.

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The amendment of Senator WARNER, the American Servicemembers Protection Act, is supported by the following organizations: The National Guard Association of the United States, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of the U.S. Army, the National Military Family Association, the Navy League of the United States, the Retired Officers Association, the Coast Guard Association, the Gold Star Wives of America, Jewish War Veterans of the USA, the Marine Corps League, the Marine Corps Reserve Officers Association, the Military Order of the Purple Heart, the Navy League of the United States, the Retired Officers Association, the United Armed Forces Association, the Veterans of Foreign Wars of the United States, and others.

I believe the former President, Mr. Clinton, made a serious mistake when he signed the Rome Treaty in the last days of his administration. President Bush wisely rejected the Rome Treaty.
June 6, 2002

Lieberman
Murray
Reed
Specter
Wells

NOT VOTING—6
Bingaman
Campbell
Daschle
Dayton
Helms
Voinovich

The amendment (No. 3597), as modified, was agreed to by the Yeas and Nays as follows:

Mr. DURBIN. Mr. President, I call up amendment No. 3729, which was previously filed.

The PRESIDENT pro tempore. The clerk will report.

The PRESIDENT pro tempore. The PRESIDING OFFICER will report.

The clerk will call the roll.

The Yeas and Nays have been ordered.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. Byrd), the Senator from Ohio (Mr. Voinovich), the Senator from South Dakota (Mr. Thune), and the Senator from Minnesota (Mr. Dayton) are necessarily absent.

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

The PRESIDENT pro tempore. The amendment is as follows:

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

The result was announced—yeas 75, nays 19, as follows:

[Role Call Vote No. 140 Leg.]

YEAS—75

Allard
Alien
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Carnahan
Chafee
Clay
Clinton
Collins
Conrad
Corzine
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Ensign

NAYS—19

Akaka
Biden
Boxer
Byrd
Cantwell

Carper
Dodd
Durbin
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gregg
Hagel
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kerry
Kraut

Kennedy
Kohl
Leahy
Lieberman
Mikulski
Miller
Murzowski
Nelson
Nelson
Nicks
Reid
Roberts
Rockefeller
Sanatorium
Schumer
Sensations
Sensations
Shelby
Smith (NH)
Smith (OK)
Snowe
Stabenow
Steven
Thomas
Thompson
Thurmond
Torricelli
Warner

Wyden
You have to ask yourself: Why would you reduce the amount you are spending fighting the global AIDS epidemic through the Global Fund? There is no good explanation.

I had before the Appropriations Committee on Foreign Operations, on April 24, and not very much, Secretary of State Colin Powell. I stated the following: . . . Mr. Secretary, Senator SPECTER and I are going to offer an amendment to the supplemental for 2001, which I think commits to multilateral and bilateral efforts on AIDS as an emergency appropriation. I just can’t think of money that we could spend more wisely than to try to stop the pace of this [global] epidemic.

I think the American people understand this, too. This isn’t a problem in some other part of the world; this is a problem of our world; a problem that is sadly an airline flight away from being delivered to the United States every hour of every day. I hope we can win the support of the administration for $700 million.

This was in April of this year, a question I asked of Secretary of State Colin Powell.

Let me read you his reply: I will pass that on to my colleagues downtown and see what we can do as it comes through, but I couldn’t agree with you more, sir.

Secretary of State Colin Powell has been a real leader. Sometimes he has not been the most popular person in this administration with some, but he certainly understands the gravity and scope of this crisis. And, as he said, he couldn’t agree with me more in terms of funding to fight this epidemic.

We need to show real leadership in this Chamber. We need to step forward and say—not only to America, but to the world—that this is our chance and this is our opportunity.

The global summary of the HIV/AIDS epidemic I have shown you. Let me also show you this chart: About 14,000 new HIV infections every day in the year 2001. As I said, more than 95 percent in developing countries; 2,000 are in children under 15 years of age; about 12,000 are in persons aged 15 to 49 years, of whom almost 50 percent are women, 50 percent are between the ages of 15 and 24.

Two years ago, I made a trip to Africa. I went there to look at other issues. I really was not focused on the global AIDS epidemic. I went there to look at other issues. They came to together to sing us a chorus. That is not unusual in Africa. They sing when they greet you; they sing when you leave; they sing all the time. And as they sang the songs that they had written, a young woman forward, who was clearly thin, who did not have much time left, and, in the most angelic voice, sang a song she had written entitled “Why me?” I will never forget that—why him? Why her? Why me?

You say to yourself if this is a hopeless situation? If they don’t have the medicine, if they don’t have the medical care, if they don’t have the hospital, what can we do? We cannot provide the Magic Johnson therapy to every victim in Africa. It would be too expensive. We could not monitor it. But, trust me, there are things we can do and things that help.

Ten years ago, when Uganda realized the problem of the new mothers were found to be infected with HIV—30 percent. They decided, as a governmental, to do something about it: A public education campaign, condoms, talking to people about the dangers of unprotected sex.

In a matter of 10 years, with this basic effort, they reduced the HIV infection rate among new mothers to 15 percent. That meant that the number of children infected with AIDS and HIV was cut in half by the simplest method, the most direct methods.

The message I am trying to deliver to my colleagues is this: The money we spend on the global AIDS epidemic will save lives. We know it will. We have made a commitment to this. But the commitment does not meet the scope of the problem. The commitment does not reach to try to catch an epidemic that is galloping away from us. We are taking small steps forward saying, well, we made a commitment in the United States, and this epidemic is galloping away from us across the world.

(Ms. CANTWELL assumed the chair.) Mr. STEVENS, Madam President, will the Senator yield for a question?

Mr. DURBIN. I am happy to.

Mr. STEVENS. Did I hear correctly that the Senator from Illinois indicated we had reduced spending on AIDS for this fiscal year? There is an increase across the board in several different components. Does the Senator realize that?

Mr. DURBIN. Yes. I say to the Senator that I hadn’t reduced our contribution to the Global Fund from $300 million a year ago to $200 million in this year. Our total expenditures for HIV and AIDS worldwide are in the range of $850 million.

Mr. STEVENS. We have $300 million right now, Mr. President, in this fund. The House bill has $100 million in addition, and we have $100 million in this. Does the Senator realize we are willing to go up to another $100 million?

Mr. DURBIN. I might say to the Senator from Alaska, any additional dollars are appreciated. But the point I am trying to make is, even increasing our contribution to the level of $200 million is totally inadequate in response to this global epidemic. I am going to quote Mr. STEVENS. Just one last question.

Mr. DURBIN. I yield for a question. Mr. STEVENS. Does the Senator realize how much we are contributing to the research base for AIDS in the world, how much we are spending from defense, NIH, from a series of accounts, in terms of basic research for AIDS?

Mr. DURBIN. To the Senator from Alaska, I would say, yes, we are making a contribution as a nation. What I am asking the Senator to consider is whether it is adequate, whether it is adequate in terms of this global AIDS epidemic.

Let me say to my colleague from Alaska, and others, that just a few months ago two of my colleagues in the Senate—Senator FRIST and Senator HELMS, who cannot be with us this evening because he is recovering from a recent medical problem—came to the same conclusion that I have come to this evening. Both Senator FRIST and Senator HELMS sought a $500 million increase for AIDS.

That is the amount I am asking. It isn’t as if I have come up with an outlandish and outrageous figure. Dr. FRIST, who is a Member of the Senate, supported the same level of funding. Senator HELMS said it as well. In fact, he offered an editorial to the Washington Post which was nothing short of inspirational. He was widely quoted across the United States, saying that—and I am going to read this because I think, in fairness to Senator HELMS, this is a very important quote.

Senator HELMS, our colleague, in his Washington Post editorial, said: February 1, I was publically stating that I was ashamed that I had not done more considering the world’s AIDS pandemic. I told this to a conference organized by Samaritan’s Purse, the finest humanitarian organization I know of.

Senator HELMS, I would like to say, if you are following this debate, this amendment, the level of funding which...
When I spoke earlier about what we can do and used Uganda as an example, I also went to Mulago Hospital in Kampala. I saw research projects underway there that are nothing short of miraculous. If a mother is pregnant and diagnosed with HIV, there is a high likelihood that her infant will also be HIV positive. But they have found a very simple drug called nevirapine. If the mother goes into labor, she takes the drug and the baby, as soon as it is born, is administered a drug. They are finding remarkable results in terms of saving the baby’s life.

Whether you are pro-life or pro-choice, whatever your position may be, isn’t that the right thing to do, for the United States to be investing with other countries to try to stop this transmission of AIDS from mother to child?

A proposal came to the Global Fund from Nigeria to support the activities of two centers in the north of Nigeria, to stop the transmission from mother to baby. These centers will have the capacity to test an estimated 14,000 women for HIV and provide this antiretroviral therapy to 942 HIV positive mothers to prevent their babies from infection. Finally, the centers will link families with comprehensive care and counseling services.

This is what the Global Fund does: identifies projects all around the Third World where we have victims of HIV and tuberculosis and malaria to come up with proven, effective therapies to save their lives.

Why is it important that we provide more money to this Global Fund? I will tell you why. Because as of last night or the night before, the Global Fund ran out of money. It had allocated all the money for this year. It is gone. It is down to zero. The $500 million which was allocated for the Global Fund this year or the night before, the Global Fund received $5 billion in applications. When they gave countries around the world 7 weeks to prepare proposals for the Global Fund to fight tuberculosis, and malaria, they received $5 billion in funding requests. We are asking ourselves whether $200 million from the United States is enough? It is not. It is not. It certainly isn’t. We need to do more.

Why can we not put more money into this Global Fund? The Global Fund has a stupendous resource gap. It is being forced to triage important proposals that have been subjected to vigorous review. The Global Fund may be forced to reject plans that would save lives immediately around the world.

Over 100 country proposals have been submitted. The fund just can’t finance it. Over a 5-year window, the Global Fund received $5 billion in applications. Billions more are coming. What do we do?

I want to commend my colleagues, Senators FRIST, HELMS, SPECTER, BOXER, WELLSTONE, and others, who have shown a real consciousness and sensitivity to this problem. I beg you, think for a moment before we go home this evening, having passed this supplemental emergency appropriations bill, should we not consider the greatest health emergency in the world today? Shouldn’t the United States say: We will continue to lead by example? It is anathema if this is not our idea. They took polls across the United States and asked the people of America what they thought we should be doing in terms of our international commitments. The people came back in poll and said: Second to stopping the illegal flow of drugs into the United States, there is nothing that we should spend more money on when it comes to fighting HIV and AIDS around the world.

The American people understand this. They get it. It isn’t a problem in some faraway land. It is a problem that may have started in Africa, but it quickly spread around the world and is now growing at a proportionate rate
that many of us never imagined would be possible.

International health experts at the UNAIDS, World Bank, and the World Health Organization have supplied us data on what would be needed to make a serious intervention in this crisis. This amendment, the one offering tonight, is to meet that.

A few weeks ago, Bono, who I mentioned earlier, came to Capitol Hill and visited a lot of our offices and created quite a stir. This man, who is internationally known for his musical ability, has developed an international reputation for fighting this AIDS epidemic. He is a very likable man. I said: You have become a constant pest on Capitol Hill. Every time we turn around, there is Bono opening up another door to another office—whether the Senator is a Republican or a Democrat—convincing them we have to do something. He is doing the Lord's work, God's work. But all of those trips and work he has done is worth little if we don't follow through this evening by voting for this additional $500 million.

This debate is about more than posing for photographs with Bono. This amendment, making the kind of commitment, a tangible commitment, an effective commitment to a global epidemic. Can we make a difference? In large and small ways, we can.

I went to a clinic in South Africa outside of Durban, up in the mountainside. It was one of the most basic health clinics I had ever been to. They didn't have much—very little technology and few drugs. I saw people there suffering from burns and a young woman who was clearly dying from HIV.

Then I met with a group of about 25 or 30 who lived in the villages around the clinic. They sat lined up in neat rows and watched this visitor, a Senator from the United States, come before them. They wanted to make a presentation to me. They made a presentation of a young woman who was brought forward.

She was very thin and obviously very sick. She was clearly nervous to be addressing this crowd and standing before these people from the U.S. She stood there and buttoned her shirt up to the top of her neck and she was shaking.

She said: I have Tuberculosis. I have been there several years. I have come to this clinic. Then she paused and she said: I have AIDS. I don't know what is going to happen to my children. When she said those words, "I have AIDS," there was a gasp in the audience because in South Africa, there is a county that is overwhelmed with the AIDS epidemic—a few years before, a woman was stoned to death when she admitted she had AIDS. She was beaten to death by the villagers. It took real courage for that woman to tell this crowd she had AIDS. They just don't speak of it.

As she was sobbing, she sat her down next to me on a bench, and I reached my arm over and put it around her shoulder, and the audience gasped again. A doctor stood up and said: Look at this now. I am telling you, if you touch her, you will not be infected. He said: This man from the United States has put his arm around her. I am telling you, it is safe to touch people who have AIDS.

That is what the level of ignorance is when it comes to this epidemic in some parts of the world.

My friends, my friends, I will never forget. My colleague in the Senate, Senator Frist, has been there himself and has worked in these clinics and has performed surgeries in Africa understands this. That is why the amendment he offered for $500 million is a good amendment. It is one that he and Senator Helms believe in very much, very passionately. I believe in it, too.

I bring this to the floor tonight in the hopes that the 25 colleagues in the Senate who signed a letter with me to Chairman Byrd and Senator Stevens urging them to commit more money to the global AIDS crisis in this emergency supplemental, and many others, will think about the impact this vote will have not just on the Senate, but on the world. We have a chance tonight—a small chance, perhaps, with one vote—to have an impact on literally millions of people around the world, to save lives of people we will never meet.

We can break the cycle of hopelessness and despair generated by the death spiral of AIDS in so many nations. I invite my colleagues to join me.

Mr. REID. Madam President, we have a number of people who wish to speak on this issue. The Senator from Tennessee, the Senator from Ohio, the Senator from Minnesota, the Senator from California, I am wondering—because Members have been calling both cloakrooms—if we can get an idea as to how long the Senator from Connecticut wants to speak so we can have some idea when the vote will take place. If I may, I ask the Senator from Ohio, does he wish to speak?

Mr. VOINOVICH. I was just here listening to this interesting debate.

Mr. REID. How about the Senator from Tennessee?

Mr. Frist. I will be offering an amendment later tonight related to this amendment. I would like about 15 minutes, in which case I could handle both of them.

Mr. REID. Could the Senator speak now for 15 minutes?

Mr. Frist. Yes, 15 minutes.

Mr. REID. How much time does the Senator from Tennessee want?

Mr. WELLS. About 5 minutes.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes; the Senator from Minnesota for 5 minutes; the Senator from California for 10 minutes; the Senator from Tennessee for 15 minutes; the Senator from Pennsylvania for 10 minutes; the Senator from Alaska for 5 minutes, and the Senator from New Mexico for 5 minutes.

Mr. BYRD. Mr. President, I would like 10 minutes at the conclusion of which I expect to offer the motion.

Mr. REID. We will have the Senator from West Virginia be the last speaker. I ask the Parliamentarian to advise the Chair how much time remains.

The PRESIDING OFFICER. One hour ten minutes.

Mr. REID. So we will vote on this at approximately 7:45.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that we have a vote on Senator Byrd's motion to waive at 7:45 tonight.

Mr. STEVENS. Reserving the right to object, I request that my time preceed Senator Byrd's.

Mr. REID. That would be appropriate as comanager of the bill.

Mr. BYRD. Mr. President, we have several amendments yet. Is there any hope of completing action on this bill tonight?

Mr. REID. We are going to complete action on the bill tonight, Mr. BYRD. I would be willing Members will be agreeable to cutting their time on this amendment to some extent. I am willing to cut mine in half.

Mr. REID. Senator DURBIN can cut his in half, also. He agrees to do five. Do I hear 12?

Mr. DOMENICI. I will save my own remarks for another time.

Mr. REID. How about the Senator from California, is 12 minutes OK? Mrs. BOXER. Absolutely.

Mr. Frist. I can handle both of mine later tonight in a 15-minute period.

Mr. REID. That is fair. We need a little time to determine what time the vote is. So we have Senator DURBIN for 5 minutes, Senator Byrd for 7 minutes, and Senator DOMENICI with nothing.

Mr. DOMENICI. I am cut out.

The PRESIDING OFFICER. That is 5 minutes.

Mr. REID. So we can vote at about 7:25. I ask unanimous consent that the vote on or in relation to the Durbin amendment occur at 7:25, or whenever the time is yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. Frist. Madam President, I rise to accomplish two objectives: To speak in response to the pending amendment and to briefly introduce what I plan to do later tonight. In the interest of time, I will try to achieve both of those objectives in the next 15 minutes. If the Chair will do so, I will notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. Frist. Madam President, first, the Senator from Illinois has eloquently outlined the challenge, what I consider to be the greatest public health challenge clearly of this generation. I say public health challenge to
than the best medicines we apply to it.

It is so adaptable; it moves 100,000 times faster than the virus we apply to it. There is absolutely no question in my mind that we have to invest, and we have to invest as the United States, as the global leader. Our leadership is critically important for other nations to see, for private companies to see, and for individuals to see so they will be participants.

I agree with the Senator from Illinois that the dollars we spend on HIV/AIDS can do something that really no amendment on the floor today can with absolute certainty do, and that is to save lives. If resources are handled appropriately when we fight global HIV/AIDS, malaria, and tuberculosis, then each dollar invested, I am absolutely convinced, will save the lives of children who are infected with this virus. This little virus is so adaptable; it moves 100,000 times faster than the best medicines we apply to it. There is absolutely no question in my mind that we have to invest, and we have to invest as the United States, as the global leader. Our leadership is critically important for other nations to see, for private companies to see, and for individuals to see so they will be participants.

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The Senator from Illinois mentioned Senator HELMS, and I want to come back to that because I will be offering later tonight a Helms-Frist amendment. Our amendment was initially spelled out, at least its framework, in the editorial in March from which the Senator from Illinois quoted. Our amendment focuses on mother-to-child transmission, and our amendment would, I believe, give greater flexibility to the President than the amendment that is now before the Senate.

The Senator from Illinois mentioned Secretary Powell, Secretary Thompson, and Secretary O'Neill, and I will add to that list the President of the United States. We have an opportunity about which I think is unheralded, unprecedented, in that we are bringing all elements of modern society together; all political elements, both conservative and liberal; the private sector; the public sector; the very best of our pharmaceutical companies; the entertainers of the world, all coming together with a spotlight, a focus on a battle we are losing today in a global sense.

If there is a point of order later tonight on this underlying amendment, I will support it, but not because of the amount of money in the amendment. The $500 million is too little for what we need to do. The magnitude of the problem is big, and the money we are talking about today is not nearly enough. Yet we do need to recognize where the money is coming from, and at what rate it is going to be spent. That $500 million is something that Senator HELMS and I both believe in, but, again, we have to recognize what we do tonight is not the answer; it is just another step in a very long journey.

I am going to support the point of order against my amendment, but not because of lack of support for the Global Fund. I think it is the best, most innovative, most creative way to pull together the international community. It is not a U.S. fund. It is not a United Nations fund. It is not a World Bank fund. It is a Global Fund, independently administered. It was started a year ago. We need to raise a lot of money for it and have it distributed with good peer review. A lot of that money is going out today.

I will be asking my colleagues to support the point of order on this amendment, and then I will ask for their support of an amendment by Senator HELMS and myself which will be offered after we dispense with this amendment.

Why? Because I believe our amendment is more focused. It centers, though it does not commit all the money to, mother-to-child transmission.

Second, our amendment gives greater flexibility over the use of these funds. The funds will be under the direct control of the President of the United States.

And third, these funds will have a more direct impact on saving lives. I am convinced of that. By focusing on mother-to-child transmission, which the Helms-Frist amendment does, we can calculate this impact.

The story goes like this: There are 800,000 innocent children born every year into a world of HIV/AIDS, and they become infected. Of every 1,000 pregnant, HIV-infected women who go through delivery, about 200 HIV/AIDS babies will be delivered infected with HIV. We then give a single dose for the mother and one for the child, that number is cut in half. That is why I know a program focused on mother-to-child transmission, which the Helms-Frist amendment does, we can calculate this impact.

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Africa and other afflicted areas. Only more resources are needed to expand this most humanitarian of projects.

The stakes could not be higher. Already in many countries an entire generation has been lost to AIDS. Mother-to-child transmission of HIV could eliminate another. Although reliable numbers are hard to come by, I know that more than 2 million pregnant women in sub-Saharan Africa have HIV. Of these, nearly one-third will pass the virus to their babies through labor, childbirth or breast feeding, making mother-to-child transmission of AIDS the No. 1 killer of children under 10 in the world.

There are obstacles to achieving universal availability of drugs and therapies. Many African nations lack the infrastructure and trained personnel to deliver health care on this scale. Some governments may not be cooperative. My amendment will provide the administration with the flexibility to deliver the necessary assistance while addressing these obstacles. For instance, if the new Global Fund to Fight AIDS, Tuberculosis and Malaria is deemed the most efficient way to deliver assistance, then the president can transfer money there.

The United Nations has already set an ambitious goal of reducing the number of infants infected with HIV by 20 percent by 2005 and by 90 percent by 2015. We can accelerate these efforts, saving hundreds of thousands of lives, with a larger investment of public and private funds now. Private contributions, such as the German pharmaceutical company Boehringer Ingelheim— are an essential part of a successful anti-AIDS strategy.

In addition, national commitment is absolutely essential. The government of Uganda can serve as an example. Through the leadership of Uganda’s president, Janet Museveni, that country has cut in half its HIV infection rate.

In February I said publicly that I was ashamed that I had not done more concerning the world’s AIDS pandemic. I told this to a conference organized by Samaritan’s Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world’s most unfortunate that has inspired action by so many. Samaritan’s Purse is led by Franklin Graham, son of Billy Graham— both of whom I count as dearest friends. The organization was founded by the late Bob Pierce. Dr. Pierce’s mission was to “Let my heart be broken with the things that break the heart of God.” I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Those are Senator HELMS’ words from the Washington Post article. The Helms-Frist amendment provides those resources, focusing on mother-to-child transmission where we know we will have a measurable impact in saving lives.

The American public shares the desire to help our fellow men and women across the world. It is a moral imperative of saving innocent lives. We live in a world where drug resistant strains of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airplane seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

The Helms-Frist amendment, which will be introduced later tonight, is focused on three things: No. 1, a requirement that the new funds be focused on reducing mother to child transmission of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airplane seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

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No. 2, a requirement to the President to spend the money to optimize the impact of all the AIDS-fighting efforts in our Government. In other words, unlike the Durbin amendment, it does not say that this money goes into just the Global Fund, but does give the President authority to assess at that point in time how best to spend that money to get the greatest impact.

No. 3, the Helms-Frist amendment, which comes later tonight, has a requirement that funds not given to the Global Fund—and indeed the President can put these funds into the Global Fund but money not put into the Global Fund, indeed have to be matched by sources other than the United States Government. The reason being to leverage and maximize our support.

I have a letter I would also ask unanimous consent to be printed in the Record. It is to me from Senator HELMS, dated June 6.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Mr. FRIST. Madam President, I will quote from the article. This is Senator HELMS:

In February I said publicly that I was ashamed that I had not done more concerning the world’s AIDS pandemic. I told this to a conference organized by Samaritan’s Purse, the finest humanitarian organization I know of. Indeed, it is their example of hope and caring for the world’s most unfortunate that has inspired action by so many. Samaritan’s Purse is led by Franklin Graham, son of Billy Graham— both of whom I count as dearest friends. The organization was founded by the late Bob Pierce. Dr. Pierce’s mission was to “Let my heart be broken with the things that break the heart of God.” I know of no more heartbreaking tragedy in the world today than the loss of so many young people to a virus that could be stopped if we simply provided more resources.

Those are Senator HELMS’ words from the Washington Post article. The Helms-Frist amendment provides those resources, focusing on mother-to-child transmission where we know we will have a measurable impact in saving lives.

The American public shares the desire to help our fellow men and women across the world. It is a moral imperative of saving innocent lives. We live in a world where drug resistant strains of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airplane seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

The Helms-Frist amendment, which will be introduced later tonight, is focused on three things: No. 1, a requirement that the new funds be focused on reducing mother to child transmission of AIDS, of malaria, and of tuberculosis, all of which are addressed in this Global Fund, are really one economy airline seat away from our shores. There are many reasons for us to fight this fight. It will take more resources.

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The rest of the letter I will refer my colleagues to.

Hon. BILL FRIST, M.D.,
United States Senate, Washington, DC.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Because of limited time, let me get through and then I will come back to answer the question.

Mr. FRIST. In summary, we have worked together on how to increase funding above the level in the underlying bill in a way that we know in part will be a first step of what has to be done with leadership by the United States in this global endeavor.

I have been working over the last several days with the staff of the President of the United States, and I am delighted that sometime over the next several weeks—or next several days—a major initiative will be introduced by this administration addressing many of the issues that are the underlying reason for proceeding with this amendment.

Again, I will leave it to the administration to talk about this new commitment that they will unveil shortly, a multiyear plan to bring substantial new resources to this effort. This is not the final word.

The amendment offered tonight, whether it is the Helms-Frist amendment or the Durbin amendment, is not the final word on AIDS. We are going to be coming back to this again and again. This is not an easy problem. This is not an easy challenge. I am absolutely convinced, working in this body, working with the staff in a bicameral, bipartisan way, which is represented tonight, with this administration, that we can pull the very best out
of the United States of America and the global community in order to defeat this little tiny virus, a challenge and a fight that currently we have not quite been able to do.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FRIST. Absolutely.

Mr. DURBIN. I would like to ask the Senator when he offers his amendment, how much money will be in the amendment?

Mr. FRIST. We initially filed, as the Senator knows, $500 million, which is a sum that I think is appropriate in terms of addressing the issues, having them in the field very shortly.

Mr. DURBIN. Which is the amount—

Mr. FRIST. The amendment in the underlying bill, not your amendment or mine, as the Senator pointed out earlier, is $100 million. As I understand it, the amendment of the Senator would take that up to a total of $500 million.

Our amendment will take $100 million on top of that with an understanding, as I said earlier, that funds comparable to that $500 million will be laid out by the administration over the next 2 weeks.

Mr. DURBIN. I am sorry. I do not understand. The total amount that the Senator from Tennessee is going to offer for this is $500 million?

Mr. FRIST. It is $100 million in addition to $500 million that is in the underlying bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. So $200 million?

Mr. FRIST. That is correct. $200 million totally. We will be striking $100 million in the bill, replacing $200 million. The Senator will strike $100 million and will have $500 million.

Mr. DURBIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator DURBIN for his amendment, and Senator BOXER and other supporters. I am a little confused by the remarks of my colleague from Tennessee. As I understand the Durbin amendment, this is $500 million that goes to the administration, which can then decide whether it wants to put it into this Global Fund or it wants to put it into other programs. That is up to the administration. I hope they will put it into the Global Fund because right now this Global Fund has a deficit of $3.5 billion.

What is this I think is the issue for all Senators who are going to vote: I think the question is whether or not when we have a situation where today HIV/AIDS claims the lives of 8,000 people, today 13,000 people become newly infected with HIV, and my colleague is talking about an amendment that I am still not clear is $100 million or $200 million.

The Durbin amendment, which I am proud to support, calls for $500 million. My God, given the magnitude of this crisis, given the magnitude of what all this means in personal terms—I keep hearing my colleague talk about mother to child transmission and the need to have prevention, yes, but there are also many people who need treatment.

The Durbin amendment says tonight the administration says, we live up to being our own best selves, that Democrats and Republicans no longer just give the speeches and no longer say we care so much, but we back up our rhetoric with the resources.

In all due respect, the vote is simple. Do we believe, given this huge gap and how little we have contributed, that we ought to give this administration $500 million to work with so that our Government can play a much stronger and more positive role, or would you vote against this amendment, which means we are not providing anywhere near the resources?

There will be another amendment later calling for much less, $100 million, because there is some discussion about how in the future there will be more. But we do not vote on the basis of the future. This is not an abstraction. There are a lot of people throughout the world who are suffering. Millions of people who are dying, and the Durbin amendment puts us on record that we, the Senate, tonight are going to make a significant commitment. I cannot believe that we would not get the vote for this amendment. It is time for us to set a standard of what we mean by the words we speak. That is what this amendment calls for us to do.

One more time, this goes to the administration, giving it the flexibility. We certainly can talk about mother to child transmission, we also can talk about treatment, but the most of all is that finally the Senate goes on record with a real commitment of resources. That is the least we can do. So I speak for the Durbin amendment and hope it will get a strong vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the amendment to add $500 million to fight global AIDS. When we look at the statistics, what has happened in the world, there are 40 million people who are living with HIV/AIDS, including 2,700,000 children. AIDS claimed the lives of an estimated 2,300,000 Africans last year alone.

Africa is not alone in this struggle. Almost 1 million new infections were reported in south and Southeast Asia last year. These alarming statistics are reminiscent of the early stages of the epidemic in sub-Saharan Africa, and we cannot wait any longer.

What is required is a global effort. It has to be worldwide. We know that it is a matter of leadership for the United States as the most powerful country in the world and the world’s leader to provide substantial funding. The estimates are that some $5.6 billion will be necessary over the next 5 years. There are commitments of only $2.1 billion, leaving a deficit of $3.5 billion. This deficit has to be fixed.

The AIDS epidemic is decimating entire countries, leaving a power vacuum, leaving countries in turmoil. The human factor is overwhelming. As the lead sponsor, Senator DURBIN, pointed out in the opening of his speech, what happens if you are diagnosed with AIDS, a killer. If you are in Africa, or in other countries, it is hopeless, unless someone comes to the rescue. On humanitarian principles, something which the industrial countries ought to assume the responsibility for, when it comes to political considerations. We are decimating an entire country, it is a matter of a vacuum, where dictatorships breed, where there are terrorist bodies, where there is anarchy. That is very much contrary to the national interest of the United States.

Beyond the humanitarian aspects, there is a definite national self-interest on the part of the United States. You might not necessarily call it national security, but if there is turmoil and you find al-Qaida forcing a country which has a power vacuum, it could be categorized broadly as a matter of national security.

I believe this is an important debate, and I believe one way or the other the United States Government is going to come to a $500 million figure. When the figure was talked about as to $700 million, it seems to me, having spent 22 years in the conferences, in the negotiations with the $200 million we would have ended up with $500 million or perhaps less. The rule has been if the House comes in at $200 million, whatever the Senate comes in at, there is a tendency consistently to split the difference. That will leave the figure low.

One most impressive statement was made by Senator HELMS, who has not exactly been a proponent of funding for HIV/AIDS, for many reasons which we need not go into now. Senator HELMS came out with a proposal to have $500 million. It seems to me that is a benchmark. One might say it is a minimum benchmark or one might say it is a maximum benchmark. When Senator HELMS made the public statement with such feeling at a time, as he put it, when he was near the point of meeting his Maker, he wanted to take a stand on something that was very important for humanitarian purposes, and as a matter of basic fairness and basic decency that a country which can afford it should undertake.

We are a very wealthy country with $10 trillion gross national product and a national budget of $3 trillion. With leadership on $500 million, that could be an inspiration for other industrial countries to come forward and do the right thing. That is why when Senator DURBIN approached me weeks ago on this amendment, I told him to count me in.

I urge my colleagues to support this figure.
In closing, I thank my colleague from California, Senator Boxer, for generously yielding to me, although she has been here all afternoon. I have been occupied, as has the Presiding Officer, with the FBI Mueller-Rowley hearings. I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my colleague from Pennsylvania leaves, I wanted him to hear my comments. What he has done is shown that this is a national security issue. We know when people are sick and desperate there can be a void in a country and people can do desperate things. I associate myself with the remarks of the Senator.

Madam President, we talk about many issues in the Senate. There are moments when we know there is a particularly important issue, sometimes more parochial to our State. I say tonight with profound pride I stand with Senator Durbin and Senator Specter. This is a Durbin-Specter-Boxer amendment to provide $500 million for the fight against AIDS, tuberculosis, and malaria.

I was very touched when I heard what happened to this debate. For weeks, I was elated that Senators Helms and Frist were going to support a $500 million number. And then when I heard that Senators Durbin and Specter were going to say we have to do even more, I felt so good because I thought at the minimum we will get the $500 million that we so desperately need for these diseases.

Then I find out the whole playing field has changed. We are in a situation now that is quite troubling. I will tell a story about a woman named Elizabeth Glaser whom I met more than a decade ago, a beautiful woman, a young woman, a new mother. She was pregnant with her first child and in the hospital—she needed to have a blood transfusion. Those were the years when no one knew that you could pick up HIV through a blood transfusion. Lovingly nursing her daughter, Ariel, she was at a high point in her life. She then had another child, a son, still not knowing anything was wrong. Elizabeth, therefore, faced a situation with her husband, Paul. They had three family members HIV positive: The mother, the son, and the daughter.

Elizabeth Glaser was a fighter. A lot of us knew her around here. She came here and begged us to do something. She focused on the whole issue of AIDS and, of course, on the transmission of the virus from mother to child. The Pediatric AIDS Foundation was formed and they became the leaders in finding a way to stop the transmission.

My colleague, Senator Durbin has talked about it; Senator Frist has talked about it. Let me state how far we have come. We can really stop this epidemic in its tracks in most of these mother-to-child transmissions. The cost of this drug is a few dollars a dose. When Senator Frist says his alternative will make more money available to stop transmission, he is incorrect. I hope that the record has been corrected. Senator Durbin’s amendment allows the funding to go in whatever way the administration wants. If they choose to take the entire $500 million, if that is their choice, they could spend it in that fashion. So do not stand up here and say: If you want to stop the mother-to-child transmission, support the Frist amendment.

No, support the Durbin amendment. It is very important to do this. A lot of people did not know, and Senator Durbin talked about it, that AIDS and tuberculosis go hand in hand. If you look at the statistics, they are stunning. Tuberculosis is the leading cause of death among people who are HIV positive. Up to 50 percent of people with AIDS develop TB because HIV infection severely weakens the immune system. The more we live with this, the more we think about it. We are reminded of it every single day. We knew it when planes came over and smashed into the World Trade Center. As soon as we could respond, we were in Afghanistan.

The fact is, it is a small world, and if anyone in this body thinks that having so many people impacted with tuberculosis doesn’t impact the health of America, they are wrong. Therefore, what we are doing here by addressing these three areas is, yes, to help the people all over the world who have HIV and AIDS, and who have tuberculosis, but also to help those who get malaria, which kills around a million people every single year.

TB is a disease we thought we had eliminated. In fact, in the Western World we largely did, with the development of antibiotics in the 1950s. But the disease made a comeback, and I saw it in my State of California, where I have local communities. Never thought they would ever have to worry about TB again. But they are worried. I say to my friends on the Appropriations Committee who have turned their backs on this back on this $500 million, think about these numbers. In the year 2000, there were 16,000 TB cases in the United States of America that were reported to the Centers for Disease Control.

In my own State of California, 20 percent of those cases exist there. TB is an airborne disease. We get it when someone coughs or sneezes. It is a small world. So don’t think, if you vote against the Durbin amendment, it doesn’t have an impact here at home, because it has an impact here at home. We are talking about tuberculosis, we are talking about AIDS/HIV, and we are talking about malaria.

The good news is that TB can be cured. There is a treatment called DOT’S, D-O-T-S. It has been shown it can produce cure rates of 95 percent, even in the poorest countries. That means if we can stop TB in these countries—and people who get on the planes sit next to our people on the planes who do not have TB—we will be a far healthier nation.

I think there are times here when it makes sense to act incrementally. I have seen that. Sometimes there are problems, and you say there are 10 things we should solve a problem, let’s do 2 of these every year and we will get there.

Sometimes you have to act boldly. Certainly we have seen our country and do that right thing. I do not want to stand up here and ask: If you want to get the $500 million, if that is their choice, they could spend it in that fashion. So do not stand up here and say: If you want to stop the mother-to-child transmission, support the Frist amendment.

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Let’s do it.
talked about it. Senator Frist talked about it. Suddenly, what has happened? What has happened is we are losing our boldness. I do not want to see it happen.

I urge support for this very important amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding under the unanimous consent that I have 4 minutes 40 seconds.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Senator Byrd and Senator Stevens have 5 minutes each before we come to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to add as cosponsors to this amendment: Senators Specter, Daschle, Leahy, DeWine, Kerry, Kennedy, Boxer, Sarbanes, Feinstein, Mikulski, Clinton, Dodd, Lieberman, Torricelli, Levin, Schumer, Landrieu, Biden, and Corzine.

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

Mr. DURBIN. What is the difference between the $500 million and $200 million in the global AIDS fight? I do not believe for a second $500 million is going to turn back the global AIDS epidemic; no, I do not. But I will say to my friend Senator Frist, you know as well as I do what a $500 million difference means. It means money going into the Global Fund from the United States that can be leveraged to induce even greater contributions from countries around the world. It means $300 million more that will be spent for mothers—child transmission, for treatment to deal with HIV, tuberculosis, and malaria.

I came to this debate asking, in my mind, for $700 million, and I did not think it was an outrageous request, even though it was emergency spending. I concluded, watching the amendments on the floor of the last several days, I could lose; I could lose $700 million. So I went to Senator Frist and I said: Listen, my name on this proposal is secondary. What is important is to get the $500 million. I'll join you. I'll walk away from my amendment. I will be a cosponsor of your amendment. I will give up whatever publicity might come from it. Who cares? Let's get the job done.

We talked about it until just a few hours ago when, to my surprise, the $500 million Helms-Frist amendment became $200 million.

What happened? In all these months, hasn't that need decreased? Of course not. The need has increased. So I come to the floor today to offer this amendment for $500 million.

I say to my colleagues to please think twice. There will be a parliamentary point of order made in a few moments by Senator Byrd. I understand it. He is chairman of the committee. He is protecting the committee. Even though I serve on it, I understand it.

But think for a minute. Are you going to let a procedural vote stop the investment of $300 million—more than Senator Frist is going to offer—$300 million in the Global AIDS Fund that can be used across the world to save lives? When the vote for days in and day out, we have to walk down there many times and vote for things for our colleagues from other States, and ask. Is it really worth it? We are loyal. We do it. You know in your heart of hearts that this is the kind of money that should be spent by America to make a difference. That is why the United States leads the world, not just in military power and with its economy but in our values. We define our values by our pocketbook and how we spend it. Tonight, $500 million can make a big difference. It can make a difference in places around the world that you will never see.

But I will tell you this. Take a moment in your life and go to these Third World countries and look into the eyes of these mothers and their children and you will never have any question about a $500 million vote.

I went to a place in Kampala where they were putting together a memory book. I sat on a porch with mothers as they showed me the scrapbooks of their lives which they were putting together to leave for their children playing in the yard. The mothers were dying of AIDS. They wanted that little child playing in the yard to remember who they were in the years to come.

That is the tragedy of AIDS. That is the reality of AIDS. That is why we need $500 million.

I implore my colleagues. I have come to this floor so many times but never with so much depth of feeling about the importance of what we are going to do.

Let us not negotiate the difference and bid this down. Let us do what we can. We have our hearts and minds and leave tonight with the passage of this appropriations bill feeling that the United States once again continues to lead the world in fighting the global AIDS epidemic so our children and our grandchildren will not see that great scourge that travels around the world.

I close by saying to you: I salute all of my colleagues—Democrats and Republicans—who joined me. I thank them for their support. But please, for the sake of the millions of people around the world who are now feeling that they are so alone, give them a helping hand with a $500 million investment in hope.

I ask unanimous consent that Senator Daschle be added as a cosponsor of this bill.

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

Mr. REID. Mr. President, for the information that should be Senate, Senator Daschle has been absent from today's session because he was attending the graduation of his son Nathan from Harvard Law School.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, am I next in line?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, after listening to a lecture in 1983 about a new program called AIDS, I came back to the Senate and asked that $50 million be dedicated to basic research on the subject. Today we are discussing the Senate that right now we have in this year's budget alone $12.5 billion committed to AIDS.

I have heard people talk about research for women, infants, and children about the need for remembering the children; and, the fact that this bill, as Senator Boxer said, has an impact here at home. It certainly does. No one can criticize what we have done and AIDS, no.

I visited with Bono and said: Yes, we will help with AIDS internationally. We started that fund with a contribution in the year 2001. We then increased it for 2002, and we are going to increase it even more for 2003.

The House has responded also with more money to help with AIDS. We are going to respond, I hope, and increase this amount even more than we did. We put in $100 million more. This will increase it again by $200 million. That will make it a $300 million effort for this year in addition to what is already proposed and already in the system.

Let me summarize for the Senate what we are doing. FDA has $77,700. The Health Resources and Services Administration has $1.918 billion. Look at what they are doing. They are doing a Care Grant Program, an Early Intervention program, Research for Women, Infants, and Children, AIDS Education and Training Centers, Dental Services, Counseling, Testing & Partnership Notification, Ricky Ray Hemophilia Reimbursement Fund. We have the Indian Health Service, another $3 million; Centers for Disease Control and Prevention, $938 million, and, in total, NIH, $2.5 billion. That covers a whole series of institutes of health. But the main thing is there is a limit to what we can do in the world to deal with the world's problem. I believe we should do more, and we are going to do more. But it has to be staged. It has to be increased in a way and be spent in a way that encourages other countries to come forward, too.

When we went to visit the World Food Program in Rome this year, we found that the United States is now paying 60 percent of all the costs of the World Food Program. We used to pay 12.5 percent. Why are we paying 60 percent? Because we kept increasing, and as we increased, the other nations of the world decreased their effort.

That is exactly what is going to be happening here. If we don't stage it, if we don't do this in the years to come, and join us to deal with the problems of AIDS in the world, more and more they will say: Let Uncle Sam do it.
I am all for our doing our part, but our part is to match others in a world effort to deal with AIDS. We are doing it. We are doing more than that.

Our budget today of $12.5 billion for the year 2002 alone—not counting this money—is half of what the world is spending. There is space here for some comments about what we should do and how we should do it. But to just genuflect and come in and say, we need $700 million, $200 million, $500 million, or we need and how we should do it. But to just comments about what we should do spending. There is space here for some terms of the partnership we have in the world in dealing with AIDS; if we do, they will do the same thing they did in the World Food Program. They will pull back and say, you wanted to do more; go ahead and do more.

It is not only 60 percent that we are spending on the World Food Program. It doesn’t include the money we spend on food dealing with the military accounts that which our military people provide throughout the world, such as in Afghanistan.

There is a limit. The limit is: What shall we do under an emergency appropriations bill dealing with money that should be spent before September 30? No matter what anyone else has said, this money probably cannot be spent before September 30. We will deal with more money within a month. When the bill is before the Senate, I am certain there will be an request to increase at by at least another $4 billion.

Let no one say this Senator has not done everything possible to deal with AIDS. The answer is the cure and the answer is research. The answer is not putting money out in the world before the world is ready to join us in a part-nership to deal with AIDS worldwide.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

<table>
<thead>
<tr>
<th>ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PROGRAM LEVEL</th>
<th>FY 2001</th>
<th>FY 2002</th>
<th>FY 2003</th>
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<tbody>
<tr>
<td>Food and Drug Administration:</td>
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<td>$35,868</td>
<td>$36,943</td>
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<td>Human Drugs</td>
<td>19,618</td>
<td>20,104</td>
<td>20,710</td>
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<td>Medical Devices</td>
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<tr>
<td>Other Activities</td>
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<td>5,535</td>
<td>5,700</td>
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<td>Field</td>
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<td>13,836</td>
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<td>Total, FDA</td>
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<td>77,700</td>
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<td>Health Resources and Services Administration:</td>
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<tr>
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<tr>
<td>Early Intervention—Part C—Title III</td>
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<td>194,507</td>
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<td>70,990</td>
<td>70,990</td>
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<tr>
<td>Dental Services—Part F</td>
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<td>13,498</td>
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<tr>
<td>Counseling, Testing, &amp; Partner Notification</td>
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<td>Ricky Ray Hemophilia Relief Fund</td>
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<td>4,996</td>
<td>4,996</td>
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<td>Total, HRSA</td>
<td>2,395,000</td>
<td>2,518,500</td>
<td>2,518,500</td>
</tr>
</tbody>
</table>

Indian Health Service:                                     |

| HIV Surveillance                                      | 994 | 1,012 | 1,027 |
| Information & Education/Prevention Services           | 2,816 | 2,874 | 2,911 |
| Total, IHS                                            | 3,810 | 3,886 | 3,938 |

Centers for Disease Control and Prevention: HIV/AIDS Activity |

| Total, CDC                                            | 859,045 | 938,646 | 938,910 |

National Institutes of Health:                              |

| MJIC                                                  | 239,066 | 256,319 | 266,539 |
| NDBI                                                  | 57,482  | 57,482  | 57,482  |
| NIDDK                                                 | 2,485   | 2,485   | 2,485   |
| NINDS                                                 | 27,775  | 42,966  | 45,682  |
| NIAID                                                 | 1,003,074 | 1,201,919 | 1,935,452 |
| NIGMS                                                 | 48,091  | 52,968  | 57,968  |
| NICHD                                                 | 101,952 | 116,101 | 126,249 |
| NEI                                                   | 11,555  | 12,730  | 12,777  |
| NEHS                                                   | 7,815   | 8,846   | 8,846   |
| NIA                                                   | 4,386   | 4,985   | 5,379   |
| NAMS                                                   | 1,571   | 1,609   | 1,609   |
| NIEH                                                   | 1,592   | 1,737   | 1,738   |
| NIMM                                                   | 145,112 | 163,938 | 176,207 |
| NIND                                                   | 240,567 | 279,676 | 304,187 |
| NIAA                                                   | 21,232  | 23,929  | 25,912  |
| NIH                                                   | 5,678   | 10,990  | 11,893  |
| NIMH                                                   | 5,829   | 6,310   | 6,812   |
| NIDA                                                   | 4,843   | 4,843   | 4,843   |
| NCRK                                                   | 117,485 | 135,195 | 147,195 |
| NCMH                                                   | 1,000   | 5,555   | 2,718   |
| NCI                                                   | 16,149  | 18,928  | 21,523  |
| NLG                                                   | 5,364   | 5,742   | 7,248   |
| OD                                                    | 48,494  | 53,786  | 58,322  |
| Total, NIH                                            | 2,247,015 | 2,514,954 | 2,769,997 |

Substance Abuse and Mental Health Services Administration: |

| Programs of Regional & National Significance          |        |        |        |
| Mental Health                                        | 11,681  | 13,035  | 10,560  |
| Substance Abuse Treatment                            | 56,378  | 59,163  | 59,187  |
| Substance Abuse Prevention                           | 30,590  | 36,193  | 38,103  |
| Substance Abuse Block Grant (Set-aside)               | 55,518  | 57,987  | 60,088  |
| Program Management                                    | 600     | 600     | 600     |
| Total, SAMHSA                                         | 156,677 | 168,885 | 168,535 |

Agency for Healthcare Research and Quality: Research on Health Costs, Quality, & Outcomes |

| Total, AHRQ                                           | 3,381   | 3,300   | 2,591   |

Centers for Medicare and Medicaid Services: |

| Medicaid (Federal Share)                              | 3,700,000 | 4,200,000 | 4,700,000 |
| Medicare                                              | 1,900,000 | 2,050,000 | 2,200,000 |
| Total, CMS                                            | 5,600,000 | 6,250,000 | 6,900,000 |

Office of the Secretary: |

| Office of Public Health and Science                  | 13,494   | 12,421  | 10,771  |
| Office of Minority Health, GDM                       | 140      | 865     | 1,040   |
| Office of Women's Health                             | 906      | 961     | 1,364   |
| Office of HIV/AIDS Policy, GDM                       | 906      | 961     | 1,364   |
Mrs. FEINSTEIN. Mr. President, I rise today in strong support of increasing funding for HIV/AIDS prevention, care and treatment programs in the developing world.

The funding put forward in this amendment is essential to assisting resource poor countries in confronting the HIV/AIDS pandemic. The HIV virus has infected over 40 million people worldwide, with over 55 percent of those infected living outside of the United States.

HIV/AIDS is now the leading cause of death in sub-Saharan Africa. In sub-Saharan Africa alone, an estimated 25.3 million people are living with HIV/AIDS and 2.3 million died of HIV last year alone.

Unless we take a leading role in the international community in the fight against HIV/AIDS, it is possible that sub-Saharan Africa will be wiped-out, with profound political, economic, social, and security consequences for the United States.

AIDS is a major problem not only in Africa, which has received so much attention in the press, but also in India, Southeast Asia, China, to name but a few countries impacted.

The AIDS pandemic is devastating, and quite literally wiping out, many countries.

According to some analysis, AIDS will reduce economic growth by up to 1 percent of GDP per year and consume more than 50 percent of health budgets in the hardest-hit countries.

The world has not seen an epidemic of this severity since the bubonic plague, and it is going to take everyone in the global community, working together, to halt the spread of the HIV virus.

There can be little doubt that HIV/AIDS is a health emergency of monumental proportions.

I believe that the United States has a responsibility to assist resource poor countries in gaining the funding necessary to provide people infected and affected by HIV/AIDS with access to the services, such as drug therapy, necessary to save lives.

It is clearly in the interest of the United States to prevent the further spread of HIV/AIDS.

AIDS is both a humanitarian issue, but also one of global security. In 2000, the National Intelligence Council reported that new and reemerging infectious diseases will pose a rising global health threat and will complicate U.S. and international security interests over the next 20 years.

A CIA commissioned study by the State Failure Task Force found that a high infant death rate is one of the best indicators of impending instability and state collapse.

The global HIV/AIDS crisis is certainly an emergency and worthy of funding as an emergency designation as part of the Fiscal Year 2002 Appropriations Supplemental. It is an emergency for the people of sub-Saharan Africa. It is an emergency for the people of West Africa. It is an emergency for the people of India.

Let’s invest more funding in these countries now before we have to add more countries to the growing list of countries experiencing an emergency due to the HIV/AIDS crisis.

Mr. KENNEDY. Mr. President, I join in support of the amendment by the Senator from Illinois, Senator DURBIN, to provide urgently needed help in the international battle against the AIDS pandemic. AIDS is the fourth leading cause of death in the world. This terrible disease ends lives, destroys families, undermines economies, and threatens the stability and progress of entire nations.

We must carry the fight against AIDS to every corner of the globe. And the Durbin amendment would help the United States and the world to meet this extraordinary challenge.

We in America know of the pain and loss that this disease cruelly inflicts. Millions of our fellow citizens, men, women, and children, are infected with HIV/AIDS. And far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescriptive drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today’s therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children’s health and public health, we have shared these life-saving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, and to treat those infected by it.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world’s AIDS orphans live. AIDS robs poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost seven million farmers needed to meet the food needs of entire nations. AIDS plunges poor nations into even deeper, more desperate poverty.

Governments can make the difference in battling this epidemic. Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive anti-retroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

In addition, more public education is needed. A UNICEF study found that most young people still have not heard of AIDS or do not understand how the disease is transmitted. By speaking out, our government can help to lift...
the stigma and taboo surrounding the disease and save lives.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than one percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

Senator DURBIN’s amendment gives much needed support to fund the programs that fight international HIV and AIDS.

By supporting this amendment to increase the funding for bi-lateral AIDS prevention, care and treatment, as well as the United States commitment to the global fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN for offering the amendment, and I urge my colleagues to support it.

Mr. WELLSTONE. Mr. President, I would like at this time to engage in a colloquy with the chairman of the Agriculture Subcommittee on Appropriations, Senator KOHL, regarding the use of non-fat dry milk as a source of nutritional assistance to countries ravaged by the AIDS epidemic.

It is widely understood that the AIDS pandemic is having a devastating impact on people the world over. Since the onset of the epidemic, 22 million people worldwide have died. An estimated three million people die from AIDS-related causes every year. Another 40 million people presently are living with HIV/AIDS, and although there are some signs that the incidence of HIV may be stabilizing in sub-Saharan Africa and elsewhere, the rate of infection remains alarmingly high. In fact, 95 percent of HIV/AIDS victims reside in developing nations—86 percent of the total live in sub-Saharan Africa.

Children are at risk on an unparalleled scale, with HIV/AIDS dramatically increasing the number of infant and child deaths. Nearly 2.7 million children under the age of 15, and 11.8 million young people aged 15-24 are living with HIV/AIDS. More than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born and nursed by an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

Further, most experts agree that nutrition is a co-fact in HIV progression: poor nutritional status and infection affect the immune system and interact with each other; and it helps protect against opportunistic infections and malignancies. Since the immune system requires protein to function properly, and protein needs increase during times of stress and infection, HIV-positive individuals should have two or more servings of low or non-fat milk or yogurt with active cultures. In addition, many believe that dairy products should accompany anti-retroviral drugs to boost the nutrition of HIV-positive mothers, increase the effectiveness of the drugs, and help mothers give birth to healthy children. I believe there is an opportunity to address this need within the Department of Agriculture in the form of non-fat dry milk currently in great surplus within USDA, the value of which is deteriorating as the cost of storage is increasing.

Mr. KOHL. I appreciate the Senator raising this issue. It is my understanding that the United States has more than one billion pounds of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound, for a total cost approaching $1 billion, and storage costs of $1.5 million per month and growing. This surplus milk deteriorates rapidly, going out of condition in about three years, when it must be sold for a cost of only a few cents per pound.

Mr. WELLSTONE. I believe that the Secretary of Agriculture, at this time, has the authority to dispose of dairy surpluses, such as the ones mentioned by my colleague, for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic. Therefore, I strongly believe that the Secretary of Agriculture should make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, focusing especially on HIV-positive mothers and children. Careful consideration should be given to local market conditions, so as not to undermine the security and stability of the indigenous dairy production and processing sectors of these communities, and no funds or commodities should be used in any programs that would substitute dairy products for breast feeding.

We know that there is a dire need for nutritional assistance for families affected by HIV/AIDS. In addition, without action, this milk will remain in storage. It seems clear that we have been presented with a unique opportunity to do something positive in the world. I believe that to do nothing is not an option. We have the food and the technology. Now is the time for action.

Mr. KOHL. I thank my colleague for his passionate statements on this subject. I agree that the Secretary of Agriculture has the responsibility to use here authority to help those in need when the opportunity arises, as it clearly has in this case, and support the comments of the Senator from Minnesota. I look forward to working with my colleague on this issue.

N O T I C E

Incomplete record of Senate proceedings.

Today’s Senate proceedings will be continued in the next issue of the Record.