the Senate to make their presence known so we can work with them. It would be our hope we could accept most of those amendments or work on modifications so they can be part of the legislation, as has been the case with the package we just agreed to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

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

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

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR HOWELL HEFLIN

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

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

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

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

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

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

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

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

He was elected as the chief justice of the Alabama Supreme Court in 1970. He was well known for his efforts to modernize Alabama's legal system. It was because of his profound work as chief justice that he became affectionately known as ''The Judge'' even after he became a Senator. He was elected first to the Senate in 1978, and was reelected to two more terms, for a total of 18 years of service—three terms—in the Senate.

In 1997, he left public life and returned home to Tuscumbia, AL, to enjoy time with his family.

Howell Thomas Heflin led a full life. Each chapter of his life—as a war hero, a jurist, and a public servant—was completed with great fervor and devotion. He did nothing halfway, and everyone who knew him recognized and appreciated that.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

The majority leader, who cosponsored the original version of the act in 2001, is once again pressing for action on this bill. He added a very useful provision to the act, which Chairman LUGAR and I have happily endorsed, calling for the executive branch to develop a real-time data collection and analysis capability to serve as a warning sign for a possible bioterrorism event. With the majority leader's support, I hope and believe this year we will finally enact this important measure.

I am also proud of the work the committee has done, with the chairman's leadership, to help the U.S. Government strengthen its capacity to handle postconflict reconstruction.

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

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

Finally, I am pleased the chairman and I are able to agree on the inclusion of a provision to protect vulnerable persons during humanitarian emergencies—an undated version of a bill I first introduced in 2003 called the Women and Children in Conflict Protection Act.

I have been concerned about the vulnerability of women and children affected by conflict and humanitarian emergencies for some time now. Since the accusations were made about sexual exploitation of refugees by humanitarian workers in west Africa nearly 3 years ago, that concern has been heightened.

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

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

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

AMENDMENT NO. 278

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

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 278.

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

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

The amendment is as follows:

(Purpose: To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961)

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

SEC. 2227. GLOBAL DEMOCRACY PROMOTION.

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

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

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

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

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

What does that mean? It means, for example, that a family planning clinic in Nepal that receives USAID funding is prohibited from using its own funds—the clinic's own funds—to provide, advocate for, or even talk about abortion to the women they serve, even talk to a woman about her options.

Let's be clear what we are talking about one more time. We are not talking about spending one slim dime or one penny of U.S. money to pay for abortions abroad because that has been illegal under the Helms Act since 1973. So since 1973, U.S. funds abroad cannot be used in any way to advocate for abortion, to allow women to have an abortion, or to refer her for an abortion. U.S. funds since 1973 can never be used for any of those purposes.

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

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

This is a free country. We are proud of the fact that it is free. We are proud of the fact that we do not tell our citizens what they can think, what they can say, if it is on their own dime. Yet abroad, in some of the poorest countries in the world, we are saying if they

want to get a penny of Federal funds, USAID or the like, they cannot use their own funds in any way they would like. We are telling family planning clinics that are in the toughest of circumstances, treating women in the direst poverty, that they are gagged if they want to receive any U.S. funds.

Again, these restrictions we are placing on these nonprofit agencies would be unconstitutional and unacceptable in the United States of America.

Ironically, what is very interesting is the global gag rule is even stricter than the requirements put on by the Helms amendment. So this is an unbelievable move by this administration, after these restrictions were removed in 1993, to place these restrictions back.

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

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

The last time we debated this global gag rule and the Mexico City policy in this Chamber was about 2 years ago. I introduced this exact amendment, and it passed with bipartisan support. We hope we will achieve that same outcome today. It will be a close vote—we have had some changes in this body—but we still think and hope we have the votes. We will find that out.

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

This global gag rule is not fair. We are a country that believes in fundamental fairness. Yet this global gag rule tells foreign nongovernmental organizations—these are people working in the toughest of circumstances—how they should spend their own money.

For example, it tells clinics they cannot use their own money to help a woman in deep despair who comes in with a serious problem, an unintended pregnancy that perhaps was even forced on her. It tells the NGOs, the nongovernmental organizations, they cannot use their own funds even to advocate for less restrictive laws.

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

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

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

Yet we do it to foreign nongovernmental organizations.

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

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

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

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

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

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

> We used to hold debates, invite medical doctors, produce research publications. We cannot speak as freely now. No one knows at what point it becomes prohibited speech. USAID told us we couldn't lobby for abortion liberalization or decriminalization. If we attend a general conference and the issue of abortion comes up, we can speak. But we don't know how much we can talk about it before it crosses over to not being permitted anymore. We, for example, can do research on unsafe abortions, but if we draw any conclusions someone can say, ''that's lobbying,'' [and we will lose all of our money.]

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

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

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

Min Min was raped by a relative. She was raped by an uncle. She became pregnant, and it was a shame upon the family and the family said you must have an illegal abortion. As a result of that illegal abortion of a girl 13 years old who was raped by her uncle, someone was sentenced to 20 years in prison. Who was it? Was it the rapist? No. Was it the parents who said you have to end the pregnancy? No. It was this tiny girl, 13 years old, who was sent to jail for 20 years for the crime of being raped by a relative and being forced by her family to have an abortion.

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

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

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

These are the real stories behind this Presidential edict of the President, when he steps up to the plate and says I am putting in place a gag rule.

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

Here is another point. We should always look at our policies and ask the question: Are our policies decreasing the number of abortions that take place worldwide because all of us want to decrease the number of abortions taking place worldwide. Frankly, the Mexico City global gag rule makes it far tougher to reduce the number of abortions. We support family planning counseling and care. We support family planning, I thought, because we want to prevent abortions. Between 1988 and 2001, modern contraceptive use in Russia increased by 74 percent, and the abortion rate went down 60 percent. So there is a direct correlation between contraception and education on how to use contraception and the abortion rate. I say this, even though I believe this should be a known fact, but sometimes we seem to forget it. So what happens when we punish a nongovernmental organization that is involved with family planning, such as that clinic in Nepal I talked to you about, that had to give back $100,000 and lay off 60 people? They could no longer serve the women who so desperately needed their help.

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

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

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

For those of us who believe abortion should be safe, legal, and rare, the way to get to that place is to have adequate family planning. For those of us who believe the Government should prohibit the jailing of women and doctors who have or give abortions, they should want to have family planning services so we have fewer abortions.

Why don't we hold hands on this vote as we have in the past and walk down the aisle together across those divides and say family planning is the way to make abortion rare? That is the key. But the global gag rule has the opposite impact. The global gag rule is causing more abortions because the nongovernmental organizations will not take the funding, they won't be gagged, and they won't have the staff to go out and give those women the advice and the contraceptions that they are asking for.

There is another issue that comes into play here, and that is the issue of HIV/AIDS. Preventing AIDS is very important. The use of modern family planning methods will help us prevent AIDS.

This global gag rule is dangerous. It is dangerous directly, and it is dangerous indirectly. It goes against our Constitution and freedom of speech. If this President tried to put this kind of gag rule on in America, he would be laughed out of the courts. Of course, they do not do that because we have something called the Constitution and freedom of speech. We don't go around putting a gag on doctors who have their own practices. We let them do what they think is right—to do no harm and to help people.

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

What should the school do? Refer the girls to the clinic? It is a very difficult situation for the nurses. What can they counsel about? It is a problem if the provider is a member of that community. A person cannot even speak as a community member or a parent. Because how can you differentiate between an individual and the fact that they are an employee of a nongovernmental organization?

The point here is that if someone in the clinic in the area where one man impregnated three girls in the school feels that he or she can't speak out in their capacity as an individual citizen because they work for a nongovernmental organization that could be forced to give up its funding—this is a very bad policy. We are saying to clinics throughout the world that are supposedly trying to help that you must choose between limiting your services

to a woman who comes to you in desperate need or shut down your doors because you have to give back the funding from the United States of America. It is really a stunning and unfair policy.

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

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

Because of the global gag rule that this administration has put in place, supplies to the largest planning provider in Ethiopia have been cut. They have been cut because they refuse to be gagged. The people in Ethiopia are looking to America with our Constitution and our freedom and our freedom of speech, and they are saying: We are not going to allow the President of the United States of America and this Congress to gag us. We will have to give back the money.

That is the most counterproductive thing we can do. Why? Because they are running out of the contraceptives because they don't have the money. They are less able to serve rural areas, only 7 percent of which have access to basic sanitation. They are less able to curb the rising tide of HIV which is sweeping over the population, leaving shattered lives and families in its wake.

Why would we want to be responsible for that? We don't have to be today. We are going to have a chance to do what the Senate has done year after year after year. We have stood up for women's health. We have stood up for freedom of speech. We have stood up for the right of people—even the poorest of the poor—to get access to health care, to find out what their options are, to know what the possibilities are, to fight for changes in the law.

The Senate has stood on the right side of this issue—on the correct side of this issue—for years. I am so proud of the Senate. We did it with almost all Democrats and many Republicans standing with us. I hope that happens today. If it doesn't, a message will be sent throughout the world—yes, to our troops in Iraq who are fighting to bring freedom of speech around the world, that here in the U.S. Senate, we have just stood with a global gag rule. I hope that is not the message we send.

I don't want to see us continue this global gag rule. It is hurting the very people we say we care about—the poorest of the poor, the women, the girls, the victims of rape, the victims of incest.

The amendment I plan to offer and which we have actually set aside is identical to the one we passed 2 years ago. It is very simple. It simply says that nongovernmental organizations cannot be denied funding solely because the medical services they provide with their own funds include counsel and referrals. They cannot be denied funding solely because they use their own funds to advocate for new laws. That is all we say.

In this amendment we admit very straightforwardly that no NGO can violate its own country's law. If abortion is illegal and you cannot refer people in your country, if they say that is the law of the land, of course, we support people paying attention to the laws of their country. But we do not say, and we shouldn't say and we wouldn't say it here, that these NGOs shouldn't be able to lobby for new laws. This is very important.

In Nepal they sent a 13-year-old girl away for 20 years. She was a victim of an uncle's incest. They let the rapist go free and there were no penalties for the parents who forced her to have an abortion. That NGO, that clinic that turned back USAID funding, said we are not selling out our people. We are not selling out a child for some dollars.

I cannot believe the side that we were on. The global gag rule put us on the side of a rapist. That is what the global gag rule did. That is not a side anyone in this Chamber wants to be on. I hope everyone in this Chamber will vote to be on the side of the women who were the victims. They need us to be by their side.

Basically, what we are saying in our amendment is we believe in human rights. We believe in freedom of speech. We believe other countries should have the same freedoms we have in this country. And if we cannot gag people in this country, let's not do it abroad just because we can. Almost 60 years ago in the dark shadows of World War II, it was our country that championed the universal declaration of human rights, setting a standard for human rights all over the world. This is what that declaration said:

> [T]he advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

That is America after World War II. Can someone explain to me how America feels it is on the side of the good when we will punish a nongovernmental organization that goes to bat for a rape victim who is 13 years old? We are not on the side of human rights. We are on the side of people who are doing evil. That is wrong. That is not what our Government ought to be doing.

The aspirations of our country and of our people should be reflected in our policies. That is why I urge my colleagues on both sides of the aisle to do what they have done over and over again: Stand up and be counted on the side of freedom and justice and the American way. It is the American way to foster freedom and justice, to allow people, even when we do not agree with them, to take their complaints and their points of view to their governments. That is what our soldiers are fighting for and dying for in Iraq, yet with this policy we stand on the side of tyranny.

I urge my colleagues to stand with us again. This is a bipartisan Boxer-Snowe amendment. I urge Members when the time comes—and I hope the chairman will let us know at what point we will be voting—I urge Members to stand with Senators BOXER and SNOWE in this bipartisan amendment to end the global gag rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

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

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

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

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

President since 1984 has exercised that right.

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank young very much, Mr. President. I thank my colleagues for discussing this important issue and I appreciate Senator BOXER's concern. This is well-plowed ground that we have traveled over several times. We have been over this issue a number of years. The Mexico City Policy was first introduced by Ronald Reagan. It is a commonsense policy that President Reagan first put forward in 1984, based in part on his belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions through international family planning programs, period.

President Reagan, as was typical in his way, looked at the root of the issue and said: I understand we have an enormous debate in America and around the world about the issues surrounding the questions ''when does life begin? Does it begin in the womb or not?'' There is an enormous debate about these important questions—and I am going to set that debate aside, President Reagan said, but I am going to say as well, the American public has very clearly defined itself on the issue of taxpayer funding of abortion. The people are saying: We may debate back and forth about the life issue, but we do not want taxpayer funding to provide for abortions, particularly overseas. That is just a bridge way too far for me to cross, too far from the very fundamentals of the debate, for now the country is a pro-life country and generally people are opposed to abortion taking place.

That was the 1984 decision put in place by Ronald Reagan, later overturned by President Clinton, later put back into place by President Bush. One of George W. Bush's first acts in office was to reinstate the Mexico City Policy. The Mexico City Policy simply prohibits provision of Federal taxpayer funds to organizations that ''perform or actively promote abortion as a method of family planning in other nations.'' It is a very simple issue. It is a very direct, straightforward issue. I want to say as well, that when individuals try to frame this debate by saying this is about women's rights and issues, and a lack of our support of them on the international level, I want to step aside for just a minute and point out the record of the Bush administration on women's rights, on issues in Afghanistan where women are now voting and actively participating in politics and society, is just tremendous.

Senator BOXER and I both put forward a bill about women's rights in Afghanistan, and, in addition, the Bush administration is implementing and remedying concerns for women in Iraq who are now voting and are now proudly waving their fingers with the ink stain upon them. Brave women are demonstrating their rights and standing up to defend their rights around the world. This administration, on a very practical level, is putting forth and implementing programs in great strides to assure women's rights around the world, and they should be congratulated for that and thanked for all their efforts.

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

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

I think the Bush doctrine, formerly the Reagan doctrine, the Mexico City Policy, should stand for good reason. It stands with the American public. We

should not be using Federal taxpayer dollars to fund abortions overseas. That is the view of 75 to 80 percent of Americans.

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

I urge my friend to please be clear that these are different issues. We already deny the use of Federal funds for anything having to do with overseas abortion or its lobbying. But the gag rule takes it a step further and says these organizations that work so hard in the toughest environments cannot use their own funds in the way they see fit to advocate for changes in the law, to help women understand what their options are. And it is antithetical to the United States of America, to freedom of speech. My friend knows we couldn't do that here. We couldn't tell people here that they can't talk to their patients. That would be unconstitutional.

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

The PRESIDING OFFICER. The Senator from Indiana.

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

Mrs. BOXER. If I may respond to the chairman, I have no problem. I would like to close the debate. That will be fine with us as long as I may conclude.

Mr. BROWNBACK. No objection from myself.

Mr. LUGAR. Mr. President, I ask that debate be of 20 minutes duration, that the time be under control of the Senator from California and the Senator from Kansas, and that the Senator from California be able to conclude the debate.

Mrs. BOXER. Reserving the right to object, 10 minutes each and no second-degree amendments; is that part of it?

Mr. LUGAR. That would be correct, no second-degree amendments.

Mrs. BOXER. Then I have no objection.

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

Mr. LUGAR. I thank the Chair and the Senators.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, responding to a couple of the comments of my colleague from California, I would like to cite and include in the RECORD a Congressional Research Service report on international family planning, the Mexico City policy. This report is dated April 2, 2001. And then another one, an updated one on population assistance and family planning programs, issued for Congress, May 19, 2003.

In the 2003 report, I want to cite this briefly because we are getting involved in a discussion about what the wording of the Boxer amendment does and what it does not do. I contend that clearly what could take place with the passage of the Boxer amendment, is that money could go to a foreign organization that performs abortions. These organizations can't use the money directly for abortions, but they can move private money to do abortions while using the government money for advocacy. That is what I am saying. My colleague is giving the illustration of this tragic situation that has occurred where there has been a rape in Nepal and this is a heart-rending example of these types of cases right before us now.

Regardless of how you view life, and when human life begins, we are going to set that issue aside but I hope we get to debate that issue one of these days. In this CRS report dated 2003, USAID issued additional guidelines on the implementation of the Mexico City Policy and stated that organizations could not ''perform abortions in a foreign country except where the life of the mother would be endangered or in cases of forcible rape or incest.'' So where my colleague is talking about a case of forcible rape taking place and a choice of an organization having to choose between performing an abortion or losing their funding, the USAID policy says that performing such an abortion is a specific exemption from this Mexico City policy that is squarely on point in this CRS report.

I ask unanimous consent to print in the RECORD selections from the two CRS reports that I have mentioned.

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

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

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

Nevertheless, the controversy spilled over into U.S. foreign aid policy almost immediately when Congress approved in late 1973 an amendment to the Foreign Assistance Act of 1961 (Section 104(f)) prohibiting the use of foreign development assistance to pay for the performance of abortions or involuntary sterilizations, to motivate or coerce any person to practice abortions, or to coerce or provide persons with any financial incentive to undergo sterilizations. Since 1981, Congress has enacted nearly identical restrictions in annual Foreign Operations appropriation bills.

For the past 25 years, both congressional actions and administrative directives have restricted U.S. population assistance in various ways, including those set out in the Foreign Assistance Act of 1961, and more recent executive regulations and appropriation riders prohibiting indirect support for coercive family planning (specifically in China) and abortion activities related to the work of international and foreign nongovernmental organizations. Two issues in particular which were initiated in 1984—the ''Mexico City'' policy involving funding for non-governmental-organizations (NGOs), and restrictions on funding for the U.N. Population Fund (UNFPA) because of its activities in China—have remained controversial and continue as prominent features in the population assistance debate.

During the Bush Administration, efforts were made in Congress to overturn the Mexico City policy and rely on existing congressional restrictions in the Foreign Assistance Act of 1961 banning direct U.S. funding of abortions and coerced sterilizations. Provisions adopted by the House and/or Senate that would have reversed the policy, however, were removed from legislation under threat of a presidential veto.

Efforts to Legislate the Mexico City Policy. Beginning in 1993, abortion opponents in Congress attempted to legislate modified terms of the Mexico City policy. Under the threat of a Presidential veto and resistance from the Senate, Mexico City restrictions had not been enacted into law until passage in November 1999 of the Consolidated Appropriations Act for FY2000 (P.L. 106–113).

In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds through September 30, 2001: perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest; violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or attempt to alter the laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

If an organization declined to certify or did not return the certification form, it was ineligible to receive FY2000 USAID population funds unless it was granted a waiver under the $15 million exemption cap.

The regulations also contain exceptions: abortions may be performed if the life of the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest; health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

The new Administration Mexico City guidelines state that U.S. cannot furnish assistance to foreign NGOs which perform or actively promote abortion as a method of family planning in USAID-recipient countries, or that furnish assistance to other foreign NGOs that conduct such activities.

Examples of what constitutes the promotion of abortion include: operating a family planning counseling service that includes information regarding the benefits and availability of abortion; providing advice that abortion is an available option or encouraging women to consider abortion; lobbying a foreign government to legalize or to continue the legality of abortion as a method of family planning . . .

The regulations also contain exceptions to these policies:

abortions may be performed if the life to the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest.

health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

''passive'' responses by family planning counselors to questions about abortion from pregnant women who have already decided to have a legal abortion is not considered an act of promoting abortion.

referrals for abortion as a result of rape, incest, or where the mother's life would be endangered, or for post-abortion care are permitted.

Recipients of USAID grants, however, could use their own funds to engage in abortion-related activities, but were required to maintain segregated accounts for U.S. money in order to show evidence they were in compliance with the abortion restrictions.

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

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

If we pursue this sort of policy, it diminishes our possibility to go to the public and say: We want to do whatever we possibly can to end poverty, hunger, and alleviate suffering in the world. We can do more and we want to do more. We are out there pushing to do more. If we force policies such as this, it cuts the knees out from underneath all our other efforts because then a number of people say: How are you doing alleviating poverty by funding a group that funds and works for abortion? How is this work alleviating suffering and poverty? It seems as though you are going against the very message you ought to be driving and pushing forward.

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

Amendments such as this have a harmful overall impact on the body politic of this country, disrupting a chance to do something that is very noble and good. I understand my colleague is putting it forward as a noble cause. I don't think it is being received or can be viewed in that way.

With all due respect to my colleague and her heart for her goodness to do the right thing, this amendment is not helpful on many levels. I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my colleague misses the entire point. The reason this child was sent to prison in Nepal after incest by an uncle and being forced by her parents to have an abortion is because of the former law in Nepal. And the policy my friend is supporting, the global gag rule he extolls, prohibited that clinic from going to bat for this child and using its own funds to change the laws. To do that, they had to turn back their U.S. funding. Are you proud of that? They decided, this nongovernmental organization, to give back the money because they felt it was that important to fight for that child who was the victim of incest and get that law changed.

It took them several years. That child had a 14th birthday in prison, and

she had a 15th birthday in prison. But they succeeded. One would think we would be on their side. One would think the United States of America would be on the side of a child who was raped and against a man who performed that act. One would think that is the side we would be on, the side of this child. But, oh, no, the global gag rule told that clinic: You cannot change the law because if you do that, you are violating the global gag rule.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Kansas.

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

The PRESIDING OFFICER. There is 5 minutes remaining.

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

> In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds . . . :
>
> Perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest;
>
> Violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or
>
> Attempt to alter laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, in an effort not to belabor this too much, there is a set of semantics being argued back and forth. I invite my colleague to submit suggestions on regulatory changes to the USAID to try to address this narrow point, if that is, indeed, the case. I hope we do not, in focusing on a particular very narrow tragic issue and circumstance—and nobody is celebrating that tragedy—I hope we do not lose focus of the broader issue of taxpayer funding of abortions overseas.

We can focus in on this very narrow point of view—and it is a tragic circumstance, I will concede that to my colleague. Maybe we can negotiate a regulatory change to address these important concerns if these words do not do it. I think we are arguing semantics here. Let's not lose sight of the fact, which is that this amendment would send taxpayer dollars to fund abortions overseas.

I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

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

The last point I will make is my friend keeps repeating the phrase ''U.S. taxpayer funds.'' He is confusing the debate. There was an outright ban written in 1973 by Jesse Helms which has been upheld in the Congress ever since that not a dime of U.S. taxpayer money could be used in any way, shape, or form to provide abortion. And there is another law that says you cannot use U.S. taxpayer funds to lobby. So those things are already set.

What we are talking about is an additional law put into place by the Bush administration after it was off the books for 8 years which says forget about U.S. taxpayer money, we are telling nongovernmental organizations that to get that money, they cannot use their own funds in any way to provide abortion, to counsel women, to tell women their options, or—and this is the case in point—even to lobby their legislature to change laws, such as the one that put this child in prison who is the victim of incest. I do not understand how we can stand on that side of this issue.

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

Now, why do we want to stand on the side of the law that is resulting in girls going to jail when they are raped by a

relative and girls dying from botched abortions because we put a gag on the clinic? I hope this Senate will pass the Boxer-Snowe bipartisan amendment that will send a signal to the world that we believe very strongly in their rights to aggressively approach their government and talk about laws that may need changing, their rights to look a woman or a girl in the eye and say, look, regardless of what your religion is or what your feeling is, these are the options you have.

I do not think keeping women ignorant is a very liked policy, and anyone who votes for this global gag rule votes to keep the women of the world ignorant. I hope my colleagues will vote for the Boxer-Snowe amendment. I look forward to a successful vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

AMENDMENT NO. 279

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To strike section 207)

On page 24, strike lines 1 through 5.

Mr. LUGAR. Mr. President, this amendment strikes section 207. It was scored by the Congressional Budget Office as containing direct spending that needed an offset. While there is some disagreement between the executive branch and Congressional Budget Office on the scoring, if section 207 were not stricken, the legislation would be subject to a budget point of order. I understand the staff of the Budget Committee and the staff of the Senate Foreign Relations Committee have come to an agreement, and this amendment removes the threat to the legislation. We know the State Department considers section 207 important. We will do our best to provide these authorities, but we must do so in a way that is budget neutral.

For this reason, until a way can be found to resolve the scoring difficulties, we ask unanimous consent that the amendment be adopted.

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

The amendment (No. 279) was agreed to.

AMENDMENT NO. 280

Mr. LUGAR. I thank the Chair. Mr. President, on behalf of Senator SCHUMER, I send an amendment to the desk. This is an amendment that requires that foreign assistance be withheld from foreign countries that owe parking fines in Washington, DC, or New York City. The amount withheld would be 110 percent of the fines.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. SCHUMER, proposes an amendment numbered 280.

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

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

The amendment is as follows:

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

At the appropriate place, insert the following new section:

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

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

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

(c) AMOUNTS WITHHELD TO BE ADDITIONAL FUNDS.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) WAIVER.—

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

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

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

(f) DEFINITIONS.—In this section:

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

(2) The term ''fully adjudicated'' includes circumstances in which the person or government to whom the vehicle is registered—

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

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

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

(3) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

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

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

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

The amendment (No. 280) was agreed to.

AMENDMENT NO. 274, WITHDRAWN

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

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

Mr. LUGAR. At this juncture, I ask the Chair to recognize the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the Foreign Relations Committee. I ask that the pending amendments be temporarily set aside so I might offer an amendment.

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

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

Mr. BAUCUS. I might tell the chairman that is certainly fine with this Senator.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

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

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

Mr. CRAIG. Including all amendments?

Mr. LUGAR. Yes, with no second degree.

Mr. CRAIG. No objection.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, the minority leader staff tells me we have to check with other Senators on this side who may want to speak to this amendment, but why do

we not proceed. I would object for the moment, but hopefully I can resolve this very quickly.

The PRESIDING OFFICER. The objection is heard.

The Senator from Montana.

AMENDMENT NO. 281

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 282 TO AMENDMENT NO. 281

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To clarify the payment terms under the Trade Sanctions Reform and Export Enhancement Act of 2000)

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

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

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

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

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

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

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2005.

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

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

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

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

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

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

Somehow and for some apparently very biased reason—let me be blunt—Cold War bureaucrats in the Department of Treasury at OFAC decided, no, we are going to change the law by regulation.

We are going to squeeze and push and deny, and as a result we will collapse the ongoing trade with Cuba that is clearly within the law and within the Trade Sanctions Reform Act of 2000.

What we do with this amendment offered to the State Department authorization bill, and my second-degree amendment, is very clear. We simply restate the law, the intent of the law. We want OFAC to understand what Congress's intent was. We define what a cash payment in advance is. We authorize the issuance of a general license for U.S. agricultural producers to travel to Cuba for the purpose of agricultural trade. We authorize direct cash payments to U.S. banks, cash payments. It is very important we understand that. We repeal section 211 as it relates to the 1999 Omnibus Act, and trademarks, and we clarify a variety of other issues.

What is most important, and for our colleagues who support us in this effort and support the agricultural community in our country's ability to sell to Cuba for cash, we say we are for all intents and purposes reinstating the intent of Congress as expressed in the 2000 law. That is what is important here. We do not believe it is the right or responsibility of Treasury to change the rules or the name of the game or the intent of the law. That is why the Senator from Montana and I have come to the floor, for that purpose. The Senator remains on the floor and I know wants to express his concern.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first I thank the chairman of the committee, second my good friend from Idaho, Senator CRAIG, and other Senators who have cosponsored this amendment. There are at the present moment about 30 cosponsors of this amendment. It is bipartisan. I might say there is tremendous interest in this legislation also in the other body.

To review where we are, back in the year 2000, not too many years ago, we in the Congress approved legislation called the Trade Sanctions Reform and Export Enhancement Act, otherwise known as TSREEA. What was the point of that legislation? It was legislation which authorized cash-in-advance food and medicine sales to Cuba. That is, the Congress carved out a substantive area of food and agricultural sales to Cuba. It did not provide a broad-brush authorization for trade with Cuba; rather, it narrowed it to food and to medicine for humanitarian reasons. It just made sense for the United States to be able to send its medicine and its food products, its agriculture, to Cuba. Clearly this made a lot of sense. Food should never be used as a weapon, and surely no dictator has ever missed a meal.

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

We should be looking around for new markets for American products, not

cutting out export markets for American agricultural products. Cuba certainly presents a promising market for Montana and for American agriculture. Yet, unbelievably, the Treasury Department has recently issued a new rule. That rule makes it harder, it makes it much more difficult, for U.S. farmers and ranchers to sell agricultural products to Cuba. It makes it much more difficult in spite of the intent of the law we passed in 2000.

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

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

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

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

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

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

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

Second, the amendment gives general license to producers and port authorities to travel to Cuba whenever they have agreements to negotiate. This is a big point. Very often, the United States makes it very difficult with a huge amount of bureaucracy and paperwork to go through when the American agricultural exporter wants to go to Cuba to negotiate an agreement. It makes it difficult to do so if we can't go to Cuba to put the deal together.

Third, it requires greater transparency in visa processing for the Cuban buyers and inspectors who have legitimate itineraries in the United States related to the sale or inspection of TSREEA-authorized products.

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

Fourth, this authorizes direct banking relations for authorized agricultural sales only. We are not talking about any other product. We are talking just about authorized agriculture sales—direct banking relations which would have the effect that U.S. banks can deal directly on this matter rather than as currently is the case where they would have to go through a third party, where European banks are making money off the U.S. agricultural sales.

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

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

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

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

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

I yield the floor but reserve the time we have.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we under a time agreement at this point?

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Mr. President, let me make a couple of comments about this, and first credit my colleagues Senator CRAIG, Senator BAUCUS, and many other colleagues who have worked so hard on this. Their leadership is especially appreciated.

Go back 5 years to the year 2000 when I, then-Senator John Ashcroft, and my colleagues Senators CRAIG, BAUCUS, and others passed an amendment here in the Senate that became law. The amendment we offered which became law said that American farmers could sell food into the country of Cuba as long as Cuba paid cash for that food. Since that time, we have sold over $1 billion worth of agricultural commodities into Cuba. When we debated that 5 years ago, I was on the floor of the Senate saying I think it is almost immoral for any country to use food as a weapon. Food ought not be a weapon in foreign policy.

Does anybody here think that for 40 years when we prevented the sale of food to Cuba we injured Fidel Castro? Does anybody believe Fidel Castro missed breakfast, or lunch, or supper, or dinner, because of our embargo on food, because we decided to use food as a weapon? It didn't hurt Fidel Castro. When we use food as a weapon, it hurts hungry, sick, and poor people. That is what happens.

One day not too long ago—a couple of years ago—22 train carloads of dried feeds left the State of North Dakota, my home State, to go from our farms

to Cuba to be fed to the Cuban people. Cuba paid cash for it. It was the first shipment in 42 years.

We have people who never liked that law; didn't like the fact that Congress passed that law; still want to use food as a weapon. What has happened is the Treasury Department's Office of Foreign Asset Control has decided to illegally, in my judgment, redetermine how they interpret that force of law that requires cash payment for food. Normally, when you buy something, when they give you the product, you pay cash and they give you the product. That is the way it is. You pay the money, they give you the product.

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

It is interesting. We are told repeatedly and have been told for years that the way to move Communist countries into the mainstream toward democratic reform is through trade and travel. I have been to the country of China; I have been to Vietnam—both Communist countries. We encourage trade and travel with Communist countries, China and Vietnam. But when it comes to Cuba, a Communist country headed by Fidel Castro, who admittedly keeps sticking his finger into our country's eye—I understand that. It is not about Fidel Castro. It is about our farmers being able to sell food into the Cuban marketplace. When it comes to Cuba and Castro, he has lived through 10 Presidents and over 40 years of an embargo.

The fact is this amendment is necessary in order to stop the Treasury from doing something that the Congressional Research Service says they do not think is legal.

Let me make another couple of comments that relate more generally to a related issue. The Office of Foreign Asset Control is an agency down in Treasury that is supposed to be tracking money supporting terrorism. That money supporting terrorism is to be intercepted by OFAC in their investigations, trying to figure out who is supporting Osama bin Laden, and how do we shut down their funding. Guess what. This little agency, which has 21 people, triple the number of people who are working on Osama bin Laden's funding supply, is trying to figure out how they shut down trade and travel to Cuba. They are investigating American citizens who are under suspicion of having taken a vacation in Cuba without a license.

I have a picture of a young woman I have shown on the floor of the Senate many times. Her transgression was she went to Cuba to pass out free Bibles on the streets of Cuba and OFAC tracked her down and fined her $10,000.

Trade and travel are two related issues that I believe would work with Cuba, as they work with China and Vietnam. I believe the Communist countries I have described, China and Vietnam as examples, have moved toward more democratic reforms, not completely, but as a result of our policy called engagement, travel, and trade.

With respect to Cuba, we have had this some 40-plus years embargo that simply hasn't worked. But the piece of the embargo, the piece of that issue my colleagues Senator CRAIG and Senator BAUCUS and I and others now want to address is to correct something that is happening down at the Treasury Department that we believe misinterprets current law to correct something the Congressional Research Service says is being done which they believe is not legal. We will find any way we can to force this correction.

My colleagues have described—I shall not go into any greater detail—the provisions. It allows generally visas for agricultural sales to Cuba. If you are going to sell and have a trade relationship, you have to go there and talk about what you have to sell. It would express the sense of Congress that we should issue visas to Cubans who want to buy U.S. agricultural goods, and want to come here. They have systematically refused to give visas to some of these top food-buying Cubans who would come to this country to purchase food. It also fixes payment and advance issues and resolves those kinds of problems that have arisen in recent months with the new ruling by OFAC.

One final point: The current Secretary of the Treasury knows, as did the previous Secretary of the Treasury, that what is happening is goofy; totally without good sense. They know that.

I had a hearing one day when I was chairing a subcommittee, and Treasury Secretary O'Neill was there. I asked him about four or five times. He didn't answer. I knew why he wouldn't answer; it was because he would get in trouble if he did. But about the fifth or sixth time I asked the question—I knew he would eventually answer—he finally answered candidly. I said, Wouldn't you, if you had the choice, rather than track people suspected of vacationing in Cuba, rather than trying to shut down agricultural trade, if you had the choice, use your assets in OFAC to track terrorist money and shut down terrorism?

He finally said, of course. The next day he was chastised publicly by the White House for saying that. We do not get that kind of answer out of anyone in the administration anymore.

This is very simple. It is not a partisan issue. It is the expression of Congress, on a bipartisan basis, Republicans and Democrats, that we ought not use food as a weapon. It is immoral. Farmers should not the pay the cost of this country's foreign policy. It makes no sense to allow the Treasury Department to misinterpret law and to try to shut down the ability of United States farmers to sell food to Cuba.

To close where I began, let me say again, these policies have never hurt Fidel Castro. He has never missed a meal. It hurts poor people, hungry people, and sick people in Cuba, and it hurts American farmers. The policymakers who do this know that, they know both of those circumstances and they do it, in my judgment, to perpetuate a political advantage they think exists somewhere in about two States in our country. I think they are wrong.

On behalf of this country's farmers and on behalf of the people in Cuba who would buy and who would need that food, I believe we ought to pass this amendment to the underlying bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 273, AS MODIFIED

Mr. LUGAR. Mr. President, I ask unanimous consent an amendment numbered 273, previously agreed to, be modified with language that is at the desk.

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

The amendment will be so modified.

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

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

(2) AVAILABILITY OF FUNDS.—

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

As a Senator, I worked in the Congress to support trade and economic policies that I believe are in the best long-term interests of our Nation. Constricting agricultural sales to Cuba would have little or no effect on the Cuban regime, particularly since the rest of the world does not participate in our embargo. It would, however, limit the ability of our farmers and our ranchers to sell their products abroad.

I urge my colleagues to support the Craig-Baucus amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RELATING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL II

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 p.m. having arrived, the Senate will proceed to a vote on the resolution relating to the death of the Holy Father, Pope John Paul II.

The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) relating to the death of the Holy Father, Pope John Paul II.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—98

Akaka	Cornyn	Inouye
Alexander	Corzine	Isakson
Allen	Craig	Jeffords
Baucus	Crapo	Johnson
Bayh	Dayton	Kerry
Bennett	DeMint	Kohl
Biden	DeWine	Kyl
Bingaman	Dodd	Landrieu
Bond	Dole	Lautenberg
Boxer	Domenici	Leahy
Brownback	Dorgan	Levin
Bunning	Durbin	Lieberman
Burns	Ensign	Lincoln
Burr	Enzi	Lott
Byrd	Feingold	Lugar
Cantwell	Feinstein	Martinez
Carper	Frist	McCain
Chafee	Graham	McConnell
Chambliss	Grassley	Mikulski
Clinton	Gregg	Murkowski
Coburn	Hagel	Murray
Cochran	Harkin	Nelson (FL)
Coleman	Hatch	Nelson (NE)
Collins	Hutchison	Obama
Conrad	Inhofe	Pryor
Reed	Sessions	Talent
Reid	Shelby	Thomas
Roberts	Smith	Thune
Rockefeller	Snowe	Vitter
Salazar	Specter	Voinovich
Santorum	Stabenow	Warner
Sarbanes	Stevens	Wyden
Schumer	Sununu	

NOT VOTING—2

Allard	Kennedy

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

Whereas he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

Whereas throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

Whereas he practiced and inspired resistance to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

Whereas he fostered harmony between Catholics and Eastern Orthodox and Protestant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith understanding and cooperation; and

Whereas he dedicated himself to the defense of the weakest and most vulnerable members of the human family; and

Whereas on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice inscribed in our Declaration of Independence and Constitution; and

Whereas his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe; Therefore be it

Resolved That the Congress of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be ''one Nation, under God, indivisible, with liberty and justice for all,'' and to help our neighbors in immeasurable ways.

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

AMENDMENT NO. 278

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes evenly divided relating to a vote on amendment No. 278, the Boxer amendment. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, I hope my colleagues will support the Boxer-Snowe amendment. It is very important to make sure women around the world are given the health care they deserve. Since 1973, the Helms amendment has been in place. That means no American funds can ever be used for anything to do with abortion. But the global gag rule which we are trying to overturn goes much further. It says nonprofit organizations overseas cannot use their own money to help a