

court in that case shall order closed circuit televising of the proceedings to convenient locations, in Northern Virginia, Los Angeles, New York City, Boston, Newark, and San Francisco, and such other locations the trial court determines are reasonably necessary, for viewing by those victims the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of inconvenience and expense of traveling to the location of the trial.

(b) PROCEDURES.—Except as provided in subsection (a), the terms and restrictions of section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608) shall apply to the televising of court proceedings under this section.

FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2506) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2506), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report can be found in the House proceedings of December 19, 2001.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, with American troops on the ground in Afghanistan, with an uneasy coalition of nations confronting an unprecedented war on terrorism, and with the possibility of all-out war looming over the Israelis and the Palestinians, the Foreign Operations Appropriations conference report before us today comes at a pivotal moment in our nation's history. Given the volatility of the situation in the Middle East in the midst of America's war on terrorism, it is vital that Congress and the Administration present a united foreign policy front to the rest of the world. For that reason, I will vote for the FY 2002 Foreign Operations conference report, I do so reluctantly and with reservation—and I do not often vote for Foreign Operations appropriations bills.

I believe it is time—I believe it is past time—to rethink our foreign aid policy and how relates to our national security priorities. September 11 was a wake up call on many fronts. As a result of the attack on America, we have made sweeping changes in our concept of national security. We have learned that national security also means

homeland defense. We have learned that airplanes can be bombs and that letters in the mail can be lethal. We have learned that we must change our definition of defense to encompass defending our domestic infrastructure as well as defending against ballistic missile threats.

These changes reflect the realization that the September 11 terrorist attacks on U.S. soil may not be an isolated incident. At this moment, there may be people planning other terrorist acts against our homeland. We have already experienced three terrorism alerts in the U.S. since September 11. Almost daily, we hear grim predictions of what the future may bring. We are living in an age of global instability, disenfranchised and desperate peoples, and widespread proliferation of weapons of mass destruction. The volatility of the current world situation is without precedent.

And yet, in many ways, the major instrument of our foreign policy—the Foreign Operations Appropriations Act—reflects a distressing attitude of business-as-usual. I do not fault the authors of this bill. Senator LEAHY and Senator MCCONNELL have done an excellent job in balancing the priorities of the Administration with the concerns of Congress and the needs of our allies throughout the world. They have done so with care and skill, and they are to be commended for their work.

No, the fault, I believe, lies with our inability as a nation to relinquish long held conventional wisdom about foreign aid and recognize that the changing global environment requires a re-vamping of our foreign policy. We must move away from using dollars to symbolize the strength of our relations with other countries, and instead focus our energies—and our resources on promoting a new understanding of foreign policy that complements and enhances our global war on terrorism.

Nowhere is this more true than in the Middle East, where renewed violence and antipathy have brought Israel and the Palestinian Authority to the brink of open warfare. Since September 29, 2000, the Israeli-Palestinian conflict, fueled by generations of hatred, has claimed nearly 1,000 lives. For the past 15 months, the unending cycle of violence has pitted the home-made bombs and deadly suicide missions of the Palestinians against the heavy armor and missile attacks of the Israelis. Many, perhaps most, of the victims have been young people barely on the cusp of adulthood. The sad fact is that the next generation of leaders of the Israelis and the Palestinians are being sacrificed to the blood feud of their elders.

The United States, like the rest of the world, has looked on this ceaseless carnage in horror. We have expressed dismay, regret, sorrow, and anger. We have wrung our hands in despair. We have condemned the violence in the strongest terms. But we have not suited our words to any meaningful action.

In this bill, our foreign assistance to the Middle East virtually ignores the spiraling violence in the region. This bill provides \$5.1 billion dollars in foreign assistance to the Middle East, primarily Israel and Egypt, a level almost identical to last year's funding. It is as if nothing has changed. There are no strings on the money. There is no requirement that the bloodshed abate before the funding is released. There is no motivation for Egypt to step up its effort to mediate between the sides, and there is no incentive whatsoever for Israel and the Palestinians to make meaningful progress toward a peaceful settlement of their differences.

In short, we are doing little more than offering a tacit acknowledgment that the United States is powerless to stop the bloodshed. We are sending the wrong signal to the Middle East. By not using our foreign assistance dollars as an instrument to effect change in the Mideast, we are inadvertently helping to fuel the continued cycle of violence. And what has this hands-off policy produced? Empty promises, escalating violence, and the prospect of war instead of peace between Israel and the Palestinians.

Now what? Where does the so-called peace process go from here? Can we really expect the Israelis to exercise restraint following the most recent escalation of violence against their citizens? Is there any point in urging Yassar Arafat to seize and punish the terrorists within his control when he is obviously unable to live up to his promises? Is there any hope that the Israelis and Palestinians will be able to re-engage in meaningful discussions in the foreseeable future?

In the current poisonous environment, neither side has any incentive to resume peace talks. To give his expressions of dismay any credibility, Mr. Arafat will have to conduct a swift and sweeping crackdown on the leaders of the Palestinian terrorist cells—something he has never been able to accomplish in the past. And even if Mr. Arafat could deliver on his promises, it will take masterful leadership on the part of Israeli Prime Minister Ariel Sharon to restrain his military options and to place Israel's settlements in disputed areas on the negotiating table—two difficult but necessary prerequisites for peace.

The Israelis and the Palestinians, riven by generations of hatred, cannot hope to accomplish these goals on their own. It is time for Egypt—with the assistance of Saudi Arabia and Jordan—to exercise its considerable influence in the region and place long term security interests over short term internal political costs. Such leadership will not be easy. President Mubarak will have to make hard choices and steel himself and his government against the predictable political backlash from the more radical elements of his own country. But President Mubarak's leadership is necessary to temper the emotions of his fellow members of the Arab League.

The United States has a similarly difficult task before it. Despite our clear alliance with Israel, the U.S. must regain the role of honest broker. We must stop rewarding the status quo with an uninterrupted flow of foreign aid dollars and instead use foreign assistance as a tool to leverage peace.

We are certainly not doing so now. Just a few weeks ago, the State Department confirmed the intended sale of 53 advanced anti-ship missiles to Egypt. Egypt contends that these missiles are needed to protect its borders, but the fact is, these deadly accurate missiles have the range to threaten Israel's ports and shipping. Given the tinderbox that is the Middle East today, why is the United States contemplating sending these weapons into the region at this time?

Meanwhile, we routinely sell advanced aircraft and missiles to Israel as part of our foreign assistance package. Some of these U.S.-made high-tech weapons have been used to target and assassinate Palestinian terrorists. Just days ago, we again saw television images of Israeli-operated, American-made jets and helicopters launching missiles at buildings used by the Palestinian Authority. You can be sure those images were seen throughout the Arab world. How can we demand peace on one hand when we are providing instruments of destruction with the other?

Israel and the United States are the staunchest of allies. No one should question our support of Israel's right to exist. But support need not translate into enabling. The United States, the Middle East, and the world would be better served if we changed our policy in the Middle East to reflect reality, not rhetoric. The Palestinians must stop the cycle of violence. The Israelis must practice restraint. The United States must back up its words with action.

We have a road map to restart the Middle East peace process, the Mitchell Report. This blueprint, drawn up by former Senator George Mitchell and issued last April, is a step-by-step plan to end the violence and resume negotiations between the Israelis and the Palestinians. The Mitchell Report is often cited as a practical and workable solution. It has strong support in both the Administration and the Congress. But to date, it is doing little more in real terms than gathering dust on a shelf. To date, there has been no incentive on either side to make the hard decisions that are required to actually implement the steps of the Mitchell Report.

It is time for the United States to provide some incentive. It is time to try to implement the Mitchell Report. Just as we must hold the Palestinians responsible for increasing the violence, so must we hold the Israelis responsible for the inflammatory expansion of settlements in disputed areas. The Mitchell Report provides a clear and unbiased insight into the realities of

the dispute between the Israelis and the Palestinians. It is remarkable in its fairness and even-handedness in holding both sides accountable for their transgressions. Our foreign assistance policy should do no less. I call on the Administration and this body to take a fresh look at how we apply our foreign assistance to the Middle East before we take up another foreign policy measure in the Senate.

And when we take that fresh look at our Middle East policy, we should look at all facets—all facets—of our relationship both with Israel and its Arab neighbors. For example, if we are quick to condemn Iran for the transfer of missile technology to North Korea, how can we stand silent in the face of Israel's sale of advanced weapons and components to China—weapons that are based on U.S. technology or developed in Israel with U.S. tax dollars? China may not be in the same category as North Korea, but it defies logic to think that the sale of advanced American weapons technology to China is in the security interests of the United States. Foreign policy decisions do not exist in a vacuum. Our support for Israel affects the Arab world's policies toward the U.S. The weapons systems that Israel sells to China could effect China's capability to inflict harm on the United States. With the new urgency to protect our homeland, these are significant issues that should be dealt with honestly and openly in future foreign assistance programs.

In light of September 11, the P-3 incident of April 1 has almost faded from many memories. That was 5 months before 9-11, and our service men and women were put in harm's way by a brutal regime, which summarily executes dissidents and independence-seeking nationalists in Tibet and other occupied lands. Have the recipients of our fungible foreign aid dollars and other friends and allies been arming this potential adversary of ours, which in turn provides chemical and biological weapon delivery systems to terrorist-sponsoring states? The answer is yes. China is a known proliferator of chemical weapons and ballistic missiles capable of delivering chemical and biological warheads, and Britain, France, Russia, and Israel have been selling weapons and transferring advanced military and dual-use technologies to China. Regrettably, our record is not clean either. Our excessively profit-motivated corporations have also transferred technologies to the PRC, sometimes as the price of doing business there and sometimes even voluntarily. China is known to have provided missiles capable of being equipped with chemical and biological warheads to Iraq. Iraq is a terrorist state, a manufacturer and user of chemical and biological weapons, and a sponsor of terrorist groups. China has provided ballistic missiles to Saudi Arabia, to Syria, to Iran, and to Libya. It has provided nuclear weapons to Syria, to Japan, and to Iraq. It pro-

vided chemical weapons to Syria. It provided them to Iran.

Could these weapons be used against our personnel and our allies in the event of a future confrontation? The answer is yes. Are these weapons sales to China in the interests of American national security? Of course not. I was one of the initiators of the enabling legislation of the U.S.-China Security Review Commission, a bipartisan Congressional commission. One of its specific mandates is to analyze the transfer of our advanced military and dual-use technology by trade, procurement, or other means to China. The Commission is looking into technology transfers to the PRC through third parties. Another specific mandate to

The Commission is to look at the proliferation of weapons of mass destruction. The basic purpose of the Commission is to assess the impact of these and other acts on the national security interests of the United States. The Commission is to report its findings and recommendations to Congress and the President in May. I look forward to the report today, the United States is embroiled in a war of its own in the Middle East. Until recently, the Israeli-Palestinian conflict had largely vanished from the headlines, displaced by the specter of hand-to-hand combat between American troops and Taliban forces in Afghanistan. But the importance of seeking a peaceful solution to the violence between the Palestinians and the Israelis is no less urgent than it has always been. The recent terrorist attacks against innocent Israeli citizens and the possibility that Israel will launch its own war against Palestinian terrorists is all the proof—all the proof—that we need.

If this cycle of violence continues unabated, if the Israelis and the Palestinians are unable to come to terms themselves, then the United States should intervene by conditioning future foreign assistance to the Middle East—to all the major players, including Egypt, including Israel, including Jordan and including the Palestinians—on implementation of the Mitchell Report or something very like it.

U.S. interests are not served by the perpetuation of violence between the Israelis and the Palestinians. No one should be more cognizant of this fact than the citizens of Israel, where precious lives have once again fallen victim to Arab extremists bent on wreaking havoc. No one should be more cognizant of this fact than Yassar Arafat, who time and again has failed to moderate the extremist Palestinians who are determined to sabotage any movement toward peace. No one should be more cognizant of this fact than the United States, which has spent billions upon billions of tax dollars and sponsored countless rounds of peace talks, to no apparent avail.

The path to peace in the Middle East is a two-way street, and like most roads in that ancient part of the world, the path is steep and the path is rocky

and the path is difficult to traverse. But, with faith and perseverance, it need not be a dead end street. There is no ideal solution to the travail in the Middle East. There is no right answer, there is no fair solution, there is no justice for all those who have suffered. There is only accommodation and acceptance, giving ground and restraining hatred. But there is no other solution.

If the Palestinians and the Israelis continue to pursue hatred and revenge, the future of Israel will be written in blood, as the past pages are written in blood, and the dreams of a new Palestinian state will lie shattered in the dust. If the players in this tragedy cannot bring themselves to accept that fact, the United States should use its every tool—every tool—and I am including dollars, I am including the instrument of foreign assistance—to pressure the sides to negotiate a peace. To do otherwise makes us little more than an accessory to the violence.

Mr. President, these are strong words. They are intended to be. These are perilous times. This is not the time to mince words. As we saw on September 11, and as we all fear we may see again, allowing hatred to rage unfettered in the Middle East places our very homeland in jeopardy. The war that we are waging against terrorism is the first and most urgent step in protecting our homeland. But defeating the terrorists is only the first step. We must also work to eradicate terrorism, eradicate the causes, if we can. Abandoning conventional wisdom in these unconventional times and using our foreign assistance dollars to effect change instead of making a pro forma allotment of funds is the best, and perhaps the only, means that we have at hand to help shape a peaceful future for the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Republican leader.

Mr. LOTT. Mr. President, I see the Senator from Louisiana will be seeking recognition in a moment. I will be relatively brief.

Let me say to Senator BYRD from West Virginia, I stayed on the floor because even in all the tumult here this afternoon, as we were trying to get final agreement on a number of bills or establish disagreement, I learned that Senator BYRD was going to give a speech on foreign policy issues. I have heard him speak on this subject before and found it very interesting, thoughtful, and thought provoking. That is why I stayed and listened because I wanted to hear what the Senator from West Virginia had to say in this area.

As I suspected, I found it interesting and useful. I hope the administration will review these remarks, and I hope those in the Middle East who are involved in a very dangerous situation on all sides will take into consideration what has been said there.

For years I have been concerned that our policy didn't always make sense.

We seemed to be giving money to all sides with no assurances and sometimes not even participation by those who received that aid. I have always thought it was almost contradictory, maybe even hypocritical. This is a volatile part of the world. It is a place where the pages of history do reflect conflict and bloodshed. We all hope and pray for a peaceful solution.

I do think it is going to take an extraordinary effort. First, the Palestinians have to be prepared to accept peace and security with Israel. Israel has to be prepared to seek a negotiated peace agreement. All have to be participants, including other Arab countries in the world receiving aid from America. And America has to be prepared to press these points on them.

I say to Senator BYRD, I appreciate his taking the time. More Senators should think about this subject and express themselves. We should take a look at our foreign operations appropriations process more closely, maybe consider making some changes next year.

We also need to take advantage of this time in which we find ourselves with support from countries that have not traditionally been our allies, a number of people who are working with us against whom we had been taking unilateral sanction actions. We should review all of that. The world is different now. It is an opportunity, as we move forward in fighting terrorism, completing the action in Afghanistan, and looking at where terrorism may be in other parts of the world. It is going to be an opportunity for this administration, under the leadership of President Bush and Secretary Powell and his other advisers, such as Condoleezza Rice, to change our thinking and to improve our position and our relationship with a number of countries around the world.

I thank Senator BYRD for his remarks this afternoon. I do commend them to all Senators when they have an opportunity.

Mr. BYRD. Will the distinguished Republican leader yield?

Mr. LOTT. I am glad to yield to Senator BYRD.

Mr. BYRD. I thank the leader for his comments and his observations. I thank him for remaining on the floor, and I thank him for what I accept to be an observation that we do need to use our foreign aid dollars as a tool to help bring about peace in the Middle East.

I am not attempting to take sides one way or the other. We give \$3 billion to Israel every year. We give \$2 billion to Egypt—\$5 billion. And we seem to give this without asking the question. We ought to require both Israel and Egypt to work hard for peace and to be willing to give a little here and give a little there or else this money isn't going to be paid.

Could the leader imagine with me what we could do in this country for the American people with \$5 billion more every year; what that would do

for homeland security, \$5 billion a year; what it would do for New York City? We give these dollars practically without asking a question. I think both those countries look upon this \$5 billion—\$3 billion in the case of Israel, \$2 billion in the case of Egypt—I think they virtually look upon these \$5 billion as entitlements. They put these figures into their budgets. They apparently have no doubts that the moneys are going to come. And the way we have been operating for several years, those moneys have come.

I think it is time to put some strings on those moneys: If you want this money to help, we want you to work for peace.

That is what I am saying today. I am not attempting to take any sides. But we hand this taxpayers' money out to the tune of \$5 billion a year. That is \$5 for every minute since Jesus Christ was born. We ought to make those dollars work for peace, and we can make them work for peace. That is what I am asking.

I thank the distinguished Republican leader.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for the conference report to H.R. 2506, the Foreign Operations, Export Financing, and Related Programs Appropriations Act for fiscal year 2002.

The conference report provides \$15.346 billion in discretionary budget authority, which will result in new outlays in 2002 of \$5.537 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total \$15.106 billion in 2002. By comparison, the Senate-passed version of the bill provided \$15.524 billion in discretionary budget authority, which would have resulted in \$15.138 billion in total outlays. H.R. 2506 is within its Section 302(b) allocation for both budget authority and outlays. In addition, it does not include any emergency designations.

I ask unanimous consent that a table displaying the Budget Committee scoring of H.R. 2506 be printed in the RECORD.

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

H.R. 2506, CONFERENCE REPORT TO THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

(Spending comparisons—Conference Report, in millions of dollars)

| | General purpose | Mandatory | Total |
|--|-----------------|-----------|--------|
| Conference report: | | | |
| Budget Authority | 15,346 | 45 | 15,391 |
| Outlays | 15,106 | 45 | 15,151 |
| Senate 302(b) allocation: ¹ | | | |
| Budget Authority | 15,524 | 45 | 15,569 |
| Outlays | 15,149 | 45 | 15,194 |
| President's request: | | | |
| Budget Authority | 15,169 | 45 | 15,214 |
| Outlays | 15,081 | 45 | 15,126 |
| House-passed: | | | |
| Budget Authority | 15,167 | 45 | 15,212 |
| Outlays | 15,080 | 45 | 15,125 |
| Senate-passed: | | | |
| Budget Authority | 15,524 | 45 | 15,569 |
| Outlays | 15,138 | 45 | 15,183 |

H.R. 2506, CONFERENCE REPORT TO THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—Continued

(Spending comparisons—Conference Report, in millions of dollars)

| | General purpose | Mandatory | Total |
|--|-----------------|-----------|-------|
| CONFERENCE REPORT COMPARED TO | | | |
| Senate 302(b) allocation: ¹ | | | |
| Budget Authority | -178 | 0 | -178 |
| Outlays | -43 | 0 | -43 |
| President's request: | | | |
| Budget Authority | 177 | 0 | 177 |
| Outlays | 25 | 0 | 25 |
| House-passed: | | | |
| Budget Authority | 179 | 0 | 179 |
| Outlays | 26 | 0 | 26 |
| Senate-passed: | | | |
| Budget Authority | -178 | 0 | -178 |
| Outlays | -32 | 0 | -32 |

¹ For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BIDEN. Mr. President, the Foreign Operations appropriations bill is one of the most important appropriations related to national security that Congress makes during the course of the year. It is a little known fact to most Americans, but foreign assistance is among the first lines of defense in ensuring the safety and security of each and every American here and abroad.

Through this appropriation we fund anti-terrorism activities, we provide money to give jobs to Russian nuclear physicists who would otherwise be offering their services to whatever terrorist organizations were willing to pay them, we fund our antinarcotics efforts and provide money to combat the spread of deadly diseases before they reach our shores. Mr. President, we are in no way devoting the necessary resources to the front line.

I thank the Chairman and Ranking Member of the Foreign Operations Appropriation sub-Committee. They did the best they could with the allocation they were given. I know that if he had his druthers the chairman would have been working with a much bigger number. I do not intend to criticize the hard work that the subcommittee has done. And I will acknowledge that for its part, the Senate Budget Committee certainly exceeded the administration's grossly inadequate request when it made the initial allocation. I applaud that. And I applaud the fact that the conferees understood the importance of the Non-proliferation, AntiTerrorism, Demining and Related Programs, fully funding vitally important accounts such as those for Non-proliferation and Disarmament, the Comprehensive Nuclear Test Ban Treaty Organization Preparatory Commission, Antiterrorism, Terrorist Interdiction and the International Science and technology Centers.

What I would say to my colleagues, however, is that the conference report, although it is slightly more than the administration's request, makes it clear that we need to do much, much more. We need to stop thinking about foreign assistance as a handout, as welfare for the developing world, and consider it a strategic investment in America's security.

The tragic events of September 11 were a wake-up call. The United States is not isolated from the rest of the world in a sea of invulnerable tranquility. As we stand here today, there are radicals preaching anti-American sentiments around the globe. They are saying that democracy breeds corruption, and that globalization is the reason for poverty. These radicals take advantage of the desperation of the poor and the hopeless.

Poverty and ignorance are one of the most fertile breeding grounds of terrorism. By now my colleagues are aware of the fact that many members of the Taliban, the same group of radical fiends that harbored Osama bin Laden, were refugees in Pakistan who were too poor to afford school. They were educated in radical seminaries that they attended free of charge. Where were we and the rest of the international community with an alternative for these children? We were absent. It did not concern us. It was not our problem.

On the other side of the world in Mali, a Washington Post article dated September 30 states that Muslim missionaries have taken "hundreds of recruits" abroad for religious training. The story states that radical Islamic religious movements are gaining popularity due to corruption and rising poverty. Are we going to ignore the warning signs in west Africa as well? Will we let Mali, an emerging democracy struggling to hold on by the skin of its teeth, become a source of turmoil, unrest and violence? The government there is trying to do the right things in terms of economic and market reform. We should be empowering the Agency for International Development and the State Department to provide the country with the ability to make the transition to democracy in such a way that all people benefit. This appropriation in no way provides enough money to adequately do so.

Those who are hopeless and disaffected swell the ranks of terrorist organizations. Autocratic politically repressive regimes, where discontent and disagreement cannot be expressed, are fertile grounds for terrorist recruitment. In countries that prohibit free speech, freedom of association and political choice, violence becomes the only means through which to affect political change. The United States foreign policy apparatus has the mandate to push for change in these countries. It lacks the means to do so to the extent necessary.

I say to my colleagues that we have got to take heed. The problems in other countries are our problems. We need to engage, and it is impossible to do so on the cheap. We cannot adequately engage the world with the monies allocated in this appropriation. The United States cannot hope to participate meaningfully in the reconstruction of Afghanistan out of these meager funds. The cost of that alone is projected to be as much as \$18-20 bil-

lion over the next 5 years. A cost which we must be prepared to share among the donor community.

As we speak there are students in the very schools in Pakistan that I spoke of learning to hate America. As we speak there are anti-Western sentiments being preached to people in some mosques in west Africa. What are we doing to expose them to American values and ideals so that they will not be the perpetrators of violence against U.S. citizens in the future?

The United States cannot be all things to all people everywhere. We cannot cure the ills of the world. And I do not believe that eliminating poverty will be the silver bullet that eradicates terrorism. There is no silver bullet or magic potion that will achieve that aim. But let's consider the state of our efforts today. President Bush has declared a war on terrorism. He has stated that we must fight terrorism on all fronts. I submit that foreign assistance is one important tool in our arsenal. We have just been rudely and shockingly awakened to the fact that we need to take advantage of each of these tools.

There is nothing we can do which would 100 percent guarantee that America will not be attacked by terrorists again. What we can do is mitigate the threat. We can help the UN and the government of Pakistan provide alternatives to the madrassas that refugee children in Pakistan attend because there is no other form of education available. We can help eliminate poverty and corruption in developing countries that radical elements seize on as a reason to attack so called western values and democracy.

The United States is spending a billion dollars a month on the war in Afghanistan. I do not begrudge a penny of that money. We must do whatever it takes for however long it takes to wipe Al-Qaida from the face of the earth. However, I strongly believe that we must do all we can to prevent ever having to fight such a war again. One of the ways we can do this is to invest more in preventative measures. We must foster the spread of democracy, bolster the judicial and law enforcement capabilities of developing countries and help strengthen the economies where necessary. What we have done to date is clearly not enough.

Mr. GRAHAM. Mr. President, I rise today to speak in support of adoption of the conference report on the Fiscal Year 2002 appropriations bill for Foreign Operations H.R. 2506.

The annual Foreign Operations appropriations bill is the primary legislative vehicle through which Congress reviews the U.S. foreign aid budget and influences executive branch foreign policy making generally. It contains the largest share—over two-thirds—of total U.S. international affairs spending.

I regret that I was forced to vote against the original Senate version of this bill on October 24th, after the Senate rejected my attempts to restore

funding for the Andean Regional Initiative to the level which the administration had requested.

The Andean Regional Initiative represents our best strategy for fighting terrorism in this hemisphere. President Andres Pastrana and his administration have been leading a valiant fight against the narcotraffickers who have been threatening the economy, the society, the very civilization of the Republic of Colombia for more than two decades now.

In 2000, Congress approved the first installment of our commitment to Plan Colombia. President Bush correctly requested \$731 million for Fiscal Year 2002, which would have broadened our involvement beyond military support and expanded this assistance to Bolivia, Ecuador and Peru.

The Senate bill would have cut this important strategic initiative by 22 percent, from \$731 million to \$567 million, which would endanger the progress we have made.

The conferees have agreed to fund the initiative at \$660 million, which represents a reduction of \$71 million from the President's request, but that is \$93 million above the Senate's level.

While I remain concerned about what the impact will be on the program at the level of funding, it is an improvement to the Senate's position, so I am willing to vote for this conference report.

I also want to emphasize my support for other important priorities that are funded by this conference report—priorities that I in no way intended to disavow when I voted against the Senate version of the bill.

They include \$2.04 billion in military grants and \$720 million in economic grants for Israel in Fiscal Year 2002.

We have no stronger ally in the global war on terrorism than the State of Israel, and this aid recognizes Israel's key role in helping us protect our interests in the Middle East and around the world. I am profoundly grateful for the support and assistance that our good friends have provided, and I have no doubt that their assistance will continue well into the future.

They include a 22 percent increase in disaster aid, to \$235 million.

The Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis—a new initiative for Fiscal Year 2002—receives \$435 million from the Child Survival and Health Programs Fund and \$40 million in other accounts.

They include \$3.5 billion for the Agency for International Development (AID). This is \$350 million above the administration's request and \$210 million above fiscal year 2001.

And finally, there are several terrorism-related issues addressed in the Foreign Operations bill, including direct funding for two counter-terrorism programs; increased resources to meet physical security needs at USAID's overseas missions; aid restrictions for countries engaged in terrorist activities, and aid allocations for nations helping combat terrorism.

I am pleased to support the conference report, and I encourage my colleagues to do so.

Mr. LEAHY. Mr. President, we are about to pass the foreign operations conference report for fiscal year 2002. I want to again thank Senator MCCONNELL, Chairman BYRD, and Senator STEVENS for their support throughout this process.

I also want to recognize Chairman KOLBE, who worked extraordinarily hard to get this conference report passed in the House, and Congresswoman LOWEY, who was extremely helpful. This was a collaborative effort in every sense of the word.

Mr. President, the attacks of September 11th hold important lessons that are relevant to this conference report. They showed us how our security is directly and indirectly linked to events and conditions around the world.

With the exception of the cost of deploying our Armed Forces, the \$15.3 billion in this conference report is what we have available to protect our security outside our borders.

These funds are used to combat poverty, which engulfs a third of the world's people who barely survive, and often succumb, on less than \$2 per day. The misery, despair and ignorance that poverty breeds is unquestionably one of the reasons for the resentment felt by so many people toward the United States.

The funds in this conference report are used to protect the environment and endangered wildlife, to strengthen democracy and the rule of law, and to help prevent the proliferation of chemical, biological, and nuclear weapons.

We support agriculture research at American universities, and we promote exports through loans and guarantees for American companies competing in foreign markets.

Mr. President, we call these programs "foreign assistance." They are held up as proof of America's generosity. But anyone paying attention can see that is only part of the story. These funds directly, and indirectly, protect our economy, our democracy, our national security. It is in our self-interest, plain and simple.

This conference report contains 1 percent of the total federal budget. On a per capita basis that amounts to about \$40 per American citizen per year—the cost of a pair of shoes.

To use another example, next year we plan to spend about \$150 million on children's education in poor countries where many children, especially girls, receive only a few years of schooling. That is less than most American cities spend on children's education, yet that is all we have for the whole world.

A year ago, some might have asked what children's education in Afghanistan or other countries has to do with America's security. Today it should be obvious. People who are educated, who can earn money to feed and clothe their families, and participate mean-

ingfully in the political process, are not training to be terrorists.

For years, organizations working on the front lines in poor countries have appealed to the Congress and the administration to significantly increase the amount of funding to address the inter-related problems of population growth, poverty, political and economic instability, corruption, environmental degradation, narco-trafficking, and terrorism. Year after year, the Congress and the administration have turned a deaf ear.

Is it any wonder that Afghanistan today is a destroyed country that became a haven for terrorists?

Part of the problem is misconceptions about the foreign operations budget. People think it's some kind of give-away, when in fact, we use it to protect our security.

Mr. President, since September 11th, a large majority of the American public, and a broad, bipartisan cross-section of Members of Congress—Democrats and Republicans, liberals and conservatives—have called for substantial increases in funding to address the causes of poverty and disillusionment that persists not only in many Muslim countries, but among a third of the world's population.

We can no longer pretend that spending 1 percent of our \$2 trillion Federal budget is a serious response to these national security needs. The widening gap between rich and poor nations is the best evidence of that.

Many have made these points before. Today they are a common refrain. Senators FEINSTEIN, GORDON SMITH, and I have introduced a resolution calling for tripling the foreign assistance budget. Others have proposed similar legislation. There have been numerous speeches, editorials, and other commentary.

Yet we have yet to see any effective response from the political process. Our foreign assistance budget—I would prefer to call it our international security budget—has fallen in real terms since the 1980s. Rumor has it that the President's fiscal year 2003 budget request for International Affairs will be at about the fiscal year 2002 level—in other words, business as usual, despite the lessons of September 11.

That would be extraordinary short sighted. We cannot possibly deal a lasting blow to international terrorism without a multi-prong strategy—addressing the social and economic causes of terrorism and conflict with foreign assistance, diplomacy, and law enforcement, and when necessary, military force.

Mr. President, the security of an American citizen is worth a lot more than the price of a pair of shoes, yet that is how much we are spending on the prevention part of this strategy. It is, frankly, ludicrous.

We argue over a few million dollars to alleviate the suffering in refugee camps, which are fertile grounds for terrorist recruits. We debate about another \$5 or \$10 million to help the

world's poorest families start businesses, to work their way out of poverty. We rob Peter to pay Paul to get a few more millions for children's education or programs to improve health care. We struggle, year after year, to increase funding for family planning and reproductive health to the level it was six years ago.

Have we so soon forgotten the lessons of September 11? We are the richest, most powerful nation in history, yet we continue to act as though the rest of the world barely matters to us.

We cannot put those lessons into effect without Presidential leadership. If President Bush, today, were to ask every American to support a tripling of our foreign operations budget, and he explained why it is important too our national security and to combating international terrorism, does anyone think the Congress would not respond or that the public would object? The polls show unequivocally that the public understands these issues.

This conference report is the best we could do with what we had, and we owe a debt of gratitude to Chairman BYRD and Senator STEVENS. But we need a multi-prong strategy if we are going to combat international terrorism and protect our other security around the world. I hope someone in the White House is listening, because this is what the President should be saying to America and the world.

Mr. President, I want to briefly mention a few of the important provisions in this conference report.

It provides sufficient funding for the Export Import Bank to support export financing well above the fiscal year 2000 level. This is of great importance to American companies who compete for markets in developing countries.

It provides increases for the Foreign Military Financing and International Military Education and Training programs.

It includes additional funding for international peacekeeping and for assistance for the former Yugoslavia, including Serbia, Montenegro, and Macedonia.

It includes \$475 million for the prevention and treatment of HIV/AIDS, including \$50 million for the Global Fund to combat AIDS, TB and malaria. This falls short of what our country should be providing, but it is a significant increase above last year's level.

The conference report also increases funding for other infectious disease and children's health programs. These programs are desperately needed to strengthen the capacity of developing countries to conduct surveillance and respond to diseases like polio and measles. But they are equally important for combating the spread of biological agents used in acts of terrorism, like anthrax.

It includes \$625 million for the Andean Counterdrug Initiative. This is in addition to the \$1.3 billion for Plan Colombia that we appropriated last year. We include several conditions on our

assistance to the Colombian Armed Forces, and on the aerial spraying of chemical herbicides which are used to eradicate coca.

The conference report provides \$34 million for the UN Population Fund, and \$446.5 million for USAID's family planning and reproductive health programs. Although still less than what the United States was providing for these activities in the mid-1990's, it is an increase above the fiscal year 2001 level. With 100 million new births each year—95 percent of which are in developing countries many of which cannot feed their people today, these programs are of vital importance in combating poverty.

The conference report contains the usual earmarks for the Middle East countries. It also continues various limitations or restrictions on assistance to several governments beyond those I have already mentioned, where there is a history of corruption or human rights violations that have gone unpunished.

Mr. President, I want to again thank Senator McCONNELL for his invaluable help.

Mr. LEVIN. Mr. President, we have before us, the foreign operations, export financing, and related programs bill, H.R. 2506, for fiscal year 2002. This bill is the primary legislative means by which this body can review the U.S. foreign aid budget. That has always been an important task, but the events of September 11th have only enhanced the importance of examining our priorities and international commitments as we seek to stop international terrorism while continuing to promote democracy, the rule of law and free markets throughout the world.

The events of September 11th have caused the United States to re-examine its relations with many nations including Armenia and Azerbaijan. For nearly a decade, our relations with these two nations has been shaped by section 907 of the FREEDOM Support Act, 102-511. Section 907 has restricted aid to Azerbaijan until it ceases the blockade and use of force against Armenia and Nagorno-Karabagh. Section 907 has been seen as a vital tool in the efforts to encourage Armenia and Azerbaijan to resolve the dispute over Nagorno-Karabagh in a peaceful manner.

In spite of the vital role section 907 has played in trying to end the blockade of Nagorno-Karabagh, H.R. 2506 will allow the President to waive section 907 only with respect to our immediate crisis, the international was against terrorism. It is my hope that the President will not use this waiver given the important role section 907 plays in encouraging a cessation of this blockade that threatens the peace and stability of the entire Caucasus region.

I am heartened by the fact that Congress will review the waiver to section 907 in the FY 2003 Foreign Operations Appropriations bill and will be closely monitoring Azerbaijan's actions and progress in the Nagorno-Karabagh peace process.

In addition, I am particularly pleased that Armenia will receive significant military financing and training assistance and it is my hope that in the long run, this balanced approach will speed the Nagorno-Karabagh process.

I would like to express my gratitude to Senators LEAHY and McCONNELL for their hard work with regard to this bill. In addition, I would like to recognize the input of those individuals and organizations from the Armenian-American community who understand the importance of America's efforts to combat terrorism in the aftermath of September 11th.

Mr. McCONNELL. Mr. President, I thank my colleagues for their patience as the final negotiations on the FY 2002 foreign operations bill came to a conclusion only this week.

The conference report reflects a compromise between both sides of the aisle in the Senate, and with our House colleagues. Let me take a brief moment to underscore a few accomplishments in the bill:

Conferees accepted the Senate amendment—which was painstakingly reached with the help of Senator BROWNBACK—permitting counter terrorism assistance to Azerbaijan, while protecting the integrity of section 907 of the FREEDOM Support Act. This will ensure that America's war on terrorism can be waged effectively—but not at the expense of the ongoing negotiations between Armenia and Azerbaijan. I thank all the conferees for understanding the delicate balance struck on this important issue, and I want to recognize the unabashed patriotism of the Armenia-American community in supporting the Senate's language.

Conferees accepted, with modifications, the Senate amendment providing \$10 million for programs and activities to promote democracy, human rights, the rule of law, women's development, and press freedoms in countries with a significant Muslim population, and where such programs would be important to America's war on terrorism. I strongly urge the administration to act quickly in supporting activities relating to the welfare and status of Afghan women, and to explore initiating women's development programs along border areas where Afghan refugees are located.

Conferees maintained, with modifications, House language requiring the President to report to Congress on whether the Palestinian Liberation Organization, PLO, has lived up to its 1993 commitments to renounce the use of violence against Israel. My colleagues may recall that the Senate did not offer a similar provision—at the request of Secretary of State Colin Powell—but inclusion of this provision in the conference report could not be more timely. I am disheartened and sickened by continued incidents of terrorism against the people of Israel. The stakes are high for Chairman Arafat, and his political life is on the line.

Arafat needs to get a grip on the extremists he has given free reign on the West Bank and Gaza. As we say in Kentucky, you reap what you sow.

Finally, I want to express my continued frustrations with Egypt over its less than enthusiastic support for America's war against terrorism, lackluster performance to further the peace process between Palestinians and Israelis, and continued anti-American and anti-Semitic drivel in its government-controlled press. I have said it before, and I will say it again: the Egyptians need to be a better ally to the United States. It is not acceptable to purchase No-Dong missiles from North Korea. It is appalling to accuse the United States of fattening up the people of Afghanistan before slaughtering them. And it is beyond the realm of human decency that the song "I hate Israel" by Shaaban Abdel Rahim is a popular hit in Egypt. Each of these actions will be carefully considered during next year's appropriations process.

Let me close my remarks by thanking Chairman BYRD, Senator STEVENS, and all the members of the Foreign Operations Subcommittee for their support of this bill. My staff and I look forward to working with Senator LEAHY and his capable crew—Tim Rieser and Mark Lippert—on the Fiscal Year 2003 foreign aid bill early next year. Finally, I extend my heartfelt thanks to Jennifer Chartrand, Billy Piper, and Paul Grove for their hard work throughout this challenging year.

Mrs. FEINSTEIN. Mr. President, I rise to express my sincere disappointment that the foreign operations conference report before us includes a provision that will suspend the certification process worldwide. This goes far beyond what this Senate passed just weeks ago.

The certification process is this Nation's best—and in many cases, only—mechanism to persuade problem nations to work with us as we try to stem the flow of illegal narcotics across our borders and onto our streets.

The purpose of the certification process is not to punish any one individual country, but rather to hold all countries to a minimum standard of cooperation in the war against illegal drugs. In that regard, I believe it is the most effective system we have available to us. There simply is no alternative.

Many have tried to turn the certification issue into a simplistic clash between the United States and Mexico. To be sure, in the past that relationship has received the most attention.

But in fact, there are more than 30 countries that undergo an annual certification review under current law—including countries like Afghanistan, Syria, Iran, Burma, and even China.

Afghanistan, for instance, has been decertified 10 out of 12 times they have faced review. As a result, U.S. aid has been withheld from the Nation.

Burma, also, has been decertified 10 out of the 12 times it has faced review.

It is interesting to note that Mexico has never once been decertified.

So this is not a U.S.-Mexico issue. This is an issue affecting our global efforts to reduce the supply of drugs to the United States. Suspending the certification process worldwide means that countries failing to cooperate in the drug war will face no penalty for that failure. And that is a step we should not be taking.

Now is not the time to be letting up on the war on drugs.

The connection between terrorist and narcotics traffickers is real, and closer than ever before.

In Colombia, in Afghanistan, and in other places around the world, drug money helps terrorist organizations carry out violent, destructive, and even deadly acts of terror against citizens of the United States and other countries.

The Drug Enforcement Administration estimates that last year, Afghanistan supplied 70 percent of the world's opium. Money from the drug trade in Afghanistan helped keep the Taliban in power, and some of that money undoubtedly made it to the al Qaeda organization.

In Colombia, the FARC narco-terrorists make millions every year in extortion and protection money from drug traffickers. This money helps them maintain control over an area within Colombia the size of Switzerland, and funds activities that include kidnapping and even murder.

Even beyond the drug-terror connection, the drug trade around the world is ever-developing. Supplies of many drugs are near or at all time highs. In the last few years alone, the drug known as Ecstasy has become a virtual phenomenon among young people in this country, and is smuggled into the United States from countries as diverse as Mexico and the Netherlands, Belgium and Israel.

If anything, this administration and this Congress should be taking the certification process even more seriously—not moving to abandon it wholesale.

If anything, the real threat of decertification should be used more often as a tool to modify the behavior of problem nations, not less often.

To do as this conference report does and completely stop the certification process for all nations will essentially remove the one good means we have of encouraging foreign nations to work with us in reducing the supply of illegal drugs to the United States.

This moratorium is a mistake, plain and simple.

I do want to again stress that a partial moratorium is warranted, particularly for the government of Mexico. I believe that Mexican President Vicente Fox has shown a clear willingness to work with the United States in the drug war, much like the government of Colombia has over the last few years in the battle against strong drug cartels.

That is why a temporary moratorium on the certification process in this

hemisphere makes some sense. And that is why I did not object to such a moratorium when this issue first came up on the floor of the Senate.

But expanding the moratorium to countries that have shown far less cooperation, and continue to do little to keep drug traffickers from producing drugs or moving drugs through their territory, is a step backward in the war against drugs.

I feel very strongly about this issue, and it is my belief that this provision may very well be an attempt by the opponents of the certification process to begin the process of dismantling certification altogether.

Well, let's just say that while I am happy to work with my colleagues to consider reasonable ways to address the certification issue—especially, in cases like Mexico, where the record may warrant changes—I intend to make sure that next year's foreign operations legislation does not reflect such a poorly conceived approach to this issue.

BIOTERRORISM

Mr. BYRD. While the Republican leader is on the floor, if I may change the subject, Senator PAT ROBERTS of Kansas proposed to me earlier seeking unanimous consent to pass a bioterrorism bill.

Mr. LOTT. Yes, bioterrorism.

Mr. BYRD. At that point, I didn't know about the bill and didn't know anything about it. I objected. I thought he was going to remain around. But I want to say to the Senate Republican leader that I have no objection. I have had my staff look at it, and I am advised by the staff and on reading this measure and contemplating it and understanding it, I certainly have no objection if the leader wants to call it up. That is the bill in which PAT ROBERTS of Kansas is interested.

Mr. LOTT. That is the bioterrorism legislation, I might say to the Senator from West Virginia. It has been very laboriously worked through by Senator CRAIG, Senator KENNEDY, and Senator FRIST. This is an area where we need to do more. This is only authorization. It would still be subject to the appropriations process. But it does authorize a great deal more activity in very critical areas such as public health service. And, of course, Senator ROBERTS also worked to get a food aspect of that in agriculture. Agriculture terrorism is an area where we have to be concerned, too.

I think it is good legislation. I appreciate Senator BYRD's making that observation and agreeing that we could move it. Once Senator REID returns to the floor, we will renew our unanimous consent request at that time.

Mr. BYRD. PAT ROBERTS came to my office earlier this year and explained the need for this kind of program.

Mr. LOTT. We need to do it because he has been in my office several times explaining it. I would like to get it done because I have heard enough to be convinced.

Mr. BYRD. I remove my objection.

VICTIMS' TAX RELIEF

Mr. LOTT. Mr. President, I do want to say on other matters that we passed this afternoon and on which we didn't get to comment too much, I am glad we did what we did with regard to victims' tax relief, the spouses who lost loved ones in the Twin Towers and at the Pentagon. I met with a group of them, most of them women, but a man also.

It was one of the most cheerful things I have experienced. These are women, most of them young women with children, some of them pregnant, some of them with no income right now; some of them hadn't gotten much in terms of charitable assistance. I was floored to learn that we taxed charitable contributions or receipts to individuals who had been hit by a disaster such as this. I think we should say as to the funds they receive from charitable contributions, these spouses who have lost their loved ones, not only should they not have to pay taxes on the charity they receive but no American should.

I have gone back and checked on the history now and found out how that happened. At one point there was a budget need for \$10 billion. So they said, we can just do a tax on charitable receipts for 5 years and that will take care of this \$10 billion hole.

So I am glad we did that. I appreciate that there were Senators from all over the country on other issues, such as Senator BAUCUS and the Senator from New York, who were willing to put aside very important issues to them to make sure we didn't leave this issue on the table.

TERRORISM REINSURANCE

Mr. LOTT. Mr. President, another issue I was very sorry we couldn't work out was the terrorism reinsurance. We should have moved that today. We should have moved it a month ago.

What happened was Senator GRAMM, Senator DODD, and Senator SARBANES came to agreement on a bill in the committee of jurisdiction, the Banking and Financial Services Committee. It had some limits on liability. But then it was basically taken away from those Senators, and they were told we were not going to do it that way.

The bill that Senator DASCHLE asked consent to move this afternoon did not have any limits on attorney's fees or any prohibitions on punitive damages. And Senator MCCONNELL then said: We should move the bill, but we should have at least a vote on whether or not there should be any limits on liabilities. That is all we were asking, not that it just be included, which it should have been because that was what was in the committee, but that we have an opportunity to vote on that.

And, by the way, as an old whip, I had counted the votes, and the votes were here in the Senate to pass that bill with no punitive damages allowed and some limits on liability.

Otherwise, we would have lawsuits being settled and attorney fees and punitive damages coming out of the Federal Treasury if we had a terrorist attack that invoked this terrorism reinsurance.

So I hope we don't have a situation at the end of the year where buildings will not be able to be built because they won't get loans because there won't be terrorism insurance. Maybe too much won't happen between now and the end of January or early February, but we need to address this issue. When we do, it should have some reasonable tort reform included, as the Federal tort claims law now provides.

One other brief point, and I will yield so others may speak. Mr. President, in the 29 years I have been in Congress, the House and the Senate, we have worked through a lot of difficult issues. We have committee action, we pass things in the House and Senate, we have intense negotiations in conference, but at some point we bring it to a conclusion and we pass it.

I have never seen an issue that more work went into than this stimulus package with no result. The President was personally involved. The President personally made concessions. The House and the Senate were involved. We set up a system of negotiators involving Senator BAUCUS, Senator GRASSLEY, and Senator ROCKEFELLER. We finally had a bill before us this afternoon that would provide stimulus for the economy, tax incentives for businesses, big and small, and for individuals to be able to keep a little more of their taxes, lowering the 27 percent tax bracket down to 25, helping people who make as low as \$28,000 for an individual, and \$40,000 for a couple—not exactly wealthy people, and not even middle income, if you get down to it—and assistance for unemployed, increased benefits for them, and a new precedent of health insurance coverage.

We could not even get it up to a vote. I believe if we would have had a vote on that issue today, there would have been 60 votes to override a point of order. I would not want to have to go back to my State and explain how I voted against a bill that provided additional unemployment compensation, health insurance coverage for the unemployed, expensing for small business men and women, and rate cuts for middle-income individuals. I don't think I could have defended that. Therefore, I would have voted for it, and I believe 60 or more Senators would have voted for it. But it is here.

I hope the economy begins to show continued growth. There is good news for the third week in a row. Unemployment claims are down. We have a robust, dynamic economy in America. Maybe it won't be needed. But if we come back in late January and February and it is still stumbling along, and we are not seeing positive signs of real recovery, we are going to have to revisit this issue.

We should also revisit the issue Senator DOMENICI raised—the payroll tax holiday—and put that in place of some of the other provisions in this bill. This bill is pretty expensive already. I think we need to take some things out of this bill. That would provide a quick, immediate impact on the economy. If we didn't collect that 12.4 percent payroll tax for 1 month on individuals and employers, that would have an impact immediately. So that may be something to which we will have to return.

There will be a lot of accusations back and forth as to why we didn't get it done, but I will say I think for the American people, no matter how it happened, it is a shame we didn't complete work on that piece of legislation.

I hope next year we will start on a positive note and pass a national energy policy bill, and pass an agriculture bill that has better policy in it than the one we considered, and also pass trade legislation that would help the economy. I think we can do those things, a lot of other good things, and a stimulus bill if the economy calls for it.

I yield the floor.

Mr. REID. Mr. President, on behalf of Senator BYRD, I yield back the 17 minutes he has. It is my understanding that Senator Lott has the authority to yield back the time of Senator MCCONNELL on the foreign operations bill.

Mr. LOTT. Yes, and I do so.

The PRESIDING OFFICER. Under the previous order, the conference report to accompany H.R. 2506 is agreed to and the motion to reconsider is laid upon the table.

Under the previous order, the Senator from Virginia is recognized for up to 5 minutes.

Mr. ALLEN. Mr. President, I spoke to Senator BAUCUS, and I know he has a measure he wants to discuss and, without objection, I would actually defer to Senator BAUCUS for his remarks he wanted to make if I may follow right behind Senator BAUCUS.

Ms. LANDRIEU. Reserving the right to object, I inquire of the Senator from Virginia and the Senator from Montana about the timeframe they are speaking of because I wanted to address the Senate on a matter different from the subject about which they want to speak.

Mr. BAUCUS. Mr. President, if I might answer the question posed, it is my intention that the matter I intend to bring up will probably consume 4, 5 minutes maximum.

Mr. REID. Mr. President, if I may ask the courtesy of my friends, Senator LOTT and I have something we have been trying to do all day. It will take a short time, a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Ms. LANDRIEU. I do object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLEN. Mr. President, I say to my friend from Montana, I would have liked to yield 5 minutes, but I had better take them.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

TERRORIST VICTIMS COURTROOM ACCESS ACT

Mr. ALLEN. Mr. President, I rise to discuss a bill we just passed, S. 1858. I thank my colleagues for their support: Senator KERRY, Senator NICKLES, Senator KENNEDY, and Senators WARNER, HATCH, and CLINTON. Particularly, I thank Senator NICKLES for he was of great help in getting this measure passed.

S. 1858 deals with the upcoming trial of Zacarias Moussaoui. Moussaoui has been charged in a six-count indictment with undertaking "the same preparation for murder" as the perpetrators of the September 11 attacks, but his alleged participation had been thwarted by his arrest the previous month in Minnesota. Now this measure is one that is helpful to all of us in that he is the only suspect with any direct connection with the most vile and horrific terrorist attack in our history.

There will be substantial interest in the trial of Mr. Moussaoui on the part of those who have been left behind, especially the families and loved ones of thousands who were killed on that dreadful day. By some estimates, there are as many as 10,000 or 15,000 victims who may have an interest in viewing this historic legal proceeding that will take place in the U.S. District Court for the Eastern District of Virginia in Alexandria.

The current policy of the Federal Judicial Conference does not permit the televising of court proceedings. I am supporting legislation that would give Federal judges such discretion. But until that legislation passes, we will not be able to address the interests of victims' families to view the proceedings in the Moussaoui trial.

In the past, exceptions have been made through congressional action, most notably allowing the closed circuit transmission of the trials of Timothy McVeigh and Terry Nichols from Denver to Oklahoma City, so that families in Oklahoma could witness the proceedings. That is where Senator NICKLES was especially empathetic and knowledgeable about how much this means to the victims' families.

This legislation, S. 1858, is modeled on the law that allowed the Oklahoma City victims to witness the McVeigh and Nichols trials, and this bill will extend the same compassionate access or benefit to the numerous victims and families of September 11.

The legislation calls for the closed circuit broadcast of the court proceedings to convenient locations in Northern Virginia; Los Angeles and San Francisco, CA; New York City; Boston; and Newark, NJ. Also "with the amendment in such other locations

as the court shall determine to be desirable," to use the exact language, and other locations the court may find desirable in their discretion.

The reason for the six places is that these are the sites of the terrorist attacks: the Pentagon and the World Trade Center, and the others are the sites where commandeered aircraft either departed or intended to arrive. Unfortunately, they did not. These locations obviously would have the greatest number of interested people and have victims in this attack.

The legislation allows those who the court determines to have a compelling interest but who are unable to attend because of expense and convenience or simply a lack of space in the courtroom to witness the trial.

The courtroom in Alexandria, VA, holds fewer than 100 people, and the sheer number of victims and others who meet the standard make it impossible for them to observe in person. While there is a great, deep wound for the larger society, the wound is deepest and most deeply and painfully felt by the survivors and families who lost loved ones.

I am glad we recognize in the Senate that we owe it to those victims' families to allow them to see this open proceeding which is directly related to the horrific event of September 11 that took the lives of their loved ones. In doing so, for those who want to watch the trials—others may not—for those who want to, it will begin to help them heal.

It is a right approach that a compassionate nation wants to provide to these victims' families. I thank the Senators for their support, not of this legislation but for their support of the families of these victims.

I yield back the remainder of my time. Thank you, Mr. President.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following my unanimous consent requests the Senator from Montana be recognized for up to 5 minutes, the Senator from Louisiana for up to 5 minutes, and the Senator from Ohio for 10 minutes, as in morning business.

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

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. REID. Mr. President, with the attention of the Senator from Mississippi, Mr. LOTT, I ask unanimous consent that the Senate now proceed to H.R. 3448, which is at the desk.

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

The legislative clerk read as follows:

A bill (H. R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

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

Ms. LANDRIEU. I am very concerned about help for for-profit hospitals if they must deal with bioterrorist attack. Their services are critical, and they face the same challenges as other hospitals. They should be eligible for Stafford Act assistance under certain circumstances.

Mr. KENNEDY. I understand the concerns of my colleague. In many places for-profit hospitals are the only providers. I will work with her to address these legitimate needs in conference.

FOOD SAFETY

Mr. DURBIN. Mr. President, I am pleased that the sponsors of the bill recognize the importance of strengthening our Nation's protections for food safety and of addressing potential bioterrorist threats against our food supply. Among the bill's provisions are new authorities for the Food and Drug Administration to require the maintenance of food records, to inspect such records, and to detain unsafe foods.

I would appreciate clarification regarding the standard of serious adverse health consequences or death, which applies to the authorities for inspection of records and administrative detention, among others. It is my understanding that some have suggested that foodborne pathogens such as salmonella, listeria monocytogenes, shigella dysenteriae, and cryptosporidium parvum, which in 1993 sickened over 400,000 people in Wisconsin who drank contaminated water, may not pose a threat of serious adverse health consequences to healthy adults. Most of these pathogens have been identified by the CDC as possible biological agents that could be used in an attack against our citizens, and they could clearly pose a threat of serious adverse health consequences or death to vulnerable populations, such as children, pregnant women, the elderly, transplant recipients, persons with HIV/AIDS and other immunocompromised persons.

Do the sponsors intend for the standard in this bill, cited in the sections on inspection of records, administrative detention, debarment, and marking of refused articles, to enable the Food and Drug Administration to act when a foodborne pathogen presents a threat of serious adverse health consequences or death to such vulnerable populations mentioned above, even if healthy adults may not face the same risk? And do the sponsors agree that the pathogens I mentioned previously may present such a risk of serious adverse health consequences or death? I believe we must ensure that the law is fully protective of all American consumers. I hope that the sponsors share my concerns.

Mr. KENNEDY. Will the Senator from Illinois yield?

Mr. DURBIN. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. First, I commend my colleague for his longstanding advocacy for food safety. He has been a