

the nomination of John Walters, a few carried on a campaign to distort his public policy positions. Americans would not have known if they just listened to these activists that John Walters believes that many first-time, non-violent offenders ought to be diverted into treatment. In fact, when he was deputy drug czar in the first Bush Administration under William Bennett, he helped secure increases in the drug treatment budget in four years that were double what the previous administration managed in eight. And it's also noteworthy that the previous administration enforced the very same anti-drug laws that some of John Walters' opponents today criticize, and the same administration made no effort to change them.

I look forward to working with John Walters and hope his needlessly protracted nomination process will not discourage other outstanding Americans from considering public service to our Nation.

#### OUR CONSTITUTION

Mr. CARPER. Madam President, let me begin by saying plainly and unabashedly that I love our flag. I wear an American flag lapel pin to work every single day. We fly "Old Glory" at our home throughout the year and display it proudly in each of my Senate offices. The American flag is even displayed on the minivan that I drive all over our State. It is the symbol of our freedom and a reflection of our pride in our great Nation.

But while our flag is the symbol of our freedom, our Nation's Constitution is its guarantee. It is the foundation on which was built the longest living experiment in democracy in the history of the world. Though written by man, I believe it to be divinely inspired. Before beginning 23 years of service as a naval flight officer, I took the same oath as each of the men and women now fighting overseas. We swore to protect our Nation's safety and honor and defend our Constitution against all enemies both foreign and domestic. The men and women of our armed forces past and present each pledged to lay down their lives in defense of the freedoms our Constitution provides. I can think of no greater honor, no more solemn a commitment, than this pledge.

On a cold December 7, 214 years ago, Delawareans stood proudly and declared their belief in the right of self-government by becoming the first to ratify the United States Constitution. Each year we celebrate this act of leadership, courage, and wisdom. While our constitution has proved the most durable model for democracy, at the time, it was a revolutionary and some thought risky step forward. For the power of its words and the brilliance of its logic is matched only by the astounding scope of what it sought to achieve, to "establish Justice, insure domestic Tranquility, provide for the common defense, promote the general

Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

It was truly a miraculous undertaking, and we celebrate that Delaware had the courage to lead the world in embracing this new standard excellence in self-government.

But as we reflect on this bold step towards freedom, there is a stain on our celebration.

After the Constitution's ratification, the Bill of Rights sought to provide greater and more lasting liberties than any single document before or since. In 1789, the Federal Government sent the articles that would make up the Bill of Rights to States for ratification. While other States sent their approval of ratification back to the Federal Government on separate parchment, in their enthusiasm, Delaware's leaders signed their approval directly on their copy of the document and returned it to the Federal Government. While other states are now able to display their copies of the original Bill of Rights, Delaware's is locked in a drawer in the National Archives near College Park, Maryland. Our State and this document deserve better. I call today on the National Archives to return this copy of the Bill of Rights to its place of ratification. I ask that in the spirit of celebration surrounding Delaware Day, the National Archives return to us this important part of our State's history.

We are witnessing a time of renewed respect for our Nation at home and abroad. In fact, in all of my life, I've never witnessed a warmer embrace of our flag or a greater sense of pride for our country than we've seen since September 11. Almost everywhere we turn, we see signs of this renewed national pride on our homes, office buildings, factories, schools, construction sites, on the vehicles we drive, and as well at thousands of sporting events, parades and gatherings across our country. A spirit of patriotism has swept across our Nation in a way that I've never seen. It is both comforting and inspiring to me and, I know, to Americans everywhere.

This December, let us pause in thanks to those wise Delawareans who started our Nation along the road to becoming the most successful and long-lasting democracy in world history. They gave us a great gift for which we, and much of the world, will be forever thankful.

#### BRADY ACT SUCCESSES

Mr. LEVIN. Madam President, November 30 was the eighth anniversary of the signing of the Brady Handgun Violence Prevention Act. The passage of that legislation was a watershed event in the fight against gun violence. According to the Centers for Disease Control statistics cited by the Brady Campaign to Prevent Gun Violence, since the Brady Law went into effect, the number of gun deaths in the United

States has dropped 27 percent, from 39,595 in 1993 to 28,874 in 1999. Even more dramatically, the number of gun homicides dropped by more than 40 percent from 18,253 in 1993 to 10,828 in 1999.

While the Brady Law is not the only reason for the decrease, its impact on gun violence cannot be overlooked. Keeping guns out of criminal hands saves lives. The law's requirement that gun purchasers undergo a criminal background check before they can buy a firearm has stopped literally hundreds of thousands of criminals and others prohibited by law from purchasing a gun.

The obvious success of the Brady Law should spur us to do more to stop gun violence. A logical step would be to extend the Brady Law's mandatory criminal background check provisions. As it stands, the law only applies to guns sold by Federal firearms licensees. It does not cover gun sales by unlicensed private sellers at gun shows. Despite the evidence that background checks save lives, lobbyists from the National Rifle Association and their allies have fought against legislation to close the "gun show loophole." The Senate should not allow itself to be held hostage by the gun lobby. I urge my colleagues to join me in supporting efforts to bring legislation to the floor to close the gun show loophole.

#### CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 314

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to make adjustments to budget resolution allocations and aggregates for amounts designated as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Pursuant to section 314, I hereby submit the following revisions to H. Con. Res. 83 as a result of provisions designated as emergency requirements in P.L. 107-42, the Air Transportation Safety and System Stabilization Act. This measure was enacted into law on September 22, 2001.

I ask consent that the following table be printed in the RECORD, which reflects the changes made to the allocations provided to the Senate Committee on Commerce, Science, and Transportation and to the budget resolution aggregates enforced under section 311(2)(A) of the Congressional Budget Act, as amended.

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

[In millions of dollars]	
Current Allocation to the Senate Commerce, Science, and Transportation Committee:	
FY 2002 Budget Authority .....	13,452
FY 2002 Outlays .....	9,630
FY 2002-06 Budget Authority ....	72,789
FY 2002-06 Outlays .....	50,419
FY 2002-11 Budget Authority ....	164,611

FY 2002–11 Outlays .....	118,775
Adjustments:	
FY 2002 Budget Authority .....	+2,000
FY 2002 Outlays .....	+3,200
FY 2002–06 Budget Authority ....	+2,000
FY 2002–06 Outlays .....	+4,700
FY 2002–11 Budget Authority ....	+2,000
FY 2002–11 Outlays .....	+4,700
Revised Allocation to the Senate Commerce, Science, and Transportation Committee:	
FY 2002 Budget Authority .....	15,452
FY 2002 Outlays .....	12,830
FY 2002–06 Budget Authority ....	74,789
FY 2002–06 Outlays .....	55,119
FY 2002–11 Budget Authority ....	166,611
FY 2002–11 Outlays .....	123,475
Current Budget Resolution Spending Aggregate Allocation:	
Budget Authority for 2002 .....	1,517,719
Budget outlays for 2002 .....	1,481,928
Adjustments:	
Budget authority for 2002 .....	+2,000
Budget outlays for 2002 .....	+3,200
Revised Budget Resolution Spending Aggregate Allocation:	
Budget authority for 2002 .....	1,519,719
Budget outlays for 2002 .....	1,485,128

**LOCAL LAW ENFORCEMENT ACT OF 2001**

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 25, 1991 in San Francisco, CA. John Quinn, a gay man, was attacked by a man who threw a bar stool at him, yelling “Faggot, faggot, faggot!” The assailant, Mai Nguyen, was arrested in connection with the incident.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

**IN SUPPORT OF THE TERRORIST VICTIM CITIZENSHIP RELIEF ACT**

Mr. TORRICELLI. Madam President, I rise today to support the Terrorist Victim Citizenship Relief Act, legislation introduced yesterday by Senator CORZINE. While we all know the horror of the terrorist attacks of September 11, many who lost a loved during those tragic events face additional difficulties that our fellow Americans do not.

One such person is Deena Gilbey, a young woman living with her family in New Jersey. On September 11, Mrs. Gilbey lost not only her husband Paul, but because she had been residing in the United States on her husband Paul’s work visa, she faced deportation upon his passing.

There are still many unresolved issues that Mrs. Gilbey and those like

her face. The Terrorist Victim Citizenship Relief Act is designed to provide relief to families that face potential deportation and other difficulties because of the death of their primary visa holder on September 11. It would enable them to address many of the daunting issues by conferring United States citizenship upon them.

I want to thank Senator CORZINE for introducing this legislation and am pleased to be a cosponsor of it. I urge my fellow Senators to join in support of this measure.

**THE CONTINUING NEED FOR FISCAL DISCIPLINE**

Mr. VOINOVICH. Madam President, 2001 has been a year of tragedy for the United States as well as a year of resolve. I am proud of the way my fellow Americans have united behind efforts to heal and comfort their fellow citizens who have been devastated by the attacks of September 11.

Just as the American people have opened their wallets to provide hundreds of millions of dollars to those in need, the Federal Government so too has provided billions of dollars to make our homeland safe, rebuild, comfort and provide, and wage war against the terrorist enemies of freedom.

Protecting our homeland and fighting terrorism are our Nation’s top priorities right now, and the work of this body and the use of our Nation’s resources must reflect that.

One critical way we do that is to vigilantly guard against the misuse of the taxpayer’s hard-earned dollars and ensure that we get the most out of every dollar spent on homeland defense and the war on terrorism. Those who seek to use the current crisis as an excuse to spend more on pet projects should be ashamed of themselves and their efforts must be defeated. We simply cannot afford pork barrel politics right now, period.

Just look how quickly things have changed in our country—with amazing speed we went from an environment where some of us were worried the government would run out of national debt to repay, to an environment where not only is the Federal Government no longer paying off debt, but regrettably, it is adding to it.

The year started out with the President proposing a budget with a roughly 4 percent increase in discretionary spending. Given last year’s enormous 14.5 percent increase in non-defense discretionary spending, I thought a 4 percent increase was reasonable and realistic, and I was pleasantly surprised that the Senate budget resolution didn’t dramatically exceed this figure, as I feared, but instead was largely in line with the President’s budget plan. Because of this, I supported the \$661 billion in discretionary spending it contained.

Besides supporting the budget resolution, I also supported the President’s tax cut, because I saw it fit within a

plan whereby spending increases would be limited and the Social Security surplus would be reserved for reducing the national debt. Clearly the situation has changed.

Even before the events of September 11, Congress was on-track to increase overall discretionary spending by approximately 8 percent. To facilitate the completion of the annual appropriations process, a deal was struck by the Administration and the members of the appropriations committee to set a discretionary spending cap of \$686 billion in fiscal year 2002—\$25 billion more than agreed to in the budget resolution.

This number was agreed to by the appropriators and leaders in both parties in both Houses, and the President. In the President’s letter to the leaders agreeing to this new, revised number he wrote, “And I expect that all parties will now proceed expeditiously and in full compliance with the agreement.”

While I was disappointed that this deal circumvented the budget resolution, I believe it quite likely would have been worse if no deal had been struck, and Congress had been able to steam roll the budget resolution in the urge to spend. Now Congress is poised to leave this number and this agreement in the dust as appropriators seek billions more.

Some justify this by saying that the current crisis requires the death of fiscal discipline. Nothing is further from the truth. The current crisis requires us to be more fiscally disciplined than ever before, to carefully direct funds to the most pressing needs of defending against and fighting terrorism.

Compounding the problem is the softening economy and the need to walk the tightrope of crafting a stimulus package to provide short-term relief without causing long-term harm.

We are certainly in a grave fiscal situation. Spending is required but not too much, stimulus is required but it cannot be overly zealous. If we fall from this tightrope, there is no safety net to catch us. Instead our Nation falls into the grasping arms of structural deficits, from which we only recently freed ourselves after decades of imprisonment.

After working so hard to free ourselves from deficit spending, starting to pay off our debt, and beginning to prepare for Social Security’s looming insolvency, isn’t it worth it for us to do all we can to keep from slipping back into the clutches of deficits?

The only way to avoid this is through self-discipline. Every member must sacrifice individual political wants for the greater good of the nation. We need to avoid pet projects. We need to set aside our parochial interests.

We should proceed very carefully and very deliberately with every piece of legislation that authorizes any additional spending or equally importantly, reduces revenues. Unless we get a handle on our spending habits, we are going to add to the national debt that