

invalidated by the Supreme Court. Consistent with this narrow definition of the legislative power to intrude into this most protected area of free speech, the Supreme Court has declared unconstitutional the most rudimentary state and local restrictions on individuals, political committees and corporations when it involved regulation of issue advocacy and the funds that pay for it, as opposed to contributions or expenditures for express advocacy.

See *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 356 (1995), invalidating requirement that issue-oriented pamphlets identify the author;

*Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290, 197 (1981), invalidating city ordinance limiting contributions to committees formed to engage in issue advocacy.

*First National Bank v. Belotti*, 435 U.S. 765 (1978), invalidating law banning corporate contributions and expenditures for issue advocacy.

#### PROGRESS ON EAST TIMOR

Mr. KENNEDY. Mr. President, the Indonesian Parliament acted wisely today in ratifying the overwhelming vote of the East Timorese people for independence and recognizing the right of self-determination for these people.

The militias that have terrorized the East Timorese people since the historic August 30 referendum must end their campaign of violence. From their bases in West Timor, the militias have continued to act with impunity against East Timorese refugees in camps in West Timor. Through intimidation tactics, they have undermined the efforts of international humanitarian agencies to provide assistance and to facilitate repatriation.

Many of us have been alarmed by persistent reports that the Indonesian military has continued to aid and abet the militias. On October 11, the commander of the international peace keeping force in East Timor demanded a formal explanation from the Indonesian government as to whether any Indonesian soldiers or police officers were involved in a militia attack against the international peacekeepers on October 10. Officials from the peacekeeping force said that uniformed soldiers and police officers had escorted the militias and did nothing as militia members opened fire on the peacekeepers. I urge the Indonesian military and security forces to sever all links with the militias.

I welcome the establishment by the United Nations Human Rights Commission of a commission of inquiry to investigate the atrocities that occurred in East Timor following President Habibie's decision to hold the referendum on East Timor's status. The Indonesian government, which has announced its own investigation of the atrocities, must end its collaboration

with the militias if its investigation is to be credible.

In the coming weeks, the United States should do all it can to see that the transition to independence is accomplished peacefully and that those responsible for atrocities are brought to justice.

#### HATE CRIMES PREVENTION ACT IN THE COMMERCE JUSTICE STATE APPROPRIATIONS BILL

Mr. HARKIN. Mr. President, I want to express to the conferees of Commerce Justice State Appropriations the importance of keeping the Hate Crimes Prevention Act in the spending bill.

I am a cosponsor of this legislation that expands the federal criminal civil rights statute on hate crime by removing unnecessary obstacles to federal prosecution and by providing authority for federal involvement in crimes directed at individuals because of their race, color, religion, national origin, gender, sexual orientation or disability.

In particular, prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice.

But disability bias also manifests itself in the form of violence—and it is imperative that the federal government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnapped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a married couple both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their family. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However,

state protection is neither uniform nor comprehensive. The federal government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

Senator KENNEDY's Hate Crimes bill has the endorsement of the Administration and over 80 leading civil rights and law enforcement organizations. It is a constructive and sensible response to a serious problem that continues to plague our nation—violence motivated by prejudice. It deserves full support, and I am hopeful that it is included in the final version that the President signs.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

##### PORT MCKENZIE PROJECT

Mr. STEVENS. Mr. President, I would like to ask the chairman of the Subcommittee on Transportation to clarify a provision in the fiscal year 2000 transportation appropriations conference report. The conference report refers to the "Anchorage Ship Creek intermodal facility." The Ship Creek area of Anchorage is undergoing an important redevelopment that will include intermodal access across Knik Arm to the Matanuska-Susitna Valley. This grant will help improve the Port McKenzie facility, a multi-use facility which will support transit between Anchorage and the Mat-Su area. The Matanuska-Susitna Borough is the sponsor of this project and the logical applicant for this funding. Do I understand correctly that is the intent of the committee?

Mr. SHELBY. The chairman of the full committee is correct. That is the intent of the conference committee.

#### REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the