

## SENATE—Friday, December 7, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, today on Pearl Harbor Day we look back on that day of infamy through the focused lens of September 11. We gratefully remember the men and women who paid the supreme sacrifice for our freedom in World War II. With equal admiration, we honor the memory of those who lost their lives seeking to save others in the aftermath of the terrorist attack on the World Trade Center and the Pentagon now just 87 days ago. These have been taxing days of war, anthrax anxiety, office closings, disruption and displacement, escalated security, and the stress of red-alert living. And yet, through it all, we have been drawn closer to You and to each other. Once again, You have helped our beloved Nation rise to greatness. Continue to give us strength and courage to finish this treacherous war against the insidious, collusive forces of terrorism. Dear God, bless America! Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 7, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

### SCHEDULE

Mr. REID. Mr. President, this morning the Senate will consider the District of Columbia Appropriations Act. There will be 10 minutes of debate prior to a rollcall vote on the adoption of the conference report. There are three more to go. Following disposition of the conference report, the Senate will resume consideration of the Department of Defense Appropriations Act. There is no question there will be rollcall votes throughout the day.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2944, which 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. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 5, 2001, at page H8914.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes debate on the conference report with the time to be equally divided and controlled by the chair and ranking member of the subcommittee.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I am pleased to present this conference committee report on behalf of myself and my most able ranking member, the Senator from Ohio. We have worked closely together over the last several months. We are proud to present a conference report that truly is a bipartisan, bicameral compromise on the District of

Columbia, which is a very important center, a very important capital, a very important symbol for our Nation, home to almost 500,000 people who live here, but a center where millions of people work and where even more millions visit and, in some ways, call home because it is the Capital of our Nation.

I am pleased to present this conference committee report. I will briefly highlight a couple of the most significant provisions of this conference agreement.

The first is that this bill reflects for the first time in 5 years a budget that is no longer under the control of the control board. That control board did an excellent job under tremendous leadership, and I commend them for their great work over these 5 years, working with us in Congress and with the Mayor and the city council to reshape and reform the District's finances, which for the time are in pretty good shape. There are no deficits at this present moment. But as my colleagues know, there are some challenges ahead and the trends would cause us to be very alert on that score.

This is the first budget we are presenting with the control board behind us. I urge the authorizing committees of both Houses to quickly reconvene next year to pass legislation that will create a more sound transitional framework for the postcontrol period. I pledge this morning my full and complete support towards that effort, and this conference committee report somewhat lays a foundation for that effort. I look forward to working to that good conclusion.

In addition, I am very proud that this bill has as one of its hallmarks a reform of the child welfare system. Senator DeWine will probably give more detail about this matter because he has been one of the leading sponsors of this legislation and this effort. I know he will go into greater detail.

Suffice it to say, the District's foster care system and child welfare system was broken. It was in shambles. It was a disgrace; it was a national tragedy. We all have challenges in our respective States in this regard, and no State is perfect. Many States have a long way to go. But the District's system had unraveled.

This bill gives the courts the reorganizational mandate that is necessary and the financial support and resources, as well as some new tough guidelines and standards that, hopefully, will protect children, save their lives, restore dignity to families, and promote adoption when necessary to

give children the families they need to grow up to be whole, complete, and full adults.

In addition, this bill works with the Mayor to ensure public safety of the District and to respond to whatever emergencies might occur. September 11 has given us all the push we needed to make sure we are investing correctly in public safety. This bill is a beginning—not an end but a beginning—towards that end.

It is the intention of the ranking member and myself to make sure the emergency response plan that is ultimately crafted for the District not only works for Washington, DC, but it works for the residents of Maryland and Virginia. We have to work together as a unified region when it comes to protecting the lives and property of the millions of people who live here in the event we are attacked again. And this region, unfortunately, is going to be a target because of this magnificent building in which we stand.

Finally, this bill improves public education, and that is going to be one of the focal points of my tenure as chair of this committee. I believe it is all about economic development, hope, and jobs.

The mayor has indicated this is going to be a strong thrust of his. This bill lays down some foundations for public education, for charter schools, for early childhood and early reading programs. So I submit this report. I thank our colleagues on the House side. I thank Congresswoman NORTON for her tremendous effort.

I thank the staff: Chuck Kieffer, Kate Eltrich Kathleen Strottman, Kevin Avery, and Mary Dietrich and Stan Skocki of Senator DEWINE's staff. Again, I am pleased to present this conference for a vote this morning.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I thank Senator LANDRIEU for the great work she has done. I say to her and Members of the Senate, it has been a real pleasure to work with her on this bill. I think the bill we have in front of us is a good bill.

Let me call my colleagues' attention to an article that was in this morning's Washington Post, "Deficiencies Found in D.C. Child Services." The story starts off:

Nearly 80 percent of the District's child abuse complaints were not investigated within 30 days and close to two-thirds of foster homes housing city children were unlicensed this year, a recent study shows.

The article goes on:

Among the reports' findings, 30 percent of the children under District care were not visited by social workers during their first 8 weeks in foster care. Thirty-seven percent of child neglect complaints were not investigated within 30 days after they came into the city's hotline. Abuse and neglect cases are required to be investigated within a 30-day period.

The story goes on. This is nothing new. These stories have been running for years in the District of Columbia and the Washington Post.

This Congress has looked at this mess. It is a national tragedy. As Senator LANDRIEU has pointed out, no child welfare system is perfect. Each one of us representing our respective States has seen problems in our home States, but what we see in the District of Columbia is an absolute scandal.

Why do I bring this up this morning? I bring it up for my colleagues who will be coming to the Chamber in a moment to vote. This may not be a perfect bill, there may be parts of this bill some of my colleagues do not like, but it is a bill that fundamentally changes the child welfare system in the District of Columbia. To me, that is the most important aspect by far of this bill. We will have, I hope, within the next week to 10 days, the authorizing bill that will fundamentally reform the child welfare system in the District of Columbia by creating a brand new family court structure.

The bill we have in front of us today funds that. It funds the reforms. We cannot have these reforms unless we have the money. So what Members will be voting on today, in a moment, is whether or not they want to make fundamental reforms in a system in the District of Columbia that everyone in this room and everyone in the District of Columbia knows is an outright scandal. That really is what the vote is all about.

So to my colleagues who have had a little problem with this bill and some of the controversial provisions of it, let me say this: A "yes" vote on this bill will fundamentally change the direction of what we are doing in the District. It will not be the end of our work, but it certainly is a major step forward.

Let me also point out several other items that are in this bill that I think are very significant. The bill also includes funds for the D.C. Safe Kids Coalition; the District's Green Door Program, which provides opportunities for people with severe and persistent mental illnesses; a program that has been called to my attention by Senator DOMENICI, Teach for America, D.C.; as well as the District's Failure Free Reading Program. There is also significant money in this bill for the Children's Hospital in the District of Columbia.

So it is a forward looking bill. It is a bill for children of the District of Columbia. I urge my colleagues to support the bill.

I yield back the remainder of my time.

Mr. DURBIN. Mr. President, less than a month ago, I stood before my colleagues to address an extremely important public health concern, one that is essentially a life or death issue here in the District of Columbia.

AIDS rates in our Nation's capital are the highest in the country. Nationwide, more than one third of AIDS cases are related to drug use, and substance use by a parent has led to over half of the AIDS cases among children. Statistics are more dramatic among women, where 3 out of 4 women diagnosed with AIDS became infected through their own use or a partner's use of contaminated needles.

Exhaustive scientific review has found needle exchange programs to be an effective way to slow the spread of HIV and AIDS. The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. Yet in spite of the overwhelming support from public health experts, we here in Congress have prevented the District of Columbia from using its own local funds to finance these lifesaving programs since 1999. These programs currently operate in many of our home States and communities, often with the help of State and local tax receipts. Almost 95 percent of these programs refer clients to substance abuse treatment programs.

I was pleased that the District of Columbia appropriations bill passed by the Senate on November 7 eliminated this unnecessary prohibition and acknowledged the strong support these programs enjoy among both law enforcement officials and the public health community.

The conference report we are considering today does not include this crucial step forward. Instead, it maintains the irresponsible status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs. This conference report ignores Surgeon General David Satcher, who stated that "there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs." This conference report disregards the Institute of Medicine, which identified access to sterile syringes as one of four unrealized opportunities in HIV prevention.

I have chosen to vote against this conference report because I am not willing to disregard countless medical experts who have acknowledged time and time again that needle exchange programs are an effective tool to halt the spread of HIV and AIDS, including the American Medical Association, the American Nurses Association, the American Association of Pediatrics, the American Public Health Association. I am not willing to ignore the tragic effect that this restriction has on children who contract HIV because one of their parents used contaminated needles. It is my sincere hope that next

year we can stop politicizing this issue and recognize that the District of Columbia, just like all of our home States and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The ACTING PRESIDENT pro tempore. All time has expired. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—79

|          |           |             |
|----------|-----------|-------------|
| Akaka    | DeWine    | Mikulski    |
| Allen    | Dodd      | Miller      |
| Baucus   | Domenici  | Murkowski   |
| Bayh     | Dorgan    | Murray      |
| Bennett  | Edwards   | Nelson (FL) |
| Biden    | Feinstein | Nelson (NE) |
| Bingaman | Frist     | Reed        |
| Bond     | Graham    | Reid        |
| Boxer    | Grassley  | Roberts     |
| Breaux   | Hagel     | Rockefeller |
| Burns    | Harkin    | Sarbanes    |
| Byrd     | Hatch     | Schumer     |
| Campbell | Hollings  | Smith (OR)  |
| Cantwell | Inouye    | Snowe       |
| Carnahan | Jeffords  | Specter     |
| Carper   | Johnson   | Stabenow    |
| Chafee   | Kennedy   | Stevens     |
| Cleland  | Kerry     | Thomas      |
| Clinton  | Kohl      | Thompson    |
| Cochran  | Landrieu  | Thurmond    |
| Collins  | Leahy     | Torricelli  |
| Conrad   | Levin     | Voinovich   |
| Corzine  | Lieberman | Warner      |
| Craig    | Lincoln   | Waggonner   |
| Crapo    | Lugar     | Wellstone   |
| Daschle  | McCain    | Wyden       |
| Dayton   | McConnell |             |

NAYS—20

|           |            |            |
|-----------|------------|------------|
| Allard    | Fitzgerald | Lott       |
| Brownback | Gramm      | Nickles    |
| Bunning   | Gregg      | Santorum   |
| Durbin    | Hutchinson | Sessions   |
| Ensign    | Hutchison  | Shelby     |
| Enzi      | Inhofe     | Smith (NH) |
| Feingold  | Kyl        |            |

NOT VOTING—1

Helms

The conference report was agreed to. Ms. LANDRIEU. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST—  
S. 1214

Mr. HOLLINGS. Madam President, this is a unanimous consent request to take up the Port Maritime and Rail Security Act.

I ask unanimous consent that the majority leader, following consultation

with the Republican leader, may proceed to the consideration of Calendar No. 161, S. 1214, the Port Maritime and Rail Security Act, and when the measure is considered it be under the following limitations: That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill as thus amended be considered as original text for the purpose of further amendment; with no points of order waived by this agreement; that all first-degree amendments must be transportation related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; and that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, I am sorry at this time that I have to object because of the exclusive unanimous consent limitation.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senator STEVENS having the opportunity to speak for up to 10 minutes.

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

PEARL HARBOR DAY

Mr. STEVENS. Madam President, I requested of the leadership an opportunity to speak briefly about Pearl Harbor Day.

The Senator from Hawaii would be in Pearl Harbor today, as he has been almost every time every year since he has come to the Congress.

I would have been in New Orleans at the opening of the new museum for World War II. I think it is appropriate that we ask the Senate, at the conclusion of the remarks of the Senator from Hawaii, to stand and observe a minute or two of silence in honor of those who gave their lives at Pearl Harbor.

Sixty years ago today, I was in bed with pneumonia and heard over the radio about the attack on Pearl Harbor. My friend from Hawaii was a young medical student and was immediately called into action to help give first aid.

As a young medical student, Senator INOUE gave first aid and assistance to a great many people.

Then he went through a period of time, which must have been very ex-

cruciating, when he saw other citizens of the United States of his racial background being taken to camps and various other places because of their Japanese heritage.

Subsequently, he joined the Army, proceeded to be trained, and went to war in Italy. As a matter of fact, he was in Italy on one side of the mountain, and our former colleague, Senator Dole, with the 10th Division was on the other side of the mountain. Senator INOUE's unit was the most highly decorated unit in World War II, totally made up of Japanese Hawaiians, the 442nd. The 442nd has a distinguished place in history. And the person who has one of the greatest places in history is my long-time friend, Senator INOUE, who is now a Congressional Medal of Honor winner. He had to wait many years before he got that award, having been passed over at the time because of his heritage.

I was privileged, as many others were, to be there when that wrong was righted and he was recognized for his distinguished service to our country for the events that led up to his being injured and, strangely enough, being in the same hospital with Bob Dole as they both came off the battlefield wounded.

But I have had a distinguished opportunity here to be a friend of this distinguished man.

I never had the privilege—I am getting a little personal—of living with my own brothers, but I have lived and traveled with DAN INOUE throughout the world now for 33 years. I know of no man that I would put in higher esteem than Senator DANIEL INOUE.

I ask the Senate to recognize him now, and then perhaps he would like to make some comments.

(Applause, Senators rising.)

The PRESIDING OFFICER. The distinguished Senator from Hawaii.

Mr. INOUE. Madam President, as always, my dear friend from Alaska is overly generous. I shall always cherish his friendship, and this moment will never be forgotten.

Madam President, 60 years ago our Nation was suddenly attacked by a force of planes. It devastated a part of America. We lost about 2,400 of our gallant sons. It was a moment of great tragedy, great sadness, but it was also a moment of great glory because, almost instantly, our Nation got together. Our Nation was never that united. Even during the war of the Revolution we were not that united. In the Civil War we were divided.

But on this day, 60 years ago, America became one. And it was obvious that, notwithstanding the odds against us, we were going to be victorious. And we were.

Today, we are debating a matter that happened on September 11. And I know that, though we may have used some harsh rhetoric, we will stand united, as