

Mr. LOTT. If the Senator will yield, there has been no end to the amendments that might be offered. I know a number of Senators have three or four more amendments. I would be interested in seeing if we can get an agreement on the amendments that would be proposed. That would give us something we could at least consider. But in the meantime, we could continue to make progress on the legislation while we are seeing if there is some sort of list that can be developed. I think that to stop now, without even knowing what the final product is going to be, what amendments might be offered or when the final conclusion would come, is not the way to proceed.

I know there are those who don't want us to ever complete this legislation. I understand that. But we have had a full debate. We have complied with the rules that apply. And we have made it very clear for days, including before we began this series of votes, that our intent was to go until we concluded.

At this point, let's proceed with the amendments that are pending. I believe Senator FEINGOLD has an amendment that he is ready to offer, and I would be glad to discuss with anybody what the final package of amendments, what list of amendments might be developed, and we will see where we are. I will be glad to yield to Senator NICKLES.

Mr. NICKLES. Mr. President, the majority leader has requested that we proceed with the next vote, and during the next vote Senator REID and I will see if we can't collect a list and come up with a finite list of amendments to see what we have remaining.

The PRESIDING OFFICER. The question is on the Feingold amendment.

Mr. KENNEDY. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am entitled to recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call is not in order at this time.

Mr. KENNEDY. Mr. President, I appeal the decision of the Chair, and I ask for the yeas and nays. I appeal the decision of the Chair and ask for the yeas and nays. I appeal the decision of the Chair, Mr. President. I am entitled to that request.

The PRESIDING OFFICER. Let the Chair state the request.

Mr. KENNEDY. I appeal the decision of the Chair on this, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is appealing the decision of the Chair that a quorum call is not in order at this time while 2 minutes remain on the amendment. Does the Senator seek the yeas and nays on the appeal?

Mr. KENNEDY. Yes, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Is it the Chair's ruling that a request for a quorum is not in order because there are still 2 minutes remaining on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Would a request for a quorum be in order at the conclusion of the 2 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I ask unanimous consent that the Senator from Massachusetts be recognized at the conclusion of the 2 minutes to make his suggestion.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

The question is, shall the decision of the Chair stand? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—99

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carmahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NOT VOTING—1

Stevens

The ruling of the Chair was sustained as the judgment of the Senate.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I seek recognition under leader time so I can propound a unanimous consent request and get an understanding as to how we are going to proceed at this point.

First of all, I think it is unfortunate that we see there is a delay being forced. I understand there are Senators who think we have gone late enough tonight and would like for us to resume tomorrow. It is very important we complete this work, and obviously we will not go to any other legislation until we complete this very important work of the people.

I have listened to Senators on both sides of the aisle and am trying to find a way to give Senators a chance to offer their amendments and have them considered. I hope that it will not be delayed indefinitely. Certainly that would be a subversion of the rules, but we will take a time out here and hopefully tomorrow Senators will be prepared to resume our work and bring it to a conclusion.

I believe Senator DASCHLE intends to work with me and the managers of the legislation to try to find a way to bring this debate to a reasonable conclusion. But I emphasize again, we have work we need to do this week, and if we have to go on into Friday or Saturday, I think we should be prepared to do that. Senators on both sides have indicated they would be willing to do that.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### WORLD WAR II MEMORIAL

Mr. WARNER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 1696 regarding construction of the World War II memorial, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1696) to expedite the construction of the World War II memorial in the District of Columbia.

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

Mr. WARNER. Mr. President, I rise to ask the Senate to act on this, as we have just done. I am honored to do so on behalf of the few in the Senate who served in World War II, Senators INOUE and STEVENS, with great distinction, I myself with very modest service beginning in 1945 during the closing months of the war.

This memorial is long overdue in recognition of the enormous sacrifice of the men and women of the U.S. military; and, indeed, it is a symbol of the

sacrifices of an entire generation, not only those who went abroad to the battlefields but those here at home and their families.

Mr. President, our former colleague, Robert Dole, was very instrumental in seeing that the financial package and other aspects on this memorial were successful.

Mr. REID. I also say to my friend, I have been impressed with how hard you, Senator INOUE, and Senator STEVENS have worked on this important issue.

AMENDMENT NO. 745

Mr. WARNER. Mr. President, I understand there is an amendment at the desk submitted by Senator STEVENS and Senator INOUE, myself, and others, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself, Mr. INOUE, Mr. THOMPSON, Mr. HOLLINGS, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. THURMOND, Mr. THOMAS, Ms. COLLINS, and Mr. WARNER, proposes an amendment numbered 745.

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

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

The amendment is as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. APPROVAL OF WORLD WAR II MEMORIAL SITE AND DESIGN.**

Notwithstanding any other provision of law, the World War II Memorial described in plans approved by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, and selected by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and in accordance with the special use permit issued by the Secretary of the Interior on January 23, 2001, and numbered NCR-NACC-5700-0103, shall be constructed expeditiously at the dedicated Rainbow Pool site in the District of Columbia in a manner consistent with such plans and permits, subject to design modifications, if any, approved in accordance with applicable laws and regulations.

**SEC. 2. APPLICATION OF COMMEMORATIVE WORKS ACT.**

Elements of the memorial design and construction not approved as of the date of enactment of this Act shall be considered and approved in accordance with the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

**SEC. 3. JUDICIAL REVIEW.**

The decision to locate the memorial at the Rainbow Pool site in the District of Columbia and the actions by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, the actions by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and the issuance of the special use permit identified in section 1 shall not be subject to judicial review.

Mr. STEVENS. Mr. President, I believe that it is time to honor the sacrifices of the World War II generation. Eight years after Congress authorized the construction of this memorial, and six years from the first of 22 public

hearings on its site and design, the memorial's construction remains delayed by a procedural issue involving the National Capital Planning Commission (NCP), one of the agencies required by law to approve the memorial, and a lawsuit filed by a small group of opponents. This legislation would remove those obstacles and require the construction process to promptly go forward.

The legislation accomplishes that goal as follows:

Through sections one and three, the site and design for the World War II Memorial are finalized, expeditious construction is directed, and the prospect of further delay through judicial challenges or other re-considerations of the selected site and design are eliminated. Section one also includes a provision regarding design modifications which is solely intended to address the highly unlikely event that a technical impossibility could occur in the course of construction that might require a limited deviation from the selected design. In light of the careful review the existing plans have already been subject to by the memorial's design, engineering, and construction management professionals, the General Services Administration (GSA), the American Battle Monuments Commission (ABMC), the National Park Service (NPS), the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCP), no exercise of this authority is expected. Moreover, as a result of these provisions, funds donated for the Memorial would not be diverted to preparation of the additional mock-up of the Memorial or further presentations on the selected design that have been requested of the NPS by NCP to administratively readdress that agency's procedural issue resolved by this legislation.

The second section directs that the procedural steps of the Commemorative Works Act shall be used for the approval of those few aspects of the Memorial not already finalized. These items are essentially the color of the granite, the flag poles, sculptural elements, the wording of the inscriptions to be placed on the memorial, and final adjustments to the level of lighting. These matters will be presented in due course by the NPS, representing the Secretary of the Interior and acting on behalf of the ABMC, to the two approving commissions designated by the Commemorative Works Act: the CFA and the NCP.

To further place this legislation in context it is important to briefly describe the extensive, democratic deliberative process through which the site and design were selected.

After receiving Congressional approval in October 1994 to locate the Memorial within the National Monumental Core, many public hearings regarding site selection were conducted including meetings of the National Capital Memorial Commission (NCMC), (May 9 and June 20, 1995), the CFA

(July 27 and September 19, 1995), and the NCP (July 27 and October 5, 1995). In the course of these meetings, the CFA and NCP, in consultation with the ABMC and NCMC, reviewed eight proposed sites for the Memorial. Through review of these proposals, the possibility of including the Rainbow Pool in the site for the Memorial arose at the June 20, 1995, NCMC public meeting. As the deliberations continued pursuant to the Commemorative Works Act, the appropriateness and potential of the Rainbow Pool as a site for the Memorial became readily apparent. The Rainbow Pool Site was approved at an open, public meeting of the CFA on September 19, 1995, and the NCP on October 5, 1995. President Clinton formally dedicated the Rainbow Pool site on Veterans' Day 1995.

In 1996, a national two-stage competition to select the designer for the Memorial was conducted in accordance with the GSA's Design Excellence program. Over four hundred entries were reviewed by a distinguished Evaluation Board that selected six competition finalists. From these six finalists, a design jury composed of outstanding architects, landscape architects, architectural critics and WWII veterans, independently and unanimously recommended a design team headed by Friedrich St. Florian of the Rhode Island School of Design. The Evaluation Board concurred and ABMC approved the recommendation on November 20, 1996. On January 17, 1997, President Clinton announced the Friedrich St. Florian team as the winning design team, with Leo A. Daly, a pre-eminent national firm, serving as architect-engineer.

Through the Commemorative Works Act process, the World War II Memorial design underwent three general phases of public review and approval: design concept, preliminary design and final design. The Memorial design has evolved through input and participation by the reviewing commissions and the public. In particular, at public hearings held in July of 1997, both the CFA and the NCP considered Friedrich St. Florian's initial design concept and reconsidered the approvals of the Rainbow Pool Site. Both commissions reaffirmed selection of the Rainbow Pool site on more than one occasion; however, both also requested the consideration of substantial changes to the design concept. The design team subsequently undertook extensive efforts to address all concerns raised by the reviewing commissions and the public. Over the course of three years and nine more public meetings, the Memorial design continued to evolve to its finally approved form. As a result of the extensive public participation and careful review by the respective commissions and other governmental agencies, the final design is one which enhances the site, preserves its historic vistas, and preserves the Rainbow Pool by restoring it and making it a part of a national commemorative work.

Finally, in the course of authorizing this Memorial, Congress asked the American people to support the project through voluntary donations. They certainly responded. The memorial fund-raising campaign, under the leadership of Senator Bob Dole and Frederick W. Smith, Chairman and CEO of FedEx Corporation, received financial support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal and professional organizations, 48 state legislatures, 1,100 schools, and more than 450 veterans groups representing 11 million veterans providing the funds necessary to construct the Memorial.

I would like to thank my fellow World War II veterans Senator INOUE, Senator THURMOND, and Senator HOLLINGS for joining me in this amendment. I would also like to thank Senator THOMPSON, Senator MURKOWSKI, Senator BINGAMAN, and Senator THOMAS for their co-sponsorship and for their hard work on this important legislation. I also want to thank the sponsor of this legislation, Congressman STUMP, for all of his work and dedication to insure that World War II veterans will see the monument to their service. It is my hope that the House will act quickly on Congressman STUMP's bill with our amendment. With this legislation, we will ensure that the Memorial is created within the lifetimes of a significant number of those we honor.●

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 745) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent the bill, as amended, be advanced to third reading and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 1696), as amended, was considered read the third time and passed.

Mr. KERRY. Mr. President, the Senate today passed H.R. 1696, legislation authorizing expeditious construction of the World War II Memorial at the Rainbow Pool site on the National Mall in a manner consistent with previously approved plans, but "subject to design modifications" that may subsequently be approved by the National Capital Planning Commission and the Commission of Fine Arts under the Commemorative Works Act. In rejecting the original House bill in favor of this legislation, the Senate today recognizes that appropriate modifications to the design may be warranted. The bill permits the National Capital Planning Commission to proceed with its plans to view an on-site mock-up of the memorial and to consider modifications

to the design that will ensure that the memorial respects the open, historic character of the Mall, that significant vistas are not obstructed, and that the height and mass of this memorial are appropriate for the site. Consistent with this legislation, such modifications ought to be expeditiously considered and approved by the National Capital Planning Commission and the Commission of Fine Arts so that construction of the memorial may proceed without undue delay.

#### ECSTASY EXPLOSION

Mr. GRASSLEY. Mr. President, in March I held a hearing on the growing threat of Ecstasy use in America. For a long time we've been hearing that the Ecstasy problem is coming. Well, it's arrived. We heard some disturbing news at this hearing. We heard firsthand testimony from two former users how this "feel-good" drug ruined their lives and almost killed them. It's clear to me that this drug is destroying families and lives. Ecstasy, like all drug use, is a serious challenge facing our country.

Ecstasy is a synthetic stimulant. It is called a club drug because it is most commonly used at parties and all-night dance clubs called raves. Its use by youth to enhance the experience of the music and the dancing in clubs, has become very popular. Because it is marketed in clubs, most users are young, as well as most sellers.

At the hearing in March, the White House released the latest Pulse Check report that outlined the recent trends in Ecstasy use. This report confirmed that most users are children and young adults. These drugs are clearly targeted at youths. Ecstasy is found primarily in pill form and manufacturers put cartoons and flashy corporate logos on the pills to make them more appealing.

Ecstasy use is spreading around the country and is affecting all areas. The Pulse Check report shows that both rural and urban areas are experiencing an Ecstasy explosion. In fact, 18 of the 20 cities in the report labeled Ecstasy as an emerging drug. This isn't the drug of the big city anymore, it is now in hometown America.

As the demand is increasing, the availability of Ecstasy is increasing too. The report shows that widespread usage and availability increased dramatically over the past year. Ninety percent of all drug treatment and law enforcement experts say that Ecstasy is readily accessible. If we continue to allow easy access to this drug at clubs and in schools, then this problem will just get worse.

One of the greatest dangers of Ecstasy is how it is used. The report stated that Ecstasy is losing its purity and is now commonly adulterated with other, even more dangerous drugs, such as heroin and amphetamines. Users usually don't know the level of the drug they are taking and will overdose

easily. And at parties and dances, Ecstasy is most often taken with several other drugs, most commonly alcohol, but also LSD, marijuana, and cocaine. This deadly cocktail of drugs is making ambulances at clubs an all too common sight. These ambulances, that are now shuttling more unconscious youth than ever before from nightclubs to hospital emergency rooms, are often private ambulances that are hired by the nightclubs themselves. They wait outside the clubs until someone overdoses from the use of Ecstasy, thus bypassing 911 and the attention of the police. My outrage with this practice is heightened by the low level of care and lack of advanced life support that these ambulance crews provide at such dangerous moments. Many youth are not safely making it to hospital emergency rooms.

The situation is becoming an emergency. We need to make it clear to today's youth that this drug is very dangerous and that using it carries heavy consequences. This drug rips apart families and ruins lives at a very young age. Many youth start using this drug before they are old enough to fully grasp the results of their actions. We need to educate our youth and crack down on sellers to combat the increasing availability of this drug. We cannot let this attack on our Nation's youth go unchecked.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. 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 heinous crime that occurred March 1, 2000 in Salt Lake City, Utah. Two defendants pleaded guilty to misdemeanor assault charges for their part in a 45-minute crime spree that began outside a gay bar. During the crime spree, two people were beaten and three others terrorized. "Are you a faggot?" one of the defendants yelled. "He is a faggot!" another replied as they chased the first victim to his car and pounded on his vehicle until the victim was able to escape to call the police. Later, the defendants yelled anti-gay slurs and threw beer bottles at another car that had two men in it. Forty-five minutes after the initial attack, the defendants waited outside the gay bar and beat two men who had just exited the bar. One of the defendants told the arresting officer they were "just out for a good time."

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