

questions about what might have been had the pieces of the puzzle been put together in a different way before that sad and tragic day in September.

I cannot answer the questions my constituents are asking. I cannot answer the concerns raised by the families of the victims. As agonizing as it is even to think that there was intelligence suggesting the possibility of the tragedy that occurred, particularly for the family members who lost their husband, their wife, their son, their daughter, their niece, their nephew, their mother, their father, it is a subject we are absolutely required to explore.

As for the President, he may not be in a position at this time to respond to all of those concerns, but he is in a position to answer some of them, including the question of why we know today, May 16, about the warning he received. Why did we not know this on April 16 or March 16 or February or January 16 or August 16 of last year?

I do hope and trust that the President will assume the duty that we know he is capable of fulfilling, exercise the leadership that we know he has, and come before the American people, at the earliest possible time, to answer the questions so many New Yorkers and Americans are asking. That will be a very great help to all of us.

I know my constituents want those answers, particularly the families who still today wonder why their loved one went to work that beautiful September morning and did not come home from the World Trade Center or the Pentagon or those airplane flights. After all, in the grieving process, it is often the not knowing that hurts the most.

I hope the President will address these issues, will do so as soon as possible, and will also authorize the release of any other information that New Yorkers and Americans have a right to know. I certainly look forward to learning of and being able to share that information with the people I represent.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Connecticut.

Mr. DODD. Mr. President, I have some remarks on another subject I would like to make. I commend our colleague and friend from New York for her comments. I associate myself with her remarks. I think all Americans would.

Obviously, it is critically important we know all that we possibly can of what occurred. If there was, in fact, information that should have been acted on, it is critically important we know about it, what happened, and why actions were not taken, so we minimize the possibility of the events of September 11 from occurring again.

We all realize, as our colleague and friend from New York has pointed out, it is a difficult job being the Chief Executive Officer of this country, the Commander in Chief. And there is a vo-

luminous amount of material that arrives every day from our national security agencies and services. But when you get information this specific, this detailed, arriving from a variety of different sources, then someone should have taken better action, in my view.

So I am hopeful we will get a response. It is critically important for the healing process and for understanding exactly what occurred. So I commend the Senator for her remarks and associate myself with them.

#### COMMENDING PRESIDENT RONALD REAGAN

Mr. DODD. Mr. President, I commend our former Chief Executive of the country—former President Ronald Reagan. I just attended a ceremony in the Rotunda of the Capitol honoring former President Ronald Reagan and Nancy Reagan. We are from different parties, and we had disagreements during his administration. But one thing can be said about President Ronald Reagan: Whatever disagreements or agreements you may have had on specific policy issues, Ronald Reagan gave this country a strong sense of confidence and optimism.

We had come through a difficult time in the 1970s, with Watergate, the Iranian crisis, and the energy crisis that had been debilitating to our spirit. Ronald Reagan restored our Nation's confidence in itself. I commend the President. I know he is suffering from Alzheimer's, and Mrs. Reagan has taken on the heroic efforts of being his eyes and ears in the sense of speaking for him where appropriate. It was a very moving ceremony in the Rotunda, where both the President and First Lady were recognized with the Congressional Gold Medal.

So as one Democrat, to a former Republican President, but more importantly a great American President, I express my gratitude to him for his service, and Mrs. Reagan for her remarkable service both to her husband and family and this country.

#### COMMENDING PRESIDENT JIMMY CARTER

Mr. DODD. Secondly, Mr. President, I commend President Carter for his work this week. I have been so impressed with the efforts that President Carter has made in Cuba during the past 4 or 5 days. I think he has spoken for many of us in this country during his visit to Cuba.

While in Cuba, President Carter addressed the Cuban people on national radio and television—a unique opportunity in a country that is a totalitarian regime where democracy has had no expression now for more than four decades.

In having been granted permission to address the Cuban people, President Carter was given a right that no Cuban other than the President of the country, and those who agree with him, has

been given—the opportunity to speak freely about democratic values, values that we embrace as a people and the 11 million people of Cuba embrace as well.

In his address, President Carter urged the government of Cuba to allow democracy to be restored, and asked that pro-democracy petitions be allowed to be collected, and respected.

He simultaneously called for the U.S. government to allow free travel to Cuba and stated his belief that our government should begin to lift our embargo. I commend him for those comments.

The only place I know of in the world that we prohibit our citizens from traveling to is the island of Cuba. You can go to Iraq. You can go to North Korea. You can go to Iran. You can go to any other country around the globe, some of which are our most devout enemies when it comes to terrorism. You may be stopped from entering by the governments of those countries, but our Government does not prohibit you from going. Cuba is the only country where Americans are prohibited from entering by our country.

And for the hundreds of thousands of Cuban Americans who have family and loved ones there, who are only allowed to go back once a year, who would like to go and see their family members more than once a year, perhaps to go see an ailing parent or grandparent, I find this to be a particularly onerous provision in American law. I hope it will be changed, just as I am hopeful that change will come to Cuba and democracy will arrive on that island so the people will have the opportunity to elect and choose their political leadership.

In summary, President Carter, by calling upon the Cuban Government to change its ways and our own Government to change some policies, I think gave the appropriate message; one that can be appreciated not only here, but on the island of Cuba by the Cuban people and freedom-loving people around the globe.

So today, I take this moment to express my gratitude to this former President who, in his retirement, has accomplished so many wonderful things and become such a wonderful symbol for human rights and dignity and democracy around the globe.

I am proud to stand here and honor two former Presidents who faced each other in an election 1980, but in their own way have made unique contributions to our Nation. President Carter continues to do so. I commend him for his work in Cuba and look forward to his return and hearing from him. I am hopeful that he will come before us in Congress in some setting in which he might be able to describe his feelings about events in Cuba while sharing his opinion of what the prospects hold for the future.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3429 TO AMENDMENT NO. 3401

Mr. KYL. Mr. President, I send an amendment, No. 3429 to amendment No. 3401, to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself, Mr. GRAMM, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 3429 to amendment No. 3401.

The amendment is as follows:

(Purpose: To Require that any revenue generated from custom user fees be used to pay for the operations of the United States Customs Service)

At the end of the matter proposed to be inserted, insert the following:

#### SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 1303(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58C(j)(3)) may be used only to fund the operations of the United States Customs Service.

Mr. KYL. Mr. President, I ask unanimous consent that Senator NICKLES be added as a cosponsor to this amendment.

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

Mr. KYL. Mr. President, I will explain the amendment and discuss the reasons for it. I hope my colleagues will agree that this is an amendment that can be adopted. We don't even have to have a rollcall vote, unless someone asks for it. I think it is fairly straightforward.

The amendment has to do with Custom user fees. Today, Custom user fees come in two separate categories, which I will discuss in a moment. About 300 million of them are statutorily designated to go to a particular set of accounts in the Customs Service. For example, it pays overtime for Customs Service personnel. There is about \$1 billion in Custom users fees that takes a somewhat more circuitous route that goes into the general fund—generally money which the Appropriations Committee defines as funds for funding various functions of the Customs Service, hence the name "user fee."

In fact, I will digress for a moment. We have taxes and we have user fees by which we raise revenue. User fees are generally targeted toward people who use a particular service of the Government. So we generally try to spend that money on the things for which they require us to use the money. An example is, if you use the national forest, you are beginning to find that you

have to pay a little fee to go camping there. That is because we are kind of hard on the forests when we camp there, and somebody has to clean up the mess we leave behind, and so we pay a little fee for that. It is more fair for those of us who may take our kids camping in the forest to pay for the user fee than it is to charge the taxpayers generally.

The same thing is true with Customs. We charge a fee for people who have their ships and their trucks and other things inspected by the Customs Service, and some bring goods into the United States of America. I am oversimplifying, but that is the general idea. So we take those same moneys and put them back into the inspectors, into the equipment that is used to inspect their train, or boat, or truck, for example, so that instead of waiting at the border for 2 hours, maybe we can get them through in an hour or less, hopefully, so we can expedite commerce at our borders, and for other purposes. That is the concept of a user fee. They pay to have us do this. We take the money and apply it to that.

Now, what the underlying bill did—and I must say that as a member of the Finance Committee, I was unaware of this and I objected to it being done in an earlier bill, and I was distressed to learn it had been done in this bill—they extended the Custom user fees—that part is OK—and the net result of that is to contend that the expenses of the TAA portion—the trade adjustment assistance portion—of these free trade bills is paid for by revenue generated by extending the Custom user fees.

Well, that is not true, and it should not be true. So what my amendment says is, no, Custom user fees are used for Customs. Here is what it says:

Notwithstanding any other provision of law, any revenue generated from custom user fees . . . may be used only to fund the operations of the United States Customs Service.

That is the idea. That would be a good thing, especially at this time in fighting our war on terror. We are imposing upon the Customs Service more and more responsibilities for doing a really good job of checking all of the modes of conveyance, and containers, and other kinds of shipments into the country. We read in the newspaper a couple days ago where 25 possible terrorists from Arab countries have been smuggled into this country in the holds of ships.

I think the Customs Service can examine only 1 percent of the cargo coming in on ships. They cannot examine every part of every hold of a ship coming into this country, let alone every truck, train, or other mode of conveyance that brings goods into the United States. Yet we are asking them to be sure that nobody smuggles in contraband, drugs, nuclear bombs, biological weapons, chemical weapons, or illegal aliens who could be terrorists.

We are asking a lot of the Customs Service, and we are not giving them

enough money to do the job, which is why they have asked for more money. And most of us, I believe, are willing to provide more money for the Customs Service to do what we are asking them to do, not just for their general work but now enhanced by the requirements of the war on terror.

At the same time we are imposing that additional burden on them, somebody had the bright idea to pay for the unrelated parts of this bill having to do with wage subsidies, health benefits, and so on, with Customs user fees. That is not right, and it is actually not even necessary.

Why is it being done? Because somebody had the idea they could avoid a point of order being raised against the underlying bill so that instead of having to get 60 votes to pass the bill, 50 votes, the usual, would suffice. The fact is there is already a different kind of point of order that lies against the bill, so this serves no purpose.

That is why I think even those who wish to say they have a way of paying for the bill by using these Customs fees could easily agree that there is no point in it, there is no purpose in it, and, therefore, rather than muddling up the law, rather than taking money from Customs when we are trying to fight the war on terror, they would be willing to adopt our amendment and not try to pay for the bill with Customs user fees.

This is a technique and, as a matter of fact, it even has a name in the Senate, and it is called a "pay-for." That is pretty inelegant. The idea is when you have a program that is going to cost, say, \$10 billion or \$11 billion, as this is, it is going to be hard to get it passed unless we show we can pay for it. So we raise taxes \$10 billion or \$11 billion or find some other source of revenue that will cover that expense.

In this case, the pay-for is the Customs user fees. As I said, that is not necessary because nobody is saying you have to find a way to pay for this. We are assuming that the general revenues of the United States will pay for the expenses of the bill. I am assuming that.

I do not have any objection to the general revenues of the United States paying for the cost for this bill. They are too high, in my view. I wish we did not have all these costs, but to the extent there are costs, the taxpayers of the United States will pay for them through general revenues. We do not have to have a pay-for.

To the extent it is being used to get around a parliamentary point of order, it does not need to either because there is a different point of order that lies against the bill.

Instead of compromising our Customs Service, I plead with my colleagues in the name of the war on terror, in the name of good sense, let's adopt this amendment and eliminate the concept of the pay-for in this legislation.

I have explained this in a more simplified form than it really is. I believe