

was 1998. What is different now? Nothing, except Saddam Hussein is stronger.

Does he have the weaponry? Does he have the weapons of mass destruction? Does he have a nuclear warhead? We don't know for sure, but we don't know he does not.

Let's go back to the Rumsfeld Commission. This is 1998. The Rumsfeld Commission was made up of, I don't know, 16 or 18 of the very top military experts in this country. They said that U.S. intelligence was shocked by a 1990 Iraqi test of a long-range booster rocket, showing Iraq was involved in an extensive, undetected, covert program to develop nuclear capability ballistic missiles with intercontinental range. That was 1990.

People keep saying: Oh, no, this is not going to happen; they don't have this. I remember in 1998, it was August 24 when our intelligence said that it would be something like 5 to 15 years before North Korea would have a multiple-stage rocket. That was August 24, 1998.

Seven days later, on August 31, North Korea fired one. We know when the weapons inspectors came back in 1998 after Saddam Hussein kicked them out, they came before our committee. I can tell you exactly—I have the transcript over here—what they said. By and large, this was it. For the sake of time, I say in response to our question, in 1998—this is the weapons inspectors who were over there:

How long would it be until Saddam Hussein has the weapons of mass destruction capability, including nuclear, and a missile with intercontinental range to deliver those?

The answer was he could have it in 6 months. That was 1998. George Tenet at that time said:

I agree with that testimony.

Unclassified intelligence told us that China was transferring technology of chemical, biological, and nuclear weapons and missiles to Iraq.

On August 24, in the Washington Times, it was revealed the intelligence community warned President Bush that weapons of mass destruction could be on their way in a very short period of time.

Just 2 weeks ago, 3 weeks ago, from a satellite image, we were able to photograph trucks, 60 trucks that were moving around—a biological lab that we knew was a weapons lab. They are up to something. Every day something has happened. The intelligence report to the administration was that Saddam Hussein is preparing to use weapons of mass destruction.

On September 27, Rumsfeld said there is solid evidence that Saddam Hussein is negotiating for weapons of mass destruction with al-Qaida—they are negotiating with each other, I mean.

With all these things that we know are going on today, why is it that we are sitting around, wringing our hands? We don't know that he doesn't already have it, but we do know this. Every day that goes by, every week that goes by,

he has a greater opportunity to have these.

So, I look at this and I think that we have to remember what Secretary Rumsfeld said when he talked about the consequences. He said:

The consequences of making a mistake during the days of conventional warfare meant that we might lose 100, maybe 200 lives. But the consequences of making a mistake now could mean hundreds of thousands of lives.

I think tonight we have the Churchills and the Chamberlains. Tomorrow we are going to have a lot more Churchills than Chamberlains and we are going to stop the hand wringing. It will all stop tomorrow, and we are going to give the President of the United States the resolution that he knows he needs in order to have the full support of Congress and the American people behind him to do what he knows he must do in defending America.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

MODIFICATION TO SUBMITTED AMENDMENT NO.

4869

Mr. REID. Mr. President, this has been cleared with the minority.

Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).

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

The amendment (No. 4869), as modified, is as follows:

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 3(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to

joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936-1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term “joint resolution” means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: “That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated _____”, with the blank filled in with the appropriate date.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

RELIEF FOR VICTIMS OF SEPTEMBER 11

Mr. KENNEDY. Mr. President, in the USA PATRIOT Act, we provided temporary immigration relief for lawful nonimmigrants who are survivors of the September 11 attacks. This relief ended last month, and it has proved to be too short. A single year is not sufficient time for these families to sort out their affairs before returning to their native lands.

Senator CORZINE has introduced legislation to help these people, most of whom are the spouses and children of H-1B and other highly skilled temporary workers killed in the terrorist attacks. S. 2845 would allow these family members to remain in the United States for an additional year to deal with the very real challenges these families face.

They have been in mourning for a year. Many have not recovered the remains of their loved ones and are waiting for DNA analyses of the samples collected from the attack site. Some families have children enrolled in American schools. Many of these families are still waiting for awards from the Victims' Compensation Fund. Some have homes that must be sold or other financial matters that need to be settled. Many of them are participating in support groups with other September 11 survivors groups that simply do not exist in their native lands.

Consider the case of Tessie Forsythe. Tessie's husband Christopher worked

for Cantor Fitzgerald. He had an H-1B visa, which expired in April. The rest of the family received H-4 visas, so their lawful status in the U.S. was dependent on him.

Christopher left behind two children Jose and Kirsten. Tessie is not Kirsten's mother, but she is seeking to adopt Kirsten because Kirsten's birth mother has had extensive mental health problems and has no contact with Kirsten. The judicial process began in the United States, and if the family leaves the country now, the adoption proceeding could be jeopardized. In addition, shortly after her husband's death, Tessie was mugged and hospitalized for 3 months with extensive injuries.

Christopher's remains have not been recovered, though DNA samples from Kirsten have been submitted and are being analyzed. Like many of the survivors, Tessie has not yet received an award from the Victims' Compensation Fund.

Consider the case of Sonia Gawas. Her husband Ganesh Ladkat was also employed by Cantor Fitzgerald. The couple had been married just 9 months when the terrorist attacks killed Ganesh. Sonia suffers from a condition known as "delayed grief," where the death of a loved one is not accepted until long after the event took place. In this case, without any remains or proof that her husband was dead, Sonia's grieving period did not begin until it became clear to her that Ganesh was in fact a victim of the attack. Acceptance of his death plunged Sonia into a severe depression.

The catastrophic nature of the terrorist attacks had made the recovery process far more difficult. Sonia is receiving counseling and attends support groups that are not available in her native country. This unusually long grieving period has taken a toll on Sonia's ability to make arrangements for her return. She is still waiting to receive compensation from the Victims' Fund.

These brave families should not have to face the specter of deportation while still in the process of grieving for their loved ones and settling their affairs. An additional year will provide an opportunity to attend to their affairs and undertake the sad task of dismantling their lives in the United States. We need to help these deserving families by enacting this legislation as soon as possible, so that these families will not face deportation.

HOLD TO NOMINATION OF GROVER J. REES

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of the nomination of Grover J. Rees to be Ambassador to the Democratic Republic of East Timor. I need further time to examine the qualifications of this nominee.

REDUCING AMERICA'S VULNERABILITY TO ECSTASY ACT

Mr. BIDEN. Mr. President, in June I introduced S. 2633, the Reducing America's Vulnerability to Ecstasy Act, also known as the RAVE Act. Since that time there has been a great deal of misinformation circulating about this legislation. I rise today to correct the record. Simply stated, my bill provides technical corrections to an existing statute, one which has been on the books for 16 years and is well established.

Critics of my bill have asserted that if the legislation were to become law "there would be no way that someone could hold a concert and not be liable" and that the bill "holds the owners and the promoters responsible for the actions of the patrons." That is simply untrue. We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner. This is not the type of activity that my bill would address. The purpose of my legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities, and other venues because of incidental drug use at their events. In fact, when crafting this legislation, I took steps to ensure that it did not capture such cases. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar.

I am confident that the overwhelming majority of promoters are decent, law-abiding people who are going to discourage drug use, or any other illegal activity, at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks actually distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales at their events, have thinly veiled drug messages on their promotional flyers, tell their security to ignore drug use or sales, or send patients who need medical attention because of a drug overdose to a hospital across town so people won't link emergency room visits with their club. What they are doing is illegal under current law. My bill would not change that fact. Let me be clear. Neither current law nor my bill seeks to punish a promoter for the behavior of their patrons. As I mentioned, the underlying crack house statute has been on the books since 1986, and I am unaware of this statute ever being used to prosecute a legitimate business.

The RAVE Act simply amends the current crack house statute in two minor ways. First, it clarifies that Congress intended for the law to apply not just to ongoing drug distribution operations, but to single-event activities, such as a party where the pro-

moter sponsors the event with the purpose of distributing Ecstasy or other illegal drugs. After all, a drug dealer can be arrested and prosecuted for selling one bag of drugs, and the government need not show that the dealer is selling day after day, or to multiple sellers. Likewise, the bill clarifies that a one-time event where the promoter knowingly distributes Ecstasy over the course of an evening, for example, violates the statute the same as a crack house which is in operation over a period of time. Second, the bill makes the law apply to outdoor as well as indoor venues, such as where a rogue rave promoter uses a field to hold a rave for the purpose of distributing a controlled substance. Those are the only changes the bill makes to the crack house statute. It does not give the Federal Government sweeping new powers as the detractors have asserted.

Critics of the bill have also claimed that it would provide a disincentive for promoters to take steps to protect the public health of their patrons including providing water or air-conditioned rooms, making sure that there is an ambulance on the premises, et cetera. That is not my intention. And to underscore that fact, I plan to remove the findings which is the only place in the bill where these items are mentioned, from the bill. Certainly there are legitimate reasons for selling water, having a room where people can cool down after dancing, or having an ambulance on hand. Clearly, the presence of any of these things is not enough to signify that an event is "for the purpose of" drug use.

The reason that I introduced the RAVE Act was not to ban dancing, kill the "RAVE scene" or silence electronic music, all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised, as places for people to come dance in a safe, drug-free environment, then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression—it is only trying to deter illicit drug use and protect kids.

I appreciate the opportunity to correct the record about what my legislation does and does not do. I hope that all of my colleagues will join me in supporting this bill.

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 in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current