

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.

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#### 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.

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#### 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

hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 8, 2000 in Providence, RI. Two young gay men were severely beaten by two strangers. The assailants drove by the young men, shouting vulgarities and anti-gay slurs. After making two passes, the perpetrators got out of the car, shouted more anti-gay slurs, and proceeded to punch and kick the victims in the head and body. The attackers fled after witnesses called for help.

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 that by passing this legislation and changing current law, we can change hearts and minds as well.

#### A HOLD ON EXTENDING CHAPTER 12 BANKRUPTCY

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 H.R. 5472 or any other legislation extending chapter 12 bankruptcy. While I am a strong supporter of chapter 12—in fact I was the author of chapter 12—I believe that these changes should be enacted as part of the comprehensive bankruptcy reform conference report, which includes provisions making permanent chapter 12 and extending other important family farmer protections in bankruptcy. Chapter 12 will be in effect until the end of this year, and I expect that the comprehensive bankruptcy reform conference report will be passed by the House and Senate by then. Consequently, an extension is not necessary at this time. So I urge my colleagues in the House and Senate to pass the comprehensive bankruptcy reform conference report as soon as possible to extend these protections to our family farmers.

#### NOMINATION OF DR. MARK McCLELLAN

Mr. FRIST. Mr. President, just a few moments ago, I joined my colleagues on the Health, Education, Labor, and Pensions Committee in unanimously approving the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration. I rise now to strongly urge the Senate to immediately act on the nomination.

Dr. McClellan is not a stranger to the Senate. During his service on the Council of Economic Advisors, many of us have benefitted from his expertise, clear-headed analysis, and sound advice concerning health policy matters. Dr. McClellan has served the President well and I know that he will continue to serve the Nation well as the next

Commissioner of the Food and Drug Administration.

Mark McClellan is an excellent choice to lead the FDA. He is a talented academician and economist who has helped challenge conventional thinking about important health policy matters through groundbreaking research. He is a gifted health policy analyst who has worked to improve the Nation's health care system for all Americans. Perhaps most importantly, he is also a physician who has cared for patients and knows first hand that there are few greater callings than helping to heal one's fellow man.

Mark McClellan is uniquely qualified to lead this important agency at this critical time.

The challenges confronting the next Commissioner of the FDA are great, perhaps greater than at any other time in our Nation's recent history.

Of course, the FDA has an important, ongoing role to play in ensuring the safety and efficacy of drugs, biologics, food, cosmetics, blood products, and devices, goods and products accounting for nearly one-quarter of all consumer spending in the United States. But the FDA Commissioner must be more than simply the head of a large, regulatory Government agency. He must also provide strong leadership on a broad range of critical health policy issues that directly affect the lives and well-being of every American.

I would like to highlight some of the issues on which it is critical that the FDA Commissioner provide leadership at this time. The most significant issue we have faced over the past year is terrorism. On September 11 we endured the most horrendous attack on American soil since Pearl Harbor. This week, we mark the 1-year anniversary of the worst attack of biological terrorism in this country. We cannot know when, where, or in what form the next attack will happen, but we must be prepared. This includes speeding the review and approval of rapid assays, vaccines, and other necessary bioterrorism countermeasures. Numerous scientists and research facilities are working to meet the call of the President and Congress to protect our homeland from outside threats. The FDA must help fashion an environment in which these discussions are encouraged and translated to medical practice.

At the same time, we cannot ignore naturally emerging threats to the safety and sustainability of our blood, tissue and organ supply. Last week, it was reported that 40 people were exposed to hepatitis C from a single organ and tissue donor and salmonella was transmitted through blood transfusions. This is in addition to the growing body of knowledge we are amassing on West Nile virus. Considered together with the existing shortage of blood, tissue and organ donors, the need to speed the development of new screening and purification products is clearly illustrated.

Finally, I would like to highlight the importance of promoting a regulatory

environment that values innovations to improve patient care and consumer safety, while at the same time safeguarding the public health. But this must be done without contributing unnecessarily to overall rising health care costs or allowing basic medical treatments to be forgotten. We presently face just this situation with our Nation's vaccine supply. Currently, only four manufacturers produce vaccines and they face the multiple challenges of a growing litigation crisis and changes in the FDA's regulatory oversight. While most of the recent childhood vaccine shortages have been alleviated, our system remains vulnerable to future shortages if we fail to act.

Mark has my full support, the full support of the HELP Committee, and I believe the full support of the Senate. It is in not only in our best interest to see that his nomination is acted on quickly, but it is in the best interest of the entire Nation for the Senate to confirm him as the next Commissioner of the Food and Drug Administration. We cannot wait or allow the nomination to be delayed.

#### THE ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. FITZGERALD. Mr. President, I rise today to urge my colleagues to support S. 2644, the Accountability of Tax Dollars Act, which was approved today by unanimous vote by the Governmental Affairs Committee. Earlier this week, the House of Representatives approved by voice vote the companion measure, H.R. 468, sponsored by Congressman TOOMEY of Pennsylvania.

I thank Chairman, LIEBERMAN and Ranking Member THOMPSON for their support of this legislation, and Congressman TOOMEY for his leadership in the House on this significant issue.

This important legislation will increase the effectiveness of the Chief Financial Officers' Act by expanding to all executive agencies the requirement that Federal agencies conduct independent financial audits. This bill will also subject agencies audited records to review by Congress and the administration.

As my colleagues well know, fiscal mismanagement by Federal agencies costs taxpayers billions of dollars each year. The total amount of taxpayer losses is probably much greater than we know, however, because many agencies do not subject their budget reviews to the scrutiny of outside accountants. By requiring independent audits of all executive agencies, this bill will help make our Government more accountable to the taxpayers. The agencies covered by this bill have a combined annual budget of tens of billions of dollars—budgets that represent taxpayer dollars that should be accounted for more rigorously.

I was dismayed to learn that under current law, only the 24 largest departments and agencies—and a few others specified by Congress—are required to