

them what they want to hear and it allows for coerced confessions.

A respected retired Indian general, General Narindr Singh, said "Punjab is a police state." Under POTO, minorities in India will be forced to live in a police state, which is even more brutal than before. Unfortunately, the United States has been trying to strengthen its ties with India, which in the past, voted to throw the United States off the Human Rights Commission and to suppress a resolution critical of Red Chinese human-rights violations. India, a longtime Soviet ally, votes against the United States at the UN more often than any country except Cuba. According to the Indian Express, India's Defense Minister, led a meeting in 1999 with the Ambassadors of Red China, Cuba, Russia, Yugoslavia, Libya, and Iraq to set up a security alliance "to stop the U.S."

Mr. Speaker, why should a country with a long record of anti-Americanism be a recipient of U.S. aid? The obvious answer is that it should not. The hard-working, overtaxed people of this country should not be supporting this brutal, corrupt, and hostile country. We should stop all U.S. aid to India, restore the sanctions previously in place against that country, and put the Congress on record in support of a free and fair plebiscite in Kashmir, in Punjab, Khalistan, in Christian Nagaland, and everywhere that people are seeking their freedom from this brutal regime. It is our obligation to the principles that give birth to our great country.

Mr. Speaker, on October 26, the Tribune News Service in India ran an excellent article on the repressive new POTO law, which I would like to place in the RECORD at this time.

[From the Tribune News Service, Oct. 26, 2001]

#### CENTRE BANS 23 TERRORIST OUTFITS

NEW DELHI, OCTOBER 25—The Centre today justified the promulgation of the Prevention of Terrorism Ordinance (POTO) saying it is the first comprehensive legal salvo against terrorism with complete safeguards to check the menace speedily and effectively. Under the ordinance, 23 organizations have been banned. Briefing newsmen here, Union Home Secretary Kamal Pande said care had been taken to ensure that the 50-page, 61-clause ordinance avoided all pitfalls and criticisms that the erstwhile Terrorist and Disruptive Activities Prevention Act (TADA), which expired in 1995, had to face.

Justifying the promulgation of the ordinance, Mr. Pande said there was an upsurge in terrorist activities, intensification of cross-border terrorism and insurgent groups in different parts of the country and the existing criminal justice system was not designed to deal with the types of heinous crimes that had appeared in the country in the past 50 years.

The ordinance defines terrorist acts as those done by using weapons and explosive substances or other methods in a manner as to cause or likely to cause death or injuries to persons or loss or damage to property or disruption of essential supplies and services with intent to threaten the unity or integrity of India or to strike terror in any section of the people. It also has a comprehensive definition of terrorist organizations including in terrorist acts and provides for proscribing them under a set procedure.

A total of 23 organizations have been banned under the ordinance, which Mr. Pande said, would be placed before Parliament in the form of a Bill for approval soon.

"The ordinance, of course, will have to be passed through Parliament as it will be valid

for a maximum period of six months . . . it will be placed before Parliament," he said.

Stating that all state governments and other departments concerned were consulted twice on the various provisions of the ordinance and their suggestions were taken note of and included wherever necessary before it was promulgated, Mr. Pande said "special features/safeguards have been built in to prevent the possibility of misuse of the special power given to investigating authorities also keeping in view the observations of the Supreme Court."

Asked about the mounting criticism over the clause pertaining to "disclosure of information", which is equally applicable to journalists, Mr. Pande said the clause was in line with the provisions pertaining to suppression of information already existing in CrPC and the IPC. Section 3(8) of the ordinance places responsibility on all persons to disclose information which the person knows or believes to be of material assistance in preventing any terrorist activity as soon as reasonably practicable to the police. However, exception has been provided in case of persons engaged as legal attorney of the accused who may have acquired such knowledge for the purpose of preparing the defense for the accused.

Section 14 provides a new provision which makes it obligatory to furnish information in respect of a terrorist offense. Failure to furnish the information called for or deliberately furnishing false information to investigating officer shall be punishable with imprisonment for a term which may extend to three years or fine or both. The investigating officer can call for such information only with prior approval in writing of an officer not below the rank of Superintendent of Police.

Mr. Pande said Section 32 provided for admissibility of confessions made to a police officer under certain conditions. But unlike TADA, the confession of an accused shall not be admissible as an evidence against a co-accused. Further such confessions had to be made before a police officer not lower in rank of a SP and had to be further recorded with a Chief Judicial Magistrate within 48 hours.

There is a provision to review the ban and a review committee headed by a sitting or retired judge of a high court will be constituted to hear such applications.

Financing of terrorism, possession of unauthorised arms, explosive substances or other lethal weapons capable of mass destruction and/or use in biological and chemical warfare have also been brought under the purview of this ordinance and the punishment could range from three years imprisonment to life imprisonment or fine or both and also death penalty.

Twenty-three organisations, including Deendar Anjuman, the Students Islamic Movement of India (SIMI) and some of the almost defunct outfits in Punjab have been branded as terrorist organisations in the ordinance.

The hurriedly promulgated ordinance lists the Babbar Khalsa International, the Khalistan Commando Force, the Khalistan Zindabad Force and the International Sikh Youth Federation among the list of terrorist outfits.

The ordinance has also branded almost all Kashmiri and North-East militant outfits and the Liberation Tigers of Tamil Eelam (LTTE) as terrorist organisations.

The outfits operating in Kashmir, which have been listed as terrorist organisations, are the Lashkar-e-Toiba/Pasban-e-Ahle Hadis, the Jaish-e-Mohammed/Tahrik-e-Fuqran, the Harkat-ul-Jehad-e-Islami, the Hizb-ul-Mujahideen and the Jammu and Kashmir Islamic Front.

The North-East outfits which have been branded as terrorist organisations, under Chapter III of the ordinance which deals with the terrorist organisations, are the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), the People's Liberation Army (PLA), the United National Liberation Front (UNLF), the People's Revolutionary Party of Kangleipak (PREPAK), the Kangleipak Communist Party (KCP), the Kanglei Yaol Kanba Lup (KYKL), the Manipur People's Liberation Front (MPLF), the All-Teipura Tiger Force and the National Liberation Front of Tripura. Meanwhile, the government will seek to replace three ordinances, including the controversial POTO in the forthcoming winter session of Parliament beginning on November 19.

The Union Cabinet, at its special meeting here today, decided not only on the dates of Parliament's winter session but also on seeking the passage of the three ordinances.

Briefing newsmen after the meeting, Parliamentary Affairs Minister Pramod Mahajan said the government was confident of getting the Opposition's support on POTO, despite some of the parties having extreme reservations on it. POTO seeks to fill the void created following the lapsing of TADA.

The minister was of the view that such a law was necessary in the prevailing conditions in the country and would help the government and the police in combating terrorism. He added that the Opposition was equally concerned about terrorism.

The minister said that two other ordinances, seeking to replace the ordinance on passport and the buy-back of shares would also come up for consideration during the session, which would have a total of 23 sittings.

The Bill seeking to replace the ordinance on passport would give the government, both the Centre and state, powers to suspend the passport or the travel documents of any citizen who it may suspect to be a terrorist. The ordinance signed by President K.R. Narayanan, came into force from October 23. It seeks to make amendments to the Indian Passport Act of 1967.

The ordinance on buy-back of shares was promulgated following a long-pending demand of the industry. It will enable companies to buy-back up to 10 percent of their equity every six months against the prevailing restriction of two years.

#### REGARDING WORLD POPULATION AWARENESS WEEK

#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. MOORE. Mr. Speaker, I would like to enter into the RECORD the attached Proclamation of Bill Graves, Governor of the State of Kansas, designating October 21–27 World Population Awareness Week.

Rapid population growth and urbanization have become catalysts for many serious environmental problems, applying substantial pressures to the infrastructure of nations around the world. These pressures caused by population growth and urbanization are manifested especially in pollution, transportation, health, sanitation and public safety. Cities and urban areas today occupy only 2 percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources. World population stands today at

more than 6.1 billion and increases by one billion every 13 years.

Therefore, it is important for us to recognize the problems associated with rapid population growth and urbanization. Governor Graves has proclaimed the week of October 21–27 of this year as World Population Awareness week in the great state of Kansas, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

STATE OF KANSAS—PROCLAMATION BY  
THE GOVERNOR

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, World population stands today at more than 6.1 billion increases by some one billion every 13 years; and

WHEREAS, The most significant feature of the 20th century phenomena of unprecedented world population growth was rapid urbanization; and

WHEREAS, Cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 75% of its resources; and

WHEREAS, The most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

WHEREAS, Along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

WHEREAS, In the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

WHEREAS, World Population Awareness Week was proclaimed last year by Governors of 32 states, as well as Mayors of more than 315 United States cities, and co-sponsored by 231 organizations in 63 countries;

NOW, THEREFORE, I, BILL GRAVES, GOVERNOR OF THE STATE OF KANSAS, do hereby proclaim the week of October 21–27, 2001, as

WORLD POPULATION AWARENESS WEEK

in Kansas and urge all citizens to join in this observance.

Done at the Capitol in Topeka under the Great Seal of the State this 25th day of September, A.D. 2001.

THE CHARITY ACCOUNTABILITY  
ACT, H.R. 3192

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 3192, the Disaster Relief Charities Accountability Act.

Mr. Speaker, seven weeks have past since the barbaric attacks on the World Trade Center, the Pentagon, and the thwarted hijacking attempt in Pennsylvania, yet victims and their families have not received the funding they desperately need.

Initial reports have indicated that more than \$1.2 billion has been collected by 196 charitable organizations.

While this overwhelming support by Americans has been gratifying, there is a great deal of concern that the funds raised may not be going directly to the intended beneficiaries—the victims and their families—and instead are being diverted or, worse yet, miss their intended goal.

More than 100 families in my congressional district have been affected by the horror of the September 11 attack in New York. Many of these families have been calling my office requesting information and assistance on how and where to go to receive these donated funds.

Accordingly, I am introducing H.R. 3192 to provide a full accounting of: all funds received to date, the amount spent and distributed and for what purpose, the criteria used for disseminating these funds, the percentage of funds donated that will actually go to the victims, and the administrative costs for allocating these funds.

In addition, the Charity Accountability Act will provide both the victims and their families, as well as those wanting to donate, with a clearinghouse of all charitable organizations participating in this important fund-raising initiative.

It is my intention that this legislation will insure that the money raised to assist Americans during any disaster event will go to the intended beneficiary.

Specifically, this legislation will establish a five member board to: (1) Collect and provide information to assist both the victims and those wishing to contribute to various disaster funds; (2) collect and maintain an on-going accounting of all funds collected and disbursed; (3) obtain and review the criteria used by the various relief funds to pay out these funds; and (4) report to both the president and the congress on the status of these funds.

The outpouring by the American people to the disastrous events of September 11 should not be wrought with confusion or cynicism on how the funds are being distributed or possibly misdirected. It is obvious that Americans want their donated funds to go directly to the victims and their families. Any funds collected for this intended purpose and spent otherwise would place a black mark on the entire philanthropic community, dissuading and jeopardizing any future donations.

Accordingly, I encourage my colleagues to review this important legislation and welcome their support.

H.R. 3192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Disaster Relief Charities Accountability Act”.

**SEC. 2. DISASTER RELIEF FUND DEFINED.**

In this Act the term “disaster relief fund” means a fund established by a charitable organization for relief of a specific disaster with contributions totaling at least \$25,000.

**SEC. 3. ESTABLISHMENT.**

There is established a board to be known as the “Charity Accountability Board” (in this Act referred to as the “Board”).

**SEC. 4. DUTIES.**

The Board shall—

(1) request information from and make recommendations to qualify charitable organizations regarding—

(A) the amount of disaster relief funds collected and dispersed by such organizations;

(B) the administrative costs incurred by such organizations in administering disaster relief funds; and

(C) the criteria used by such organizations in dispersing disaster relief funds;

(2) provide information about disaster relief funds to disaster victims and those wishing to contribute to such funds; and

(3) report to the President and the Congress on the status of such funds.

**SEC. 5. MEMBERSHIP.**

(a) **APPOINTMENT AND TERMS.**—The Board shall be composed of 5 members appointed as follows:

(1) The Director of the Federal Emergency Management Agency, or the Director's delegate.

(2) Two members appointed by the President, who shall each serve for a term of 4 years.

(3) One member appointed by the Speaker of the House, who shall serve for a term of 2 years.

(4) One member appointed by the majority leader of the Senate, who shall serve for a term of 2 years.

(b) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) **BASIC PAY AND TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) **MEETINGS.**—The Board shall meet at the call of a majority of its members.

**SEC. 6. DIRECTOR AND STAFF.**

(a) **DIRECTOR.**—The Board may appoint a Director and such additional personnel as its considers appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—Any Director and staff appointed under subsection (a) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

**SEC. 7. REPORTING.**

The Board shall transmit to the President and the Congress monthly reports concerning the information collected and disseminated and recommendations made by the Board, and any other information the Board considers appropriate.

**SEC. 8. TERMINATION.**

Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App. relating to the termination of advisory committee) shall not apply to the Board.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act, to remain available until expended.