

standards, and meaningful enforcement mechanisms can be established. Somali remittance companies can survive, and can contribute the development of the Somali people, only if this effort is successful. I applaud this undertaking, and believe that the United States should provide assistance where appropriate.

As the chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I held a hearing on U.S. policy options in Somalia earlier this year. In the wake of the attacks on September 11, I wanted to explore the issue of weak states, where manifestations of lawlessness such as piracy, illicit air transport networks, and traffic in arms and gemstones and people, can make the region attractive to terrorists and international criminals. The United States can no longer pretend that we have no stake in the fate of countries in distress—the Afghanistans and Somalias of our world, and the United States can no longer pretend that we can insulate ourselves from the difficult problems confronting those countries. We cannot ignore them, we cannot simply condemn them. We must work to strengthen state capacity and curtail opportunities for terrorists and other international criminals.

It is my intention to introduce legislation at the beginning of the 108th Congress aimed at focusing more coordinated and consistent attention on Somalia. The U.S. must work harder at providing an alternative to the extremist influences in Somalia by vigorously pursuing small-scale health and education initiatives. And we must help Somalia's surprisingly vigorous private sector, to begin building regulated, legitimate financial institutions in Somalia, which will be essential to any economic recovery in the country in the future. Otherwise, we leave it to illegitimate, shadowy forces to step into the breach.

One has only to meet a few of the many dynamic and committed Somalis who are working every day to build a better future for their countrymen to conclude that Somalia is not hopeless. But helping to rebuild capacity in Somalia will certainly not be easy. These efforts are important, and they deserve our attention and our support.

#### 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 in February 2000 in Tucson, AZ. A gay man was beaten outside a bar. The assailant, Franchot Opela, 27, called the victim, Fabian Padilla, 23, a "faggot" and then beat

Padilla to the ground with both fists. Padilla was treated for severe eye and head injuries resulting from the attack.

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.

#### SUPPORT OF S. 1739

Ms. SNOWE. Mr. President, I rise today in support of legislation introduced by Senator CLELAND, S. 1739, which seeks to improve security on motorcoaches and over-the-road buses nationwide. I became a cosponsor of S. 1739 in the wake of a September 30 attack in which two people were killed and more than two dozen others injured after a Greyhound bus skidded off a California highway. The bus driver had been stabbed in the throat by a passenger.

While it quickly became known that the incident had no links to terrorism, it served as a stark reminder that a significant part of America's transportation network remains vulnerable to attack. Every year, motorcoaches and over-the-road buses carried an estimated 800 million passengers to 4,000 communities nationwide, far in excess of the passenger load carried by the airlines or Amtrak.

I believe that it is vitally important that we address bus security concerns highlighted by the recent attack. A critical component in our fight against terrorism is protecting the security of our transportation system, including buses. We have to assume that any facet of our transportation system remains a target for violence. Terrorists in Israel have targeted buses with deadly effectiveness. So we have to take steps, like S. 1739, which will move us toward a more secure system across every mode of transportation and across our transportation infrastructure.

S. 1739 provides funding to the motorcoach industry to enhance security at a time when improved security is increasingly necessary but when the industry is least able to make new investments. Other forms of commercial passenger transportation including Amtrak, the airline and transit agencies have all received sizeable funding commitments from Congress for security upgrades, and the motorcoach industry should not be ignored when it comes to safety.

Specifically, this bipartisan legislation provides \$400 million in grants to be made by the Secretary of the Treasury for over-the-road bus transportation security. The grants must be used for specified system-wide security upgrades, including the reimbursement of security-related costs incurred since September 11, 2001. The grants will

allow bus operators to protect drivers, implement passenger screening programs, and construct or modify facilities. Grants could also be used to train employees in terrorist threat assessments, hire and train security officers, and install video surveillance and emergency communication equipment.

Many of these upgrades have already been undertaken by the industry since September 11. This bill will supplement and reimburse the industry for these efforts.

Since 9/11, Members of Congress have shown broad bipartisan support for addressing the issue of bus security. In April, S. 1739 was unanimously approved by the Senate Committee on Commerce, Science and Transportation, of which Senator CLELAND and I are members. In May, a companion measure passed the House Transportation and Infrastructure Committee, also unanimously, and is pending on the House floor. Also, this summer Congress provided \$15 million for that purpose in the Fiscal Year 2002 Supplemental Appropriation bill.

Given the fact that the intercity bus system is a crucial link in America's transportation system, I believe that Congress must act to secure that system against further attacks, and I strongly urge my colleagues to join me in a show of support for this legislation.

#### CIVIL LIBERTIES IN HONG KONG

Mr. FEINGOLD. Mr. President, I'd like to take a few minutes this morning to call attention to recent disturbing trends with regard to democracy and civil liberties in Hong Kong.

As you know, Hong Kong recently marked 5 years under the sovereignty of the People's Republic of China. When the territory reverted from British to Chinese control in 1997, China's communist rulers in Beijing promised to respect its autonomy for a period of 50 years under the so-called "One Country, Two Systems" formula. They also agreed Hong Kong would move toward direct elections by 2007.

At the same time, however, Article 23 of the so-called Basic Law that became Hong Kong's new constitution required that the territory adopt legislation prohibiting "treason, secession, sedition or subversion" against the Chinese Government in Beijing, as well as "theft of state secrets."

The Hong Kong Bar Association, among others, did not believe new legislation was necessary, since existing Hong Kong laws were sufficient to deal with legitimate national security concerns. But Beijing felt otherwise.

When Chinese President Jiang Zemin and Vice Premier Qian Qichen traveled to Hong Kong in July to commemorate the fifth anniversary of the handover, they reportedly made clear to Tung Chee-Hwa, their hand-picked chief executive, that they wanted an anti-subversion statute adopted without further delay.

Three weeks ago, Tung's administration obliged, unveiling a plan for new legislation to implement Article 23. Tung called the plan "both liberal and reasonable." But it contains a number of provisions that could potentially seriously undermine civil liberties in Hong Kong.

For example, Tung's plan makes it an offense to organize or support the activities of organizations deemed by Beijing to threaten national security. It allows the police to enter and search private residences without a warrant to investigate suspected treason, sedition and subversion. It creates a new offense of "secession," presumably for advocating independence for Tibet or Taiwan. Citizens would be legally obliged to report on alleged "subversive" activities of friends, neighbors and colleagues. Meanwhile, Journalists could face criminal penalties simply for reporting information about relations between Hong Kong and Beijing.

Perhaps the most disturbing element of this legislative proposal is that it represents a further intrusion of Beijing's anti-democratic legal concepts and practices into Hong Kong. Definitions of offenses are vague, giving the government broad discretion to decide whom it wants to prosecute, or silence through the threat of prosecution. Although Tung says he will uphold human rights and civil liberties as the "pillars of Hong Kong's success," his Secretary of Security, Regina Ip, admits that, under the proposed legislation, she would essentially defer to Beijing to determine which organizations to prohibit. Falun Gong leaps to mind. The Dalai Lama's followers might also take heed.

Journalists and scholars have good reason to be concerned if the new legislation similarly incorporates Beijing's extremely broad definition of what constitutes a "state secret." Rabiya Kadir, a Muslim businesswoman once feted by Beijing as a "model minority," is currently serving an eight-year sentence under Beijing's state secrets law for mailing newspaper clippings to her husband in the United States. More recently, a prominent AIDS activist, Wan Yanhai, was detained for a month by the Beijing Bureau of State Security for leaking "state secrets." His alleged offense was revealing that hundreds of thousands of Chinese people might have been infected with HIV through unsafe blood transfusions, information the authorities didn't think people needed to have.

Regina Ip, who has been acting as Tung's point person for the new anti-subversion law, has attempted to reassure the plan's critics by saying Hong Kong's highly regarded independent courts will be responsible for interpreting and applying the new law. However, it was her government that undermined the integrity of those courts three years ago when it appealed a high-court decision on immigration that it didn't like to the National People's Congress Standing Committee in

Beijing, as is its prerogative under the Basic Law. Beijing overturned Hong Kong's Final Court of Appeal in that case, setting a dangerous precedent in the eyes of Hong Kong's pro-democracy community.

Ultimately then, as a columnist recently pointed out in the Financial Times, the bulwark against erosion of civil liberties in Hong Kong may not be the territory's excellent judiciary but its executive, and that is not a comforting thought given the track record of Hong Kong's executive over the past five years. Tung Chee-Hwa has tightened controls on public demonstrations. His government turned away more than 100 people who sought to travel to Hong Kong to demonstrate at July's fifth anniversary ceremonies, so as not to embarrass his VIP guests from Beijing. After winning a second five-year term in March in a process in which exactly 800 people participated, he introduced a new system allowing him to fill his cabinet with hand-picked political appointees without the advice or consent of Hong Kong's legislature. There is no indication yet of any plans to make the process more democratic in 2007.

More recently, when democracy advocates suggested that the Government make a detailed version of its proposed anti-subversion legislation available for public comment before the bill is formally introduced in the Legislative Council, Regina Ip replied as follows:

Will taxi drivers, Chinese restaurant waiters, service staff at McDonald's hold a copy of the bill to debate with me article by article?

Ms. Ip's remarks reveal contempt for the right of the general public to be consulted about matters that concern it. Unfortunately, this attitude is not uncommon among the economic elite that runs Hong Kong. The Chamber of Commerce representative on the Legislative Council has openly remarked that popularly elected representatives would spend money irresponsibly if given power. Another well-known tycoon is fond of saying "no representation without taxation," turning the motto of the founders of our American democracy on its head. In other words, Hong Kong's is a government of the wealthy, by the wealthy and for the wealthy.

Of course, Hong Kong did not enjoy democracy under British rule, either. The business of Hong Kong has always been business. The difference now is that the territory's capitalist elite has decided that currying favor with the communist dictators in Beijing is good for business. If some civil liberties need to be sacrificed in the process, they appear willing to accept the bargain.

Many observers perceive this attitude being reflected in a growing tendency toward self-censorship within Hong Kong's major media. For example, two years ago the South China Morning Post, which aspires to enter the Mainland Chinese market, replaced its veteran, hard-hitting China editor,

Willy Lam, with the former editor of the Beijing-controlled China Daily. Then, in April of this year, the paper's veteran Beijing bureau chief, Jasper Becker, was fired for insubordination after complaining that the paper's China coverage was being "watered down." I should add, however, that to its credit, the Post has been strongly critical of the government's recent legislative proposal.

Hong Kong today remains a vibrant and cosmopolitan city whose citizens enjoy a degree of civil and economic liberties far surpassing that of most other countries. But whereas the trend in much of the world is toward greater democracy, in Hong Kong things appear to be headed in the other direction.

China's President Jiang Zemin will visit the United States later this month. President Bush may want to raise the issue of autonomy and civil liberties in Hong Kong with him. That would be entirely appropriate. But, I think that we as a society can send a far more powerful message to the people who rule Hong Kong in a language they will understand. Those individuals fully appreciate that their future depends on their ability to perpetuate Hong Kong's status as a global financial center. Geography is no longer sufficient to maintain that status. Rather, what makes Hong Kong Hong Kong, what makes thousands of talented people from throughout the world eager to live and work there, is its spirit, its vitality, its spontaneity, its brashness, its "anything goes" attitude and its creativity. In the eyes of many, those qualities make Hong Kong one of the most exciting places on Earth.

Hong Kong's current rulers are set on a path that risks killing the goose that laid that golden egg. That's a message they need to hear not only from foreign politicians but from the international business community, the techno cognoscenti, the investors and the economic and cultural globe-trotters, voting with their feet and their pocketbooks. I encourage all such people who care about Hong Kong and about freedom to tell the Hong Kong authorities that, if Hong Kong sacrifices those things that make it unique and worth living in, we may as well set up shop in Shanghai.

#### NOTICE OF STUDY ON LOCAL ALL-DAY KINDERGARTEN PROGRAM

Mr. KENNEDY. Mr. President, I would like to alert my colleagues to a recently released study that shows great promise for all kindergartners, based on achievement gains in Montgomery County, MD. On October 1st, the Washington Post published key findings from a 2-year study of Montgomery County's intensive all-day kindergarten program. For the past 2 years, Montgomery County has lengthened the school day, decreased class sizes, and implemented a revised curriculum in its 17 highest-poverty schools.