

I think that is what Senator DASCHLE has offered us, an opportunity to revisit, to rethink, and to package together a stimulus package that would work for the future to help us, if not come out of the deepest of a recession, from falling further into a recession or, if we are already on the way out of the recession, to expedite the return to economic prosperity.

There will be those who will say this package is not perfect. There is not anyone who says that it is. Legislation is never perfect, but it is as close to an agreement that has presented itself.

I certainly hope to thank Senator DASCHLE for taking this action because I think it will, in fact, help us enter a threshold of progress.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. Without objection, it is so ordered.

The Senator from Pennsylvania.

INTERROGATION OF AL-QAIDA AND TALIBAN WAR CAPTIVES

Mr. SPECTER. Mr. President, I am writing to the President of the United States today concerning what I consider to be a very important subject, and that is the interrogation of the al-Qaida and Taliban war captives, where an issue has been raised as to whether they are prisoners of war or what is their status, with some people objecting to what is going on in the way they are being handled. There is no doubt that the captives are entitled to humane treatment. There have been inspection tours by national observers and by congressional observers. The reports are uniform that the captives are being treated humanely. They are being fed and clothed. There is medical care. They are permitted to attend to their religious activities. All of this is totally separate and apart from the basic availability of those individuals to be questioned, where information which they might provide could shed light on the possibility of additional terrorist attacks.

Having some experience as an investigator and a prosecutor, I know firsthand the value of interrogation and intensive interrogation. We are facing at this moment an enormous threat from al-Qaida. We saw what happened on September 11. There have been three terrorist alerts since then. The fact is there are al-Qaida spread all over the face of the Earth. They are in Somalia, they are in the Philippines, in Malaysia, in the Sudan. We know their tactics are based on long-term planning projects. We know they have sleeper cells. There is reason to be concerned that at any moment there could be another al-Qaida attack. We do not know where. We do not know when. We do

not know if. But we have to be very vigilant.

Where these interrogations of the al-Qaida and Taliban captives might lead to some information, then that ought to be pursued, and it ought to be pursued vigorously.

As a matter of international law, there is a mistaken notion you can only ask a prisoner of war his name, rank, date of birth, and serial number. The international law experts, and I have cited them in my letter to President Bush, are in agreement that other questions may be asked. Certainly there cannot be torture. Certainly there cannot be coercion—physical coercion or mental coercion. But there is no reason why those captives cannot be questioned.

The Supreme Court of the United States has upheld deviations from standard constitutional rights where there is an imminent threat of harm. For example, in the landmark case of *Near v. Minnesota*, 283 U.S. 697, the issue came up on the question of prior restraint to stop the publication of a newspaper. And albeit dictum, the Supreme Court of the United States said there could be a curtailment of that kind of a fundamental constitutional right if, for example, the publication of the sailing date of a troop ship would place that ship in jeopardy. The possibility of another attack on the United States, considering what happened on September 11, we know is much more serious than an attack on a troop ship.

The Supreme Court of the United States, in a celebrated case called *New York v. Quarles*, 467 U.S. 649, came to the conclusion that the constitutional rights of a suspect under the *Miranda* decision could be circumvented if there was an immediate threat of danger to a police officer or the public. That matter involved a rape. A police officer pursued the suspect, saw the suspect wearing a holster, and without giving him “*Miranda*” warnings, asked where the gun was. The Supreme Court of the United States said that where there is an imminent threat to public safety, constitutional rights may be abrogated, and statements may be admissible into evidence.

But we know the very major difference between questioning for intelligence purposes and questioning for admissibility in court. I am not proposing this interrogation be continued for the purpose of obtaining evidence to use against these captives, but if there is any chance at all that this interrogation could lead to information which could thwart another terrorist attack, then it is the fundamental duty of the United States Government to pursue that kind of interrogation.

This matter is on the front pages today. It will be the subject of a lot of debate. I think it ought to be known generally that there is solid constitutional authority, international law authority, to question prisoners of war beyond name, rank, and serial number. No torture. Obviously, humane treat-

ment. But if we can get any information which would prevent a terrorist attack, it is our duty to do so.

That is why I am writing to the President and want to make this brief statement.

I yield the floor.

SALUTING COLONEL EDWARD A. RICE, JR.

Mr. DASCHLE. Mr. President, today I want to honor the commanding officer at Ellsworth Air Force Base—who has just returned home after directing Air Force operations over Afghanistan and who will become a brigadier general this week.

This outstanding officer, Colonel Edward A. Rice, Jr., has demonstrated his leadership abilities in a number of settings, and my fellow Senators can expect to hear more of him as he assumes new roles and responsibilities in our nation's service.

As commander of the 28th Air Expeditionary Wing, Colonel Rice directed the main Air Force combat group operating over Afghanistan from late September until mid-January. This force of 1,800 personnel and 30 planes (including B-1 bombers, B-52 bombers, and KC-10 tankers), delivered most of the ordnance that was so effective in shattering the Taliban and al Qaeda forces.

All branches of the military played a role in this first victory in the war against terrorism, but as an Air Force veteran and a South Dakotan, I am particularly proud of the achievements of Colonel Rice and the forces under his command.

Our experience in Afghanistan extends a military trend that began in our war against Iraq—the unprecedented ability of modern air power to achieve strategic objectives. Clearly our planes and munitions were markedly more precise, quicker to hit emerging targets, and generally more effective than the Soviet forces of the 1980s. A recent book labeled this trend “*The Transformation of American Air Power*,” and I believe Afghanistan will become the most recent example, joining the impressive results of the Gulf War, Kosovo, and our other Balkan campaigns.

In addition, the 28th Air Expeditionary Wing broke new ground in several areas.

Its bombers were the first to deliver our near-precision munitions in combat. These use navigational signals from GPS satellites to locate targets. They are much cheaper than laser-guided “precision” munitions and are not hampered by low-visibility weather conditions. Also, in coordination with ground spotters, the bombers were able to use advanced communications to reduce dramatically the time from target identification to target strike.

Despite its controversial and troubled early years, I am also pleased that the B-1 continues its strong combat performance that began during Operation Desert Fox over Iraq and extended into the war in Kosovo. Its

range and expansive bomb bays allowed it to make a round trip of nearly 6,000 miles, and also loiter over the battlefield with a variety of munitions, waiting for targets to emerge. Throughout this demanding, round-the-clock operation, Colonel Rice reports, B-1 made all scheduled takeoffs, released all weapons successfully, and delivered ordnance with excellent accuracy.

Colonel Rice returned home from this mission about two weeks ago, just in time to be promoted to brigadier general. The Senate confirmed his nomination on September 26, 2001, and the pinning ceremony occurs Friday, February 1, at Ellsworth Air Force Base.

Since arriving at Ellsworth in May 2000, Colonel Rice's performance has been impressive, and I know that as a general, he will be a tremendous asset for the Air Force. During Rice's tenure, Ellsworth has dramatically improved its maintenance performance, chalked up impressive results in its 2001 Operational Readiness Inspection, and moved to the front of the pack in Air Combat Command assessments of command, control and communication; bomb removal; and response to nuclear-biological-chemical (NBC) hazards.

The men and women of Ellsworth have also benefitted from the dedicated service of Colonel Rice's wife, Teresa. When base personnel deployed for the war against terrorism, Teresa co-hosted a series of town-hall meetings with the acting base commander to update spouses and families on the status of their loved ones and to educate them on the role their family was playing to make America safe. In less stressful times, she volunteers twice a week in the base thrift shop, has been active in the Officer Spouses Club, and has organized and attended holiday parties, retirement ceremonies, promotion celebrations and farewells—too many to count.

In closing, Mr. President, it gives me great pleasure to welcome Colonel Rice back home to Ellsworth after the successful execution of his mission in Operation enduring Freedom. His remaining time in South Dakota grows short, but I know I speak for many South Dakotans when I say it has been an honor to work with him and Teresa and to call them neighbors. They are a credit to their country, and we wish them all the best.

AMERICANS WITH DISABILITIES ACT

Mr. CLELAND. Mr. President, I rise today to bring to the Senate's attention a valuable report on the State of the Union for Americans with Disabilities. As a triple amputee, having lost my right arm and both legs in the Vietnam war, I believe that the Americans with Disabilities Act has not only helped me and others with disabilities but has also enabled society to benefit from the skills and talents of individuals with disabilities. The landmark

legislation has also allowed us all to gain from their increased purchasing power and ability to use it, and has led to fuller, more productive lives for all Americans. However, there is still much to be done so I am pleased to highlight the efforts of the National Organization on Disability which celebrates the progress of the nation and works to increase access, opportunity, and inclusion for people with disabilities. I ask unanimous consent to print for the RECORD a copy of the National Organization on Disability's State of the Union 2002 for Americans with Disabilities which provides benchmarks for the current state of disability life in America, and calls for action on improvements that have still to be made.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF THE UNION 2002 FOR AMERICANS WITH DISABILITIES

On January 29, President George W. Bush will deliver the State of the Union Address. He surely will focus heavily on the terrible attacks on the country just over four months ago, and the overwhelming national and international response to them. He also can be expected to address the core issues of the nation and his presidency, including the economy; employment; education; access to the goods and services people want and need; and strengthening the social fiber and community life that make people so proud to be Americans. He will strive to reach out to people from diverse parts of American life.

One group that we trust the President will mention—and that surely will be affected—is the disability community. As many as one in five Americans—54 million men, women and children—live with disabilities, as of course do their family members, friends, and service providers. Disabilities run a wide gamut, including mental and physical conditions; visible and non-visible ones; conditions that people are born with, or develop during their lifetimes as a result of illness, age, accident, or attack; and ones that have varying degrees of severity. But all fall within a common definition: They in some way limit people's ability to participate fully in one or more major life activities. Nobody should dismiss disability issues as unimportant to them, for any person can join the disability community in an instant.

As detailed below, Americans with disabilities remain pervasively disadvantaged in all aspects of American life. In his second week in office, President Bush sent a strong message of concern about this situation when he announced the New Freedom Initiative. Coming a decade after his father signed the Americans with Disabilities Act (ADA), the New Freedom Initiative lays out an ambitious agenda for assuring the full participation of people with disabilities in all aspects of American life. The New Freedom Initiative holds much promise. We look forward to working with the government and the American people to bring it to fruition.

The Disability Community in a Changed World September 11 and its aftermath, stunned, shook and saddened the nation. The terrorist attacks made all Americans, especially those touched by disabilities, reevaluate our lifestyles, and consider what we could change to better protect ourselves and our loved ones.

The nation was moved to learn of wheelchair users who perished while awaiting rescue when the World Trade Center towers fell. We also were inspired by the stories of sev-

eral people who had severe disabilities and survived. One man escaped after walking down dozens of flights of stairs on his artificial leg, and another with the aid of his guide dog. Two wheelchair users were carried to safety by their colleagues.

These survivors, like many of the others who escaped before the towers collapsed, benefited from intensive emergency drills that had been conducted since the World Trade Center bombing in 1993. The survival is testament to how critical emergency planning and preparedness is—whether the emergency is natural, man-made or terrorist-driven. This has inspired a new focus in the disability community on disaster preparedness.

According to a late 2001 Harris Poll survey released by the National Organization on Disability (N.O.D.), 58 percent of people with disabilities say they do not know whom to contact about emergency plans for their community in the event of a terrorist attack or other crisis. Sixty-one percent say that they have not made plans to quickly and safely evacuate their home. Among those who are employed full or part time, 50 percent say no plans have been made to safely evacuate their workplace.

All these percentages are higher than for those without disabilities. The country as a whole has much catching up to do to be prepared, but people with disabilities lag behind everyone else. This is a critical discrepancy, because those of us with disabilities must in fact be better prepared to not be at a disadvantage in any emergency.

Intense national planning for emergencies is needed. This requires the enthusiastic cooperation of the government, business, and communities. People with disabilities should not be considered only as beneficiaries of emergency preparedness plans devised by others—they belong at the table, contributing their unique perspectives, insights and experiences, so the resultant plans will be the best for all Americans. People with disabilities must be included on community preparedness committees across the national and at the highest levels of government planning. We are pleased that Office of Homeland Security Director Tom Ridge has pledged to appoint at least one person with a disability to a high-level position in his organization.

EMPLOYMENT

The slowing economy was a significant issue before September 11, and this situation became more critical after the terrorist attacks. This is not an easy time for anyone to enter the workforce, but that is what many people with disabilities are desperately trying to do.

Only 32 percent of Americans with disabilities of working age are employed full or part time. That number is in contrast to 81 percent of other Americans, according to the comprehensive 2000 N.O.D./Harris Survey of Americans with Disabilities. It is a national tragedy that, nearly a dozen years after the passage of the Americans with Disabilities Act, the vast majority of Americans with disabilities remain unemployed. This is not by choice; two out of three who are not employed say they would prefer to be working. Any efforts that lead to their becoming employed are good investments that will benefit these individuals, the workforce, and the economy.

President Bush has demonstrated a commitment to greater employment for people with disabilities in the New Freedom Initiative. We now call on the President and the Congress to keep employment a priority and work together toward a national goal of 38 percent employment for people with disabilities by 2005, with continuing progress toward 50 percent in the decade to follow.

Indeed, employment numbers should be increasing, if for no other reason than that