

there are new ways for people to be employed. Technology offers real hope. Computers and the Internet are opening doors. People who are deaf use "instant messaging" to have real-time conversations; people who are blind use voice-synthesis technology to write the read documents and website information; and people with limited ability to get to an office have new ways to work from home. Use of the Internet by people with disabilities is growing rapidly, in fact at twice the pace of other Americans.

Too often, even when people with disabilities find jobs, they are low-level, low-paying jobs. Yet it is well documented that employers find employees with disabilities excel at all levels. In the healthcare and education sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group's primary civil rights law, the Americans with Disabilities Act. Last February's *Garrett v. Alabama* decision threatened the implementation of the ADA. This month's decision in *Toyota v. Williams* continues a disturbing trend by the Court to narrow the ADA's protections, and caused one of the 1990 law's Congressional authors to suggest revisiting the statute so that it meets the goal of expansive, not restrictive, coverage for workers with disabilities. People with disabilities belong in the workforce, and Congress must indeed make it a priority to strengthen and defend the legislation that affirms employment as a natural expectation. The Supreme Court will hear other cases that test the ADA. The Court must recognize that when it interprets the will of Congress and the Constitution, it has the opportunity to strengthen rather than weaken the ADA—and strengthening it reflects the will of the vast majority of Americans.

INCOME LEVELS

It is not surprising, given the lower rate of employment for people with disabilities, that a significant income gap exist between those with and without disabilities. People who have disabilities are roughly three times as likely to live in poverty, with annual household incomes below \$15,000 (29 percent versus 10 percent). Conversely, people with disabilities are less than half as likely to live in households that earn more than \$50,000 annually (16 percent versus 39 percent). This income gap contributes to and compounds the disadvantages that people with disabilities face.

ACCESS TO TRANSPORTATION

People who have disabilities often have insufficient access to transportation, with 30 percent citing this as a problem—three times the rate of the non-disabled. This creates a catch-22 situation: How can one have a job if one cannot get to it? How can one afford transportation if one does not have a job? There is an urgent need for more and better disability-friendly transportation in the cities and towns of America.

ACCESS TO HEALTH CARE

Health care is also less accessible to Americans with disabilities, who often are the citizens needing it most. Due in large part to their limited employment and reduced discretionary income, people with disabilities are more than twice as likely to delay needed health care because they cannot afford it (28 percent versus 12 percent of others).

There is a critical need for further legislation to protect people with disabilities who need medical treatment, and aid them in getting their needed medications. Congress and the Administration must pass the patients' bill of rights; expand health insurance coverage to cover all Americans, including

those who are not employed; and ensure that peoples' opportunities to fully participate in life activities are not artificially restricted by their limited access to healthcare.

EDUCATION

Opportunity begins, in so many ways, with education. Currently, young people with disabilities are more than twice as likely to drop out of high school (22 percent versus 9 percent), and only half as likely to complete college (12 percent versus 23 percent). Education for students with disabilities is a critical priority. Students with special needs must be given the chance to develop their skills and their minds so they can be prepared for the workforce of the future. In the first decade of the new millennium, America should dramatically close these gaps in opportunities for students with disabilities.

It bodes well that Congress has increased funding for the Individuals with Disabilities Education Act (IDEA) 19 percent this year to \$7.5 billion. This investment will pay huge dividends for the students and families impacted by the IDEA, and for the country.

Tremendous progress has been made in "mainstreaming" students with disabilities since the IDEA was first introduced nearly three decades ago. Mainstreaming is a win/win situation that increases opportunities for those students, and also acclimates other students to peer interaction. Youngsters who have friends and acquaintances with disabilities learn to move beyond the disability and judge the real person. They grow up expecting to interact with diverse people in the workforce and in their communities, dissolving prejudices and stereotypes in the process.

COMMUNITY LIFE

It is in the communities of this nation that its 54 million citizens with disabilities go about their daily lives, and this is where these citizens need to be involved. Great progress has been made; commitments from mayors and other leaders have transformed many communities. Disability advocates, no longer willing to be separated from the rest of society, have pushed their communities into becoming more accessible and welcoming places. There is much work still to be done.

Thirty-five percent of people with disabilities say they are not at all involved with their communities, compared to 21 percent of their non-disabled counterparts. Not surprisingly then, those with disabilities are one and a half times as likely to feel isolated from others or left out of their community than those without disabilities.

The current efforts for disaster mobilization are one example of an opportunity for the disability community to remind civic leaders of their responsibility to plan for all citizens. This work may open dialogue in many new and productive directions with regard to overall community efforts.

RELIGIOUS LIFE

Faith and religious life are important for many Americans. Churches, synagogues and mosques need to be accessible to all who wish to worship. With the theme "Access: It begins in the heart," thousands of houses of worship have enrolled in the Accessible Congregations Campaign. Hopefully many other congregations in the country also will commit to identifying and removing barriers of architecture, communications and attitudes that prevent people with disabilities from practicing their faith.

POLITICAL INVOLVEMENT

Citizens with disabilities want to vote, and are doing so at increasing rates. What had been a 20 percentage point participation gap—31 percent versus more than 50 percent—in the 1996 Presidential election was

halved when 41 percent of voting-aged citizens with disabilities cast ballots in 2000. This followed a national get-out-the-disability-vote effort. But many polling places remain inaccessible to wheelchair users and others with limited mobility. Once inside the building, others encounter voting machines they cannot use. Persons with limited vision or hand strength are particularly disadvantaged at the polls. People with disabilities want to vote on election day, at the polls, just like everyone else.

Technological improvements now available could make voting at the polls possible for nearly all people with disabilities. All that is needed is the will, or a legal requirement, to put such voting machines into use. The contested 2000 Presidential Election showed that every vote counts. The disability community is determined to have full enfranchisement.

Late in 2001, the House of Representatives passed a bill that did not adequately address the above issues. The Senate's version of the bill, currently under review, is far more promising. Millions of voters and potential voters will be tracking this legislation in the hope that it will improve the voting system for all Americans. None of the barriers that have kept citizens with disabilities from voting should be allowed to remain by the time of the 2004 Presidential election, and the disability community calls on the government at all levels to ensure these obstacles are removed.

THE OVERALL PICTURE

A clear majority of people with disabilities, 63 percent, say that life has improved for the disability community in the past decade. But when asked about life satisfaction, only 33 percent say they are very satisfied with their life in general—half as many as among those without disabilities. There is much room for improvement, and the disability community looks to the President and his Administration, the Congress, and all those in a position of community leadership to work proactively and productively with us to ensure that no person with a disability is left behind.

Anyone with a disability perspective who travels abroad returns impressed by the way America is, in many ways, the world leader in access, opportunity, and inclusion for people with disabilities. Much progress has been made, and many walls of exclusion have been leveled. People with disabilities celebrate the progress of this nation, and also remain dedicated to the vision of a day when all people, no matter how they are born or what conditions they acquire, will be full and equal participants in American life. This is our dream for the State of the Union.

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 June 5, 1997 in Washington, D.C. A gay man was attacked by a person yelling anti-gay epithets. The assailant, Bobbie Eugene Ross, 30, was charged with simple assault, making threats of bodily harm, and possession of a prohibited weapon.

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, we can change hearts and minds as well.

A REPORT ON OUR NATION'S GUN LAWS

Mr. LEVIN. Mr. President, the Brady Campaign to Prevent Gun Violence recently published a report highlighting the progress made in state laws to protect children from guns and gun violence. The evaluation focused on a number of laws addressing juvenile possession of guns, safe storage, childproof guns, background checks and carrying concealed weapons, among other issues. The nation as a whole received a grade of C+. However, 29 States received grades of D or F. The report reveals the fact that our Nation's gun laws are a patchwork providing uneven and often ineffective protection for our Nation's children. In fact, the death rate of youth in the 7 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B. This discrepancy illustrates the need for common sense gun safety laws and is a strong argument for Federal action.

Last year, I cosponsored a bill introduced by Senator DURBIN, the Children's Firearm Prevention Act. Under this bill, adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition would be held liable if the weapon is taken by a child and used to kill or injure themselves or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to a bill President Bush signed into law during his tenure as the Governor of Texas. I support this bill and hope the Senate will act on it during this Congress.

ENDING THE WORST FORMS OF CHILD LABOR AND FORCED LABOR IN THE COCOA AND CHOCOLATE INDUSTRY WORLDWIDE

Mr. HARKIN. Mr. President, we all know that values matter to Americans. It is also becoming increasingly clear that they matter inside the global marketplace as well as outside. That explains why, according to a recent nationwide poll, 77 percent of Americans said they would likely look for a label when purchasing if there was a label on some products to indicate that they were made without the use of exploitive child labor.

Most Americans also understand that in today's complex, interwoven global economy, some of our cherished values come into conflict with one another in new and different ways and require very difficult trade-offs. For example,

more free trade and free enterprise, as practiced in the real world versus more economic fairness, social justice and environmental sustainability. Recognizing this creative tension, 76 percent of Americans in a recent nationwide poll on globalization said they would pay more and buy a piece of clothing for \$25 that is certified as not made in a sweatshop instead of buying the same article of clothing for \$20 if they were not sure how it was made. Most Americans clearly want to bring our fundamental values—a sense of fair play, universal respect for human rights and worker rights, better stewardship of our shared environment, and more hope and equal opportunity for our children and grandchildren—into the conduct of international business and investment. But so far the global marketplace isn't readily giving American consumers and investors that choice.

Then what were we to do when the Knight-Ridder newspapers in June, 2001 brought us—a nation of chocaholics—face to face with child slavery in the production and harvesting of cocoa beans in the Ivory Coast. This impoverished West African country exports more than 40 percent of the world's supply of this agricultural commodity.

To his credit, Congressman ELLIOTT ENGEL from New York immediately saw the contradiction and reacted with outrage. He took to the House floor last summer and won passage of an amendment to the House version of the fiscal year 2002 Agriculture Appropriations bill on a very lop-sided, bipartisan vote. His amendment would have provided \$250,000 for the Food and Drug Administration, FDA, to come up with a label to attach to all chocolate products for sale and distribution in the U.S. within one year to attest that they were made without any child slave labor. While both the FDA and the chocolate companies quickly protested that such a goal was unrealistic and impossible to attain, I shared Congressman ENGEL's resolve that clear and decisive corrective action had to be taken.

Accordingly, I called representatives of the major chocolate companies to a meeting early last July to underscore the seriousness of the forced child labor problem that had been exposed in their chain of production and to determine what they planned to do about it. I also reminded them at that time that U.S. law currently prohibits the importing of any products made, whole or in part, with forced or indentured child labor. And Senator KOHL, our Agriculture Appropriations Subcommittee chairman, and I gave notice of our intent to offer an amendment on the Senate floor, if need be, as early as last September. This set the stage for a series of lengthy, intense negotiations, set in motion by Senator KOHL, between ourselves and representatives of the major chocolate companies and cocoa bean processors.

I insisted from our first meeting that to avoid Senate legislation, the indus-

try would have to meet two requirements:

First, they would have to commit to a set of principles and a time-bound action plan to eliminate the worst forms of child labor, including but not limited to forced child labor, throughout their chain of production and as a matter of the utmost urgency.

Second, if and when we might arrive at a mutually-acceptable framework agreement, they—the industry—would have to take that framework agreement to the other, non-industry stakeholders with an interest and expertise in child labor problem-solving and persuade them to participate as full partners in hammering out and fulfilling all of the requirements in this agreement on a mutually-acceptable basis and according to firm, prescribed deadlines.

I am happy to say these fundamental requirements were met when the Harkin-Engel Protocol on the Worst Forms of Child Labor in the Cocoa and Chocolate Industry was signed and announced publicly last October 1. This unprecedented framework agreement that will result in a credible, public certification system of industry-wide global standards within 4 years to attest that cocoa beans and all of their derivative products have been produced without any of the worst forms of child labor as clearly defined in ILO Convention No. 182.

We knew at the outset that it would not be easy to achieve this breakthrough. While there were strong, initial objections raised about labeling by some industry spokespersons, it also became clear in the course of our negotiations that a reliable labeling system could be developed, given the political will and incentives to do so. Officials of the ILO and some company representatives themselves acknowledged it could be achieved in this far-flung industry in 3-5 years. It was a matter of how quickly industry-wide standards could be defined, implemented, and subjected to effective, independent monitoring, and public reporting by all major stakeholders.

Let me be clear. The Harkin-Engel Protocol on the Worst Forms of Child Labor is a very good agreement, but it is not perfect. It is a breakthrough that sets out a specific, finite timetable during which something will be built incrementally that has never existed before—the capacity to publicly and credibly certify worldwide that cocoa beans and all of the products made from them have been produced and processed free of any of the worst forms of child labor.

Mr. President, I ask unanimous consent to have copies of this unprecedented agreement and its underlying principles re-printed in their entirety in the RECORD following my remarks. It is to be called the Protocol For The Growing And Processing Of Cocoa Beans In A Manner That Complies With ILO Convention 182 Concerning The Prohibition And Immediate Action