

I said yesterday, on the Senate floor—and I say again today—BOB TORRICELLI is my friend. We came to Washington to serve in the House of Representatives together. We sat together in the same committee, the Foreign Affairs Committee, in the House.

We developed a friendship then, 20 years ago, that has remained. I feel so bad for my friend, BOB TORRICELLI. Mr. President, I cannot determine all he went through, but he went through enough that he dropped out of the Senate race. He did it because, for those of us who know him, the emotional toll was tremendous.

Now, would it be better for the people of New Jersey to have no Senate race? The sitting Senator is out of the race. Would it be better that the people of New Jersey have no election, no choice?

The paramount interest that the New Jersey Supreme Court determined was that the people of New Jersey should have a choice. Now, they heard that argument today, and they have already decided by a 7-to-0 vote. It was, as they say in basketball, a slam dunk. This was not a difficult legal proceeding. The people of New Jersey should have a choice as to who is going to serve in the Senate.

I would hope people would drop all the litigation. I am sure some of my friends in the minority are clamoring to get to the Supreme Court and have an election determined there like they did a couple years ago. But I think it would be to everyone's best interest to let the people of New Jersey decide that, with a 7-to-0 determination by the New Jersey Supreme Court, and let these two people—Lautenberg and his opponent—have a race where they have debates and public forums, run TV ads, and have an election like we have in America. New Jersey deserves that. That is what this is all about.

So I hope the election can go forward, as the New Jersey Supreme Court, by a 7-to-0 vote, said it should. And I am sure it will. I cannot imagine even this Supreme Court would change that.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FIRST ANNUAL REPORT OF CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA

Mr. BAUCUS. Mr. President, I rise to speak in my capacity as Chairman of the Congressional Executive Commission on China. This commission was created in the China PNTR legislation two years ago and has the mandate to monitor human rights and developments in the rule of law in China. Today, we transmitted the first annual report to the Congress and to the President.

With passage of PNTR the Congress, and the country, declared that economic engagement was important—in terms of our own economic and strategic interests and in terms of our ability to promote and encourage change inside China. The commission was created to ensure that concerns about human rights and rule of law issues in China would continue to have a high priority in our government—in Congress and in the administration. That is why it includes members from both branches: nine Senators, nine House members, and five Administration representatives appointed by the President.

The commission membership itself reflects the broad range of views of China within the Congress. Yet we were able to develop a report that is supported by an overwhelming majority of our members. The vote in the commission was 18 to 5 in favor of the report.

Let me turn to the report itself. This is the most comprehensive document produced by Congress on human rights in China. It pulls no punches in describing current human rights conditions in China. And it recommends actions to Congress and to the Administration that we believe will help promote change in China.

The underlying assumption of the report is that human rights cannot be enjoyed without a legal structure to protect those rights. Although China protects many rights on paper, this is often not the case in practice.

This is a time of uncertainty in China as they adjust to their WTO membership, go through a political transition with the senior leadership of the Chinese Communist Party and the government, and face increasing demands from their citizens for greater economic, social, religious, and political freedom.

In fact, the last 20 years has seen a period of profound change inside China—economic reform and the development of a market economy, decentralization of power, individual Chinese citizens gaining more individual autonomy and personal freedom. Yet the government continues to resist political liberalization and suppresses any threat to the Communist Party's grip on power. There are no free labor unions; all religious groups must register with the government and submit to its control; the media and Internet are restricted; there is tight control in minority ethnic regions.

The United States has limited means to influence change within China. The Chinese people, ultimately, must determine how they want to be governed and under what conditions. But we can help contribute to improving the situation inside China.

Let me stress that the commission is not seeking to impose American standards on China. But, from the Universal Declaration on Human Rights, to the International Labor Organizations' Declaration on Fundamental Principles, China has agreed to respect internationally recognized human rights for its citizens. Our desire is that the Chinese government abide by the terms of these international commitments, as well as the guarantees enshrined in China's Constitution and laws. That is the standard we, and others around the world, need to encourage—constantly.

Our report stresses that the United States must take a dual approach.

First, we need to pursue high-level advocacy on core human rights issues and cases of individuals who are denied their fundamental rights. The President, senior Administration officials, and members of Congress, should raise these issues at every opportunity. It also means multilateral advocacy. The United Nations Commission on Human Rights has many tools at its disposal. The International Labor Organization is becoming increasingly involved in labor rights issues in China. We need to work with other nations to pressure China in these areas.

Second, we need to provide increased technical and financial assistance to help build a legal system in China that protects human rights. Elements of this include training lawyers and judges to build a more professional legal system; promoting grassroots legal aid so Chinese women, workers, and farmers will understand their rights and how they can try to assert them; assisting with the drafting of new laws and regulations; teaching about experiences in other countries in the West, in Asia, in the former Soviet states, regarding how they dealt in a non-authoritarian way with some of the economic, social, and political problems that confront China today; providing currently unavailable information to the average Chinese using radio, cable, and the Internet; and working with nascent Chinese NGOs who are trying to deal with the staggering social and economic challenges in China.

The range of issues is huge. This past year, our commission examined some of the major areas of human rights and rule of law, including religious freedom, labor rights, free press and the Internet, Tibet, and the criminal justice system. Next year, we will continue to pursue these problems and address many others, including the role of foreign companies in Chinese society, women's rights which includes the one-child policy, HIV/AIDs, and the 2008 Olympics and human rights, to name just a few.

I am pleased with the scope and quality of this report. It adds to our understanding of human rights and legal reform in China and provides a useful action plan for the Congress and the administration. I am sending each of my colleagues a copy and urge you all to read it. For others, you can find the report on the commission's website at www.cecc.gov.

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 14, 2001 in Jackson Heights, NY. Edgar Garzon, 35, was attacked after leaving a gay bar. The assailants, two men, exchanged hostile words with Mr. Garzon outside the bar, followed the victim toward his home, then beat the victim with a baseball bat or lead pipe. Mr. Garzon suffered a skull fracture and died three weeks after the attack. Police are investigating the incident as a bias 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.

WORLD POPULATION AWARENESS WEEK

Mr. LEAHY. Mr. President, over the past years I have spoken often on the subject of population growth and the many problems it poses. Even in my own State of Vermont, one of the most rural states, it is impossible to escape the fact that human population can leave a heavy footprint.

In the past 50 years the world's population has doubled in size. The implications of this exponential growth are impossible to fully grasp or predict. We do know however, that over 95 percent of new births are occurring in developing countries, many of which are unable to feed or care for their people today. From sub-Saharan Africa to much of Asia, hundreds of thousands of children are born each day without adequate food, medical care or shelter. In fact, of the 4.8 billion people living in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing, and a fifth, over 1 billion people, have no access to modern health services.

In addition, we have all seen the burden the Earth's swelling population

places on the environment. The world's rapidly growing population has resulted in severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life.

However, there has been progress. Because of the availability of education and modern contraceptives, the average number of births per woman has declined from 6 to 3. Due in large part to the work of organizations like the US Agency for International Development, the UN Population Fund, and the International Planned Parenthood Foundation, many women across the globe are receiving the help they need. These organizations provide essential advice, counseling and information in many countries where it otherwise would not exist. The reduction in family size that results has helped millions escape from poverty and, for many women, enhanced the prospects for education and a better life.

Even with these steps forward, much more needs to be done. The world's population is many hundreds of millions higher than it was seven years ago, yet the developing countries are still receiving US family planning assistance at 1995 levels. The inextricable link between world population growth and poverty, political instability, and environmental degradation is widely known. Over 600,000 women die from pregnancy related causes. These programs are about modern contraceptives, about reproductive health, about saving women's lives. Not one dime of US Government funds can be used for abortions, yet the White House and some Members of Congress continue to object to many of these programs.

For the United States to be a leader in support of international family planning it is vital for the American people to be aware of the problems posed by unchecked population growth. That is why I am pleased that Governor Howard Dean has proclaimed the week of October 20-26 as World Population Awareness Week in Vermont. I want to support the Governor in this effort, and I ask unanimous consent that his proclamation be printed in the RECORD.

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

STATE OF VERMONT EXECUTIVE DEPARTMENT A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket, and Whereas, nearly half the world's population, and 63 percent in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15-19 give birth every year, including some 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing is associated with serious health risks, as well as less education and lower future income potential for young mothers; and Whereas, risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between 15-19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people aged 15-24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Now, therefore, I, Howard Dean, Governor of the State of Vermont, do hereby proclaim October 20-26, 2002 as World Population Awareness Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 25 day of August, A.D. 2002.

HOWARD DEAN, M.D.,
Governor.

MEDICARE APPEALS, REGULATORY AND CONTRACTING IMPROVEMENTS

Mr. GRASSLEY. Mr. President, I want to take a few minutes to discuss a provision in the Beneficiary Access to Care and Medicare Equity Act I introduced yesterday with Senator BAUCUS.

The core of our bill, as the short title indicates, ensures beneficiary access to care and improves equity in Medicare payments. But the bill also makes important other improvements to the Medicare program that go beyond payment policy and beneficiary improvements.

Chief among those is regulatory relief for providers.

Every day, in cities and towns across Iowa, health care providers treat the sick, restore them to health, and work to prevent further illness. Iowa's proportion of older adults in the population exceeds that of the United States as a whole. In fact, we rank second in the Nation in our percentage of persons aged 85 and older.

Simply put, the Medicare program means a great deal to Iowans, not only from a beneficiary perspective but also from a provider perspective. Health care providers in Iowa rely on the Medicare program for much of their business.

I have had extensive conversations with many Iowa health care providers and workers, and a complaint I have heard over and over is that the Medicare program is too bureaucratic. Too much time is spent on paperwork instead of treating patients. Rules coming out of Washington are confusing and contradictory. Doctors and nurses receive one answer to a question from their Medicare contractor and a different answer from Medicare headquarters in Baltimore.

Now, don't get me wrong. My position on the sin of Medicare waste, fraud, and abuse has not changed. As a watchdog of the taxpayer dollar, I firmly believe in asking health care providers to account for the money they receive from the government. Taxpayer dollars must be spent responsibly. However, when honest providers