

encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Ninth, the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service ("Secret Service"). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. § 1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than \$5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

Under current law, the Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

The Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 relating to its jurisdiction under 18 U.S.C. § 3056 and subject to agreement between the Secretary of the Treasury and the Attorney General. This provision also makes clear that the FBI retains primary authority to investigate offenses under subsection 1030(a)(1).

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the

Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service's jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the "21st Century Law Enforcement and Public Safety Act," however, these specific enumerations of investigative authority "have the potential to complicate investigations and impede interagency cooperation." (See Section-by-section Analysis, SEC. 3082, for "21st Century Law Enforcement and Public Safety Act").

The current restrictions, for example, risk hindering the Secret Service from investigating "hacking" into White House computers or investigating threats against the President that may be delivered by such a "hacker," and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases. This arrangement is consistent with other jurisdictional grants of authority to the Secret Service. See, e.g., 18 U.S.C. §§ 1029(d), 3056(b)(3).

Tenth, section 307 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process re-

quiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 307 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of \$100 million for FY 2001, of which \$20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

AMENDMENT NO. 4366

(Purpose: To enhance computer crime enforcement and Internet security, and for other purposes)

Mr. STEVENS. Mr. President, Senator HATCH has an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 4366.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4366) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 46), as amended, was read the third time and passed.

The title was amended so as to read:

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.

MAKING TECHNICAL CORRECTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of S. 3276 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3276) to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I commend the current occupant of the chair who introduced this measure.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3276) was read the third time and passed, as follows:

S. 3276

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

SECTION 1. TECHNICAL CORRECTIONS TO THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 2000.

(a) SENTENCING ENHANCEMENT GUIDELINES.—Section 3 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106-420) is amended—

(1) by striking “obtaining or providing of” and inserting “the obtaining of, the offering of assistance in obtaining”; and

(2) by striking “base offense level for misrepresentation” and inserting “enhanced penalties provided for in the Federal sentencing guidelines for an offense involving fraud or misrepresentation”.

(b) LIMITATION ON EXEMPT PROPERTY.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000, is amended—

(1) by striking “in the obtaining or providing of” and inserting “or misrepresentation in the providing of, the offering of assistance in obtaining, or the furnishing of information to a consumer on,”; and

(2) by striking “(20 U.S.C. 1001)”.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on November 1, 2000.

(2) APPLICATION OF SECTION 522(C)(4) OF TITLE 11, UNITED STATES CODE.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 and as amended by subsection (b) of this section, shall apply only with respect to cases commenced under title 11, United States Code, on or after November 1, 2000.

CONGRATULATIONS TO JOSH HEUPEL

Mr. DASCHLE. Mr. President, I rise today to congratulate South Dakota's Josh Heupel, quarterback of the Oklahoma Sooners, on his incredible season leading his top-ranked and undefeated

football team to the National Championship game. I am tremendously proud of the achievements of a fellow South Dakotan and Aberdeen Central graduate.

I am not the first and certainly will not be the last to praise Josh for his accomplishments. Josh passed for 3,392 yards and 20 touchdowns this season and led his team through a difficult schedule of worthy opponents. It is no surprise that Josh received so many honors this year: he was named Player of the Year by the Walter Camp Football Foundation; College Football Player of the Year by the Associated Press; and College Football Player of the Year by the Sporting News.

Most recently he was the runner-up for the Heisman Trophy, South Dakota's first Heisman Finalist. While he may have felt some disappointment in not winning, Josh handled himself with the maturity and grace that has molded him into a fine young leader and allows him to put team accomplishments and goals before his personal feats.

I believe Josh's success at the national level is the result of natural ability coupled with hard work and drive. But he has not been content with excellence simply in the athletic realm. He has also committed himself to civic duty, visiting sick children in hospitals and coordinating food drives, and has been a dedicated student. More than that, he lives by ideals instilled in him by his family—his parents Ken and Cindy, and sister Andrea—and the values and life experiences gained in South Dakota. He is an inspiration to all of us, young and old, teaching us to follow our dreams but stay close to our values.

I speak for South Dakota when I say that we proud of Josh Heupel and we wish him the best of luck as he leads his team into the National Championship game on January 3d and in his future athletic and academic endeavors.

TRIBUTE TO SECRETARY OF DEFENSE BILL COHEN

Mr. WARNER. Mr. President, I rise today to pay tribute to Secretary of Defense Bill Cohen and Mrs. Janet Langhart Cohen. As Secretary of Defense for almost four years, Bill Cohen has led the Defense Department and the military services with leadership and a strong commitment.

In contemporary political history, persons of a political party other than the party of the Administration, have offered to serve this Nation. It takes a special courage; Bill Cohen has that courage. He has earned—with distinction—a place in history.

Bill Cohen and I were first elected to the Senate in 1978. We served together on the Armed Services Committee from 1979 until Bill retired from the Senate in 1996. Throughout his service with the Senate, he was recognized as a leader.

A prodigious student of history, diplomacy, foreign policy and national

security, he was recognized as one of the most able and productive members of the Armed Services Committee. He worked hard to develop and maintain a bipartisan consensus on national security policy. For Bill Cohen, partisan politics—in the words of the famous Republican senator from Michigan, Senator Arthur Vandenberg—“stopped at the water's edge.”

Fortunately, the President recognized the wealth of knowledge and experience Bill had developed during his service in the Congress.

Bill Cohen also had the good fortune of being the son of parents he loved and admired. That gave him inner strength.

In December 1996, he was nominated to be Secretary of Defense and was promptly confirmed by the Senate.

When Bill Cohen accepted the nomination, he understood the extraordinary challenges that lay ahead. He understood that he would be responsible for a department and for military services that had undergone, and were undergoing, the most significant reduction in force and personnel and equipment in almost thirty years.

The problems associated with these reductions were compounded by increasing operational commitments. Comparing the period between the end of the Vietnam War and the beginning of Operation Desert Storm to the period between Operation Desert Storm to today, these commitments have increased by over 400 percent. And there would be no foreseeable end to our extended commitments in many parts of the world.

It was at such a critical crossroad in the history of the U.S. Armed Forces that a leader with a strong sense of purpose and keen intellect was needed at the helm of the Department of Defense. That leader was Bill Cohen. We, in this chamber, knew very well the profound depth of his intellect and leadership through his oratory, his writings, his poems and, yes, his occasional “doodles” on the notepad. Like Colonel Joshua Chamberlain, a Union Army soldier and son of Maine, that Cohen revered, he likewise accepted the daunting challenge with which he was presented.

Upon taking the helm at the Department of Defense, Bill Cohen quickly identified those key areas that required his immediate attention. Shortly after his confirmation hearing, Secretary Cohen stated that he would dedicate his time in office to working on the quality of life for military personnel and their families and to addressing continuing shortfalls in readiness and modernization of the Armed Forces.

So began his four years of labor to lead the largest agency in the Federal Government—one of the largest organizations in the world. But this was a labor of love for the new secretary. Bill Cohen recently described his tenure as “the most demanding, exhilarating experience” he has ever had—work he would do “forever.”