Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

It is my understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels so strongly, which I happen to support. The amendment was also, of course, cosponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation's security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not in a position to take a position on the merits because I do not know enough about the merits, and I would not do it anyway, I nonetheless believe it is important that the Department of Defense express itself, as the Senator's amendment provided for, since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greentree Chemicals and these few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

## DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the RECORD.)

## MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the RECORD.)

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the RECORD.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as

passed the Senate, be printed as a Senate document.

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

Mr. LEVIN. To the members of our committee, including the Presiding Officer who served so well to bring this bill to the floor; to Dave Lyles and our staff on this side of the aisle; Les Brownlee and his staff, but most important perhaps of all Senator WARNER for, as always, his extraordinary efforts to produce a bill in a bipartisan fashion, I am truly indebted. More importantly, the Nation has been advantaged by his service, and I am very grateful personally to him for all of his efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate was able to work. We had no partisan votes, as I recall, on the DOD authorization bill, a very important bill for our national security and important for us. So now we can go on and finish the DOD appropriations bill, a very critical bill as well.

Again, my compliments to Chairman LEVIN and Senator WARNER for their leadership, and for all Senators working together to get this bill passed as expeditiously as we did.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

## VIETNAM TRADE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 154, H.J. Res. 51, the Vietnam trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 51), approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

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

## INTERNET TAXING

Mr. MCCAIN. Mr. President, the Senator from Oregon and I, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from Massachusetts, Mr. KERRY, and others have been working for years on the issue of Internet tax. We still have not reached an agreement. The moratorium expires very soon.

We will be introducing legislation today for another 2-year extension of the Internet tax moratorium. I hope we can get agreement on that, and in calmer and quieter times, we will be able to address and debate the issue of international taxation, which is a very difficult, very complicated, and an increasingly important issue to Governors, legislators, mayors, and city council members.

At this point in our American history, we need an extension of a couple years so in calmer and quieter times we can come to some agreement on this very important issue. That does not mean the Senator from Oregon and I are opposed to Internet taxes per se, but we have a long way to go before we are in agreement, so we will be introducing legislation today. I hope we can get unanimous agreement on it and move forward.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, today with Senators MCCAIN and LEAHY, I am introducing legislation that would extend the moratorium on discriminatory taxes on electronic commerce.

Senator MCCAIN is absolutely right. The moratorium expires in a few days, and we are very hopeful the bipartisan bill we are going to introduce today is going to help bring the Senate together on what has surely been a very contentious issue.

Considerable confusion even exists as to what the current law entails. For example, there are countless stories written that say there is a ban on Internet taxes. That is absolutely incorrect. The only thing that is banned today is taxes that single the Internet out for discriminatory treatment. We are extending that ban.

As Senator MCCAIN has noted, there are strong feelings on both sides of this issue. I happen to believe very strongly that no jurisdiction in this country has shown they have been hurt by their inability to discriminate against the Internet. Certainly folks in State and local government feel very strongly about it, and they have a right, at this time of economic concern, to know where the revenue is going to be for their essential needs.

Senator DORGAN, Senator KERRY, Senator HOLLINGS, and I intend to continue the very constructive conversations we have had literally for 18 months on the issue, but because it is important to move forward quickly, given the fact the moratorium expires, Senator MCCAIN, Senator LEAHY, and I are introducing our bipartisan effort today and plan to continue our conversation with our colleagues.

## 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 this 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 January 17, 2001 in Helena, MT. An openly gay student at Carroll College withdrew from school 14 days after being knocked unconscious and beaten in his dorm room. The victim did not initially report the incident due to fear of further retribution. Someone struck the student in the head with a bottle as he returned to his room from the dorm showers early in the morning and then beat him while he was unconscious. The attacker also wrote ''Die Fag'' on his body with an ink marker.

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.

# ADDITIONAL STATEMENTS

## HONORING DEAN DORT, CHARLES ORLEBEKE, AND DAVID WILLIAMS

• Mr. LEVIN. Mr. President, I want to commend the services of three midwesterners who are ending their terms on the Northeast-Midwest Institute's Board of Directors.

Dean Dort, Charles Orlebeke, and David Williams have provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. Dean Dort is vice president of international affairs for Deere & Company, which is headquartered in Moline, IL. He has been a criminal trial lawyer, a Federal Criminal Court Judge, the representative of the Secretary of the Army to the United States Congress, and Washington counsel for Deere & Company.

Charles Orlebeke is a professor of urban planning and public affairs at the University of Illinois at Chicago. He previously served as executive assistant to Michigan Governor George Romney, founding dean of the urban planning and policy program at the University of Illinois at Chicago, and assistant under secretary and assistant secretary for policy development at the U.S. Department of Housing and Urban Development.

David Williams is vice president of Earth Tech, an engineering firm based in Chicago. He has served as commissioner of public works for the City of Chicago; a member of the Illinois Public Utilities Commission; and city manager of Inkster, Michigan. The Northeast-Midwest Institute provides policy