

I thank Tara Magner of my Judiciary Committee staff, and J.P. Dowd, my legislative director, for their help during floor consideration of this bill.

I recognize Tim Rieser, the Democratic clerk for the subcommittee, for all his help.

And I thank Dakota Rudesill, staff member for the Budget Committee, who provided excellent and very helpful advice during floor consideration of this bill.

Finally, as always, we owe a debt to Billy Piper, on Senator McCONNELL's staff. Billy came in at crucial times to resolve a number of important issues.

That completes action on the Foreign Operations bill for fiscal year 2002.

Mr. LEAHY. Madam President, I know of no other amendments.

I ask unanimous consent that with respect to H.R. 2506, the foreign operations appropriations bill, upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Ms. CANTWELL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Roll Call Vote No. 312 Leg.]

#### YEAS—96

Akaka	Bingaman	Campbell
Allard	Bond	Cantwell
Allen	Boxer	Carnahan
Baucus	Breaux	Carper
Bayh	Brownback	Chafee
Bennett	Bunning	Cleland
Biden	Burns	Clinton

Cochran	Hatch	Nelson (NE)
Collins	Helms	Nickles
Conrad	Hollings	Reed
Corzine	Hutchinson	Reid
Craig	Hutchison	Roberts
Crapo	Inhofe	Rockefeller
Daschle	Inouye	Santorum
Dayton	Jeffords	Sarbanes
DeWine	Johnson	Schumer
Dodd	Kennedy	Sessions
Domenici	Kerry	Shelby
Dorgan	Kohl	Smith (NH)
Durbin	Leahy	Smith (OR)
Edwards	Levin	Snowe
Ensign	Lieberman	Specter
Enzi	Lincoln	Stabenow
Feingold	Lott	Stevens
Feinstein	Lugar	Thomas
Fitzgerald	McCain	Thompson
Frist	McConnell	Thurmond
Gramm	Mikulski	Torricelli
Grassley	Miller	Voinovich
Gregg	Murkowski	Warner
Hagel	Murray	Wellstone
Harkin	Nelson (FL)	Wyden

#### NAYS—2

Byrd

Graham

#### NOT VOTING—2

Kyl

Landrieu

The bill (H.R. 2506) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Madam President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints. Mr. LEAHY, Mr. INOUE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. BYRD, Mr. McCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, and Mr. STEVENS conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I want to take this opportunity to thank the staff of my good friend from Vermont, Senator LEAHY, with whom we have worked on this bill for these many years. They are Tim Rieser, Mark Lippert, and J.P. Dowd. I also extend my thanks to Jennifer Chartrand, Billy Piper of my personal staff, and Paul Grove, who replaced my long-time staffer, Robert Cleveland of the Foreign Operations Subcommittee. He has done a superb job with his first bill. I thank them all from the bottom of my heart.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I compliment the distinguished chairman and ranking member for their excellent work. This is not an easy bill. Oftentimes, it is one that keeps us occupied for days, if not weeks. I thank them for their leadership, and I am very grateful for the fact that we were able to get this bill done.

Also, I thank the distinguished Senator from Vermont, Senator LEAHY, for

his work on the global AIDS matter. Were it not for him, we would not have had the additional resources that are so critical right now, this year, from this country. He did an outstanding job in that regard, too. While he is not on the floor at the moment, I thank him personally for all of his work.

As I announced earlier, it is our intention to take up the counterterrorism legislation. It has now passed in the House. We have had a good debate in the Senate. I would like to proceed with a unanimous consent request that would accommodate a good deal of debate again on a bill. I know there may be a colloquy involved. Let me proceed with the unanimous consent request, and I ask the cooperation of all Senators. I will propound the request now.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3162

Mr. DASCHLE. I ask unanimous consent that at 10 o'clock Thursday, October 25, the Senate proceed to the consideration of H.R. 3162, the counterterrorism bill; that no amendments or motions be in order to the bill, except a motion to table the motion to reconsider the vote on final passage of the bill; that there be 5 hours and 10 minutes for debate, with the time controlled as follows: 90 minutes each for the chairman and ranking member of the Judiciary Committee, or their designees; 10 minutes each, controlled by Senators LEVIN and WELLSTONE; 20 minutes under the control of Senator SARBANES; 60 minutes under the control of Senator FEINGOLD; 15 minutes under the control of Senator GRAHAM of Florida; 15 minutes under the control of Senator SPECTER; that upon the use or yielding back of time, the bill be read the third time, the Senate then vote on final passage of the bill, with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam President, I thank the distinguished majority leader for giving me this opportunity. He and I have discussed at length the concern that I have that is shared by Senator SMITH of Oregon. I want to take a minute or two to describe what is so important to us and have a discussion briefly with the distinguished majority leader.

In my home State of Oregon, we have not been able to do a covert investigation into dangerous criminal activity such as terrorism in more than a year. The hands of our prosecutors are tied. Senator Smith and I, along with a number of other colleagues and prosecutors, believe very strongly that it is critically important as part of this antiterrorism effort that we allow the prosecutors to go forward and do wiretaps, stings, and essentially undercover operations. We have not been able to get such a provision into this

antiterrorism legislation because of the work of the House.

Senator DASCHLE has been exceptionally supportive, as have Senator HATCH and Senator LEAHY. The Senate is united on this matter. The Senate has agreed in its entirety. For reasons that are inexplicable to this Member of the Senate, the House has been unwilling to untie the hands of Federal prosecutors in my home State.

The question then is: Why should every Senator care about what is happening in the State of Oregon? The reason I feel so strongly about this is that if we learned one thing on September 11, it is that if the terrorists get sanctuary anywhere, Americans are in trouble everywhere because we saw on September 11 the terrorists set up shop in New Jersey, they set up shop in Florida, and they ended up murdering Americans in New York City and in the Pentagon and in Pennsylvania.

As a result of the work that was done on the foreign operations appropriations legislation, again, to the credit of Senator DASCHLE, Senator LEAHY, and Senator SMITH, Senator LEAHY added the original bill that I authored. Senator SMITH and I have teamed up on this, and it is now in the foreign operations appropriations legislation that passed this body.

What is different tonight and why I am not objecting is that the White House has now indicated for the first time that they will support in the foreign operations appropriations legislation what Senator SMITH and I have crafted.

We have also been able to, in discussions with Senator DASCHLE, have an opportunity to let him discuss his views on it. He has renewed his commitment to me that we will have the united support of the Senate on the foreign operations appropriations bill, and if, in fact, the House junks this on the foreign operations appropriations bill in spite of the administration's effort, Senator DASCHLE, to his credit, has renewed his support for this effort and has been kind enough to give me this time to state my reservation.

I would like to have him briefly describe his views on this matter.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I say to both my colleagues from Oregon how much we appreciate their extraordinary efforts. I do not know of many pieces of legislation that pass unanimously not once but twice, and not only twice but within a matter of weeks. But that is the case.

This legislation passed unanimously as an amendment to the counterterrorism bill. This amendment has just now been passed unanimously as part of the foreign operations appropriations bill. That would not have happened were it not for their tenacity and their decisive leadership. I am grateful to them, first of all, for their willingness to continue to pursue this effort until they are successful.

I was involved in these discussions and negotiations with our colleagues from the House as we negotiated the various pieces. There were various reasons this legislation was not kept as part of the counterterrorism legislation, but I will tell my colleagues what I have said publicly: We will continue to pursue this; we will continue to persist until this becomes law.

As the Senator from Oregon has noted, the White House indicated they are prepared to join us in that effort. With that additional assistance, with those assurances, we are in a much stronger position now than we have been at any time in recent months to ensure our success. But if for whatever reason we are not successful, this will come back again and again, and we will continue to send it to the House again and again until it is done successfully.

I am confident we will complete our work successfully on this amendment. I am confident that with their partnership and the effort they have already made, we will be successful. I will pledge my support, and I know Senator LEAHY feels every bit as strongly as I do. We will work in concert with them to ensure the maximum level of success as we go into conference on the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Oregon. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I say to the majority leader, I will not object, but I want to be included in the colloquy and be entirely supportive of my colleague, Senator WYDEN. I want to state publicly for the record, Senator WYDEN and I began working on this issue together in great earnest this last weekend because it was apparent that the good bill we had passed to the House was coming back as something less than that bill.

Because of the unique circumstances described by Senator WYDEN, every American should know that the bill we are about to pass tomorrow puts a stake in Oregon that says Oregon is open for business to terrorism. That is a stake we want to pull out because right now no undercover work is going on in Oregon for a whole variety of unusual reasons. That is where it is, and that must be fixed, or every American should know that the bill we will pass tomorrow is an illusion until it includes all 50 States.

In my State, whether it is environmental terrorism, child pornography, drug runners, methamphetamine producers, or al-Qaida terrorist groups, they are finding aid and comfort from the absence of law enforcement when it comes to undercover activities. That must end or we are kidding the American people.

I thank the majority leader for his commitment. I thank Senator LOTT and the managers of this bill for their commitment, and I say for the record,

I have the assurances of Carl Rove with the White House, John Ashcroft in Justice, and I am awaiting a call from the Speaker of the House to work in earnest to get this resolved quickly so that we can in good faith face the American people and say: We have passed a terrorism bill that includes all Americans. But right now, it does not include Oregonians.

I yield to my colleagues.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, if I may continue briefly on my reservation, Senator SMITH has summed it up very well. At this point in the State of Oregon, there are no wiretaps; there are no sting operations; you cannot infiltrate dangerous criminal groups no matter how dastardly their plans. We are not talking about some kind of abstract proposition.

The bill that is going to be passed tomorrow is essentially a bill that deals with terrorism in 49 States. As I say, it just seems to me once you allow a sanctuary, a launch pad for terrorist groups anywhere, everyone is at risk. What is different tonight is we have been able to secure a commitment from the White House.

The majority leader, as is his tradition, has worked very closely with me and has made a similar commitment to Senator Smith, and tonight—and I will say this is very hard for this Member of the Senate to do because I think the people of my home State are going to be at risk tonight—but because of the commitment we have secured from the majority leader—and it is a renewed commitment; again and again he has been in these meetings fighting to change the McDade law and give our prosecutors the tools to deal with this problem.

With the new commitment tonight from the White House and with the continued commitment and assurance of the majority leader tonight, I withdraw my reservation.

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

Mr. DASCHLE. Madam President, I thank both of my colleagues from Oregon for their willingness to work with us. I have already said how strongly I feel about this matter, and the passion expressed by both Senators from Oregon I think is a clear indication of their determination to see this through to ultimate success. We will see success. I am grateful to them tonight.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2330

Mr. DASCHLE. Madam President, I ask unanimous consent that upon disposition of H.R. 3162, the Appropriations Committee be discharged from consideration of H.R. 2330, the Agriculture appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager, or his designee, be recognized to offer the