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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD.)

The PRESIDENT pro tempore. The prayer will be led by our guest Chaplain, Rabbi Mark S. Miller.

### PRAYER

The guest Chaplain, Rabbi Mark S. Miller of Temple Bat Yahm in Newport Beach, CA, offered the following prayer:

The universal genius, Issac Newton, referring to his predecessors said, "If I have seen further, it is by standing on the shoulders of Giants."

The 100 who grace this Chamber today stand on the shoulders of those many Senators whose vision elevated our national life and whose courage enriched humankind. We hear the frozen echoes of their lofty debates. We see them arising to confront the issues of their day. We note them chasing not the "bubble popularity" but seeking the shield of God's favor.

During their tenure, many a Senator answered the rollcall of glory. What an example they set! They were faithful in fearful times, commanding in common times, staunch in shaken times, persevering in perilous times, true in trying times.

We remember their statesmanship and stewardship with ongoing indebtedness. How we need a measure of their stoutness of spirit. How we need the inspiration of their steady hand on the tiller as we awaken to war's alarms and deadly pestilence.

Soon we ourselves will become the ones who have gone before. May the generations to come stand upon our shoulders. May our careers be of such significance that those who succeed us throughout this century see even further into the future.

By our governance, may that future exalt God's blessings for all Americans; by our goodness, may that future extol God's design for this land of freedom; by our greatness, may that future en-

large God's plan for the safety and security of His world. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order previously entered, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

### SCHEDULE

Mr. REID. Mr. President, as has been announced, we will begin consideration of the counterterrorism act as soon as the morning business is completed. There is approximately 5 hours of debate set aside for that.

Senator DASCHLE, the majority leader, indicated following that vote on the counterterrorism act, the Senate will begin consideration of the Agriculture Appropriations Act. The leader has said if we are able to complete our work on that bill tonight, there will be no session tomorrow. If we are unable to do that, we will work tomorrow until we complete that bill. I have conferred with the Presiding Officer, the chairman of the Appropriations Committee, and have been advised that the D.C. appropriations bill is ready to go. We are hopeful and confident we can complete that bill on Monday. We have

a lot of work to do but we are moving. I express appreciation on behalf of the leader that we are able to move as quickly as we have been able to these past few days.

I ask unanimous consent Senator HUTCHISON and Senator MIKULSKI be given whatever time they may consume that does not exceed one-half hour before the debate starts on the counterterrorism bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas, Mrs. HUTCHISON, is recognized to speak for up to 30 minutes in conjunction with the remarks of the Senator from Maryland.

### MEASURE READ THE FIRST TIME—S. 1573

Mrs. HUTCHISON. Mr. President, I send a bill to the desk and ask it be placed on the calendar, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1573) to authorize the provision of educational and health care assistance to women and children of Afghanistan.

Mrs. HUTCHISON. Mr. President, I ask for the second reading.

The PRESIDENT pro tempore. Is there an objection to the Senator's request?

Mrs. HUTCHISON. Mr. President, I object to my own request.

The PRESIDENT pro tempore. The objection is heard. This bill will be read for the second time on the next legislative day.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, thank you.

(The remarks of Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, and Ms. SNOWE pertaining to the introduction of S. 1573 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

If there is no further morning business, morning business is closed.

## USA PATRIOT ACT OF 2001

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of H.R. 3162, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3162) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The PRESIDENT pro tempore. The senior Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. Mr. President, what is the time agreement that we now have before us?

The PRESIDENT pro tempore. The chairman and ranking member of the Judiciary Committee have 90 minutes each; the Senator from Michigan, Mr. LEVIN, has 10 minutes; the Senator from Minnesota, Mr. WELLSTONE, has 10 minutes; the Senator from Maryland, Mr. SARBANES, has 20 minutes; the Senator from Wisconsin, Mr. FEINGOLD, has 1 hour; the Senator from Florida, Mr. GRAHAM, has 15 minutes; and the Senator from Pennsylvania, Mr. SPECTER, has 15 minutes.

Mr. LEAHY. I thank the Presiding Officer, the President pro tempore of the Senate.

Mr. President, I yield myself such time as I may need out of my 90 minutes.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. REID. Mr. President, I ask unanimous consent that during the day, when quorum calls are initiated, the time be charged proportionately, not only against the person who asked for the quorum to be initiated, but that it be charged proportionately against all people who have time under the agreement that is now in effect.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. That will be the order of the Senate.

The Senator from Vermont, Mr. LEAHY, is recognized.

(Mrs. CLINTON assumed the chair.)

Mr. LEAHY. Thank you, Mr. President. I agree with the distinguished Democratic leader in his request because we do want to have discussion of this piece of legislation, but there is no question we will vote on this piece of legislation today and we will pass this legislation today.

I think it is only fitting the Senator from New York is now in the chair as we begin discussion of this legislation because her State was one of those that was badly impacted, terribly impacted, tragically impacted on September 11, as were the people of New Jersey and Connecticut, who worked in the World

Trade Towers, and, of course, those at the Pentagon in Virginia, including those in Maryland and the District of Columbia, and actually the whole Nation.

Today we consider H.R. 3162, the second House-passed version of the “Uniting and Strengthening of America Act” or “USA Act of 2001.” Senate passage of this measure without amendment will amount to final passage of this important legislation, and the bill will be sent to the President for his signature. We complete our work six weeks after the September 11 attacks and months ahead of final action following the destruction of the Federal Building in Oklahoma City in 1995. The American people and the Members of this body deserve fast work and final action.

On October 4, I was pleased to introduce with the Majority Leader, Senator DASCHLE, and the Chairmen of the Banking and Intelligence Committees, as well as the Republican Leader, Senator LOTT, and Senator HATCH and Senator SHELBY, the Uniting and Strengthening America, or USA Act. This was not the bill that I, or any of the sponsors, would have written if compromise was unnecessary. Nor was it the bill the Administration had initially proposed and the Attorney General delivered to us on September 19, at a meeting in the Capitol.

We were able to refine and supplement the Administration’s original proposal in a number of ways in the original USA Act, and have continued that process in the development of H.R. 3162. The Administration accepted a number of the practical steps I had originally proposed on September 19 to improve our security on the Northern Border, assist our Federal, State and local law enforcement officers, and provide compensation to the victims of terrorist acts and to the public safety officers who gave their lives to protect ours. This final version of the USA Act further improves the compromise by including additional important checks on the proposed expansion of government powers that were not contained in the Attorney General’s initial proposal.

Let me outline just ten ways in which we in the bicameral, bipartisan negotiations were able to supplement and improve this legislation from the original proposal we received from the Administration.

We improved security on the Northern Border;

We added money laundering;

We added programs to enhance information sharing and coordination with State and local law enforcement, grants to State and local governments to respond to bioterrorism, and to increase payments to families of fallen firefighters, police officers and other public safety workers;

We added humanitarian relief to immigrant victims of the September 11 terrorist attacks;

We added help to the FBI to hire translators;

We added more comprehensive victims assistance;

We added measures to fight cybercrime;

We added measures to fight terrorism against mass transportation systems;

We added important measures to use technology to make our borders more secure;

Finally, and most importantly, we were able to include additional important checks on the proposed expansion of government powers contained in the Attorney General’s initial proposal.

In negotiations with the Administration, I did my best to strike a reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I acquiesced in some of the Administration’s proposals to move the legislative process forward. That progress has been rewarded by a bill we have been able to improve further during discussions over the last two weeks.

The Senate passed the original version of the USA Act, S. 1510, by a vote of 96-1 on October 11. The House passed a similar bill, based largely on the USA Act, the following day. The Majority Leader and I both strongly believed that a conference would have been the better and faster way to reconcile the differences between the bills, and to consider the proposals that had been included in the managers’ amendment to S. 1510, which Republicans did not approve in time for consideration and passage with the Senate bill. The House did not request a conference when it passed the bill, however, and despite the understanding among House and Senate leadership, the House leadership abruptly incorporated the product of our discussions in a new bill rather than proceed to a quick conference.

Yesterday, the House passed H.R. 3162, which was based upon informal agreements reached by Senate and House negotiators, but which did not include additional important provisions to make the Justice Department more efficient and effective in its anti-terrorist efforts and to reduce domestic demand for illegal drugs, some of which are produced and supplied from Taliban-controlled regions of Afghanistan. I am disappointed that the commitment we received to hold a conference—at which these proposals could have been considered more fully—was not honored. Nonetheless, H.R. 3162, which the House passed yesterday, contains additional improvements to the USA Act that had been negotiated on a bicameral, bipartisan basis, and deserves the support of the Senate.

I do believe that some of the provisions contained both in this bill and the original USA Act will face difficult tests in the courts, and that we in Congress may have to revisit these issues at some time in the future when the present crisis has passed, the sunset has expired or the courts find an infirmity in these provisions. I also intend