

paid American troops we have, and support of them, and all of the instruments of conventional warfare that are now being produced. But I am saying that once again the bottom line of the war, as I perceive it, is that even as we are very successful with these so-called conventional means, and with remarkable, talented American service personnel, on the homefront, here in the home defense situation, we need to understand the vulnerability we have in the same way that we explained it to those in Moscow and London and Rome and other beautiful capital cities of our world that are at risk if in fact this intersection between cells of terrorism and materials and weapons of mass destruction should develop.

There are people who say this is so pervasive and so comprehensive that school is out, it is beyond remedy. The numbers of terrorists, the numbers of countries, numbers of programs, regimes all believing they must have weapons of mass destruction or at least the threat of these to stave off whoever—and I understand that, as the Presiding Officer does. But our objective, at least, as policy leaders in this country, has to be a “go to it” spirit.

If at this point we simply accept it is there, we have to accept that at some point a very large part of one of our cities or our basic institutions could be under attack and this time could disappear, with absolutely devastating results for our country or any other country that was victimized in this way.

If we ask the basic questions we would have asked before September 11—Who could possibly do this? And for what reason?—we are staggered as we watch the tape of Osama bin Laden or listen to interviews with people who seem to be committed to a very different course of action that most of us find even remotely conceivable, morally or as human beings.

Unless we are prepared simply to forget September 11, roll the clock back into a simpler time, then we will have to deal with more complex times.

I thank the Chair for allowing me to proceed in morning business with a message that I believe is important.

I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PROGRESS ON THE FARM BILL

Mr. DASCHLE. Mr. President, I come to the floor for a couple of minutes prior to the time we finish our Senate business for the week to, first, compliment the Presiding Officer who has been our floor manager on the farm bill now for 1 entire week.

This afternoon marks 1 complete week of deliberation on the farm bill. I know this has not been easy on many, nor easy on the ranking member, as they have attempted to deal with the bill itself.

I compliment the Chair for his outstanding leadership and patience and the extraordinary effort he has made to manage this bill in a way that accommodated virtually every Senator.

I am disappointed that we weren't able to achieve cloture on the bill. I have indicated that we are going to keep trying to reach that point where we can bring debate to a close. I know there are a number of other amendments. We accommodated those on the other side of the aisle who wish to bring up an alternative to the committee-passed bill, the so-called Roberts-Cochran bill.

I believe we have had a good debate. I hope we can complete our work this coming week. I would not want to have to come back after that, but we will entertain the possibility of coming back additional days after Christmas, if need be, to get this job done. There is nothing that says we can't keep coming back until the 23rd of January, if necessary. We will look at all the options. But we need to bring this bill to a close. As I have said on other occasions, we need to do it for a number of reasons. Some of us have outlined those reasons throughout the week.

I think as we close out the week and mark the fact that we have now spent a week on the bill, we remind all colleagues that we have a budget window that may close. If that budget window closes and we are precluded even by a few billion dollars from dealing with all the needs in this bill, what a mistake that would be. What a moment of admission of failure that would be. I hope we can avoid doing that and avoid that scenario.

Secondly, I know, based on many conversations the managers and I have had and others have had with regard to the continuity, of the need to have a clear roadmap on how we transition from Freedom to Farm to whatever it is that Congress ultimately passes, something that every farmer and rancher would like to know.

I think that is the reason I got calls again this morning from farmers and ranchers in South Dakota who said: Please pass this legislation as quickly as you can because we need to know. We need to plan.

There is so much uncertainty in farm legislation as it is. There is so much uncertainty with agriculture as it is. To exacerbate that uncertainty by refusing to act, or not acting as quickly as we should, is compounding the problem unnecessarily.

We have seen a 75-percent reduction in farm prices since 1996. That is a remarkable demonstration of the need to do something now.

I hasten once again to note the importance of completing our work. I also say that as complicated as farm admin-

istration is, it is important that the Department of Agriculture be given as much lead time to make the transition as smoothly as they can.

There is no question, from a farm income point of view, from a farm certainty point of view, from the smoothness in transition point of view, and from the budget point of view, one could add more and more reasons that it is important for us to finish our work. No one has said it more eloquently or passionately than the chairman of the committee, my friend from Iowa, Senator HARKIN.

I simply come to the floor to again reiterate that we are determined to finish this bill. We are determined to do all we can to finish it not only on the floor but in conference. We will do whatever it takes to stay, to work, to cooperate, and to find ways to compromise. But it has to be a two-way street.

We have to continue to keep the pressure on. That is certainly my intention. I know it is the intention of the distinguished chair of committee. It has been 1 week. If necessary, it will be 2 weeks. And, if necessary, it will be 3 weeks, or more. But we are going to get this bill done.

I am just reminded that while we have been on the bill for a week, we actually made the motion to proceed 2 weeks ago. One could argue that we have been on the bill in one form or another for 2 whole weeks already. I do not know what the record is, but, clearly, we have a lot of work to do. With the holidays coming up, it certainly warrants putting all the time and effort we possibly can into getting this job done. I know there is interest in doing that.

#### MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

The Chair recognizes the Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

#### REVIEW OF BACKGROUND CHECK RECORDS

Mr. REED. Mr. President, I rise today to talk about our fight against terrorism and a report in the New York Times last Thursday about the Justice Department's denial of requests from the FBI to review background check records for gun purchases as part of its antiterrorist investigation.

When I met with Justice Department officials on November 1, I was informed that in the immediate aftermath of the

September 11 attacks, the Department of Justice compared the audit log of approved gun sales under Brady law's National Instant Criminal Background Check System to the Federal Government's terrorist watchlists.

The New York Times reported that on September 16, 5 days after the terrorist attacks, the Bureau of Alcohol, Tobacco, and Firearms requested the FBI center that operates the National Instant Criminal Background Check System to check a list of 186 names against the NICS audit log. The names were identified as aliens whose identities had been developed during the ongoing terrorist investigation. The FBI got two hits, meaning that two of the persons on the watchlist had been approved to buy guns.

The ATF's request and the resulting hits underscore the point that the NICS audit log has a clear investigative value for law enforcement and our counterterrorist efforts.

Yet the day after the FBI made its initial check, the Attorney General's lawyers prohibited further reviews of the audit log by the FBI for the purposes of the terrorist investigation.

The Congress passed and the President signed the Patriot Act earlier this year to give the Attorney General expanded powers to fight terrorism. The Attorney General has used these powers and others created by the administration, without congressional input, to permit, for example, eavesdropping on detainees' conversations with their attorneys, to implement new wiretapping authority, and to look into the backgrounds of truck drivers and crop duster pilots, and immigrants.

When President Bush addressed Congress on September 20, he said:

We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network.

Now we find the Attorney General is bending over backwards to protect the special interests of the gun lobby at the expense of the safety of the American people and the investigation into terrorism. Rather than seeking every opportunity to give law enforcement all the information at hand, the Attorney General has chosen, erroneously in my view, to interpret the Brady law and related Justice Department regulations as prohibiting the use of the audit log for investigative purposes beyond the performance of the system.

Even if the Attorney General believed he did not have the authority to review the audit log for investigative purposes, why then did he not ask Congress for that authority back in September when he was putting together his proposals for the Patriot Act? Why wouldn't he want Federal law enforcement officers to know if a suspect or potential informant had recently purchased a firearm when they go to question or detain that person? Finally,

why would he continue to seek to reduce the retention time for the audit log from 90 days to 1 business day, forcing ATF to ask more than 70,000 federally licensed gun dealers to review their sales records every time law enforcement authorities conduct a review for names associated with gun crimes but particularly associated with terrorist activities?

We can only conclude that politics and the powerful influence of the gun lobby have trumped gun policy once again. I hope the Attorney General will reconsider his position. None of us really knows what the next terrorist attack will look like. We cannot assume that because the attacks on September 11 did not involve firearms, the next one will not also involve firearms. We should give law enforcement every tool at our disposal to prevent terrorists from gaining access to firearms, and to know about it when they do.

If the Attorney General insists upon the narrowest interpretation of allowable uses of the NICS audit log, we need legislation to make it absolutely clear that law enforcement authorities can review these records if they have reason to believe that a person under investigation, particularly under investigation for terrorist activity, may have purchased a firearm.

I am pleased to join Senator SCHUMER as a cosponsor of S. 1788, to clarify that NICS audit log records may be accessed by the Federal authorities for the purposes of responding to an inquiry from any federal, state or local law enforcement agency, and also to ensure that these records be maintained for at least 90 days to ensure a reliable auditing system is in place.

I also look forward to consideration at the earliest possible time next year of my legislation to close the gun show loophole, so that we can prevent convicted felons, fugitives from justice, and, yes, even terrorists, from buying guns from private dealers at gun shows without a background check.

There has been a lot of misinformation about the technical requirements of conducting Brady Law background checks at gun shows. It has been suggested that gun shows in rural areas are not equipped with the technology to make background checks feasible. The only technology needed to run a Brady background check is a telephone. At most gun shows, federally licensed firearms dealers use cell phones to conduct background checks. At others, telephone "land lines" are made available. Under my bill, these federally licensed dealers would run checks on behalf of unlicensed sellers at the gun show, ensuring that a background check is run every time a gun is sold at more than 4,000 gun shows held each year in America.

I should also add that 95 percent of these checks are completed within two hours, and no new technology would be required beyond access to a telephone, a device that has been with us for a long time. My constituents in Rhode

Island and all Americans pay a universal service fee as part of their monthly phone bills to ensure that telephone service is available to every part of this country, no matter how rural or how remote.

Let's close the gun show loophole so that convicted felons, domestic abusers, terrorists, and other prohibited persons do not use gun shows to purchase firearms without a Brady background check.

When we confront terrorists, and when we hear the President say every tool available to law enforcement will be used, let us ensure every tool is used. Let us ensure there is no area that is off limits because of the powerful influence of the gun lobby. Let us give our law enforcement officials every opportunity to protect America from terrorist attacks.

I yield the floor.

#### NOMINATION OF EUGENE SCALIA

Mr. HATCH. I rise to join many of our colleagues to express my frustration with the leadership for failing to permit a floor vote on the nomination of Eugene Scalia to be the Solicitor General of the Labor Department. I was mystified as to what reasons there could possibly be to hold up the President's choice, his pick, for this vital position at a time when it is of national urgency for the Labor Department to have its team in place.

I have heard it said in the press it is because Scalia is the son of Justice Antonin Scalia and that this is some sort of payback for the Bush v. Gore decision. I personally find that hard to believe. Such a motive would be far below the dignity of the Senate. The notion that this Chamber would in effect punish a Supreme Court Justice or his family for a decision, any decision, would be abhorrent to anyone who loves this institution or the Constitution.

I also find it hard to believe because the Senate confirmed Ted Olsen, who litigated the Bush v. Gore case, although some did try to stop his confirmation despite his unquestionable qualifications. We also confirmed Janet Rehnquist, the daughter of the Chief Justice, to be inspector general of the Department of Human Services. But that is what is being said to the public. We wonder why the public is so cynical about the Congress.

I, personally, do not believe that is the reason Mr. Scalia is being held up. But I have also heard, and this reason is very troubling to me, that it is because Eugene Scalia is a devout, pro-life Catholic. He is being targeted by radical fringe elements because his name has symbolic value. I only hope this is not true. If that is true, this is also troubling because it shows that an appearance has been created that there is an ulterior partisan motive.

I ask unanimous consent to have printed in the RECORD an op-ed by Marianne Means, who wrote, "Two