

hundreds of narcotics and alien smugglers, over 8,200 criminal aliens, and approximately 4,000 aliens who were the subject of lookouts by the INS and other agencies. Last year alone, the Portland district office apprehended 4 terrorists.

These figures underscore the critical need for additional land border inspectors to protect the integrity of our borders and the safety of those who currently man them. This latter point is perhaps best illustrated by the situation at the border port of entry in Coburn Gore, Maine. Coburn Gore should be staffed by 12 INS inspectors. Instead, it has two. Together with two Customs Service inspectors, they man the port of entry 24 hours per day, 7 days per week. Most of the time, Coburn Gore is manned by only one inspector. Think about that. A single inspector must not only keep traffic moving but must also decide when and whether to conduct a time-consuming secondary inspection when suspicion is raised. Not surprisingly, traffic sometimes backs up to the Canadian border. And when assistance is needed, a call must be placed to the State Police barracks in Skowhegan, the nearest sheriff's office in Farmington, the nearest Border Patrol office in Rangeley, or the nearest land border port of entry in Jackman, each of which is located at least an hour's drive away.

For years, all available INS resources have been allocated to increase the number of Border Patrol agents stationed on our southern border. At the same time, the number of land border inspectors actually has decreased slightly. I am therefore very pleased that Senators HOLLINGS and GREGG have allocated \$25.4 million to hire 348 land border inspectors to, in their words, "begin the long process of aligning manning with workload requirements." Eighteen of these new inspectors would be located in Maine, and would increase the number of INS inspectors stationed at land border ports of entry in my home State by 25 percent. Significantly, the bill would mean two new inspectors for Coburn Gore.

On August 31, I wrote to Attorney General Ashcroft asking him to support the increase in land border inspectors including in this bill but, unfortunately, excluded from the House version.

It is cruelly ironic that today, in the aftermath of the worst terrorist attack the world has ever witnessed, news reports have indicated that some of the terrorists responsible may well have entered our country through one or more of Maine's understaffed land border ports of entry.

The INS and Customs Service inspectors on our northern border work hard and long to protect our safety. It is disturbing to learn how often they encounter terrorists and other criminals seeking to gain entry into the United States. Yet it is comforting to know how often these criminals are appre-

hended before they can accomplish their goals.

As skilled and as vigilant as they are, our border inspectors need more help, and that is why I commend the Senator from New Hampshire and the Senator from South Carolina for their work. I strongly support the provisions in this bill that will put more inspectors where they are urgently needed on our borders.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Michigan, Ms. STABENOW, be recognized as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

#### TESTING OUR NATIONAL WILL AND CHARACTER

Ms. STABENOW. Mr. President, I rise today to talk about how Tuesday's terrorist attack is testing our national will and our character. There are no words to fully describe the depth of that infamy and not enough tears to properly mourn the innocent lives that have been so cruelly taken. We join all Americans in a focus to help those victims, families, and communities who have been terrorized, and also to focus on those who are responsible and hold them accountable.

We have come together to say loudly and clearly that we will respond to those who have attacked and murdered Americans. But I am also concerned that in our anger, an anger we all share, we would lash out at fellow Americans who come here from the Middle East, which is also wrong.

I am disturbed by reports from my home State of Michigan that Arab Americans have been victims of threats and hate mail and their businesses and institutions have been vandalized. One businessman felt so threatened that he bought two American flags—one for his home and one for his business—as he felt he needed to prove his love for his country. We want people to fly American flags out of pride, not out of fear.

The Koran, just as the Bible, is a book of love, peace, and tolerance. There are those who have outrageously perverted that message. It reminds me of the Ku Klux Klan that took the symbol of the cross and the words of Christianity and perverted them to lash out with hate and violence against other Americans. There are those in the world who are extremists who are doing the same thing with the religion of Islam.

I know Arab Americans, as all Americans, grieve and have anger and outrage about what has happened, and they want justice for Americans.

I stand here today urging all of us to come together as Americans and not allow the terrorists to have another victory by having us turn on each other. Arab Americans, as all Ameri-

cans, have lost loved ones. They are part of the rescue crews, and they are the nurses and the doctors working around the clock to save lives. We, all of us, have been attacked and assaulted as Americans of all faiths, of all backgrounds. We stand as Americans to take on those who threaten us and to respond and hold them accountable. It is important in our grief and in our anger that we not allow the terrorists to turn us on each other.

This is a time of testing our American values, our beliefs, and our will. It is an opportunity for all of us to stand together and make a statement about who we are and what we believe. I know that in the great State of Michigan, all that I represent, everyone I represent, stand together arm in arm to make sure the victims and the families have what they need and that justice is served in this outrageous attack on America.

Thank you, Mr. President.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIAL, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, yesterday and this morning, one by one Members of the Senate came to the Chamber offering their thoughts on the events that occurred on September 11. There were words of condolence to the terrorism victims and their families. There have been words of praise for firefighters and police officers, many of whom gave their lives attempting to help others.

There were words of anger and warning at the perpetrators of these terrorist attacks, and there were words of concern and outrage the United States is not doing enough to prevent and combat terrorism from rearing its ugly head on our shores.

During my own remarks, I noted that General Holland, the U.S. Air Force commander in chief of the Special Operations Command at MacDill Air Force Base in Florida, who directs our counterterrorism efforts on behalf of the U.S. military, does not have a direct civilian counterpart. I reiterate what I and several other of our colleagues said yesterday: We should have one.

I find it almost ironic, while the terrorists were attacking our innocent civilians and our democratic freedoms, we in the Chamber of democracy's most deliberative body were considering a bill that takes a significant step to provide such a civilian counterpart to the military point person on counterterrorism.

This bill before the Senate today contains language to create the position of Deputy Attorney General for Combating Terrorism.

When I spoke this morning, I commended the two managers of this bill.

Senator HOLLINGS said he was glad to participate, but the original idea came from the Senator from New Hampshire, Mr. Gregg. The Deputy Attorney General for Combating Terrorism would not only oversee the counterterrorism activities within the Department of Justice but would also provide much needed leadership throughout the Federal Government for counterterrorism prevention, preparedness, crisis management, and consequence management.

This Deputy AG would be appointed by the President of the United States, confirmed by this Senate, and would have the authority and access to resource, coordinate, and oversee the full range of programs throughout the Federal Government to combat terrorism.

This Deputy Attorney General would also make recommendations to the Congress and the President for developing a strategy preventing, preparing, and responding to terrorism.

Moreover, this Attorney General would play the central role in reviewing the budgets of all the Agencies and Departments within the Federal Government to determine whether they are adequately funded to implement our national strategy against terrorism, and when General Holland or some other person who follows in his footsteps would want to talk to his civilian counterpart, he would have some place to go and not have to go to the FBI, the Department of Justice, the Immigration and Naturalization Service, or the Department of State. There would be one place for the military counterpart to go.

As Senator GREGG stated earlier today, this proposal may not and should not be the last word in how we respond to terrorism in this country and abroad.

Given the barbaric and uncivilized events of Tuesday, we need action on the part of this Congress and we need it now. We have a bill before us today that addresses many of our concerns. For the fourth or fifth time today, I commend Chairman Hollings and Senator GREGG for their leadership and their vision in including this language in this bill that was written well before the tragic events of Tuesday. I pledge my assistance to them in retaining this language as we move forward in the conference committee on this legislation.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Nevada for his generous comments about the efforts of Senator HOLLINGS and myself in this area and his support of these initiatives in this bill to accomplish some focus on counterterrorism, although, as he mentioned, it is not going to change what happened in New York. It may appear it is too little too late. It is actually in anticipation of trying to get ready for the next round of what is clearly going to be a long and difficult struggle for our Nation. It is part of that effort. It

is not as comprehensive, but it is an important element of it. I certainly thank him for his support as he is a significant leader within the Senate, and his support is welcome and will give this proposal a little bit more credibility.

I thank the Senator from Nevada.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me also thank our distinguished leader, Senator REID.

Mr. President, I ask unanimous consent that the following list I send to the desk be the only first-degree amendments in order to H.R. 2500; that they be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action or debate.

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

The list of amendments is as follows:

#### AMENDMENTS

Bayh: Social Security Payback.  
 Boxer: Relevant.  
 Boxer: Relevant.  
 Breaux: Relevant.  
 Byrd: Relevant.  
 Byrd: Relevant.  
 Byrd: Relevant to the list.  
 Carnahan: Byrne grants.  
 Clinton: Increasing funds for Internet Crimes Against Children Task Force.  
 Clinton: Authorizing pension benefits for spouses.  
 Daschle: Relevant.  
 Daschle: Relevant.  
 Daschle: Relevant to the list.  
 Dodd: Election Reform.  
 Durbin: Replacing Clean Diamonds Act.  
 Feingold: Relevant.  
 Feingold: Relevant.  
 Feinstein: Crib Safety.  
 Feinstein: INS Backlog.  
 Feinstein: Judges.  
 Feinstein: Relevant.  
 Graham: Social Security Trust Fund.  
 Harkin: SOS—Discrimination against Islamic Faith.  
 Hollings: Managers Amendments.  
 Hollings: Relevant.  
 Hollings: Relevant to the list..  
 Inouye: Relevant.  
 Kennedy: Relevant.  
 Landrieu: Domestic Violence.  
 Landrieu: Relevant.  
 Nelson (FL): Relevant.  
 Nelson (FL): Relevant.  
 Reid: Relevant.  
 Reid: Relevant to the list.  
 Schumer: Relevant.  
 Hatch: 15 related to terrorism.  
 Bond: American Airlines.  
 Sessions: Funding for Coverdell Crime Lab.  
 Sessions: Tech on Crime Lab.  
 Sessions: 2 Relevant.  
 Kyl: Terrorism.  
 Kyl: Relevant.  
 Thurmond: Circuit Meetings.  
 B. Smith: Terrorist Assets.  
 Specter: 2 Relevant.  
 Hutchinson: Sky Marshal Program.  
 Lott: 2 Relevant.  
 Lott: 2 Relevant to list.

B. Smith: America Tissue.

B. Smith: Eco Industrial Grant Program Study.

Specter: Redistributing PA Funding.

McCain: Title II.

Nickles: 2 Relevant.

Nickles: 2 Relevant to any on list.

Mr. HOLLINGS. Mr. President, I appreciate the cooperation and leadership of Senator GREGG and the leadership on both sides of the aisle in helping us with this finite list.

They said not to send up the matter of the conferees at this particular time, but that is the same list. The list, Mr. President, is agreed to on both sides and the Chair has already ruled. I only ask that some of these Senators come forward so we can debate and vote.

I want to confer with my ranking member to see what we can have brought up and what we can eliminate and bring this to a conclusive list because this one is pretty long.

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

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to address for a few moments one of the issues we are going to be confronting both on our committees and I am sure in the Chambers of the House and the Senate in the not-too-distant future as a result of the tragic events of this week, and that is the issue of airline safety and what we can do in the future to prevent this tragedy from ever happening again or prevent any kind of hijacking of airliners in the future.

It occurred to me as I began thinking about this—and I have been a pilot all my life. I have flown since I have been about 20 years old, both as a military pilot and a civilian pilot. I have my commercial license. So having flown all these years, I am quite aware of the different steps that need to be taken to provide for aircraft security.

It occurred to me, while I was thinking about all of this, that over the last several years I have been to Israel on more than one occasion—two or three times—and with all of the terrorist activity that the Israelis have had to put up with over all these years, they have yet to lose an El Al airliner. Having gone through the procedure of flying on El Al as I have done in the past, I know they have a system in place in which you are very certain that no one is going to hijack that airplane. It seems to me we could learn a lot from how the Israelis have done that.

I am hopeful our Secretary of Transportation, Mr. Mineta, as he looks at this issue, will call upon our friends in Israel and those who run El Al airlines to consult with us. It has to do with a process and a procedure which might slow things down a little bit. It is true

it might slow things down a little bit, but at least I believe it will give passengers in this country the absolute assurance they are going to be safe when they get on that plane.

The other thing that occurred to me was that whenever you go out of this country and you come back into this country and you go through immigration, you show them your passport. That immigration officer sits in the back of that little desk and swipes your passport through with your photograph and your numbers. They do it for everyone coming through. I am told they have a list of suspected terrorists, suspected criminals, those who have a record, and that list is readily accessible so they can match a passport coming in—not just a U.S. passport but any passport anywhere in the world—check those papers against that list, and they know right away if a name pops up if this is someone they need to detain or to have a further look at before they are allowed into this country.

It is my understanding that list is not available to the airlines, and I wonder again if perhaps this is another system that we ought to look at where, before you get on an airplane, you have your ID, but that some instant check be done to make sure you do not have some kind of a record, that you are who you say you are, and that you would not be on the same list the Immigration and Naturalization Service, INS, would have or a more appropriate list.

Third, we need to make sure our checked baggage is better examined. Again, I go back to what El Al does in terms of making sure that when you get on the airplane, it is your baggage, that the baggage has been x ray'd thoroughly, and before you get on the plane they have identified that as your luggage. We do not do that in this country.

That would not be as easy to accomplish as it sounds. It could cause delays. But, I am hopeful that we can develop efficient methods that can be implemented to efficiently do that minimizing those delays.

It has also been suggested that when you get on an airplane you ought to have a photographic record of that. Tickets can be purchased over the Internet. Once you walk up to the counter and receive your boarding pass, you have to show them a photo ID. But once you get the boarding pass, you can give that to anyone. Anyone can get on that airplane. There is a breakdown there.

Every time I walk into a 7-Eleven store or up to an ATM machine to draw out money, a picture is taken. When you walk into a 7-Eleven store, there is a photograph taken of you in that store. There is a record kept of that. It seems to me a simple matter to put in place that when you walk up to get your ticket, a photograph is taken. That photograph is matched with your identification. When you go to board the airplane and they take your board-

ing pass and put it through the electronics, your picture pops up alongside the boarding pass so they know you are the exact person who bought that ticket.

It seems to me these are simple, technological means we can use to ensure those who buy tickets are the same people who get on the plane and make sure the baggage checked is yours. This method might sharply simplify the process of assuring that checked package being placed on a plane matches those that get on board that plane.

However great a system is, redundancy is essential. So, we also need to think about increasing safety on the aircraft itself.

There has been talk of putting sky marshals on appropriate flights. I got a fax from a friend I flew with in the Navy. Larry Durbin retired as an airline captain from United Airlines. He faxed one sentence: TOM, why don't you hire retired airline captains as sky marshals? I thought to myself, that might be a pretty good suggestion. We have a lot of retired airline captains past the age of flying. They might be interested in this type of occupation. I think that is something we ought to consider. Obviously, they know about flying; they know what it takes. I believe they could help us immensely.

I am told El Al has on their airlines solid doors in their airplane cabins. Once the pilot, the copilots, and the flight engineers are in the cockpit, they lock the door and you cannot get in. You cannot kick it in. The only way to unlock it is from the other side. We do lock our doors on our planes in this country, but, quite frankly, they are not very secure doors. I believe that is another item we ought to look at in terms of making sure that no one can breach cabin security.

Last night, I spoke with Senator STEVENS, both of us being pilots of old vintage. We were talking about the old days. We always had an IFF, identification friend or foe, in military parlance, on all aircraft. When the aircraft started up and you turned on the electrical system, that IFF began to transmit. It was on until that airplane was either shot down or landed and turned off. I believe we ought to have that on every domestic airliner in this country. It is a simple device.

In other words, these people got on and somehow they knew how to turn the transponder off. Once they did that, it was very hard to keep track of the airliner. But with an IFF system that identified a specific aircraft that would be on all the time, that could never happen again.

These are some of the things we are going to have to discuss on the Senate floor and in our committees. Many different measures we have been very lax about. We have been very lucky in this country, very lucky in our domestic and international air service. Our luck has run out. I think now is the time to take a hard look at all of the security

measures we need to ensure airline passengers have the absolute assurance once they get on that airline it will not be blown up and it will not be hijacked.

These are just some of the measures I have been thinking about that I am hopeful the Congress will take action on soon, in coordination with the Secretary of Transportation and the administration. Many improvements are already being implemented. But, other ideas need to be discussed and be implemented. These and perhaps whatever measures are advisable.

In some cases, where airlines now have the responsibility, we probably want to shift those important safety considerations to the Government.

Mr. HOLLINGS. I thank the distinguished Senator from Iowa. He has given a very cogent overview of our needs. It struck this Senator in a similar fashion. I don't have the expert knowledge that the Senator from Iowa has as an active pilot. However, everyone should know, we immediately set up a hearing with the Secretary of Transportation. The first time we get back from the Rosh Hashanah holiday, Monday, Tuesday, and Wednesday, we set it up for 9:30 on Thursday morning before the Commerce, Space, Science Transportation Subcommittee where we have jurisdiction of the Federal Aviation Administration. Along with that, we have a bill from Senator HUTCHISON of Texas with respect to air marshals.

I have been at a news conference and one system was mentioned in detail, which I agree with. Otherwise, the only one you may have left out was a matter of professionalizing the scanners and screeners. The present system now is to leave it to the private airlines. They hire, at the minimum wage level, folks who are totally ill-equipped, not properly trained, and not professional, and they only stay on the job until they can get a paying job, so to speak.

I have mentioned that for several years because in Europe they are all government employees. Governments in the various countries will not allow it to be done except through those professionals. I think we can get that done, and any other suggestions that the distinguished Senator has, I appreciate his leadership on this score. We want to hear from him. The Senator is welcome to come to the hearing next week at 9:30 on Thursday morning.

Mr. HARKIN. I appreciate that. This is the chairman's jurisdiction and I know of his intense interest. I did not know about the hearing. I applaud the Senator for that and congratulate the Senator for moving aggressively in this area. I say to my friend, better training of those individuals doing the checking is on my list; I just didn't read it. I didn't want to take all afternoon.

Mr. HOLLINGS. That is what everyone suggested. Everyone realizes it is inadequate.

Mr. HARKIN. I might add that this ought to be a governmental function.

Mr. HOLLINGS. I think it should be. It is in Europe.

Mr. HARKIN. So we could have them well trained and they know what they are looking for.

I share with my friend from South Carolina something that happened to me in August which gave me pause for concern, but you move on in life.

I was making something; I had to get a 2-inch galvanized pipe that was about 32½ inches long. I had to drill some holes in it and I had to get it from here to my house in Iowa. I have been working on it here. I thought, how am I going to get it out there? It would not fit in my suitcase. So I got a cardboard tube from a package store and put it in the tube and taped it over. I thought to myself, boy, am I going to have trouble when that goes through the x-ray machine, 32½ inch long, galvanized, heavy pipe, into which I drilled holes.

So I go through the x ray machine out here at National. I set it there and I thought, I have all my Senate ID and everything to show them I am a Senator and they can trust me. I could open it up and show them it is just a plain piece of pipe with some holes drilled in it.

It went through the x ray machine and they didn't say anything, nothing. I could not believe it. I thought to myself, what if that had been filled with dynamite? What if it was not me and they just took it right on board with a fuse?

I thought to myself, something has to change. For something like that to go through an x ray machine and they did not even pick it up, a pipe this long, that round, and probably about a quarter inch thick—and they did not pick it up? It should have been changed many years ago.

Mr. HOLLINGS. The main thing is we have to secure that door immediately. You cannot use a domestic flight as a weapon of mass destruction. That has to be done in the next 3 weeks. We ought to get an FAA order out, not about the bags at the check-in, but I mean everybody ought to know they might go down themselves but they are not going to do like they did at the Pentagon or the World Trade Center.

Mr. HARKIN. Those doors have to be solid metal doors.

Mr. HOLLINGS. Locked from the inside, and with a rule not to open them on cross-country flights.

I just flew from Honolulu to Sidney, Australia, and I never saw those pilots come back once. The wind wasn't good; it was 11½ hours. So they can hold tight for 4 hours on a cross-country flight.

Mr. HARKIN. I thank the chairman for his diligence, moving forward rapidly on this matter. I look forward to the hearing. If my schedule permits, I would like to sit in on the hearing. I appreciate his offer.

Mr. HOLLINGS. I would appreciate if you would come, and I would appreciate it if you will help this afternoon, getting rid of this other bill.

Mr. HARKIN. I will do what I can. I yield the floor.

Mr. GREGG. Mr. President, I join with the Senator from South Carolina in hoping Senators who have amendments will bring them to the floor. The opportunity is here to proceed on this bill. In the context of what happened in the last 2 days, the passage of this bill is obviously not an Earth-shattering event, but it is an important element getting our house in order, showing we are doing the business of the Government.

Ironically, a great deal of this bill is directed at assisting the FBI, which has a huge responsibility now, and assisting the Justice Department, which is really the lead agency in the present effort to track down the people who have committed this despicable act, and assisting the State Department, which has been under tremendous pressure. These agencies need to have the reassurance that we as a Senate are going to act and support them. I hope people who have concerns about how this bill is structured and wish to amend it will bring those concerns to the floor.

In the short term, I know the Senator from South Carolina has mentioned the opportunity to go to third reading. We do have a list of amendments. We wish to give those folks the opportunity to bring them forward. They have the right to bring them forward. But this bill is also important. This legislation needs to be passed. I hope people will come to the floor and make their amendments known.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we now have a unanimous consent agreement that is in effect that limits amendments. We have spoken on this side of the aisle to a number of Senators. There are only a few who have given some indication that they want to offer amendments.

I say this with the full understanding that this has been cleared by the manager of the bill. There is going to come a time this afternoon when Senator HOLLINGS and the ranking member are going to move to third reading. The fact that they have these amendments listed doesn't mean they can hold up this bill. If people want to offer these amendments, they have to come over here and offer them. Otherwise, the two Senators will move to third reading, and we will have final passage on the bill.

Is that a fair statement?

Mr. HOLLINGS. This is a fair statement. That should be represented to all Senators who have amendments and an interest in these proceedings.

Right to the point, on the other side of the aisle I think this is an important amendment by Senator HATCH and Senator KYL. They will momentarily come to the floor. Other than that, we are almost cleared on the other side as well. Within the next hour, I would be prepared to move to third reading, unless, of course, my colleague comes down and wants to offer his amendment.

As the distinguished leader is doing, I give notice. Come on down and let us hear from you. We welcome you offering any amendment. But we have to get on because leaders on both sides have an important emergency authorization bill of \$20 billion for the President, plus some other matters that the President wishes us to take up, plus an appointment or two. We are wasting valuable time by not moving along with an amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I second what the Senator from South Carolina said. We are at a critical period in our Nation, and we are treading water. That is inappropriate. This bill has a lot of important elements which are very apropos and necessary for assisting agencies that are in the middle of the fight against terrorism today. We should move it. I agree with the statement by the Senator from South Carolina and hope that Members will offer their amendments. If not, I would support going to third reading.

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

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

AMENDMENT NO. 1558

Mr. HOLLINGS. Mr. President, I send to the desk a managers' amendment. It has been gone over with the ranking member and the other side.

Let me yield on that score.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have reviewed the managers' amendment and support the managers' amendment.

Mr. HOLLINGS. I urge its adoption.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1558.

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

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1558.

The amendment (No. 1558) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I have been listed as potentially having an amendment today. I want to address the subject. I discussed this at our bipartisan caucus luncheon today because this is one of the many serious aftermaths of the tragedy of September 11.

We have talked a great deal, as we should—properly so—about the tremendous search and rescue efforts that are going forward. We are going to move expeditiously to make sure we find those who may be alive, and today as we watch the news, we see very gratifying stories of people being found alive. As I have said before, a search and rescue unit is there from central Missouri where I live. They are working hard.

I also mentioned, in addition to the deaths, the damage, and the destruction that the terrorists have caused directly, they will be successful to the extent they are able to cripple this country psychologically or destroy our economy. We all have a responsibility to work with, to encourage, to respond to the needs of our citizens so they can move forward and not be paralyzed by fear so we can get this country working again.

We have a responsibility as well to make sure that our economy is not crippled.

The situation was brought to my attention today about the two airlines whose airliners were hijacked by these terrorists who are conducting their own form of war against the United States. They captured airlines and used helpless passengers as human bombs to destroy the two towers of the World Trade Center, to destroy a section of the Pentagon, and, with sorrow but without as great a damage, to down one plane in Pennsylvania.

Two of the airlines involved are major airline carriers, American Airlines and United Airlines. They have lost airplanes. More important, they have lost valued employees and their priceless cargo, the passengers.

At this point, the entire airline industry in America is facing a crisis. They have been grounded. Their expenses go on, but their revenues are not coming in. For all of these airlines, we must consider a number of ways to assist them, and we should work on that very quickly to make sure we do not lose airline service because if we were, as a result of this action, to see commercial airline traffic cut off in

the United States, our economy would be crippled.

United Airlines and American Airlines face a very unusual circumstance where because their planes were involved, there is a potential for lawsuits on behalf of the passengers who were killed, the crew that was killed, and potentially even the innocent victims on the ground, which we do not know the final total but we expect it is past the 4,000 mark, and we fear greatly that it may go significantly higher.

I spoke today about the need of providing some means of keeping these airlines from being put out of business by the potential liability. It is not just the lawsuits that they might face in the future that could force these airlines out of business. The potential of the lawsuits has the likelihood of making it impossible for them to continue normal financing operations. In other words, if they were to go to a bank and say: We need to keep our cash flow intact so we have the cash to run our airlines, to purchase the jet fuel, to pay our employees, to buy the supplies, a bank might look at them and say: If you are exposed to lawsuits of wrongful death for untold thousands of people, we cannot lend you money, in which case one could easily see the end of these two great airlines, with the tremendous impact this would have on our economy, not just our traveling public but the entire economic structure that depends upon good airline service.

I raised the question of limiting liability at lunch today with a number of colleagues. One of the concerns that came back from them was, okay, who will compensate these unfortunate victims? We have talked with legislative counsel. We are working with the Congressional Research Service. We do not have ready the amendment I had hoped to be able to present on this bill, but the amendment we are considering would provide compensation for all of these victims under the Federal Tort Claims Act. That means the victims would be compensated in the appropriate manner to the extent they could establish the basis for compensation. It would mean the Federal Government would pay the claims. The important impact would be this would take that one potentially crippling liability off the financial balance sheets of the two airlines.

I am concerned if we do not do that, the airlines will not be able to secure normal financing or extraordinary financing that will now be required to get them back into the air to continue the service that is vital not only for those of us in the traveling public but for the entire economy which depends upon good commercial airline service, not only for passengers but for delivery of other commodities by mail.

We have heard stories about organ donations. Organs being transported for implantation purposes cannot be handled because there is no airline service. There are many aspects of this

economy which depend very much on the effective continuation of airline service.

I ask my colleagues to join me in attempting to find a way where we can be fair and equitable to those innocent victims and their surviving families and still not cripple our economy.

As I said earlier this morning, the terrorists have struck a mortal blow against our fellow citizens, against Americans, against the buildings in New York, the Pentagon, and elsewhere. We must deny them a victory because what they really want to do is cripple us economically and psychologically. There will be many more steps we must take to make sure our economy is not crippled, and there will be concerns coming out of the financial community as well, which is where many firms have suffered great losses. But this particular concern is one where I ask the leaders and members of all committees involved to consider very carefully how we can expeditiously provide an alternative means for compensating the victims that does not put the future of two of our major airlines at risk.

This is not something we can talk about in the next couple of months and act on at the end of this year, the first of next year. This is a question which is imminent, which must be resolved within a matter of days, not even a matter of weeks.

I do not have an amendment at the desk, but I will ask that my name be removed from the rolls of those who proposed to offer an amendment so that the managers of the bill can go about passing this very important Commerce-State-Justice bill which has many other important elements. I invite the thoughts, the discussion, and the constructive suggestions of my colleagues.

The PRESIDING OFFICER. The Senator has that right.

Mr. BOND. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. The first urge would be not to say anything, not to respond, but in deference to one of the best Senators I have served with over my 34 years, I know the Senator from Missouri is genuine, he is sincere, and he is concerned about the economy and the future of these airlines.

I heard about this a little while ago. Let us have hearings. There is nothing to avoid that. We are going to have hearings, first of all, with respect to safety so we can get the airlines back up and running.

I am an old-time trial lawyer. With respect to any kind of claims, if there are indeed claims, they would not be filed for months. It appears to me as an act of war they might define some negligence, but be that as it may, the FBI is going to do some of the best investigating for us.

That will take months. If you filed a summons and complaint in the next

hour, you would not get to court before the end of next year, I can tell you that, with the motions and everything else. So trying to compensate the victims, which we will be concerned with, there is no question the Senator from Missouri is correct on that particular score, that is to come.

We heard this about the airlines and we found out last year from a GAO report that they had \$100 billion in reinsurance. But barring that and later the statement made that we do not want to wreck the economy, we can save the economy in this Chamber of the Senate.

A couple of months ago we were talking about surpluses, surpluses, surpluses, surpluses. As of this minute, according to the debt to the penny by the Secretary of the Treasury, there is \$96 billion. It could well be these losses would amount into the billions, maybe not \$96 billion. But you and I have done this in the last several months, talking about surpluses and cutting revenues some \$74 billion and then running around in a circle, where did the money go? The economy went into a dip. We took \$74 billion out this fiscal year that is going to end in 2 weeks' time.

So for those who are concerned about the economy—and please include me in that number—let us look at where it has really been devastating. This act of war is devastation enough. I appreciate the sincerity and the vision of my colleague from Missouri. We definitely are going to have some hearings on this issue, and I will be supporting some kind of compensation, but as of this minute, the safety of the people is the supreme law—*salus populi suprema lex esto*. The Senator from New Hampshire will have to coach me on my Latin. He has the Boston Latin school up there, and they have the Charleston Latin school that is not quite as keen.

In any event, it is the 12th Roman canon, the safety of the people to get on these airlines. Do not worry about claims. Do not worry about compensation. Worry about safety. Already one-third of the air traveling public says they do not want to travel on a plane right now.

One of the best things we can do is have this quick hearing, establish a locked cabin door policy where the cabin is not accessible, where you cannot make a domestic flight into a weapon of mass destruction, and get along with those ways where we can do the real job of the Senate.

As to compensation, we are going to have to get to that later in hearings. I do appreciate the Senator from Missouri raising this particular question and the fact that he will set it aside now so that we can move on this bill this afternoon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, as the chairman of the subcommittee and the manager of the bill knows very well, in September 1999 the Department of Justice sued the tobacco industry to recover federal costs associated with diseases caused by smoking. The suit alleges that the tobacco companies engaged in a campaign since 1953 to defraud and deceive the American public regarding the dangers of smoking disease and death, despite the fact that the companies were aware of these health effects.

This case continues to be pending before the courts. Last year, a U.S. District Court judge dismissed some counts of the lawsuit but upheld the government's right to sue the tobacco industry under the Racketeer Influenced and Corrupt Organizations Act. That portion of the case is still pending. Discovery is underway, and the judge has set a trial date for the year 2003.

There were a number of press reports that indicated some uncertainty of the Department of Justice about this lawsuit. The Attorney General has indicated that he was going to personally review the lawsuit and determine whether or not to vigorously pursue it.

Just last week, the Acting Assistant Attorney General for the Civil Division at the Department of Justice testified before the Senate Judiciary Committee that the suit is proceeding as planned. I presided over that testimony.

I inquire of the chairman of the subcommittee, the manager of this important appropriations bill, whether it is his intent and understanding that amounts provided for the Department of Justice in this appropriations bill are available for conducting this lawsuit against the tobacco companies.

Mr. HOLLINGS. In response to the distinguished Senator, there is nothing specifically providing for funds. Actually the bill itself is silent.

Section 109, which was used by the previous administration to charge the various other Departments of the Government that would be compensated as a result of a successful lawsuit, is still in existence and is available to the Attorney General. I have discussed that with the Attorney General myself.

There is a real difference with respect to my colleagues on the other side of the aisle. As the Senator from Illinois knows, we have had a couple of votes on this. In any event, we figured the best way was to remain silent. But I say affirmatively, section 109 and what was available to the previous administration is available to this administration to continue with the suit.

Mr. DURBIN. I thank the chairman on this important appropriations bill. So there is nothing in this appropriations bill which in any way inhibits the vigorous pursuit of this lawsuit?

Mr. HOLLINGS. There is nothing.

Mr. DURBIN. I thank the Senator and yield the floor and 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. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1559

Mr. HOLLINGS. Mr. President, I send a managers' amendment to the desk, that has been checked on both sides, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1559.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 12, line 10, strike "an in effect on June 1, 2000."

On page 17, line 20, after the colon insert the following: "Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended."

On page 24, strike lines 19, 20, and 21, and insert "\$79,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including \$1,500,000 for the Standing Against Global Exploitation (SAGE) Project, Inc."

On page 76, line 6, strike "\$3,063,305,000" and insert "\$3,061,805,000".

On page 25, after line 21 insert the following:

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriation of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 25, add the following:

SEC. 623. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking "on or about October 1, 2000," and all that follows through the end and inserting "not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003."

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1559.

The amendment (No. 1559) was agreed to.

Mr. GREGG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I suggest the absence of a quorum.

Mr. REID. Will the Senator withhold and yield for a moment?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the two managers of the bill, I have been instructed by the majority leader to indicate that he has every desire and every intent to finish this bill tonight.

Mr. HOLLINGS. We should finish it momentarily. I know of two amendments they tell us about, but they have been telling us about them all afternoon. I am ready to move to third reading.

We will have a recorded vote. We will pass this bill tonight. We are just about through. That is why I sent up the managers' amendment.

Mr. GREGG. If the Senator from Nevada would yield on that point.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. GREGG. New Hampshire.

The PRESIDING OFFICER. Excuse me, New Hampshire.

Mr. GREGG. A wonderful State. Vermont is pretty, too.

Mr. REID. We wish we had New Hampshire's water.

Mr. GREGG. We would be happy to send you some.

The PRESIDING OFFICER. And Vermont's ice cream.

The Senator from New Hampshire.

Mr. GREGG. The Republican leader has also advised me he expects this bill to be done tonight. So we will stay here until we get a final vote on it. We are down to, I guess, two amendments—potentially two amendments from our side of the aisle. It would be great if we could get those wrapped up so we could close this bill up and get on to a supplemental which is very important.

Mr. HOLLINGS. It isn't the case, Mr. President, of us not being considerate, deliberate, and patient. The two amendments that could be—or one, perhaps—that could be offered, they have been put on notice publicly here twice by our distinguished leader, Senator REID, myself, and others. And they have been contacted. I hope they get to this Chamber in the next few minutes because we just can't wait all afternoon and hear that they are getting together an amendment. This bill has been under consideration for 2 days.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. I also say to my friend, in relation to the procedure around here, it is just out of the courtesy of the two managers of this bill that you are not moving forward.

Mr. HOLLINGS. Right.

Mr. REID. The managers have every right within the rules of the Senate to now move to third reading, but they have been very patient. I appreciate that. I hope the people who are trying to work out these amendments appreciate their patience.

But also, on the other hand, the two managers have been in this Chamber

all day long, in quorum calls most of the time. That is not appropriate. I hope people will understand that courtesy should be reciprocal.

Mr. HOLLINGS. I thank the distinguished leader and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1560

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, Mr. HATCH, and Mr. LEAHY, proposes an amendment numbered 1560.

(Purpose: To express the sense of the Senate regarding discrimination against Arab Americans)

At the appropriate place, insert the following:

SEC. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that "we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction.";

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the U.S. and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

Mr. REID. Mr. President, I ask unanimous consent that a vote occur on this amendment at 5:20 and that there be no amendments allowed on the bill prior to the 5:20 vote, and the time be divided between Senators HATCH and HARKIN during the approximately 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself and Senator HATCH of Utah, and other cosponsors are Senator REID and Senator LEAHY, chairman of the Judiciary Committee. Also, Senator HOLLINGS, the chairman of the Commerce Committee, and Senator FEINGOLD wanted to be added as cosponsors.

The entire Nation has been shocked and dismayed at what transpired earlier this week in New York and at the Pentagon in Northern Virginia and in Pennsylvania. These were attacks on the American values of liberty, diversity, and tolerance; the terrorists hate us for what we are and what we believe in. As we mourn our dead and pursue the attackers, we must strive to protect not only the American people, but also our American values.

I am truly saddened when I hear of malicious and sometimes criminal acts that have been committed all around the country in the last couple of days against Americans who may be from the Mideast, or whose ancestors may have been from the Mideast, who may be of Arabic descent, or of the Islamic faith—but who had nothing at all to do with these attacks.

Arab Americans and American Muslims have faced a terrible rash of hate crimes since Tuesday morning:

On Wednesday, police turned back 300 people who tried to march on a mosque in Bridgeview, IL, a southwest Chicago suburb, waving American flags and shouting "U.S.A., U.S.A."

I would like to read a quote from Governor Ryan of Illinois, who said:

The terrorists who committed these horrible acts would like nothing better than to see us tear at the fiber of our democracy and to trample on the rights of other Americans.

I think Governor Ryan had it right when he was responding to those marching on this mosque in a suburb of Chicago.

Up to six shots were fired at an Islamic center in Irving, TX, a suburb of Dallas.

A Molotov cocktail was tossed at an Arab American community center in Chicago.

In Huntington, NY, a drunk 75-year-old man tried to run over an American Pakistani woman in a parking lot, then followed her into a store and threatened to kill her for "destroying my country."

Two bricks with notes were thrown through the window of an Islamic bookstore right here in Alexandria, a suburb of Washington, DC. One note was addressed to "Arab murderers." The other opened with an obscenity and said, "You come to this country and kill. You must die as well."

Members of the Islamic community center in Sterling, VA, came to the center in order to give blood for the victims of the terrorists acts. When they arrived, they found their hallway spray-painted with black letters, several feet tall, saying, "Die, pigs," and "Muslims burn forever." Other

mosques and community centers have been vandalized, splattered with blood, and received hate messages, and more.

These acts are attacks both on Americans and on our American values of liberty, diversity, and tolerance. They are acts of hate, as Governor Ryan said, that tear at the fabric of American society. We cannot accept them or let them go unanswered.

It is especially ironic that these acts of hate have occurred despite strong Arab, Arab American, and American Muslim support for our country in the wake of the terrorist acts. Heads of state in Saudi Arabia, Egypt, Jordan, Kuwait, Pakistan, and other predominantly Muslim countries have strongly condemned the terrorist attacks and the senseless loss of innocent lives. American Muslims have lined up to give blood for those injured in the attacks, waiting in line for hours, along with so many other Americans. They are as saddened, sickened, and outraged at what happened as other Americans.

The terrorist attacks were heinous crimes, and we will bring to justice and punish their perpetrators and those who aided or harbored them. But we must make sure that when we train our sights on the enemy, we do not harm innocent people in the crossfire. Again, I quote from Cardinal McCarrick, the Archbishop of Washington, speaking at a mass on Tuesday:

We must resist the temptation to strike out in vengeance and revenge and, in a special way, not to label any ethnic group or community for this action, which certainly is just the work of a few madmen. We must seek the guilty and not strike out against the innocent, or we become like them who are without moral guide or direction.

These outbursts of hate, this misplaced blame and labeling of an entire group, is not an inevitable response. When 168 people died in the bombing of the Federal building in Oklahoma City in 1995, some people immediately falsely assumed that Islamic extremists had done it, and the same kind of vandalism and hate speech occurred. Later, when we found out that the main perpetrator was Timothy McVeigh, nobody said all Christians are to blame.

Not all Christian churches were attacked. No acts of hate against American Irish followed the bombing in Oklahoma City. We brought the perpetrator to justice, but we did not attack others simply because they may have looked like, or belonged to the same faith as, or had the same ethnic background as Timothy McVeigh.

We should not paint with a broad brush those who may look the same, or have the same ethnic background or religion, as those who perpetrated these heinous acts on Tuesday.

In Arabic, Islam means peace, and in the Koran it says:

Whoever kills a soul unjustly, it will be written in his book of deeds as though he killed all humanity.

Chapter 5, verse 32 of the Koran.

Those who are using the Islamic faith as some justification for the wholesale killing of innocent people are simply trying to cloak their murderous activities with the cloak of religion and the Islamic faith.

The Islamic faith is a religion of compassion and mercy, of tolerance and justice, and we should not let those terrorists, those who kill innocent people, try to make the Islamic faith into something it is not.

This amendment that Senator HATCH and I and others have sent to the desk expresses the sense of the Senate condemning the vicious backlash against our Arab Americans and American Muslims. The resolution also affirms the important role that American Muslims have played in America and in our world culture, and affirms the American values of religious freedom, rule of law, and civil rights.

I hope this will be adopted unanimously as a strong statement of our enduring support for our constitutional framework of tolerance, civil rights, human rights, and diversity.

In this time of national trial, we must come together with resolution, determination, and unity. We cannot afford hate, divisiveness, or prejudice, or we become like the terrorists.

I urge all my colleagues, I urge all Americans to celebrate our diversity, to reaffirm the contributions and civil liberties of all Americans, including Arab Americans and American Muslims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Utah.

Mr. HATCH. Mr. President, I commend the distinguished Senator from Iowa for his work on this amendment. I am very pleased to join with him in this amendment. As a former chairman of the Judiciary Committee and the current ranking member, I commend the good senator from Iowa for preparing an amendment that demonstrates America's inherent principles of justice and fairness for Americans of all backgrounds.

American values require that we choose our enemies specifically and never do so by ethnic or racial identities. That is just the way our country is. Yet the incidents my distinguished friend from Iowa has recounted, of which I am aware, really indicate there are people out there who fail to recognize that there are wonderful Arab Americans and people of the Islamic faith who are just as patriotic and just as devoted to our country as anybody in this body, and there is little or no excuse for the kind of prejudice we have seen.

The purpose of this sense-of-the-Senate resolution is to have the Senate on record to let people know that we do not believe in prejudicial activities against any American citizen. All Americans should be free from discrimination, including Arab Americans and persons of the Islamic faith.

We all know decent, dedicated and patriotic people among the Arab-Amer-

ican and Muslim communities of our country. These people, in the finest tradition of the immigrant contribution to the American tapestry, have made and are making contributions in their communities and to our country.

We all know how important it is for us to stand together against tyranny and prejudice. We all know that it is important for the Members of the Senate to be on record against these type of prejudicial activities.

We oppose terrorists, not ethnic groups. We oppose the people who have done these horrendous, horrific acts, not U.S. citizens who are devoted to our country and who are just as horrified as any and all other Americans.

We are going to do something about these terrorists. I believe that soon we will have sufficient identifications to be able to take very strong action against those who have committed these atrocities and against those who are harboring those who commit these types of atrocities. And the whole world, I believe, will be with us.

It would be a tragedy if we as Americans commit acts of discrimination and violence against fellow Americans who may hold beliefs that are different from other fellow Americans or who may be ethnically different from other Americans. It would be a tragedy if we allow this to continue. It is important for all of us to embrace each other, to stand together against tyranny, to stand together against terrorism throughout this world, and some of the most vociferous antagonists of terrorism are Arab Americans and members of the Islamic faith.

I know that my fellow Americans are all outraged at the events of last Tuesday. No one has an edge on outrage. No one, it seems to me, is more pure than anybody else when it comes to this. But it is simply unacceptable, immoral and illegal to take it out on people who are honorable, decent U.S. citizens or on people who support us throughout the rest of the world and especially in the Middle East as well.

I commend my colleague for his initiative. He is doing the Senate and the country an important service. I consider it an honor to cosponsor this resolution with my dear friend, Senator HARKIN and I hope everybody will vote aye on this particular sense-of-the-Senate resolution.

Mr. President, I yield my remaining time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Utah. I commend the Senator from Utah and the Senator from Iowa on their comments that there should be a clear-cut distinction between those who are responsible for terrorism and impugning any motives to any other Americans whatever may be their descent.

We are a nation of immigrants. My parents were both immigrants. There



are Native Americans, but by and large this is a country of immigrants and ethnicity. Making judgments about people should not be based on their descent.

When we talk about terrorism, we are talking about specific individuals who have committed specific acts subject to proof and not anyone else.

I have sought recognition principally to have a discussion with my distinguished colleague from Idaho about the International Criminal Court. There was an amendment accepted by voice vote earlier which prohibited the use of any funds for the Preparatory Commission of the International Criminal Court. The matter will have to be resolved in conference.

The House of Representatives has a different provision, and I want to discuss the matter briefly. I regret if I have caused any delay here.

Mr. HOLLINGS. If the distinguished Senator will yield, the Senator from Iowa wants to ask for the yeas and nays on his amendment. Can we do that?

Mr. SPECTER. The Senator from Iowa wants me to yield for that purpose?

Mr. HOLLINGS. And not lose the floor.

Mr. SPECTER. I do that for the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. SPECTER. I was about to say I regret if I have caused any delay, although I do not know that I have. I was in the Chamber about 2:25 p.m. to conduct the business I had, and other matters were being attended to on the floor at that time, and then the President asked the Members whose States were involved in the recent terrorist attack to come to the White House, and I came back from there as soon as I could.

To the point on the International Criminal Court, I was a sponsor in the early 1980s of an international criminal court. At that time the thought was that the court would be directed to acts of terrorism, kidnapping, and hijacking, as well as drug dealing, when the world was faced with these enormous problems which could not be dealt with on the national level. We had at that time, in the early to mid-1980s and beyond, drug dealers operating out of Colombia where we could not secure their extradition.

The thought then was that the drug dealers might be turned over to an international criminal court, but not to the United States, for prosecution. There was a riot outside the U.S. Embassy in Honduras involving some individuals whom the United States want-

ed to extradite to the United States. Again, an example of what might have been handled by an international criminal court. As to hijackers and terrorists, the thought then was that countries might cede custody of these individuals to an international criminal court, whereas they would not give custody to the United States because of national sovereignty and issues of ideology. Since the mid-1980s when a lot of impetus was made for an international criminal court, of which Senator DODD and I were the principal co-sponsors on resolutions—which I shall not burden the RECORD with at this time because we are getting close to the time of a vote—the International Court has turned in a very different way with the War Crimes Tribunal. The War Crimes Tribunal has been effective in bringing before it Milosevic and others who were war criminals on charges of crimes against humanity, and there has also been a similar tribunal in Rwanda.

There has arisen a very difficult issue about the court asserting jurisdiction over U.S. military personnel and U.S. citizens based on what are essentially governmental decisions.

When I was in The Hague talking to the War Crimes Tribunal prosecutor Carla Del Ponte, I was surprised to hear from her that she had given consideration to a possible indictment of NATO Commander General Wesley Clarke at the urging of Russia and Yugoslavia. Carla Del Ponte considered possible prosecution against General Clarke for targeting civilians or for using unreasonable force because the targeting of military installations resulted in injury to civilians.

It seemed to me, and I said this to Carla Del Ponte, that such authority given to the prosecutor of the War Crimes Tribunal, or the prosecutor of an international criminal court, goes too far. Having had substantial experience as a district attorney, it should be determined whether indictment is going to be a fact question or a question of discretion on the part of the prosecutor. This should be considered when indicting someone of the standing of General Clarke, who is carrying out governmental decisions by NATO. I thought his indictment hardly fit what was conceived generally to be the jurisdiction of an international criminal court.

It is my judgment the United States cannot be a party to an international criminal court which would consider an indictment illustratively of General Wesley Clarke. If the President takes action against terrorists under a resolution authorized by the U.S. Congress, who knows if that governmental decision is going to be subject to a prosecutor's judgment? That action would be outside of the range of what is considered a criminal act or what is considered traditionally, as a crime against humanity.

All of this brings me to a concern that I have about the prohibitory na-

ture of the amendment offered by the distinguished Senator from Idaho, which limits any funding to the Preparatory Commission. My view is the United States should participate in the Preparatory Commission in an effort to try to establish jurisdiction, which makes sense and is consistent with our principles. If we do participate in the Preparatory Commission, I am sure that we can affect the ultimate jurisdiction of the International Criminal Court. If we participate, I have a sense that the United States will be able to structure an international criminal court targeted in a realistic way and involving traditional criminal concepts as opposed to governmental decisions. There is a distinct possibility—again, not a certainty, but a possibility—that the International Criminal Court can be so structured.

I am concerned that an international criminal court which does not have input from the United States will come into existence. Input from the U.S. could correct problems that may arise if the international criminal court seeks to exercise jurisdiction over Americans at a later date, even if we are not a member of the criminal court.

International criminal law has taken a very expansive turn in modern times through efforts to prosecute people such as former U.S. Secretary of State Henry Kissinger and former Chilean President General Augusto Pinochet, and with courts in other countries exercising previously unheard of jurisdiction.

It is my hope that in conference we can structure an arrangement where funding is not denied to the U.S. Government so that it can participate in the Preparatory Commission. U.S. participation in this commission would allow this country to work out these issues so that American citizens and citizens of other countries will not be subject to runaway jurisdiction, and so that we will not have Secretary Kissinger subject to prosecution again. General Pinochet of Chile is another matter, but I would rather be inside the tent than outside it when trying to deal with these issues.

I yield to my distinguished colleague from Idaho.

Mr. CRAIG. I thank the Senator from Pennsylvania for yielding. I must say, in all respect to him, I have always appreciated the Senator's legal mind and the way he works through very difficult processes, and it does not differ here.

He and I are extremely concerned about the very broad authority that appears to be given to a new court if it becomes ratified. That is why early this week I moved to deny our participation in it.

It is arguable, by those to whom I have listened, that even a preparatory commission's involvement is not going to allow us to change the jurisdiction as prescribed by the Rome treaty. The Senator has every right to be concerned about this broadened authority

and efforts internationally to go after some of our officials for their responsible actions based on our public policy.

The issue is that 30-some-odd nations have already ratified it. It takes 60 with or without our approval. It could become an operative court. It has an independent prosecutor who legitimately, by its actions, could go after anyone 18 years of age or older anywhere in the world. In other words, our sovereignty, our ability to protect our citizens, might only rest within our borders. It was not long ago that Henry Kissinger was in France and our Secretary of State had to intervene to protect him because a French judge was after him, trying to arrest him. This happened less than a few months ago.

I think the Senator is right to be concerned at a time when our President is rallying internationally a coalition of nations to develop a strategy to go after international terrorism, that somewhere down the road that President might be held accountable by an international body, even though he had the express permission of this Nation and our people to protect this Nation and our people, and would choose to do so in an extraterritorial way.

Those are very legitimate concerns. I do not know that our presence at the table can make the difference because it is my understanding we cannot change the basic premise or the intent of the Rome Treaty.

I told my colleague from Pennsylvania that I will work with him in conference. Clearly, this has to be defined in a way that does not allow an arbitrary approach. I am concerned our presence at the Preparatory Commission in some way gives to the world an idea that we might be subliminally endorsing this concept. It must be clear we do not.

The PRESIDING OFFICER. All time on the pending amendment has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Allard	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Corzine
Bayh	Campbell	Craig
Bennett	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Domenici
Breaux	Clinton	Dorgan

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

NOT VOTING—2

Dodd Voinovich

The amendment (No. 1560) was agreed to.

Mr. HOLLINGS. Mr. President, we have been very patient and very understanding. I am ready for the amendment or amendments that the distinguished Senator from Arizona has. But it has to be forthcoming or we will just move to third reading. If they don't want a vote for third reading, then we will move on to something else.

This situation has really gotten totally out of hand with respect to the system for bills being considered on the floor of the Senate. That is the work of the Senate. That is front and center. From time to time there are amendments, and they are held up. It takes actually less time to work them out. So I am not all antsy that we have to be moving and voting every second. In fact, that is what we have been doing all afternoon. We have had a good afternoon working them out.

But the Senator from Arizona has been put on notice. I understand that he is still trying to reconcile an amendment that some would agree to and then some would not agree to; and others are saying: Look, wait a minute. This is authorization on an appropriations bill; it covers the jurisdiction of several committees; it deserves to be heard before voted upon.

I do not know that the point of order would be made of legislation on an appropriations bill. But I say this publicly so everybody is on notice. I do not want to say that we just abruptly moved for it. I do not have to get third reading. I have other work to do.

I yield to the distinguished Senator.

Mr. DORGAN. Mr. President, I wonder if the Senator from South Carolina would yield for a question.

Mr. HOLLINGS. I am delighted to yield.

Mr. DORGAN. I share his sentiments in trying to move this bill and complete it. I wonder what would prevent us from going to third reading. Is there an objection to doing that?

Frankly, when a bill has been on the floor a long period of time, and people are on notice, it seems to me they have some responsibility to be here to offer amendments.

So I ask the Senator, what would prevent us from going to third reading at this point?

Mr. HOLLINGS. It would be the will of the Senate whether they want to continue or not. It would be an up-or-down vote. It would not be a unanimous consent.

Mr. DORGAN. If I might inquire further, obviously no one wants to short-change the opportunity of any Senator to offer any amendment at any point.

Mr. HOLLINGS. Right.

Mr. DORGAN. But there comes a time, it seems to me, that when, if you have an amendment, you have a responsibility to come and offer it, and let the Senate decide.

If there are those who have amendments, I hope they will come to this Chamber. I know the Senator from South Carolina and the Senator from New Hampshire have been in this Chamber, literally begging for people to come and get these amendments to the floor.

Mr. HOLLINGS. And on this particular amendment, my understanding is that there are serious misgivings about it because, No. 1, it is authorization, a tremendous authorization bill affecting the intelligence activities and the different departments and the different committees involved there. And the committee chairman, I understand, would oppose it. I know two or three Senators who say they are going to oppose any amendment that involves legislation on an appropriations bill.

So I am saying this publicly so no one will think that I am presumptuous or traumatic in any sense that I just cut somebody off. They are just cutting off the real work of the Senate because everybody is ready to vote on final passage of this measure.

I see the distinguished chairman of the Judiciary Committee is in the Chamber. Maybe he can enlighten us as to where we are headed and that we should wait. I will, along with the chairman of the Judiciary.

Mr. DORGAN. One final point, if I might, if the Senator from South Carolina will yield.

I would encourage the Senator to consider going to third reading on this bill, or at some point there needs to come a time when the Senate says it is time to go to third reading if people are not going to be here to offer amendments.

Mr. HOLLINGS. The distinguished Senator from Vermont, Mr. President, has been waiting patiently for 5 or 10 minutes to speak as in morning business. And then we will come back on to this bill. So I ask unanimous consent that he be recognized for 10 minutes.

Mr. REID. Will the Senator yield for a brief moment?

Mr. JEFFORDS. I am happy to yield.

Mr. REID. I say to my friend from South Carolina and my friend from New Hampshire, there are negotiations going on in the hall now. I have been told that within less than 10 minutes they will come in and report to the two

managers of the bill as to what progress has been made. They feel confident they will have something to offer. So we shall see.

Mr. HOLLINGS. Good.

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

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are printed in today's RECORD under "Morning Business.")

MODIFICATION TO AMENDMENT NO. 1559

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I send a technical amendment to modify amendment No. 1559 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is to be so modified.

The modification is as follows:

On page 24, line 19, strike "\$83,125,000" and insert "\$84,625,000".

On page 24, line 21, before the ":", insert the following: ", of which \$1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.".

Mr. HOLLINGS. I thank the distinguished Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Utah is going to offer an amendment on his behalf and others'. I ask unanimous consent this amendment be the only first-degree amendment in order to this bill, of course, with appropriate second-degree amendments.

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

AMENDMENT NO. 1562

(Purpose: To enhance the capability of the United States to deter, prevent, and thwart domestic and international acts of terrorism against United States nationals and interests)

Mr. HATCH. I send an amendment to the desk on behalf of Senators.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mrs. FEINSTEIN, for herself, Mr. HATCH, and Mr. KYL, proposes an amendment numbered 1562.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

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

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

Mr. HATCH. Mr. President, we are all interested in moving forward to support this funding bill, and we broke through the barrier where this is the

last pending amendment. We are also even more concerned that the Government have the right tools to hunt down and find the cowardly terrorists who wreaked such havoc 2 days ago. For this reason, I believe it is important to make available important tools to those investigating this and related matters. This amendment, in my opinion, is critical and should pass this evening.

I have been working with my colleagues, Senators FEINSTEIN, KYL, and SCHUMER, on a package of reforms that can aid these investigations. I will highlight a few of the provisions to this bill.

As the tragic events of this week have shown, one of the most essential tasks our Federal Government faces in the post-cold-war era is that of protecting our Nation and our citizens from the unprovoked acts of terrorism. In the aftermath of Tuesday's devastating attacks on the World Trade Center and the Pentagon, we, as lawmakers, must take every step possible to ensure, in addition to adequate financial resources, that the law enforcement community has the proper investigative tools at its disposal to track down the participants in this evil conspiracy and to bring them to justice.

One of the most effective investigative tools at the disposal of law enforcement agencies is the ability to go to a Federal judge and get wiretapping authority. It is critical in matters such as this. That is the ability to intercept oral or electronic conversations involving the subject of a criminal investigation. The legislative scheme that provides this authority, and at the same time protects the individual liberties of American citizens to be secure against unwarranted government surveillance, is referred to in the criminal code as Title III. Among the many protections inherent in Title III is that only the investigations of certain criminal offenses, those judged to be sufficiently serious to warrant the use of this potent crime-fighting weapon, are eligible for wiretapping orders. The law lays out a number of crimes deemed by Congress to be serious enough to warrant allowing the FBI to intercept electronic and oral communications.

Title III currently allows interception of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property.

Inexplicably, however, the Federal terrorism statutes are not currently included in Title III. I have been complaining about this for a long time and this is the time to correct it.

Let me repeat that. Title III currently allows interceptions of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property—important issues.

The PRESIDING OFFICER. The Senator will please suspend. The Senate

will be in order. Senators will kindly take their conversations off the floor.

The Senator from Utah.

Mr. HATCH. It takes care of those criminal activities, mail fraud, wire fraud, and the interstate transportation of stolen property, however the Federal terrorism statutes are not currently included in Title III. As a result, Federal investigators are often hampered in the use of this powerful tool when investigating terrorist incidents. We have to remedy that, and we should not let a day go by without remedying it. We should not let some of the petty aspects of this body stand in the way, not passing this type of legislation right now when it is really needed, on the day that, for the first time in my 25 years, a vote was interrupted by a bomb threat and we all had to move outside.

It is time to start fixing these laws. We can play around with commissions. We can play around with task forces. We can do a lot of other things, but I would like to fix it now.

At this juncture of our history it is essential that we give our law enforcement authorities every possible tool to search out and bring to justice those individuals who have brought such indiscriminate death into our backyard. However, we must also be careful that in our quest for vengeance we do not trample those very liberties which separate us as a society from those who want to destroy us.

We are fortunate that we already have in Title III a legislative scheme that balances these conflicting interests. We must not be hesitant to bring this very important tool—the wiretapping statute—to bear on the terrorists who threaten our national security. That is one of the things this amendment will do, and in my opinion one of the most important things that this amendment will do. But it is not all this amendment will do.

Second, cybercrime is one of the fastest growing areas of criminal activities. Terrorists, criminals, and hostile governments are using computers as tools to perpetrate crimes, and are targeting computer networks to perpetrate acts of terror that, until this week, would have been unimaginable on American soil. Millions of dollars are lost annually as a direct result of this criminal behavior, and it is no longer a fantasy that thousands of lives could be lost in future terrorist incidents.

The FBI is devoting an increasing share of its resources to combat cybercrime. It is up to us as lawmakers to ensure that, in addition to adequate resources, the FBI has the proper tools at its disposal to meet this new challenge.

Title III allows the Department of Justice to go to a Federal judge and get authority to intercept oral or electronic conversations in connection with the investigation of criminal activity. The law lists a number of crimes deemed by Congress as serious

enough to warrant allowing the FBI to intercept communications. Because cybercrime is a relatively recent development, the Federal cybercrime statute is not currently included in Title III. As a result, Federal investigators could not use this powerful tool when investigating cybercrime offenses.

Tuesday's despicable attack on the World Trade Center and the Pentagon must serve as a wake-up call that we are vulnerable to attack in ways we have never imagined. A computer-based attack on our criminal justice infrastructure remains a very real possibility. I urge all my colleagues to agree to this amendment to provide our law enforcement authorities with the tools they need to effectively combat this growing menace to the security of our society.

There are other important tools this amendment will provide, tools that those investigating the terrorist acts committed earlier this week will be able to use to prevent terrorist acts in the future. We put up with an awful lot of mistaken arguments around here throughout all these years that made it very difficult to put human intelligence to work in the interests of the protection of our people, and it is inexcusable, under these circumstances, to allow that to continue.

As you know, in some cases, when dealing with human intelligence assets, sometimes you have to deal with unsavory characters because they are the only ones who can get inside and help us know the motivations of some of the people who are about to do terrorist acts. It is pretty pathetic that we cannot get our law enforcement people the ability to get wiretap authority against terrorists because they are not included in title III, unless there is some underlying criminal reason for doing so. We have to stop that. If we wait any longer, it seems to me, it is a big, big mistake, with the way people are afraid in this country, with what happened this week, and with the threats that continue to surround us throughout the world.

I have a lot more to say on this, but I think, if I can, I would like to yield the floor to my colleague from Arizona, if he cares to take the floor, and he can talk about further aspects of this bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is my intention to be very brief, unless there is some objection to what we are doing, because I think all of us would like to get on with the adoption of this piece of legislation so we can conclude work on this bill. But just to ensure there is an adequate description of it, I would like to take a minute.

I also ask unanimous consent that Senators DEWINE, SESSIONS, and THOMPSON be added as original cosponsors.

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

Mr. KYL. I believe Senator SCHUMER will have some things to say in a moment. He may ask as well to be added.

Let me be very clear about the intent of this legislation. This country has just suffered the worst terrorist attack in its history. All of us are focused on the victims. We are focused on the terrible devastation and the individual lives impacted. But, as policymakers, we have also been asked some hard questions by our constituents and those questions include things such as: Why can't our Government do something about these horrible crimes? As policymakers, we have to respond to that. We have such an opportunity. I use that word advisedly because in the circumstances that put us where we are today, that word seems hardly appropriate. But we do have an opportunity, given the fact we are here doing business on behalf of the American people, and that part of that business is the bill that relates to the jurisdiction of the Justice Department, the funding for that Justice Department, and the fact that the bill before us, in fact, even includes some revisions in the law with respect to the authority to deal with terrorism. It sets up a special new office in the Attorney General's office, a Deputy Assistant Attorney General, to deal specifically with terrorism, and in other ways deals with terrorism. Therefore, there is an ability for us today to focus on some additional improvements that can be made in our law to deal with terrorism.

I hasten to say that this is not "the answer" to the problem of terrorism. In the first place, I do not think there is a silver bullet. There is no single answer. We already know that there are a whole lot of things we are going to have to do to improve our ability to detect it, to predict it, to stop it, and to enforce whatever action is appropriate after the fact.

I am sure we will be creating commissions and we will be passing legislation. In fact, we are going to be passing an appropriations bill to begin to fund some of the cleanup of this in the very near future, I hope.

There are a lot of things that we have to do. One set of things experts in terrorism have been telling us for a long time and the Director of the FBI has been telling us has to do with a few changes in the law that make it easier for our law enforcement people to do their job.

I have a copy of just one of the three major commissions that have reported on terrorism. This is a report called "Countering the Changing Threat of International Terrorism," a report from the National Commission on Terrorism. This was chaired by former Ambassador Bremer and Maurice Sonnenberg, both of whom testified before the Terrorism Subcommittee of the Judiciary Committee, which I chaired at the time. In fact, all of these commission reports have been the subject of hearings before our subcommittee, as well as numerous other hearings dealing with the subject.

In addition to that, we have had a lot of testimony from the Director of the

FBI and other U.S. Government officials all imploring us to do some things to help in this battle against terrorism. We took a run at some of these things. In fact, we incorporated some of the provisions of these commission recommendations in the bill that passed the Senate a year and a half ago.

It is hard to put a percentage on it, but maybe half of the amendment before us tonight embodies those same recommendations. So we have already voted on half of the things that are in this amendment. Some of the others have come later.

The point is that we dealt with these issues. There has been legislation dealing with these issues. There have been numerous hearings about these issues. They were in effect lying on the table waiting for us to deal with them. Unfortunately, it is the case that even though from time to time we have put some of these ideas out, there has always been a reason not to do it, to wait, to defer, to hold off on that, and that we will have a comprehensive look at this or whatever it might be. We have to set our priorities around here.

But those of us who sit on the terrorism committee—the Intelligence Committee and other committees of jurisdiction—have become increasingly restless because we keep getting briefed on the potential for terrorist threats, and we keep imploring our colleagues to please let us act on these things.

Finally, we have an event that is so horrendous and so deplorable that all of America is asking us to declare war on terrorism. Indeed, that should be our attitude, in effect. So we are now faced with a challenge from our constituents, and they are absolutely right. What are you going to do about it? Of course, the first question they have been asking us is, What have you been doing about it? My answer is there are a whole lot of things you are going to see us doing that we need to do.

We can start tonight with a few substantive changes in the law that will make an impact on our ability to fight these crimes of terrorism. Some of this bill calls for analysis and reports about some additional things that we might want to do. It will give us the factual basis for acting in the future. Some of the provisions are actual operative provisions that will take effect the minute the President signs the bill to begin to give our law enforcement and intelligence agencies the tools they need to better fight these kinds of crimes.

The former chairman of the Judiciary Committee has just talked about a couple of these provisions—the so-called "predicate crime provisions." It is incredible our law enforcement agencies have to begin investigating crimes of terrorism under the auspices of looking into other crimes. Maybe there is computer fraud or credit card fraud and we will use that as we look to investigate crimes which are really crimes of terrorism. With this, we call

a spade a spade, and say we are investigating terrorism. That is what we expect is the case. That gives us the legal authority to go to the judge and get the warrant or authority to move forward.

In addition, we have an odd thing which crept into our policy that we change. It made sense when it was applied to other governments. We said we are not going to recruit people to spy on other governments guilty of crimes or human rights abuses. That is a policy. I don't think we were thinking about terrorism because it is pretty hard to infiltrate a terrorist organization with a Boy Scout. They sort of show. What you need are people who are accepted by these terrorist cells. Some of them are undoubtedly going to have some things in their background of which ordinarily we would not approve. But it is the only way they are going to get into the terrorist cell. We provide that kind of recruitment can take place.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. KYL. Yes. I am happy to yield to the chairman.

Mr. LEAHY. Mr. President, does the Senator understand that intelligence agencies today are unable to buy information—just to use that as example—from someone who might be part of a terrorist organization?

Mr. KYL. If I could respond, that is not the issue we are addressing here—the purchasing of information. What we are addressing is the recruitment of what the intelligence community calls “assets”—people who would be useful in infiltrating an organization and getting information out of that cell and sharing that information with us.

Mr. LEAHY. Is the distinguished Senator from Arizona saying that we are unable to have what is called a retainer, or bribe, or anything else on a regular basis and have somebody who is part of the terrorist organization be giving information to us?

Mr. KYL. This amendment doesn't deal with any question of payment for agent services. I presume we could do that. This amendment doesn't have anything to do with that. The problem that we have here is the former Director of the CIA created the policy because of some things that occurred in our past—if we are going to recruit assets, people who would do work for us, those people cannot have in their background human rights abuses. They cannot have that kind of background. That is a principle policy if you are recruiting somebody to act against another government. But when you are trying to infiltrate a terrorist organization, you are probably going to have to talk to people who themselves have pretty checkered backgrounds. If you could use those people—whatever their motivation; maybe they do it for money, or for some other reason—but if they are willing to give you information based upon their ability to find out what a terrorist organization is doing, then it is very valuable.

As the distinguished chairman knows, our ability to collect information on these groups is very limited. Almost everybody in the community talks about the need for better human intelligence. Unless we are able to recruit the kind of people who could provide that intelligence, it is going to be pretty difficult for us to get it.

Mr. LEAHY. Mr. President, the Senator has the right to make his whole argument, and I don't want to interfere with that. Unfortunately, because this is something that we have had no hearings on, we haven't had the discussions in the appropriate committees—Intelligence, Armed Services, and Judiciary—we are somewhat limited in opposition. I will not cite numerous examples of situations which I think would make clear that we do not have the limitations. I know the concern the Senator from Arizona has. I don't question his concerns. But in open session, I am restrained from going into some of the very specific things where concerns he raised have been responded to in the law by our country. I will not. But that is why I would suggest something like this to the Armed Services Committee which has the ability to go easily into closed session, and often does. It would be able to look at it and make a recommendation to the Senate.

Our committee would be able to make a recommendation to the Senate, which can be done relatively quickly, and the Intelligence Committee.

I would feel far more comfortable voting on something like this if these various committees not only had a chance to look at it but that President Bush's administration—the Attorney General, the Director of CIA, the Secretary of Defense—would have the opportunity to let us know their views on it. I would feel far more comfortable with that. I worry that we may run into the situation where—all of us have joined together in our horror at these despicable, murderous acts in New York and at the Pentagon—we do not want to change our laws so that it comes back to bite us later on.

Mr. KYL. I want to assure the distinguished chairman that we are not changing the law. This is simply a guideline the previous CIA Director felt was needed. We are not changing the law. We are not doing anything untoward or unconstitutional.

Our constituents are calling this a war on terrorism. In wars, you don't fight by a Marquis of Queensberry rules. The time to be overly punctilious about who you get to work with you to get information from the enemy ought to come to an end.

I will assure the distinguished chairman that we are assured that in the past this has not been too much of a problem. But the problem is, our folks are a little reluctant to try to go recruit people with the current limitations in place because of the difficulties that presents.

All this does is to change a guideline—no legal statutory change—that

simply says if they believe particular people would be useful in gathering intelligence against terrorist organizations—it is specifically limited to that—then they may recruit those people even though there might be something in their background that suggests they have a checkered past.

If we cannot use informants against terrorist organizations, which by definition means there are no good actors, then we start this war with one hand tied behind our back.

There are a lot of other changes that we make in this amendment. Let me just illustrate the nature of the things we do. I think almost all of them are going to be very uncontroversial.

We ask for a study on the role that the National Guard could play in these events.

We say it is the sense of Congress that we should commence a long-term research and development program to address catastrophic terrorist attacks. Our intelligence folks really need to begin R&D into techniques for dealing with things such as fiberoptic cable. It is very difficult to intercept communications. With things such as encryption, it is very difficult to hear what people are really saying. Times are a changing. We need to be able to develop the techniques to meet these new challenges. This simply expresses the sense of the Senate that we should get on with that.

There is a section in this amendment that permits disclosure by law enforcement agencies of certain intelligence obtained by the interception of communications. We implement one of the recommendations of the Bremer commission, which said there is a lot of illicit fundraising for terrorist organizations going on in the United States. We need to get a handle on that. So again, we have the sense of the Senate in this amendment that Congress needs to do that. It is not a significant operational provision.

We have a report required on controls on pathogens and equipment for the production of biological weapons. I think this is something everyone will support. There has been a lot of testimony on its need.

There is a provision that our law enforcement people would like, which I think is eminently reasonable, and that is that they be reimbursed for the cost of professional liability insurance. When we send them off to do certain kinds of work and they may act in such a way that they are going to get sued, ordinarily the Government would be the party that is sued. But the Government is immune from suit, so the individual agents are sued. We would like to at least pay for part of their professional liability insurance when we have asked them to go off and do something.

Then the final provision, other than the two Senator HATCH has already talked about, deals with authorities that the last Director of the FBI has implored our committee to give him for years. I will state the problem and then tell you what the solution to it is.

When you do a wiretap, it is fairly straightforward. You go to a court, get an order based upon cause, and then you tap into the phone line. But with regard to computer attacks, whether it be a terrorist attack, all the way down to a hacker—and even hackers can cause a lot of problems, but what you want to do, hopefully in real time, is trace the attack back to its source, so you can stop it or you can prosecute the perpetrators. And if it is a terrorist attack, you want to get to it immediately.

The problem is, these people are very clever. Someone, let's say in Afghanistan, will electronically hook into somebody in New Delhi. And then through that computer they hook into somebody at the University of California in San Francisco. And through that computer they hook into AT&T in Chicago. And through that computer they hook into the Pentagon.

It is well known that you can do this. It is not apparently that difficult to do. Unfortunately, under the law, when the Pentagon starts getting hit, first you get a court order in Virginia. Then you go to Illinois and you get a court order there. Then you go to San Francisco and get a court order there. I don't know what you do in New Delhi. But the bottom line is, we need to have one place where you go get your court order, just like you do for a wiretap.

That is what the FBI Director, on numerous occasions, asked us to provide, the authority to be able to do that. I can quote you page after page of his testimony asking for this. I will not do that in the interest of time.

These are the kinds of things that law enforcement has asked us for. This combination is relatively modest in comparison with the kind of terrorist attack we have just suffered.

Clearly, there are a whole range of actions that we are going to need to take, but the benefit of it is they have all been the subject of hearings or reports by these commissions. They are clearly the kinds of steps that we need to begin to take. And we can do that tonight on a bill which clearly relates to the subject and at least begin the process of assuring the American people that we are doing what we can do to stop these horrible events.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have been consulting with the chairman of the committee, and we are hopeful to get a vote on this amendment and a vote on final passage. We do intend, according to our leadership, to do that tonight.

In the interest of time, I was wondering if we could reach a time agreement on this amendment. Obviously, the proponents of the amendment have just spoken, by my estimate, for about a half an hour. I was wondering if we could reach a time agreement where anybody rising in opposition would be able to claim a half an hour, and then there would be a final 10 minutes which

would be equally divided. We would have a vote on this amendment sometime around 8:45. I ask unanimous consent if people would agree to that.

Mr. LEAHY. I reserve the right to object; actually I will.

I say to my distinguished friend from New Hampshire, I would be delighted to discuss that. I am still reading this amendment. We have, for example, the requirement for full reimbursement. It sounds like a good idea for people who are—

Mr. GREGG. I ask the Senator, is there a time agreement the Senator would be comfortable with?

Mr. LEAHY. I will be happy to discuss it with him. I thought it might be a little easier if I could get some of the questions I have answered.

Mr. GREGG. I withdraw my request, then, and yield the floor.

Mr. LEAHY. There is—

Mr. GREGG. The Senator might want to seek recognition.

I yield the floor.

Mr. LEAHY. I wonder if the proponents of the legislation could tell me, how much—I am not going to say we should not do this, but we have professional liability insurance, as it looks to me, for several thousands of people.

Do we have any idea how much that would cost? Are we talking about \$50 million, \$100 million, \$200 million? Can any of the proponents of the legislation tell me that?

Let's say it is \$200 million. We will just write that down. It is easy enough to say \$200 million. We have something that has been put together in the last few minutes.

So we have a requirement, notwithstanding any other provision of law. In other words, notwithstanding whatever other limits are in here, we shall reimburse for professional liability insurance for what appears to be several thousands of people.

Heck, I would like to add to that maybe we could all get ours paid for at the same time. I know mine costs several hundred dollars a year.

This might be a fine thing, but if we ask the CIA and the Justice Department to do that, it has to come out of their budget. They are all strapped for money to spend on fighting terrorism and whatnot. Are they willing to take a \$200 or \$300 million cut from their budget? I just ask the question. I have not heard an answer.

Mr. HATCH. If the Senator will yield?

Mr. LEAHY. Of course. I yield without losing my right to the floor.

Mr. HATCH. I am not sure we know the exact amount, but what justification is there for these heroic law enforcement people who are doing the people's business to have to pay for their own liability insurance in case they get sued by a voracious trial lawyer who would—

Mr. LEAHY. It seems to me the distinguished Senator from Utah misstated—and I assume by accident—

what I said. I happen to be in favor of people who are going to be out there for our country getting their insurance paid for if they are in a situation where they do not come under the normal provisions that insulate them from suit.

I know millions of dollars were spent by people from all the investigations that the Congress and others had against government employees, investigations that resulted in nothing in the end, except for the millions of dollars these people paid out of their own pocket. Sure, I think they should have insurance for that. I just ask the question: How much? And will this money come out of their other budget? If it is going to be \$200 million or \$300 million, let's have a line item for that. I will vote for such a line item.

In here it says, on wiretapping, pen registers, trap and trace devices, if the court finds that a State investigator or law enforcement officer—it could just be an investigator; I don't know if this means a private investigator, a licensed PI—if they certify to the court that the information is relevant, if they just came in and said: Your Honor, I certify this is going to be relevant; I am a State investigator; I am the deputy sheriff of East Washtub—I apologize to anybody if there is such a town, East Washtub. Let's say I am a deputy sheriff on weekends and a mechanic the rest of the time, and I certify we need this, a State officer. Does that mean a Federal judge is going to stop things and give them the order?

I have worked with some very good deputy sheriffs in my time. I am not sure that even with the best—some of them were darned good when I was a prosecutor—any of them are going to go into Federal court and say: I want to certify I need this wiretap or this pen register, trap and trace.

I think we ought to at least know what that is, going into people's computers because the local investigator says, "I want to." I am not sure if the authorities, under normal going into court, asking for a court order, having a hearing, can go into my computer; that is one thing. But if somebody goes out there, for example, and sees me having target practice outside my house—I have a pistol range out back of my house—and they say: I wonder how many guns he has; I want to go into his computer to find out just in case he has listed his ammunition purchases. Should they be allowed to? I would think some of those who are concerned about the rights of gun owners might be a little bit concerned about this provision. I am a gun owner. I am concerned.

Authority to do wiretaps. It says here that we will redesignate paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-132; 110 Stat. 1274, as paragraph (r); and (2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996, division C of Public Law 104-208; 110 Stat. 3009-565, the following new paragraph:

(q) any criminal violations of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism). . . .

Does anybody want to tell me what that means? I thought we were here to give help to our law enforcement and our antiterrorist authority to go after people. I thought we were here to try to finish up a bill that the Senator from South Carolina and the Senator from New Hampshire have worked on very closely—and the Senator from West Virginia and the Senator from Alaska—that would give money to our law enforcement agencies so we could go ahead and work and try to get the money which the city of New York and the State of New York desperately need after the horrific, murderous terrorist acts in that city. I thought that was what we were here for.

I will not reread what I said, but to do something that nobody here on the floor can understand or explain, including the people who introduced the amendment.

Now maybe somewhere there is a press release in there. Why don't we all send out a press release, a generic one that says we are against terrorists? No Member of the Senate is for terrorists. Why don't we say we are against murder? Of course we are. But then why don't we say what we are doing here? We are going to amend our wiretap laws so we can look into anybody's computers.

If we are going to change all these things, if we are going to direct the Director of the CIA and, in effect, direct the President to change the rules of the CIA, something the President could have them do just like that, if the President really wants to—if we are going to do all that here, with no hearing, what does this do to help the men and women who were injured or killed in the Pentagon—and their families? What does this do to help the men and women in New York and their families and those children who were orphans in an instant, a horrible instant? Hundreds, perhaps thousands, of children became orphans instantaneously. What does that do for them?

Somewhere we ought to ask ourselves: Do we totally ignore the normal ways of doing business in the Senate? If we do that, what is going to happen when we get down to the really difficult questions?

Maybe the Senate wants to just go ahead and adopt new abilities to wiretap our citizens. Maybe they want to adopt new abilities to go into people's computers. Maybe that will make us feel safer. Maybe. And maybe what the terrorists have done made us a little bit less safe. Maybe they have increased Big Brother in this country.

If that is what the Senate wants, we can vote for it. But do we really show respect to the American people by slapping something together, something

that nobody on the floor can explain, and say we are changing the duties of the Attorney General, the Director of the CIA, the U.S. attorneys, we are going to change your rights as Americans, your rights to privacy? We are going to do it with no hearings, no debate. We are going to do it with numbers on a page that nobody can understand.

And by the way, we are going to tell the people who are working around the clock today to stop that and give us reports within 2 months on all these areas. By the way, we commend you for the work you are doing, but set aside a few dozen people and the President to give us these certifications. Part of it seems to me to ask the Attorney General to report back to us right away. We are asking the President to report back to us right away.

Frankly, I think the Attorney General and the President have their hands full right now. I commend them for what they are working on. I have talked with the Attorney General several times over the last few days. He hasn't told me that he needs this investigation. He is pretty busy working on what he is doing. And I say Attorney General Ashcroft is doing a very good job.

I have spoken to the Director of the CIA. He has not requested that we suddenly turn the attention of the Senate to this legislation. I haven't heard from the President that he wants to suddenly have them do a number of reports connected with this. Maybe it would make a lot more sense if we gave the chairman, the vice chairman of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, and the chairman and ranking member of Judiciary a chance to actually have the kind of hearings necessary to know what we are doing so that we do not get into some of the problems we got into in the past.

If we are going to change habeas corpus, change our rights as Americans, if we are going to change search and seizure provisions, if we are going to give new rights for State investigators to come into Federal court to seek remedies in the already overcrowded Federal courts, fine, the Senate can do that. But what have we done to stop terrorism and to help the people in New York and the survivors at the Pentagon?

I yield the floor.

Mr. HATCH. Mr. President, I have heard a lot of talk here. But we are talking about giving the tools to law enforcement that it needs to stop further terrorist acts in our society. You want the authority? I will tell you what the authority is right now. We don't need a lot of facts and statistics.

This publication I hold in my hand is "Countering the Changing Threat of International Terrorism," the report of the National Commission on Terrorism. By the way, every one of these principles in this amendment, the Jus-

tice Department wants, and wants badly, so that they can do their job to protect American citizens.

This National Commission on Terrorism says, just to go back to the original point:

By recent statute, a Federal agency must reimburse up to one-half of the cost of personal liability insurance to law enforcement officers and managers or supervisors.

Here is their recommendation, and it is not a bunch of obfuscation; it is pretty darn straight:

Recommendation: Congress should amend the statute to mandate full reimbursement of the cost of personal liability insurance for Federal Bureau of Investigation special agents and Central Intelligence Agency officers in the field who are combating terrorism.

As I understand it, CIA officers do have this. So it is not something that hasn't been considered or discussed by the top echelons of people who are knowledgeable about terrorism.

To get back to the provisions that we are considering, a lot of people in this country don't realize that you cannot tap the lines of the terrorists without some predicate reason for doing so. They are not in Title III of our code. This corrects that. It doesn't give law enforcement agents carte blanche to go out and do wiretaps. You still have to go to a judge. You still have to get the requisite authority. You have to present persuasive evidence to a judge to obtain wire-tapping authority.

But this is a tool that absolutely has to be had now, not a month or two from now. Let me go just a little bit further. This statute does not change the standard for trap and trace. It only adds emergency authority for the U.S. attorney. All trap and trace applications are approved by a Federal judge. You have to make your case before a federal judge. It isn't some wild-eyed breach of personal privacy. It gives us some tools to go get the terrorists. Local sheriffs cannot apply for trap and trace under these new provisions. Only U.S. attorneys can. I get a little tired of that type of talk. I have heard the suggestion that anybody can go in, and anytime some local sheriff wants to, he can tap a computer. That is unmitigated bull.

Let's talk about the computer situation. Currently, a judge's order applies only in the jurisdiction where it is issued. Typically, hackers go from computer to computer, leaving a trail that law enforcement has to follow. Investigators must go from jurisdiction to jurisdiction obtaining a trap and trace in every jurisdiction in order to follow a hacker's trail. Let's put it terms of a terrorist who happens to go in all 50 States. That means that, in order to investigate, law enforcement has to go in every State in the Union to a Federal judge and get authority to do what ought to be done overnight in front of a single federal judge. Under the amendment we are proposing, it can be done overnight by going to a single federal judge.

These are the kinds of things that bother me. This is what this amendment will do.

Mr. REID. Will the Senator yield for a question?

Mr. HATCH. I will be happy to sit down soon because I know we are ready to vote soon.

The chairman of the Judiciary Committee suggested that a prosecutor could get a wiretap for anything they wanted under our amendment. With all due respect, under Title III, a prosecutor must still go to a judge, just as he or she would when investigating wire fraud or interstate transport of stolen property. If this amendment is passed, the only change would be that a prosecutor could get wiretapping authority with respect to a terrorism or cyberterrorism offense.

Is terrorism or cyberterrorism as important as that? Will a judge apply a different standard in issuing authority for those wiretaps? You and I know a Federal judge will not do that. I think the answer is obvious. Why should we dither when we know that these tools will help? The FBI are the Justice Department strongly support for these important reforms. Let us adopt them now, and fight these problems now. We are not altering the Constitution or taking away the people's rights. We are helping to give the tools to our law enforcement community to stop terrorism. We are helping law enforcement help us to be safe and to investigate the crimes like those committed this week.

There is a lot more I could say. I understand we are ready to vote. I wanted to set the record clear.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will respond only because my name was mentioned in this last debate and the implication was made as to what my position was. Let me state my position to be accurate on the RECORD. I read this to say: If the court finds that the State investigative or law enforcement officer—obviously two entirely different things—has certified to the court that the information likely to be obtained by such installation used is relevant to an ongoing criminal investigation, they get the order.

That is what the amendment says. You could have a State investigator, not even a sworn police officer, come in and say: Your Honor, I certify that this is relevant; give me the order. It seems to me as though the judge has much choice. We do it to fight terrorism on computers. How is a terrorist defined? We know what terrorism was at the trade towers. Is a terrorist somebody who comes in and says: I want to come in armed and make a statement, carrying a legally registered, licensed weapon and make a statement: I should have an easier time to carry my guns? Some people may feel terrorized. In my State, it would be routine. Is it terrorist activity if somebody blocks a contractor who wants to tear down

trees to open up a development and have sent e-mails to their friends about this? Is that terrorist activity? It is easy to define terrorism.

It says, however, if you come in from wherever and say you are the private investigator hired by the contractor, you say: Hey, I certify this, give me the order, and you get it. Fine, if that is what we want. I would be a little bit concerned about our own rights as Americans.

Mr. LEVIN. Mr. President, I have one question I want to ask, perhaps, of my friend from Arizona.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I have not had a chance to read this language until tonight. I guess that is part of the problem. It also is clear this is going to be adopted. I want to ask one question for the record.

This amendment goes beyond changes in the wiretap law as it relates to terrorism; is that correct? The language is "any ongoing criminal investigation."

Mr. HATCH. That is correct.

Mr. LEVIN. So it is broader than terrorism. I am not debating merits plus or minus. I am trying to understand what is in it since it came to me for the first time tonight. I want to be very clear, at least the way I read this, that this is not something that is just limited to counterterrorism, about which I think all of us would have a passion.

Mr. HATCH. Will the Senator yield?

Mr. LEVIN. Yes.

Mr. HATCH. The wiretapping provision is a broad investigational authority. It is not limited just to terrorism, but, currently, terrorism is not included in that authority. It is one of the defects in our system. All we are trying to do is get it included so we can find these people, and we can do it. Even so, before being granted wiretapping authority, you have to make a case, before a Federal judge, that you have probable cause to believe that the subject of the wire-tapping order has committed a serious criminal offense.

Mr. LEVIN. If my friend will yield further, I understand we want to make sure terrorism is included in our statutes.

Mr. HATCH. Right.

Mr. LEVIN. This amends, though, our statutes. I am not arguing the pros and cons. It amends not just terrorism, but it amends the wiretap law and all criminal activity, including terrorism; is that correct?

Mr. HATCH. It adds terrorism to Title III. In addition, it upgrades wiretap laws to include computer terrorism, cyberterrorism, even right down to illegal hacking.

Mr. LEVIN. But it does not relate.

Mr. HATCH. Because those offenses are not currently covered in Title III, and we need to correct that defect or we cannot resolve these problems with regard to terrorism.

Mr. LEVIN. I tend to agree with our friends that we need to strengthen the

law on that point. I want to be clear on one point: We are not adding terrorism to make sure we are covered. We are applying these new standards to all criminal activity, not just terrorism.

Mr. HATCH. That is correct, but keep in mind, our current laws are antiquated laws based upon telephones, where now we are in the area of cyberterrorism, and we must upgrade the laws to take care of that.

Mr. LEVIN. I make one request of my good friend from Vermont, the chairman, because he has raised some important questions about making sure we take the time to know what we are doing. We are not going to have that time tonight. That is obvious. I express the hope, given the kind of points that have been made here, that it would be possible, before this comes back in the form of a conference report, for there to be some review of some of these provisions by the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we will try our best. We are, of course, under the same limitation as everybody else trying to get a lot of work done. I had planned in the next week or so to do a number of judicial hearings. I suppose we can spend the time doing this. It probably would make some sense.

We do not define terrorism, but we say we are adding that. I guess some kid who is scaring you with his computer could be a terrorist and you could go through the kid's house, his parents' business or anything else under this language; it is that broad.

Again, the Senate can vote for whatever it wants. I certainly hope we would put in, and I will support the money for the liability insurance. The problem, I suspect, is with several hundred million dollars. But if that is what we want, we should do it. Let us make sure we know. I will try to get the time for people to work on this during the next couple of weeks to try to answer the questions.

The Senator from Michigan asks a legitimate one. We will set aside virtually everything else in the Judiciary Committee to get an answer. Had I or our staff been asked about this, we probably could have had those answers, but I saw it about 30 minutes ago, about the same time the Senator from Michigan did.

I tell my friend from New Hampshire who asked a question earlier, I have no objection to voting any time the Senator from New Hampshire desires to vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have had a very good debate on this amendment. We have had two people who feel very strongly about the issue explain very well their respective positions, and the chairman of the Judiciary Committee indicated he will hold further hearings on this. He is concerned about the way this amendment arrived.

The fact is, a lot of times legislation, as the Senator from Utah and the Senator from Vermont know better than I,



they both having served here longer than I, sometimes ends up this way.

I hope we can get rid of this amendment at the earliest possible date. It is my understanding the proponents of the amendment have agreed to accept a voice vote. It is clear this amendment will be agreed to. When this bill goes to conference, the two veteran legislators who are managing this bill will be able to deal with some of the problems that have been raised tonight.

Mr. HATCH. Will the Senator yield? I ask unanimous consent that Senator HELMS be added as a cosponsor of the amendment.

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

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 1562.

The amendment (No. 1562) was agreed to.

Mr. HATCH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### SATELLITE HOME VIEWER IMPROVEMENT ACT

Mr. LEAHY. Mr. President, when Congress enacted the Satellite Home Viewer Improvement Act (SHVIA) in 1999, I well remember, as ranking member of the Judiciary Committee, that we amended the Copyright Act to authorize satellites to carry local channels into local markets. We knew at that time, however, that satellites would be unable to carry local TV stations on a must carry basis.

To address this limitation, we did two things. First, we delayed implementation of a full must-carry obligation until January 1, 2002, so as to give the industry time to upgrade their satellites to handle more channels. I regret that the satellite industry has challenged the must carry requirement on constitutional grounds, but also observe that a federal court recently threw out their lawsuit. Second we directed the FCC to make "final determinations" regarding license for alternative technologies that could deliver local channels on must-carry basis to markets that the satellites would not be able to serve.

I know my friend from New Hampshire shared my interest in this issue, as we both hail from states with television markets that are considered too small to receive local channels via satellite. Could my friend refresh for the record what last year's appropriations bill for the FCC had to say about this matter?

Mr. GREGG. I thank my friend from Vermont for raising this. As the Senator stated, the SHVIA gave the FCC 1 year from the date of enactment, or November 29, 2000, to make a final determination regarding licenses which had been filed at the FCC in January 1999. Thus, Congress effectively gave the FCC nearly two years to make a "thumbs-up-or-thumbs-down" decision on these applications.

As we were putting together last year's CJS appropriations bill, it became apparent to us that the FCC was not going to follow that statutory directive by acting on the license applications. Accordingly, we inserted report language into the conference report reiterating and clarifying the SHVIA directive. Specifically, we wrote that the FCC "shall take all actions necessary to complete the processing of applications for licenses."

When the November 29, 2000, deadline was reached, however, the FCC did not fully satisfy the directive.

I would ask my good friend from Hawaii, who, as a senior member of the CJS Appropriations Subcommittee and as the Chairman of the Commerce Subcommittee on Communications, is uniquely qualified to share his expertise on this FCC matter.

Mr. INOUE. I thank my friends from New Hampshire and Vermont for their interest in this issue. The satellite "local-into-local" problem is indeed a problem in our states, but we are far from alone. A new watchdog group, Equal Airwaves Right Now!, or EARN, recently released a study which projected that DBS carriers will not carry any local TV stations in 17 states next January, when the must-carry obligation takes effect. Ten more states will find that less than a quarter of their stations are carried by DBS. All told, 80 percent of all television markets will not have any local TV service via satellite.

This is indeed a problem that the FCC should address as soon as possible. So I will concur with the sentiments of my colleagues and reiterate once again to the FCC that we expect the agency to make a determination on these long-pending license applications before the year is over.

Only one company has satisfied the statutory directive to demonstrate through independent testing that its terrestrial service will not cause harmful interference to DBS. Thus, on this ground alone, it would appear that the FCC cannot hold a spectrum auction, because, with only one qualified applicant, there can be no finding of mutual exclusivity. I'm also concerned about any further postponement of the deployment of this service that would deny consumers the immediate savings that would come about with the entry of a new competitor in the marketplace, which some have estimated will total \$1 billion.

For all of these reasons, I think it is more than realistic for the FCC to issue licenses for this new service by the end of this year without resorting to an unnecessary and inappropriate auction.

I believe the ranking member of the Appropriations Committee would also like to add some comments. He is particularly well qualified on this as he is also a member of the Commerce Committee, which like the Judiciary Committee, had jurisdiction over the SHVIA.

Mr. STEVENS. I thank the gentleman from Hawaii. He and my colleagues from Vermont and New Hampshire have correctly recited the legislative history and I agree that the FCC did not fully satisfy either the SHVIA directive or the CJS clarifying directive. That said, I do want to commend the FCC for advancing the ball forward, so to speak, by establishing a Multi-channel Video Distribution and Data Service (MVDDS), after having concluded that it is technologically feasible for the terrestrial license applicants to share spectrum with satellite providers.

I would also remind my colleagues that last year's appropriations bill for the FCC also required applicants who applied to share spectrum with DBS operators to show, through independent testing, that their terrestrial systems can safely share spectrum with satellites. It is my understanding that only one applicant, Northpoint Technology, submitted its transmission equipment to the MITRE corporation for the required independent test. The MITRE report confirmed the FCC's earlier determination that terrestrial-satellite spectrum sharing is feasible.

The FCC's comment period for the independent test was statutorily limited to 30 days. The opponents of this new service could contest the findings forever, if we let them. We must insist that the FCC respect that deadline by promptly making a final determination on the Northpoint applications. It is time for the FCC to make good on the original statutory directive and, better late than never, finally issue the licenses. It has now been over 2½ years since Northpoint filed its license applications, and we need the FCC to complete action on these applications now so that this new service can enter the marketplace in a matter of months, not years.

#### HYDRO PLANTS

Mr. SMITH of New Hampshire. Mr. President, I thank Senator GREGG and Senator HOLLINGS for their help. As Senator GREGG knows, American Tissue has closed its mills in Berlin and Gorham with only a few employees keeping the hydro plants in Gorham running. These employees are not being paid. The mills have supported these communities for 150 years and are the largest employers in the north country. In addition to people being out of work, American Tissue owes the towns millions of dollars in back taxes and water bills. The EDA has visited the area and has seen first hand how desperate the situation is and I would like to encourage them to do whatever they can to provide these communities with additional help.

Mr. GREGG. I, too, have visited the region and they are truly in need of assistance. I would like to thank Senator SMITH for bringing this to the attention of the full Senate and will work with my colleague to ensure this area receives the necessary help.

Mr. HOLLINGS. The situation does indeed sound severe. Hopefully we can provide some assistance.

COASTAL SALMON FUNDING

Mr. SMITH of Oregon. Mr. President, I would like to clarify with my colleagues on the Appropriations Committee the disposition of certain funds earmarked by the Senate report language for the Commerce, Justice, and State, the Judiciary and related agencies appropriations bill for fiscal year 2002. This earmark, for \$1 million within the Pacific Coastal Salmon Recovery Fund, addresses natural threats to the southern Oregon/northern California coho salmon in the Klamath River. I would like to clarify that since this earmark is out of the funds provided for the State of Oregon, these funds are to be spent within the State of Oregon.

I can assure my colleagues that there are such overwhelming needs related to water quality in the Upper Klamath River Basin that these funds would be spent effectively in Oregon to improve water quality or enhance flows for the Klamath River system overall. Is that also the understanding of my colleague from Oregon?

Mr. WYDEN. It certainly is. I believe it is imperative that, since these funds are allocated to the State of Oregon, they be spent for on-the-ground activities within Oregon. These funds will be an important component of the near-term solutions that the Oregon delegation is trying to put together, literally as we speak, in order to assure more stability in the operation of the Federal Klamath Project next spring.

Mr. HOLLINGS. I think that is certainly appropriate, and I have no problem agreeing to such a clarification, provided it is agreeable to my colleague, Senator GREGG.

Mr. GREGG. That is agreeable to me as the ranking member on the Appropriations Subcommittee on Commerce.

Mr. SMITH. I appreciate that clarification on this issue of such importance to the State of Oregon.

MECKLENBURG COUNTY, NC

Mr. HELMS. Mr. President, It would be helpful if Senator EDWARDS and I can discuss, for the record, with the distinguished Chairman of the Commerce, Justice, State and the Judiciary Appropriations subcommittee, two matters of considerable importance to the citizens of Mecklenburg County, NC.

Mr. HOLLINGS. I will be delighted to discuss these matters with the distinguished Senators from North Carolina.

Mr. HELMS. I thank the able Senator. Mr. President, I would be remiss if I did not start by thanking the chairman and the ranking member, Senator JUDD GREGG of New Hampshire, as well as their outstanding staffs, for all of their hard work in putting this bill together. I know that all involved have invested long hours and that you have made many difficult decisions. Senator EDWARDS and I are grateful for the support that we received for several vital

initiatives in North Carolina that are intended to improve public and officer safety.

In particular, I am grateful for the willingness of the committee to agree to our request for \$500,000 to help equip a new Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office. Tragically, sex offenders are, at once, among the most difficult criminals to convict of their crimes and among the most likely to commit new offenses.

North Carolina law requires convicted sex offenders to register with local law enforcement and to notify the police of their change of address. The safety of the public in general, and the safety of our children in particular, is placed in jeopardy when a convicted sex offender fails to comply with N.C. registration laws. Statewide, approximately one in ten convicted sex offenders does fail to register.

North Carolina's largest county in terms of population, it is perhaps not surprising that Mecklenburg is also the leader in the number of registered sex offenders. Over the past few years, there have been at least 15 separate instances where offenders that were required to register were later apprehended and convicted of subsequent charges of molestation or the rape of a minor child. Ever one such case is one too many.

The abhorrent nature of these crimes demands that we do everything we can to ensure that sex offenders are not able to victimize others when they return to our communities. This \$500,000 will help the Mecklenburg County Sheriff's Office to property identify, register, and consistent with North Carolina law, track these heinous offenders after their release from prison.

Mr. HOLLINGS. I thank the Senator from North Carolina for his remarks. He is correct about the high rate of recidivism among sexual offenders. We were delighted to be able to accommodate the request of the Senators from North Carolina.

Mr. HELMS. I thank the chairman. In addition to the \$500,000 provided for the Sex Offender Registration Unit, there is one other matter involving the county that I would like to address. Senator EDWARDS and I combined our efforts in support of the county's request for \$3,000,000 from the COPS Technology Program for the Criminal Justice Information System. Upon receiving the committee's report, we were pleased to note that the money requested for CJIS was included but we also noted that the reference to Mecklenburg as the intended recipient was inadvertently omitted. If the chairman would be so kind as to clarify the committee's intent with respect to these funds, then I would be most grateful.

Mr. HOLLINGS. Mr. President, I am glad to be able to address this matter. The committee was impressed by the fact that Mecklenburg County has already committed \$3,500,000 to upgrade its criminal justice history informa-

tion systems and intends that the \$3,000,000 designated for CJIS be used by the county to assist in their ongoing efforts.

Mr. HELMS. I again thank the chairman and my good friend, Senator JUDD GREGG, for their vital support on these projects. I would also like to recognize the efforts of Senator EDWARDS and his staff who worked diligently to promote these initiatives.

Mr. EDWARDS. Mr. President, one of the greatest challenges facing the criminal justice system is the question of how we ensure that convicted criminals do not repeat their crimes when they are released from prison. In my State of North Carolina, there are laws that attempt to address this issue in order to make our communities safer places to live and work. These laws require sex offenders to register with law enforcement whenever they move into a new county in the State, and require law enforcement agencies to locate and arrest sex offenders who fail to comply with any part of the registration laws. The establishment of a Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office will enable the Sheriff to keep better track of offenders that move into the County, and to identify sex offenders who do not comply with registration laws. Funding for the Unit is critical toward ensuring that our communities are kept safe from individuals who intend to repeat their crimes and prey on some of the most vulnerable members of our society—our children. I greatly appreciate the support of Senators HOLLINGS and GREGG for this important project.

Also, as my distinguished colleagues indicated, the committee report appropriated \$3 million for the Mecklenburg County Criminal Justice Information System. The demands of modern, large, urban law enforcement systems, such as Mecklenburg County's, are numerous. That is why the CJIS project is so important. CJIS will help local law enforcement agencies and court services to manage and compile information about their cases and to share electronically maintained subject and case data in real time. The end result will mean increased efficiency and effectiveness of the criminal justice system in Mecklenburg County and the surrounding region.

Again, I thank Senators HOLLINGS and GREGG for their generous support of these projects. I also thank Senator HELMS for his tireless efforts on these and the many other appropriations projects that we have worked so closely on together.

METHAMPHETAMINE

Mr. HOLLINGS. I understand that Missouri is waging quite a battle against Methamphetamines.

Mrs. CARNAHAN. The Senator from South Carolina is correct. The rural nature of Missouri and its location in the middle of the country have led to a sharp increase in methamphetamine production and trafficking. In fact, I am sorry to say that Missouri now

ranks second in the nation in clandestine meth lab seizures.

Mr. HOLLINGS. In order to combat that problem, we are including \$1,100,000 in Fiscal Year 2002 funding for the Missouri Drug Eradication Initiative.

Mrs. CARNAHAN. Those funds will go a long way to enabling Missouri's hard-working law enforcement officers to combat this epidemic. I would like to spell out exactly how these funds will be distributed in order to maximize their effectiveness:

\$105,000 will go to the Southwest Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a four county area.

\$110,000 will be for the Southeast Missouri Drug Task Force to target manufacturing, importation, and distribution and related violent crime in Southwest Missouri.

\$100,000 will enable the Northeast Missouri Narcotics Task Force to provide drug enforcement and assistance to city, county, state, and federal authorities that operate within the region.

\$120,000 will be for the Joplin Crime Lab for new equipment and staff salaries to analyze and assist law enforcement in fighting methamphetamine and other illegal drugs.

\$110,000 will provide the Southeast Missouri State University Crime Lab in Cape Girardeau with funding to assist with relocation into a new building on SEMO's campus and funding for new equipment to analyze and assist law enforcement in fighting methamphetamine and other illegal drugs.

\$110,000 will help the North Central Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a seven county area.

\$100,000 will support the West Central Missouri Drug Task Force's mission to combat illicit drug interdiction within a nine county area.

\$145,000 will go to the Combined Ozarks Multi-jurisdictional Enforcement Team (COMET) to aggressively investigate and seek reduction of drug violations that occur within the area.

The Mid-MO Unified Strike Team and Narcotics Group—MUSTANG—will receive \$100,000 to support its efforts to combat meth and other illegal drugs.

The South Central MO Drug Task Force will receive \$100,000 to target manufacturing, importation, and distribution of narcotics in South Central Missouri, including the Mark Twain National Forest.

I am extremely pleased that these funds have been included in this bill. I am confident that these resources will have a meaningful impact on Missouri law enforcement's efforts to make our state safe and drug-free.

THE NATIONAL INSTITUTE OF JUSTICE NATIONAL CENTERS FOR LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY

Mr. STEVENS. The fiscal year 2002 State, Justice, Commerce bill fully

funds the President's request for the National Institute of Justice. I commend the chairman and ranking member of the subcommittee for providing full funding.

Among other things, NIJ provides support for a series of National Centers for Law Enforcement and Corrections Technology which test and evaluate new law enforcement technology and equipment for various purposes.

Last year Congress provided \$1.2 million to establish a new center in Alaska to provide cold weather testing capability. I have received reports that all the centers in the lower 48 States would be funded in the President's request, but the new Alaska Center would be zeroed out. That certainly is not understanding of the committee's intention, and I note that the committee report was silent on this point. Could the distinguished Senator from South Carolina and the chairman of the subcommittee help me clarify this point?

Mr. HOLLINGS. It is the committee's intention that the Alaska Center as well as the national centers in the lower 48 States continue to be funded through the National Institute of Justice. There was certainly no intention on the part of the subcommittee to zero out the Alaska Center. Within the funding that is agreed upon in conference with the House for the National Institute of Justice, it is my hope and expectation that we will be able to continue funding all the centers nationwide at the fiscal year 2002 level. If reductions are required in conference, they will occur proportionally, and if increases are possible, they would also be spread proportionally among the existing centers.

Mr. GREGG. I agree with the chairman of the subcommittee. There was never any intention of zeroing out the new Alaska Center. We will work with the Senator from Alaska to include language clarifying this issue in the statement of managers when we meet in conference with the House to work out the differences between the two versions of the bill.

WASHINGTON STATE METHAMPHETAMINE PROGRAM

Mrs. MURRAY. Mr. President, methamphetamine production and use has had a devastating effect on many communities across our country, and tackling this problem has been very challenging to law enforcement.

Meth has a particularly large impact on my state. We rank number two in the nation in meth production and use. Last year, local law enforcement raided five times the number of meth labs than they did the year before in Washington.

The impact on our health and the environment are extensive. The byproducts of meth production are highly toxic and hazardous and pose serious threats to the public at large. Meth is produced with toxic chemicals and generates dangerous byproducts. Because manufacturing can take place in the

basements of homes and other populated areas, innocent neighbors are often placed in danger by meth production. There are also serious safety issues due to the risk of fire and explosion associated with the chemicals involved. Furthermore, the toxins that are used and discarded as a part of meth production have serious and long term impacts on the environment, and the clean-up cost are substantial.

The use of this drug can also have a severe impact on families and children. People who use and make meth put children and their families at risk of hazardous contamination and often live in unsanitary conditions. Meth uses also tend to emotionally and physically abuse those around them.

With that, I yield to my colleague from the state of Washington, a member of the Judiciary Committee, Senator CANTWELL.

Ms. CANTWELL. I thank Chairman HOLLINGS and my colleague, Senator MURRAY, for their tremendous work on this bill and am particularly grateful to the Chairman for his clear understanding of the complicated law enforcement and natural resource issues facing the western states and wish to thank him for his attention to those matters in this bill.

I believe that we are facing an epidemic in this nation that has the potential to be every bit as devastating as the crack cocaine epidemic of the early 1990s. That epidemic is the rapidly spreading abuse of the drug methamphetamine. Except that unlike crack cocaine, meth will not devastate our inner cities—it will instead primarily devastate our rural communities.

I am sure that the Chairman is aware that rural areas are uniquely hospitable to meth production, and the paranoid users of meth seek out rural areas because they know that our law enforcement officers are spread thin, and that they lack the manpower and the resources to constantly find and destroy new labs. A study by the National Center for Addiction and Substance Abuse at Columbia found that eighth graders living in rural America are 104 percent more likely to use amphetamines than eighth graders in urban areas.

This is the reason that we are intent on ensuring that local law enforcement agencies have as much assistance as possible in fighting the further spread of the drug. I hope that the Chairman and the members of the Subcommittee can work closely with those of us on the Judiciary Committee as we work to assess the local need for federal resources in the months to come. Again, I thank the Chairman and yield back to my colleague from Washington.

Mrs. MURRAY. The Commerce, Justice, State and Judiciary Appropriation Subcommittee, of which Senator HOLLINGS is Chairman and I am a member, has responded to this problem by providing money under the Community Oriented Policing Services Program to

help local communities and law enforcement combat meth production and use. In this year's bill, we have provided a good number of resources to deal with the meth problem, including an earmark for the Washington State Methamphetamine Program.

Is it the intent of the Appropriations Committee that the money provided for the Washington State Methamphetamine Program be spread among the participating counties in Washington State, which include the counties of King, Benton, Snohomish, Kitsap, Spokane, Thurston, Pierce, Lewis, Grays Harbor, Mason, Cowlitz, Clark, Grant, Chelan, and Yakima?

Mr. HOLLINGS. The Committee has long recognized the problems associated with the use and production of Methamphetamines, and we have provided real money to help local communities and law enforcement deal with this problem. It is the intent of this Committee that the money made available for the Washington State Methamphetamine Program be spread among the counties that you have mentioned. I do look forward to continuing to working with the Senators from Washington on this issue in the future.

#### PACIFIC COASTAL SALMON RECOVERY FUND

Mrs. MURRAY. Mr. President, I ask Senator HOLLINGS, am I correct in my understanding that the Manager's Amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill for Fiscal Year 2002 includes an additional \$4,000,000 for Washington State's share under the Pacific Coastal Salmon Recovery Fund, raising the total for Washington State to \$24,150,000 and the total for this account to \$74,000,000?

Mr. HOLLINGS. The Senator from Washington State is correct.

Mrs. MURRAY. I thank the Senator. I appreciate his assistance in this matter.

#### COASTAL PROTECTION AND RESTORATION PROJECTS

Ms. LANDRIEU. It is my understanding that of the \$31 million provided for "Coastal Protection and Restoration Project" in the National Ocean Service Account of the Senate Committee Report of the Commerce, Justice, State Appropriations Bill for fiscal year 2002, \$15 million is to be provided to the State of Louisiana and \$15 million is to be provided to the State of Alaska for coastal impact assistance. This funding is to be allocated to and used by the States of Alaska and Louisiana in accordance with the coastal impact assistance program authorized in the Commerce, Justice, State Appropriations Bill, fiscal year 2001.

Mr. HOLLINGS. The Senator from Louisiana is correct.

#### OREGON GROUND FISH

Mr. WYDEN. Mr. President, I thank my colleague, Chairman HOLLINGS, for accepting the amendment I sponsored to provide funding to aid Oregon

groundfish fishers and their families. I also want to thank Chairman HOLLINGS for providing this opportunity to clarify, for the record, how the money provided by this amendment should be spent.

This amendment provides \$2,000,000 in additional National Oceanic and Atmospheric Administration funds for Cooperative Research on West Coast groundfish. It also provides \$3,000,000 in additional NOAA funds for emergency assistance for the Oregon groundfish fishers suffering from the groundfish fishery disaster resulting in more than 40 percent drop in income since 1995.

The \$2,000,000 for cooperative research surveys will be used by the National Marine Fisheries Service to put currently out-of-work groundfish fishing vessels and their owners to work doing annual groundfish data collections. In Oregon, and along with the West Coast, the National Marine Fisheries Service sets harvest regulations regarding 83 species of groundfish but collects data on only 16 species. They do so every three years instead of annually, as they do in many other fisheries. This funding for annual surveys means jobs for displaced fishers and reliable economical and educated labor for an agency that claims it can't do its work because it doesn't have enough money or manpower. It also means better fisheries data, which should yield better fisheries management and benefit the environment and local fishers.

The \$3,000,000 for economic assistance is provided for fishers impacted by the loss of the August court case in which the Natural Resources Defense Council sued NMFS and won because NMFS used 15-year-old data to set groundfish harvest levels. Allowable harvests have been cut by an average of 64 percent over the past five years, and for some species it has been cut by 90 percent. This court order will result in further catch reductions. These folks are on the ropes; if they can't fish, they can't pay their bills. They need some help while they figure out what to do next as almost 3,000 of them try to transition into other lines of work. This assistance money should be used for single, lump sum payments to vessel owners who are suffering from these financial losses. The precedent for this type of payment can be found in the Hawaii longline fishery where fishers received \$3,000,000 of emergency assistance through the Secretary of Commerce in FY 2001 after the courts shut down their swordfish and tuna fisheries.

Mr. HOLLINGS. I understand that the \$2,000,000 for cooperative surveys is to be used for annual West Coast groundfish surveys in Oregon, as well as to provide work for displaced Oregon groundfish fishers. I further understand that the economic assistance money is intended for vessel owners to tide them over these difficult times. I appreciate the Senator bringing this important issue to light and I am happy to have been able to help his constituents on this important issue.

#### NEW TECHNOLOGY TO AID FBI'S INNOCENT IMAGES INITIATIVE

Mr. GREGG. As the distinguished Chairman of the State, Justice, Commerce Appropriations Subcommittee knows, we have provided substantial funds through the years to support Federal Bureau of Investigation (FBI) efforts to catch child predators and pornographers engaging in criminal activity on the Internet. The FBI's first undercover operation in this field of investigation, code named "Innocent Images," was initiated in 1995. Six years later, Innocent Images is an FBI National Initiative, supported by annual funding of \$10 million, with undercover operations in eleven field offices.

The FBI's Innocent Images Initiative utilizes undercover agents posing as children on-line to identify and investigate potential sexual predators. Under current practice, the FBI's Innocent Images Initiative relies on individual agents posing as children in on-line "chat rooms." Thus, the effectiveness of the program is necessarily limited because human resources are limited.

Recently, I became aware that a company called Spectre AI has developed new technology that has the potential to increase vastly the effectiveness of the Innocent Images Initiative. Spectre's technology utilizes computers that are capable of monitoring large numbers of on-line chat rooms simultaneously. These computers are programmed to search for certain key words or phrases for which agents are trained to spot when on-line looking for child predators and pornographers. When such key words or phrases are identified, Spectre's artificial intelligence program carries on a limited, two-way dialogue with the potential child predator. Simultaneously with the initiation of this two-way dialogue, the Spectre technology notifies an FBI agent, who then takes over the investigative chat-room dialogue.

This new technology developed by Spectre AI has the potential to increase exponentially the number of Internet chat rooms that the FBI can monitor. Thus, it holds the promise of an enormous leap forward in the effectiveness of the FBI's "Innocent Images Initiative" and its goal of protecting our Nation's children from sexual predators and pornographers.

Does the Chairman agree with me that Specter AI's new technology should be carefully reviewed by the FBI for possible utilization in its "Innocent Images Initiative"?

Mr. HOLLINGS. I am intrigued by the new technology that the Senator has described. I certainly will join you in encouraging the FBI to give it consideration.

Mr. INHOFE. Mr. President, I thank Senator GREGG and Senator HOLLINGS for considering this amendment. For purposes of clarification, it is my understanding that this amendment will decrease funding from the National Oceanic and Atmospheric Agency

(NOAA) Procurement, Acquisition and Construction account by \$500,000, specifically from the "Norman Consolidation Project," and add the same amount, \$500,000, to the International Trade Administration, Trade Development account for International Trade Processing Center Programs in McCain County, Oklahoma. Is that how the Senator from New Hampshire understands this amendment?

Mr. GREGG. Yes. That is exactly how I understand the amendment offered by the Senator from Oklahoma. We are happy to accept this amendment.

DESIGNATION OF THE FT. SMITH, ARKANSAS INS OFFICE AS A SUB-OFFICE

Mr. GREGG. I would like to discuss the need to designate the Immigration and Naturalization office located in Fort Smith, Arkansas, as a Sub-office, with an Officer-in-Charge.

I understand that the area serviced by the Fort Smith INS office has experienced tremendous growth in its Hispanic population and needs this designation in order to efficiently administer and enforce our nation's immigration laws.

Mr. HUTCHINSON. That's absolutely correct. As you know, according to the 2000 Census, Arkansas' Hispanic population grew by 337 percent over the course of the past decade, a rate of growth which is believed to be the fastest in the nation. In the Third Congressional District, where the Fort Smith office is located, Hispanics now comprise 5.7 percent of the total population. This phenomenal growth is shown even more poignantly when one considers that the Northwest Arkansas county which is home to the University of Arkansas, Washington County, experienced a 629 percent increase in its Hispanic population. Needless to say, this influx of new immigrants is putting a significant strain on the provision of basic immigration services.

Mr. GREGG. Can you give me an example of how a Sub-office designation would reduce that strain?

Mr. HUTCHINSON. Currently, the staff of the Fort Smith office are processing a significantly greater number of cases than was originally planned and doing so without a corresponding increase in staff. Thus, it is common for a person's work permit or travel document to be unnecessarily delayed due to the fact that the Fort Smith office simply does not have the resources necessary to locally process the application. A Sub-office designation, and the Officer-in-Charge that would accompany it, would allow the Fort Smith office to administer oaths of naturalization, authorize arrest warrants, issue intentions to fine, and process other administrative matters.

Mr. HOLLINGS. I appreciate your bringing this matter to our attention and we will look into this situation in conference.

FY02 SCAAP FUNDING

Mrs. FEINSTEIN. Mr. President, I rise with a number of my colleagues and the Chairman of the Commerce,

Justice, State Subcommittee, the Senator from South Carolina, to discuss funding for the State Criminal Alien Assistance Program, popularly known as SCAAP.

As the Senator knows, States and localities across the nation, especially those with high immigration populations, face extraordinary costs associated with incarcerating criminal aliens.

The burden continues to grow, for high impact States like California, for example. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates in the system with INS holds. California taxpayers can expect to spend \$571.2 million this year to cover these costs.

Over the past few years, the SCAAP program has reimbursed roughly 33 percent of the costs incurred by State and local governments. Since 1997, the authorization level for SCAAP has been \$650 million. Funding for the program peaked at \$585 million in FY 1999, and dropped to \$565 million in FY 2000.

Given the rising costs associated with criminal alien incarceration, the legislation my colleagues and I had hoped that Congress would see fit to fully fund this important program at the authorized level of \$650 million.

I am concerned that the bill reported by the committee makes dramatic cuts in federal funding for SCAAP, reducing the level of funding by 53 percent to only \$265 million.

Given the urgency of the need and the fact that all 50 States, the District of Columbia, Puerto Rico and more than 360 localities received SCAAP funding in the most recent reimbursement period, I would like to inquire of my friend from South Carolina if there is something that can be done to increase funding for this bill for SCAAP to a more appropriate level.

Mr. KYL. Mr. President, I wish to associate myself with the remarks of my good friend, the Senator from California, and also look forward to working with the Chairman and Ranking Member of the subcommittee to resolve the funding disparity in the State Criminal Alien Assistance Program (SCAAP).

Before I begin my comments about this important program and the level of funding in the Senate Commerce-Justice-State Appropriations bill, I want to state my full support for the \$565 million funding level for SCAAP in the House FY 2002 bill. Through the Crime Control Act of 1994, the Congress created SCAAP to reimburse states and localities for the costs they incur incarcerating criminal illegal aliens. Such costs, it has been made clear, are the responsibility of the federal government. SCAAP has been authorized at \$650 million, although total expenditures of the states and localities exceeds \$1.6 billion per year. Though the

financial burden to process and incarcerate criminal illegal aliens overwhelms the budgets of many states and localities, SCAAP has never been allocated its full authorization. Over the past five years, SCAAP has usually been funded at levels between \$500 million and \$600 million, which has provided states and localities reimbursement of about 30 cents for each dollar spent on incarceration.

The Congress would be doing the right thing if it allocated \$1.6 billion. In FY 2001, the state of Arizona and its localities incurred costs of well over \$30 million to incarcerate criminal illegal aliens, and received \$18 million in federal reimbursement—when SCAAP was funded at \$585 million overall.

To reduce the total 2002 SCAAP fund from its \$565 million level to \$265 million (a \$300 million decrease), is unacceptable. Should funding be reduced to \$265 million, all 50 states, D.C., and the increasing number of localities that incur costs, which now receive an unacceptable 30 cents for each dollar spent, will receive an even more unacceptable level of reimbursement.

Mr. President, I very much hope that Senators GREGG, HOLLINGS, FEINSTEIN, GRAHAM and I can work to resolve these issues before this bill is signed into law.

Mr. GRAHAM. I join with my colleagues to stress the importance of adequate funding for the State Criminal Alien Assistance Program. When our state and local law enforcement undertake the task of assisting the federal government in areas of complete federal jurisdiction, such as immigration, we need to ensure that we are not unfairly shifting the cost burden of this task to our state and local partners. The incarceration of criminal aliens, when undertaken by state and local governments, should be reimbursed. SCAAP is a good first step—it reimburses some of the costs—we should do more. But at the very least, we should ensure that at least the \$565 million allocated in the House bill is available for SCAAP this year.

Each of our states receives reimbursement from SCAAP. Our law enforcement community counts on this funding, and it is our obligation to ensure that our federal responsibility is met.

I am pleased to be working with so many dedicated colleagues on this matter, and look forward to working with the Committee on an issue of such importance to each of our states.

Mrs. FEINSTEIN. I thank the Senator for his encouraging words. As I am sure he knows, the SCAAP reimbursements provided in prior years did not nearly cover the costs states and localities incurred to incarcerate illegal aliens in their jurisdictions.

In Fiscal Year 2000, the last year for which such cost figures are available, the cost for states and localities amounted to more than \$11 billion. Thus, last year's funding level covered only \$565 million, or 5.1 percent, of the actual costs.

A cut along the magnitude of that which is included in the Committee bill would be absolutely devastating. The State of Wisconsin would lose more than \$1.1 million in funding; Rhode Island would lose over \$900,000; Pennsylvania would lose over \$1 million. Thus, even states which have not traditionally had to confront the growth in illegal immigration are bearing the costs of this Federal responsibility.

When the Federal government fails in its responsibility to control our nation's borders, local taxpayers should not have to foot the bill for incarcerating undocumented criminal aliens in State and local jails.

I will work closely with my colleagues in both bodies during the weeks to come to insure that this bill adequately funds SCAAP.

Mr. DODD. Mr. President, obviously the highest priority as a nation is addressing every aspect of the terrorist attacks that took place in our country earlier this week. That is now and should be in the foreseeable future our primary concern as a Senate, a Congress and as a country. Part of responding to that concern includes demonstrating to ourselves and the world that we can carry on the very important business of our country. That business includes election reform.

I now address the issue that will become increasingly important as our Nation and our deliberations in Congress return to normal. This is the issue of funding for election reform. I appreciate this opportunity to include an amendment as part of the managers' amendment to H.R. 2500 (S. 1215). This bill contains appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year 2002.

My amendment provides a \$2 million placeholder for election reform in fiscal year 2002. These Federal dollars would be used to fund a Federal grant program administered by the Department of Justice to States and localities for election reform improvements nationwide.

The amendment that I have crafted is identical to the provision inserted in S. 1398, the Treasury-Postal appropriations bill. The Committee on Appropriations included a \$2 million placeholder in the Federal Election Commission appropriation for administering a program to award Federal matching grants to States and localities to improve election systems and election administration for fiscal year 2002. The report to accompany that bill, S. Report 107-57, notes the intent of the committee that "once such a program is enacted into law, the funds should be available to immediately begin this process."

My provision mirrors this language. Legislation ordered reported by the Rules Committee on August 2, 2001, S. 565 provides for a Federal grant program to the States and localities to fund election reforms, including funds to meet minimum national require-

ments for voting systems standards and technology, provisional voting, and distribution of sample ballots, with voting instructions and voting rights. The bill funds the grant program through the Department of Justice. The Senate will debate this legislation later this fall. This amendment preserves the ability of the Senate to fund reform through either the Department of Justice, the Federal Election Commission, or both.

I firmly believe that it is the obligation of the Congress to provide both the leadership and the resources for election reform. The reforms are necessary to provide guidance to States on election administration and technology and to re-establish public confidence in our elections system. Similarly, the financial resources are essential to support States and localities in implementing, maintaining and weaving those vital election reforms into the fabric of our American democracy.

My amendment for a \$2 million placeholder is at the same level of support that is currently included in the Treasury-Postal appropriations bill for election reform.

I urge my colleagues on both sides of the aisle to support this amendment. It is essential that we include the \$2 million placeholder now to preserve our ability to negotiate actual funding levels for election reform in conference.

Further, I also urge my colleagues to support the companion provision for election reform in the Treasury-Postal appropriations bill when it is debated on the Senate floor in the near future.

I will support both provisions.

Mr. FEINGOLD. Mr. President, I want to thank the managers of this bill, Chairman HOLLINGS and Senator GREGG, for accepting this amendment, and to thank Senators DURBIN and DEWINE and Congressmen HALL and WOLF for their leadership on this issue. I also want to recognize the NGOs that have worked so hard on this bill, and to recognize the diamond industry itself, which has come forward to work with the advocates and with Congress.

I now serve as the chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs. I have been to the Democratic Republic of the Congo. I have been to Angola. And, most recently, in February I traveled to Sierra Leone.

In each of these places, I have met amputees, refugees, widows and widowers and orphans. I have seen the tragic consequences of the near total disruption of a society—the malnourishment, the disillusionment, the desperation. And each time, I have been sickened by the knowledge that some people are getting rich as a result of this misery.

I believe that our national values demand that the United States disassociate itself from the trade in conflict diamonds.

But over the years that I have served on the Africa Subcommittee, I have also worked on issues relating to coun-

tries like South Africa and Botswana. These states depend upon their legitimate diamond industries to fuel economic growth and development. It is critical to distinguish between the entirely legitimate diamond exports of a country like Botswana, and the diamond trade that has helped the RUF and UNITA to sustain bloody wars.

This legislation will help to build momentum behind the multilateral efforts currently underway to regulate the diamond trade and to create a "clean stream" for the legitimate diamond industry and consumers to rely upon. It is my hope that the action we take today will encourage the governmental authorities, advocacy groups and industry representatives gathering in London to work toward a multilateral solution. They must take decisive action to implement a rigorous regulatory regime, not retreat into halfhearted calls for self-regulation.

It is equally important to be honest about the fact that stopping the trade in conflict diamonds is not the silver bullet that will stop the conflicts in West Africa or the D.R.C. or Angola. These complex crises call for nuanced and multi-faceted policy responses. But this one element—de-legitimizing the trade in conflict diamonds—will make it more difficult, and less lucrative, for some of the most odious actors on the international stage to continue pursuing their violent and abusive agendas. It is unquestionably a step worth taking.

Mr. KERRY. Mr. President, today the Senate voted in favor of an amendment I offered with Senators BOND and COLLINS to increase funding for the Small Business Administration's Women's Business Centers program from \$12 million to \$13.7 million, by using some additional funds from the Agency's Salaries and Expenses account. I thank all my colleagues for their support of this important resource for women around the country who are working for economic independence and working to provide jobs and opportunities for others in their communities.

Today is not the first time the Women's Business Centers have been supported from both sides of the aisle. On April 6th, the full Senate agreed by voice vote to a similar amendment Senator BOND and I offered to the Senate Budget Resolution. Like today's amendment, that amendment, Amendment No. 183, increased the funding for Women's Business Centers from \$12 million to \$13.7 million.

I am encouraged by our ability to work together and reinforce the good work of the Women's Business Centers. When a Center trains an entrepreneur, she knows how to approach a lender for a loan, knows how to manage her business, and understands the hows and whys of marketing.

Let me give you two examples of women who sought assistance from the Women's Business Center in Boston, the Center for Women & Enterprise.

Nancy Engel went from struggling to raise her family on public assistance to owning her own mail order and catalog company and creating four jobs. She not only helped herself, but has shared her better fortune by employing other mothers who have the flexibility to make it home in time to meet their kids at the school bus.

And then there's Sarah Byrne—a computer specialist who lost her job. Fed up with being at the mercy of a big company, she launched her own computer company, Complete Communications. With the help of CWE, Sarah has grown her company in Wakefield, Massachusetts, to about 14 employees.

I think it's remarkable that the program opened its first 12 centers in 1989 and today women have access to training and counseling at almost 100 sites. I also think it's remarkable that over the past decade the number of women-owned businesses operating in this country has grown by 103 percent to an estimated 9.1 million firms, generating \$3.6 trillion in sales annually, while employing more than 27.5 million workers. I want to encourage this trend.

In closing, I want to thank Senator HOLLINGS and his staff for all of their help and support of not only this amendment but for the Small Business Administration in general. Again, I thank all my colleagues for voting in favor of this amendment, and Senators BOND and COLLINS for offering this amendment with me. I ask unanimous consent that the amendment be included in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

In the appropriate place in the bill regarding appropriations for Salaries and Expenses of the Small Business Administration, insert the following after the phrase "by section 21 of the Small Business Act, as amended": "Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants as authorized by section 29 of the Small Business Act."

Mr. CRAIG. I rise today to express my extreme concern about developments in the Republic of Korea that have far reaching negative implications for United States semiconductor companies.

I am referring to the massive and unjustified government bailout that the South Korean government is providing to Hyundai Electronics, now known as Hynix.

Today, I am offering a sense-of-the-Senate amendment on this issue. I am joined by my colleague from Idaho, Senator CRAPO, in this effort.

To date, the South Korean government and the government-owned banks have given Hynix over \$5 billion in loans and other types of financing which carry the guarantee of the government of Korea. This is a subsidy pure and simple.

Now the Korean government is planning on giving Hynix additional loans to keep them solvent.

In the year 2000, Hynix was the world's largest producer of dynamic

random access memory—or D-RAM—an important type of memory semiconductor that is used in everything from personal computers to satellites. Hynix has captured over 24 percent of the world semiconductor market.

However, Hynix achieved such a large share of the global market not because it is particularly good at making these semiconductor chips, but because it borrowed excessively and built up enormous capacity.

Last year, Hynix became unable to service its debt. Hynix lost over \$2 billion in 2000, and is expected to lose over \$3 billion this year on sales of a little over \$3 billion.

By any reckoning, this company would have failed were it not for government assistance.

Now, Hynix is broke and cannot repay the loans it took out to finance its expansion. Verging on bankruptcy, Hynix has been kept alive by the South Korean government through infusions of new cash.

Far from solving the company's problems, however, these government subsidies are just plunging Hynix deeper into debt.

This behavior circumvents normal market forces and has very severe implications for the companies in the U.S. and the rest of the world that are forced to compete with Hynix's illegally subsidized products.

Over the past several months, the Korean government has given assurances to me, to my colleague Senator CRAPO, and other Members of this body, as well as Ambassador Zoellick, Secretary Evans and Secretary O'Neill, that the Korean government will stop giving these subsidies to Hynix—subsidies that clearly violate our international trade agreements.

Now, the Korean government seems poised to violate these assurances completely, destroying the U.S. semiconductor industry in the process.

The Sense of the Senate resolution I am offering outlines these facts and calls upon the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative to request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization.

This amendment further asks that the Administration take any other actions that are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed.

I hope my colleagues will support this sense-of-the-Senate amendment and will join me in calling on the Korean government to stop subsidizing Hynix and to stop this dangerous distortion of the international semiconductor market.

Mr. WELLSTONE. Mr. President, I thank the managers of this bill, Senator HOLLINGS and Senator GREGG, for working with me to include an amendment I offered to the Commerce, Jus-

tice, State Appropriations bill. The amendment is the Bruce Vento Hmong Veterans' Naturalization Extension Act. The Act is named after my late colleague and dear friend, Congressman Bruce Vento. Congressman Vento dedicated much of his career to working with the Hmong community in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Act. This amendment would make it possible for all eligible Hmong veterans and their wives to receive the benefits they are due under this Act by extending the application deadline from November 26, 2001 to May 26, 2003.

With less than 3 months remaining before the deadline passes for most of those covered under the Act, only 25 percent of all eligible applicants have filed for citizenship. Advocates for the Hmong believe it will be impossible for all those eligible to file by the deadline. The Hmong community has faced many challenges in getting veterans and their wives filed. The Department of Justice did not release its guidelines for 2½ months and many INS regional offices were unfamiliar with the guidelines for a period of time after that, resulting in eligible Hmong applicants being turned away. The language barrier that created the need for the Hmong Veteran Naturalization Act in the first place has meant that many Hmong needed assistance from Hmong community advocates to understand the citizenship process and to fill out the citizenship application. These advocacy organizations are vastly under-resourced and are overwhelmed by the demand for help from Hmong applicants.

I want to make it clear. This amendment would not increase the number of eligible applicants. It in no way would change the other requirements of the law. It simply would provide a necessary extension for existing eligible applicants.

As the Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become much richer as a result of coming to know the history and culture of the Hmong people in Minnesota. I deeply respect their extraordinary efforts in support of the American people. When the Conference Committee meets, I urge my colleagues' strong support of this amendment so it may become law when this bill is passed. The original Act was passed because of Hmong veterans' tremendous sacrifice on behalf of the United States during the Vietnam War and because of the unique literacy challenges the Hmong community faces. It would be wrong to deny the benefits of the Act to eligible veterans for reasons that are beyond their control. Let us fulfill the intent of the Act we passed last year and ensure that these veterans and their families receive the benefits they are due.

Mr. ALLEN. Mr. President, I congratulate Chairman HOLLINGS and Senator GREGG for including in this appropriations measure a grant of \$500,000 to the National Capital Area Council of the Boy Scouts of America for its "Learning for Life" program that serves 20,000 students in Washington, D.C., Virginia and Maryland. This is not a new program; the Congress has funded it for the past two years. By continuing to fund "Learning for Life" for another year, thousands of young people in the Washington metropolitan area will be able to participate in an innovative program that helps them develop social and life skills, assists their character development, and helps them formulate positive personal values.

"Learning for Life" is designed to support our schools in their efforts to prepare youth to successfully handle the complexities of contemporary society and to enhance their self-confidence and motivation. It prepares youth to make ethical decisions that will help them achieve their full potential.

At a time when drugs and gangs are ravaging our schools and communities, this program is a catalyst to help stop this trend. Teachers use age-appropriate, grade-specific lesson plans that give the boys and girls in our schools the skills and information that helps them cope with the complexities of today's society. By making academic learning fun and relevant to real-life situations, the core values and skills learned by the students participating in this program prepare them to participate in and provide leadership in American society.

Senators HOLLINGS and GREGG have been, and continue to be, strong supporters of efforts to enhance educational opportunities for the youth of our country. The thousands of boys and girls who participate in this program join me in expressing our gratitude for the continued leadership of Senators HOLLINGS and GREGG.

I am also thankful for the support of Senators THURMOND and SESSIONS who joined me in working to continue funding for "Learning for Life."

Mr. BAUCUS. Mr. President, I rise to address two important international trade issues raised in this bill: trade in conflict diamonds and trade adjustment assistance.

I thank Senator GREGG and Senator DURBIN for taking on the important issue of so-called "conflict diamonds." As we have all seen reported in the press, the struggle for control of diamond mining areas in Africa by various rebel groups have led to the commission of some terrible atrocities against unarmed civilians.

My colleagues Senator GREGG and Senator DURBIN have both introduced bills aiming to stem the trade in conflict diamonds. I applaud them for their efforts.

The appropriations measure that we are considering today includes lan-

guage that would implement S. 1084, Senator DURBIN's bill to halt U.S. imports of conflict diamonds. Some of the measures used in this legislation to respond to the conflict diamond problem fall within the jurisdiction of the Finance Committee. Therefore, the preferred method for considering this measure would be to hold a hearing and mark up the bill in the Finance Committee.

In this case, however, there is a certain urgency to taking action on the issue of conflict diamonds in order to halt the atrocities that continue to take place in Africa and restore the confidence of the diamond-buying public in the United States. In addition, Senator GREGG and Senator DURBIN have worked closely with me and with each other to make sure that the substance of this provision is acceptable to all concerned.

Based on this close cooperation and the urgency of the issue, I have decided not to raise a jurisdictional objection. I therefore support the inclusion of S. 1084 in the bill before us.

I will now say a few brief words about Trade Adjustment Assistance. The TAA program has been on the books since 1962 and has historically received wide bipartisan support. The purpose of the program is to help workers and firms that experience layoffs due to import competition.

The portion of the Trade Adjustment Assistance program which assists trade-impacted businesses operates out of the Department of Commerce and its budget is included in the Commerce, Justice, and State appropriations bill. This program helps small- and medium-sized businesses that are facing layoffs due to import competition to get access to technical support and develop business plans that help them adjust to import competition, become more competitive, and maintain or increase employment.

The TAA for firms program operates on a shoestring. Historically, the TAA for Firms program creates or preserves one job for every \$861 spent. This is a bargain we cannot afford to pass up. In recognition of this program's track record, in every recent year the Senate has attempted to increase funding for this program in the CJS appropriations bill. Last year the amount that passed the Senate was about \$24 million. Every year, the number gets reduced in conference. This is very frustrating, but certainly not a reason to give up. This year, however, much to my chagrin, the bill before us does not include any increase in funding for this program over the current level, so there is no basis even to go to conference on this issue.

There is no doubt that the current funding level for the Trade Adjustment Assistance for Firms program is sorely inadequate. Every year more firms are certified eligible than there is money to provide even the most modest technical assistance. The result is that many qualified and deserving firms do

not get the technical support they need to get back on their feet and keep jobs in their communities.

For example, right now in Montana ten companies have 25 approved but unfunded projects for a total shortfall of over \$351,000. This includes several companies that have been forced to severely reduce operations due to imports of dumped and subsidized softwood lumber from Canada. The communities where these businesses are located often do not offer many opportunities for alternate employment and it is important that we help companies and communities like these to get back on their feet.

In conclusion, Mr. President, I want to express my profound disappointment that we in the Senate have not even made the attempt to provide a more adequate funding level for this valuable program in FY 2002, despite its extremely modest cost and proven benefits. I will certainly work to see that this mistake is not repeated next year. I will also work to see what solutions are available to this continuing problem when we mark up a bill to reauthorize the Trade Adjustment Assistance program this year in the Finance Committee.

Mr. LUGAR. Mr. President, I appreciate the good work the committee and the managers have done with respect to the fiscal year 2002 appropriations bill for the Departments of Commerce, Justice, and State. However, there is one area in which the bill is deficient; namely, embassy security.

The Department of State is requesting a total of \$1.3 billion for worldwide security upgrade activities in fiscal year 2002, a 22 percent increase over the fiscal year 2001 level of \$1.07 billion. This funding is to be used to: maintain extensive security enhancements; address other domestic and overseas vulnerabilities; construct modern, secure facilities; and correct perimeter security weaknesses.

Over the past 3 years, the Department has invested over \$3 billion in extensive improvements in systems and facilities as well as security staffing to protect U.S. diplomats, employees, and dependents around the world. The \$1.3 billion requested in the fiscal year 2002 budget includes \$363 million to maintain these programs at their current levels. Examples include continued funding for approximately 6,000 guards and surveillance specialists; maintenance of 490 explosives detection devices, 877 walk-through metal detectors, and 283 x-ray machines; and maintenance of almost 1,000 armored vehicles.

The fiscal year 2002 budget request also includes \$64 million to reinforce defenses against cyberterrorism, technical and human intelligence gathering efforts, and penetration of our domestic facilities. Included in this effort is the addition of 186 positions, 86 agents and 100 other security professionals, not only to support expanded programs but to reduce the burden on current



personnel and to ensure that sufficient agents are always available to address any serious threat or emergency.

The budget request also includes a total of \$665 million for seven security-driven construction projects that will replace less secure embassies or consulates and U.S. AID facilities. The request also includes \$211 million to address significant vulnerabilities in systems and equipment that monitor perimeter areas and control access to U.S. facilities. These funds will continue perimeter security improvements and extend the installation of protective measures to additional posts.

I am disappointed that the committee mark does not fully fund the Department's priority personnel increases for improved diplomatic readiness and worldwide security upgrades. The Department's initial request had about \$95 million to provide for the hiring of 360 new employees to support Diplomatic Readiness requirements. However, the committee's mark only supports about 40 percent of this new hiring.

In order to have the right people in the right place at the right time with the right skills to advance American interests, the Department has put forward an aggressive plan to bring in over a 3-year period some 1,100 new employees above attrition. Funding to hire the full 360 employees is one of the Department of State's highest priorities and is supported by the authorization marks of both the House International Relations Committee and the Senate Foreign Relations Committee, as well as by the House appropriators on the Commerce-State-Justice bill.

Moreover, the hiring of 186 additional diplomatic security professionals, 86 diplomatic security agents, 9 security engineers, 10 security technicians, and 81 civil service infrastructure support employees, is critical to the Department's efforts to improve the security of our overseas personnel, facilities and national security information.

Finally, the reductions to the Department's overseas construction account, \$219 million and applying \$154 million in prior year construction balances to fiscal year 2002 requirements, will make it more difficult to meet the very ambitious buildings program that the Secretary of State has planned.

I understand that the committee has maintained funding for embassy security in the diplomatic and consular programs and embassy security, construction, and maintenance accounts at approximately last year's levels. However, the failure by the committee to provide the administration's requested increases for additional security personnel and construction could severely hamper the Department of State's multiyear effort to improve security for American personnel serving in our embassies overseas. For example, within the funds that the committee provides for construction, funding is earmarked for projects not on the list of the most urgent, security-

driven projects for fiscal year 2002, which will make it more difficult for the Department to meet its security-improvement goals.

I am also concerned that the funding allocated by the committee does not appear to extend to the protection of U.S. AID employees, an oversight that should be quickly addressed.

We cannot in good conscience leave the manifestations of the American presence abroad, namely, our embassies and consulates, inadequately protected. The terrorist attacks on New York and the Pentagon were preceded, it should be remembered, by attacks on American embassies in two African countries just a few short years ago. U.S. embassy security abroad deserves the same degree of attention by authorizers and appropriators as homeland defense.

I would urge the managers of the bill to revisit this issue in the conference with their House counterparts and, at minimum, agree to the administration's request with respect to the embassy security account. Indeed, in light of the recent acts of war perpetrated against the American homeland, it would only be prudent, in my judgment, for the conferees to consider a major increase over the administration's request.

Mr. DASCHLE. Mr. President, I want to thank Chairman HOLLINGS and Senator GREGG for working with other senators and me to accept an amendment that will ensure that eligible beneficiaries may receive compensation under the Radiation Exposure Compensation Act (RECA).

Over a year ago, Senator HATCH and I worked together to update RECA to ensure it took into account the latest scientific evidence and to extend benefits to new groups of workers, including uranium mill workers and ore transporters. In addition, we extended eligibility for compensation beyond the group of five States identified in the original law, to additional States where uranium mining occurred, including South Dakota.

Due to the concerns about the amount of funding available for this program, language was included in both the fiscal year 2001 and fiscal year 2002 Commerce, Justice and State Appropriations bill limiting the payment of compensation to the original RECA beneficiaries. While I share concerns about the limited amount of funding available, I cannot support this approach to the problem. Those added to RECA in 2000 are now legally entitled to compensation and should have their claims paid along with original beneficiaries.

We simply must do a better job of funding RECA in the future. Last year, many beneficiaries received IOUs from the Federal Government because inadequate funding was available to pay their claims. To ensure adequate funding over the long term, I already have cosponsored legislation to make funding for RECA mandatory. I am com-

mitted to working with my colleagues to secure the passage of this legislation in the near future.

I appreciate the willingness of the chairman and ranking member to accept my amendment. I also want to thank Senators BINGAMAN, DOMENICI, HATCH, and REID for their support of this amendment.

Mr. MCCAIN. Mr. President, I had intended to offer an amendment to the Commerce, Justice, and State appropriation bill regarding the Title XI Loan Guarantee Program. However, in light of the events of the last several days, I believe the Senate needs to quickly move onto the consideration of legislation that will aid our Government in addressing issues resulting from the devastating attacks on our Nation earlier this week. Therefore, I am going to reserve the amendment for another time.

I am very concerned that the Title XI Loan Guarantee Program is in fiscal peril due to recent loan defaults and ongoing construction problems with other guaranteed projects that could soon lead to further defaults that will cost the American taxpayers billions of dollars. I encourage all my colleagues to review the merits and cost of this and all programs which provide taxpayer-funded support to special interests. We should carefully weigh the needs of those interests against the needs of our Nation as a whole. We are going to have to make some very difficult budget choices in the weeks ahead and I hope that we can come together to ensure those choices are in the best interest of all Americans.

NOAA LABORATORY IN LAFAYETTE, LOUISIANA

Mr. BREAU. First, I'd like to thank Senator HOLLINGS and Senator GREGG for all of their help over the last four years in trying to establish a strong NOAA presence in Lafayette, Louisiana. Their efforts are most appreciated by me and by the State of Louisiana.

Many of my colleagues may not realize that Congress appropriated close to \$14 million in the 1991 Commerce, Justice, State appropriations bill to build a much needed multi-agency, federal laboratory in Lafayette for the study of coastal problems in the Northern Gulf of Mexico. While the building was completed long ago, it is still eighty percent vacant because of a political disagreement. Report language was included in 1995 C.J.S appropriations report that NOAA says prevents it from ever occupying or using these state-of-the-art facilities. I have worked since 1998 to remove this restriction with little success.

In the intervening years, the problems in the Gulf of Mexico originally identified for study at this facility have grown progressively worse and are having greater and greater negative impacts on Louisiana and the nation. Our wetlands continue to disappear, many important marsh lands have mysteriously died, and the size of the so-called "Dead Zone" has grown to 8,000 square miles.

With over 3 million acres, Louisiana is home to 40% of the coastal wetlands in the United States and is experiencing over 80% of the nation's wetlands loss. Our state is losing 25–35 square miles of coastal wetlands per year. The United States loses one acre of productive coastal wetlands in Louisiana every 24 minutes. In the next ten years, Louisiana will lose wetlands equal to the size of San Diego.

These wetlands play a critical role in our national and local economy. As much as 28% of the nation's fisheries harvest comes from Louisiana's coast. These shrimp, crab, crawfish, oyster and finfish fisheries (over 1.1 billion pounds per year landed in Louisiana alone) are dependent on our coastal wetlands. Louisiana's fisheries alone are comparable to the annual catch on the entire Atlantic seaboard.

Louisiana's coast also provides wintering habitat for over 5 million waterfowl every year, nearly 20 percent of the entire winter population of ducks and geese in the United States. The extensive coastal oil and gas infrastructure that this nation relies so heavily on is also at risk as it becomes increasingly exposed to greater storm energies without the protection of the marsh.

The national economic benefits of Louisiana's coast include:

\$30 billion per year in petroleum products;  
\$7.4 billion per year in Natural Gas (21% of the nation's supply);

\$400 million tons per year of waterborne commerce;

\$2.8 billion per year in commercial fishing;  
\$1.6 billion per year in recreational fishing;  
\$2.5 million per year in fur harvest (40% of the nation's total); and

\$40 million per year in alligator harvests.

In the years that we have been waging the political fight over the NOAA laboratory in Lafayette, my state has experienced a number of other devastating problems which have a major impact on these resources and desperately need to be fully studied. Last year we lost more than 30 square miles of salt march grass in an unprecedented phenomenon that could mean an advanced rate of loss for our coast in the years to come. These threats to our coastline and our fisheries are compounded by the horrific growth in the hypoxic zone, or Dead Zone, where extremely low levels of oxygen suffocate shellfish and drive out all other forms of marine life. Each summer, the Dead Zone increases in size and covers an area off of Louisiana's coast that is roughly the size of the State of New Jersey. I'd like to submit for the record to following Times-Picayune story which shows that this oxygen-deprived zone continues to grow.

While this issue has attracted attention and resources from the federal government, there remains a serious shortage of research in the Northern Gulf. The problems are astounding and solving them is critical to the economic and cultural future of the State of Louisiana and this nation. However, these problems are not fully understood and we will not be able to effectively solve them until we do.

That is why I rise today to respectfully request that \$1.5 million be added in the FY 2002 C,J,S appropriations bill for planning and design of a new research facility in Lafayette, Louisiana to be occupied by NOAA for the study of coastal and fisheries problems in the Northern Gulf of Mexico. Let me be clear, I would prefer for NOAA to occupy the current facility. I want to thank Senators HOLLINGS and GREGG again for helping me to try to do this, but time is running out. Louisiana and the nation can not wait yet another year.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are about to have final passage on this bill. I congratulate our two managers. This has been quite an ordeal. I congratulate them on their successful completion of the bill.

We have a number of nominees I want to be able to consider and, if necessary, have votes on the nominations. During this vote, we are going to be consulting with certain Senators about whatever requirements there may be on a couple of these nominations. If necessary, I would like to have these votes tonight if they are going to be required, but we will be able to make that announcement shortly after the vote, or perhaps during the vote, for those who are interested.

The other outstanding piece of business I would like to be able to complete before the end of the week is, of course, the supplemental appropriations bill. If the House acts, we will then be in a position to act on this side. I do not know yet the status of that particular piece of legislation. That may require a vote tomorrow morning.

As I said in our joint caucus this afternoon, my hope is that we can avoid having votes after the memorial service tomorrow afternoon. That is not only my hope, my expectation, with the caveat, of course, we have been able to resolve these matters successfully.

I urge colleagues not to leave after this vote until we are absolutely certain that no rollcall votes are going to be required on the nominees that I would like to consider yet tonight. I yield the floor.

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 a third time.

The bill was read the third time.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—97

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Reed
Boxer	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Helms	Sessions
Cantwell	Hollings	Shelby
Carnahan	Hutchinson	Smith (NH)
Carper	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Clinton	Jeffords	Stabenow
Cochran	Johnson	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—3

Dodd	Kennedy	Mikulski
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The bill (H.R. 2500), as amended, was passed.

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

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. GREGG. 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 amendments and requests a conference with the House on the disagreeing votes of the two Houses and appoints the following conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. DAYTON) appointed Mr. HOLLINGS, Mr. INOUE, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN conferees on the part of the Senate.

AMENDMENT NO. 1563

Mr. GREGG. Mr. President, I ask unanimous consent that it be in order, after passage of H.R. 2500, for the Senate to consider a Collins amendment, which is at the desk; that the amendment be considered agreed to, and the motion to reconsider be laid upon the table.