

or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) **NONDISCLOSURE REQUIREMENTS.**—Subsection (d)(2) of that section is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) **EMERGENCY INSTALLATION.**—

(1) **AUTHORITY FOR UNITED STATES ATTORNEYS.**—Section 3125(a) of that title is amended in the matter preceding paragraph (1) by striking "or any Deputy Assistant Attorney General," and inserting "any Deputy Assistant Attorney General, or any United States Attorney,".

(2) **EXPANSION OF EMERGENCY CIRCUMSTANCES.**—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

"(C) immediate threat to the national security interests of the United States;

"(D) immediate threat to public health or safety; or

"(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,".

(d) **DEFINITIONS.**—

(1) **COURT OF COMPETENT JURISDICTION.**—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) **PEN REGISTER.**—Paragraph (3) of that section is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears.

(3) **TRAP AND TRACE DEVICE.**—Paragraph (4) of that section is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;".

### **SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating 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 violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

### **SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.**

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002."

## **ORDER OF BUSINESS**

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are attempting to propound a unanimous consent request having to do with the schedule for next week. We have not been able to get complete agreement on either side at this point, but it should not be too much longer. It would be my desire, once we get that unanimous consent, to go out for the day.

Just as soon as that occurs, we will then be prepared to take final action for the day.

Until that time, I have a couple of remarks in regard to the important legislation that passed this morning.

### **USE OF FORCE TO DEFEND AMERICA AGAINST TERRORIST ATTACKS**

Mr. DASCHLE. Mr. President, we are now learning that the terrorists who attacked our Nation this week may have been planning their hideous crimes for years.

In their evil and painstaking calculations, the terrorists clearly tried to anticipate every possible obstacle they might encounter.

But there is one obstacle they overlooked; that is, the courage of the American people, and our fierce determination to defend the people and values we cherish.

It was that courage and determination that appears to have given the passengers aboard the plane that crashed near Pittsburgh the strength to resist their murderers and prevent an even greater tragedy.

It is that same courage and determination that is at the heart of this resolution we pass today.

Tuesday, from the window of my office in the Capitol, I watched thick black smoke rise from the Pentagon and fill the sky over Arlington Cemetery.

The graves in that hallowed ground remind us that Americans have faced great evil before and defeated it.

By passing this resolution, we are saying we are prepared to confront evil again and to defeat it again.

We are saying that the Congress of the United States—Democrats and Republicans stand with the President as our Commander in Chief.

We are authorizing the President to use force against the terrorists who at-

tacked America on September 11, and any nation, organization, or person that aids or harbors them.

As a result of our actions today, we know that our men and women in uniform may be forced to confront a new kind of enemy—an enemy whose actions are constrained neither by conscience, nor the rules of war.

We also know that whatever they are called to do, they will do it well and with honor. And we know this: They will prevail.

This is the gravest responsibility we can undertake as elected leaders.

That is why our Constitution calls on the President and the Congress to act together on decisions to employ our armed forces to defend our Nation.

By passing this resolution, we reaffirm our belief in our Constitution as the foundation and strength of our democracy.

By providing specific statutory authorization and by requiring continuing consultation between the President and the Congress, we also underscore the importance of the War Powers Resolution. Only by standing together, can we stand strong and defeat this threat.

As I have said before, what happened on Tuesday was not simply an attack against America. It was a crime against democracy, and decency. It was a crime against civilization itself.

Americans have been deeply touched this week by the support we have received from friends throughout the world. From the gates of Buckingham Palace, to the halls of the United Nations and NATO, to the streets of Moscow and beyond, the grief displayed by our friends has helped to make our own grief more bearable.

We thank the family of nations for standing with us in these early days of this battle against terrorism. Even more, we thank them for their commitment to stand with us in the days ahead.

I am confident we will continue to stand together, and defeat this most insidious of threats, wherever and whenever it arises.

We will be fierce in the defense of our ideals. We will make whatever material or physical sacrifice that is required of us to punish those who attacked our nation, and to prevent future attacks.

But we will not sacrifice the ideals that built this nation and have sustained us for more than two centuries.

Just as we are united against the terrorists and their co-conspirators who carried out the attacks on our nation, we must also be united against acts of hate against innocent Arab-Americans and Muslims.

The madmen who carried out these crimes despise our values of liberty and justice for all.

By maintaining our commitment to those ideals now, we send a powerful message to those who committed this evil that they have not won, and they will not win this war. They have broken our hearts, but not our will.

The terrorists hoped to bring us to our knees. Let us defy them by standing together on our feet as one nation, indivisible.

Yes, we saw evil this week. But we have also seen great strength. We have seen it in the heroic men and women working day and night in the wreckage of the World Trade Center and the Pentagon.

We have seen it in the countless Americans in cities across the country who waited hours to donate blood.

And we have seen it in the men and women who may have prevented even greater destruction through their bravery aboard that doomed flight.

That is the strength of America—the one obstacle the terrorists did not anticipate, and the one that will be their undoing.

I yield the floor, and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMERICA UNITED

Mr. DORGAN. Mr. President, at midday today I attended the prayer service at the National Cathedral which President Bush called. It was attended by President Bush and four former Presidents, and many Americans, of course. And I think millions of Americans watched on television. It was a remarkable, moving, and emotional prayer service.

As I sat in the prayer service, I thought about something that happened yesterday as I toured the damage to the Pentagon with my colleagues, Senator DASCHLE, Senator REID, and others. Yesterday, we were touring the Pentagon where, of course, many Americans died as a result of an airplane, loaded with jet fuel and commercial passengers, which was flown by a terrorist into the Pentagon and caused a fire and collapse and so much damage.

Yesterday, as we were being briefed at the Pentagon about the damage that was caused and the loss of life, my colleague, Senator Reid, will remember that there was a crane near the building. The crane had a long steel cable attached to it. On the end of the steel cable was one of these little baskets. There was a man standing in the basket in uniform. The crane hauled this basket up to the fourth floor of this gaping wound in the middle of the Pentagon building. This man, who is a soldier, reached around from this basket deep into the hole of the Pentagon building, and from outside of this hole he pulled out a red and gold flag. He put it into this basket, again, dangling from a crane. They brought him back to the ground. It turned out he had

pulled out of this gaping hole in this burned-out structure at the Pentagon a U.S. Marine flag that had for some reason not burned. It appeared to be the only thing that could not have possibly burned in that entire area.

This young Marine, who grabbed this U.S. Marine Corps flag—this beautiful gold and red flag—marched over to where we were, and he stopped and said he was taking this flag to the U.S. Marine Corps Commandant.

He said he saw the flag as he looked through the wreckage up on the fourth floor in an office, and miraculously this flag had not burned. He wanted to get to it, so he got somebody to take him up in a crane in a basket, and he retrieved this flag.

As he held this flag proudly, on his way to the Commandant of the Marine Corps, he said to us: They couldn't destroy this flag, and they can't destroy this country. And I thought, wow, what a thing to say. This morning I woke up and looked at the Washington Post, and there is a full color picture of this young Marine holding that U.S. Marine flag as he came away from that building. It was just before he came over to greet us on his way to the Marine Corps Commandant.

It was but one act—a symbolic act, in many ways—of a young soldier who used that flag that he saw, that had survived the fire and survived the carnage—the one flag that was left standing—to make a point that those who committed these heinous acts, those madmen who perpetrated these acts of evil that murdered so many innocent men, women, and children in this country, could not destroy that flag and cannot destroy this country.

As I said the other day, all of us are heartbroken in America today. We express that in many ways. Prayer services across the country, recommended by our President, have reflected a common understanding—the ability to grieve together and the ability to come together. It was important to do that. It is important to do that.

But there is something else that is important for us to understand. The terrorists did something they could never have possibly imagined: They created in this country a togetherness that has not been here for some long while. People want to show the flag these days.

My 12-year-old daughter yesterday said: Dad, let's put out the flag. People all over this country are putting an American flag out in full view. And people around this country are doing things that we know represent the inherent goodness of people.

Within hours of the terrible tragedy at the World Trade Center—within hours of those evil acts—we had scores of people lining up to give blood in this country. I saw the interview of one person who was in a 5-hour line, and she was asked: Why are you in line 5 hours waiting to give blood? And she said: Because it's the only thing I can do, and I want to do something today.

The terrorists could not have possibly imagined what their acts would do to bring Americans together. This country has a common purpose. Yes, it has a great deal of grief and, yes, our heart is broken, but our spirit is not broken.

The common purpose in this country is to grieve together, to pray together, and then understand that we want to—and we must—find those who planned and committed these acts, and those who harbored them, and punish them and at the same time take the kind of precautions we know we must take to prevent this from happening again.

It is a free country. We are proud of that freedom and liberty. And it is also understood by everyone that we have the risk of acts of terrorism committed in free countries precisely because of that freedom. Perhaps we can never make certain that we will not ever see a terrorist act again. Perhaps we can never do that. We can certainly exert all the energy and all the genius available to all of us in this country to take the steps we think can try to prevent these acts again.

But notwithstanding the challenges and the tragedies, and notwithstanding the common grief that was born of these evil acts, this country will remain a free country. We will remain a country of which all of us are enormously proud.

There is a spirit about America: A spirit to prevail, a spirit to build, a spirit to come together. It is reflected by a lot of things, a couple of which I just mentioned. And that spirit is, in my judgment, not dimming; that spirit is growing. In the coming weeks and days, I think manifested today on the floor of the Senate, that spirit will nurture all of America.

Today, on the floor of the Senate, we passed a piece of legislation, without a dissenting vote, that said we want to help people in need. We provided the resources to say to the people who were victims of this: You are not alone. Your families are not alone. Your loved ones are not alone. Your cities are not alone. And then we passed, without a dissenting vote, an authorization to the President, who asked for an authorization from Congress, to be able to take appropriate action against those who committed these evil acts.

Without a dissenting vote, the Congress said to the President: Yes, we are with you. That is quite a remarkable thing to have done. And it reflects a spirit not just here in the Senate; it reflects a spirit, in my judgment, borne in the breast of every American today, proud to be an American, and determined to make sure we are able to retain and nurture this way of life, to defeat terrorism wherever it exists, and to nurture freedom and liberty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hesitate to interject any more words prior to our going out today because I think