

in our committee was the single biggest concern the FBI had in its capacity to adequately monitor what was going on among the terrorist community, those people who wish to promote terrorism. In the area of encryption we need to have a new regime. We need to have the cooperation of the community that is building the software, producing the software, and building the equipment that creates the encryption technology.

I have ideas how to do this so we do not undermine their activity to sell their product, and ideas that will allow us as a nation that wants to protect the civil rights of individuals and constitutional rights of individuals to do that, yet still allow our law enforcement community, when it sees a need, to be able to break a code. It allows the community to have the access to the keys to accomplish that under a strict structure which is legal and judicially controlled and therefore does not undermine the rights of the individuals who are producing this product or using the product but simply gets at the bad guys. I have a proposal to do that.

More important, we have to recognize this is not a domestic problem. These products are made internationally. I believe we have the right to use the market of the United States as leverage for the purposes of accomplishing the protection of America. We have a huge economic market in the United States. The people making these products want to sell their products in the United States, whether it is this product or something else they make. I believe we should use the leverage of the American market as a way to say, if you are going to sell this type of equipment anywhere in the world, and you want to sell something in the United States also, you have an obligation to comply with our needs for our national security under a strict legal judicial structure.

I am hopeful we can set up a regime that will be fair, that will be subject to the judicial controls necessary to protect the constitutional rights of people who are law-abiding but will also give our intelligence community the access to the information they need when they know there is somebody out there using encryption technology for the purposes of pursuing a terrorist act in the United States. There is no excuse for anybody to be underwriting that type of activity in our country. That is the intelligence level.

The second level, as I mentioned, was the apprehension level. Apprehension is extremely difficult when you are dealing with the terrorist community. There is an entire law enforcement concept in this Nation that says we apprehend after the act occurs. Yet if we wait until after the act occurs in the area of terrorism, the harm is so extreme, as we saw in New York and in Washington, that it becomes very hard to justify allowing the event to occur before we have declared that the indi-

vidual needs to be apprehended. We have to change our mindset and our approach, and in doing so we have to address our constitutional protections so you do not end up undermining that because it will make the terrorist successful.

The simple fact is we are going to have to adjust our approach in the area of law enforcement to one of apprehending before the event approaches rather than after the event.

Second, we are going to have to face the fact that our borders are incredibly porous and we have to set up a new regime for managing our borders which allows the proper flow of individuals back and forth so we can have the access that people, for example, from Mexico wish to have to work in the United States. But we also have to have controls so we know who is coming into our country.

Again, I think the Guest Worker Program discussed and in the works is a way to address that. I have some thoughts in that area. This will be a key element of the United States of how we apprehend individuals who are bent on committing acts of terror in our Nation, getting control over our borders.

The third element involved is crisis management and consequence management. Here the Federal Government needs to get its act under control. We have 46 agencies responsible for some element of terrorism or counterterrorism. There is tremendous overlap; that is, regrettably, turf issues. There is often indecision and lack of communication of information. In fact, in the instance we had in New York, there may have been a specific lack of communication of information. We need a centralized management structure within our Federal Government.

We have proposed in the Commerce-State-Justice bill it be divided for the purposes of domestic terrorist acts—no military but domestic terrorist acts—into two areas. In the Justice Department, appointment of a Deputy Attorney General of Terrorism, with a cross-jurisdiction responsibility. Unless you have budget authority for this individual, there is no point in having such an individual.

The Justice Department for crisis management, the Federal Emergency Management Administration for consequence administration, they would essentially be coordinators of the issue of how we handle domestic terrorist events here in the United States. They would function as coequals, and would be sequential, however, in their response to an event.

This is just one proposal for how to do it. It is one that passed this Senate and has been strongly supported, for example, by the assistant leader, Senator REID. I thank Senator HOLLINGS for his support and Senator WARNER and Senator SHELBY, who participated in the hearings.

As I mentioned, this is just one approach to accomplishing this goal, but

we need to accomplish this goal, and we need to accomplish it quickly. The key to accomplishing it, as I mentioned, is whoever is given the responsibility for managing the terrorist portfolio, that individual also has to have budgetary responsibility across departmental lines because the only way you control things in this Government is if you control the dollars. If you do not control the dollars, you are not going to be able to control the activity. With the drug czar, we saw a complete failure of just naming someone to a position and claiming he has responsibility when he never got the authority to do the job. We cannot afford that on the issue of terrorism.

This cannot be a public relations event. This must be an individual who has significant power and the responsibility and the capacity to carry out that responsibility because he has the power to do it.

My time has run out. I know there are other people who want to speak so I will yield the floor, but I do intend to speak further on this issue of how we manage our house on the issue of terrorism. There is a lot we need to do and a great deal that needs to be thought about in this area.

I especially thank the Senator from North Dakota for his courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. (The remarks of Mr. SPECTER pertaining to the introduction of S. 1434 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I request 10 minutes in morning business.

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

COLORADO FEDERAL JUDICIAL NOMINEES

Mr. ALLARD. Madam President, I come to the floor today to speak about an issue of great importance to the State of Colorado. This is the nomination and confirmation of Federal judges.

I am pleased to announce that recently the President nominated two outstanding individuals to fill vacancies on the Colorado Federal District Court.

The first is U.S. Chief Bankruptcy Judge Marcia Krieger of Denver, the other is Colorado District Court Judge Robert Blackburn of Las Animas. Both are extremely well qualified. Both are sitting judges with extensive experience managing a case load. Both have had distinguished legal careers and are widely respected in our State. Both will make Colorado and the Nation proud as Federal judges.

Judge Krieger has been a Federal bankruptcy judge for the District of Colorado since 1994, and she was appointed Chief Judge for the Bankruptcy Court for Colorado last year.

Judge Krieger is a graduate of the University of Colorado School of Law and she currently serves as an adjunct law professor at her alma mater.

Judge Krieger has extensive private practice and litigation experience.

Judge Blackburn has been a Colorado State District Court Judge since 1988. He is a judge in the 16th Judicial District, in the southeast part of Colorado, a largely rural and agricultural area of the State.

He is graduate of the University of Colorado School of Law, and he has extensive experience in private practice and as a deputy district attorney. He has also been a cattle rancher in our State.

Earlier this year the President also nominated Mr. Tim Tymkovich of Broomfield to the 10th Circuit Court of Appeals. This appointment is important not only to Colorado, but also to the other five States in the 10th Circuit—Wyoming, Utah, Kansas, Oklahoma, and New Mexico.

Mr. Tymkovich is the former solicitor general for the State of Colorado, he has extensive litigation experience in both Federal and State court, and he is currently a distinguished attorney in private practice in our State.

Mr. Tymkovich is a graduate of the University of Colorado School of Law, he was a law clerk for the Chief Justice of the Colorado Supreme Court, and he recently served as cochair of the Colorado Governor's Task Force on Civil Justice Reform.

Today I rise to speak not only of the tremendous qualifications of these three individuals, but to also urge that the Senate move expeditiously to confirm them as Federal judges.

The 10th circuit seat became vacant in October of 1999—nearly 2 years ago. One of the district court seats became vacant in April of 1998—over 3 years ago. The other seat became vacant in May of this year.

Recently, I researched some of the history of appointments to the 10th circuit and one of the things that really jumps out is how quickly Federal judicial vacancies were filled in the past in Colorado.

It was unusual for a seat to remain vacant for a long period of time. I hope we can get back to this tradition.

The Senate should carefully review all nominees, I have taken this responsibility very seriously as a Senator. But when we get qualified candidates that are not controversial, we should confirm them in a timely manner.

That is why I am today asking that the Judiciary Committee begin the process of reviewing these three individuals. I look forward to hearings and confirmation this fall.

Colorado needs to have a full compliment of Federal judges. We are a fast growing State. We have a heavy case load in our Federal courts, and these vacancies need to be filled.

I have worked hard to support the selection of Federal judges of the highest qualification.

That is why Senator CAMPBELL and I have formed a Judicial Vacancy Advisory Committee to screen candidates for district court vacancies in Colorado. This is a non-partisan process.

This past spring, once we learned the process that would be followed by the President in selecting Federal judges, we appointed a six-member advisory committee. This committee was made up of distinguished lawyers in our State. They reviewed dozens of candidates for the two district court vacancies in Colorado. They narrowed the list down to nine qualified individuals. I personally interviewed all nine, and I was very confident that all nine would make fine Federal judges.

Senator CAMPBELL and I then forwarded these nine names to the President and his legal counsel. The President announced his selection of Judges Krieger and Blackburn from this list. I am proud of these choices, and I am proud of the prior choice of Mr. Tymkovich for the 10th circuit.

I intend to work very hard to see that they are confirmed by the Senate in a timely manner.

In fact, I encourage the leadership in the Senate to move forward with a number of other nominations that relate to law enforcement—for example, U.S. marshals and the U.S. attorneys.

I hope that in a very expeditious and rapid manner we get these positions throughout the country filled and confirmed, particularly in light of the events of the last week and a half.

Madam President, I conclude by saying I think it is important that we move forward with all law enforcement nominations as quickly as possible and that we move forward with our judicial nominations as quickly as possible.

I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 2590, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I will be joined in the Chamber in a few minutes by my colleague, Senator CAMPBELL from Colorado, who is working on other parts of this legislation.

This legislation is the product of the work of the subcommittee on appropriations dealing with Treasury, Postal and general government accounts.

In the last 2 days, President Bush has indicated it is time for America to go

back to work. And we must do that in the Senate.

This appropriations bill contains funding for counterterrorism, for activities to allow us to track down terrorist activity. For example, in the Office of Foreign Assets Control in the Treasury Department we have the financial crimes enforcement network. We have a counterterrorism fund in the Treasury Department. We fund the Secret Service. We fund the Customs Service. We have a substantial amount of resources in this piece of legislation to deal with the issue of counterterrorism in tracking down those who committed the heinous acts of terror against our country last week.

Although we go back to work in the Senate now, the shadow of the acts of terrorists committed against our country last week remains. We go to work now with a new purpose, a new resolve: to heal, to respond, and then to prevent these kinds of acts of mass murder committed by madmen, to prevent them from ever happening again in our country or in the world.

Madam President, before I talk about the specific bill, I wish to make some comments generally about these days. I made some comments last week, and I want to repeat some of them about where we are, what all of this means, and what we, as a country, must do.

There are unique moments in history, too often born of tragedy, when Americans stand together with a relentless and fierce determination to try to combat the forces of evil and to reaffirm that our freedom is secure. This is one of those moments in the life of America.

A week ago yesterday cowards struck innocent men, women, and children in New York City, in Washington, DC, on airplanes, including on one airplane that went down in Pennsylvania. Their target was not just those airplanes and those buildings. Their target was all of America. It was an act of war committed by madmen directed against our country. It deserves, and will get, a fierce, strong, and on-target response. We should have no illusions about that.

The campaign to rid the world of terrorism will be long and difficult; and our actions must be bold and strong, but not reckless. Now, even as we prepare to respond to terrorism, our country mourns the death of so many innocent Americans.

Shakespeare once wrote: "Grief hath changed me since you saw me last." The terrorist attacks last week in our country have changed all of us. We now carry a heavy burden of grief. We also carry the responsibility to ensure that our response is swift, severe, and just.

But we also have an opportunity today to hold high the torch of freedom, and to say to the world: We are heartbroken about our loss, but America's spirit will not bend.

When I left the Capitol Building late in the evening of September 11, and drove past the Pentagon, there were