

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

clouds of black and gray smoke billowing from the fire caused by the terrorists. And even today, over a week later, F-16 and F-15 Air Force fighter planes fly routine patrols over the skies of our country's Capital.

When I arrived home from the Capitol the night of the terrorist attacks, as I walked in the front door, my 14-year-old son, at about 11 o'clock in the evening, heard the door close, got out of bed, and came to me, and said: Dad what happened? And who did this? I told my son: This was an act of evil by deranged madmen. The President and Congress will tell America that we will search for, find, and punish those responsible for these acts of terrorism.

That is our pledge to us, to our children, and to the world: We will not give in to terrorism. We are all Americans; and we will respond with an iron resolve, anchored now by a new unity.

That unity, and the basic goodness of the American people, became apparent to all of us in the hours immediately following the attacks, when people were reported to have waited in lines for 4 and 5 hours to give blood.

So many heroes stepped forward and risked their lives to help others who were the victims of these terrorist attacks. And amidst the carnage and the destruction grew a stronger bond among the American people. It is an understanding that we live in America but, more importantly, America lives in us.

So now we begin to wage war on terrorism. And we ask all other countries in the world to join us. Those countries that believe in freedom must join us in our campaign to make the world safe from these acts of mass murder.

Terrorist training camps in foreign lands cannot be allowed to exist. Countries that harbor terrorists must, as the President said, pay a price for harboring those terrorists. We must dedicate ourselves, as a nation, to those tasks.

Last week it was commercial airliners, full of passengers and jet fuel, used as a bomb. In the future it could be a small vial of deadly biological agents or chemical agents that could kill a million people, or it could be a suitcase-sized nuclear bomb placed in the trunk of a rusty car parked at a dock in a major city. If ever we must understand our responsibility for world leadership to try to stop the spread of nuclear weapons, to reduce the threat of the spread of weapons of mass destruction, and to combat terrorism, it must be now. That leadership is our responsibility. That mantle is on our shoulders.

Over a century ago, on the blood-stained ground of Gettysburg, Abraham Lincoln said: " \* \* \* we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom. \* \* \* "

Today, in this time, and in this place, we should consecrate those words from nearly 140 years ago and let them again

inspire our Nation's resolve that those who died did not die in vain.

Our response to the deadly crimes that took them from us will be dedicated to destroying the ability of terrorists to wage this kind of war, and giving those who live a new birth of freedom from the fear and the impact of terrorist acts.

To those who lost their lives, those who loved them—their relatives and friends—we say: Our country grieves with you. Our country reaches out to you. And you are not alone.

Last week, a couple days following the attack on the Pentagon, I joined some colleagues to go to the Pentagon. When I came back from the Pentagon, I mentioned in this Senate Chamber an act by a young Marine that was so inspiring.

A young Marine, as we were looking at the damage to the Pentagon, was hanging by a crane, in a bucket with a steel cable; and I was wondering what he was doing because they had hoisted this young Marine up to this open gash in the Pentagon where the airplane had exploded. The fire had consumed the building; and the building had collapsed.

The cable and the metal basket, and a young man standing in the basket, was dangling from the crane up by the 4th floor. He was trying to get in a position to reach in. He reached in this cavernous hole that had been caused in the Pentagon, and he pulled out a flag—a brilliant red and gold U.S. Marine flag.

The crane then lowered the basket to the ground, and this young Marine got out and proudly carried that flag and walked to where we were standing. As he walked past us, he stopped and said: I am going to give this flag to the Marine Corps Commandant. I saw it in an office.

It was untouched, unburned. It was not something I could understand, that a flag such as this could have survived that fire. But he said to us, as he held this flag: I am going to give this to the Marine Corps Commandant. He said: They couldn't destroy this flag; and they can't destroy our country.

And I thought, in many ways he says it for all of us. I have no idea how that flag survived. But that flag, and that young Marine, I think, said it for all of us: our determination, our resolve, and our endurance.

The road ahead is going to be difficult. The road ahead requires us to do a couple of things. And those items are going to be contained, in some measure, in this legislation. The road ahead requires us to deal with this issue of terrorism in a new way, a new aggressive way. It requires us also now to turn to deal with the economy because the economy was weak going into these terrorist attacks; and there is great fear in this country that the economy could grow much, much weaker. We need to take effective action to give this country a chance to restore its economy and economic opportunity.

Those are the two challenges we have, and both are significant challenges.

This morning I met with the President of one of the major airlines. He told me something most Americans and I have known from reading the newspapers in the last day or so. The airlines are flying a schedule that is much less than the one they had been flying before the acts of terrorism. It is also the case that many passengers are canceling reservations and deciding not to take trips they were previously going to take. The result is a dramatic drop off in the number of people who are flying on commercial airplanes.

This country and its economy cannot survive and grow without a commercial air service network. We must take steps to make certain that we rehabilitate the commercial air service network, the major airlines, and all airlines, the smaller regional carriers and the independent airlines as well, that serve our country. You cannot have a great economy and an economy that grows unless you have commercial aviation, commercial aviation that works and that connects all parts of this country.

It connects to everything. Last week, we saw the airplanes grounded. We saw auto workers laid off in Michigan. Why? Because the new way to manufacture is just-in-time inventory. If you are doing just-in-time inventory, you rely on the parts arriving just in time. If you shut down transportation systems, and the parts don't come, those who were relying on those parts for their jobs are laid off. It is all interconnected. The system we have in this country to transport people and freight by air is a critically important element of our economy. We must deal with that.

How does that connect to terrorism? The American people in many circumstances are very leery about getting back into an airplane unless they feel they are safe. We must move quickly to assure the safety of the American people while they are flying. How do we do that?

No. 1, we will move very quickly to include the use of sky marshals in commercial airplanes. Those sky marshals are already being employed. I expect that will dramatically increase.

No. 2, security at American airports must increase in a very substantial way. We will have a discussion about having the Federal Government take responsibility for the airport security apparatus. We must close those gaps that have existed, that we have known for a long while have existed in airport security.

There are a series of other recommendations as well. The Senate Commerce Committee will be holding hearings tomorrow on a range of these issues. Dealing with the security of American airports and the security of commercial aviation is critically important, as well as dealing with the economy generally. They are very much related.

The economy was soft prior to the acts of terrorism last week, and all indications, from the newspapers this morning and all of this week, are there will be more and more layoffs. We must act decisively and we must act quickly to forestall the further softening of the economy and give people confidence that the economy can be restored and can be vibrant and can grow once again. There isn't anything much more important than the Congress and the President joining together to do that, to give the American people the confidence this economy can have a strong and vibrant future.

I studied and taught economics in college. One of the things most people forget about economics is, No. 1, there is naturally a business cycle. It has a contraction and expansion side. No one has been able to repeal the business cycle, nor will they. No. 2, even though we were going through a contraction side of the business cycle, there is some belief among people in Washington and elsewhere—in some cases a belief among economists—that the economy is made up of an engine room of the ship of state in which there are massive amounts of dials and gauges and levers. If you can just turn them all right and adjust them all right—the quantity of money, tax cuts, spending, all of these things, interest rates, adjust them just right—the ship of state will move forward.

It is not that at all. It just is not that at all. This economy moves forward when people are confident about the future. When people are confident about the future, they make decisions that express that confidence. They will buy a home. They will buy a car. They will take a trip. They will do a whole series of things that express confidence that have in their impact the opportunity to create an expanded economy.

Exactly the opposite happens when people are not confident. If people are not confident about the future, the economy tends to contract because they defer decisions. They don't take the trip. They decide not to buy the home. They don't buy the car. They don't make the decisions as consumers that they might otherwise make because they are not confident about the future.

This economy has always and will always rest on a mattress of confidence. Do the American people have confidence about the future or don't they? If they do, this economy will grow and expand. If they don't, it will contract. It is that simple.

This is not like making some sort of economic stew where we have a recipe and we put in certain doses of this, that, or the other thing. It is about instilling confidence in the American people that this economy can and will grow and expand.

There are a series of things we can do to offer that confidence. The President and the Congress can work together on a series of public policies that can employ that confidence building in a way

that is very constructive. It is critical that we begin that immediately.

Let me turn briefly to this appropriations bill which has elements that deal with both the counter terrorism issue and also the issue of how to instill confidence with respect to the economy. This is an appropriations bill dealing with the Treasury Department. But it is much more than that. About one-half of all Federal law enforcement is in this bill. It deals with the Office of Management and Budget, the White House, the Secret Service, U.S. Customs, GSA, and a whole range of Federal agencies.

I will talk a bit about what this bill does and why it is brought to the floor in the manner we have brought it to the floor.

First, let me again say that central to this bill is the funding of a range of issues that are important to the current discussion we are having about counter terrorism. The counter terrorism fund within the Treasury Department is critical. We have increased that fund in this appropriations bill, as well as the funding for the Office of Foreign Assets Control, which has the capability and the expertise to track terrorists. The Financial Crimes Enforcement Center is the same. It has the important capability of tracking the finances and the banking transactions these terrorists use.

The U.S. Customs Service is a very large agency that has the responsibility of protecting our borders. That is obviously critical to the counter terrorism efforts. If we are not able to have some basic control over our borders, we don't have the capability of keeping terrorists out.

We all understand the role of the Secret Service in protecting the President and vital public officials in our country, the many other duties they perform. So this legislation is important legislation. It is timely. We have brought it to the Senate today hoping we could, in this new spirit of unity, move this legislation as quickly as possible.

The subcommittee has worked on this bill. We brought it to the full Appropriations Committee. That committee has marked this bill up, and this bill now is a recommendation of the full Appropriations Committee of the Senate. I am pleased to offer it today.

This bill contains a total of \$32.3 billion in new budget authority. Of that amount, \$15.6 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations which come from the budget we passed. It strikes a balance between our priorities, the administration's initiatives, and the agencies requirements.

My colleague, Senator CAMPBELL, who will be in the Chamber in a bit, is now working on a range of these things to try to get them cleared; assisted by his staff, Pat Raymond and Lula Edwards, in putting this bill in the condition we now have it, as well as my

staff, Chip Walgren, Nicole Rutberg, and Matthew King, who is detailed to us from U.S. Customs. It is a collaborative bipartisan piece of legislation which reflects both congressional and administration priorities.

The bill consists primarily of salaries and expense accounts for a good many agencies. The majority of the increases in this legislation are for agencies to allow them to maintain current levels. The initiatives I will highlight are just a few initiatives that are very important.

(Mr. BAYH assumed the chair.)

Mr. DORGAN. Mr. President, in this legislation we have doubled the amount of funding to \$10 million that the Customs Service would have to combat the issue of forced child labor practices.

All of us understand what is happening with respect to child labor around the world. It is not fair competition. It is not fair for people to use child labor and ship their products to our marketplace in the United States and call it fair trade. We have had testimony at hearings in the Senate in years past of young children, 8, 10, 12 years old, working in carpet factories in some parts of the world, in which those who run the carpet factories have actually taken gunpowder and burned the fingers of these young children. They burn the fingertips of the children in order to create burn scars so that the children who use needles to work on these carpets and rugs will not injure themselves. It won't hurt because now they are scarred and burned from these deliberate burns caused by their employers.

Is that something we want to allow to happen in this world? I don't think so. Do we want to buy from people making products by employing 10- and 12-year-old kids whose fingers they have burned so they can sew rugs and ship them to America to be bought in Pittsburgh, Fargo, Minneapolis, and other cities? No. It is not the right thing.

So we double the amount of money to deal with child labor. We need to investigate child labor and prohibit the import of goods from other countries into this country when those goods are made by forced child labor.

We add \$25 million in this piece of legislation for a new northern border initiative to hire additional Customs Special Agents, inspectors, and canine enforcement teams to enforce our trade laws and to protect our borders. In light of the tragic events a week ago yesterday, this is merely a down payment, I am sure, on a much larger requirement for the Customs Service with respect to security on all of our borders. But I fully expect many of these needs will be addressed by the emergency appropriation we enacted last week.

We are very concerned about the security of America's borders. We know there are known terrorists around the world who try to move through our

borders and become part of terrorist cells in our country. We also know that, for example, on New Year's Eve in the year 1999, as we entered the new millennium, at one of our border points on the northern border in the State of Washington a terrorist was apprehended who apparently was intending to hijack planes in Los Angeles. Part of the plot was, as I understand it, to take down significant structures on the west coast. That was foiled by Customs who apprehended this terrorist. That terrorist picked the wrong border to come across, or at least the wrong border point.

All terrorists and others who want to bring contraband across our border know that in many locations in this country across the northern border, the only thing that precludes them from moving across the border after 10 o'clock at night, when the border station closes, is an orange rubber cone sitting in the middle of the road. At 10 o'clock they put out the cone, and the next morning they take it in, and they are open for business. The way you get in when there is an orange cone is to simply move the cone. That is the problem at many northern border ports. The ports of entry don't have adequate security, and we must have a northern border initiative to make sure we do something about that.

This bill also funds the Internal Revenue Service. We had a rather disturbing report a while ago by the Inspector General for Tax Administration at the Internal Revenue Service. What it said was this: The Inspector General put together four tax questions and sent people out across the country to ask those questions in taxpayer assistance areas of the IRS. Here is what they found. These are not massively difficult tax questions. The Inspector General sent Federal employees out posing as regular folks to ask questions of the IRS. They found that 73 percent of the time they either got the wrong answer, an incomplete answer, or no answer. In a number of cases, they were treated very rudely. In other cases, they were left to wait and were not waited on.

I read that Inspector General report. It was done last spring. I was so furious. I read it at night at home. I was furious when I finished. If you can't have an agency that gives taxpayer assistance to taxpayers asking for help and get the right answer from the agency that is administering the program, how can you expect American taxpayers to comply? It is wrong. So I put a million dollars in this appropriations bill and I called the IRS Commissioner, someone for whom I have great respect. I think he has the capability to turn this agency around. He has been there now for a bit. He has plans that I think can make a big difference in this agency.

I said I am going to have the Inspector General do this 12 times beginning in January next year and issue 12 reports. If they are embarrassing—and

they are to me, and I hope to you—I want to see an improvement. If we have 12 reports of people going to the IRS offices asking for help and we don't see improvement over the year, then there is something fundamentally wrong with the folks who are running this agency and trying to make this happen.

Again, I have great respect for Commissioner Rossotti. He comes from a business background, and I know he will do a good job. He made the point to me of why this happened and he has taken action to change this. He asked that I defer this monthly investigation to January rather than start it in October. I said that is fine. But we are going to have 12 reports to the Congress, and I am going to read every one of them. If I see reports that say 73 percent of the time people ask for help from the Internal Revenue Service they get wrong answers, there is going to be hell to pay because we are spending a lot of money to make sure the American people get the service they deserve.

The name of this agency has three words: Internal Revenue Service. If we don't put "service" back in the Internal Revenue Service, how long will we expect the American people to voluntarily comply with this tax system? It is a tiny issue, but it is one about which I feel very strongly. We need to make this work for people. When each of these reports is issued, I will come to the floor and share them with my colleagues. I hope they share—as I am sure they do—my concern about an agency that gets it wrong 73 percent of the time when they are being asked for taxpayer assistance.

We add \$5 million for a new program for grants for drug testing and treatment and intervention to State and local authorities and Indian tribes for criminal justice populations. One of the things we know about these issues of incarceration and recidivism, and so on, is that people who go into our prisons and jails with a drug problem and who don't get treatment are going to come out with a drug problem, and they are likely to commit crimes to buy the drugs to continue taking these drugs. The fact is, we have to be smart about this and start making sure that people who are drug addicted as they go into jails and prisons are required to get drug treatment. It doesn't make any sense to throw them in jail and put them back on the street with a drug addiction. You are just begging for more crime. And they will comply. That hurts this country, and we can do much better.

We add \$100 million above the President's request of \$130 million for the continued modernization of the Customs Service's new processing system called the Automated Commercial Environment. That is an important system. The current system is melting down on us. We have so much trade back and forth across our borders, the system simply can't handle it. We are

trying to fund this system called ACE. We are doing it in a way that I believe will be very helpful to facilitating trade across our borders.

While I am talking about Customs, let me make another point about which I feel strongly. The Customs Service doesn't have a Customs Commissioner. Think of that. We have this heinous terrorist act committed against our country, mass murders, unspeakable horrors in our country. When we deal with these counter terrorism acts and put together a program of counter terrorism, one critical element is our U.S. Customs Service. They are on the border, and we have to secure our borders to try to prevent terrorists from coming into the country. We have to have a Customs Service working with all the law enforcement agencies to do this.

The Customs Service previously ran, and is now contributing to the Sky Marshal Program. That is up and operating in a skeleton way. The Customs Service is an integral part of counter terrorism. We do not have a Commissioner at the Customs Service. We have a nominee, but there are two holds on the nominee. One has been dropped. In the Senate, there is still, as I understand it, a hold on the nominee. We have a person whom I think is perfectly qualified to run the Customs Service. This is an agency without a head, and we have someone in the Senate who is holding the nomination and will not allow us to confirm him. The result is an agency without an agency head at a time when we clearly need the direction and leadership that agency head can give at this point.

As I understand it, the hold that exists—I will not use the name of my colleague, but it has been in the papers. One of our colleagues has put a hold on the President's nominee to head Customs because our colleague objects to his reluctance to commit to the use of a new security detection technology. There is a debate about technology. There was another hold that was released, I believe, last week over a textile issue.

Look, this is not the time to be holding up the President's nominees. It is not the time to hold up a nominee who is so critical as the head of the U.S. Customs Service. Let's get this nomination before the Senate and confirm this nominee so this person can be down at the White House and with the administration bringing the Customs Service fully into this circle of agencies that are going to be critical in combating terrorism. We ought to do that today.

In fact, I say to my colleagues, if those who have been involved—at least the one that has been concerned about this and has a hold—I wish that hold can be eliminated so that we can bring this nomination before the Senate. I want to confirm this person. I would like to do it today. It is not my decision to bring it before the Senate, but I hope the committee chair and ranking member will talk to the Senator

who is holding up the Customs Service nominee and let's get that done. The President has selected a good person. If we have some disagreements with him, go ahead and disagree with him down the road on some specific technology issues, but this agency needs a head right now. I hope we can do that, if not today perhaps tomorrow.

Let me mention a couple of other items we have included in this appropriations bill. We direct the General Services Administration to initiate a pilot project to place automated external defibrillators, devices called AEDs, in Federal buildings and provide training for their use to more effectively save lives.

Most of us know what the automated external defibrillators are now. They are now no bigger than the size of a laptop computer. They save many lives and can be operated by someone with almost no training. If we have these in public buildings, and if someone has a heart attack and their heart stops, we can save a large number of lives having these devices available. That has clearly been demonstrated. We are going to have a pilot project with the General Services Administration to do that.

We fully fund the request for the Office of National Drug Control Policy Youth Antidrug Media Campaign. We add \$20 million to the High Intensity Drug Trafficking Area Program. That has a total of \$226 million.

We add \$10 million to the Drug-Free Communities Act, which is a total of \$50.6 million.

We fund the courthouse projects that were requested by the President, and we provide funds for an additional six courthouses to continue addressing the significant backlog in courthouse funding in this country.

The projects we have funded fully adhere to the priority list that was developed by OMB, GSA, and the Administrative Offices of the Court. In other words, we have not pulled projects out because someone wanted them. We actually followed the priority list, which we should do.

We maintain current law requiring the provision of contraceptive coverage in the Federal Employees Health Benefits Plan. We make permanent the ongoing project allowing Federal agencies to provide child care services for its lower paid employees, and we provide a 4.6-percent pay raise for Federal civilian employees to maintain pay parity between Federal, civilian, and military employees.

Mr. President, I mentioned that in the Treasury Department bill we placed a priority on the Treasury Department's law enforcement needs, as well as support for State and local law enforcement needs. We provide \$33 million for the third and final year of a Secret Service staff hiring plan to address the overtime and personnel retention problems. They were spending a massive amount of time in overtime compensation because they simply did not have the personnel they needed. We are

in the third and final year of the money to restore that.

We increase the administration's request for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. There are no cuts or deviations in this area from the President's budget request. We simply have complied with the President's budget request.

We emphasize in the bill the need for the ATF's Gang Resistance Education and Training Program, called GREAT, by including \$3 million in addition. The GREAT Program, is a wonderful program. I went to a school in Anacostia one day with some ATF folks. They showed me, at the end of the program, what the kids had been through. They had a graduation ceremony for these kids. It is a great program. We have to get to these kids with information, and we can make a big difference.

We increase by \$5 million the integrated violence reduction strategy to allow ATF to investigate more comprehensively the National Instant Check System so we make sure felons do not purchase guns. There are a lot of gun debates in this country, but no one in this country wants a gun dealer to sell a gun to a convicted felon. So our effort is to keep guns out of the hands of people who should not have them.

Title II of this legislation is the Postal Service title. We provide \$143.7 million for the U.S. Postal Service, as requested by the administration. We, once again, include language saying to them: Don't you dare talk about going to 5-day mail delivery service. Through rain, snow, sleet, and so on, we deliver the mail 6 days, including Saturday. Speaking as someone who comes from a rural State, I want that to continue, and we insist it continue. We told the Postal Service in this legislation that they must continue 6-day mail delivery.

The Executive Office of the President is in this legislation in an account called Funds Appropriated to the President. It funds, obviously, the operation of the White House, salaries, and so on. But it also funds the Office of the National Security Council, Office of Management and Budget, Office of National Drug Control Policy, as I mentioned earlier, and certain other programs. We have simply met the request of the President for funding these areas.

We have independent agencies, such as the Federal Election Commission, the General Services Administration, the National Archives, Federal Labor Relations Authority, the Merit Systems Protection Board, Office of Government Ethics, the Office of Special Counsel, Office of Personnel Management—all of these are in this legislation. This describes in broad terms what we are trying to do.

As I close—and my colleague from Colorado, Senator CAMPBELL, is here—let me say how much I have enjoyed working with him. I know people view Congress sometimes as an area where

there is a great deal of debate, and that is certainly true. I do not think debate is bad for the country. I think it is good. When you get the best of what everyone has to offer, the American people are best served. There are more instances than not where we come together and work with somebody for whom we have great respect, and that is certainly the case with Senator CAMPBELL and myself.

He chaired this subcommittee, and I was happy to work with him and felt the experience was a great experience. I am now chairing the subcommittee and feel exactly the same way. It is a great experience to be working with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL.

I will make two final points. One, to go back to this issue of terrorism, this country predictably is very concerned at this moment about terrorism. We have been through a frightening ordeal, and we are not yet through it. We must, as the President has indicated, work together; we must achieve national unity. Part of that national unity is to resolve that we will track down and punish those who committed these acts of mass murder against so many American citizens.

We must do that thoughtfully, not recklessly. It is very important the way we go about this. Part of it is also to try to make certain we prevent future terrorist acts.

Yesterday, the Attorney General indicated there might be some evidence there were other airplanes that were targeted. He indicated there might be some terrorists who are still not apprehended, and they are searching for them. Even as we, in the middle of this nightmare we have gone through, try to make certain the American people understand everything humanly possible is being done to prevent another terrorist attack, even as we do that, as the President said, we must go back to work. So part of that work is to pass an appropriations bill today.

This bill is also central to the question of counter terrorism and combating terrorism because it includes the counter terrorism account in Treasury, U.S. Customs, the Secret Service, and the Financial Crimes Enforcement Network which is involved with the FBI in tracking all of the money back and forth. So we have so many things in this legislation that directly relate to this need we have as a nation to move aggressively.

For that reason, my fervent hope is we will not spend a great deal of time with a lot of amendments on this bill, and I ask my colleagues to join me in trying to reach an agreement to pass this legislation today.

Let me describe what I was hoping to do. I have great heartburn about what has been happening with respect to Cuba. The Treasury Department and the Office of Foreign Assets Control—OFAC—have been levying fines against people who travel to Cuba because it was against the law. I will give an example: A retired lady to whom I talked

by phone is a bicyclist, and she answered an ad in a cycling magazine with a Canadian company, a travel company, doing a cycling tour. So she joined something like 10 or 12 cyclists through this Canadian travel company, and they went to Cuba, and they bicycled. This is a retired American woman. They bicycled in Cuba. Then 18 months later she got a letter from OFAC and the Treasury Department levying a \$7,650 fine against her for riding a bike with a Canadian travel group in Cuba.

Another fellow I talked to received a \$19,020 fine for a weekend visit to Cuba. When he was in the Cayman Islands with some friends, the friends invited him to go to Cuba for the weekend, and he did.

OFAC has begun a new enforcement action against Americans who travel in Cuba. I fully intended to offer an amendment to this bill to stop that. OFAC ought to be about tracking terrorists, not tracking down retired ladies who ride bicycles in Cuba.

However, I am not going to offer that amendment because I do not want slow passage of this bill. And the fact is the House has already included an amendment on this issue in its version of the bill that we will consider in conference. I am going to try my darndest to make sure—and I hope my colleague from Colorado will join me—that we accept the House provision which would suspend the enforcement of the ban on travel to Cuba so that we do not have \$7,000 to \$19,000 fines being levied against American citizens who have traveled there, some of whom have told me personally that they had no idea this was against the law.

My point is this: I was fully intending to come to the floor to offer that amendment. I know it would be controversial. I know four or five of my colleagues who would want to stand up and oppose that amendment. I think it is not wise to hold this bill up and offer that amendment in the Senate. Therefore, I will not offer the amendment.

I have two other amendments that have similar circumstances that are controversial. I fully intended to offer them, and I have that right, obviously, as do all Senators. I have the right of recognition because I am managing this bill, but I am not going to offer those amendments because at this moment it is not productive for us to divert our attention and to wander off into other extraneous debates.

This bill contains much needed funds for our agencies to prosecute the aggressive search for terrorists, to protect the American people. It is very important we pass this legislation as quickly as we can do so.

I ask my colleagues if they would do as I have done. If they have an amendment to this bill, if they can, if they will, work with us and let us see if we can find a way to accept it if it is not too controversial. If it is a very controversial amendment, please hold it and let us pass this legislation and

come back to their issue on another bill at some point. There will be other opportunities, but I think now is the wrong time for us to spend 3 or 4 or 5 days on legislation such as this where we have such critical resources in this bill that need to be devoted to the search for terrorists and to the aggressive campaign we must wage to combat terrorism.

I am going to visit with my colleague from Colorado following our statements and visit with the leaders and see if we can send a message to the country that the President says we should go back to work, all America should go back to work. The Senate is going back to work, and the best message we can send to the President and the country is to say we went back to work today on an appropriations bill and there was a new sense of unity, a new purpose, and a new understanding that the center of what this appropriations bill is about is investing in the ability to provide security for the American people.

If we can do that, what a wonderful message it will send to the American people and give them some confidence about what we are doing and what we can do, not just in this bill, but it will also portend good news for what we can do on the economy and a whole range of other issues.

The American people need some confidence. What better way to give them some confidence than to bring this bill to the floor and say it is a new time and we have a new attitude in the Senate? And I take the first step by saying the amendments I was going to offer, that are very important to me, I will not offer because I do not think we ought to do that at this point.

Let us pass this legislation, if we can, and work together to get this completed today.

As I indicated, my colleague from Colorado has been working on this legislation this morning and previously, and let me again say how much I appreciate working with him. Following his statement, I ask—actually, while he is speaking—that those who wish to offer amendments or work with us on amendments to which we could perhaps agree, if they would understand the urgency.

We have the Defense authorization bill that will probably come to the floor following this. It may even come late this afternoon. That is a pretty important bill. The Defense authorization bill is also critical to this Nation's security in this difficult time. If our colleagues will cooperate with us and allow us to get this bill through the Senate today, it will be a terrific signal to the American people that times have changed and things have changed in the Senate.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I join my colleague, Chairman DORGAN, in placing before the Senate our committee's recommendations for the fis-

cal year 2002 funding for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies.

I want to associate my comments with the chairman's comments as they deal with terrorism. Certainly we have had huge changes worldwide in the last week. We are going to be in for the long haul, a very difficult, expensive, and deadly kind of a war that we have never faced before. I know we all want to do our very best in Congress, but I remind my colleagues, as the chairman already has, of the focus of these appropriations bills. As the other Senators are in their offices contemplating amendments they might offer to this bill, I remind them there is an emergency supplemental moving through now and probably that is the better vehicle if they want to do some changes or some amendments.

There are probably better vehicles dealing specifically with the terrorist activities than the TPO bill. In our bill, these recommendations include funding for Federal agencies that are now working on the tactical and security needs of our Nation, and have been for years and years. It is clear those needs and others addressed by the funding legislation merit swift consideration.

This bill was crafted by the Subcommittee on Treasury and General Government. It contains a total of \$32.4 billion of new budget authority. Of that, \$15.7 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administration initiatives, and agency requirements. I congratulate Chairman DORGAN and his staff for the professional manner in which they prepared this bill in such a short period of time.

This bill allows these Federal agencies to simply maintain current levels. There are very few new initiatives in this bill. Title I provides a total of \$14.9 billion for the Department of the Treasury. Of this, \$277 million is more than the administration requested. The committee has again placed a priority on Treasury's law enforcement needs as well as support for efforts by State and local law enforcement agencies.

Let me repeat a couple of highlights the chairman mentioned. We have \$230 million to the Customs Service for continued development of the badly needed Automated Commercial Environment computer system called ACE.

It has money to continue emphasis on the need for the Gang Resistance Education and Training program, called the GREAT Program, which has been very successful, by including \$3 million more than the administration requested for grants to State and local law enforcement.

It has additional funding for the integrated violence reduction strategy to allow ATF to comprehensively investigate denials in order to make sure the felons do not possess guns.



It has \$348 million to the IRS for continuing efforts to modernize their computer system.

Title II provides \$76.6 million to the U.S. Postal Service and continues to require free mailing for overseas voters and the blind, as well as 6-day delivery, to which Chairman DORGAN has spoken, and prohibits the closing or consolidation of small and rural post offices.

Title III recommends a total of \$755.5 million for the Executive Office of the President, which is \$23.7 million more than the administration requested. This part of the bill includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and funding for the national antidrug media campaign.

A special note: The committee also provided \$42 million to the Counterdrug Technology Assessment Center, a program that transfers technology to State and local law enforcement. I believe since we started the program—it is going into its fourth year—it has been hugely successful. Over 2,500 local police jurisdictions have received grants of equipment they could not afford and for which they do not have the money to do the research and development.

It increases funding to the High-Intensity Drug Trafficking Areas program, the HIDTA program, by \$20 million, which supports programs at their current level. It coordinates Federal, State, and local efforts to combat drug use.

It recommends a total of \$185 million to the national antidrug media campaign and requires \$5 million be spent on the new drug of choice of too many young teenagers called Ecstasy.

Title IV provides funding for the independent agencies, such as the Federal Election Commission, the General Services Administration, and the National Archives, as well as agencies involved in the Federal employment arena, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management. Also included in the title are the mandatory accounts to provide for Federal annuities, retiree health benefits, and life insurance. The committee recommends a total of \$16.6 billion for this title.

The administration requested funding for 12 courthouse construction projects. As Senator DORGAN mentioned, we have been able to increase that number of projects to 20. We have provided funding for 12 additional projects such as border stations.

In addition, we have continued an aggressive effort to make sure the Federal Government real estate is maintained properly, by providing \$844.8 million for the GSA repairs and alterations account for Federal buildings that are in deterioration.

The funding contained in the bill allows agencies to continue their work.

It will not be able to accommodate all Members' requests, and I remind my colleagues that any funding amendments must be offset. If we have those being contemplated that deal with terrorism, there might be a better vehicle through the supplemental.

I thank Chairman DORGAN and his staff, Chip Walgren, Nicole Rutberg, Matt King, and Nancy Olkewicz, for their courtesies during the preparation of this bill. They have been terrific to work with.

We are focused on these recent attacks, but clearly we have to move forward, as the chairman mentioned, with our work and our various budget proposals as we have prepared them. My support for this committee's recommendations comes with my understanding that funding needs for some agencies may demand an increase. I feel certain most of those can be handled through the supplemental appropriation and hope they will.

Additionally, I am particularly pleased that Chairman DORGAN agreed to my request to provide additional funding to the U.S. anti-doping initiative, called the USADA. This funding will be necessary to ensure that our Olympic athletes, our Pan American, and Paralympic athletes are free from drugs and are taught about the ethics of fair competition. I thank the chairman for including additional help in the Ecstasy program, as I mentioned.

Speaking of the antidrug media campaign, we have provided over \$748 million for that campaign since 1998. This year, we have \$185 million for the fiscal year 2002. But preliminary findings released by the Office of National Drug Control Policy last year showed that the campaign is having a positive effect.

Unfortunately, more recent information seems to indicate that while this report card may be good, it may have been somewhat premature. While I agree we must take steps to protect youth from the lure of illegal drugs, we have to make sure that money is wisely spent in the media campaign and that it is reducing the use of drugs because our resources clearly will be strapped in this new war on terrorism.

I take this opportunity to highlight a new international crime initiative in southern Europe and how it relates to law enforcement agencies and funding by the pending Treasury appropriations bill. It comes as no surprise that international terrorism often relies on international crime, particularly through drugs, to finance its campaigns of terrorism. The Southern European Cooperative Initiative, called SECI, is based in Bucharest, Romania, and represents a consortium of 11 countries with a combined population of 135 million people. The members of SECI have pooled their expertise and limited resources in a collaborative effort to combat transnational crime in southeastern Europe. Members include Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia,

Moldova, Romania, Slovenia, and Turkey. Most Senators have visited one or more of those places in the past.

Most in the Senate have two or more jobs. One of my jobs as the chairman of the Helsinki Commission is fighting crime and corruption. It has been a top priority of mine and the Commission in these member countries, as well as throughout all of Europe. As part of this effort, I was pleased when the Foreign Operations Subcommittee included language I requested in the fiscal year 2001 committee report urging the State Department to continue providing advice and support in cooperation with the FBI to SECI. That is in their bill in recognition of the direct and indirect impact of transnational crime on Americans and American businesses at home and abroad. The subcommittee is requesting in the fiscal year 2002 committee report that the State Department designate up to \$1 million in technical assistance for SECI. This investment directly helps a number of U.S. law enforcement agencies in their fight against a wide range of transnational crimes.

At least three Justice Department agencies currently are working with SECI: The FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service. In addition, at least two Treasury Department law enforcement agencies, the U.S. Customs and the U.S. Secret Service, are utilizing resources of SECI to support their efforts.

For example, the Secret Service currently sponsors task forces throughout the United States and across the globe recognizing cooperation among countries, law enforcement agencies, academia, and the private sector, representing the best hope for defeating the cybercriminal and preventing counterfeiting, computer-based fraud, and other electronic crimes that resulted in hundreds of millions of dollars of losses to American consumers and industry.

Because of their expertise and experience with the task force approach, the Secret Service has been asked to be the architects and leaders of SECI's highly innovative financial crimes task force in southern Europe. This task force, the first of its kind in the region, will be based in Bucharest and will be operational by the end of the year. The Secret Service expects to open an office in Bucharest and have two special agents dedicated to this cooperative effort.

Tomorrow, on September 20, the General Accounting Office is expected to release a report on international crime which I requested last year. This report confirms that the threat from international crime is growing and more high-level cooperation among Federal enforcement agencies is necessary.

The good work of the Treasury law enforcement agencies in addressing new criminal threats from overseas is warranted and welcome. Passage of the Treasury appropriations bill will continue to provide essential support for

these agencies in their fight against criminal elements at home and abroad.

AMENDMENT NO. 1570

Mr. DORGAN. Mr. President, I send a substitute amendment to the desk on behalf of myself and Mr. CAMPBELL, which is the text of the Senate committee-reported bill. I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid upon the table, that the amendment be considered as original text for the purpose of further amendment, and that no points of order be considered waived by virtue of this agreement.

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

The amendment (No. 1570) was agreed to.

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

Mr. DORGAN. 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. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

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

#### AVIATION SECURITY

Mr. WYDEN. Mr. President, I come to the floor today to discuss the issue of aviation security. The Senate Commerce Committee, on which I serve, had hearings this week on this issue. I want to take a few minutes this morning to discuss the history of this issue, the history of the debate in Congress about aviation security. I do that with one overriding concern. I do not want to be back on the floor of the Senate in 6 months or a year taking my turn once again in the procession of somber floor speeches about how sorry and upset and how sad the Senate is that another air tragedy has occurred. I think it is important for the Senate to step back and take a look at this issue now so we are not dealing with it again in another 6 months or a year.

Beginning my discussion this morning, I want to talk about the pattern of the past with respect to aviation security. Let's make no mistake about it. There is a very clear pattern. Again and again, there has been an air tragedy. Again and again, there is outrage in the Congress and in the country. Again and again, task forces are established and commissions are assigned to make reports and recommendations. Again and again, there has been incremental and ultimately ineffective implementation of changes that simply

don't get the job done when it comes to aviation security.

It would be an enormous disservice to those lives that have been lost and to the many who love them if the only response of this Congress is again to issue more reports, let more commissions go forward, and once again fail to act with respect to putting in place the actual provisions that are going to protect our citizens with respect to terrorism.

The American people deserve quick, decisive, and sweeping aviation security reforms. It is time now to get the job done right.

For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crashed near Long Island in 1996, there was enormous support for tightening aviation security. In each case, the Presidential commission was established and reforms were initiated. In each case, studies by the GAO or the Department of Transportation inspector general made clear that there were vulnerabilities. And in each case, by the time the reports came out, the momentum was lost. Action was slow. It was incomplete and incremental at best.

I am not interested this morning in talking about whose fault that was. Clearly, part of the problem stems from what Presidential administrations of both political parties did in allowing the process to bog down in red-tape and regulations. Part of the responsibility lies with airlines that, indeed, did fight tougher security measures by claiming costs would cripple their operations. But we should be very clear. Part of the responsibility lies right in this Chamber, right where the Congress did not insist on action, and did not insist on safety for our constituents.

For example, in 1998, the GAO warned that vigilant congressional oversight was essential. They made clear that momentum for reform would stall otherwise. But while there were spasms of interest on Capitol Hill, Congress didn't do the job with respect to oversight.

I am going to make clear as a member of the Senate Subcommittee on Aviation that this time is going to be different. This time the argument between those in the various agencies and the airline executives over cost, inconvenience, and control of the system aren't going to be allowed to be used as an argument for delay. We are not going to sit by again and reap the grim harvest of congressional inaction.

This is just a bit of the history on this issue. In 1987, the GAO rec-

ommended that the FAA establish a certification program setting performance standards for screening companies that operate the airport security x rays. After the 1996 TWA Flight 800 crash, a White House commission said the same thing, and Congress passed legislation calling on the Federal Aviation Administration to get it done. But the Federal Aviation Administration's rulemaking process dragged on for years with multiple rounds of public comment. In June of 2000, the GAO reported that the Federal Aviation Administration was then 2 years behind schedule. As of this morning, the certification process for screening these companies still has not gone into effect.

In 1988, the GAO reviewed FAA's progress in implementing a variety of key improvements, including passenger profiling, bag-matching action, and a variety of other initiatives.

Their conclusion was:

Based on FAA's current schedule and milestones, this whole process for enhancing the Nation's aviation security system will take years to fully implement.

To ensure followthrough on it, the same White House commission recommended an annual report from the Secretary of Transportation on the implementation of new security measures. That report happened exactly once: on the first anniversary of the TWA crash. Once again, the response was nothing.

Under legislation passed in 1990 and 1996, anyone with access to a secured area in an airport is subject to a background check. The White House commission established after the 1996 TWA crash went further, recommending a full criminal background check and the FBI fingerprint check. However, the inspector general of the Department of Transportation recorded in 2000 that existing background check procedures were, in his view, ineffective.

First, Federal Aviation Administration regulations required a criminal background check for some employees but not for others. Second, and more incredibly, some serious crimes, such as assault with a deadly weapon, were not on the list of offenses that would disqualify an employee.

Many airports were not complying with the FAA's rules anyway. For 35 percent of the employee files reviewed by the inspector general, there was no evidence that a complete background check was ever performed.

Let's reflect on that. In 35 percent of the instances, the inspector general found no evidence that a complete background check was ever performed.

Last year, one screening company pled guilty and paid a \$1.2 million fine