

## VOTE EXPLANATION

Mr. BIDEN. Madam President, I was unable to be here for an earlier vote today. I was at the funeral of a brave young American, Aerographer's Mate Second Class Matthew Michael Flocco, whose life was one of those so tragically ended at the Pentagon on September 11. I believed it was important to be there with the family, to make sure they knew that America shares in their grief and stands ready to assist them in any way we can.

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 CRITICAL INFRASTRUCTURE  
INFORMATION SECURITY ACT

Mr. BENNETT. Madam President, yesterday Senator KYL and I introduced the Critical Infrastructure Information Security Act, CIISA, which is designed to minimize a dangerous national security blind spot by: one, protecting voluntarily shared critical infrastructure information; two, providing critical infrastructure threat analysis; and three, encouraging proactive industry cooperation.

Critical infrastructures are those key sectors such as financial services, telecommunications, transportation, energy, emergency services, and government essential services, whose disruption or destruction would impact our economic or national security. On September 11, 2001, America suffered a senseless strike, where America's commercial air space was "weaponized" and turned viciously against its financial and defense establishments in an infrastructure attack that resulted in staggering losses.

About 85 percent of the United States' critical infrastructures, telecommunications, energy, finance, and transportation systems, are owned and operated by private companies. If our critical infrastructures are targets, it is the private sector that is on the front line. Thus, we have to think differently about national security, as well as who is responsible for it. In the past, the defense of the Nation was about geography and an effective military command-and-control structure. However, now prevention and protection must shift from the command-control structure to partnerships that span private and government interests.

The American economy is a highly interdependent system of systems, with physical and cyber components. Preventing, detecting, responding, mitigating, and recovering from attacks to these systems requires an unprecedented exchange of information. It is essential to remove unnecessary barriers that prevent the private sector from sharing information. Because in many cases, releasing sensitive information into the public domain could have extremely negative consequences for business, it is understandable why the private sector is reticent to share this information with the Government as it is not protected.

The Critical Infrastructure Information Security Act, CIISA, is intended

to clear the way for increased critical infrastructure information sharing and improve threat analysis for these infrastructures. The bill seeks to increase the two-way sharing of information between the Federal Government and the private sector by first, protecting information voluntarily shared by the private sector, and second, requiring the Government to send analysis back to the private sector. It also encourages information sharing within the private sector so industry can better solve its own problems.

CIISA outlines a process by which critical infrastructure information, information which would not normally be shared due to its sensitivity, can be submitted to one of 13 designated Federal agencies with a request that the information be protected. Such a request would mean that this information will not be disclosed even in a response to a request under the Freedom of Information Act, commonly known as FOIA.

FOIA has helped make a transparent government. Initially enacted in 1966, FOIA establishes for any person, corporate or individual, regardless of nationality, presumptive access to existing, unpublished agency records on any topic. CIISA does not change FOIA in any way. In fact, it seeks to protect information which would not be in the public domain in the first place and if publicly released, could interfere with, disrupt, or compromise critical infrastructure operations. CIISA will protect voluntarily shared information without diminishing Federal transparency.

Access to information is essential to our democracy. However, it is important to realize that the ability to make a request under FOIA does not apply only to American citizens interested in seeing what the Government is doing. Corporations, associations, foreign citizens, and even foreign governments have the same access. There are no limitations on FOIA even during times of war. Furthermore, the narrow provisions provided in CIISA are nothing new. Congress has on 40 other occasions created certain classes of information that are not subject to the Freedom of Information Act.

In order to ensure the uniform protection of voluntarily shared information, CIISA requires the Director of the Office of Management and Budget to establish procedures for the Federal agencies to receive, acknowledge, mark, care, and store voluntarily submitted critical infrastructure information. Today, there is no uniform standard of care under FOIA.

CIISA requires that information and analyses from the Federal Government be shared back with the private sector in the form of notifications, warnings, and strategic analyses. The bill requires a Federal agency receiving voluntarily submitted critical infrastructure information to make reasonable efforts to do the following: one, analyze the information; two, determine the

tactical and strategic implications for such information; three, identify interdependencies; and four, consider conducting further analysis in concert with other Federal agencies. Following this analysis, a Federal agency may issue warnings regarding potential threats to: one, individual companies; two, targeted industry sectors; three, the general public; or four, other government entities. Federal agencies must take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for any warnings.

CIISA also requires the President to designate an entity within the executive branch to conduct strategic analyses of potential threats to critical infrastructure; and to submit reports and analyses to information sharing and analysis organizations and the private sector. These analyses draw upon this information submitted to the Federal Government by the private sector, as well as information from the Federal Government, such as national security and law enforcement information. The President is also required to submit a plan for developing strategic analysis capabilities in the Congress.

When competitors work closely to address common problems, antitrust concerns always surface. Security in a networked world must be a shared responsibility. To encourage the private sector to find solutions to common security problems, CIISA provides a narrow antitrust exemption, not unlike that of the Information Readiness Disclosure Act or the Defense Production Act. Information sharing and analysis organizations formed solely for the purpose of gathering and analyzing critical infrastructure information and to help prevent, detect, mitigate or recover from the effects of a problem relating to critical infrastructure, will be exempt from antitrust laws. Again, this exemption only applies to the activities specifically undertaken to address infrastructure problems. The antitrust exemption will not apply to conduct that involves or results in an agreement to boycott any person, to allocate a market, or to fix prices or output.

The threats to our critical infrastructure are varied. Some of those threats are physical; some may come from cyberspace. From wherever they come, the private sector and Government each has different vantage points. It is my hope that this bill will help both entities work together to reduce the blind spot.

I thank Senator KYL for his interest and leadership on this issue.

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 COMMENDING THE TRUCKING  
INDUSTRY

Mr. BROWNBACK. Madam President, I rise to speak today in recognition of the noble truck drivers across the Nation. For the past 2 weeks, our truckers have been valiant in their service to

this country, delivering important supplies to the attack sites of New York City and Arlington, VA. Many of these truckers have been volunteering time, equipment, and use of their vehicles to supply these areas in efforts of relief, regardless of the escalating gas prices throughout the country. This is a commendable act, as airlines have been shut down and delivery has been severely restricted, truckers have responded to the call of America. I commend the work performed by this industry. We have often heard about those on the front line, but not of those in the shadows, holding part of America's infrastructure intact with their service. I say thank you to the hard-working men and women of the trucking industry who continue to contribute to the relief effort throughout the country.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 25, 1994 in Hollywood, CA. Three men and five juveniles wielding baseball bats and a golf club allegedly assaulted two gay men. Juan Huiza, 19, and Marvin and Guillermo Hendriquez, both 20, were charged with suspicion of civil rights violations and assault with a deadly weapon.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DAVID R. CHEVALIER

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to former U.S. Army Sgt. David Chevalier of North Hampton, NH, for his heroic service to the United States of America during the Korean Conflict.

On June 13, 1953, David was injured in action while courageously serving his country in Korea. David has earned the Purple Heart medal for his dedicated service to our country with pride.

As a Vietnam veteran and son of a Naval aviator who died in a World War II related incident, I commend David for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privi-

lege to represent him in the U.S. Senate.●

##### TRIBUTE TO ELETROPAC COMPANY, INC.

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Electropac Company, Incorporated, of Manchester, NH, on the celebration of their 25th year in business.

For 25 years, Electropac Company, Incorporated headed by Raymond Boissoneau, has provided high quality printed circuit boards to businesses in New Hampshire, the United States and worldwide markets. The company has constantly invested in the latest technology and processes and has produced innovative products for their customers.

Electropac is one of North America's leading suppliers of printed circuit boards with \$45 million in annual revenue and currently employs more than 400 dedicated team members. Electropac has consistently prided itself in their dedication to complete customer satisfaction and teamwork.

I commend the leadership and employees of Electropac for their exemplary accomplishments in the business world. The contributions of Electropac have been of significant benefit to the citizens of our state and have provided economic stimulus and employment opportunities. It is truly an honor and a privilege to represent you in the U.S. Senate.●

##### TRIBUTE TO JAMES E. O'NEIL

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to James E. O'Neil of Chesterfield, NH, on being named as the Keene Chamber of Commerce 2001 Citizen of the Year.

Jim has served the community of Keene for many years contributing to the overall quality of life in the region. He is involved in leadership positions with organizations including the Monadnock United Way and Center Stage of Cheshire County and is a board member for Cheshire Medical Center and Monadnock Family Services. Jim is also an executive trustee of Kingsbury's charitable foundation to benefit the Chesterfield School.

Jim and his wife, Joan, have been married for 29 years and have two children: a daughter, Rachel, who resides in Cambridge, MA, and a son, Jay, a resident of Durham, NH.

I commend Jim for a lifetime of community service to the greater Keene area. He is an exemplary role model for the citizens of his community and our entire State. It is his honor and a privilege to represent him in the U.S. Senate.●

##### TRIBUTE TO COVER

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay

tribute to COVER, a non-profit program based in Lebanon, NH.

The COVER organization works in partnership with low income, elderly and disabled citizens assisting them with urgent home repairs. The volunteers organized by COVER have successfully prevented the imminent displacement of more than 100 Upper Valley residents due to substandard or inaccessible housing.

The members of COVER work together to ensure that home repair projects are supplied with recycled materials to conserve natural resources. The volunteer labor pool allows cover to build positive relationships throughout the community bringing neighbors together to accomplish the refurbishing needs of area homes.

More than 700 hard working volunteers at COVER have completed more than 100 home repair projects in the Upper Valley region since 1998.

I applaud the tireless efforts of the organizers and volunteers of COVER. Their valuable contributions have aided and enriched the lives of the elderly and disabled citizens in the community. The citizens of Lebanon and our entire state owe a debt of gratitude to the COVER organization. New Hampshire is a better place in which to live because of their kind acts of charity. It is truly an honor and a privilege to represent them in the U.S. Senate.●

##### TRIBUTE TO ALEXANDER LEVERIS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Alec Leveris of Kensington, NH, for his heroic service to the United States of American during World War II.

On September 17, 2001, I will present Alec with the medals he so bravely earned while serving his nation in battle. Alex joined the U.S. Navy in Boston and was trained in Newport, RI. He served as an ordinary seaman on tours of duty on the U.S.S. *Yorktown* including the Battle of Midway and trained pilots to take off and land on the aircraft carrier, U.S.S. *Alabama*.

Alex earned medals for his dedicated military service including: the Honorable Service Lapel Button, a Combat Action Ribbon, the European-African-Middle Eastern Campaign Medals, a World War II Victory Medal, an American Campaign Medal, the Navy Good Conduct Medal and an Asiatic-Pacific Campaign Medal.

As a son of a Naval aviator who died in a World War II related incident, I commend Alex for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.●

##### TRIBUTE TO LESLIE E. ROBERTS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay