Missouri was involved in a similar inquiry in the 1940s when it came to defense contractors and whether they were wasting taxpayer dollars. As has been noted, the Challenger disaster led to a board of inquiry that changed the way the National Aeronautics and Space Administration did their business. There were inquiries throughout our history when something important and catastrophic was happening in America.

We can do no less today than to dedicate resources to an inquiry that gets to the heart of what our deficiencies are when it comes to fighting terrorism.

I suggest my colleagues consider that there are many we can turn to, to help us in this effort. Certainly there are committees of Congress on both sides of the aisle in the House and the Senate that could have a legitimate role to play in this question.

We might consider turning to some of our former colleagues to establish this kind of commission of inquiry to ask about what we failed to do and how we failed to avert the crisis of September 11. As I sat here today reflecting, names came to mind immediately: Senator Bob Kerrey, former Senator from Nebraska, recipient of the Congressional Medal of Honor, former chairman of the Senate Intelligence Committee; Senator Bob Dole of Kansas, Republican majority leader; Sam Nunn, former Senator from Georgia, well respected for his expertise when it comes to the armed services; former Senator from Missouri John Danforth, who just recently conducted an investigation of the FBI on the Waco incident, and his findings were accepted by all as being thorough and professional; John Glenn, former Senator from Ohio, who has a legendary reputation not only on Capitol Hill but across America; Mark Hatfield of Oregon, who served as chairman of the Senate Appropriations Committee; Chuck Robb, former marine in Vietnam and Senator from Virginia; Warren Rudman from New Hampshire.

These are eight names that could come together quickly and be willing to serve this country in a commission of inquiry as to what went wrong at the CIA and the FBI and the Pentagon and throughout the Government on September 11. I believe they can give us a roadmap so we can talk about changes that need to be made, and made immediately, to avert any future crisis.

I agree with Senator TORRICELLI: This is something we should not put off. We ought to do it and do it soon. It is not a reflection of disunity on the part of those of us who suggest it but just the opposite. As we have stood with the President to make sure he is effective in fighting this war for America, let us stand together in a bipartisan fashion to concede our weaknesses and shortfalls from the past so we don't repeat those terrible mistakes.

Mr. President, I will conclude by noting one other event that happened in the last several weeks, which has been nothing short of amazing. It is a rebirth of patriotism in America the likes of which I have never witnessed. There was a time during the Vietnam war when the American flag lapel pin was worn by some in support of the war and shunned by others as an indication of supporting a war they thought was wrong.

That has changed so much. You will find Americans across the board proud of their flag, proud of their country. I was in Chicago Saturday morning and stopped at a car rental agency, and the lady behind the desk recognized my name when I filled out the contract.

She said: Senator, I can't find a flag anywhere, and I am trying to get one I can wear.

I pulled out this ribbon from my pocket—a lapel pin that many Members have been wearing. I said: Why don't you take this one.

She said: I think I am going to break down and cry. It meant so much for her to have it, to be able to wear it. I also gave one to the lady working with her. I thought how quickly we have come together as a nation.

You have seen it in so many ways, large and small. Huge rallies are taking place at the Daly Center in Chicago. There are long lines of people waiting to donate blood. Donations are being given to the United Way and Red Cross and all of the charitable organizations. There is an intense feeling of pride and patriotism at public events across the board.

I have noticed that people are listening more carefully to our National Anthem—to the words that we used to say by memory —perhaps without thinking so many times. There is that pause when we get to the point in that great National Anthem when we say:

O say, does that star-spangled Banner yet wave,

O'er the land of the free and the home of the brave.

I think those words have special meaning for us because the Star Spangled Banner, our national flag, still waves—not just on porches and buildings across America and across Illinois, downstate and in Chicago, but in our hearts as well. We will prevail.

Those who thought they could bring us to our knees have brought us to our feet. This country will be victorious.

I yield the floor.

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

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that it be in order for me to make my remarks while seated at my desk.

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

AMERICAN SERVICE MEMBERS PROTECTION ACT

Mr. HELMS. Mr. President, after those dastardly terrorists deliberately murdered—and I use those words advisedly—thousands of American citizens in New York, Washington, and in the plane crash in Pennsylvania, President Bush instructed our armed services to ''be ready.''

Mr. President, our Nation is at war with terrorism. Everybody knows that. Thousands in our Armed Forces are already risking their lives around the globe, preparing to fight in that war. We bade farewell to 2,000 or 3,000 marines from North Carolina last week.

These are all courageous men and women who are not afraid to face up to evil terrorists, and they are ready to risk their lives to preserve and to protect what I like to call the miracle of America.

And that is why I am among those of their fellow countrymen who insist that these men and women who are willing to risk their lives to protect their country and fellow Americans should not have to face the persecution of the International Criminal Court—which ought to be called the International Kangaroo Court. This court will be empowered when 22 more nations ratify the Rome Treaty.

Instead of helping the United States go after real war criminals and terrorists, the International Criminal Court has the unbridled power to intimidate our military people and other citizens with bogus, politicized prosecutions.

Similar creations of the United Nations have shown that this is inevitable.

Earlier this year, the U.N. Human Rights Commission kicked off the United States—the world's foremost advocate of human rights—to the cheers of dictators around the globe.

The United Nation's conference on racism in Durban, South Africa, this past month, became an agent of hate rather than against hate. With this track record, it is not difficult to anticipate that the U.N.'s International Criminal Court will be in a position not merely to prosecute, but to persecute our soldiers and sailors for alleged war crimes as they risk their lives fighting the scourge of terrorism.

Therefore, now is the time for the Senate to move to protect those who are protecting us.

I have an amendment at the desk to serve as a sort of insurance policy for our troops. My amendment is supported by the Bush administration and is based on the ''American Service Members Protection Act,'' which I introduced this past May. It is cosponsored by Senators MILLER, HATCH, SHELBY, MURKOWSKI, BOND, and ALLEN. I ask unanimous consent that the amendment be filed with the DOD authorization bill.

The PRESIDING OFFICER. The amendment will be filed.

Mr. HELMS. Mr. President, many Americans may not realize that the Rome Treaty can apply to Americans even without the U.S. ratifying the treaty. This bewildering threat to America's men and women in our Armed Forces must be stopped.

And that is precisely what my amendment proposes to do—it protects Americans in several ways:

(1) It will prohibit cooperation with this kangaroo court, including use of taxpayer funding or sharing of classified information.

(2) It will restrict a U.S. role in peacekeeping missions unless the U.N. specifically exempts U.S. troops from prosecution by this international court.

(3) It blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the ICC.

And

(4) It authorizes any necessary action to free U.S. soldiers improperly handed over to that Court.

My amendment to the Defense authorization bill incorporates changes negotiated with the executive branch giving the President the flexibility and authority to delegate tasks in the bill to Cabinet Secretaries and their deputies in this time of national emergency.

The Bush administration supports this slightly revised version of the American Service Members Protection Act. I have a letter from the administration in support of this amendment, which I will soon read.

Nothing is more important than the safety of our citizens, soldiers, and public servants. The terrorist attacks of September 11 have made that fact all the more obvious.

Today, we can, we must, act to protect our military personnel from abuse by the International Criminal Court.

The letter I received dated September 25 from the U.S. Department of State is signed by Paul V. Kelly, Assistant Secretary for Legislative Affairs:

Dear Senator HELMS: This letter advises that the administration supports the revised text of the American Servicemembers' Protection Act, dated September 10, 2001, proposed by you, Mr. Hyde and Mr. Delay.

We commit to supporting enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or to other appropriate legislation.

Signed, Paul V. Kelly, as I indicated earlier.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I send to the desk a second-degree amendment to the Helms amendment and ask unanimous consent that it be considered in context with the Helms amendment on the DOD authorization bill when we return to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I thank the majority leader for his consideration. I had asked my second-degree amendment to the Helms amendment be considered in that context upon returning to the DOD authorization bill. Mr. President, I send that amendment to the desk as a second degree.

The PRESIDING OFFICER. The amendment will be filed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may make my remarks seated at my desk.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment appear in the RECORD as presented.

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

Mr. CRAIG. Mr. President, I will speak briefly to it because I know there is other business to be conducted.

It is, first and foremost, very important that I say I agree with the general premise of the amendment that Senator HELMS has offered this afternoon. It is clearly of utmost importance that we speak as a nation to the world and say that our men and women in uniform may never and will never become subject to an International Criminal Court. That is the sovereign right of this Nation.

We, in general, object to what the Criminal Court under the Rome Treaty proposes. In fact, in the Commerce-State-Justice appropriations bill, just 2 weeks ago I offered an amendment to strike all necessary moneys that would bring about our activity in the Preparatory Commission and the implementation of the Criminal Court.

My amendment goes a step beyond what Senator HELMS has proposed because the International Criminal Court is not specific to men and women in uniform. It says all citizens of the world in essence; anyone over 18 years of age. Is it possible to assume that a rogue prosecutor under the Criminal Court of the United Nations could suggest that Colin Powell is in violation and, therefore, to be prosecuted before the Criminal Court for his conduct as it relates to pursuing international justice in relation to terrorists? Yes, it is.

As a result of that, my amendment proposes to protect all citizens, not just those men and women in uniform. That is critically necessary and important.

We have spoken out as a nation in general opposition to the ICC, and when the treaty was signed by former President Clinton, he talked about the inequities and the problems.

My amendment also addresses those problems, and it would remove language indicating that the United States may eventually become a party to the ICC.

There is a gratuitous endorsement of the U.N.'s ad hoc tribunals. We have just been through one of those episodes in South Africa where the United States and Israel had to walk away because of an intent to suggest that charges of racism be pursued against one of those nations. Ad hoc tribunals and the very principle with which we are trying to deal in the ICC should suggest that we do not necessarily endorse or support the U.N.'s ad hoc tribunals.

There is a new section 1411 that has been added to permit U.S. cooperation with the ICC on a case-by-case basis, including that of giving classified information to the ICC. We reject that.

Lastly, there is no mention of American sovereignty. I think it is always important when we are addressing international bodies or our relationship to them that we speak so clearly to the right of this Nation to determine its own destiny and, more importantly, that we will not be signatories to, nor will we endorse as a Senate or as a Government, concepts in the international arena that take from us our right of American sovereignty and the right, therefore, of our judicial system over the citizens of this country away from that of an international body.

That is the intent of my second degree. Without question, and I have discussed this with Senator HELMS, he and I stand strongly together in support of the protection of our troops, our men and women in uniform, in not being subject to an international criminal court of justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, Mr. President, I thank the Chair.

Let me just add a footnote to the remarks of Senator CRAIG. We have been working closely together on this issue of the International Criminal Court, and we see eye to eye on the danger of this Court presented to our fighting men and women. I appreciate very much the efforts of Senator CRAIG, who I understand may be offering a second-degree amendment, which he has already done.

I want to assure the Senate, as Senator CRAIG has, that Senator CRAIG and I will continue working together on this and other important issues in the future.

As I indicated earlier in my remarks, my amendment—the underlying amendment, that is—is supported by the Bush administration. Vice President CHENEY has personally seen to it the language in my underlying amendment has the approval of the State Department, the Defense Department, the

National Security Council, the Justice Department, along with other parts of the Government.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DISCHARGE AND REFERRAL—H.R. 788

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from consideration of H.R. 788, the land conveyance bill, and the measure be referred to the Governmental Affairs Committee.

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

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1860, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1860) to reauthorize the Small Business Technology Transfer Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today I rise to urge passage of H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. H.R. 1860 passed the House of Representatives on September 24, 2001. This bill is a companion to my bill, cosponsored by Ranking Member KIT BOND, S. 856 which passed the Senate unanimously on September 13, 2001. This legislation reauthorizes the Small Business Administration's highly successful Small Business Technology Transfer Program for an additional eight years and doubles its size. Absent legislative action to reauthorize the Small Business Technology Transfer program, it will expire on September 30, 2001.

The STTR program funds research and development, R&D, projects performed jointly by small companies and research institutions as an incentive to advance the government's research and development goals. It complements the Small Business Innovation Research, SBIR, program, which was reauthorized last year. The SBIR program funds R&D projects at small companies. STTR funds R&D projects between a small company and a research institution, such as a university or a Federally funded R&D lab. STTR projects help participating agencies achieve their goals in the research and development arena. It also helps convert the billions of dollars invested in research and development at our nation's universities, Federal laboratories and nonprofit research institutions into new commercial technologies.

The STTR program was started in 1992. The program was reauthorized in 1997 for four years. The program is funded out of the extramural R&D budgets of Federal agencies or departments with extramural R&D budgets of $1 billion or more. Such agencies must award at least .15 percent of that money for STTR projects. This bill increases program funding to .3 percent of that money for STTR programs in FY 2004 and thereafter. Five agencies currently participate in the STTR program: the Department of Defense, DoD, the National Institutes of Health, NIH, the National Aeronautics and Space Administration, NASA, the National Science Foundation, NSF, and the Department of Energy, DoE.

There are three phases of the STTR program. Phase I is a one-year award for $100,000, and its purpose is to determine the scientific and commercial merits of an idea. Phase II is a two-year grant for $500,000, and its purpose is to further develop the idea. In FY 2004 and thereafter this bill increases Phase II awards to $750,000. Phase III is used to pursue commercial applications of the idea and cannot be funded with STTR funds.

I thank my friend from Missouri, Senator BOND and his staff and all of the Members of the Senate Small Business and Entrepreneurship Committee for working with me and my staff on this important legislation. I would also like to recognize the cooperation and support from the House Small Business Committee, Chairman DON MANZULLO, Ranking Member NYDIA VELAZQUEZ, Subcommittee Chairman ROSCOE BARTLETT and their staffs as well as Chairman BOEHLERT and Ranking Minority Member HALL and their staffs on the House Science Committee for their work on this legislation.

Mr. President, I ask the Senate to pass H.R. 1860.

Mr. BOND. Mr. President, I rise to urge my colleagues in the Senate to support H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. This bill is identical to S. 856, which passed the Senate unanimously on September 13, 2001. Subsequently, the House of Representatives amended its version of this important legislation with the entire text of the Senate-passed bill, and it passed the House of Representatives yesterday on its Suspension Calendar. Our approval of this bill today will clear the measure for the President to sign it into law.

The STTR Program was created in 1992 to stimulate technology transfer from research institutions to small firms while, at the same time, accomplishing the Federal government's research and development goals. The program is designed to convert the billions of dollars invested in research and development at our nation's universities, federal laboratories and nonprofit research institutions into new commercial technologies. The STTR Program does this by coupling the ideas and resources of research institutions with the commercialization experience of small companies.

To receive an award under the STTR Program, a research institution and small firm jointly submit a proposal to conduct research on a topic that reflects an agency's mission and research and development needs. The proposals are then peer-reviewed and judged on their scientific, technical and commercial merit.

The STTR Program continues to provide high-quality research to the Federal government. The General Accounting Office (GAO) reported in the past that Federal agencies give high ratings to the technical quality of STTR research proposals. The Department of Energy, for example, rated the quality of the proposed research in the top ten percent of all research funded by the Department

Report after report demonstrates that small businesses innovate at a greater and faster rate then large firms. However, small businesses receive less than four percent of all Federal research and development dollars. This percentage has remained essentially unchanged for the past 22 years. Increasing funds for the STTR Programs sends a strong message that the Federal government acknowledges the contributions that small businesses have and will continue making to government research and development efforts and to our nation's economy.

Mr. President, Senator KERRY and I have worked together to produce a sound, bi-partisan bill. This legislation is good for the small business high-technology community and will ensure that our Federal research and development needs are well met in the next decade. I trust that the bill will receive overwhelming support of my colleagues.

Mr. REID. I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The bill (H.R. 1860) was deemed read the third time and passed.

DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2510 to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives: