

search for terrorists' financial assets. The freezing of these assets is a first step to the eradication of global terrorist organizations.

On September 28 of last year, the United Nations Security Council adopted Resolution 1373 which established a set of legally binding obligations for each member nation. Now, this is quite significant because there are not a lot of legally binding resolutions considered by the Security Council. Resolution 1373 requires each nation to prevent the financing of terrorism, deny safe haven to terrorists, and increase cooperation and information sharing in these efforts. Resolution 1373, which passed with our support, also directs nations to ratify all outstanding terrorism related conventions.

Nations, both allies and former adversaries, overwhelmingly acted to sign, ratify, and become compliant with a number of terrorism conventions. It has taken the United States nearly 9 months to do so. The Senate Foreign Relations Committee held a hearing on these treaties last October and approved them in November. The full Senate ratified the treaties in December.

Now, most people might think that once the Senate gives its advice and consent to a treaty, it is ratified and the United States is full party to the agreement. This could only be seen as a "virtual" ratification. It is not, however, until the United States is fully compliant with the treaty that the President can deposit our articles of ratification and we become full treaty members.

It is this last step where the Senate faltered. We had the House approved implementing legislation last December. We are only now, in June, contemplating its passage. We cannot drag our feet any longer.

Today we are considering implementing language. We are ready to vote. We are ready to make the United States compliant with important treaties that can help us fight against terrorism. The amendment language is identical to the version passed by the House in December. It is the right language, the appropriate language and should pass the Senate today.

I encourage my colleagues to support this amendment, support the fight against terrorism, and support making the United States compliant to these two valuable international agreements.

Mr. FEINGOLD. Madam President, I rise today to oppose a provision in H.R. 3275, the Terrorist Bombings Convention Implementation Act, and the proposed Leahy-Hatch amendment to S. 1770, the Senate version of this implementing legislation, which would authorize the use of the death penalty by the Federal Government.

This bill seeks to implement into Federal law the obligations of the United States under the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the

Financing of Terrorism. The U.S. signed these conventions, which were later ratified by the Senate on December 5, 2001. These two conventions are vital to our efforts to fight terrorism. These conventions will fill an important gap in international law by expanding the legal framework for international cooperation in the investigation, prosecution, and extradition of persons who engage in bombings and financially support terrorist organizations. Both conventions require participating countries to pass specific criminal laws to implement those nations' obligations under the conventions.

But while these conventions do not require a death penalty, the House bill and the proposed amendment to the Senate bill would authorize the use of the death penalty by the United States. Not only do I oppose the expansion of the Federal death penalty at a time when Americans are questioning the fairness of the administration of this punishment, but I also fear that expanding the Federal death penalty through this implementing legislation will undermine our fight against terrorism.

I fear that the inclusion of a death penalty could actually thwart the purpose of these conventions. Instead of encouraging international cooperation in the fight against terrorism, this implementing legislation threatens to hamper international cooperation to prevent and punish terrorist bombings and financing of terrorist organizations. Many nations, including our closest allies in the fight against terrorism, may refuse to extradite suspects to nations where those suspects will face the death penalty. Already our allies like France and Germany have expressed their concerns about extraditing individuals or sharing information concerning al-Qaeda suspects out of concern that the United States will seek the death penalty against suspected terrorists. As this experience obviously shows, it doesn't serve the cause of justice, peace, or freedom to include a death penalty provision in this important bill.

Moreover, this is not the time to expand the Federal death penalty. Americans are increasingly recognizing that the current death penalty system is broken, and risks executing the innocent or applying the ultimate punishment disproportionately to those who may live in the "wrong" part of the country, have the "wrong" color skin, or just not have the money to pay for a "dream team" defense.

These problems plague the integrity of the justice system at the state and federal levels. A report released by the Justice Department in September 2000 showed troubling racial and geographic disparities in the administration of the federal death penalty. The color of a defendant's skin or the federal district in which the prosecution takes place can affect whether a defendant lives or dies in the federal system. Former At-

torney General Janet Reno ordered a further analysis of why these disparities exist. And Attorney General Ashcroft has agreed to continue this study.

We have not yet seen the results of this study, nor have we had the opportunity to review and understand what the results might mean for the fairness and integrity of our federal justice system. While this important study is underway, Congress should not create even more death-eligible crimes.

As Governor George Ryan of Illinois said at a hearing I held on June 12th in the Senate Judiciary Subcommittee on the Constitution on the report of the Illinois Governor's Commission on Capital Punishment, "especially after September 11, . . . the United States must be a model for the rest of the world. And that means our justice system should be the glowing example for the pursuit of truth and justice. It must be fair and compassionate."

There is no question that we should prosecute and punish severely those responsible for the horrific attacks on our nation on September 11th or those who may plan or perpetrate acts of terror in the future. But I am very concerned that the bill's provision for the death penalty against suspected terrorists could undermine the purpose of the conventions and our ability to seek vital information and cooperation from other nations. I fear that the death penalty provision will weaken, not strengthen, our hand in pursuing terrorists, especially our global efforts to bring alleged terrorists to justice and to prevent future acts of terror.

For these reasons, I cannot in good conscience support H.R. 3275, the proposed Leahy substitute amendment to H.R. 3275, the proposed Leahy-Hatch amendment to S. 1770, or S. 1770, if the amendment should be adopted.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### TERRORISM RISK INSURANCE ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2600, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2600) to ensure the continued financial capacity of the insurers to provide coverage for risks from terrorism.

Pending:

Santorum amendment No. 3842, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts.

Allen amendment No. 3838, to provide for satisfaction of judgments from frozen assets

of terrorists, terrorist organizations, and state sponsors of terrorism.

Brownback amendment No. 3843, to prohibit the patentability of human organisms.

Ensign amendment No. 3844 (to amendment No. 3843), to prohibit the patentability of human organisms.

#### AMENDMENT NO. 3842 WITHDRAWN

The ACTING PRESIDENT pro tempore. Under the previous order, the amendment numbered 3842 is withdrawn.

#### TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Judiciary Committee is discharged from further consideration of H.R. 3275 and the Senate will now proceed to its consideration.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

#### AMENDMENT NO. 3847

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont, Mr. LEAHY, or his designee, is to be recognized now to offer an amendment.

Mr. LEAHY. Madam President, I call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself and Mr. HATCH, proposes an amendment numbered 3847.

(The amendment is printed in today's RECORD under "Text Of Amendments.")

The ACTING PRESIDENT pro tempore. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3847) was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the

Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that if present and voting, the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. TORRICELLI) would each vote "aye."

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) and the Senator from Kentucky (Mr. BUNNING) would each vote "yea."

The PRESIDING OFFICER (Mr. CORZINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 1, as follows:

[Rollcall Vote No. 154 Leg.]

#### YEAS—83

Akaka	Enzi	Mikulski
Allen	Feinstein	Miller
Baucus	Fitzgerald	Murray
Bayh	Frist	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Reed
Breaux	Gregg	Reid
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hollings	Sarbanes
Carnahan	Hutchinson	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Johnson	Smith (NH)
Clinton	Kennedy	Smith (OR)
Cochran	Kerry	Snowe
Collins	Kohl	Specter
Corzine	Kyl	Stabenow
Craig	Landrieu	Stevens
Daschle	Leahy	Thomas
Dayton	Levin	Thompson
DeWine	Lieberman	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wellstone
Edwards	McCain	Wyden
Ensign	McConnell	

#### NAYS—1

Feingold

#### NOT VOTING—16

Allard	Conrad	Jeffords
Bennett	Crapo	Murkowski
Boxer	Dorgan	Roberts
Brownback	Hatch	Torricelli
Bunning	Helms	
Burns	Inouye	

The bill (H.R. 3275), as amended, was passed.

#### UNANIMOUS CONSENT REQUEST

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, we are about to vote on the Allen amendment—

Mr. ALLEN. The Harkin-Allen amendment.

Mr. DASCHLE. I am sorry, the Harkin-Allen amendment. Once the Harkin-Allen amendment is disposed of, the pending business is the Ensign and Brownback amendments. I know Senator BROWNBACK could not be here today. So I ask unanimous consent that the Brownback amendment be set aside so that we can entertain other amendments.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Could you repeat the unanimous consent request?

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Ensign and Brownback amendments be set aside so we can entertain other amendments today and on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. I would have to object at this time until we can have a discussion about that.

The PRESIDING OFFICER. Objection is heard.

#### TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Judiciary Committee is discharged from further consideration of S. 1770, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 1770) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont, Mr. LEAHY, or his designee, is to be recognized to offer an amendment.

#### AMENDMENT NO. 3848

(Purpose: To propose a substitute)

Mr. LEAHY. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. HATCH, proposes an amendment numbered 3848.

Mr. LEAHY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text Of Amendments.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.