

collective bargaining agreements to keep those rights. It does not hamper the ability of the new Secretary or the President to remove collective bargaining rights from individual workers or newly-created agencies within the department if there is a valid national security concern. Simply being an employee of a department with the word "security" in its name is not sufficient cause to be stripped of collective bargaining rights.

I urge my colleagues to support the Nelson amendment and to oppose the Gramm amendment.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am glad we are on the Department of Justice authorization. As I said earlier, I appreciate the fact the distinguished majority leader moved to it. This is actually a very important bill. At a time when it seems so much good legislation is being stalled, it would be a shame if this was, too.

I know since January of last year Senate Democrats have tried to bridge the gap and make bipartisan progress on campaign finance reform, corporate accountability, and a real Patients' Bill of Rights, and a number of bipartisan anticrime, antidrug, antiterrorism bills. We worked with the administration after September 11 on the USA Patriot Act; we passed that in record time. We created the September 11 victims' trust fund and we enhanced border security.

We tried to work as supportive partners in the effort against terrorism. Throughout that effort in the Judiciary Committee, we rose above the bitterness and partisanship that had been exhibited by my predecessors during the last 6 years of the previous administration. We have held more hearings on more judicial nominees and held more committee votes on them and confirmed more judges in 15 months than the Republicans were willing to confirm in the last 30 months when they controlled the Senate.

I emphasize that for the 30 months prior to the change in the control of the Senate, the Republicans controlled the Senate Judiciary Committee during both the time of President Clinton and President Bush. In the 15 months we have been in control—it has been only with President Bush—we have put through twice as many judges in 15 months. We put through more judges in 15 months than they did in 30 months.

I mention this because some at the White House, who should know better, talk about the holdup on judges but do not like it when they are reminded that we have done more under President Bush than they did for both President Bush and President Clinton during a period twice as long. It is an interesting point.

I remember Adlai Stevenson once said to some of his Republican friends: If you promise to stop talking lies about us, I will stop talking the truth about you. But I find the statements and statistics continue, so I thought I would throw a little truth on the matter.

I mention this because we have tried to go more than halfway. As I said, during 15 months, we moved more judges than the Republicans did during 30 months. We have reached out in order to pass legislation from our committee—and the distinguished Presiding Officer is a valued member of that committee—and passed out piece after piece either unanimously or by a strong bipartisan majority. We passed intellectual property legislation, consumer legislation, anticrime legislation, antidrug legislation, but then mysterious Republican holds came up and stopped them.

Here are some of the bills we passed out of the committee that have been held up on the Republican side: the Leahy-Grassley FBI Reform Act; the Hatch-Leahy Drug Abuse Education Prevention and Treatment Act; the DREAM Act, championed by Senators Durbin and Hatch; a charter amendment to the Veterans of Foreign Wars, something totally without partisanship. We passed it unanimously, as the distinguished Senator from Washington State knows. We passed out a charter amendment to the Veterans of Foreign Wars, a nonpartisan request. We cannot get it through the Senate because it is being held up on the Republican side of the aisle.

We passed out a charter amendment for AMVETS, a wonderful veterans organization. The distinguished Presiding Officer and I voted for it and it was voted unanimously out of our committee. It is being held up on the Republican side of the aisle.

We passed out a charter amendment for the American Legion. Every Democrat voted for that. Every Democrat has agreed: Move that through the Senate. It is being held up on the Republican side.

Now we find there is a Republican hold on the Department of Justice Appropriations Authorization Act. This is the first one in 21 years. It passed in the House of Representatives by a vote of 400 to 4. The chief sponsor is a leading Republican Member of the House.

We strengthen our Justice Department, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen our judiciary, and offer our children a safe place to go after school. It is a product of years of work.

I commend Senator DASCHLE for bringing this up for a vote. Let me show my colleagues some charts. This is not a hodgepodge where one might go in and look as to whether you wear a green tie or paisley tie or drive a blue car or a black car; this is something that really affects Americans.

It was passed by the House of Representatives. If it is allowed to come to a vote, it could pass easily in this body: border security, domestic preparedness, suppression of financing terrorism treaty.

Let me mention the last part. We worked this out with the Bush administration. They said there is a difficulty in following the money used by terrorists around the world. We know how quickly President Bush and Secretary O'Neill moved after September 11 last year to freeze the assets of some of these terrorist groups, and I commend the President for that action; I praise the President for doing that. But I wish the President now would tell his own party that we have the legislative tools that President Bush has asked for to go after the money of terrorists, and it is being blocked on the Senate floor by a Republican hold.

Let's pass this. Let's do what we all know has to be done. This is not partisan—grabbing the money of terrorist organizations that are after the United States. That is not a Democratic or Republican issue. But when every single Democrat said they will vote to go after that money, it is time for the anonymous Republican who has a hold to let us go forward.

Let me show a few other items that are in the bill. We improve law enforcement. We have FBI reform and FBI agent danger pay. Some of these FBI agents are working in some of the most dangerous places, especially overseas. Sometimes their mere presence targets them for assassination. This is agent danger pay. We ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.

Senator CARNAHAN's Law Enforcement Tribute Act is in this legislation. It authorizes grants to States, local governments, and Indian tribes for memorials to honor killed or disabled officers while serving as law enforcement safety officers. How can anybody oppose that without looking terribly political? Senator CARNAHAN deserves credit for this bill.

Senator FEINSTEIN and Senator SESSIONS joined in a bipartisan effort on the Body Armor Act. That should be allowed to go through.

Then we have some ways to stop crime from happening in the first place. We reached a bipartisan agreement to give the Boys and Girls Clubs the funds they need for 1,200 additional clubs across the Nation. Next to motherhood and apple pie, I cannot imagine anything that should have more support than helping the Boys and Girls Clubs of America. We have an excellent one in Burlington, VT. I know it very well. It just celebrated its 40th birthday.

I remember that Boys and Girls Club back in the days when I was State's attorney. I know those kids who went there had a place to go, had a place to learn, had a place to gather, had a place to constructively work, and were not the kids who got in trouble. They were not the ones I saw in juvenile court. They were not the ones who made our crime list. They were the ones who made the star list in our community.

I mention this because Senator HATCH and I went to the Boys and Girls Club congressional breakfast honoring the regional youth of the year. We also honored Senator THURMOND. I heard, and I know they were sincere, Republican Senator after Republican Senator come forward and say we have to authorize and expand the Boys and Girls Clubs. All right. Let's do it.

Last week, we offered to pass this bill on a voice vote to zip it through. We polled every single member of this side of the aisle. They were all in support of that Boys and Girls Club authorization, as they were the Body Armor Act and the help for law enforcement. Every single Democrat was ready to vote for it. We were willing to have it go by on a voice vote. An anonymous objection came from the Republican side.

I know in an election year some politics gets played, but not with the Boys and Girls Clubs and not with the Violence Against Women Office. We want to increase Federal focus on this tragic and recurring problem. Preventing domestic violence is not a partisan issue.

I remember going into the emergency rooms of our hospitals at 3:00 in the morning when I was in law enforcement. I saw the results of domestic violence. I saw women beaten so badly that even though we had an idea who may have beaten them, they could not even tell us through a broken jaw, swollen lips, and bloody faces. I saw that. I saw domestic violence even in a bucolic State like mine, but the amount of domestic violence is the same in every State.

It was not just those battered individuals I saw in the emergency room—at least we had hopes they would be brought back to health. We at least had hopes that medical care would return them to their ability to function—I still have nightmares sometimes of some of the others I saw, but I didn't see them in the emergency room. I saw them one floor up in the morgue.

This happens in every single State, and I never heard a police officer say: I wonder if this victim is Republican or Democrat. The police officer said: Why don't we do something to stop it?

Here is a chance to do something. Let's vote for it.

The Crime Free Rural States Grants, we have crime in our cities, but we also have crimes in our rural areas. The distinguished Presiding Officer was Governor in one of our finest States, a State that is a part of the American heartland, a State I have had the pleasure of visiting.

In fact, there were Leahys who moved out to Nebraska in the 1850s when my great-grandfather and his brothers came over from Ireland, some staying in Vermont, some staying in New York and others going to Nebraska. I know how beautiful a State it is, and I know there are both cities and rural areas. I know how hard the distinguished Presiding Officer as Governor fought against crime in both areas. He knows, as I do, that crime is a fact of life in rural areas. It is sometimes more difficult to fight because there are not all the needed resources available. It might be a small sheriff's department. The chief of police may be the whole police force.

We can help. This legislation authorizes programs that will reduce drug abuse and recidivism, mandatory, to increased funding for drug treatment in prisons, to funding for police training in South and Central Asia. These proposals are not Republican or Democrat; these are bipartisan. Most of them were in the Hatch-Leahy Drug Abuse Education, Prevention and Treatment Act.

Drug courts, drug-free prisons, reauthorizing the Juvenile Justice and Delinquency Prevention Act—one of the saddest things is going to juvenile court and seeing 12- or 13-year-old boys and girls who are already recidivists, people who have committed crimes that one would think a child that age would not even know about.

In going back through the reports, there are steps that could have been taken 2, 3, or 4 years before that might have prevented that. Now these boys and girls are people who are probably going to end up in an adult jail somewhere, lost to society and lost to themselves. We should have stopped it. That help is in here.

That is one of the reasons the House of Representatives, facing some of the same kind of partisan divisions that we face in this great body, passed it 400 to 4. I do not need to tell the distinguished Presiding Officer the need for these kinds of investments. He has had the experience both as a Governor, a Senator, and a parent. He knows what we have to do, just as I do. Let's go ahead and do it. Let's set aside the partisanship for a while and let's do something.

There are intellectual property provisions in this bill. We are in the United States seeing an enormous loss of jobs. In the last 2 years, we have had the biggest drop in jobs that I can remember, the largest number of layoffs we have seen in years. The economy is in a tailspin. The stock market has had a greater drop than at any time since the Presidency of Herbert Hoover. If anything, we should be helping American innovators and businesses, both big and small. We want these businesses to prosper. We want these businesses to be able to compete on a worldwide scale. We want these businesses to hire the people of Nebraska, Vermont, South Dakota, New York, California, Florida,

Arizona, Alabama, and all our other States. So we put in the Leahy-Hatch Madrid Protocol Implementation Act.

What this does is the sort of thing that the President and all the people around him say we need, something to simplify life for businesses. We would implement a treaty to allow American businesses to have one stop for international trademark registration which they can do only to countries that sign on to the protocol.

American businesses and companies that need to protect their trademarks if they sell their goods and services in international markets, especially over the Internet, would be helped by this legislation. Every single business leader I have heard of, regardless of their political background—from chambers of commerce, to business leaders, Republicans and Democrats alike—say pass this bill.

I checked on this side of the aisle. Every single Democrat is ready to vote for it right now. It has been held up for over a year by a Republican hold. I say to some of the businesses, talk to the Members of the Republican Party. The Democrats are ready to pass it.

We have another provision in the TEACH Act, an exemption that allows educators to use the same rich material of distance learning over the Internet as in face-to-face classrooms. Let me state why that is important. In rural areas—such as Nebraska or Vermont—there may be a number of small schools that cannot each support a library and sometimes cannot afford a teacher in a specialized area such as science, history, or math. Together they can, but you have to link them. So copyright laws apply. We worked that out. This is a no-brainer. It will help the kids. It should be a no-brainer for the Senate to pass.

We reauthorize and modernize the Patent and Trademark Office and give them funds they need. When I hear the baloney that comes out of the political people in the Attorney General's office and the White House about judges, this would be the one they should want. There are 20 new judges included to be appointed by President Bush. For a little bit of history, this is more than were created during the 6-plus years that the Republican Party controlled the Senate. The Clinton administration wanted to create these judgeships. They wanted to create new Federal judicial positions, and they were blocked by the Republicans. I believed the judicial positions were needed when President Clinton was President. I thought it was wrong that the Republicans stopped us from doing that. I did not want to do the same thing to President Bush that they did to President Clinton. Two wrongs do not make a right. So it was included. These are Federal judges in States we know are Republican and will be chosen by Republican Senators—in Arizona, Alabama, Texas. We include them just the same.

Why did that not pass last week? One may wonder, finally, having blocked it

for 6 years during the Clinton administration, now they have 20 judges President Bush may appoint—one may wonder why it has not been passed by a Democratic-controlled Senate. The Democratic-controlled Senate wanted to. But I will tell you the secret: A Republican Senator held it up. That is what happened. I hope no one comes down and says, We need more judges. We have 20 judgeships included, mostly in Republican States.

There are a lot of other provisions, including the Radiation Exposure Compensation Act. A lot of western Senators want that. We get into immigration matters. I talked a lot about rural areas.

Let me talk about the rural underserved medical areas. Every Senator has rural areas in their State. My State happens to be predominantly rural. But even the States of New York, California, Texas, and Illinois have large rural areas. It is very hard sometimes to get doctors into those areas. If you have someone injured in a farming accident, there may not be a doctor. That injured person may die for want of needed medical treatment. You may have a woman in a difficult childbirth. She may die or her baby may die for want of medical care. There may be an elderly person who just needs a certain amount of preventive care to lead a happy, productive life. We have worked on the visa provisions of INS to allow doctors from outside this country to serve in rural areas: Extend their visa providing they will stay in rural areas and help where there is a need. It allows grandparents to apply for citizenship on behalf of orphaned children, grandparents who saw their grandchildren orphaned in the tragedy of last September 11. These are some items included.

This is as much a bipartisan piece of legislation as I have seen in 28 years. The people supporting this legislation are wide ranging. By golly, I just happen to have a chart. Let's see who is in favor of this: Boys and Girls Clubs of America; the Coalition for Juvenile Justice; the Fraternal Order of Police; Family Violence Prevention Fund; National Automobile Dealers Association; National Association of Counties; National Association of Police Organizations; National Coalition Against Domestic Violence; National Mental Health Association; National Network to End Domestic Violence; Presbyterian Church, Washington office; Volunteers of America; U.S. Council for International Business; National Association of Manufacturers; the International Trademark Association; American Intellectual Property Law Association; U.S. Copyright Office; the American Library Association; Association of American Universities; American Research Libraries; Intellectual Property Owners Association; American Intellectual Property Law Association; Avon Products; Nintendo; Warner Brothers; IBM—I could go on. That is about as broad a cross section

supporting this as we will see in the Senate.

I am not sure what game is being played. I urge my good friends on the other side of the aisle to come forward, belly up to the bar, pay the price, pass the bill.

I ask unanimous consent to have printed in the RECORD a number of letters of support.

There being no objection, the material was ordered to be printed in the RECORD as follows:

BOYS AND GIRLS CLUBS OF AMERICA,
Rockville, MD, September 27, 2002.
Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you today in regard to H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act. As you know, in addition to the many other critical components of the bill, H.R. 2215 authorizes continued funding to Boys & Girls Clubs of America, so that we may continue our aggressive growth efforts in disadvantaged communities throughout the country.

Today, thanks in large part to Congress, Boys & Girls Clubs of America is serving more than 3,300,000 youth in more than 3,200 Clubs. We are located in all 50 states, and now have more than 420 Clubs in public housing and 120 Clubs on Native American lands. We are located in inner-city, and rural communities throughout America playing a vital role in the development of our children.

During the past 5 years, we have grown by more than 1,000 Clubs and 1,000,000 new youth served. The Congressional funding that we have received is matched at least dollar for dollar nationally, bringing true public-private partnerships to communities all over America.

Senator, we thank you for your strong support of Boys & Girls Clubs of America, and ask that you move quickly and decisively in passing the 21st Century Department of Justice Appropriations Authorization Act.

Sincerely,

MR. ROBBIE CALLAWAY,
Senior Vice President.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; FAMILY VIOLENCE PREVENTION FUND; NOW LEGAL DEFENSE AND EDUCATION FUND,

September 26, 2002.

DEAR SENATOR: As national organizations working to address the varied needs of victims of domestic and sexual violence and the service providers in the field, we urge you to support the Violence Against Women Office in the Department of Justice by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

As you know, the Violence Against Women Office (VAWO) was created in 1995 to implement the Violence Against Women Act of 1994 and to lead the national effort to stop domestic violence, sexual assault, and stalking. Because ending violence against women is an on-going struggle, it is imperative to statutorily authorize the Violence Against Women Office in order to institutionalize policy development, observe trends, raise awareness, serve as a crucial resource for the Attorney General, prosecutors, police and other community agencies, and provide technical assistance. In addition, the Office ensures federal dollars under the Violence Against Women Act of 2000, passed by Congress with overwhelming bi-partisan support,

are administered in the most effective manner possible to best serve victims and end violence.

With strong bi-partisan support, both the House and the Senate have passed H.R. 2215, which would statutorily establish a strong VAWO. On behalf of all victims of domestic and sexual violence and the service providers who help them, we thank Congress for this strong statement from our federal government that violence against women will not be tolerated. As you know, it is critical that the statutory creation of the Violence Against Women Office reflect the essential components of the office. Currently, VAWO is part of the Office of Justice Programs—the grant-making body of the Department of Justice. However, VAWO cannot serve as the leader in promoting the changes needed to effectively serve victims of domestic violence, sexual assault, stalking, and trafficking if it is merely a grant-making office. VAWO needs the authority to create policy regarding violence against women and needs to have a Presidentially-appointed, Senate-confirmed Director, in order to ensure that these issues continue to have a high profile on local, state, federal and international levels.

The Conference Report of H.R. 2215 accomplishes this and creates a separate and independent Violence Against Women Office in the Department of Justice, under the general authority of the Attorney General. We urge you to lead the way for a safer nation for women and children by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

If you have any questions, please do not hesitate to contact us at the numbers listed below.

Sincerely,

JULEY FULCHER,
Public Policy Director,
National Coalition
Against Domestic Violence;

LISA MAATZ,
Vice President of Government Relations
NOW Legal Defense
and Education Fund;

LYNN ROSENTHAL,
Executive Director,
National Network to
End Domestic Violence;

KIERSTEN STEWART,
Director of Public Policy,
Family Violence
Prevention Fund.

BUSINESS SOFTWARE ALLIANCE,
September 30, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to support Senate passage of H.R. 2215, the Department of Justice Reauthorization Act. The members of the Business Software Alliance work with a variety of Justice departments to reduce software piracy and to ensure a safe and legal online world in this heightened cybersecurity environment.

The legislation strengthens our nation's criminal justice system and increases the frequency and quality of reports to Congress. Effective criminal enforcement requires both initiatives by prosecutors and timely action by the courts. BSA is particularly supportive of funding for the enforcement of our nation's intellectual property laws in Section 101 and the related reporting requirement contained in Section 206. The robustness of our nation's tech sector depends in part upon

the strength of the laws that govern intellectual property as well as the enforcement of such laws. Until recently, there have been few criminal copyright cases brought by the Department. Simply put, there is nowhere else to turn if the federal government does not enforce our nation's intellectual property laws.

We appreciate the longstanding efforts of Congress to strengthen our nation's criminal laws and make our nation's intellectual property laws a catalyst for growth.

Sincerely,

ROBERT W. HOLLEYMAN, II,
President and CEO.

SEPTEMBER 27, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our support of the inclusion of the modified versions of H.R. 1900 and H.R. 863 in the conference report on H.R. 2215, legislation to reauthorize the Department of Justice. The undersigned members of the Juvenile Justice and Delinquency Prevention Coalition appreciate your efforts to approve a reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 that retains the rehabilitative principles of our juvenile justice system.

In particular, we appreciate your efforts to preserve current law in several key areas that has been working well for more than 25 years to ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The modified version of H.R. 1900 codifies the separation protection for youth, which requires that states prevent all contact between juvenile and adult inmates, including any 'sight or sound' contact. The proposal also drops a harmful provision that would have permitted children to be placed in adult facilities with parental consent. This provision represented a radical change from current law and would have resulted in children being unnecessarily placed in adult jails.

The revised version of H.R. 1900 also includes an appropriate concentration on prevention through the restoration of the Title V Local Delinquency Prevention Grant program. In order to ensure that children stay out of trouble and on the right track, a significant investment in and emphasis on prevention, particularly primary prevention, is crucial. The Title V program is an effective model of community collaboration in which community stakeholders—including locally elected officials, law enforcement, school officials, public recreation, private nonprofit organizations, and youth workers—come together to develop a plan for juvenile delinquency prevention. Working in more than 1,000 communities nationwide, Title V is currently the only federal program providing delinquency prevention funding to communities through a flexible, local prevention block grant approach to help communities reduce juvenile delinquency and related problems and enable young people to transition successfully into adulthood.

Finally, we are pleased that H.R. 863, legislation to authorize the Juvenile Accountability Block Grant (JAIBG), has also been included in the conference report. Never authorized, the JAIBG was created in the FY98 Commerce Justice State Appropriations bill to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. Under H.R. 863, the program purpose areas are expanded significantly to provide additional services and treatment for troubled youth. By supporting these additional purposes, JAIBG will provide needed resources to proven strategies for rehabili-

tating adjudicated youth and families as well as reducing juvenile re-offense rates.

We appreciate your continued efforts on behalf of children and youth and look forward to final approval of H.R. 2215.

Sincerely,

American Academy of Child and Adolescent Psychiatry; American Civil Liberties Union, Washington National Office; American Probation and Parole Association; American Psychological Association; Bazelon Center for Mental Health Law; Child Welfare League of America; Children & Adults with Attention-Deficit/Hyperactivity Disorder (CHADD); Children's Defense Fund; Coalition for Juvenile Justice; Education Fund to Stop Gun Violence; Justice Policy Institute; National Association for the Advancement of Colored People (NAACP); National Association of Counties; National Association of Criminal Defense Lawyers; National Education Association; National Mental Health Association; National Network for Youth; National Recreation and Park Association; Presbyterian Church (USA), Washington Office; Volunteers of America; Women of Reform Judaism; Youth Law Center.

Mr. LEAHY. Mr. President, we don't have one of the leaders on the floor at the present time. I was going to ask that we proceed to a vote. But I am not going to do that until the other side is represented here. But I know everyone on this side is ready to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative 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. Without objection, it is so ordered.

Mr. REID. Mr. President, while the distinguished committee chairman is on the floor, Senator LEAHY, I would like to ask him a couple of questions.

Mr. LEAHY. Sure.

Mr. REID. We are now on this conference report. It is my understanding that it passed the House 400 to 4. We moved to this a couple of hours ago. Does the Senator know of any opposition to this matter on either side of the aisle?

Mr. LEAHY. Mr. President, I tell my distinguished friend, the senior Senator from Nevada, that I checked. I know his office also checked on our side of the aisle. Everybody is in favor. We were told that the Democratic side of the aisle wanted to let it go through in wrap-up last week. I am told there is a lot of legislation in here sponsored by distinguished members of the Republican Party who support it. But the hold has been a continuing hold on the Republican side. I can't understand why. This is as close to a motherhood bill as I have seen here in years.

Mr. REID. I say to my friend, the chairman of the committee, that it would seem to me that at an appropriate time we should move for a vote. We want to make sure everyone has an opportunity to speak. There is cer-

tainly ample opportunity to do that. But I hope before the day ends we can pass this very important piece of legislation. I know there are things in here which are important to the people of Nevada and to the rest of the country. I think the committee should be commended for passing this, moving it to the floor, and getting to conference.

Getting anything out of conference under the present atmosphere is a remarkable feat. Senator LEAHY is to be admired and commended for doing this. I hope that before the day is out we can pass this important piece of legislation.

Mr. LEAHY. Mr. President, I thank my friend from Nevada. The committee of conference went across the political spectrum. Every conferee—Republican and Democrat—signed that conference report. They passed it 400 to 4 in the House. I am amazed that we are still even on the floor. I have been advised by the Republican side that a Republican Senator wants to come over and speak. Otherwise, I would have said let us go to a vote now. Obviously, I don't want to cut off any Senator who wishes to speak. But I tell my friend from Nevada that, as far as this Senator is concerned, I am perfectly willing to go to a vote anytime we want. It is now 4:30. I can't imagine why we need to wait beyond 5 o'clock.

Again, just before the Senator from Nevada came to the floor I read a list.

Mr. REID. I was listening.

Mr. LEAHY. I am sure he was. I read a list of all those who support it. This is probably as broad a spectrum—National Association of Manufacturers to the Boys and Girls Clubs of America. It sure encompasses a lot.

We have a charter change for the Veterans of Foreign Wars in here; a charter change for AMVETS; a charter change for the American Legion. All of those organizations support it.

As chairman of the Judiciary Committee, I pushed that through.

This is something that the AMVETS and Veterans of Foreign Wars discussed and asked for, this charter change. They all support it. All the Republicans and Democrats on the committee support it. We ought to pass it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I want to make sure that it is clearly stated and make sure it is clear in the RECORD. The charter changes for the American Legion, the charter changes for AMVETS, the charter changes for Veterans of Foreign Wars are in a separate bill that has the Republican hold on it. However, there is no opposition from members of the Judiciary Committee. I

am told there is no Democrat who opposes those charter changes. I am told that every Democrat in the Senate is perfectly willing to pass the charter changes for the American Legion, for the AMVETS, and for the Veterans of Foreign Wars, and as soon as the Republican hold is lifted on the charter changes for the Veterans of Foreign Wars, the American Legion, and AMVETS, we can pass it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. KYL. Mr. President, I will speak to the legislation that has been placed before us this afternoon, the Department of Justice reauthorization bill or, as it is officially titled, the 21st Century Department of Justice Appropriations Authorization Act.

I begin by putting this in the context of what I would call priorities. We are now less than 2 weeks, probably, from closing the session of this Congress, and there is a great deal of unfinished business to which we need to attend.

As a matter of fact, we are bringing this legislation up—I should say the majority leader has brought this legislation up—deferring, for our consideration, the bill that is currently on the floor, the homeland defense reorganization bill that the President asked us to deal with about 3 months ago. That bill has now been on the floor of the Senate for at least a month, and we still have not even voted on the President's proposal.

This DOJ, or Department of Justice, reauthorization bill has a lot of important provisions in it. I am going to get to those in a moment. But in terms of priorities, it seems to me the reauthorization of a Department which has not been reauthorized for more than two decades, and clearly is going to continue to operate—that is, the Department of Justice—is a little bit lower priority, at this point in this legislative session, than voting on the President's homeland reorganization legislation. It is a lower priority than adopting a resolution dealing with the Senate's position with respect to the authorization of the President to utilize force in any action he may decide to take against Iraq. And it is less of a priority than having the Senate act upon the Defense appropriations and authorization bill.

It is clear, because the majority was not able to pass out a budget this year—the first time since the creation of the Budget Act, which I think was in 1974—that we do not have a budget. That has been one of the reasons we do not have any appropriations bills done. I am not aware of any bill that has come from the House to the Senate and

been voted on by both bodies and sent to the President. I might be wrong, but I do not recall any. I think we have only acted on three or four.

It is common knowledge that in order to fund the Government beyond October 1, it is going to require the adoption of what we call continuing resolutions or CRs. We have already adopted one, and we are going to have to adopt another and then another one after that. These continuing resolutions will authorize Government to continue to be funded at some level; last year's level plus some increment of inflation, I suppose.

Because we didn't pass a budget and because we haven't passed the appropriations bills, we don't have all of the other specific programmatic funding that would ordinarily be included in these appropriations bills, including new programs. That is not good.

We can get by with these continuing resolutions for a matter of weeks and perhaps a few months if we have to. Where we can't get along without an appropriations bill is for the Department of Defense and the conduct of the war. Things have changed so dramatically since last year when an appropriations bill was passed for the Department of Defense that all recognize—this is not a partisan issue; I think everybody recognizes—we are going to have to pass a Defense authorization bill and a Defense appropriations bill for the next fiscal year. We are going to have to do that as a matter separate and apart from the continuing resolutions we will adopt.

Those are the first three things we have to do before we complete our work. In one way or another they all deal with national security, which, obviously, is the first thing about which we have to be concerned. And in a time of war, I know it is very much on the minds of all Members.

Again, a Defense authorization and appropriations bill to actually provide the programs and the funding for our military forces for this next year; an authorization that this body would approve the use of some kind of force for the President, should he deem it necessary in taking action against Iraq; and completion of our work on development of the Department of Homeland Security so that the President would know how he can organize the Government to best deal with the threat to the homeland—those should be our top three priorities.

We don't yet have the Defense bill. It is ready but it hasn't been brought to the floor. The homeland security bill has been pending for 4 weeks perhaps. We still didn't even have a vote on the President's proposal for a Department of Homeland Security. The majority leader keeps filing cloture which is defeated because people are not ready to finish that bill until we have a chance to vote on the President's proposal. That is only fair. He ought to have some say in how his Department is going to be reorganized. Perhaps his

idea won't prevail, but it will, if we can ever get it to a vote. He is at least entitled to a vote.

Instead of granting that, we have left that national security debate, and we are now on the question of whether we should reauthorize the Department of Justice.

What is an authorization? Ordinarily an authorization for a program tells you what you can do from year to year in this Department of Government. It is important in an organization such as the Department of Defense, where we have had such a dramatic change in requirements since last year with the war on terror.

As I said, it has been now more than two decades since the Department of Justice has had a reauthorization. All we have done in those two decades is each year appropriate money for the various programs we have passed for funding of the Department. That has worked fine. It could work, obviously, again.

One could argue that because of the war on terror, there are a lot of new things that need to be done in the Department of Justice—new authorities granted, new capabilities, new funding, and that it might justify a new authorization act. I could abide by that rationale, if we had before us a reauthorization that embodied those kinds of new programs. But that is not what we have. This is the same old, warmed over stuff that we have had for the last couple of decades.

If we want to fight the war on terror and we want to take our precious time to reauthorize the Department of Justice with that in mind, we would write an entirely different bill than this.

One example, just off the top of my head: We had testimony in the Intelligence Committee last week that there is a great deal of confusion about the FISA Act, the forward intelligence surveillance law under which our law enforcement officials have the ability to collect intelligence on people who are thought to be foreign agents or working on behalf of foreign governments or engaged in terrorist activities internationally. It is a little bit easier to collect intelligence on people like that than it is under our normal criminal justice system where a crime has been committed or is being committed and the FBI is investigating that crime.

As part of the USA Patriot Act last year, we made changes to the FISA law to make it more effective in the new era of the war on terror. We found out something. This came about in a variety of different ways, but it has all come together here. This FISA law has one aspect that needs to be fixed. Senator SCHUMER and I have a proposal to fix it, but we haven't been able to get it on to the floor. As a matter of fact, I had anticipated including it in the intelligence reauthorization. We will have the conference on that tomorrow evening. It is almost to the floor.

But I was told by Chairman GRAHAM that a member on the majority side

was going to object to the inclusion of the Schumer-Kyl provision and, therefore, would I please not include it in that bill. I said, of course, I would be happy to because we want to get the intelligence authorization passed. But at some point we have to make this change in FISA. I will describe what the change is.

It should have been in here but it is not. If we are talking about priorities, I would much rather get that done than have to wade through all of this. We have gone two decades without this. But we need to make some of these changes for law enforcement.

The evidence before the Intelligence Committee was that the FBI thought, with respect to Zacarias Moussaoui, thought to be the 20th hijacker, that he had some connection to international terrorism. He was a foreign person, not a U.S. citizen, and had engaged in flight training up in Minneapolis under conditions deemed to be suspicious by the FBI there. We all heard about the memorandum or letter from agent Rowley from the Minneapolis office complaining about the fact that the FBI had not seen fit to apply for a FISA warrant to look into Zacarias Moussaoui's computer to see what was there.

We all know that after the fact, after September 11, this was done, and certain things were found, and so on, which we don't discuss here.

The fact is, a lot of people criticized the FBI for misunderstanding or misapplying the law and not seeking a FISA warrant on Moussaoui. The testimony we had before the committee was that there was a dispute within the FBI about what they had to prove, and there was some suggestion that maybe he might have been connected in some way with a group of Chechens, but nobody could connect him to a foreign power or an international terrorist organization. Those are the two requirements for FISA to apply.

Had the change that Senator SCHUMER and I advocate been in effect, it is clear that we could have gotten a warrant against Moussaoui because it would simply add the phrase "or foreign person," which would mean that if you had probable cause to believe that someone is involved in a terrorist kind of enterprise, but you don't necessarily know what country he is working for and you can't necessarily connect him to a particular terrorist organization, you think maybe he is just a terrorist, and with this warrant you might find out exactly who it is he is connected to, but you don't really have that information at this point, you could go ahead and seek the warrant to tap his telephone or look in his computer, search his house, whatever the case may be.

It is a very straightforward approach. Agent Rowley, who testified before the Intelligence Committee or the Judiciary Committee—we had a combined hearing—said she thought that would have been a very good thing and strongly supported it.

It has the support of the Department of Justice and the FBI. We have had several different witnesses from those organizations testify both before the Judiciary Committee and the Intelligence Committee, both of which I sit on. They have all indicated this would be a very helpful change in the law, so that with respect to a guy like Moussaoui, if you didn't have the evidence that he was connected to a particular terrorist organization, or that he was working for a particular foreign power, you could still get a warrant to investigate exactly what he was up to if you could demonstrate to the judge you thought he was up to something, that he was a foreign person, and that the kind of activity that he appeared to be looking at was a terrorist kind of activity.

I cannot imagine anybody who would oppose that, but I understand maybe there is somebody who would. We need to vote on that before we leave here in a way that the House can also approve it, so that we can actually improve our ability to fight international terrorism.

You would think those kinds of changes would be in this reauthorization act. It is not in here. Not only that, but one of the authors is alleged to be one of the people who would object to what Senator SCHUMER and I are trying to do. We need to get to the bottom of these things. I want to find out. If anybody objects to the Schumer-Kyl amendment, come to the Senate floor and tell us so we can find out who is behind the objection, get it on the floor, get it approved and enacted into law and signed by the President. Our law enforcement officials want it. It is important to fight the war on terror, to get after the terrorists so we can investigate them before rather than after they commit crimes against us. That is the kind of priority we ought to be engaged in here.

Instead, what does this bill have in it? Well, it is about 240 pages long. It has a lot of provisions. For example, it authorizes \$75,000 for an exchange program with Thailand for prosecutors. That is probably a nice thing. I don't know of any reason why that isn't a good thing to do. But \$75,000, as you know, is kind of decimal dust around here. We would ordinarily be focused on somewhat larger issues. Here is a bigger one: \$5 million for a DEA training site in south and central Asia. Probably a good idea, although I don't know.

One thing that we have been asked by the administration—especially at this time of war—not to do is to impose any more reporting requirements on our agencies that are involved in the war on terror. I am trying to count the number of reports and commissions contained in the bill. There are too many to count so far. I am trying to get an accurate count. Suffice it to say there are numerous reports—report after report—that we are asking the Justice Department to prepare and

send up to us on a whole variety of issues.

Oversight is very important, and we need to engage in oversight of the Department of Justice. But there is a balance between causing them to have to spend so much time preparing reports that they literally cannot do the job we ask them to do. I am not sure how some of these reports, anyway, will advance the ball with respect to justice.

The bill speaks of the 21st Century Department of Justice Appropriations Act, but it contains a lot more than just appropriations. It seems to me that we ought to be pretty well focused on the mission. If the FBI, for example, is going to literally change its focus from, first and foremost, being an investigator of crimes that have been committed so they can be prosecuted in court, to an agency—and remember it is part of the Department of Justice—which has now its first and foremost focus of preventing terrorism by conducting investigations that will potentially lead to uncovering the possibility of terrorists in the United States who would perform these horrible acts against us, if that is the new mandate—and certainly Robert Mueller, Director of the FBI, has been very forthright about the need for change in the FBI and the need to create this new priority in the FBI, and I commend him, and Attorney General John Ashcroft has supported the same kind of reformation of the Department of Justice and the FBI—then why is that kind of priority not reflected in this document? It is kind of the same old thing, rather than a new 21st century mission with terrorism at the core.

We need to find resources to fight terrorism. A lot in this bill has nothing to do with terror. That is not to say there is not a great deal the Department needs to do that doesn't relate to terrorism, and we all understand and appreciate that. One would think there would at least be something here that represents the case for looking forward into the 21st century, rather than just looking back for the last couple of decades and trying to pull together different things that we would like for the Department of Justice to do for us.

Let me get back to the issue of reports. Do we need to require the Attorney General to submit to the Committees on the Judiciary and Appropriations of both the House and the Senate a report identifying and describing every grant and cooperative agreement that was made for which additional or supplemental funds were provided in the immediately preceding year? I suppose somebody should put that information together. I wonder whether we need to mandate it in this authorization bill. Here is another report identifying and reviewing every office of justice program grant, cooperative agreement, or programmatic contract. I suppose some auditor needs to have that on the books, but is it necessary to send a report to the committees of the House and the Senate? Do we need to

require that the Attorney General submit, within 6 months of enactment, a report to the chairman and ranking member of the House and Senate Committees on the Judiciary, detailing the distribution and allocation of appropriated funds, attorneys, and pre-attorney workloads for each office of the U.S. attorney, except those at the justice management division? That is an internal matter that is important to the proper functioning and operation of the Department of Justice offices of U.S. attorney, but there is an office of U.S. attorney that is supposed to keep track of those things.

It doesn't seem to me that this rises to the level of what we are including within the reauthorization. Do we need to require the Attorney General to conduct a study of offenders with mental illness who are released from prison or jail to determine how many such offenders qualify for Medicaid, SSI, or SSDI, and other Government aid? Do we need that? Should that be included in this 21st Century Department of Justice Appropriations Authorization Act? At least, if it is, does it rise to the level of priority greater than giving the President the authority to take action to deal with Iraq, giving the President a vote on his idea for reorganizing a Department of Homeland Security and providing the Senate's approval of funding so our military can do what we ask it to do? Which of those ought to come first?

We have now taken these other items and put them over here so we can deal with this Department of Justice reauthorization—an action that doesn't need to be done at all. We haven't had a reauthorization of the Department of Justice for over 20 years and yet it has functioned very well.

There is more. I will cite one more. The bill provides the inspector general discretion to investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice—authority which already exists—and allows the inspector general to refer such allegations to the office of professional responsibility or the internal affairs office of the appropriate component of the Department of Justice.

It seems to me that a lot of what is in the legislation is questioning the Department of Justice rather than supporting it. It is asking it to do a lot of things that will take time and money and divert resources from the job that is first and foremost on the minds of Americans. I will let that point go for the moment.

It is not that this is a bad bill. That is not my point. My point is that this is an old bill that was written for another time and which isn't really necessary today—certainly not to take the time of the Senate away from those other items that I mentioned. We should not be taking the time to debate this.

Now, I was just notified a couple hours ago that this bill was going to be

brought to the floor. The problem with dealing with a bill such as this in this context is that there is naturally a tendency to hurry up and rush to get it over with because we have more important things to do. I suspect that is what you are going to hear from perhaps the chairman and ranking member of the Judiciary Committee or others—"If these other things are so important, then hurry up and pass this bill."

That is a nice technique: find a time when we really ought to be doing something else, insert this into the agenda and argue that we better hurry and get it over with so we can get back to these more important items. If it is so all-fired important to do, then it is important enough to be done right. I will give you one example of a part of it that wasn't done right.

(Mr. KOHL assumed the chair.)

Mr. KYL. Mr. President, we have a strict rule around here that a conference report, which is what this is—and for those who are not aware, that means the Senate has passed a bill, the House has passed a bill, representatives of the two bodies have gotten together and agreed on a compromise, a conference report. They held a conference and they agreed. The bill goes to the House and the Senate, and we are supposed to act on the conference report. That is our process.

The idea is that the conference committee is supposed to iron out differences between the House and the Senate. That is what happens in a conference committee. What you do not do is bring up new issues in a conference committee. That is verboten. That is not right. If it was not in the House or the Senate bill, then it is not germane to the conference. Every now and then, people look the other way and forget about the rules and say: There is a group who wants another provision; granted it was not in the Senate bill and it was not in the House bill, but we are getting a lot of pressure to get it done, so we are going to stick it in the conference report. There is such a provision in this conference report.

I do not know if it is a good or bad provision. I have heard arguments both ways. I have gotten a lot of pressure from the group who wants it. They are good people. They are friends of mine. I would like to support them. I do not know whether they are right or wrong on the provision, and I will describe it in a moment.

The fact is, when it whizzed through the Judiciary Committee, I thought I would have an opportunity to come to the floor and hear a debate about it and perhaps be involved in that debate and ask questions, understand it, and maybe even offer an amendment or two, and then either pass it or not pass it or vote for it or vote against it.

I am not sure what I would do, but when it comes in the form of a conference report, as you know, it is unamendable. Whatever is in here, you take it or you leave it. You either take

everything or the whole bill goes down. This bill may not have a whole lot that is important or good in it, but I do not know that it has a whole lot of bad provisions in it. There are at least some good provisions in the conference report. I want to make that point, and I will speak to them. There are a couple items I like in this bill.

I am not arguing this bill should not be adopted. The problem is, when the House and Senate conferees take something out of left field and stick it in the bill when it was neither in the Senate bill nor in the House bill, it comes back in a form we cannot even amend.

That is what happened with this arbitration issue. I am not sure exactly what it is called—the motor vehicle franchise dispute resolution process bill. This is a bill that is supported by a lot of local auto dealers. As I said, at least the auto dealers in Arizona are, for the most part, good folks, as far as I am concerned. They have a complaint against the motor companies whose cars they sell having to do with the contracts, the franchise agreements they sign when they become a dealer for these cars.

What they complain about is the fact that when they sign the contract, it pretty well binds them to a process of arbitrating disputes in a certain way so that if they and their parent company have a dispute, the contract says, you resolve that dispute by arbitration. In that way, the parties do not have to go to court.

Arbitration is actually a good thing, not a bad thing. I would think you would want to keep the parties from having to go to court. And if both parties, the franchisee and the franchiser, agree they will resolve their disputes through arbitration, through the American Arbitration Association, rather than going to court, one would think that is a good thing. These dealers believe it is a bad thing. They said they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisee. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts so they can literally take these disputes into court and fight it out with their lawyers in court.

They were in my office a week or so ago wanting to talk to me about this. I will honestly tell you, I had no idea this provision was coming up then. I thought: Why are you guys coming in here? It turned out there was a mixup and I could not meet with them.

I spoke with one of their representatives last Friday. I said: I am sorry you all were in and you thought we had a meeting, but I really did not think this issue was coming up. Little did I know.

They probably knew something I did not know. I guess they might have known this was coming to the floor and I did not realize that was the situation. I perhaps should have.

The problem now is that we debate this in a scenario in which there can be no amendments. The conference report, under our rules, cannot be amended. The only way to amend it is to send it back and have the conference committee revisit it, and that is a motion that very rarely is accepted. I am not even sure I would be for doing that.

This is the kind of thing that should not be done in this type of bill. It was done by a very few people. I am on the Judiciary Committee, as is the Presiding Officer. I did not know it was put in there. I did not have anything to do with it. I was not asked, and yet we are members of the Judiciary Committee and this is supposed to be our product.

Again, I do not know whether this is a good idea or a bad idea. I would have liked to have heard debate on it, perhaps an opportunity for it to be amended, but that will not be possible. That is another problem with the conference report as it has come to us.

What I am talking about is the motor vehicle franchise dispute resolution process bill. That is not the only example of items that were added to the conference report and which had never been passed by the House of Representatives or by the Senate. Let me give some examples.

In title I, subtitle A, there is something called the Law Enforcement Tribute Act. This section authorizes grants for the construction of memorials to honor the men and women in the United States who were killed or disabled while serving as law enforcement or public safety officers. Is there anything wrong with that? Absolutely not. I presume there is nothing wrong with it. I suppose if the grants for construction got out of hand from a monetary standpoint we might have some objection. We obviously want to use some prudence in what kind of money is appropriated for that purpose.

I do not know anything about that issue. I am on the Judiciary Committee and that was never considered. It did not come through the Senate. It did not come through the House. But it is in the conference report. It was put in in the conference.

There is a section 11002, disclosure of grand jury matters relating to money laundering offenses. This would add two sections relating to money laundering to the list of banking law violations where a prosecutor can disclose grand jury information to a State financial or a Federal financial institution or regulatory agency.

We have had a lot of complaints in the war on terror about the disclosure of grand jury testimony. Here national security is involved. There are some who still say that we should not release grand jury testimony on a very classified basis to other law enforce-

ment or intelligence agencies, such as the CIA, so that it can do its work better to protect us from terrorists; that when information is presented to a grand jury, it is as if it is sacred and nobody else can know about it. We cannot even use it for protection against terrorism. But this bill, without having passed through the House or Senate, includes a section that would let grand jury information be disclosed to either a State financial or a Federal financial institution or regulatory agency.

That may well be a good thing if you are trying to go after people who launder money. That may well be a good section. I just do not know. Again, being a member of the Judiciary Committee and a Member of the Senate does not provide enough protection for us really to have had the opportunity to debate or amend this provision.

There is a section called grant program for State and local domestic preparedness support. This would seem to be a good purpose, expanding the uses of grant funds and changes the name from the Office of State and Local Domestic Preparedness Support to the Office of Domestic Preparedness. It does not seem to me there would be anything wrong with that. It did not pass the Senate. It did not pass the House.

There is a provision, section 11004, U.S. Sentencing Commission Act access to NCIC terminal. This is a big deal. It would allow the Attorney General to exchange NCIC information with the U.S. Sentencing Commission. The reason, I guess, is the Sentencing Commission has stated it is necessary for it to help complete a study that it wants to do on recidivism rates that they have been charged—by who else?—by Congress to complete. They are currently working with the FBI, and they support this.

There is another section dealing with danger pay for FBI agents, and this could conceivably fall into the category of a response to the war on terror, although I do not know.

It is the kind of thing one might expect to see in the bill even though it was not in the Senate-passed or House-passed bill. It would be interesting to find out whether or not the granting of the danger pay allowance is a response to the war on terror. That might well be an appropriate one of those rare exceptions where even though the House and Senate bills did not have this in it, it might be a good thing to include in the conference report, but one would hope there would be some description and discussion of that so we would all appreciate the reason for doing it.

There is a section on Police Corps. It provides for increases in the tuition allotments for Police Corps officers; scholarship reimbursement from \$10,000 to \$13,333 a year; reauthorizes the program for 4 more years. It increases the stipend for training from \$250 to \$400 a week and eliminates the \$10,000 direct payment to participating police agencies requirement—or opportunity, I should say.

Again, that is what one ordinarily would have seen come before the committee and the Senate, but it did not pass this body. Section 11007, radiation exposure compensation technical amendments; section 11008, Federal Judiciary Protection Act of 2002—I have pages of these—persons authorized to serve search warrants; a study on re-entry, mental illness and public safety; technical amendments to the Omnibus Crime Control Act; debt collection improvement; use of annuity brokerage instruction settlements.

There is a provision which I would certainly support, section 11014, reauthorization of a State criminal alien assistance program. There are those who oppose this. I favor it. For those who oppose it, maybe they would want to offer an amendment reducing the amount of it.

Frankly, I would love to offer an amendment increasing the amount because the amount that is authorized is about one-third what is necessary to reimburse the States for the housing of criminal illegal aliens who are the responsibility of the Federal Government but whom the States undertake to house in their prisons.

I am denied the opportunity to offer an amendment to increase the funding under this very good program because it comes to us in the conference report upon which we did not act.

I will not go through all of these, but there are INS processing fees; U.S. Parole Commission extension; the waiver of foreign country residence requirement with respect to international medical graduates; pretrial disclosure of expert testimony relating to a defendant's mental condition; Multiparty/Multiform Trial Jurisdiction Act of 2002; direct shipment of wine, there is a provision on that; Webster Commission Implementation Report. There is a very large provision in effect authorizing the establishment of a police force within the FBI to provide protection for FBI buildings and personnel in various areas. There is a report on information management technology; a GAO report on crime statistics. There is a big grant program—well, not big. It authorizes \$30 million for the Attorney General to make grants to States for various reasons. There is a new motor vehicle franchise—excuse me, that is the one I mentioned before. There is a new holding court in a certain State. I will not mention the State, but just one State though.

The point is that this bill includes numerous provisions which did not pass the House, did not pass the Senate, which we have no opportunity therefore to seek to amend, and which are presented to us in a take-it-or-leave-it form in the conference report. It is not the right way for us to do business, again, in the last 10 days or so of our session.

I will not say anything more about the bill itself because I do not want one to get the impression that reauthorizing the Department of Justice is not

a good thing; it is—that many of the provisions I read to you are not good provisions. Some of them I know are good provisions because I know what they are. Others I presume are good, though I do not necessarily know that. But I would like to at least offer one amendment to one of them, and I know I will not be given that opportunity.

It is not what we should be doing in the context of the debate we are having in these last 10 days, which is, How do we enhance the national security of the United States of America?

I go back to the three things we should be doing right now. We should be completing our work on the Homeland Security Department. At a minimum, the President should be granting an opportunity for Senators to vote on his proposal. Why have we not been allowed to do that? Why, right after the debate on that very issue, right after another cloture motion on that failed, do we in effect call a timeout on the Homeland Security Department legislation and go to this bill instead? That is more important, and that should take precedence. So should the Defense authorization and appropriations bills.

Presumably, we are going to leave time to debate a resolution with respect to granting the President the authority he needs to take action in Iraq.

I see my good friend and colleague on both the Judiciary and Intelligence Committees, the Senator from California, is in the Chamber and appears ready to speak. I will yield the floor to her in about 1 minute.

It has always been my great pleasure first to chair and now to be the ranking Republican on the Judiciary Committee's Subcommittee on Terrorism and Technology, a committee that has worked over the years, whether under my chairmanship or Senator FEINSTEIN's chairmanship, on the kinds of legislation I was speaking of earlier, the very things we need to do to help our law enforcement agencies have the power to do the job we want them to do.

I am very proud to say that legislation we worked on together as a result of hearings we held together was finally passed as part of the USA Patriot Act, and the work that that subcommittee has done over the years has really paved the way for a lot of what we now know was important to do but until, unfortunately, after September 11 people were not willing to focus on in order to get done.

I conclude by saying it is a matter of priorities. We ought to be focused right now on first things first, and that is our national security, and that means first and foremost passing legislation such as the Schumer-Kyl amendment to FISA, getting our Homeland Security Department legislation concluded, getting our Defense authorization and appropriations bills concluded, and paving the way for action on a resolution of force with respect to Iraq.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, I appreciate the words of my distinguished colleague and friend from Arizona. I must say I differ with him on this bill because I am very much in support of this bill. In particular, I commend both Senators LEAHY and HATCH for bringing this first Department of Justice authorization report to the Senate floor in 20 years. I very much hope the Senate is going to adopt the report.

Before I go into saying what this bill does with respect to Federal judgeships, I want to comment that this bill does deal with homeland security, particularly border security. This bill specifically authorizes more than \$4 billion for the administration and enforcement of laws relating to immigration, naturalization, and alien registration. More than \$3.2 billion of this amount will be allotted to the National Border Patrol. That is something for which both Senator KYL and I have worked on our subcommittee for a substantial period of time, and I am very pleased to see this authorization. It deals with domestic preparedness.

For example, the Conference Report authorizes funding for the Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont, and Pennsylvania. It adds additional uses for grants for the Office of Domestic Preparedness to support State and local law enforcement agencies. This bill also has FBI reform. It includes provisions from the Leahy-Grassley FBI Reform Act to codify the authority of the Department of Justice inspector general to investigate allegations of misconduct by FBI employees.

The conference report provides special danger pay allowances to FBI agents in hazardous duty locations outside of the United States, something we should very much want to speed through at this time.

It has the Law Enforcement Tribute Act. It has the Feinstein-Sessions-Carnahan-Durbin, James Guelff and Chris McCurley Body Armor Act, which imposes criminal penalties on individuals who use body armor in the commission of crimes of violence or drug trafficking crimes. This bill specifically originated as a product of the work of Lee Guelff, whose brother, James Guelff, was a police officer at San Francisco's northern station. Officer Guelff responded to a sniper incident at the corner of Franklin and Pine Streets and encountered an individual completely clad in Kevlar—Kevlar helmet, Kevlar vest, Kevlar pants, the whole thing—with about 1,100 rounds of ammunition. Officer Guelff only had his police revolver, which he emptied to no effect against his Kevlar protected assailant, who shot the officer in the head and killed him. It took 150 police officers to equal the firepower of this one man with semiautomatic weapons clad in Kevlar standing in the intersection.

This is a very important bill. We have worked for 6 years. To Lee Guelff, congratulations.

This bill authorizes a separate and independent Violence Against Women Office within the Department of Justice similar to S. 570 introduced by Senator BIDEN with 22 cosponsors. It is a very important step for those who would like to see this separate office set up.

The bill has crime-free rural States grants. It creates and authorizes \$30 million for the crime-free rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse.

For many of us, this bill is important because it restores a vital program, the SCAAP program, that the President cut out. SCAAP is an acronym for the State Criminal Alien Assistance Program. Under law, the Federal Government is responsible for the borders. If we do not protect the borders, people come to our country illegally. Some commit crimes, they are convicted, they do time in jails, but the local jurisdictions pay for that time in jail in State prison and in jails. SCAAP is the only program that reimburses the States for their cost of incarcerating illegal aliens. It is a very important program. Senator KYL and the people of Arizona support it. I support it. I believe every member of the Judiciary Committee supports it. I believe the Presiding Officer supports it. That authorization is in this bill.

Regarding drug abuse, this bill includes several provisions from the Hatch-Leahy-Biden-Feinstein Drug Abuse Education Prevention and Treatment Act that will move Federal antidrug policy toward a more balanced approach that includes added attention to prevention and treatment. The provisions in this bill, for example, authorize funding for drug courts. We know drug courts work in prevention of narcotic use. The bill authorizes \$172 million over the next 3 fiscal years to support State and local adult and juvenile drug courts. These courts provide treatment as an alternative to jail for nonviolent offenders who stay off drugs. The statistics of recidivism show this approach works.

There are provisions with respect to drug-free prisons. The bill authorizes the use of Federal funds for jail-based substance abuse programs, for reentry programs, for DEA, and police training. It authorizes funding for the drug enforcement agency police training in South and Central Asia to reduce the supply of drugs entering the United States.

The bill has a myriad of proposals with respect to protecting intellectual property: The Madrid Protocol, distance learning, Patent and Trademark Office authorization and modernization, and enhanced enforcement of intellectual property laws.

Most importantly, this bill authorizes a number of new judgeships. It authorizes five new permanent judgeships in the southern district of California at

San Diego, as well as two in the western district of Texas. The western district of North Carolina receives one. It converts four temporary judgeships to permanent judgeships: One in the central district of Illinois, the northern district of New York, the eastern district of Virginia. And it creates seven new temporary judgeships, one in each of the northern districts of Alabama, Arizona, central district of California, southern district of Florida, district of New Mexico, western district of North Carolina, eastern district of Texas. It extends the temporary judgeship in the northern district of Ohio for 5 years.

I have heard Members of this body implore the Judiciary Committee about the need for additional judgeships. The Southern District court in San Diego, for example, has the heaviest caseload in the nation. This court has operated in a state of emergency since September, 2000. The Southern District handles complex litigation as well as major drug cases that emanate from the closeness of San Diego to the Mexican border. The district is relying on temporary and senior judges. The bench has been close to real catastrophe. This bill finally brings relief.

This bill improves civil justice; has motor vehicle franchise fairness; the Radiation Exposure Compensation Act; and the Antitrust Technical Corrections Act. There are a number of things in this bill to improve immigration procedures: The J-1 visa program, the H-1B visas, help to children, and more.

I conclude by noting that this bill is not unrelated to our present place in time. It is not unrelated to the need to protect our borders, to seeing that our nation has adequate border security, to seeing that FBI agents have hazardous duty pay, and to seeing that our visa program is improved. The bill provides authorization for the payment to State and local jurisdictions for the incarceration of illegal immigrants and for the addition of additional judgeships. It is a very important bill.

Again, I particularly thank the Chairman and the Ranking Member. Without them, this bill would not be on the floor today. It is a very important bill. I urge an "aye" vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

TRIBUTE TO JO-ANNE COE

Mr. DASCHLE. Mr. President, last week we regrettably learned of the passing of Jo-Anne Coe. She served the Senate and Senator Dole for many years. She was an admirable public servant.

From 1985 to 1987, during the 99th Congress, she became the Senate's first

woman to serve as Secretary of the Senate. Our condolences and prayers go out to her daughter Kathryn Coombs, her niece Kindra, her nephew Kevin, and of course to our former colleague. Senator Bob Dole not only had an ally, a friend, a staff person, he had someone who was his presence on the floor on so many occasions. We regret her loss, not only the loss of an employee, not only the loss of an important public servant, but the loss of a friend.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there will be no further rollcall votes today. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2215, the 21 Century Department of Justice Appropriations Authorization Act.

Harry Reid, Jeff Bingaman, Jean Carnahan, Hillary Clinton, Thomas Carper, Richard Durbin, Paul Sarbanes, Daniel Inouye, Bill Nelson of Florida, Jack Reed, Patrick Leahy, Benjamin Nelson of Nebraska, John Edwards, Tim Johnson, Joseph Lieberman, Byron Dorgan, Tom Daschle.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I want to speak briefly on the reauthorization conference report that is before the Senate today. There are many parts of this legislation I want to talk about. One part that is very important to me is the new judgeships that would be created in the border areas of our country, including two new district judgeships in the western district of Texas, and one temporary judgeship in the eastern district of Texas.

The conference report contains language that Senator FEINSTEIN and I put forward because of the judicial emergencies that we find in our States. Largely in the border regions, we have had an onslaught of caseload that has made it very difficult for our judges to

not even stay even but just to try to handle the most important cases. So we have been trying to add some judgeships, both in California and in Texas, to relieve some of this emergency.

The judgeships in the western and eastern districts of Texas have been declared "judicial emergencies" by the nonpartisan Judicial Conference of the United States. The creation of new judgeships will certainly bring much needed relief.

Of all the courts in the country that are desperate for judges, the United States-Mexico border courts have the most critical need. According to the statistics from last year, the western district of Texas handles the most criminal cases in the country; last year, 4,434.

Currently, the western district of Texas is facing a criminal caseload of 1,987 pending cases; that is 2,758 defendants. In El Paso, 884 cases are pending overall—more than any other region in the district. Each day, more cases are added, overwhelming an already overburdened western district.

As our war against terrorism is advancing, as well as our war against drugs, it is even more crucial we have highly qualified judges and law enforcement officials in charge of our justice system.

Mr. President, I really appreciate the fact that we do have a cloture motion on this conference report. I hope very much we will be able to pass this legislation and create these courts. Hopefully, they will be able to be up and running sometime next year and try to bring justice. Justice delayed is justice denied in many instances. We would like to clear out the backlog and let people face trials and either serve their sentences or, if they are acquitted, of course, allow them to go free. Right now, they are incarcerated, and it is creating not only a burden on the court system but on the prison system. Many of our county prisons and State prisons are overloaded and trying to help with the backlog, but it is very hard for these counties to justify the costs when they do not get full reimbursement.

So we would appreciate passing this bill so we could get these courts. I hope the Senate will act expeditiously on this bill.

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

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I wish to speak a few minutes on the Department of Justice conference report that is before the Senate.

The Department of Justice is one of the great Departments of our Government. It is one of the oldest, one of the