

Ships operating exclusively in the upper four Great Lakes, Superior, Michigan, Huron, and Erie, do not introduce invasive species into the Great Lakes, so it would be unnecessary to expect the lake carriers to comply with the mandatory ballast water management program. However, all ships, including those in the Great Lakes, would be required to have an Invasive Species Management Plan on-board outlining ways to minimize transfers on a "whole ship" basis and to abide by best management practices. Also all ships constructed after 2006 must have ballast technology on-board.

Finally, NAISA would include new authority to set up procedures for screening importations of live aquatic organisms to ensure that potential invasive species are not intentionally introduced into the Great Lakes System. I was very surprised to learn that currently, there are no processes for screening aquatic organisms that are shipped to this country. Our bill would direct the Invasive Species Council to develop a set of screening guidelines for federal agencies to use to determine whether a planned importation of a live organism from outside the country into the United States should proceed, and if so, whether that importation should be conditioned.

This is a very good bill with bipartisan, bicameral support. Though it is national in scope, the bill improves upon the existing authorities relating to the Great Lakes, which is vital to my home State of Ohio. Aquatic nuisance species are a threat to biodiversity, an economic burden, and a danger to human health. So I urge my colleagues to support the quick passage of this legislation.

#### FBI'S RECENT FAILURES IN CHILD PORNOGRAPHY ENFORCEMENT

Mr. LEAHY. Mr. President, I rise to speak about an unfortunate string of events that may set back the Department of Justice in fighting child pornography. Unfortunately, it appears that recklessness by DOJ prosecutors and FBI investigators may result in child pornographers being set free all over the Nation. We cannot afford such mistakes in our efforts to protect our children.

The fight against child pornography is an important and laudable goal. Child pornography victimizes real children and scars them for life. That is why I joined Senator HATCH in introducing the PROTECT Act, S.151, which passed the Senate this month by a vote of 84-0 and now awaits action in the House. I urge the House to pass this bill swiftly as we wrote it and as it unanimously passed the Senate. That way we can quickly get prosecutors the tools they need to win these cases.

The scars of the children who are victimized by child pornography can be that much longer in healing when the power of the internet is misused to spread their images to a worldwide au-

dience with the click of a mouse. The internet also provides child pornographers with greater anonymity, allowing them to exploit children from the perceived safety of their bedrooms and basements. It is crucial to pierce this veil of safety to deter child pornography. Those who victimize our children must be made to understand that they will be held accountable when they are caught.

With that accountability comes deterrence, and only through deterrence will our children actually be safer. By the same token, the failure to make a conviction stick when the FBI does catch a child pornographer emboldens all child pornographers in carrying out their criminal activity. Whenever child pornographers see one of their own "beat the rap," their perception that they can victimize the innocent with impunity is reinforced.

Last March, the Attorney General and FBI Director announced with great fanfare the "Operation Candyman" initiative. This investigation was billed as one of the most extensive child pornography stings in history. According to the FBI's March 18, 2002 press release, it involved all 56 FBI Field offices, nearly every U.S. Attorney's Office across the country, and the DOJ's Criminal Division. A major part of the investigation was accomplished by the FBI's completion and dissemination of a centralized search warrant affidavit that was slightly adapted and used in numerous jurisdictions to search the residences of suspects in the case. Thus, most all the Operation Candyman searches—and the admissibility of the evidence obtained through them—depend on the validity and accuracy of this centralized FBI affidavit.

Many arrests resulted from these searches. As the Attorney General said at the time he announced the operation, he wished this case to serve as an example "to others that we will find and prosecute those who target and endanger our children."

Unfortunately, this case may set the wrong kind of example. The DOJ has now admitted that its key affidavit—the one that it sent all over the country to conduct searches and gather evidence—contained false information. Two judges so far, one in Missouri and one in New York, have thrown out the evidence obtained from searches in this case. Because of the DOJ's admitted false statements, more cases are in peril within Operation Candyman. More importantly, as the Attorney General acknowledged at the time he announced the operation, other child pornographers may well take their cue from the FBI's failures in this case.

We all want to stop child pornography, but we must do so within the bounds of the Constitution. Otherwise, dangerous predators end up back on the street and our children are still at risk. In this case, two separate judges have found that the FBI acted recklessly and DOJ admitted that it provided false information in its nationally circulated affidavit.

It is all well and good to have press conferences and give catchy names to investigative efforts, but public relations is not enough. Press releases must be accompanied by an effective law enforcement campaign. Otherwise, instead of trumpeting success, we highlight failure. If we concentrate on the fundamentals and bring successful cases, there will be enough credit for everyone. That course alone will make our children safer.

Mr. President, I ask unanimous consent that a copy of a New York Times article discussing this matter be printed in the RECORD.

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

[From the New York Times, Mar. 7, 2003]  
 JUDGE DISCARDS F.B.I. EVIDENCE IN INTERNET CASE OF CHILD SMUT  
 (By Benjamin Weiser)

A federal judge in Manhattan has thrown out the government's evidence in an Internet child pornography case involving a Bronx man, in a ruling that could imperil scores of related prosecutions around the country.

The judge, Denny Chin of Federal District Court, ruled that the F.B.I. agents who had prepared a crucial affidavit had "acted with reckless disregard for the truth." The ruling, dated Wednesday, was released yesterday, the same day that a federal judge in St. Louis, Catherine D. Perry, ordered evidence suppressed in a related case. Judge Perry, too, cited false statements in the affidavit.

The F.B.I. affidavit claimed that anyone who had signed up to join the Internet group at the center of the investigation automatically received child pornography from other members through an e-mail list.

This claim was used to obtain search warrants for the homes and computers of people who had joined the group, known as Candyman. The bureau later conceded that people who had signed up for the group—which also included chat sites, surveys and file sharing—could opt out of the mailing list and did not automatically receive pornography.

As a result, Judge Chin ruled, investigators would not have been justified in searching the home and computer of the Bronx man, Harvey Perez, who had signed up for the Candyman group but did not send or receive e-mail messages containing images.

"In the context of this case, a finding of probable cause would not be reasonable," Judge Chin wrote. Most subscribers to the group—part of a larger site known as eGroups—elected to receive no e-mail. Judge Chin said. The eGroups site, which was acquired by Yahoo, and the Candyman group are no longer in operation.

Operation Candyman was announced with great fanfare a year ago by Attorney General John Ashcroft.

Thus far, more than 1,800 people have been investigated, and more than 100 arrested, an F.B.I. spokeswoman said. There have been around 60 convictions, many as a result of guilty pleas, she added. Some defendants have admitted to molesting children, officials have said.

A Justice Department spokeswoman, Casey Stavropoulos, said yesterday that the two court rulings were being reviewed. "The department remains committed," she said, "to vigorously investigating and prosecuting the purveyors and distributors of child pornography."

Defense lawyers in the cases praised the rulings. Nicole Armenta, who represents Mr.

Perez, said: "The fact that someone visited a Web site, and you don't know if they did anything wrong, can't be a reason to go into their home and seize their computer."

Daniel A. Juengel, a lawyer for Gregory Strauser, the defendant in the St. Louis case, called the rulings "a major victory for the Fourth Amendment," which protects against illegal searches and seizures. Mr. Juengel said he believed the decisions would significantly change how the Justice Department handled search warrants involving Internet crime, and how judges looked at affidavits in such cases.

The F.B.I. spokeswoman had no comment on the rulings, or on the agents' actions, and said that the agents would also have no comment. One agent, Geoffrey Binney, has left the F.B.I., and did not return a message left at his office seeking comment.

It could not be learned yesterday how many Candyman prosecutions have relied on the affidavit in question, but it appears that there could be many challenges.

Judge Chin noted that 700 copies of a draft version of the affidavit were sent to F.B.I. offices around the country for use in the investigation. In New York, federal prosecutors in Manhattan and Brooklyn announced last July that 10 people, including Mr. Perez, were being charged in the Candyman investigation.

Without the false statement in the affidavit, Judge Chin said, all that remained was the allegation that Mr. Perez had subscribed to a Web site where unlawful images of child pornography could be downloaded.

"If the government is correct in its position that membership in the Candyman group alone was sufficient to support a finding of probable cause, then probable cause existed to intrude into the homes" of several thousand people, merely because their e-mail addresses were entered into the Web site, Judge Chin wrote.

"Here, the intrusion is potentially enormous," the judge added. "Thousands of individuals would be subject to search, their homes invaded and their property seized, in one fell swoop, even though their only activity consisted of entering an e-mail address into a Web site from a computer located in the confines of their own homes."

#### DISTURBING DEVELOPMENTS IN THE REPUBLIC OF GEORGIA

Mr. CAMPBELL. Mr. President, as cochairman of the Commission on Security and Cooperation in Europe, I am concerned by a myriad of problems that plague the nation of Georgia a decade after restoration of its independence and nearly eleven years after it joined the Organization for Security and Cooperation in Europe, OSCE. Among these pressing concerns that I would like to bring to the attention of my colleagues is the ongoing violence against non-Orthodox religious groups, as well as allegations of torture perpetrated by Georgian security officials.

Concerning religious freedom, the situation in Georgia is one of the worst in the entire 55-nation region constituting the OSCE. Georgia is the only OSCE country where mobs are allowed to attack, violently and repeatedly, minority religious groups with complete impunity. Most recently, on January 24th, worshipers and clergy were assaulted and beaten in a mob attack on the Central Baptist Church in Tbilisi, where an ecumenical service

was to have taken place. While police did eventually intervene, no arrests were made, and the planned ecumenical service between Baptists, Armenian Apostolic Church, Catholics and Lutherans was canceled. While I am pleased President Shevardnadze did issue a decree calling for a full investigation, to date no action by police or the Prosecutor General has taken place.

During the past three years of escalating mob violence, the Jehovah's Witnesses have experienced the majority of attacks, along with Baptists, Pentecostals, and Catholics. Sadly, victims from throughout the country have filed approximately 800 criminal complaints, and not one of these has resulted in a criminal conviction. The mob attacks are usually led by either Vasilii Mkalavishvili, a defrocked Georgian Orthodox priest, or Paata Bluashvili, the leader of the Orthodox "Jvari" Union. Often the police and media are tipped off in advance of an attack—probably so that the media can arrive early and the police can show up late. The brazen leaders of these attacks have even given television interviews while mob brutality continues in the background.

In response to this ongoing campaign of violence against members of minority faiths, the leadership of the Helsinki Commission and other members of the Senate and House have been in correspondence with President Shevardnadze on numerous occasions. Congressional dismay over this ongoing issue was also reflected in language included in the omnibus appropriations bill underscoring concern over the Georgian Government's apparent resistance to prosecuting and jailing the perpetrators of these mob attacks. Despite assurances, Georgian officials have neither quelled this violence nor taken effective measures against the perpetrators of these assaults. Ironically, it appears that minority religious communities may be freer in parts of Georgia outside of Tbilisi's control than those under the central authorities.

The conference report language should send a strong message to President Shevardnadze and other Georgian leaders. They must understand the Congress's deep and abiding interest in this matter and our desire to see those responsible for the violence put in jail.

I also must express my concern regarding the widespread, indeed routine, use of torture in the Republic of Georgia. While law enforcement remains virtually nonexistent when it comes to protecting religious minorities from violent attacks, the use of torture by police remains a commonplace tool for extracting confessions and obtaining convictions in other areas. A government commission has also acknowledged that the scale of corruption in law enforcement has seriously eroded public confidence in Georgia's system of justice and the rule of law.

At one point, a few years ago, there appeared to be real political will to ad-

dress this problem. Sadly, increased protections for detainees, adopted to facilitate Georgia's accession to the Council of Europe, were quickly reversed by the parliament once Georgia's admission was complete. Moreover, I am particularly concerned by remarks made by Minister of Interior Koba Narchemashvili in November. In a move calculated to look tough on crime following a notorious murder, he called for seizing control of pre-trial detention facilities from the authority of the Ministry of Justice. This would move Georgia in exactly the wrong direction. Reform must continue on two levels; continuing to move Georgia's legal standards into compliance with international norms, and improving actual implementation by law enforcement officers.

I want to see a prosperous, democratic, and independent Georgia, but these facts are deeply disturbing and disappointing. The Government of Georgia's failure to effectively address these concerns through decisive action will only further erode confidence here in Washington as well as with the people of Georgia.

#### COVER THE UNINSURED WEEK

Mr. JOHNSON. Mr. President, in recognition of Cover the Uninsured Week, March 10th through the 16th, I want to address a very serious issue that our country is facing on the domestic front. It is a problem that can be found in every State and encompasses a staggering 41 million Americans, a number that is only due to increase if we do not take immediate efforts to remedy the problem. I am referring to the number of people in this country who lack health insurance. Let me also take this opportunity to acknowledge the effort that is being put forth this week by numerous individuals, organizations, and businesses alike who have been instrumental in arranging Cover the Uninsured Week. This event will highlight the degree to which the issue affects our society and will serve as a venue bringing communities, professionals, educators, faith groups, legislators, businesses, and those directly affected to find solutions.

There are 41 million Americans who lack health insurance, 75,000 of whom are South Dakotans. In 2001, 41.2 million people or 14.6 percent of the U.S. population were uninsured, which was an increase of 1.4 million from the previous year. This is most likely a result of the continued increase in the unemployment rate. These factors, coupled with State budgets that are strapped thin, are what many analysts predict is the making of a "perfect storm" in the wake of health care today. South Dakota is facing a \$54 million shortfall this year alone.

Every year, South Dakota continues to lose access to health insurance companies. Currently, there are only three health insurance carriers offering individual coverage in this State. This is