cannot allow to erode and for us to go back to a time when we were losing there.

Deadly terrorism stalks the world. It is the great challenge of our time. It is the reality of our time. We need the help of all our allies, all our friends all over the world, all the Moslem nations, to continue to root out terrorism and stabilize and secure the world.

This is not an American interest alone. And we cannot do it alone. We are the greatest power the world has ever known. We stand astride the globe as no power in the history of man. But we have limits, too. These coalitions for peace, coalitions for change, will be our future, the world's future. And we must lead that coalition. We cannot press forward on a regime change in Iraq with the fires burning in Israel or we will stand alone, without our allies. We will risk finding ourselves isolated, Israel isolated. It is not in the interest of Israel to find America and Israel isolated in the world.

America's and the world's vital interests are connected to the Israeli-Palestinian conflict—completely, directly, daily. We must give Secretary Powell and the President the time to work through these unprecedented challenges, this unprecedented violence and danger. They need the latitude, the flexibility to work through to a solution, in consultation with the Congress, of course. In this body and in the House of Representatives reside great expertise, ability, common sense, and wisdom on which the President will and is calling.

We need an Arab coalition for peace, building upon the Saudi initiative of Crown Prince Abdullah, incorporating the Tenet plan and the Mitchell plan. We need to support the President's policies to help bring to this region peace which has worldwide consequences. All of the world will be affected by the outcome. There are consequences playing out today, and they will continue to play out, and they are uncontrollable consequences.

In conclusion, I offer a comment that Henry Kissinger made in a statement recently on U.S. policy in the post-cold-war world reality. Dr. Kissinger said this: ''history . . . will not excuse failure by the magnitude of the task.'' It applies very appropriately, clearly, and with deadly accuracy today in the Middle East. The President has shown his courage and the determination that a nation as great and worthy as America is—and can be, and has been—to go forward with the kind of leadership the world expects from us, and, yes, at great risk. But that risk is for peace, and that risk is worth taking. It will be long and difficult, but it can be done. We are dealing with a manmade problem. We will find a manmade resolution.

So I return to the opening of my comments this morning in once again suggesting that Senator DASCHLE had it right yesterday in calling for all of us on Capitol Hill to work together to support the President, to find solutions and resolutions. Criticism is easy. It is very easy to criticize. But we do not have an option to criticize. We have a responsibility to find a solution. And we will. We must support our President and Secretary Powell in his mission for peace.

Mr. President, I thank you for your attention. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 3525, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3525) to enhance the border security of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is time to enact the Enhanced Border Security and Visa Entry Reform Act.

I thank my colleagues, Senators BROWNBACK and KYL, on the Judiciary Committee, the Republican leaders on the Judiciary Committee and on this issue, and also acknowledge the very strong leadership of my colleague and friend from California, Senator FEINSTEIN. We have worked very closely together. We all had different legislation in different forms and shapes, but all on a similar subject matter. We have worked closely to make a unified recommendation to the Senate which reflects our best judgment.

It also reflects the best judgment of those who have had the opportunity to study the issues that we have included, and we have benefited from a number of recommendations. I am very grateful to all of our colleagues for all of the good work they have done. We present this as a unified team.

This legislation would strengthen the security of our borders, improve our ability to screen foreign nationals, and enhance our ability to deter potential terrorists. This legislation addresses the significant national security challenges we face today.

The House passed the Border Security Act in December. The Senate action is long overdue.

I believe there are five dimensions to our security challenge today. First is the military. The Armed Forces are performing superbly, and they are well led. Secondly, we have a new intelligence challenge that deals primarily with the control of nuclear and biological materials in the former Soviet Union, and the gaps in what we know about terrorist groups. A third involves a cracking-down on money laundering and improving our ability to follow the financial trail of terrorist groups through the international monetary system, and we have seen important legislation on that subject successfully completed in this body.

Fourth is the area of bioterrorism. Senator FRIST and I have worked closely together to enact the Public Health Threats and Emergencies Act signed by the President in the year 2000. We are in conference now with the Bioterrorism Preparedness Act. We have very good bipartisan support for this legislation—Congressman TAUZIN, House Members—and we are very close to making recommendations with a conference report sometime next week or very shortly thereafter. We have worked very closely in a bipartisan, bicameral way to meet this particular challenge.

Finally, there is the security of our borders, which remains the challenge that needs attention.

As the recent mistakes of the INS demonstrate, the need is urgent to close the loopholes in our immigration system. Border security is the shared responsibility of the INS, the State Department, intelligence agencies, and the Customs Service, and requires improved technology, enhanced intelligence capacity, and dynamic information sharing, updated training for border officials and Foreign Service offices, and expanded monitoring of foreign nationals already in the United States.

Additional restructuring within agencies to streamline the implementation of this multi-faceted goal may be necessary over time, but are not a precondition to the passage of this legislation.

The pressing need for enhanced border security must proceed without further delay.

As I mentioned, the reorganization, restructuring of the INS is important.

I and others have introduced that restructuring in the 105th and 107th Congresses. Basically, that incorporated the recommendations of what we call the Barbara Jordan Commission. The Commission itself spent over a year evaluating and examining the series of recommendations about how to make the whole INS more effective and efficient and respond to both its enforcement as well as its service needs. It is a solid base from which we should move ahead.

But it does seem to all of us that it is important we get about this business now in terms of border security first and not wait for the more general

kinds of debates on the restructuring and reorganizing, because whatever is going to be done with that, these provisions that we will be accepting and endorsing today will be well incorporated into that system.

In strengthening our security at our borders, we must also safeguard the unobstructed entry of the more than 31 million persons who enter the United States legally each year as visitors, students, and temporary workers. Many others cross our borders from Canada and Mexico to conduct daily business or visit close family members. We are talking about 550 million people who come and go from the United States every year—with the possibility of some visitors who might pose some danger to our country and society in the form of terrorism. It is really like finding a needle in the haystack.

We have to use technology to the greatest effect we can—with well-trained people and good technology at the entry level. With this new technology, we will be able to track when individuals acquire a visa and follow that individual while they are in the United States to know when they are leaving or when they should leave the United States. This technology will keep alive the knowledge and the whereabouts of individuals who are visiting our country. That capability does not exist today. It is key in terms of trying to deal with the challenges of border security. And now that we have recognized that the terrorists were visitors to this country who acquired visas, we understand the importance of trying to deal with this issue and deal with it effectively.

We believe the legislation we are supporting is not going to answer all of the problems, but it is going to move us into the modern technology age and will take advantage of all the new technology to help provide security for our country.

We also must live up to our history and heritage as a nation of immigrants. We can go to a more restrictive kind of border security. It probably would not be responsive to the nature of the terrorists, and it would have important implications in terms of families and in terms of commercial relationships. We want to provide a recommendation consistent with our historical and economic interests, but also use the best of technology in terms of identifying it and seeking out those who mean to do harm to our society.

Continued immigration is a part of our national well-being, our identity as a nation, and our strength in today's world. In defending America, we are also defending the fundamental constitutional principles that made us strong in the past and will make us even stronger in the future. Our action must strike a careful balance between protecting civil liberties and providing the means for law enforcement to identify, apprehend, and detain potential terrorists. It makes no sense to enact reforms to severely limit immigration into the United States. ''Fortress America,'' even if it could be achieved, is an inadequate and ineffective response to the terrorist threat. This legislation strikes the balance. Immigrants are not the danger; terrorists are. We have to keep that in mind.

Our legislation creates increased and improved layers of security by providing multiple opportunities for our government to turn away or apprehend potentially dangerous visitors and travelers.

Our first layer of security is the intelligence information provided to consular offices, the INS, and border guards. Our efforts to improve border security must therefore include targeted intelligence gathering and analysis to identify potential terrorists, and coordinated information-sharing within and between the Department of State, the Immigration and Naturalization Service, and the law enforcement and intelligence agencies.

This legislation will require the President to submit and implement a plan to improve the access to critical security information. It will create an electronic data system to give those responsible for screening visa applicants and persons entering the United States the information they need in real time and the tools they need to make informed decisions. It also provides for a temporary system until the President's plan is fully implemented.

Now, most foreign nationals who travel here must apply for visas at American consulates overseas. We must improve the ability of the Foreign Service officers to detect and intercept potential terrorists before they arrive in the United States. Traditionally, consular offices interviewing visa applicants have focused on trying to determine whether the applicant is likely to violate his or her visa status.

Although this review is important, consular offices must also be trained specifically to screen for security threats, not just potential visa violators.

We are basically talking about two concepts. One is in terms of the technology and the shared information and the other is the training. Too often we find that the intelligence agencies refuse to provide information in terms of the dangers of individuals who may pose a threat to the United States and share that with the consular offices that are making decisions and judgments with regard to whether they ought to give that person a visa. And it has been a bureaucratic snafu that continues too often, even today.

The intelligence community believes that if they provide that information, they are somehow potentially sacrificing their sources in a given country because there are foreign nationals in the consular offices and they will be able to get wind of what is happening and endanger their sources of information with regard to those who pose us a threat. So in many instances they will not make those individuals and the dangers of those individuals available to the consular offices. Clearly, if the consular offices, no matter how well-trained, don't have that information, then they are unable to make a judgment about the kinds of threats that individual poses for the United States. That has to stop.

There is no question, with the level of technology that is available at this time and the whole processing that can be utilized, we can meet the responsibilities of the intelligence community, as well as ensuring that well-trained consular offices are going to have the kinds of information they are going to need in order to make a solid judgment in terms of the individual. That is a key element. We need to have the training of the consular offices so they are not just looking at the usual judgments, whether individuals may overstay, based upon family relationships; but they need the additional kind of training in order to be able to detect and determine, to the extent that the training can, whether individuals pose us a threat. Those two factors are included in this legislation and strongly supported. It is extremely important, right at the very beginning, to make sure you are going to have the best information that is going to be available to that visa officer, and that the visa officer is going to have the best possible training to not only understand their responsibility on individuals who want to get a touring visa, but also they are going to be carefully trained in order to use their skills to be able to root out those who may potentially be a threat. Those are very important parts of this legislation.

Terrorist lookout committees will be established in every U.S. consular mission abroad in order to focus the attention of our consular officers on specific threats and provide essential critical national security information to those responsible for issuing visas and updating the database. So if the other intelligence agencies are going to be able to pick up information, as we have seen happen at different times, that a particular area is a potential threatened area, that information can be made available as well to the consular offices to put them on a higher alert. That too often does not exist today. That has to be altered and changed. This legislation does that.

This legislation will close gaps on restrictions on visas for foreign nationals from countries that the Department of State has determined are sponsors of terrorism. It prohibits issuing visas to individuals coming from countries that sponsor terrorism, unless the Secretary of State has determined on a case-by-case basis that the individual is not a security threat.

The current visa waiver program, which allows individuals from participating countries to enter the United States for a limited period of time without visas, strengthens relations between the United States and those

countries and encourages economic growth around the world. Given its importance, we must safeguard its continued use, while also ensuring the country's designation as a participant in the program does not undermine the U.S. law enforcement and security. This legislation will only allow a country to be designated as a visa waiver participant—or continue to be designated—if the Attorney General and Secretary of State determine that the country reports instances of passport theft to the U.S. Government in a timely manner.

There is a criterion for selecting those countries. Those countries are eligible for a visa waiver if they demonstrate that 97 percent of those who are granted visas return. That has been reviewed and studied over a period of time. Rather than using the personnel when we know individuals will be returning, part of all of this effort is to use the resources we have, which are not infinite, to target the areas where there is the greatest need.

We have 22 million visitors who come from these visa waiver countries. There is not a careful monitoring of those individuals when they are here or when they are returning. That has to change. This legislation ensures the INS will know when those individuals come here, their whereabouts, and when they are going to leave. That is enormously important.

Another provision is the student waiver program. We have 22,000—listen, 22,000—educational institutions that can grant an educational visa. We do not now know when the individual comes in, once they get by the port of entry, whether they ever go to the college, whether they ever attend for any period of time, or, quite frankly, whether they graduate, which is an enormous loophole. That has to change.

There are provisions in this legislation that do that. We have accomplished this with the cooperation of the universities and the educational centers. They cooperated. They helped us. We will have a chance to go through this in greater detail to the extent Members want to, but that is included in this legislation as well.

We must require also that all airlines electronically transmit passenger lists to destination airports in the United States, so that once the planes have landed, law enforcement officers can intercept passengers on the lookout list. United States airlines already do this, but some foreign airlines do not do it. Our legislation requires airlines to electronically transmit passenger manifest information prior to arrival in the United States. That information is going to be put into the computers so we know when the visa is granted and that it is based on the most current information. We will know when that individual purchased a ticket. That information will be shared. We will know by the tracking of that ticket when the person enters. When the border security person sees that individual at the port of entry, they are going to have up-to-date information and ultimately will have biometric technology to make sure the person standing before them is the same person who was granted the visa. That does not exist today, and it creates enormous opportunities for abuse. We make that commitment in this legislation.

We do not minimize the complexity in achieving all of this, but we believe it represents our best effort in how we can improve our current system.

Enforcement personnel at our ports of entry are a key part of the battle against terrorism, and we must provide them greater resources, training, and technology. These men and women have a significant role in the battle against terrorism. This legislation will ensure that enforcement personnel receive adequate pay, can hire necessary personnel, are well trained to identify individuals who pose a security threat, have access to important intelligence information, and have the technologies they need to enhance border security and facilitate cross-border commerce.

The Immigration and Naturalization Service must be able to retain highly skilled immigration inspectors. Our legislation provides incentives to immigration inspectors by providing them with the same benefits as other law enforcement personnel. They do not have that today. Our bill does.

Expanding the use of biometric technology is critical to prevent terrorists from traveling under false identities. This legislation is needed to bring our ports of entry into the digital and biometric age and equip them with biometric data readers and scanners. These secure travel document scanners will verify that a person entering the country is the same person who was issued the passport and the visa.

We must expand the use of biometric border crossing cards. The time frame previously allowed for individuals to obtain these cards was not sufficient. This legislation extends the deadline for individuals crossing the border to acquire the biometric cards. There are some instances where individuals, particularly in Mexico, have the cards and we have not put the investment into the technology that is necessary to read these cards.

The USA PATRIOT Act addressed the need for machine-readable passports but did not focus on the need for machine-readable visas issued by the United States. This legislation enables the Department of State to raise fees through the use of machine-readable visas and use the funds collected from these fees to improve technology at our ports of entry. The fee raising has been enormously successful. It has funded these programs. It makes a great deal of sense.

We must also strengthen our ability to monitor foreign nationals within the United States. In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry of every non-citizen arriving in the United States and to match it with the record of departure. Although the technology is available for such a system, it has not been put in place because of the high costs involved. Our legislation builds on the antiterrorism bill and provides greater direction to the INS for implementing the entry/exit system.

Also, we include in the legislation a very interesting proposal, and that is to first look north and then south at perimeter security. We are not only looking at our border with Canada, but we are also working with Canada to find out who is coming into Canada as a first line of defense. That is shared information, with the idea that we can set up systems that are going to be cooperative and interchangeable with the exchange of information and intelligence on individuals.

The Canadian Government is responding very positively. Our Ambassador to Canada, the former Governor of Massachusetts, Paul Cellucci, testified before our committee about the steps that are being taken. That will take time to work through. Then we can obviously think about doing the same job on the southern perimeter. Most of those who worked on the whole security issue believe that can be enormously important and very worthwhile.

It is time for the Senate to support this bill. The security concerns addressed by this legislation cannot be ignored, action cannot be postponed, and the cost is reasonable. The estimated cost of the legislation is $1.2 billion in 1 year, $3.2 billion for full implementation. It is a small price to pay for the security this bill will provide the American public.

Some have urged Congress to delay the passage until we have had, as I mentioned, the opportunity to restructure the INS. But the many important goals of this bill, including developing an interoperable data system to give immigration and consular officers access to relevant law enforcement and intelligence information, requiring biometric identifiers be included in travel documents, and strengthening the training of consular officers and immigration inspectors are important reforms that need to be enacted regardless of how our agencies are organized.

These reforms cannot wait for a bureaucratic arrangement to be resolved, as we have seen the risks are too great. While reorganization of the INS is a top priority, which Congress plans to quickly address, we cannot afford to wait until that task is implemented to undertake the necessary changes advanced in the border security bill.

The Enhanced Border Security and Visa Entry Reform Act has the broad bipartisan support of 60 Senators and the support of numerous coalitions such as the National Border Patrol Council, the U.S. Chamber of Commerce, Americans for Better Borders,

International Biometric Industry Association, the American Immigration Lawyers Association, the Association of International Educators, the Leadership Council for Civil Rights, National Council of La Raza, National Immigration Forum, the American Federation of Government Employees, and the AFL–CIO.

The USA PATRIOT Act was an important part of the effort to improve immigration security, but further action is needed. This legislation is a needed bipartisan effort to strengthen the security of our borders and enhance our ability to prevent future terrorist attacks while also reaffirming our tradition as a nation of immigrants.

I see my colleague and friend Senator FEINSTEIN is in the Chamber. At this time, I state for the record the very strong support from the National Border Patrol, which represents 9,000 nonsupervisory Border Patrol employees, talking about the very important aspects of this legislation, and rest assured we can count on the support of the National Border Patrol Council to secure the passage of this legislation. Americans for Better Borders, similarly they have indicated their strong support and state that given the importance of this legislation, they urge swift passage in the Senate. Also included are the groups I have indicated in this chart, which are as broad a range of groups in support of this legislation as one could hope for in this body.

One of the most important groups that support this—and I intend to yield in a moment—are the Families of September 11. We heard marvelous eloquence today from MaryEllen Salamone, who is the director of the Families of September 11. These families testify about the importance of this legislation. They are attempting not only to try and bring their lives together, but also in areas of public policy they are expressing their views in ways of ensuring, to the extent that we can, that we will not have a similar kind of tragedy as September 11.

We heard testimony so powerful today in support of legislation from that group. I will include those letters of support, as well as from the International Biometric Industry, as to why they believe this legislation is so important. I have letters from the Alliance, which is the International Education and Cultural Exchange, and the Association of International Educators. There is strong support from those who would be impacted by this legislation.

This is good legislation. It is necessary, and I hope the Senate will support it. I am so glad to see my colleague and friend from California, who I have indicated has been a driving force in this area as in so many other areas, and she has been an essential partner. We always enjoy the opportunity to work closely with her, and we always learn from that experience.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Washington, DC, April 11, 2002.

Hon. EDWARD KENNEDY,
Chairman, Subcommittee on Immigration, Senate Committee on Judiciary, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the American Federation of Government Employees, I would like to express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act of 2002. In our view, the combination of improved technology, better training and higher pay will do much to improve our border response capability.

We are particularly gratified that this legislation includes a long overdue increase in the journeyman pay grade for immigration inspectors and border patrol agents. Currently, the journeyman pay grade for these two groups of employees is GS–9, among the lowest for all federal law enforcement personnel. This, coupled with the lack of law enforcement retirement benefits for immigration inspectors, has created an attrition crisis at the Immigration and Naturalization Service.

According to statistics provided by the I&NS, the current attrition rate for border patrol agents is 14 percent and is expected to rise to a staggering 20 percent by the end of the fiscal year. For immigration inspectors, the current rate is 10.1 percent and it is expected to reach 15 percent by the end of the year. We have been told that over 50 percent of our nation's border patrol agents have applied for air marshal positions. The tremendous loss of experienced personnel to other law enforcement agencies has a devastating effect on agency effectiveness and employee morale.

W3 applaud you for your leadership on this issue and look forward to working with you to secure full funding for this important measure.

Sincerely,

BETH MOTEN,
Legislative Director.

NATIONAL IMMIGRATION AND NATURALIZATION SERVICE COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
April 11, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Immigration & Naturalization Service Council and its 6,800 members, I would like to express our appreciation for your efforts to increase the journeyman pay grade for INS inspectors from GS–9 to GS–11. We believe this is a long overdue step that will help stem the double digit attrition rate currently experienced within the ranks of INS inspectors. It will also begin to close the gap between their pay rates and that of most other federal law enforcement agencies.

For this reason, we want to lend our strong support to S. 1749/H.R. 3525, the Enhanced Border Security and Visa Entry Reform Bill of 2002. We look forward to working with you to secure the necessary appropriation to implement the pay grade increase.

We also look forward to working with you in the future on legislation that would grant immigration inspectors their right as federal law enforcement officers to receive law enforcement retirement benefits. It is a gross injustice that these individuals, who make countless arrests, are required to carry firearms and place themselves in danger on a regular basis and are denied such retirement benefits.

If there is anything we can do to assist you in your efforts to enact this bill, please let us know.

Sincerely,

CHARLES J. MURPHY,
President.

FAMILIES OF SEPTEMBER 11,
Great Falls, VA.

DEAR SENATOR: On September 11, 2001, terrorists attacked America. They hijacked four planes and crashed into the World Trade Centers and the Pentagon. They took over 2800 lives, they left 15,000 children without one or both parents, and they ruined thousands and thousands of families. They left America in fear.

Senate Bill 1749, The Enhanced Border Security and VISA Entry Reform Act addresses immigration security issues. The events of September 11 illustrated most clearly the weaknesses of our immigration monitoring systems and Congress responded with this well thought out and carefully written legislation. It passed in December, without delay, in the House.

It is disturbing to learn that this legislation is presently blocked from a vote on the Floor of the Senate. In honor of our loved ones lost, our organization, the Families of September 11, Inc., is committed to promoting legislation and policies which will prevent the recurrence of such a horrific tragedy. We implore you, as an elected official of this country, not just of your state, to do the same. All legislation necessary to improved homeland security must be passed without delay. There is no justification to compromise the safety of the United States of America. Senate Bill 1749 needs to be passed, and it needs to be law.

This is not a time for politics in our country, it is a time for action. The families affected by the events of September 11 have already paid the ultimate price for freedom. We have a reasonable expectation that neither we, nor anyone, should have to pay such a great price as ours for the liberty of this country again. And we have a reasonable expectation that it should be your obligation to ensure this. Please exert any effort necessary to effect a vote on S1749 on the Floor of the Senate. And please vote in its favor, homeland security needs to be of the utmost priority in these dangerous times.

Thank you for your attention and dedication to the resolution of this issue.

Sincerely,

MARYELLEN SALAMONE,
Director.
CARIE LEMACK,
President.

INTERNATIONAL BIOMETRIC INDUSTRY ASSOCIATION,
Washington, DC, April 10, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Biometric Industry Association (IBIA), I am writing to express warm support for swift enactment of the Enhanced Border Security and Visa Reform Act of 2001.

The IBIA and other industry stakeholders understand the critical importance of this legislation to help counter vulnerabilities in national infrastructure security that were so tragically demonstrated on 9/11. Incorporating biometric identification technology into the new security program called for by the bill will vitally strengthen border security.

The IBIA and its partner organizations in research and education in biometrics believe that biometrics must be deployed in ways that both advance security and protect privacy and civil liberties. This legislation is consistent with that goal while making great strides toward removing the cloak of anonymity used by those who have no regard for such personal freedoms and the safety of our citizens.

IBIA is a tax-exempt, nonprofit trade association founded in 1998 to advance the collective interests of the biometric industry. IBIA impartially serves all biometric technologies in all applications. IBIA's membership includes leading manufacturers of hand recognition, iris, facial fingerprint, voice and signature biometrics, and leading integrators of layered biometrics.

Thank you for your farsighted leadership.

Sincerely,

JOHN E. SIEDLARZ,
Chairman.

FEDERATION FOR AMERICAN IMMIGRATION REFORM,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: It is my distinct pleasure to offer the full support of the Federation for American Immigration Reform (FAIR) for S. 1749, the Enhanced Border Security and Visa Entry Reform Act of 2001. As you know, FAIR has worked tirelessly with you and with other members of both the House and Senate to develop and advance this critically important homeland security legislation. Senate consideration of this measure separately from other controversial legislation to extend Section 245(i) is the only supportable means for handling this landmark legislation.

Absent the important provisions of this legislation, the United States will remain perilously vulnerable to attack by terrorists because the nation presently lacks any federal capacity to monitor or track foreign nationals who violate the terms of their visas. Without this important legislation, the United States will continue to lack knowledge of who has entered and departed the country. Similarly the nation will continue to lack knowledge of whom and how many have failed to depart and remain illegally in the country.

As we have seen since the attacks of September 11, our federal investigative agencies are fragmented, uncoordinated and lack the ability to share important information needed to identify terrorists either attempting to enter our country or who are already here. S. 1749 will mandate interoperability of investigative databases, making it at least possible to detect, intercept and quickly apprehend terrorist suspects before their deadly plans are consummated. The mandates to implement an exit-entry system, inter-agency information sharing and the use of verifiable biometric identifiers on visas and passports make enforcement of laws against all forms of illegal immigration far more feasible.

Senator Feinstein, we applaud the steadfast determination you have shown in ending the logjam holding up Senate consideration of this bill since last December. The nation is in your debt.

Sincerely,

DAN STEIN,
Executive Director.

NATIONAL BORDER PATROL COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, FL, April 12, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Immigration Subcommittee, Judiciary Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Border Patrol Council, representing over 9,000 non-supervisory Border Patrol employees, appreciates your leadership on immigration issues and support of the dedicated men and women who protect our nation's borders. Your recent efforts to provide enhanced technology, more training, and higher pay through the pending Enhanced Border Security and Visa Entry Reform Act of 2002 (S. 1749/H.R. 3525) are greatly appreciated. As you are aware attrition within the ranks of the Border Patrol is at an all-time high, and continues to climb at an alarming rate. Increasing the journeyman pay level of these employees is an important step in addressing this severe problem. Rest assured that you can count on the support of the National Border Patrol Council to secure the passage of this legislation. After it is enacted, your continued assistance in the effort to fully fund the pay increase authorization will prove invaluable.

Sincerely,

T.J. BONNER,
President.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the Senator from Massachusetts for his leadership on this issue. It is very clear to me we would not be where we are today had it not been for his leadership, both as a former chairman of the Judiciary Committee and as the chairman of the Immigration Subcommittee, and as a 40-year member of this great body.

I am very pleased to join with Senators KENNEDY, BROWNBACK, and KYL in sponsoring the Enhanced Border Security and Visa Entry Reform Act of 2001. This legislation, I think it is fair to say, represents a consensus. It draws upon the strength of both the Visa Entry Reform Act of 2001, which I introduced with my colleague from Arizona, Senator KYL, and the Enhanced Border Security Act of 2001, which Senators KENNEDY and BROWNBACK introduced.

How did this happen? Senator KYL and I, in the Technology and Terrorism Subcommittee, held hearings and came upon many of the same things I think Senators KENNEDY and BROWNBACK did in the full Subcommittee on Immigration. In any event, the final result, as Senator KENNEDY has said, garnered widespread support from both sides of the aisle. We now have a total of 61 cosponsors, and I think that is pretty much unprecedented for an immigration bill, particularly one of this magnitude.

September 11 clearly pointed out the shortcomings of our immigration and naturalization system. For example, all 19 terrorists entered the United States legally. They had valid visas. Three of the hijackers had remained in the United States after their visas had expired. One entered on a foreign student visa. Another, Mohamed Atta, had filed an application to change status to M–1, which was granted in July. However, Mr. Atta sought permission and was admitted to the United States based on his then current B–1 visitor visa.

On March 11, 6 months from the date of the attacks, 6 months after Mohamed Atta and Marwan al-Shehhi flew planes into the World Trade Center, the Immigration and Naturalization Service notified a Venice, FL, flight school that the two men had been approved for student visas.

I think the sheer volume of travelers to our country each year illustrates the need for an efficiently run and technologically advanced immigration system. This is extraordinarily difficult if we just look at some of the numbers. I want the record to reflect some of these numbers.

We have in our country between 8 and 9 million people who are residents without any legal status. They either entered illegally or they overstayed a temporary visa. Actually, 40 percent of the total were visa overstays. We had 30.1 million nonimmigrants entering the United States during the year 1998. That is the most recent year for which INS has statistics.

As Senator KENNEDY pointed out, 23 million of them entered as tourists on the visa waiver program. Nobody knows really whether they ever went home again. Six million of them were issued nonimmigrant visas as students, tourists, temporary workers, and other temporary visitors; 660,000 were foreign students who had entered in the fall of 2001. If that is not enough, we have about 500 million border crossings back and forth each year, combining Americans who cross the border with non-Americans who cross the border, and 350 million of the 500 million are non-Americans crossing the border.

So if one talks about securing borders, our country is a giant sieve. This sieve is virtually our strength in times of peace, and at times of war it is our greatest insecurity.

Of these 666,000 foreign nationals who held student visas in 2001, more than 10,000 enrolled in flight training, in trade schools, in other nonacademic programs, and more than 16,000 came from terrorist-supporting countries.

Senator KENNEDY pointed out—my numbers are 2,000 different from his—that we have some 74,000 U.S. schools that are allowed to admit foreign students, but checks of the schools on the current INS list found that some had closed. Yet students still come in. Others have never existed; therefore, they were fraudulent schools set up clearly to bring in people on student visas.

Exactly 6 months after the 9–11 attacks, as I pointed out, Huffman Aviation received student visa approval forms for Mohamed Atta and Marwan al-Shehhi.

There is a big problem out there, and I think the sheer volume of travelers to our country each year points out eloquently the problems we face.

This is one of the reasons why we have to change a paper-driven agency into a much more active agency, with better management, with more technologically modern tools, and I think knowing what we now know to secure our borders. It is visa entries, change the processes, and improve the border. This bill aims to do that.

I will talk for a moment about the visa waiver program. I mentioned visa waivers: Some 23 million people, from 29 different countries. I mentioned nobody knows where they go in the United States or whether they leave once their visas expire. The INS estimates over 100,000 blank passports have been stolen from government offices in participating countries in recent years. Why would 100,000 passports be stolen? The answer is, to use them fraudulently. Abuse of the visa waiver program poses threats to U.S. national security. It also increases illegal immigration.

For example, one of the co-conspirators in the World Trade Center bombing of 1993 deliberately chose to use a fraudulent Swedish passport to attempt entry into the United States because of Sweden's participation in the visa waiver program. That clearly says we have to change the program. What we do in this bill is mandate all these passports must be machine readable, so they can be read when the individual enters the country, they can be read when the individual leaves the country, and also the information can be provided to know what these people are going to do while they are in the country.

Let me talk about the foreign student visa program. I mentioned that more than 500,000 foreign nationals enter each year. Within the last 10 years, 16,000 came from such terrorist-supporting States as Iran, Iraq, Sudan, Libya, and Syria. The foreign student visa system is one of the most under-regulated systems we have today. We have seen bribes, bureaucracy, and other problems with this system that leave it wide open to abuse by terrorists and other criminals.

For example, in the early 1990s, 5 officials at 4 California colleges were convicted in Federal court of taking bribes, providing counterfeit education documents, and fraudulently applying for more than 100 foreign student visas. It is unclear what steps the INS took to find and deport the foreign nationals involved in this scheme, even after these five officials were convicted.

Each year, we have 300 million border crossings. For the most part, these individuals are legitimate visitors in our country, but we have no way of tracking all of these visitors. Mohamed Atta, the suspected ring leader in the attack, was admitted as a non-immigrant visitor in July 2001. He traveled frequently to and from the United States during the past 2 years. According to the INS, he was in legal status the day of the attack. Other hijackers also traveled with ease throughout the country.

It has become all too clear that without an adequate tracking system, our country becomes the sieve that it is today. That creates ample opportunities for terrorists to enter and establish their operations without detection.

I sit as chair of the Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information. Last October, the subcommittee held a hearing to explore the need for new technologies to assist our Government agencies in keeping terrorists out of the United States. The testimony at that hearing was very illuminating. We were given a picture of an immigration system in chaos and a border control system rife with vulnerabilities. Agency officials don't communicate with each other, computers are incompatible, and even in instances where technological leaps have been made, as in the issuance of 4.5 million smart border crossing cards with biometric data, the technology is not even used because the laser readers have never been purchased and installed.

It is astonishing that a person can apply for a visa and be granted a visa by the State Department and there is no mechanism by which the FBI or the CIA can raise a red flag with regard to the individual if he or she is known to have links to a terrorist group or otherwise pose a threat to national security.

In the aftermath of September 11, it is unconscionable that a terrorist might be permitted to enter the United States simply because our Government agencies don't share information. We heard testimony from the head person of the State Department in the consular division. She testified that they feel terrible because they granted these visas. They granted them from abroad. But they had no information on the individuals, no reason at the time to deny the visas.

We have discovered since then the perpetrators of these attacks clearly had a certain confidence that our immigration laws could be circumvented either because the law itself was not adequate to protect us or the enforcement of existing law is too lax. It almost seemed effortless the way the terrorists got into this country. They did not have to slip into the country as stowaways on sea vessels or sneak through the borders evading Federal authorities. Most, if not all, appeared to have come in with temporary visas, which are routinely granted to tourists, to students, and to other short-term visitors to our country.

This brings me to why the provisions we have cosponsored are so important and should be enacted without further delay. Right now, our Government agencies use different systems with different information and different formats. They often refuse to share that information with other agencies within our Government. This clearly, in view of September 11, is no longer acceptable. When a tourist presents himself or herself at a consular office asking for a visa or at a border crossing with a passport, we need to make sure his or her name and identifying information are checked against an accurate, up to date and comprehensive database.

Under the pending legislation, the administration would be required to develop and implement an interoperable law enforcement and intelligence data system which would provide the INS and the State Department immediate access to relevant law enforcement and intelligence information. The database would be accessible to foreign service officers issuing visas, to Federal agents determining the admissibility of aliens to the United States, and law enforcement officers investigating and identifying aliens.

In addition, the interoperable data system would include sophisticated, linguistically based, name-matching algorithms so that the computers can recognize that, for example, Muhamad Usam Abdel Raqeeb and Haj Mohd Othman Abdul Rejeeb are transliterations of the same name. In other words, this provision would require agencies to ensure that names can be matched even when they are stored in different sets of fields in different databases.

Incidentally, this legislation also contains strict privacy provisions limiting access to this database to authorized Federal officials only. The bill contains severe penalties for wrongful access or misuse of information contained in the databases.

I wish to address one other problem. Some people say if you give the date that is in the legislation, it is too soon, they cannot approve it. I don't believe that. We have been after them for years to do things like this, and I believe, after talking with several people from the private sector, that the private sector can come in and provide the software very quickly for the kinds of databases we are discussing.

They have assured me this is possible. I think one of the problems we have is we don't employ the experts in the private sector we have—the technologically hypersensitive people who know the most modern technology and how to apply software, how to get the system up and running, how to get the data entered, and then stay with the system.

I remember when I was mayor of San Francisco when we did the first latent fingerprint database in the United States. NEC did it for us. NEC sent their people to San Francisco to install the system and to establish the software. They remained for 5 years to see that the programming was done adequately. This was done on a request for proposal of bid from the private sector.

I believe very strongly, if we are going to ever get this section of the bill properly instituted, that not only does the private sector have to come in, but they have to stay for substantial periods of time—at least 5 years—to supervise the data entry as that data is put in, as the databases are checked, as

they are revised. I think that is critical to a system.

I mentioned briefly the Visa Waiver Program. With 123 million people and 29 different countries, we would require tamper-resistant, machine-readable biometric passports. Each country participating in the visa waiver program would issue tamper-resistant, machine-readable biometric passports to its nationals by 2003. This must happen. No excuse should be tolerated. If they cannot meet it, they should be dropped out of the program.

Prior to admitting a foreign visitor from a visa waiver country, the INS inspector must first determine that the individual does not appear in any lookout database. As a condition of a country's continued participation in the visa waiver program, the Attorney General and the Secretary of State must consider whether that country keeps the United States apprised of the theft of blank passports. One-hundred thousand of them have been stolen. Again, why? Fraud.

This is important because terrorist organizations have made use of stolen or counterfeit passports from countries participating in the visa waiver program. The INS would be required to enter stolen or lost passport numbers into the interpretable visa data system within 72 hours of notification of loss or theft. Until that system is established, the INS must enter that information into an existing data system. So when they come through on the visa waiver program with a stolen passport, that number is hot. That number pops up. Whoever is waving them through knows it.

We know the September attacks were connected with al-Qaeda, which has links in some 60 to 70 countries around the world. It has, in fact, established bases in visa waiver countries such as Albania, Belgium, Bosnia, Croatia, Denmark, France, Germany, Luxemburg, the Netherlands, Spain, Sweden, Switzerland, Turkey, and the United Kingdom.

Al-Qaeda cells exist in these countries. Stolen passports become available. They come in, and no one knows what happened after that time. Clearly, we cannot allow this program to become a passageway for terrorists into our country.

We also have new requirements for passenger manifests. All commercial flights and vessels coming to the United States from international ports must provide manifest information about each passenger, crew member, and other occupants prior to the arrival of that flight or that vessel. That is critical to closing some of these loopholes. The manifest has to get to the INS prior to the arrival of the ship or the plane.

I have checked with airlines as to whether this can be done and whether it is practical. The answer is yes.

In addition, each vessel or aircraft departing from the United States for any destination outside of the United States must provide manifest information before departure. By 2003, the manifest must be transmitted electronically.

The Attorney General would be authorized to extend manifest requirements to any public or private carrier transporting persons to or from the United States.

The Attorney General may impose a fine on carriers that fail to provide manifest information or those who provide inaccurate, incomplete, or false information.

This section of the bill also eliminates the 45-minute deadline to clear arriving passengers which now exist in law.

This legislation also includes other concrete steps to restore integrity to the immigration and visa process, including the following new travel document requirements.

The bill would require all visa, passports, and other travel documents to be fraud and tamper resistant and contain biometric data by October 26, 2003.

The legislation would also require all foreign nationals to be fingerprinted, and when appropriate submit other biometric data to the State Department when applying for a visa.

That is reasonable. It has to be done. This provision should help to eliminate fraud as well as identify potential threats to the country before they gain access.

There is a provision on nonimmigrants from certain countries. The bill would prohibit the issuance of nonimmigrant visas to nationals from countries designated as state-sponsored international terrorism, unless the Secretary of State, after consulting with the Attorney General and the heads of other appropriate agencies, determines that the individual poses no safety or security threat to the United States.

Student visa reforms: We worked closely with the university community in crafting new strict requirements for the student visa program to crack down on fraud—to make sure that students really are attending classes, and to give the Government the ability to track any foreign national who arrives on a student visa but fails to enroll in school.

Prior to 9–11, I think it is fair to say that the American academic community didn't really want to have this responsibility. After 9–11, to some extent, they still didn't.

That is when I came forward with perhaps a moratorium on the student visa program. Then they came in and agreed to assume additional responsibility.

I am very grateful to the university associations for their leadership in this matter. I know it is additional work for schools. But I also think if the schools receive the tuition, and if the schools receive the individuals, there has to be a private sector sharing of this responsibility as well. That is just, and that it is appropriate. I believe the university community now agrees with this.

I am very grateful to them for their cooperation. The legislation also reforms the student visa process by doing the following: It would require the Attorney General to notify schools of the student's date of entry and require the schools to notify—this is important—the INS if a student has not reported to school within 30 days of the beginning of an academic term.

The monitoring program does not preselect such information as the student's date of entry, the port of entry, the date of school enrollment, the date the student leaves the school, graduates, or quits the degree program or field of study. That, and other significant information, will now be collected.

I think it is important. I do not believe the people of my State or the people of America want us to give advanced nuclear training to those who would conduct a nuclear program and use that program against us. We know we have trained the head of the Iraqi nuclear program. We know we have given a higher education to the head of the Islamic Jihad. I do not think our people want us to do that. I, as one Member of this Senate, really rebel against that kind of thing. I don't want to train people who will create enormous danger to all of our citizens.

I think we can't entirely avoid it, but we can have those systems in place that guard against it. We at present do not.

We would also require the INS, in consultation with the State Department, to monitor the various steps involved in admitting foreign students and to notify the school of the student's entry. This does not presently happen.

It would also require the school to notify INS if a student has not reported for school no more than 30 days after the deadline for registering for classes. So if you are supposed to register and you do not register for 30 days, right now the INS doesn't know that. You can be long gone. They do not know it. This would be the school's responsibility. The schools are prepared to accept that responsibility.

We would also mandate the INS to conduct a periodic review of educational institutions to monitor their compliance with recordkeeping and reporting requirements. If an institution or program fails to comply, their authorization to accept foreign students may be revoked. While the INS currently reviews educational institutions, reviews have not been done consistently in recent years, and some schools are not diligent in their recordkeeping and reporting responsibilities.

As to more border personnel, this section authorizes an increase of at least 1,000 INS inspectors. If you were there—and I believe you were, Madam President, this morning at our hearing—you heard the immigration specialist say how very important the INS

inspector is; how overburdened—and underpaid, I would add—they are. This bill would change both of those. It would add 1,000 INS investigative personnel, 1,000 Customs Service inspectors, and additional associated support staff in each of fiscal years 2002 through 2006, to be employed at either the northern or southern border.

As to better INS pay and staffing, to help INS retain Border Patrol officers and inspectors, this section would raise their pay grade and permit the hiring of additional support staff.

As to enhanced Border Patrol and Customs training to enhance our ability to identify and intercept would-be terrorists at the border, funds are provided for the regular training of Border Patrol, Customs agents, and INS inspectors. In addition, funds are provided to agencies staffing U.S. ports of entry for continuing cross-training, to fully train inspectors in using lookout databases and monitoring passenger traffic patterns, and to expand the carrier consultant program.

As to better State Department information and training, this section authorizes funding to improve the security features of the Department of State screening of visa applicants. Improved security features include better coordination of international intelligence information, additional staff, and continuous ongoing training of consular officers.

The bill contains a number of other related provisions as well, but the gist of this legislation is this: Where we can provide law enforcement more information about potentially dangerous foreign nationals, we do so. Where we can reform our border crossing system to weed out and deter terrorists and others who would do us harm, we do so. And where we can update technology to meet the demands of modern war against terror, we do that as well.

As we prepare to modify our immigration system, we must be sure to enact changes that are realistic and feasible. We must also provide the necessary tools to implement them, and the money to pay for it all. I think Senator BYRD was eloquent this morning in expressing that.

We have a lot to do, but I am confident that we will move swiftly to address these important issues. The legislation Senators KENNEDY, BROWNBACK, KYL, and I crafted is an important and strong first step, but this is only the beginning of a long and difficult process because our entire intent, our body language, our laws, our philosophy, has been to have a very liberal, open border. Now we cannot afford to do that.

Madam President, I would like to respond to any concern anyone might have that this bill is anti-immigrant. We are a nation of immigrants. The United States takes more immigrants legally each year than all of the other industrialized nations on Earth put together. So we are a nation of immigrants. We recognize it; we respect it. It is what the Statue of Liberty stands for. And we have followed it.

The overwhelming percentage of people who come to live in this country do so to enjoy the blessings of liberty, equality, and opportunity. The overwhelming percentage of the people who visit this country mean us no harm, but there are several thousand innocent people, including foreign nationals, who were killed on September 11—in part because a network of fanatics determined to wreak death, destruction, and terror. They exploited the weaknesses of our immigration system to come here, to stay here, to study here, and to kill here.

We learned at Oklahoma City that not all terrorists are foreign nationals. But the world is a dangerous place and the world is peopled with regimes that would destroy us if they had a chance.

We are all casualties of September 11. Our society has necessarily changed as our perception of the threats we face has changed. The blinders have fallen from our eyes. Clearly, we need to address the vulnerabilities in our immigration system that September 11 painfully revealed.

O, that we had done it after the 1993 bombing of the World Trade Center.

When one of the bombers was being moved after 9–11, he said to the FBI agent moving him: If I only had the money and explosives, I could have done what was done on September 11, in 1993.

The changes we need to make in our system will inconvenience people. Let there be no doubt. Once implemented, however, those changes will make it easier for law-abiding foreign visitors either to visit or to study here, and for law-abiding immigrants who want to live here to do so. More importantly, once they are here, their safety—and our safety—will be greatly enhanced.

We must do everything we can to deter the terrorists, here and abroad, who would do us harm. From the Pentagon to downtown Manhattan, we have learned just how high the stakes are. It would dishonor the innocent victims of September 11 and the brave men and women in our Armed Forces who are defending our liberty at this very instant if we failed in this effort.

So it is extraordinarily important that we enact the Enhanced Border Security and Visa Entry Reform Act. I urge the bipartisan leadership of the Senate to join with us in gaining final passage of this important legislation.

Thank you, Madam President. 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.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I would also like the RECORD to reflect the following:

In fiscal year 1999, the Department of State identified 291 potential nonimmigrants as inadmissible for security or terrorist concerns. Of that number, 101 aliens seeking nonimmigrant visas were specifically identified for terrorist activities, but 35 of them were able to overcome the ineligibility.

Including the 19 September 11 hijackers, 47 foreign-born individuals have been charged, pled guilty, or been convicted of involvement in terrorism on U.S. soil in the last 10 years. Of the 47 terrorists, at least 13 had overstayed a temporary visa at some point prior to taking part in terrorist activity, including September 11 ring leader Mohamed Atta. Therefore, tracking visa overstays is a very important part of what we are trying to do.

One other fact: Some reports indicate that Khalid Al Midhar, who probably flew American Airlines flight 77 into the Pentagon, was identified as a terrorist by the CIA in January 2001, but his name was not given to the watch list until August 2001. Unfortunately, he had already reentered the United States in July 2001.

I should point out that there is some debate about exactly when the CIA identified him as a terrorist. But if it really did take the CIA several months to put his name on the list, as PBS's ''Frontline'' has reported, then that is a serious problem because we might have stopped him from entering the country had they shared this information sooner. This, of course, speaks to the issue of sharing information between Federal agencies.

Let me just add some information on absconders and detainees.

In December 2001, INS estimated that 314,000 foreigners who have been ordered deported are at large. More recent estimates, released in March 2002, suggest there may be at least 425,000 such absconders. At least 6,000 were identified as coming from countries considered al-Qaeda strongholds.

In a report released in February 2002, the U.S. General Accounting Office said that antifraud efforts at the INS are ''fragmented and unfocused'' and that enforcement of immigration law remains a low priority—that enforcement of immigration law remains a low priority.

The report found that the agency had only 40 jobs for detecting fraud in 4 million applications for immigrant benefits in the year 2000. I think that is a clear indication that the additional personnel provided for in this bill are truly necessary.

Since there is no one else on the floor at the present time, I would like to also put in the RECORD some border agency statistics.

There are 1,800 inspectors at ports of entry along the U.S. borders.

The Customs Service has 3,000 inspectors to check the 1.4 million people and 360,000 vehicles that cross the border daily—1.4 million people and 360,000 vehicles daily.

The 2,000-mile-long Mexican border has 33 ports of entry and 9,106 Border Patrol agents to guard them.

In October 2001, there were 334 Border Patrol agents assigned to the nearly 4,000-mile-long northern border between the United States and Canada. This number of agents clearly cannot cover all shifts 24 hours a day, 7 days a week, leaving some sections of the border open without coverage.

The Office of the Inspector General found that one northern border sector had identified 65 smuggling corridors along the 300 miles of border within its area of responsibility.

INS intelligence officers have admitted that criminals along the northern border monitor the Border Patrol's radio communications and observe their actions. This enables them to know the times when the fewest agents are on duty and to plan illegal actions accordingly.

The primary tool available to INS inspectors during the inspections process is the Interagency Border Inspection System, known as IBIS, which allows INS inspectors to search a variety of databases containing records and lookouts of individuals of particular concern to the United States.

A 1999 Office of the Inspector General report found, however, that INS inspectors at U.S. ports of entry were not consistently checking passport numbers with IBIS. INS officers also failed to enter lost or stolen passports from visa waiver countries into IBIS in a timely, accurate, or consistent manner. One senior INS official from Miami International Airport told the OIG that he was not even aware of any INS policy that required the entry of stolen passport numbers.

I thank the Chair and yield the floor.

I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I know Senators BROWNBACK, KYL, and DORGAN will come to the Chamber shortly to speak. In the interim before they appear, I wanted to just make a couple of budget points, at least as I understand them.

The committee, I believe the Appropriations Committee as well, has the INS-anticipated budget numbers—Senator KENNEDY referred to them—that the total cost to implement the bill, according to the INS, is $3,132,307,000. The amount of the first year's cost is $1.187 billion. There is $743 million additional in the President's budget, which leaves a net deficit of $187,959,000.

Of the $40 billion we appropriated after the 9–11 attacks, $20 billion to New York City and $20 billion for discretionary funding, it is my understanding the administration has allocated all but $327 million of that $10 billion. I don't know whether that money is available to be put into this program. We certainly will look and determine that.

I agree with those in the Senate who believe homeland defense is extraordinarily important; that this asymmetrical warfare we are engaged in is going to last a substantial period of time, perhaps a decade or more; and that when we took this oath of office, we ought not only uphold the Constitution but also protect and defend our people. Therefore, if we are really to carry this out, this becomes a very high priority item.

I am hopeful the money will be appropriated. I believe it will. There is now a commitment on both sides of the aisle to do so. It is going to take much more money than we even recognize at the present time, but I believe the American people want us to do that. Therefore, we certainly should.

I don't see any of the other Senators in the Chamber at this time. I ask unanimous consent to print in the RECORD a letter by Bruce Josten on behalf of the U.S. Chamber of Commerce supporting the bill.

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

MARCH 1, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the U.S. Chamber of Commerce, I would like to urge you to bring to the floor as soon as possible the Enhanced Border Security and Visa Entry Reform Act of 2001 (H.R. 3525/S. 1749). As you know, the Chamber and its members have been long concerned about the security and efficiency of our borders for commerce and travel. We believe this legislation goes a long way toward achieving those goals and is particularly necessary following the tragic events of September 11. The legislation has broad bipartisan support, and already passed the U.S. House of Representatives by voice vote on December 19, 2001.

This legislation takes a careful and reasoned approach to the issue of border security, and we strongly support the provisions to increase resources for technology and personnel for our Immigration and Customs Services, enhance data sharing capabilities expand pre-clearance and pre-inspection programs, and direct Federal agencies to work with our NAFTA partners to ensure our joint security while enhancing the flow of legitimate commerce and travel across shared borders. These changes are long overdue.

While we understand that Congress must provide adequate funding if the ambitious deadlines set forth in the legislation are to be met, further delay in this legislation will only postpone the needed reforms that can provide both security and efficiency to our inspections processes. Such changes will allow business to look to the future of cross-border travel and trade with some sense of stability.

We look forward to working with you to secure passage of this legislation, and working with the Congress and the Administration on its implementation.

Sincerely,

R. BRUCE JOSTEN.

Mrs. FEINSTEIN. I ask unanimous consent to have printed in the RECORD letters from a number of other organizations: the American Council on International Personnel; the Alliance for International Education and Cultural Exchange; Americans for Better Borders; and the host of agencies that are reflected by the Family of September 11th Victims; and by the Association of International Educators; and the University of California as well.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATION,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Chair, Subcommittee on Technology, Terrorism and Government Information, U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of the Nation's largest association of international education professionals—with more than 8,000 members nationwide, including 992 in California—to express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act.

We have a particular interest in those parts of the bill that pertain to international students and scholars. We have worked closely with your offices to ensure that the bill includes any necessary provisions with respect to visa screening and student tracking, while at the same time maintaining the openness to international students and scholars that is itself important to our Nation's security. In our judgment, the bill strikes that crucial balance, and we congratulate you for your work.

We look forward to early enactment of this legislation, and we pledge our ongoing cooperation to ensure its successful implementation.

Sincerely,

MARLENE M. JOHNSON,
Executive Director and CEO.

AMERICANS FOR BETTER BORDERS,
Washington, DC, March 8, 2002.

To Members of the U.S. Senate:

We urge you to help bring S. 1749 to the floor, the Enhanced Border Security and Visa Entry Reform Act of 2002 sponsored by Senators Kennedy, Brownback, Feinstein, and Kyl. In December, the House passed H.R. 3525, the companion measure, by voice vote. The Senate should quickly follow suit.

Almost six months have passed since the September 11 terrorist attacks. Since that time we, like the rest of the nation, have focused on how to enhance our Nation's security through constructive changes to our immigration policies. This legislation takes a significant step in ensuring that our Nation's immigration policies are in line with our common goal of effectively deterring terrorism. It includes many long-overdue reforms that will deter terrorism by developing layers of protection both outside and within the U.S., and help our country increase its intelligence capacity. It provides authorization for increased funding to support additional personnel and technology at our border agencies, mandates better cooperation among border agencies, and encourages further cooperation on a North American Security Perimeter with Canada and Mexico. The bill requires new and advance information sharing between the privates sector and government agencies, and enhances the use of biometrics in our visas and passports.

While we support all of these efforts, we are aware that this bill also poses significant challenges to the agencies and Congress to implement new technologies and processes in very short deadlines. Congress must allocate

adequate, ongoing resources to ensure that these deadlines are met and new systems are property maintained and updated into the future. Reliance on user fees will not be adequate for this national security priority. Furthermore, if it proves impossible to meet the deadlines in this legislation, Congress must be willing to revisit them to ensure that the legitimate cross-border flow of people, commerce and goods can continue, or our economic security may be jeopardized.

Given the importance of this measure, we urge its swift passage in the Senate and signature by the President. For our part, we in the private sector pledge to work closely with Congress and the agencies to ensure swift and effective implementation of these needed reforms.

Sincerely,

American Council on International Personnel.
American Hotel & Lodging Association.
American Immigration Lawyers Association.
American Trucking Associations.
Bellingham (WA) City Council.
Bellingham/Whatcom Chamber of Commerce & Industry.
Bellingham Whatcom Economic Development Council.
Border Trade Alliance.
Canadian/American Border Trade Alliance.
Detroit Regional Chamber.
Eastman Kodak Company.
Fresh Produce Association of the Americas.
Greater El Paso Chamber of Commerce.
Greater Houston Partnership.
International Mass Retail Association.
International Trade Alliance of Spokane, WA.
National Alliance of Gateway Communities.
National Association of RV Parks & Campgrounds.
National Customs Brokers and Forwarders Association of America.
National Retail Federation.
National Tour Association.
Pacific Corridor Enterprise Council (PACE).
Plattsburgh-North Country Chamber of Commerce.
Quebec-New York Corridor Coalition.
Southeast Tourism Society.
The National Industrial Transportation League.
Travel Industry Association of America.
U.S. Chamber of Commerce.
Western States Tourism Policy Council.

ALLIANCE FOR INTERNATIONAL EDUCATION AND CULTURAL EXCHANGE,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Chair, Subcommittee on Technology, Terrorism and Government Information, Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of the Alliance for International Educational and Cultural Exchange, an association of 65 American nongovernmental organizations that conduct exchange programs of all types. We wish to congratulate you and express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act.

We have worked with your staffs as the legislation has developed, and have had opportunities for input to help ensure that the bill strikes the right balance between our strong national interests in increased security and in continued openness to exchange visitors, students, and scholars from around the world. We believe you have succeeded in accomplishing that important goal.

We look forward to the passage of this legislation, and to continuing to work with you to ensure that the United States remains fully, and safely, engaged with the world.

Sincerely,

MICHAEL MCCARRY,
Executive Director.

MARCH 8, 2002.

DEAR SENATOR: We write to urge you to cosponsor and help enact S. 1749/H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act of 2001, and to commend Senators Feinstein, Kyl, Brownback and Kennedy for their leadership in developing this important measure. We support their compromise version.

This legislation includes constructive changes to our immigration policies that can help strengthen our nation's security. These changes fill current gaps in our immigration system and will increase our nation's intelligence capacity as well as develop layers of protection both outside and within the U.S. Among other provisions, this bill:

Provides consular and border personnel with the training, facilities and data needed to prevent the entry of people who intend to do this country harm.

Calls for vital improvements in technology to provide more timely information.

Authorizes increased funding for the Department of State and the Immigration and Naturalization Service so that they, along with other federal agencies, can coordinate and share information needed to identify and intercept terrorists.

Calls for a study to determine the feasibility of an North American Perimeter Safety Zone. This study includes a review of the feasibility of expanding and developing preclearance and pre-inspections programs with protections for persons fleeing persecution.

Includes provisions for a workable entry-exit control system.

Provides for a one-year extension of the deadline for individuals crossing the border to acquire biometric border crossing cards.

S. 1749/H.R. 3525 is a bipartisan effort that merits your cosponsorship and swift passage. The House passed this measure in December. We urge the Senate to immediately take up and pass this measure as well.

Sincerely,

American Immigration Lawyers Association.
Church World Service.
Episcopal Migration Ministries.
Hebrew Immigrant Aid Society.
Immigration and Refugee Services of America.
Institute of International Law and Economic Development.
Leadership Conference for Civil Rights.
Lutheran Immigration and Refugee Services.
National Association of Latino Elected and Appointed Officials.
National Council of La Raza.
National Immigration Forum.

AMERICAN COUNCIL ON INTERNATIONAL PERSONNEL, INC.,
New York/Washington, DC, December 11, 2001.

Hon. DIANNE FEINSTEIN,
Washington, DC.

DEAR SENATOR FEINSTEIN: The American Council on International Personnel (ACIP) would like to thank you for your leadership in enhancing our Nation's security. ACIP believes the Enhanced Border Security and Visa Entry Reform Act of 2001 (S. 1749) takes appropriate measures to better screen and track foreign visitors without imposing unreasonable burdens on the mobility of international personnel so vital to our Nation's economy.

ACIP is not-for-profit organization of 300 corporate and institutional members with an interest in the global mobility of personnel. Each of our members employs at least 500 employees worldwide; and in total our members employ millions of U.S. citizens and foreign nationals in all industries throughout the United States. ACIP sponsors seminars and producers publications aimed at educating human resource professionals on compliance with immigration laws, and works with Congress and the Executive Branch to facilitate the movement of international personnel.

ACIP has long supported the enhanced use of electronic communications and information technology to process immigration petitions and visas, assess risks, identify fraud, and speed legitimate foreign visitors across the borders. ACIP members are heavy users of the INSPASS and Visa Waiver programs. We believe that in the long run, machine-readable documents and biometric technology will make these programs even more successful. We fully support the expansion of preclearance, the integration of agency databases and the electronic transmission of visa files and passenger manifests and hope this will eventually be used to facilitate legitimate travelers as well as to apprehend those who pose a threat. Efforts to standardize our laws with neighboring countries is also a welcome step that should facilitate commerce. In addition, ACIP is authorized to maintain an Umbrella J Visa program for international trainees employed by our member companies. While it is unclear whether the Foreign Student Monitoring Program will eventually be extended to programs such as ours, ACIP would be pleased to participate in any pilot programs.

We appreciate that S. 1749 provides authorizations to implement and maintain these important programs. We look forward to your leadership in ensuring that adequate funds are appropriated to enable the agencies to carry out these missions within the ambitious timeframes. ACIP looks forward to assisting you in this important work.

Sincerely,

LYNN FRENDT SHOTWELL,
Legal Counsel and Director of Government Relations.

UNIVERSITY OF CALIFORNIA
Oakland, CA, December 3, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the University of California, I am pleased to express our support for the provisions regarding student visas in The Enhanced Border Security and Visa Entry Reform Act of 2001. This legislation reflects a well-crafted balance between the nation's need to enhance security with the benefits of international education.

The University of California has more than 9,000 undergraduate and graduate foreign students and approximately 23,000 foreign students in our Extension programs. We value the contributions these students, and all of our students, are making to education and research. Like you, we recognize the tremendous benefits that UC students provide to California and to our nation. International education is one of our nation's best tools for sharing democratic ideas around the world; we believe the instruction and research opportunities UC provides are helping to better shape our nation and democracy abroad.

The legislation you have introduced with Senator Kyl, Senator Kennedy, and Senator Brownback will strengthen and accelerate implementation of the foreign student tracking system (SEVIS), and will provide interim measures until that system is operational. On October 12, I wrote President Bush asking him to support your request of $36.8 million

for SEVIS. It is my hope that Congress and the administration recognize the need to fund fully this tracking system. You may be interested to know that our campuses are already working with the Immigration and Naturalization Service (INS) to ensure the effective deployment of this system.

My colleagues and I appreciate your effort to work with us in developing language that is agreeable to the University and addresses your concerns about strengthening the student visa system. As we have stated, the University of California is ready to work with the INS and other relevant agencies in implementing this legislation. Furthermore, we hope that cooperative discussions will continue regarding the collection of the fee associated with the tracking system.

Thank you for your leadership on national security issues and your interest in working with the University of California.

Sincerely,

RICAHRD C. ATKINSON,
President.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. I note the distinguished Senator from Arizona has come to the Chamber. He is the ranking member of the Subcommittee on Technology and Terrorism and has been the driving force behind this legislation. I thank him for all his help. It has been a long road, but we are almost there, we hope. I know he wants to make some remarks at this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, Senator FEINSTEIN, and I have been working on issues relating to terrorism from the time I first came to the Senate. We have been either chairman or ranking member, respectively, of the committee ever since that time. I can think of few issues that have galvanized our attention and effort—I can't think of any that have accomplished that—as much as this legislation.

Of course, the reason is it is in response to what we found in the aftermath of September 11—specifically, how the 19 terrorists who came into the country and performed their evil deeds actually got here. What we found, through testimony before the committee, was that they had all gotten here legally with visas. When we talked to the people who granted those visas and worked in the system, many of them expressed great sorrow and disappointment that they had granted the visas. But one in particular testified that, of course, she had no choice because she had no information that would have told her she should deny the visa.

That one little story is a metaphor for what is in this legislation. If we had provided information to the people who grant visas, that would have raised a red flag, at least with respect to some of these terrorists, that would have caused the consular offices to say, wait a minute, maybe we should not grant this visa.

I remember the testimony of one official saying, it is like the driver of the car who is going through the school zone at 15 miles per hour and a child runs out from between parked cars. You hit the child and injure that child. You feel horrible about it, but you say: There is nothing I could do about it; I was driving 15 miles an hour through the school zone, doing what I was supposed to do, and the child ran out in front of me. I could sense the degree of angst when she testified saying: Yes, we granted this visa to Mohamed Atta, but we didn't know. They could not know because we didn't have the system in place to tell them that some of these people should have been denied visas.

We also had people coming in on student visas and then they stopped going to class. This legislation that Senator FEINSTEIN has talked about closes loopholes in the existing law that permit people who mean to do us harm to come into this country and stay here without being detected. There is no question that, even if we passed this legislation, it would still be possible for a terrorist to sneak into this country and do something wrong. But if we pass this law and get it effective immediately, we can reduce substantially the probability that terrorists, such as those who came here prior to September 11, will ever be able to do that again.

That is the essence of the bill. I am not going to take the time this afternoon to go through the bill piece by piece. I will just mention a couple of features of it in very general terms to make my point.

Due to Senator FEINSTEIN's work, we found that prior to September 11, schools in the United States actively recruited foreign students because they paid a pretty high tuition to come to the schools, and the schools need money. We know that all of our schools, from the prestigious universities down to trade schools, can use extra money. So they advertise for foreign students, who come here by the hundreds of thousands. We welcome them with open arms. But Senator FEINSTEIN at one point said: Do you think we should be a little more careful about who actually gets visas? The school said: Oh, no, we need the money. That may not be exactly what they said, but that was the reason for being skeptical of any limitations that might be placed on their recruitment of these students.

So what Senator FEINSTEIN said—and I joined her in this effort—was let's craft a series of procedures that accompany the application for the student visa, the accounting for that visa to the INS and Customs and the State Department, and the confirmation back to the school that the individual should be arriving because the student visa has been granted, and a confirmation back to the U.S. Government that the student is in fact enrolled in school, and so on—a series of procedures that make it much more likely that the students these schools recruit actually will come to the school, attend classes, and won't be involved in terrorism.

The multiple forms they used to have that INS used—the so-called I–20 form—will no longer be filled out by lots of different schools that each accept the student for attendance. All of those forms, in the past, have been either sold or shopped around in one way or another for people to come into the United States ostensibly with a proper I–20 form from a school by which they have been accepted. But, of course, it was a fraud because the student only went to 1 of the 10 schools by which he was accepted. He shopped around the other forms to friends who used them to come into the United States.

That is one of the many ways we have tightened up the law. We found that people were coming into the country from nations that are on our terrorist list, such as Syria, a state sponsor of terrorism. Even after September 11, it was into the teens—I think something like 19 students wanted to come and learn how to fly big airplanes in the United States from a country that is a state sponsor of terrorism, so designated by the State Department. Our legislation makes it much more difficult for that to happen. In fact, it puts the burden on the students to prove they are not going to be engaged in terrorism. They can still come, but they have a burden of proof there.

One of the most important things we do is coordinate information that we gather on people abroad who want to come here, whether it is the CIA, FBI, INS, State Department, or even international agencies such as Interpol, or anyone else who may have information that would cast doubt on whether an individual should be granted a visa.

All of that information will be available. It will not be put together in one database, but it is going to be accessible to the people who make the decision whether to grant a visa. The consular officer will be able to scroll down the list, and when he finds the name of the person involved, he will see whether or not there is a red flag there. It may say don't grant a visa because he is wanted for a felony. That is fairly easy. It may say there is information pertaining to this individual that can only be shared with a very limited number of people, but it has a bearing on potential terrorism, and therefore you need to back this up to your supervisor who can have access to the classified information. One way or the other, though, any information that should be available to the people who make the decisions will be made available. That is probably the central feature of this legislation. It is going to cost money.

Senator BYRD spoke before the Immigration Subcommittee this morning,

and he said: I sure hope that if we pass this bill, you will all support the appropriations necessary to fund it. We all made the commitment that we indeed would do that—that, clearly, we are going to have to have the support of the INS and the appropriators in Congress and the rest of us to ensure that once we authorize this closing of loopholes, the programs we put into place to do that will be funded properly and will be administered by the INS.

Senator BYRD raised the question about whether or not we should reform INS first. I don't think there is one of us here who doesn't think they need to reform INS. But, clearly, we cannot wait. We cannot allow terrorists to come into this country while we are trying to figure out how to reform INS. We have to ask the people at INS who work hard and try hard to begin to put into place the protections that are embodied in this legislation.

While we are also going about figuring out how to reform the INS, we cannot afford to not proceed with this bill, which would begin to close those loopholes. So I hope our colleagues will come to the floor and debate.

One of the questions was: Should we do this by unanimous consent or should we have debate on the floor? We agreed to have debate. So anybody who wants that opportunity for debate now has it. I think that after today, and perhaps Monday, if they have not come to the floor, we can conclude that in fact there is no more debate necessary on the bill and we can move to its adoption. I hope we can do that very quickly.

I encourage my colleagues who want to speak to come here and do so. If they have amendments, fine, we will consider those. We think it is pretty good without amendments. We are taking up the House-passed bill, and it would be much easier to be able to pass that bill. If there are amendments, let's see what they are. I hope we can quickly get this bill to the President. He said he wants to be able to sign it. I have personally spoken with Governor Tom Ridge, who is anxious to move forward as quickly as possible to get this done.

I think we can at least say we have done what we can do. We cannot do everything to prevent terrorism, but we know we can do some things in the Senate. I have felt pretty bad for the last several months that we have not put this into place. I have asked, have I done everything I can do to get this bill on the floor and get it started on closing the loopholes. The Senate can do something to fight this war on terrorism, and that needs to be done now. I will feel a whole lot better when we have passed this bill and sent it on to the President and he has signed it into law. I will at least know I have done everything I can do, at least with respect to these issues, to make sure we are not again struck by people we should not have allowed into this country.

TRIBUTE TO TOM ALEXANDER

Mr. KYL. Mr. President, I wish to take 2 minutes of my colleagues' time on an extraneous matter, if my colleagues will permit me. We would not be able to do the work we do—I see Senator FEINSTEIN's staff and my colleagues can see my staff sitting here. LaVita and Elizabeth are people who have made it possible for us to get this legislation before the Senate.

Our staff means a great deal to those of us who work with them closely. We know to a significant extent the successes we have are due to their efforts.

Today one of my staff members is leaving my employment to go to the Department of Labor. It is our loss and Secretary Chao's gain. He has worked with me since 1994. Most staff members do not stay around that long. His name is Tom Alexander. There is not a staff member who has ever been employed by me who has worked harder, has been more dedicated, more loyal, and has been more effective on the issues that he has handled than Tom Alexander.

I have told the rest of my staff that if they want an example of who to emulate, how to act, they should think of Tom. He is the kind of person who sets the example, I said, with one caveat: Do not stay around in the evening as long as Tom does. I have told him to go home at 8 or 9 o'clock at night, and that is staying too long. Other than working too hard, Tom has been that exemplary employee who, again, makes us look good.

I will give a couple of notes about him so my colleagues have an idea of the kind of person he is.

He is a former Missouri tax prosecutor and worked in the Reagan White House and served in the first Bush administration Labor Department.

He also previously served on the legislative staff of Representative JIM MCCRERY. I talked with Representative MCCRERY before I offered Tom the job in my office. JIM recommended him highly and, as a result, I was able to hire him.

He is married to Patricia. They have a son born last year, Shane. Tom also has a 14-year-old son, of whom I know he is very proud, a sophomore in high school.

As I said, he has served on my staff since 1994 primarily—that, by the way, is January 1994—primarily working on health care matters. He has also served as my legislative director for the last year or so. He has worked on issues dealing with emergency medical treatment, EMTALA, Medicare private contracting, Patients' Bill of Rights, IHS off-reservation reimbursement issues for Native Americans, antitrust, antigag rule, HMOs, and the teacher tax credit—a variety of issues that are important to the people of Arizona and have resulted in good policies for all of the people of the United States.

It is very rare I come to this Chamber to speak about an employee, but Tom Alexander is special, and I hope by doing so, it will allow folks who are not necessarily familiar with the staff of Senators to get just a little bit of an appreciation as to how much these people mean to us, how important they are in representing all Americans. They are what allow us to make the policies and do the work we do.

From the bottom of my heart, I thank Tom Alexander for his service on behalf of the people of Arizona and the United States and service in my office. Thank you, Tom.

Mr. President, I yield to Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank Senator KYL for those remarks. One of the great treats of my tenure in the Senate, I guess now 9½ years, has been to work with him. I do not think we have ever had a cross word between us. It has been a wonderful working relationship. I am very grateful for it. When we can work across the aisle the way we have worked, we can be much more productive. So I thank the Senator from Arizona for his work. He is a great ranking member. He was a great chairman of the committee. I have enjoyed it thoroughly. I thank him for his work on this bill. I also thank his staff.

I wish to comment about my staff also. She is LaVita Strickland sitting to my right. She is a Judiciary counsel. She is very mild mannered, but she has been very tenacious in the pursuit of the consideration of this bill and has become very forceful. LaVita is enormously talented. I am very proud of her. I thank her for many hours of hard work. I think we have a good product. Thank you very much, LaVita.

I see the Senator from Kansas, the ranking member of the Immigration Subcommittee, has come to the Chamber. I wish to turn this over to him and also thank him for his cooperation. Senator KYL and I sat down with Senators KENNEDY and BROWNBACK and had some good discussions and were able to put this together. Our respective staffs followed up.

I am very grateful to him for his cooperation and leadership as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, might I acknowledge Senator FEINSTEIN. She has talked about our cooperation and working together. I share the pleasure she has had in that relationship. There is nobody I have worked closer with in the Senate, Republican or Democrat, than Senator FEINSTEIN. It has not only been a good experience but has produced good results, such as this legislation.

Since she mentioned LaVita Strickland, I will mention Elizabeth Maier of my staff. Elizabeth is one of the experts on immigration in the Senate. Working with Senator BROWNBACK's staff and Senator KENNEDY's staff, those four staff people, working together in a bipartisan manner, might

suggest to Senators how we can work together in the future. I appreciate the work all of them did. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas, Mr. BROWNBACK, is recognized.

Mr. BROWNBACK. I thank the Chair. Mr. President, I thank my colleagues for putting this bill forward. I particularly thank Senators KENNEDY, FEINSTEIN, and KYL for their great work and leadership on this legislation.

I am delighted that we have this broad bipartisan bill to deal with a serious security issue in this country. I am hopeful we will pass this in short order so we can provide better border security for our Nation. It is a delight to be with them in the Chamber and with my staff, David Neal, who has worked so hard on getting this legislation to the point where we can consider it and hopefully pass it.

The House has acted. The President wants it. We can act in short order and provide greater security at our borders. I thank my colleagues for their leadership and all they have done on this particular bill.

Mr. President, this really is a time of trial for our Nation. Those were horrific acts on September 11 of last fall. We were shocked, and this Nation went into a situation of prosecuting the war on terrorism and building up our defenses at home at the same time. This bill is a key component of building those defenses at home.

Senators FEINSTEIN, KENNEDY, KYL, and myself have worked on the bill. We have to make sure we are secure at home. We have to make sure the people who come into the United States seek to not do us harm but to do us good.

We have millions of border crossings each year. The number I have seen is about 250 million total legal border crossings into the United States each year of people who are not U.S. citizens.

Out of that, we are looking for a handful that seek to do us harm. We have to be able to be very smart about this and very targeted about this in stopping them. We literally are looking for a needle in a hayfield.

I talked previously about it being a needle in a haystack. This literally is a needle in a hayfield.

On September 11, we fell victim to evil of such incomprehensible barbarism we did not see it coming. Confronted with the unthinkable, we find our Nation now being tested. Do we have the ingenuity to defend ourselves from this evil? What protections will we take to safeguard our people and our way of life? Can we thwart terrorism without compromising the freedoms and values that make us strong?

That is the balance Senator KENNEDY, Senator FEINSTEIN, Senator KYL, and myself really sought to try to achieve in this legislation, that balance of protection and safeguarding the freedoms that are America.

I have no doubt we are up to this task. President Bush and the dedicated men and women of the Armed Forces, of law enforcement, and of public service diligently fight the good and noble fight. To all of these people we are very grateful.

I commend the administration for everything it has done and is doing to safeguard our great Nation. However, September 11 has shaken the public's confidence in the laws and institutions that guard our borders. There are nagging concerns about whether our Government is fully prepared to intercept and prevent terrorists as they seek to cross our borders. That is why last fall my distinguished colleagues, Senator KENNEDY, Senator KYL, Senator FEINSTEIN, and I, combined our efforts to craft legislation that would close the security gaps in our immigration system and make needed reform to our visa practices.

We assembled the legislation before us, the Enhanced Border Security and Visa Entry Reform Act of 2002, to address several critical weaknesses in our border security. Let me underscore this point: Our legislation does not make desirable changes to our law and practices; It makes essential changes. It makes essential changes that we need not now do; we needed them yesterday.

The importance of doing such now is critical. We should have done it yesterday, but now is the time we can finally do it. These are not desirable; they are essential. We do not need them today. We needed them yesterday. We have to get this done.

The provisions in this legislation are not created out of hurried or rash deliberation. Far from it. The border security bill was carefully vetted with our colleagues in the Senate before its introduction last November, and it was carefully manipulated and worked in bicameral negotiations before its passage by the House last December. There were lots of negotiations, discussions, and people from whom we solicited input on what we should be doing.

This legislation has widespread support in the Senate, including the majority leader, the minority leader, the chairman and ranking member of the Judiciary Committee, the chairman and ranking member of the Immigration Subcommittee, and the chairman and ranking member of the Technology and Terrorism Subcommittee.

This legislation has ringing endorsements from a wide array of interests in the public, including family groups, business groups, law enforcement and academic institutions. We have extensively consulted experts from both within the executive branch and outside it. In short, we have utilized the insights of the affected agencies and the affected public. Even though the legislation may contain some tough provisions, the people and entities affected by this legislation see the wisdom in it.

This bill has broad bipartisan support for it carefully balances all the competing interests in the immigration equation. Our Nation receives millions of foreign nationals each year, persons who come to the United States to visit family, to do business, to tour our sites, to study and to learn. Most of these people enter lawfully. They are our relatives, our friends, and our business partners. They are good for our economy and a witness to our democracy and our way of life. They become our ambassadors of goodwill to their own countries.

We do not want terrorists to shut our doors to the people we want to visit. At the same time, we must take intelligent measures to keep out the small fraction of people who mean us harm. This legislation requires such measures and makes them possible.

The terrorists of September 11 exploited our lack of information and governmental coordination. The border security bill recognizes that the war on terrorism is, in large part, a war of information. To be successful, we must improve our ability to collect, compile, and utilize information critical to our safety and our national security. This bill, therefore, requires that the agencies tasked with screening visa applications and applicants for admission to the United States, namely the Department of State and the Immigration and Naturalization Service, be provided with law enforcement and intelligence information necessary for them to identify terrorists.

By directing better coordination and access, this legislation will bring together the agencies that have the information and others that need it, making prompt and effective information sharing between those agencies a reality.

Of course, to the degree we can realistically do so, we should seek to intercept terrorists well before they reach our borders. We must, therefore, consider security measures to be placed not only at domestic ports of entry but also at foreign ports of departure. To that end, this legislation directs the State Department and the Service to examine, expand, and enhance screening procedures to take place outside the United States, such as preinspection and preclearance. It also requires international air carriers to transmit passenger manifests for prearrival review by the Service.

Further, it eliminates the 45-minute statutory limit on airport inspections which compromises the Service's ability to screen arriving flights properly.

Finally, this bill requires these agencies to work with Canada and Mexico to create a collaborative North American security perimeter, and this is a point that I want to emphasize, as some of my colleagues have already. We need to extend the perimeters of our borders in this country to include Canada and Mexico.

I was with the Attorney General last spring, in March of last year, before September 11, at the El Paso INS detention facility. At that detention facility were people who had tried to come across our borders illegally.

There were people there from 59 different countries, many of whom had come in through Central America, some places in South America, had taken land transportation up through Central America, through Mexico, to our borders. We need to extend that perimeter to include Canada and Mexico and work closely and cooperatively with them to be able to stop these people when they are in the process of trying to enter illegally into the United States.

While this legislation mandates certain technological improvements, it does not ignore the human element in the security equation. This bill requires that terrorist lookout committees be instituted at every consular post and the consular offices be given special training for identifying would-be terrorists. It also provides special training to Border Patrol agents, inspectors, and Foreign Service officers to better identify terrorists and security threats to the United States.

This legislation considers certain classes of aliens that raise security concerns for our country, nationals from states that sponsor terrorism and foreign students from those countries. This bill expressly prohibits the State Department from issuing a non-immigration visa to any alien from a country that sponsors terrorism until it has been determined that the alien does not pose a security threat to the safety or national security of the United States.

As for students, this legislation fills data and reporting gaps in our foreign student programs by requiring the Service to electronically monitor every stage in the student visa process. It also requires the school to report a foreign student's failure to enroll, and the Service to monitor a school's compliance with this reporting requirement.

We certainly should be careful not to compromise our values or our economy in this border security measure. However, we must take intelligent steps to enhance the security of our borders, and we must do so now.

This legislation, which was already urgently needed when it was introduced and put forward last fall, does just what I have articulated and does so without compromising our values or our economy. I certainly will urge the swift passage of this critical legislation.

I inform Members we held a hearing this morning on this piece of legislation. We had an expert from the American Immigration Lawyers Association, Miss Kathleen Cambell Walker, who went through the various provisions of the bill and her strong support for it. She noted a couple of key things I will pass on to Members. She felt it was critical to put the increased funding for inspectors into the Immigration and Naturalization Service. It is good what we are doing. She supports the legislation and thinks it is the right thing to do, but we need more inspectors to enforce it, not just Border Patrol but inspectors to make sure the laws are followed.

Senator BYRD appeared before our committee after her and testified about his desire to adequately fund this task, his desire to do it last fall, and the need to be able to do that now. Within the President's budget is $742 million to help fund the enhanced border security measure.

The committee, in our deliberations, from the information we received from the Department of Justice, said this would take about $3.1 billion for total implementation, about $1.13 billion this year for the initial first year implementation, to give Members some idea of the cost we are talking about. Over half, two-thirds, of the cost for this year's implementation is already built into the Bush budget. That is an important step we are taking to get the money needed to help enhance this legislation and get it passed.

We have to have this information sharing. We have talked about it, but the key point I make is currently we collect information from a number of different sources. INS has information, CIA has information, DIA, the FBI has information. They are mostly in stovepipes. We have to get the information shared when we are looking for the needle in the haystack, this bad person who seeks to come into our country and do harm, among the millions who seek to come to our country and do good. We need to know this of somebody desiring ill toward the United States so we will be able to get at them. That information sharing is critical.

We need to have resources in the system to make sure if we put in biometric cards we have biometric readers at the borders, equipment that can read that. That funding will be critical to this legislation.

Down the road, we are going to have to consider reorganization of the INS. Bills are pending in the House to do that. We are working on one now in the Senate. We should not wait on that reorganization before we do the border security enhancement. It is important we do this border security enhancement now. The reorganization of the INS will take some time. We needed this legislation yesterday, last year. We should not wait on that to hold up this piece of legislation.

I discussed the preinspection and the passenger manifest list, the student program. We get a number of foreign students in the United States. It is important we have them. We have to have better tracking of the foreign students. It is reported in the committee that two involved in September 11 were here on student visas. They did not report to their student sites. We need better monitoring of foreign students. We can head some of this off in the future if we monitor foreign students.

We have other provisions but those are the most important. We need to pass this bill. We should not take more than, I hope, a day or two to get it debated and consider any amendments, to get this passed and to the President. The House has acted. It has passed this measure. We need to act and get it to the President to secure our borders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in strong support of the Enhanced Border Security and Visa Entry Reform Act of 2001, of which I am an original cosponsor. I am relieved that the Senate is finally considering this bill, which the House has passed not once, but twice, and has the strong support of President Bush.

With the passage of the USA Patriot Act, Congress resolved some of the ambiguities in the Immigration and Nationality Act as it related to the admission and deportation of terrorists. We also provided the Attorney General the power to detain suspected terrorists before they could do further harm. The changes to the law were very necessary, but more must be done.

The Enhanced Border Security and Visa Entry Reform Act of 2001 closes additional loopholes in our immigration law, procedure, and practice that have in the past provided terrorists access to our country. First, it strengthens our initial line of defense—the borders and our embassies abroad—by providing additional staff and training. Moreover, it breaks down some of the barriers that have prevented a comprehensive data sharing operation between intelligence agencies, law enforcement, the State Department, and the Immigration and Naturalization Service and compels the use of biometric technology to enhance our ability to confirm the identity of those seeking admission into our country.

Second, it restricts the issuance of nonimmigrant visas to nationals of countries that sponsor terrorism by requiring that our government first conclude that the admission of that person poses no safety or national security threat to the United States. And it repeals that provision of the law compelling a 45-minute clearance time for arriving aliens at our ports of entry, which has, to date, handcuffed the INS's ability to properly screen all incoming travelers.

Finally, it solves some of the problems with our foreign student program. The bill provides for increased data collection from students so we can know more precisely who they are and where they will reside while in the United States. Also, under this bill, the State Department must now confirm that the student has been admitted to a qualified educational institution before it can issue any student visa, and the schools themselves will be placed under the affirmative obligation of reporting, every single term, those who fail to attend. Finally, the bill requires the INS to periodically review the educational institutions and other entities authorized to enroll or sponsor foreign students to determine whether they

are complying with prescribed reporting requirements.

This bill deserves our support. The House of Representatives moved quickly on its passage last December and, again, last month. They recognized the need for its provisions. Likewise we should move, and move quickly, to send this bill to the President for his signature. We can delay no longer. The principal parties, and I commend them, Senators BROWNBACK, KYL, KENNEDY, and FEINSTEIN and their staffs deserve a tremendous amount of credit for the many hours of discussion, meetings, and negotiations which have led to the end result. This bill has the support of our government, the State and Justice Departments, and represents a very common-sense approach to further immigration reform. Thankfully, many of you agree, as evidenced by the nearly 60 cosponsors to the original bill. I am confident, then, that the Senate will pass this profoundly significant legislation and I look forward to that result.

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.

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

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

Mr. KENNEDY. Mr. President, we have had a good presentation from our colleagues on the issue of border security that has had several hours. I am enormously grateful for the presentation of my friend and colleague, Senator FEINSTEIN, and also Senator BROWNBACK, Senator KYL, and the thoroughness of their presentations. During the course of the day, since we have been considering this bill, we have been responding to a number of questions that have been brought up.

For all intents and purposes, I don't know another of our colleagues wanting to speak. I don't intend to foreclose that possibility, but I think we were prepared to consider amendments this afternoon. We understood, as the majority leader indicated, there would not be any votes, but we were hopeful at least that we would be able to consider some amendments and set those aside and at least have the opportunity to review them this afternoon and put them in the RECORD so our colleagues could examine them on Monday next. But we will look forward, when we resume this discussion on Monday, to considering other amendments. We invite colleagues, if they have them and if they would be good enough, to share those amendments with myself or the other principal sponsors. We will do the best we can to respond to them, and those who are related we may be willing to accept. We will consider them and indicate to Members if they are acceptable and, if not, why they are not.

We are thankful to the leaders for their cooperation in arranging for us to be able to bring this matter before the Senate. I will not repeat at this time why there is a sense of urgency about it. I think that case has been well made.

Earlier today, we had a good hearing on this subject matter and we received additional support for this measure, for which we are very grateful. So I think it represents our best judgment on a matter that we consider to be important to the security of our country. I hope we will be able to dispose of this legislation in the early part of next week.

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

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

Mr. STEVENS. Mr. President, is there an order for business following the consideration of the pending legislation?

The PRESIDING OFFICER. There is not. We are on the border security bill.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. STEVENS. Mr. President, I am once again before the Senate because of the situation regarding the ANWR amendment which will be presented to the Senate next week. We are not on the energy bill now. I have spoken briefly twice this week on energy and its relationship to the possible development of the 1.5 million acres on the Arctic Plain. We call it the 1002 area. Some people call it ANWR.

ANWR is the Arctic National Wildlife Refuge. During the period I was in the Interior Department in the sixties, the Arctic National Wildlife Range was created. That range was 9 million acres. It specifically provided that oil and gas leasing under stipulations to protect the fish and wildlife could proceed in that 9 million acres.

The area that is now within the 1002 area was a portion of that 9 million acres. I have a chart to show that. It is a very interesting history. In the original area of the 9 million acres, there is the coastal plain of the 1002 area which is an area set aside by an amendment offered by Senators Jackson and Tsongas. I will talk about that later. It is 1.5 million acres. The remainder of that original Arctic wildlife range is now totally wilderness.

In 1980, there was an addition to the wildlife area in the Arctic. It is refuge, but it is not wilderness. So there are now, because of the act of 1980, the Alaska National Interest Lands Conservation Act, 19 million acres in this Arctic area. It is, in fact, the Arctic wildlife refuge. The part that is not refuge yet is the 1002 area which is specifically, because of the Jackson-Tsongas amendment, available for oil and gas leasing following that basic act.

I have to confess to the Senate and to anyone who might be interested in watching this presentation, I have not been sleeping well lately. I have spent almost 34 years in the Senate, and I remember only one other night that I did not sleep, and that was with regard to the time recently when a very great and dear friend of mine passed away, and I was chiding myself because I had not seen enough of him and found I did not sleep.

Since I have been back from the trip to the Asian regions of the Pacific with my great friend, Senator INOUYE, during the last recess, I have been trying to concentrate on the subject of the possible oil and gas development in Alaska, not only the oil potential of the 1002 area but also the Alaska natural gas pipeline.

At the time that oil was discovered in 1968 in the great Prudhoe Bay area, which is on State lands and did not require Federal permission to start oil was discovered there in enormous quantities. At the time of the discovery, the wells came in somewhere around 500,000 to 1 million barrels a day.

The great environmental organizations—I call them the radical environmental organizations—opposed the building of the Alaska oil pipeline. As a matter of fact, that pipeline was delayed for over 4 years by litigation brought by these radical groups trying to prove everything from we were going to kill the caribou to we were going to destroy the area. They have alleged since that time that this area which we call the 1002 area is wilderness.

Wilderness is a word of art in our State because we have more wilderness in our State than all the rest of the United States put together. This area that was set up in the fifties by the Secretary of the Interior and then approved by President Eisenhower was originally set up at the request of the Fairbanks Women's Garden Club. Fairbanks was my first home in Alaska, and that area was set aside in response to their request that there be some area designated in which the interests of the fish and wildlife of the Arctic area would be protected, but they specifically—specifically—excepted from that protection the concept of oil and gas leasing subject to consideration of stipulations that would, in fact, be required to protect fish and wildlife should there be oil and gas development.

Prudhoe Bay is in the area of State lands, and this is Federal land. As the President realized at the time we obtained statehood, we obtained the right to select lands. All other States of the Union had the right on public lands to take sections 16 and 36 out of every