

## PRAYING FOR MRS. OGILVIE

Mr. REID. Mr. President, I want to mention very briefly that we are all very concerned about the Chaplain's wife. As some know, she has been extremely ill for a long time, and it is my understanding she took a turn for the worse in recent days. The Chaplain is with her. They moved her to another facility in another part of the country; she is very sick.

The Chaplain prays for us, prays for our families and friends and anyone we make known to him about whom he should be praying about. He is a very fine man. He is very concerned about the welfare of the Senate, and I hope the Senate would be concerned about his welfare and that of his wife, and that we mention Mrs. Ogilvie in our prayers.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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 DEFENSE AUTHORIZATION  
CONFERENCE

Mr. REID. Mr. President, there are a number of issues I want to speak about briefly this morning. First of all, there is a conference report that has not yet been completed—there are many, but I will talk about the defense authorization conference today. There is one issue holding that up.

I have had the good fortune of having the acting chairman of the House Armed Services Committee come and speak to me on this issue. There is an amendment I offered with a number of other Senators that would allow our veterans who are disabled and who have retirement benefits from the U.S. military to draw both of their benefits. Right now, they cannot; they have to make a choice. I have explained this to people at home, and they are dumbfounded that people who have been declared to have a disability in the military, and following the declaration and retirement, they cannot draw both pensions. That is holding up a \$400 billion conference because the President of the United States—I used to say people around him, but that is clearly gone now; the President makes the decision—has said he will veto the \$400 billion bill. He is going to veto it because of veterans who are disabled and drawing unemployment. He has said it would be something that is not good for the country. I don't think that is true.

I will talk about that more throughout the day. I see my friend from Minnesota. The conference is not closed. I dare the President to veto the bill. The conference should get that report out here. We should pass it and send it to

the President and let him veto that. There isn't a veteran in the United States who would not be dumbfounded that the Commander in Chief would veto a bill that gives benefits to somebody who is disabled and retired from the military. It is unfair, inequitable, and wrong. I dare the President to veto that. If there were ever an opportunity to override a veto, this is it. I think the President would make a mistake doing this.

The second thing I want to talk about is, I wrote a letter to Mitch Daniels. I said—generalizing—reading all the press accounts, the President is campaigning more than he is working on policy for this country. He is trying to show the trips he takes, where he makes campaign stops, are really trips where he is doing something of a policy nature, so that trip will be paid for by the taxpayers. I have asked Mitch Daniels, how do you justify that? No response.

Well, I think we have to do something to make the taxpayers free of the obligation of paying for campaign expenses. When we campaign, we have to pay those expenses out of our campaign funds. The President should do that. The Republican National Committee should pay for those trips, and taxpayers should not. I will have more to say about that later in the day.

I see my friend from Minnesota. His plane was a little late, and this is his assigned time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

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 UNANIMOUS CONSENT REQUEST—  
S. 3009

Mr. WELLSTONE. I thank the Senator from Nevada.

Mr. President, I come to the floor for now the sixth time with a piece of legislation I have introduced. At other times, Senator KENNEDY has spoken about this, Senator CLINTON has spoken about this, and Senator DURBIN has spoken about this. Many have. I come to the floor to ask that the Senate proceed—I will not make the unanimous consent request yet; I don't see colleagues from the other side of the aisle here yet—that we pass calendar No. 619, S. 3009. This is a bill to extend unemployment benefits for an additional 13 weeks for workers in every State, plus 7 weeks in additional benefits for workers in States with the highest levels of unemployment. This extends the expiration date of the temporary benefits program we passed last March, which otherwise would terminate December 31.

Every time we have tried to do this, my colleagues on the other side—usually it has been the Senator from Oklahoma—have come out and objected. What I have heard my Republican colleagues on the other side of the aisle say is that they need more time to look at this. It is seven pages long. We have been at this now for well over, I

think, 2 weeks and, really, one page a day certainly can be read.

I have also heard from my colleagues on the other side of the aisle that they want to work with us. We have been trying to sit down with staff on the other side because we believe we should not leave until we get this done.

One of the points my colleague from Oklahoma has been making is that we are talking about 26 weeks; in other words, if we take what we did in March—people then had 13 weeks of benefits—and they now get an additional 13 weeks of benefits, that is 26 weeks.

I say to my colleague from Oklahoma and other Republicans that we have about 900,000 men and women who have run out of unemployment benefits in the country—20,000 in Minnesota; 50,000 in Minnesota in February; close to 2 million in February of next year—and extending 13 weeks of benefits for people who have utilized the 13 weeks we gave them earlier is exactly what we did in the early 1990s on a 97-to-3 vote, with my colleague from Oklahoma, among others, supporting it.

I do not understand what the problem is. Having been back home and traveled the State a lot, I am not going to make an argument that I would consider to be a false dichotomy; that is to say, people are just focused on the economy and nothing else. I say people are worried about a lot of issues. They are worried about Iraq and what is the right thing to do, they are worried about terrorism, and they are worried about the economy. People want us to focus on the economy, and they want us to put people first. They want us to focus on people, and there are a lot of actions we could take. We could raise the minimum wage. We could invest in education and job training because a lot of workers are trying to go from one job to another, and they need to have that opportunity.

At the very minimum, could we not at least have enough of a sense of compassion and extend unemployment benefits to people who are out of work, through no fault of their own, and have run out of these benefits? This is the sixth time I have asked consent to move forward and pass this legislation.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. REID. Has the Senator found at home what I found at home this past Monday? I had a group of veterans with whom I met at 8 o'clock in the morning in Henderson, NV. For the first time I can remember, an elderly World War II veteran came up to me and said: Would you speak to my grandson? His grandson was a graduate of the University of Pittsburgh, had a grade point average of 3.7, and could not find a job. At that meeting, I had two young men come up to me, both of whom are college graduates and could not find jobs.

Has the Senator found that not only those people seeking entry-level jobs

are having trouble, but people who have been laid off at factories and other industries and recent college graduates cannot find work? Has the Senator found that?

Mr. WELLSTONE. Mr. President, I say to my colleague from Nevada, in Minnesota and around the country there are about twice as many people looking for jobs as are jobs available. This economy is flat and, having turned downward, cuts across a broad section of population, and this does include college graduates.

As the Presiding Officer knows, given his work with the Joint Economic Committee, chairing that committee, it is also true that many of the people who are out of work right now actually come from skilled professions, skilled work, middle-income jobs.

I think this administration is sleepwalking through history. We ought to be paying more attention to the economy. We need to get this economy going again. We need to start putting people first again. We need to start investing in people. All of that is true, but at the least what we ought to do is what we did over and over in the early 1990s, which was to pass this legislation I have introduced, which is very simple and straightforward. It will extend unemployment benefits for 13 weeks. We ought to do that. We have done it before. It is the right thing to do. We can help a lot of people, and, in addition—I have said it before—it also provides some economic stimulus because, believe me, whether it is the 9,000 Oklahoma workers who have run out of the benefits we extended in March or whether it is the 20,000 people in Minnesota, people will buy. Right now, they cannot meet their needs month by month.

This is a matter of compassion, of doing what is right. Frankly—I will say it one more time, and then I will propound my unanimous consent request—it is absolutely unforgivable that this is being blocked over and over when this is exactly what we did in the early 1990s.

Before my colleague from Oklahoma came to the Chamber, I said I keep hearing about 26 weeks. This is what we did before. In March, we gave 13 weeks of additional benefits, and they have run out, and now we are talking about an additional 13 weeks. We have always helped people. We have always provided this help to people. We have always moved forward with this kind of legislation.

This is now the sixth time. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for America's workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table. This is the sixth time we have propounded this request.

The PRESIDING OFFICER. Is there objection?

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

Mr. REID. Regular order, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came back today from Minnesota. There is a lot of work to be done. At the minimum, we ought to extend unemployment benefits. We have 20,000 people in Minnesota who have run out of unemployment benefits. It is going to be 50,000 in February. We have 900,000 people in the country, 9,000 in Oklahoma. We are going to have 2 million men and women in the country who will run out of benefits by February of next year. We have two times as many people looking for jobs as jobs available.

As my colleague from Nevada said, we have college graduates who cannot find work. We have people who were in middle-income jobs, professional jobs, highly trained, looking for work. They cannot find jobs. At the very minimum, should we not extend unemployment benefits? This is exactly what we did in the early 1990s. We extended an additional 13 weeks of benefits in March of this year, and now people have exhausted their benefits. We are trying to extend an additional 13 weeks of unemployment compensation, 20 weeks in States with high levels of unemployment.

This is exactly the same—I want everybody in the country to know this—this is exactly the same legislation we passed with an overwhelming vote in the early 1990s. Why is this being blocked? Why do my colleagues on the other side of the aisle, every time I come out here or come out here with other Senators, say: We need more time to read it? My gosh, they have had plenty of time to read it. We need more time to negotiate. Have we not been involved in negotiation? This is nothing but stall, stall, stall, block, block, block, put up roadblocks, put up roadblocks, put up roadblocks.

What is so tragic about this situation is it is people's lives.

Mr. REID. Mr. President, will my friend answer a question without losing his right to the floor?

Mr. WELLSTONE. I will be pleased to.

Mr. REID. I do not know if the Senator from Minnesota had an opportunity to hear me earlier today. The Senator was in the Chamber but was communicating with his staff. The Defense authorization bill is in conference. There are about \$400 billion in programs in that legislation that affect the military men and women in this country. There is only one provision holding up the conference committee from reporting that bill out, and that is what is called concurrent receipts.

Can the Senator from Minnesota find any justification that a person, who has a disability from the U.S. military

and is retired from the military, should not be able to draw both benefits? Is there a reason the Senator can come up with that they should not be able to draw both benefits?

Mr. WELLSTONE. I say to my colleague from Nevada I will talk about this in the same way I talked about the State unemployment benefits. I was proud to be an original cosponsor.

When I was home over this last week, veterans were talking to me about the concurrent receipt, and they were saying they served their country and should get a disability payment when they served our country. And then dollar for dollar it is subtracted from their retirement pay? And they cannot believe there are Members of Congress, be it House or Senate, and the administration, who are trying to block this, keep it out of the Defense appropriations bill; nor can anybody in Minnesota believe there are Senators—and I gather it is the White House as well—who want to block the extension of unemployment benefits. It is the same mentality. It is like they do not want to count people. We are supposed to be helping people. Our work is supposed to be connected to people's lives.

I say to the Senator from Nevada, the Senators and Representatives who are trying to hold up concurrent receipt—and the White House, I gather, is threatening a veto—they better watch themselves because the veterans community is not going to accept this. The veterans community is going to say, in all due respect, this is no way to say thank you. It is no way to say thank you to those who have served our country. It is no way to say thank you to tell them that they cannot get a disability payment without having that money taken out of their retirement pay.

This is a huge issue in the veterans community, and if my colleague does not mind, I am going to speak a little while longer about this because I do not know what has happened. We are nearing the end of the session. There are all these elections, but these two issues we are now talking about—I want to join the two of them—should not have very much to do with politics. They really should not. We have always extended unemployment benefits to people who are flat on their backs through no fault of their own. That is exactly the same thing that is in my legislation that is being blocked over and again on the other side.

What are people who cannot find jobs, who are out of work, who are struggling to put food on the table supposed to do?

Mr. REID. Will the Senator yield for a question?

Mr. WELLSTONE. In one second. What are they supposed to do, wait around for Senators and the White House to continue to play this game of blocking? What is the problem? And what are veterans supposed to do? How are veterans supposed to feel when

they hear the White House is threatening a veto because concurrent receipt is in?

Then the argument is, well, we cannot afford it, or this will cost more money. Tell that to people who served our country. Tell them we cannot afford to live up to our commitment to them. Tell them we do not really believe they have made a valid claim; that it is wrong to take away from retirement pay just because we are giving people a disability payment, a disability payment coming from a disability while serving our country. What in the world is going on? What has happened to our humanity? Why are Senators blocking these initiatives?

I have the floor, but I am pleased to yield for a question.

Mr. REID. Does the Senator also acknowledge that these unemployment benefits help more than the unemployed in that this generates money into the economy, helps small businesses, people can buy gasoline they could not afford otherwise, they might be able to buy some additional groceries? Would the Senator acknowledge that part of the reason extended unemployment benefits were originally passed was to help the economy?

Mr. WELLSTONE. I thank my colleague for his question because he is trying to help me. I view it first as an issue of compassion. Call me a softy, but honest to God, when people have run out of unemployment benefits and they are out of work through no fault of their own, it would seem to me we could provide a helping hand.

My colleague from Nevada is absolutely right. There is not an economist in the Nation who would not make the argument that this is also economic stimulus, as opposed to these Robin-Hood-in-reverse tax cuts with 40 percent of the benefits going to the top 1 percent, and proposals on the part of my Republican colleagues to eliminate the alternative minimum tax so big corporations do not have to pay anything. This is real economic stimulus because the families in Minnesota that would get the additional benefits, much less in Oklahoma, Nevada, and Rhode Island, will consume. They have to consume because right now they cannot make ends meet month by month. They will buy food. They will go out and buy a washing machine if it is broken down because they need it. They will consume. Therefore, it is a win/win.

What puzzles me is that in the early 1990s, five times we passed almost the identical legislation.

Mr. NICKLES. Will the Senator from Minnesota yield?

Mr. WELLSTONE. I would be pleased to yield if I could make one final point, and that is it is amazing the disconnect between what is going on with this effort to block the extension of unemployment benefits and also with this effort to block concurrent receipt and live up to our contract for veterans.

Senator REID has taken the lead. I feel as strongly about concurrent receipt as I do about unemployment benefits. It has been a labor of love for me working with veterans.

There is a disconnect between what is going on, blocking this help for people, blocking living up to our commitment to veterans, blocking getting unemployment benefits to families that have run out and what people in Minnesota are saying because what people in Minnesota and the country are saying is focus on the economy. How about unemployment benefits? How about investing in job training and education for people who are working and now trying to look for other jobs or work their way up to better jobs? How about raising the minimum wage? How about making sure that as opposed to a Harvey Pitt, there is somebody at SEC we can count on so when there is an oversight board they are really going to be a watchdog so us little investors can finally count on investing in companies and know that they have not cooked their books?

How about doing away with these egregious rip-offs where companies go to Bermuda, renounce their citizenship and do not pay their taxes? How about not telling big corporations they do not have to pay anything? How about more tax credits for higher education? How about refundable tax credits for tuition? How about applying tax credits to other costs students have like books and other living expenses? How about investing in people? How about helping us? How about thinking about the economy? Every single time we come to the floor, we are not able to get this done.

Mr. NICKLES. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I would be pleased to do so.

Mr. NICKLES. I almost forgot the question, but I think it is coming back to me now. I am almost amused, but not quite, on the bill that the Senator is trying to pass by unanimous consent. Correct me if I am wrong, but did it go through the Finance Committee? Has it been reported out of any committee?

Mr. WELLSTONE. We have been down this road—let me answer the question. I say to my colleague from Oklahoma, in the last 2 weeks we have had this conversation six or seven times. Every time, I say no, and then my colleague says he has not had time to read it, and I say it is seven pages and I know the Senator is a quick reader. That is one page a day. Then my colleague says, let's us work together. We are waiting, and so far the only thing I have seen from the Senator is obstruction. That is my answer.

Mr. NICKLES. I admonish my colleague—that is a strong word—I inform my colleague that a person could exhaust their benefits, find a job and still would be counted as being unemployed.

Mr. WELLSTONE. I am sorry?

Mr. NICKLES. The current law is a 13-week Federal program, which is

what we have done most of the time. The Senator has gone back to 1990. At one time there was a 26-week extension.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. NICKLES. I ask unanimous consent to continue for 4 additional minutes.

Mr. DODD. Reserving the right to object, I hesitate to interfere with my colleagues from Oklahoma and Minnesota who are engaged in a very important discussion.

Mr. NICKLES. We will be done in 4 minutes.

Mr. DODD. I ask unanimous consent to revise your unanimous consent request to provide an additional 4 minutes for Senator BOND and myself to talk about the election. I know that is not as compelling to some, but we think it is very important, and we want to say some things about it before the vote. After the 4 minutes is up, I will object to an extension of time.

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

Mr. NICKLES. Just to inform my colleague from Minnesota, that current law is a 26-week State program and a 13-week Federal program, with some high unemployment States getting an additional 13 weeks. You are trying to modify the original 13 weeks and make it 26 weeks. That is very expensive.

Just to inform my colleague, if you did not try to change the trigger, or use the adjusted insured unemployment rate which costs a lot of money, and just looked at a clean, straight extension which would cost about \$7 billion instead of \$17.1 billion, the probability of success would go up dramatically. I mention that. To draft a bill, put it directly on the calendar, and say we expect you to pass it without any modification, is not going to happen.

I wanted to make that point. I thank my colleague from Connecticut.

Mr. WELLSTONE. Mr. President, let me say to my colleague from Oklahoma in a sincere and emphatic way, he knows a straight extension is not enough. We need an additional 13 weeks. That is the whole point. It is not a straight extension. It is adding 13 weeks for people who have run out of unemployment benefits, 900,000 men and women in the country. The trigger is the exact same trigger we used in the early 1990s. This is \$10.6 billion over 10 years, all of which is in the trust fund to provide the help to people who have run out of benefits.

My colleague has blocked the very legislation we passed in the 1990s to help people. For the people in Minnesota, and the people in the country, the straight extension is not what this is about. This is an additional 13 weeks. That is what we did in the early 1990s, many times over, and what we should do today. It is simply wrong, after almost 2 weeks, that my colleague has been blocking this over and over and over again.

I yield the floor.

Mr. NICKLES. I know the Senator wants to be factually correct. I believe the trigger is different from the one in the early 1990s. The fact is, if you want to help people, consider a straight extension of the program we have in current law.

I yield the floor.

**THE PROSECUTORIAL REMEDIES AND TOOLS AGAINST EXPLOITATION OF CHILDREN TODAY (PROTECT) ACT**

Mr. LEAHY. Mr. President, I rise today to urge the Senate to pass S. 2520, the Prosecutorial Remedies and Tools Against the Exploitation of Children Today, PROTECT, Act of 2002. This bill and the substitute I offer will protect our Nation's children from exploitation by those who produce and distribute child pornography, within the parameters of the First Amendment. I was an original cosponsor of S. 2520 and joined Senator HATCH, the ranking Republican member of the Judiciary Committee, on the Senate floor when the bill was introduced.

Since that time, I have been working with Senator HATCH both to improve the bill that we introduced together and to build consensus for it. Unlike the Administration's bill, which has been widely criticized by constitutional and criminal law scholars and practitioners, we have been largely successful in that effort. The substitute I offer today is virtually identical to the version circulated by Senator HATCH before the October 8, 2002 meeting of the Judiciary Committee. I am glad to report that this substitute has been approved by every single Democratic Senator. Moreover, every Democratic Senator has agreed to discharge S. 2520 from the Judiciary Committee for consideration and passage by the Senate, with a refining amendment.

I am now asking my colleagues on the Republican side of the aisle to lift any holds and to allow this important legislation to pass the Senate. That way, the House may take up the bill and the PROTECT Act may become law before we adjourn. I know that there are some who would rather play politics with this issue, but I hope that they reconsider. It is more important that we unite to pass a bill that will both protect our Nation's children and produce convictions rather than tying up prosecutorial resources litigating the constitutionality of the tools we give the Justice Department to use. This legislation will accomplish those goals.

Two weeks ago I convened a hearing on this issue to hear from the Justice Department, the National Center for Missing and Exploited Children, CMEC, and constitutional scholars. The constitutional scholars testified that the provisions of S. 2520 were likely to withstand the inevitable court challenges ahead. Unfortunately, they

could not say the same of the Administration's proposal and H.R. 4623. Professor Frederick Schauer from Harvard, who served on the Meese Commission on pornography and authored its findings, as well as Professor Anne Coughlin from the University of Virginia both agreed that the Administration's bill and H.R. 4623 crossed over the First Amendment line after the Supreme Court's decision in *Ashcroft v. Free Speech Coalition*, 122 S. Ct. 1389. Even the ACLU has passed along views from its First Amendment expert that S. 2520 is "well crafted and should survive constitutional scrutiny."

That point is crucially important, because it does no one any good to pass a "quick fix" law that will land us right back where we started in five years, with no valid law on the books to protect our Nation's children from exploitation. We owe our children more than a press conference on this issue, we owe them a law that lasts.

I am not alone in that view. Testimony at the Judiciary Committee hearing made this point clearly. Professor Schauer testified in support of the basic provisions of the PROTECT Act, but warned us about the Administration's proposal. Incidentally, this same constitutional law scholar testified in favor of the Child Pornography Prevention Act, CPPA, in 1996, but he also correctly warned us then about the precise parts of that law that would be struck down. Here is what he said this time around:

[W]hether it is open to academic or congressional criticism, Justice Kennedy's opinion for a 7-2 Court still represents the definitive and authoritative interpretation of the First Amendment in the child pornography context, and thus represents the law. Legislation inconsistent with Free Speech Coalition would not only be inconsistent with current constitutional law, therefore, but would also represent a tactical mistake in an attempt to combat the horror of child pornography. As the six year course of litigation under the previous Act so well demonstrates, constitutionally suspect legislation under existing Supreme Court interpretations of the First Amendment, whatever we may think of the wisdom and accuracy of those interpretations, puts the process of prosecuting the creators of child pornography on hold while the appellate courts proceed at their own slow pace. There is room in our legislative world for legislation that is largely symbolic, but for Congress to enact symbolic but likely unconstitutional legislation would have the principal effect of postponing for conceivably six more years the ability to prosecute those creators of child pornography whose prosecution is consistent with the Supreme Court's view of the First Amendment.

After our Judiciary Committee hearing, Senator HATCH and I continued to work to improve our bill to address concerns that had been raised. We worked to come up with a Hatch-Leahy substitute amendment for consideration by the Judiciary Committee that included technical corrections and improvements to the original text of S. 2520 that we could both agree upon. These included addressing some issues raised by the National Center for Miss-

ing and Exploited Children, CMEC, concerning the scope of the victim shield provision to limit that provision to "non-physical" information.

The changes in the proposed Hatch-Leahy substitute also included adopting the House bill's measures allowing the CMEC to share information from its tip line directly with State and local law enforcement officers, instead of always passing the information through the FBI. Although the Administration did not originally ask for this change, the CMEC has reported that the FBI is either unwilling or unable to share information from the child exploitation tip line in a timely manner with state and local law enforcement. As the Chairman of the Committee charged with overseeing the FBI, I was disappointed to hear this appraisal of the FBI. To remedy this situation, and in the spirit of compromise and reconciling this legislation with the House passed bill, the substitute to S. 2520 incorporates this change.

I note that Senator HATCH would not agree to accept my proposal that we also include a provision that would ensure that tips to the child exploitation tip lines come from "non governmental sources" so that government agents could not "tickle" the tip line to try to avoid the legal requirements of the Electronic Communications Privacy Act. I did not insist on this important provision because, with time running out in this Congress, we must all compromise if we want to pass a bill, and I want to pass this bill.

In any event, I placed S. 2520 on the Judiciary Committee agenda for its meeting on October 8, 2002. Unfortunately, due to procedural issues, including the two hour rule that was invoked because of the debate on Iraq, and procedural maneuvering that centered around judicial nominations, members from the other side of the aisle objected to the consideration of this and all other legislative proposals before the Judiciary Committee. The Judiciary Committee was, consequently, unable to consider the bipartisan substitute circulated by Senator HATCH, and to which I agreed.

The substitute for which I now seek unanimous consent is identical to the proposed Committee substitute that Senator HATCH circulated with two exceptions. First, the substitute removes three lines that were not in the original language of S. 2520 as introduced by Senator HATCH and that were inadvertently included in the version of the substitute circulated by Senator HATCH. Indeed, I am advised that Senator HATCH was prepared to strike these 3 lines had the Judiciary Committee considered the substitute. The Leahy amendment simply corrects this inadvertent error, which was totally understandable in the rush of business.

The second change the substitute makes in order to assure swift passage of this measure is to render the new affirmative defense created in S. 2520 available to defendants who can prove