who went to work in the morning innocently. This is not a usual tragedy for a usual response. We need help. We need large help.

The President told me when I spoke with him that he would do anything he could to help. We are so glad he is coming to New York tomorrow. The mayor and Governor have expressed that, and so do we. But we need, of course, more than just expressions of sympathy and solidarity, as deeply as those are appreciated. Our financial markets are crippled. Our electricity market, our phone market, all system of this is in huge trouble.

We are putting forward, Senator Clinton and myself, a proposal. We will bring it in broad outline before our colleagues in a few minutes. We will then work on language, and hopefully it can be incorporated into the bill.

Let me just say, these are the most difficult times I have faced as an elected official. I now understand, during our valiant struggles—whether it be the Revolutionary War, the Civil War, World War II—how brave our soldiers were to just go on despite the heavy burdens pressed upon them. I feel that a little bit myself. It is hard to get up in the morning having not slept or having had nightmares of those planes going through the towers. There are too many things to do in the day, but every one of them is essential. And go on we must.

To my colleagues and the Nation, New York desperately needs your help. We have come before you as people who contribute greatly to our Nation in so many different ways. Now we need you. Please be there for us.

CONGRESSIONAL RECORD—SENATE 16971
September 13, 2001

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

Ms. COLLINS, Mr. President, I rise to applaud the managers of this bill, Senators Hollings and Gregg, for focusing on a problem that simply has not received the attention it deserves in recent years. I am referring to the disturbing lack of Immigration and Naturalization Service inspectors at the land ports of entry that line our borders with Canada and Mexico. Based on an analysis of workload and workforce needs, the INS estimates that our 104 land ports of entry are staffed at a mere 49 percent of their optimal level, leading to long lines and exhausted, overworked inspectors.

The situation in my home State of Maine is even more alarming. Maine’s 12 land ports of entry are staffed, on average, at 41 percent of their optimal level. This means that 71 INS inspectors must perform the work of 174 men and women. To put the problem in perspective, I point out that, last year, Maine’s 71 INS border staff inspected approximately 6.75 million people who passed through our land border ports of entry in 3 million passenger vehicles, 400,000 commercial trucks, and thousands of buses and trains.

Moreover, many of these inspections are far from routine. Since 1996, the Portland, ME district of the INS—which includes 14 land border points of entry in Vermont and one in New Hampshire—has confiscated over 2,500 fraudulent documents and apprehended hundreds of narcotics and alien smugglers, over 8,200 criminal aliens, and approximately 4,000 aliens who were the subject of lookouts by the INS and other agencies. Last year alone, the Portland district office apprehended 4 terrorists. These figures underscore the critical need for additional land border inspectors to protect the integrity of our borders and the safety of those who currently man them. This latter point is perhaps best illustrated by the situation at the border port of entry in Coburn Gore, Maine. Coburn Gore should be staffed by 12 INS inspectors. Instead, it has two. Together with two Customs Service inspectors, they man the port of entry 24 hours per day, 7 days per week. Most of the time, Coburn Gore is manned by only one inspector. Think about that. A single inspector must not only keep traffic moving but must also decide when and whether to conduct a time-consuming secondary inspection when suspicion is raised. Not surprisingly, over 8,200 criminal aliens and approximately 4,000 aliens who were the subject of lookouts by the INS and other agencies last year, the Portland district office apprehended 4 terrorists.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Michigan, Ms. Stabenow, be recognized as in morning business for 5 minutes.

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

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, yesterday and this morning, one by one Members of the Senate came to the Chamber offering their thoughts on the events

Mr. President, I now understand, during the long process of aligning manning with workload requirements.” Eighteen of these new inspectors would be located in Maine, and would increase the number of INS inspectors stationed at land border ports of entry in my home State by 25 percent. Significantly, the bill would mean two new inspectors for Coburn Gore.

On August 31, I wrote to Attorney General Ashcroft asking him to support the increase in land border inspectors including in this bill but, unfortunately, excluded from the House version.

It is cruelly ironic that today, in the aftermath of the worst terrorist attack the world has ever witnessed, news reports have indicated that some of the terrorists responsible may well have entered our country through one or more of Maine’s understaffed land border ports of entry.

The INS and Customs Service inspectors on our northern border work hard and long to protect our safety. It is disturbing to learn how often they encounter terrorists and other criminals seeking to gain entry into the United States. Yet it is comforting to know how often these criminals are apprehended before they can accomplish their goals.

As skilled and as vigilant as they are, our border inspectors need more help, and that is why I commend the Senator from New Hampshire and the Senator from South Carolina for their work. I strongly support the provisions in this bill that will put more inspectors where they are urgently needed on our borders.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Michigan, Ms. Stabenow, be recognized as in morning business for 5 minutes.

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

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Michigan, Ms. Stabenow, be recognized as in morning business for 5 minutes.
that occurred on September 11. There were words of condolence to the terrorism victims and their families. There have been words of praise for firefighters, police officers, military personnel, and others who gave their lives attempting to help others.

There were words of anger and warning at the perpetrators of these terrorist attacks, and there were words of concern and outrage the United States is not doing enough to prevent and combat terrorism from rearing its ugly head on our shores.

Mr. President, I ask unanimous consent that the order for the absence of a quorum.

They said not to send up the matter of the conferes at this particular time, but that is the same list. The list, Mr. President, is agreed to on both sides of the aisle in helping us with this finite list.

They said not to send up the matter of the conferes at this particular time, but that is the same list. The list, Mr. President, is agreed to on both sides of the aisle in helping us with this finite list.

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. HARKIN. 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 Iowa.

Mr. HARKIN. Mr. President, I want to add a moment’s one of the issues we are going to be confronting both on our committees and I am sure in the Chambers of the House and the Senate in the not-too-distant future as a result of the tragic events of this week, and that is the issue of airline safety and what we can do in the future to prevent this tragedy from ever happening again or prevent any kind of hijacking of airliners in the future.

It occurred to me as I began thinking about this—and I have been a pilot all my life. I have flown since I have been about 20 years old, both as a military pilot and a civilian pilot. I have my commercial license. So having flown all those years, I am quite aware of the different steps that need to be taken to provide for aircraft security.

It occurred to me, while I was thinking about all of this, that over the last several years I have been to Israel on more than one occasion—two or three times—and with all of the terrorist activity that the Israelis have had to put up with over all these years, they have yet to lose an El Al airliner. Having gone through the procedure of flying on El Al as I have done in the past, I know they have a system in place in which you are very certain that no one is going to hijack that airplane. It seems to me we could learn a lot from how the Israelis have done that.

I am hopeful our Secretary of Transportation, Mr. Mineta, as he looks at this issue, will call upon our friends in Israel and those who run El Al airlines to consult with us. It has to do with a process and a procedure which might slow things down a little bit. It is true it might slow things down a little bit, but at least I believe it will give passengers in this country the absolute assurance they are going to be safe when they get on that plane.

The other thing that occurred to me was that whenever you go out of this country and you come back into this country and you go through immigration, you show them your passport. That immigration officer sits in the back of that little desk and swipes your passport through with your photograph and your numbers. They do it for everyone coming through. I am told they have a list of suspected terrorists, suspected criminals, those who have a record, and that list is readily accessible on the computer flotation coming in—not just a U.S. passport but any passport anywhere in the world—check those papers against that list, and they know right away if a name pops up if this is someone they need to detain or to have a further look at before they are allowed into this country.

It is my understanding that list is not available to the airlines, and I wondered again if perhaps this is another system that we ought to look at where, before you get on an airplane, you have your ID, but that some instant check you don’t have to have some kind of a record, that you are who you say you are, and that you would not be on the same list the Immigration and Naturalization Service, INS, would have or a more appropriate list.

Third, we need to make sure our checked baggage is better examined. Again, I go back to what El Al does in terms of making sure that when you get on the airplane, it is your baggage, that the baggage has been x-ray’d thoroughly, and before you get on the plane they have identified that as your luggage. We do not do that in this country.

That would not be as easy to accomplish as it sounds. It could cause delays. But, I am hopeful that we can develop efficient methods that can be implemented to efficiently do that minimizing those delays.

It has also been suggested that when you get on an airplane you ought to have a photographic record of that. Tickets can be purchased over the Internet. Once you walk up to the counter and receive your boarding pass, you have to show them a photo ID. But once you get the boarding pass, you can give that to anyone. Anyone can get on that airplane. There is a breakdown there.

Every time I walk into a 7–Eleven store or up to an ATM machine to draw out money, a picture is taken. When you walk into a 7–Eleven store, there is a photograph taken of you in that store. There is a record kept of that. It seems to me a simple matter to put in place that when you walk up to get your ticket, a photograph is taken. That photograph is matched with your identification. When you go to board the airplane and they take your boarding pass and put it through the electronics, your picture pops up alongside the boarding pass so they know you are the exact person who bought that ticket.

It seems to me these are simple, technological means we can use to ensure those who buy tickets are the same people who get on the plane and make sure the baggage checked is yours. This method might sharply simplify the process of assuring that checked package be placed on a plane matches those that get on board that plane.

However great a system is, redundancy is essential. So, we also need to think about increasing safety on the aircraft itself.

There has been talk of putting sky marshals on appropriate flights. I got a call from a friend of mine in the Navy, Larry Durbin retired as an airline captain from United Airlines. He faxed one sentence: Tom, why don’t you hire retired airline captains as sky marshals? I thought to myself, that might be a pretty good suggestion. We have a lot of retired airline captains that have done a lot of flying. They may be interested in this type of occupation.

I think that is something we ought to consider. Obviously, they know about flying; they know what it takes. I believe they could help us immensely.

I have told El Al that I would have their lines solid doors in their airplane cabins. Once the pilot, the copilots, and the flight engineers are in the cockpit, they lock the door and you cannot get in. You cannot kick it in. The only way to unlock it is from the other side. We do lock our doors on our planes in this country, but, quite frankly, they are not very secure doors. I believe that is another item we ought to look at in terms of making sure that no one can breach cabin security.

Last night, I spoke with Senator Stevens, both of us being pilots of old vintage. We were talking about the old days. We always had an IFF, identification friend or foe. It was a simple device.

It has also been suggested that when the airplane takes off, it has a device that identified a specific aircraft that would be on all the time, that could never happen again.

These are some of the things we are going to have to discuss on the Senate floor and in our committees. Many different measures we have been very lax about. We have been very lucky in this country, very lucky in our domestic and international air service. Our luck has run out. I think now is the time to take a hard look at all of the security measures we need to ensure airline passengers have the absolute assurance once they get on that airplane it will not be blown up and it will not be hijacked.

These are just some of the measures I have been thinking about that I am hopeful the Congress will take action on soon, in coordination with the Secretary of Transportation and the administration. Many improvements are already being implemented. But, other ideas need to be discussed and be implemented. These and perhaps whatever measures are advisable.

In some cases, our airlines now have the responsibility, we probably want to shift those important safety considerations to the Government.

Mr. HOLLINGS. I thank the distinguished Senator from Iowa. He has given a very cogent overview of our needs. It struck this Senator in a similar fashion. I don’t have the expert
knowledge that the Senator from Iowa has as an active pilot. However, everyone should know, we immediately set up a hearing with the Secretary of Transportation. The first thought was, get it out back from the Rosh Hashanah holiday, Monday, Tuesday, and Wednesday, we set it up for 9:30, on Thursday morning before the Commerce, Space, Science Transportation Subcommittee where we have jurisdiction of the Federal Aviation Administration. Along with that, we have a bill from Senator Hutchison of Texas with respect to air marshals.

I have been at a news conference and one system was mentioned in detail, which I agree with. Otherwise, the only one you may have left out was a matter of professionalizing the scanners and screeners. The present system now is to leave it to the private airlines. They hire, at the minimum wage level, folks that are totally ill-equipped, not properly trained, and not professional, and they only stay on the job until they can get a paying job, so to speak.

I have mentioned that for several years because in Europe they are all government employees. Governments in the various countries will not allow it to be done except through those professionals. I think we can get that done, and any other suggestions that the distinguished Senator has, I appreciate his leadership on this score. We want to hear from him. The Senator is welcome to come to the hearing next week at 9:30 on Thursday morning.

Mr. HARKIN. I appreciate that. This is the chairman's jurisdiction and I know of his intense interest. I did not know about the hearing. Iapplaud the Senator for that and congratulate the Senator for moving aggressively in this area. I say to my friend, better training of those individuals doing the checking. I am on this list; I just want to read it. I didn't want to take it after the hearing. Mr. HARKIN. Those doors have to be solid metal doors.

Mr. HARKIN. I might add that this ought to be a governmental function. Mr. HOLLINGS. I think it should be. It is in Europe.

Mr. HARKIN. So we could have them well trained and they know what they are looking for.

I share with my friend from South Carolina something that happened to me in August which gave me pause for concern, but you move on in life.

I was making something; I had to get a 2-inch galvanized pipe that was about 32 3/4 inches long. I had to drill some holes in it and I had to get it from here to my house in Iowa. I have been working on it here. I thought, how am I going to get it out there? It would not fit in my suitcase. So I got a cardboard tube from a package store and put it in the tube and taped it over. I thought to myself, boy, am I going to have trouble when that goes through the x-ray machine, 32 3/4 inch long, galvanized, heavy pipe, into which I drilled holes.

So I go through the x-ray machine and they didn't say anything. But I thought, I have all my Senate ID and everything to show them I am a Senator and they can trust me. I could open it up and show them it is just a plain piece of pipe with some holes drilled in it.

It went through the x-ray machine and they didn't say anything, nothing. I could not believe it. I thought to myself, what if that had been filled with dynamite? What if it was not me and they just took it right on board with a fuse?

I thought to myself, something has to change. For something like that to go through an x-ray machine and they did not even pick it up, a pipe this long, that round, and probably about a quarter inch thick—and they did not pick it up? It should have been changed many years ago.

Mr. HOLLINGS. The main thing is we have to secure that door immediately. You cannot use a domestic flight as a weapon of mass destruction. That has to be done in the next 3 weeks. We ought to get an FAA order out, not about the bags at the check-in, but I mean everybody ought to know they might go down themselves but they are not going to do like they did at the Pentagon or the World Trade Center.

Mr. HARKIN. Those doors have to be solid metal doors.

Mr. HOLLINGS. Locked from the inside, and with a rule not to open them on cross-country flights.

I just flew from Honolulu to Sidney, Australia, and I never saw those pilots come back once. The wind wasn't good; it was 11 1/2 hours. So they can hold tight for 4 hours on a cross-country flight.

Mr. HARKIN. I thank the chairman for his diligence, moving forward rapidly on this matter. I look forward to the hearing. If my schedule permits, I would like to sit in on the hearing. I appreciate his offer.

Mr. HOLLINGS. I would appreciate if you would come, and I would appreciate it if you will help this afternoon, getting rid of this other bill.

Mr. HARKIN. I will do what I can. I yield the floor.

Mr. GREGG. Mr. President, I join with the Senator from South Carolina in hoping Senators who have amendments will bring them to the floor. The time is here to proceed on this bill. In the context of what happened in the last 2 days, the passage of this bill is obviously not an Earth-shattering event, but it is an important element getting our house in order, showing we are doing the business of the Government.

Ironically, a great deal of this bill is directed at assisting the FBI, which has a huge responsibility now, and assisting the Justice Department, which is really the lead agency in the present effort to track down the people who have committed this despicable act, and assisting the State Department, which has been under tremendous pressure. These agencies need to have the reassurance that we as a Senate are going to act and support them. I hope we have got someone who cares about how this bill is structured and wish to amend it will bring those concerns to the floor.

In the short term, I know the Senator from South Carolina has mentioned the opportunity to go to third reading. We do have a list of amendments. We wish to give those folks the opportunity to bring them forward. They have the right to bring them forward. But this bill is also important. This legislation needs to be passed. I hope people will come to the floor and make their amendments known.

I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we now have a unanimous consent agreement that is in effect that limits amendments. We have spoken on this side of the aisle to a number of Senators. There are only a few who have given some indication that they want to offer amendments.

I say this with the full understanding that this has been cleared by the manager of the bill. There is going to come a time this afternoon when Senator HOLLINGS and the ranking member are going to move to third reading. The fact that they have amendments listed doesn't mean they can hold up this bill. If people want to offer these amendments, they have to come over here and offer them. Otherwise, the two Senators will move to third reading, and we will have final passage on the bill.

Is that a fair statement? Mr. HOLLINGS. This is a fair statement. That should be represented to all Senators who have amendments and an interest in these proceedings.

Right to the point, on the other side of the aisle I think this is an important amendment by Senator HATCH and Senator Kyl. They will momentarily come to the floor. Other than that, we are all cleared on the other side as well. Within the next hour, I would be prepared to move to third reading, unless, of course, my colleague comes down and wants to offer his amendment.

I have nothing else this leader is doing. I give notice. Come on down and let us hear from you. We welcome you offering any amendment. But we have to
get on because leaders on both sides have an important emergency authorization bill of $20 billion for the President, plus some other matters that the President wishes us to take up, plus an amendment or two. We are wasting valuable time by not moving along with an amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I second what the Senator from South Carolina said. We are at a critical period in our Nation, and we are treading water. That is inappropriate. This bill has a lot of important elements which are very apropos and necessary for assisting agencies that are in the middle of the fight against terrorism today. We should move it. I agree with the statement by the Senator from South Carolina and I hope that Members will offer their amendments. If not, I would support going to third reading.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLINGS. Mr. President, I urge its adoption.

Mr. GREGG. Mr. President, we have reviewed the managers' amendment and support the managers' amendment. Mr. HOLLINGS. I urge its adoption.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows: The Senator from South Carolina (Mr. HOLLINGS), for himself and Mr. GREGG, propose an amendment numbered 1558. (The text of the amendment is printed in the RECORD under "Amendments Submitted."

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GREGG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
As I said earlier this morning, the terrorists have struck a mortal blow against our fellow citizens, against Americans, against the buildings in New York, the Pentagon, and elsewhere. We must deny them a victory because what they really want to do is cripple us economically and psychologically. There will be many more steps we must take to make sure our economy is not crippled, and there will be concerns coming out of the financial community as well, which is where many firms have suffered great losses. But this particular concern is one where I ask the leaders and members of all committees involved to consider very carefully how we can expeditiously provide an alternative means for compensating the victims that does not put the future of two of our major airlines at risk.

This is not something we can talk about in the next couple of months and act on at the end of this year, the first of next year. This is a question which is imminent, which must be resolved within a matter of days, not even a matter of weeks.

I do not have an amendment at the desk, but I will ask that my name be removed from the rolls of those who proposed to offer an amendment so that the managers of the bill can go about passing this very important Commerce-State-Justice bill which has many other important elements. I invite the thoughts, the discussion, and the constructive suggestions of my colleagues.

The PRESIDING OFFICER. The Senator has that right.

Mr. BOND. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. The first urge would be now to not respond, not to respond, but in deference to one of the best Senators I have served with over my 34 years, I know the Senator from Missouri is genuine, he is sincere, and he is concerned about the economy and the future of these airlines.

I heard about this a little while ago. Let us have hearings. There is nothing to avoid that. We are going to have hearings, first of all, with respect to safety so we can get the airlines back up and running.

I am an old-time trial lawyer. With respect to any kind of claims, if there are indeed claims, they would not be filed for months. It appears to me as an act of war they might define some negligence must be that as it may, the FBI is going to do some of the best investigating for us.

That will take months. If you filed a summons and complaint in the next hour, you would not get to court before the end of next month, so we need to deal with that, with the motions and everything else. So trying to compensate the victims, which we will be concerned with, there is no question the Senator from Missouri is correct on that particular score, that is to come.

We have heard about the airlines and the proposed compensation. GAO report that they had $100 billion in reinsurance. But barring that and later the statement made that we do not want to wreck the economy, we can save the economy in this Chamber of the Senate.

A couple of months ago we were talking about surpluses, surpluses, surpluses. As of this minute, according to the debt to the penny by the Secretary of the Treasury, there is $96 billion. It could well be these losses would amount into the billions, maybe not $96 billion. But you and I have done this in the last several months, talking about surpluses and cutting revenues some $74 billion and then running a new government. Where did the money go? The economic reality is a dip. We took $74 billion out this fiscal year that is going to end in 2 weeks' time.

So for those who are concerned about the economy—and please include me in that number—let us look at where it has really been devastating. This act of war is devastation enough. I appreciate the sincerity and the vision of my colleague from Missouri. We definitely are going to have some hearings on this issue, and I will be supporting some kind of compensation, but as of this minute, the safety of the people is the supreme law—salus populi suprema lex esto. The Senator from New Hampshire will have to coach me on my Latin. He has the Boston Latin school up there, and they have the Charleston Latin school that is not quite as keen.

In any event, it is the 12th Roman canon, the safety of the people to get on these airlines. Do not worry about claims. Do not worry about compensation. Do not worry about surpluses. Already one-third of the air traveling public says they do not want to travel on a plane right now.

One of the best things we can do is have this quick hearing, establish a locked cabin door policy where the cabin is not accessible, where you cannot make a domestic flight into a weapon of mass destruction, and get along with those ways where we can do the real job of the Senate.

As to the Senator from Illinois knows, we have had a couple of votes on this. In any event, we figured that with the Frazier Act, with the Frazier Act. But I say affirmatively, section 109 and what was available to the previous administration is available to this administration to continue with the suit.

Mr. DURBIN. Mr. President, I thank the Chairman of the Appropriations Committee, the Manager of this important appropriations bill, whether it is intent and understanding that amounts provided for the Department of Justice in this appropriations bill are available for conducting this lawsuit against the tobacco companies.

Mr. HOLLINGS. In response to the distinguished Senator, there is nothing specifically providing for funds. Actually the bill itself is silent.

Section 109, which was used by the previous administration to charge the various other Departments of the Government that would be compensated as a result of a successful lawsuit, is still in existence and is available to the Attorney General. I have discussed that with the Attorney General.

There is a real difference with respect to my colleagues on the other side of the aisle. As the Senator from Illinois knows, we have had a couple of votes on this. In any event, we figured that with the Frazier Act, with the Frazier Act. But I say affirmatively, section 109 and what was available to the previous administration is available to this administration to continue with the suit.

Mr. DURBIN. I thank the Chairman of the Appropriations Committee, the Manager of this important appropriations bill. So there is nothing in this appropriations bill which in any way inhibits the vigorous pursuit of this lawsuit?
CONGRESSIONAL RECORD—SENATE 16977

September 3, 2001

Mr. HOLLINGS. There is nothing.
Mr. DURBIN. I thank the Senator and yield the floor and 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. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1559

Mr. HOLLINGS. Mr. President, I send a managers' amendment to the desk, that has been checked on both sides, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1559.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 12, line 10, strike “an in effect on June 1, 2006.”

On page 17, line 20, after the colon insert the following: “Provided further, That, of the amount appropriated under this heading, $67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvement Account under section 204 of the Immigration Services and Infrastructure Improvement Act of 2000 (8 U.S.C. 1573), to be used for the purpose for which funds in such account may be used and to remain available until expended.”

On page 24, strike lines 19, 20, and 21, and insert “$73,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including $1,500,000 for the Standing Against Global Exploitation (SAGE) Project, Inc.”

On page 76, line 6, strike “$3,063,305,000” and insert “$3,061,865,000.”

On page 25, after line 21 insert the following:

(d) $200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriation of the Senate and House of Representatives Appropriations Committees on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 25, add the following:

Sect. 623. Clause (1) of section 621(b)(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(b)(5)(A)) is amended by striking “on or about October 1, 2006.”

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1559.

The amendment (No. 1559) was agreed to.

Mr. GREGG. I move to reconsider the vote.
Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I suggest the absence of a quorum.
Mr. REID. Will the Senator withhold and yield for a moment?
Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.
Mr. REID. Mr. President, I say to the two managers of the bill, I have been instructed by the majority leader to indicate that he has every desire and every intent to finish this bill tonight.

Mr. HOLLINGS. We should finish it momentarily. I know of two amendments they tell us about, but they have been telling us about them all afternoon. I am ready to move to third reading.

We will have a recorded vote. We will pass this bill tonight. We are just about through. That is why I sent up the managers' amendment.

Mr. GREGG. If the Senator from Nevada would yield on that point.

The PRESIDING OFFICER. The Senator from Vermont is recognized.
Mr. GREGG. New Hampshire.

The PRESIDING OFFICER. Excuse me, New Hampshire.
Mr. GREGG. A wonderful State. Vermont is pretty, too.
Mr. REID. We wish we had New Hampshire’s water.
Mr. GREGG. We would be happy to send you some.

The PRESIDING OFFICER. And Vermont’s ice cream.

The Senator from New Hampshire.
Mr. GREGG. The Republican leader has also advised me he expects this bill to be done tonight. So we will stay until we get a final vote on it. We are down to, I guess, two amendments—potentially two amendments from our side of the aisle. It would be great if we could get those wrapped up so we could close this bill up and get on to a supplemental which is very important.

Mr. HOLLINGS. It isn’t the case, Mr. President, of us not being considerate, deliberate, and patient. The two amendments that could be—or one, perhaps—that could be offered, they have been on notice publicly here twice by our distinguished leader. Senator Reid, myself, and others. And they have been contacted. I hope they get to this Chamber in the next few minutes because we just can’t wait all afternoon and have to go through it all and get together on an amendment. This bill has been under consideration for 2 days.

Mr. REID. Will the Senator yield?
Mr. HOLLINGS. Yes.

Mr. REID. I also say to my friend, in relation to the procedure around here, it is just out of the courtesy of the two managers of this bill that you are not moving forward.

Mr. HOLLINGS. Right.
Mr. REID. The managers have every right within the rules of the Senate to now move to third reading, but they have been very patient. I appreciate that. I hope the people who are trying to work out these amendments appreciate their patience.

But also, on the other hand, the two managers have been in this Chamber all day long in quorum calls most of the time. That is not appropriate. I hope people will understand that courtesy should be reciprocal.

Mr. HOLLINGS. I thank the distinguished leader and suggest the absence of a quorum.

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

AMENDMENT NO. 1560

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. LEAHY, proposes an amendment numbered 1560.

(Purpose: To express the sense of the Senate regarding discrimination against Arab Americans)
At the appropriate place, insert the following:

SEC. (a) The Senate finds that—
(1) all Americans are united in condemning the terrorist attacks who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;
(2) the Arab American and Muslim communities, are a vital part of our nation;
(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that “we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction.”
(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the U.S. and the senseless loss of innocent lives; and
(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center having a turn back 300 people who tried to march on a mosque.

(b) The Senate—
(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and
Two bricks with notes were thrown through the window of an Islamic bookstore right here in Alexandria, a suburb of Washington, DC. One note addressed to “Arab murderers.” The other opened with an obscenity and said, “You come to this country and kill. You must die as well.”

Members of the Islamic community center in Sterling, VA, came to the center to find blood for the victims of the terrorists’ acts. When they arrived, they found their hallway spray-painted with black letters, several feet tall, saying, “Die, pigs!” and “Muslims burn forever.” Other mosques and community centers have been vandalized, splattered with blood, and received hate messages, and more.

These acts are attacks both on Americans and on our American values of liberty, diversity, and tolerance; the terrorists hate us for what we are and what we believe in. As we mourn our dead and pursue the attackers, we must strive to protect not only the American people, but also our American values.

I am truly saddened when I hear of malicious and sometimes criminal acts that have been committed all around the country in the last couple of days against Americans who may be from the Middle East, or whose ancestors may have been from the Middle East, who may be of Arabic descent, or of the Islamic faith—but who had nothing at all to do with these attacks.

Arab Americans and Muslim Americans have faced a terrible rash of hate crimes all this week and in other times.

On Wednesday, police turned back 300 people who tried to march on a mosque in Bridgeview, IL, a southwest Chicago suburb, waving American flags and shouting “U.S.A., U.S.A.”

I would like to read a quote from Governor Ryan of Illinois, who said:

The terrorists who committed these horrible acts would like nothing better than to see us tear at the fiber of our democracy and to translate on the rights of other Americans.

I think Governor Ryan had it right when he was responding to those marching on this mosque in a suburb of Chicago.

Up to six shots were fired at an Islamic center in Irving, TX, a suburb of Dallas. A Molotov cocktail was tossed at an Arab American community center in Chicago.

In Huntington, NY, a drunk 75-year-old man tried to run over an American Pakistani woman in a parking lot, then followed her into a store and threatened to kill her for “destroying my country.”

Two Christian churches were attacked. No acts of hate against American Irish followed the bombing in Oklahoma City. We brought the perpetrator to justice, but we did not attack others simply because they may have looked like, or belonged to the same faith as, or had the same ethnic background as Timothy McVeigh.

We should not paint with a broad brush those who may look the same, or have the same ethnic background or religion, as those who perpetrated these heinous acts on Tuesday.

In Arabic, Islam means peace, and in the Koran it says:

Whoever kills a soul unjustly, it will be written in his book of deeds as though he killed all humanity.

Chapter 5, verse 32 of the Koran.

Those who are using the Islamic faith as some justification for the wholesale killing of innocent people are simply trying to cloak their murderous activities with the cloak of religion and the Islamic faith.

The Islamic faith is a religion of compassion and mercy, of tolerance and justice, and we should not let those terrorists, those who kill innocent people, try to make the Islamic faith into something it is not.

This amendment that Senator Hatch and I and others have sent to the desk expresses the sense of the Senate condemning the vicious backlash against our Arab Americans and American Muslims. The resolution also affirms the important role that American Muslims have played in America and in our world culture, and affirms the American values of religious freedom, rule of law, and civil rights.

I hope this will be adopted unani- mously as a strong statement of our enduring support for our constitutional framework of tolerance, human rights, and diversity.

In this time of national trial, we must come together with resolution, determination, and unity. We cannot afford hate, divisiveness, or prejudice, or we become like the terrorists.

I urge all my colleagues, I urge all Americans to celebrate our diversity, to reaffirm the contributions and civil liberties of all Americans, including Arab Americans and American Muslims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Utah.

Mr. REID. Mr. President, I commend the distinguished Senator from Iowa for his work on this amendment. I am very pleased to join with him in this amendment. As a former chairman of the Judiciary Committee and the current ranking member, I commend the good senator from Iowa for preparing an amendment that demonstrates America’s inherent principles of justice and fairness for Americans of all backgrounds.

American values require that we choose our enemies specifically and never do by ethnic or racial identities. That is just the way our country
is. Yet the incidents my distinguished friend from Iowa has recounted, of which I am aware, really indicate there are people out there who fail to recognize that there are wonderful Arab Americans and people of the Islamic faith who are just as patriotic and just as devoted to our country as anybody in this body, and there is little or no excuse for the kind of prejudice we have seen.

The purpose of this sense-of-the-Senate resolution is to have the Senate on record to let people know that we do not believe in prejudicial activities against any American citizen. All Americans should be free from discrimination, including Arab Americans and persons of the Islamic faith.

We all know decent, dedicated and patriotic people among the Arab-American and Muslim communities of this country. These people, in the finest tradition of the immigrant contribution to the American tapestry, have made and are making contributions in their communities and to our country.

It is important for us to stand together against tyranny and prejudice. We all know that it is important for the Members of the Senate to be on record against these type of prejudicial activities.

We oppose terrorists, not ethnic groups. We oppose the people who have done these horrendous, horrific acts, not U.S. citizens who are devoted to our country and who are just as horrified as we are about the acts of violence against people who are harboring those who commit these types of atrocities. And the whole world, I believe, will be with us.

It would be a tragedy if we as Americans who have committed discrimination and violence against fellow Americans who may hold beliefs that are different from other fellow Americans or who may be ethnically different from other Americans. It would be a tragedy if we allow this to continue. It is important for all of us to embrace each other, to stand together against tyranny, to stand together against terrorism throughout this world, and some of the most vociferous antagonists of terrorism are Arab Americans and members of the Islamic faith.

I know that my fellow Americans are all outraged at the events of last Tuesday. No one has an edge on outrage. No one, it seems to me, is more pure than anyone else when it comes to it. But it is simply unacceptable, immoral and illegal to take it out on people who are honorable, decent U.S. citizens or on people who support us throughout the rest of the world and especially in the Middle East as well.

I commend my colleague for his initiative. He is doing the Senate and the country an important service. I consider it an honor to co-sponsor this resolution with my dear friend, Senator Harkin and I hope everybody will vote aye on this particular sense-of-the-Senate resolution.

Mr. President, I yield my remaining time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania?

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Utah. I commend the Senator from Utah and the Senator from Iowa on their comments that there should be a clear-cut distinction between those who are responsible for terrorism and impugning any motives to any other Americans whatever may be their descent.

We are a nation of immigrants. My parents were both immigrants. There are Native Americans, but by and large this is a country of immigrants and ethnicity. Making judgments about people should not be based on their descent.

When we talk about terrorism, we are talking about specific individuals who have committed specific acts subject to proof and not anyone else.

I have sought recognition principally to have a discussion with my distinguished colleague from Idaho about the International Criminal Court. There was an amendment accepted by voice vote earlier which prohibited the use of any funds for the Preparatory Commission of the International Criminal Court. The matter will have to be resolved in conference.

The House of Representatives has a different provision, and I want to discuss the matter briefly. I regret if I have caused any delay here.

Mr. HOLLINGS. If the distinguished Senator from Iowa wants for the yeas and nays on his amendment. Can we do that?

Mr. SPECTER. The Senator from Iowa wants me to yield for that purpose.

Mr. HOLLINGS. And not lose the floor.

Mr. SPECTER. I do that for the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. SPECTER. I was about to say I regret if I have caused any delay, although I do not know that I have. I was present in the White House to conduct the business I had, and other matters were being attended to on the floor at that time, and then the President asked the Members whose States were involved in the recent terrorist attack to come to the White House, and I came back from there as soon as I could.

To the point on the International Criminal Court, I was a sponsor in the early 1980s of an international criminal court. At that time the thought was that the court would be directed to acts of terrorism, kidnapping, and hijacking, as well as drug dealing, when the world was faced with these enormous problems which could not be dealt with on the national level. We had at that time, in the early to mid-1980s and beyond, drug dealers operating out of Colombia where we could not secure their extradition.

The thought then was that the drug dealers might be turned over to an international criminal court, but not to the United States. There was a riot outside the U.S. Embassy in Honduras involving some individuals whom the United States wanted to extradite to the United States. Again, an example of what might have been handled by an international criminal court. As to hijackers and terrorists, the thought then was that countries might cede custody of these individuals to an international criminal court, whereas they would not give custody to the United States because of national sovereignty and issues of ideology. Since the mid-1980s when a lot of impetus was made for an international criminal court, of which Senator Dodd and I were the principal co-sponsors on resolutions—which I shall not burden the RECORD with at this time because we are getting close to the time of a vote—the International Court has turned in a very different way with the War Crimes Tribunal.

The War Crimes Tribunal has been effective in bringing him to justice, and others who were war criminals on charges of crimes against humanity, and there has also been a similar tribunal in Rwanda.

There has arisen a very difficult issue about the court asserting jurisdiction over U.S. military personnel and U.S. citizens based on what are essentially governmental decisions.

When I was in The Hague talking to the War Crimes Tribunal prosecutor Carla Del Ponte, I was surprised to hear from her that she had given consideration to a possible indictment of NATO Commander General Wesley Clarke at the urging of Russia and Yugoslavia. Carla Del Ponte considered possible prosecution of General Clarke for targeting civilians or for using unreasonable force because the targeting of military installations resulted in injury to civilians.

It seemed to me, and I said this to Carla Del Ponte, that it is given to the prosecutor of the War Crimes Tribunal, or the prosecutor of an international criminal court, goes

September 13, 2001 CONGRESSIONAL RECORD—SENATE 16979
too far. Having had substantial experience as a district attorney, it should be determined whether indictment is going to be a fact question or a question of law which is subject to review by the prosecutor. This should be considered when indicting someone of the standing of General Clarke, who is carrying out governmental decisions by NATO. I thought his indictment hardly fits what is conceived generally to be the jurisdiction of an international criminal court.

It is my judgment the United States cannot be a party to an international criminal court which would consider an indictment illustrative of General Wesley Clarke. If the President takes action against terrorists under a resolution authorized by the U.S. Congress, who knows if that governmental decision is going to be subject to a prosecutor’s judgment? That action would be outside of the range of what is considered a criminal act or what is considered traditionally, as a crime against humanity.

All of this brings me to a concern that I have about the prohibitory nature of the amendment offered by the distinguished Senator from Idaho, which limits any funding to the Preparatory Commission. My view is the United States should participate in the Preparatory Commission in an effort to try to establish in the world, in the world’s mind, the makes sense and is consistent with our principles. If we do participate in the Preparatory Commission, I am sure that we can affect the ultimate jurisdiction of the International Criminal Court. If we participate, I have a sense that the United States will be able to structure an international criminal court targeted in a realistic way and involving traditional criminal concepts as opposed to governmental decisions.

There is no doubt that General Pinochet of Chile is another matter, but I would rather be inside the tent than outside it when trying to deal with these issues. I yield to my distinguished colleague from Idaho.

Mr. CRAIG. I thank the Senator from Pennsylvania for yielding. I must say, in all respect to him, I have always appreciated the Senator’s legal mind and the way he works through very difficult processes, and it does not differ here.

He and I are extremely concerned about the very broad authority that is given to new court if it becomes ratified. That is why early this week I moved to deny our participation in it.

It is arguable, by those to whom I have listened, that even a preparatory commission’s involvement is not going to allow us to change the jurisdiction as prescribed by the Rome Treaty. The Senator has every right to be concerned about this broadened authority and efforts internationally to go after some of our officials for their responsible actions based on our public policy.

The issue is that 30-some-odd nations have already ratified it. It takes 60 with or without our approval. It could become an operative court. It has an independent prosecutor who, legitimately, by its actions, could go after anyone 18 years of age or older anywhere in the world. In other words, our sovereignty, our ability to protect our citizens, might only rest within our borders. It was not long ago that Henry Kissinger was in France and our Secretary of State had to intervene to protect him because a French judge was after him, trying to arrest him. This happened less than a few months ago.

I think the Senator is right to be concerned at a time when our President is rallying internationally a coalition of nations to develop a strategy to go after international terrorism, that somehow down the road that President may be held accountable by an international body, even though he had the express permission of this Nation and our people to protect this Nation and our people, and would choose to do so in an extraterritorial way.

Those are my concerns. I do not know that our presence at the table can make the difference because it is my understanding we cannot change the basic premise or the intent of the Rome Treaty.

Mr. CONRAD. I told a colleague from Pennsylvania that I will work with him in conference. Clearly, this has to be defined in a way that does not allow an arbitrary approach. I am concerned our presence at the Preparatory Commission in some way gives to the world an idea that we might be subliminally encouraging this concept. It must be clear we do not.

The PRESIDING OFFICER. All time on the pending amendment has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. Mr. REID. I announce that the Senator from Connecticut (Mr. DOOD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The amendment (No. 1560) was agreed to by its terms, but for the reason stated by the amendment or amendments that the distinguished Senator from Arizona has. But it has to be forthcoming or we will just move to third reading. If they don’t want a vote for third reading, then we will move on to something else.

This situation has really gotten totally out of hand with respect to the system for bills being considered on the floor of the Senate. That is the work of the Senate. That is front and center. Not just a matter of the amendment or amendments, and they are held up. It takes actually less time to work them out. So I am not all antsy that we have to
September 13, 2001

CONGRESSIONAL RECORD—SENATE

be moving and voting every second. In fact, that is what we have been doing all afternoon. We have had a good afternoon working them out. But the Senator from Arizona has been put on notice. I understand that he is still trying to reconcile an amendment that some would agree to and then some would not agree to; and others are saying: Look, wait a minute. This is authorization on an appropriations bill; it covers the jurisdiction of several committees; it deserves to be heard before voted upon.

I do not know that the point of order would be made of legislation on an appropriations bill. But I say this publicly so everybody is on notice. I do not want to say that we just abruptly moved for it. I do not have to get third reading. I have other work to do.

I yield to the distinguished Senator, Mr. DORGAN. Mr. President, I wonder if the Senator from South Carolina would yield for a question.

Mr. HOLLINGS. I am delighted to yield.

Mr. DORGAN. I share his sentiments in trying to move this bill and complete it. I wonder what would prevent us from going to third reading. Is there an objection to doing that?

Frankly, when a bill has been on the floor a long period of time, and people are on notice, it seems to me they have some responsibility to be here to offer amendments.

So I ask the Senator, what would prevent us from going to third reading at this point?

Mr. HOLLINGS. It would be the will of the Senate whether they want to continue or not. It would be an up-or-down vote. It would not be a unanimous consent.

Mr. DORGAN. If I might inquire further, obviously no one wants to short-change the opportunity of any Senator to offer any amendment at any point.

Mr. HOLLINGS. I am happy to yield.

Mr. REID. Will the Senator yield for a brief moment?

Mr. JEFFORDS. I am happy to yield.

Mr. REID. I say to my friend from South Carolina and my friend from New Hampshire, there are negotiations going on in the hall now. I have been told that within less than 10 minutes they will come in and report to the two managers of the bill as to what progress has been made. They feel confident they will have something to offer. So we shall see.

Mr. HOLLINGS. Good. The PRESIDING OFFICIAL. Without objection, it is so ordered.

Mr. HATCH. I send an amendment to the desk on behalf of Senators.

The PRESIDING OFFICIAL. The clerk will report.

The assistant legislative clerk read as follows:

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

The text of the amendment is printed in today’s RECORD under “Amendments Submitted and Proposed.”)

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

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

As the tragic events of this week have shown, one of the most essential tasks our Federal Government faces in the post-cold-war era is that of protecting our Nation and our citizens from the unprovoked acts of terrorism. In the aftermath of Tuesday’s devastating attacks on the World Trade Center and the Pentagon, we, as lawmakers, must take every possible step to ensure, in addition to adequate financial resources, that the law enforcement community has the proper investigative tools at its disposal to track down the participants in this evil conspiracy and to bring them to justice.

One of the most effective investigative tools at the disposal of law enforcement agencies is the ability to go
to a Federal judge and get wiretapping authority. It is critical in matters such as this. That is the ability to intercept oral or electronic conversations involving the subject of a criminal investigation. The legislative scheme that provides this authority, and at the same time protects the individual liberties of American citizens to be secure against unwarranted government surveillance, is referred to in the criminal code as Title III. Among the many protections inherent in Title III is that only the investigations of certain criminal offenses, those judged to be sufficiently serious to warrant the use of this potent crime-fighting weapon, are eligible for wiretapping orders. The law lays out a number of crimes deemed by Congress to be serious enough to warrant allowing the FBI to intercept electronic and oral communications.

Title III currently allows interception of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property. Inexplicably, however, the Federal terrorism statutes are not currently included in Title III. I have been complaining about this for a long time and this is the time to correct it.

Let me repeat that. Title III currently allows interception of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property—important issues.

The PRESIDING OFFICER. The Senator will please suspend. The Senate will be in order. Senators will kindly take their conversations off the floor.

The Senate from Utah.

Mr. Hatch. It takes care of those crin- diminal death into our backyard. However, we must also be careful that in our quest for vengeance we do not trample those very liberties which separate us from those who want to destroy us.

We are fortunate that we already have in Title III a legislative scheme that balances these conflicting interests. We must not be hesitant to bring to justice those—bear on the terror- ists who threaten our national security. That is one of the things this amendment will do, and in my opinion one of the most important things that this amendment will do. But it is not all this amendment will do.

Second, cybercrime is one of the fast- est growing areas of criminal activi- ties. Terrorists, criminals, and hostile governments are using computers as tools to commit crimes and are targeting computer networks to perpetrate acts of terror that, until this week, would have been unimaginable on American soil. Millions of dollars are lost annually as a direct result of this criminal behavior, and it is no longer a fantasy that thousands of lives could be lost in future terrorist incidents.

The FBI is devoting an increasing share of its resources to combat cybercrime. It is up to us as lawmakers to ensure that, in additional to ade- quate resources, the FBI has the proper tools at its disposal to meet this new challenge.

Title III allows the Department of Justice to go to a Federal judge and get authority to intercept oral or elec- tronic conversations in connection with the investigation of criminal ac- tivity. The law lists a number of crimes deemed by Congress as serious enough to warrant allowing the FBI to be- come a wiretapping statute. Terrorists, criminals, and hostile governments are using computers as tools to commit crimes and are targeting computer networks to perpetrate acts of terror that, until this week, would have been unimaginable on American soil. Millions of dollars are lost annually as a direct result of this criminal behavior, and it is no longer a fantasy that thousands of lives could be lost in future terrorist incidents.

Tuesday’s despicable attack on the World Trade Center and the Pentagon must serve as a wake-up call that we are vulnerable to attack in ways we have never imagined. A computer- based attack on our criminal justice infrastructure remains a very real pos- sibility. I urge all my colleagues to agree to this amendment to provide our law enforcement authorities with the tools they need to effectively com- bat this menace to the secu- rity of our society.

There are other important tools this amendment will provide, tools that those investigating the terrorist acts committed earlier this week will be able to use in the fight against terrorism in the future. We put up with an awful lot of mistaken arguments around here throughout all these years that made
even includes some revisions in the law with respect to the authority to deal with terrorism. It sets up a special new office in the Attorney General's office, a Deputy Assistant Attorney General, to deal specifically with terrorism, and in other ways deals with terrorism. Therefore, there is an ability for us today to focus on some additional improvements to those that can be made in our law to deal with terrorism.

I hasten to say that this is not the “answer” to the problem of terrorism. In the first place, I do not think there is a silver bullet. There is no single answer. We already know that there are a whole lot of things we are going to have to do to improve our ability to detect it, to predict it, to stop it, and to enforce whatever action is appropriate after the fact.

I am sure we will be creating commissions, be revising legislation. In fact, we are going to be passing an appropriations bill to begin to fund some of the cleanup of this in the very near future, I hope.

There are a lot of things that we have to do. One set of things experts in terrorism have been telling us for a long time and the Director of the FBI has been telling us to do with a few changes in the law that make it easier for our law enforcement people to do their job.

I have a copy of just one of the three major commissions that have reported on terrorism. This is a report called “Countering the Changing Threat of International Terrorism,” a report from the National Commission on Terrorism. This was chaired by former Ambassador Bremer and Maurice Sonnenberg, both of whom testified before the Terrorism Subcommittee of the Judiciary Committee, which I chaired at the time. In fact, all of these commissions have been the subject of hearings before our subcommittee, as well as numerous other hearings dealing with the subject.

In addition to that, we have had a lot of testimony from the Director of the FBI and other U.S. Government officials all implored us to do some things to help in this battle against terrorism. We took a run at some of these things. In fact, we incorporated some of the provisions of these commission recommendations in the bill that passed the Senate a year and a half ago.

It is hard to put a percentage on it, but maybe half of the amendment before us tonight embodies those same recommendations. So we have already voted on a lot of the things that are in this amendment. Some of the others have come later.

The point is that we dealt with these issues. There has been legislation dealing with these issues. There have been numerous votes on these issues. They were in effect lying on the table waiting for us to deal with them. Unfortunately, it is the case that even though from time to time we have put some of these ideas out, there has always been a reason not to do it, to wait, to defer, to hold off on that, and that to will have a comprehensive look at this or whatever it might be. We have to set our priorities around here.

But those of us who sit on the terrorism committee—the Intelligence Committee and other committees of jurisdiction—have become increasingly restless because we keep getting briefed on the potential for terrorist threats, and we keep imploring our colleagues to please let us act on these things.

Finally, we have an event that is so horrendous and so deplorable that all of America is asking us to declare war on terrorism. Indeed, that should be our attitude, in effect. So we are now faced with a challenge from our constituents to do the right thing. What are you going to do about it? Of course, the first question they have been asking us is, What have you been doing about it? My answer is there are a whole lot of things you are going to see us doing that we need to do.

We can start tonight with a few substantive changes in the law that will make an impact on our ability to fight these crimes of terrorism. Some of this bill calls for analysis and reports about some additional things that we might want to do. It will give us the factual basis for acting in the future. Some of the provisions are actual operative provisions that will take effect the minute the President signs the bill to begin to give our law enforcement and intelligence agencies the tools they need to better fight these kinds of crimes.

The former chairman of the Judiciary Committee has just talked about a couple of these provisions—the so-called “predicate crime provisions.” It is incredible our law enforcement agencies have to begin investigating crimes of terrorism under the auspices of looking into other crimes. Maybe there is computer fraud or credit card fraud and we will use that as we look to investigate crimes which are really crimes of terrorism. With this, we call a spade a spade, and say we are investigating terrorism. That is what we expect is the case. That gives us the legal authority to go to the judge and get the warrant or authority to move forward.

In addition, we have an odd thing which crept into our policy that we change. It made sense when it was appointed to somebody to do the purchasing of information. What we are addressing is the recruitment of the purchasing of information. What is not the issue we are addressing here—one of which ordinarily we would not approve. But it is the only way they are going to get into the terrorist cell. We can certainly provide that kind of recruitment can take place.

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

Mr. KYL. Yes. I am happy to yield to the distinguished Senator from Arizona.

Mr. LEAHY. Mr. President, does the Senator understand that intelligence agencies today are unable to buy information—just to use that as example—from someone who might be part of a terrorist organization?

Mr. KYL. If I could respond, that is not the issue we are addressing here—the purchasing of information. What we are addressing is the recruitment of what the intelligence community calls “source material.” I believe that would be useful in infiltrating an organization and getting information out of that cell and sharing that information with us.

Mr. LEAHY. The distinguished Senator from Arizona saying that we are unable to have what is called a re- tainer, or bribe, or anything else on a regular basis and have somebody who is part of the terrorist organization giving information to us?

Mr. KYL. This amendment doesn’t deal with any question of payment for agent services. I presume we could do that. This amendment doesn’t have anything to do with that. The problem that we have here is the former Director of the CIA created the policy because of some things that occurred in our past—if we are going to recruit asset sets, people who would do work for us, those people cannot have in their background human rights abuses. They cannot have that kind of background. That is a principle policy if you are recruiting somebody to do this. Unless we are able to do this, we are going to get into the terrorist organization, you are probably going to have to talk to people who themselves have pretty checkered backgrounds. If you could use those people—whatever their motivation: maybe they do it for money, or for some other reason—but if they are willing to give you information based upon their ability to find out what a terrorist organization is doing, then it is very valuable.

As the distinguished chairman knows, our ability to collect information on these groups is very limited. Almost everybody in the community talks about the need for better human intelligence. Unless we are able to recruit the kind of people who could provide that intelligence, it is going to be pretty difficult for us to get it.

Mr. LEAHY. Mr. President, the Senator has the right to make his whole point, and I do want to interrupt with that. Unfortunately, because this is something that we have had no hear- ings on, we haven’t had the discussions
in the appropriate committees—Intelligence, Armed Services, and Judiciary—we are somewhat limited in opposition. I will not cite numerous examples of situations which I think would make clear that we do not have the limitations. I know the concern the Senator from Arizona has. I don’t question his concerns. But in open session, I am restrained from going into some of the things that concern him. Those concerns he raised have been responded to in the law by our country. I will not. But that is why I would suggest something like this to the Armed Services Committee which has the ability to go easily into closed session, and often does. It would be able to look at it and make a recommendation to the Senate.

Our committee would be able to make a recommendation to the Senate, which can be done relatively quickly, and the Intelligence Committee.

I would feel far more comfortable voting on something like this if these various committees not only had a chance to look at it but that President Bush’s—Mr. Bush—the Attorney General, the Director of CIA, the Secretary of Defense—would have the opportunity to let us know their views on it. I would feel far more comfortable with that, I worry that we may run into the situation where—all of us have joined together in our horror at these despicable, murderous acts in New York and at the Pentagon—we do not want to change our laws so that it comes back to bite us later on.

Mr. KYL. I want to assure the distinguished chairman that we are not changing the law. This is simply a guideline the previous CIA Director felt was needed. We are not changing the law doing anything un-toward or unconstitutional.

Our constituents are calling this a war on terrorism. In wars, you don’t fight by a Marquis of Queensberry rules. The time to be overly pugnacious is in place because of the difficulties that presents.

All this does is to change a guideline—to legal statutory change—that simply says if they believe particular people would be useful in gathering intelligence against terrorist organizations—it is specifically limited to that—then they may recruit those people even though there might be something in their background that suggests they have a checkered past.

If we cannot use informants against terrorism, the situation means there are no good actors, then we start this war with one hand tied behind our back.

There are a lot of other changes that we make in this amendment. Let me just illustrate the nature of the things we do. I think almost all of them are going to the same place.

We ask for a study on the role that the National Guard could play in these events.

We say it is the sense of Congress that we should commence a long-term research and development program to address catastrophic terrorist attacks. Our intelligence folks really need to begin R&D into techniques for dealing with things such as fiberoptic cable. It is very difficult to intercept communications. With things such as encryption, it is very difficult to hear what people are really saying. Times are changing. We need to be able to develop the techniques to meet these new challenges. This simply expresses the sense of the Senate that we should get on with that.

There is a section in this amendment that permits disclosure by law enforcement agencies of certain intelligence obtained by the interception of communications. We implement one of the recommendations of the Bremer commission, which said there is a lot of illicit fundraising for terrorist organizations going on in the United States. We need to get a handle on that. So again, we have the sense of the Senate in this amendment that Congress needs to do that. It is not a significant operational provision.

We have a report required on controls on pathogens and equipment for the production of biological weapons. I think this is something everyone will support. There has been a lot of testimony on its need.

There is a provision that our law enforcement people would like, which I think is eminently reasonable, and that is the cost of professional liability insurance. When we send them off to do certain kinds of work and they may act in such a way that they are going to get sued, ordinarily the Government would be the party that is sued. But the Government is immune from suit, so the individual agents are sued. We would like to at least pay for part of their professional liability insurance when we have them to go off and do something. Then the final provision, other than the two Senator HATCH has already talked about, deals with authorities that the last Director of the FBI has implored our committee to give him for years. I will state the problem and then tell you what the solution to it is.

When you do a wiretap, it is fairly straightforward. You go to a court, get an order based upon cause, and then you tap into the phone line. But with regard to computer attacks, whether it be a hacker or a person who goes down to a hacker—and even hackers can cause a lot of problems, but what you want to do, hopefully in real time, is trace the attack back to its source, so you can stop it or you can prosecute the perpetrators. And if it is a terrorist attack, you want to get to it immediately.

The problem is, these people are very clever. Someone, let’s say in Afghanistan, will electronically hook into somebody in New Delhi. And then through that computer they hook into somebody at the University of California in San Francisco. And through that computer they hook into AT&T in Chicago. And through that computer they hook into the Pentagon.

It is well known that you can do this. It is not apparently that difficult to do. Unfortunately, under the law, when the Pentagon starts getting hit, first you get a court order in Virginia. Then you go to Illinois and you get a court order there. Then you go to San Francisco and you get a court order there. I don’t know what you do in New Delhi. But the bottom line is, we need to have one place where you get your court order, just like you do for a wiretap.

That is what the FBI Director, on numerous occasions, asked us to provide, the authority to be able to do that. I can quote you page after page of his testimony asking for this. I will not do that in the interest of time.

These are the kinds of things that law enforcement has asked us for. This would be a relatively modest work in comparison with the kind of terrorist attack we have just suffered.

Clearly, there are a whole range of actions that we are going to need to take, but the benefit of it is they have all been the subject of hearings or reports by these commissions. They are clearly the kinds of steps that we need to begin to take. And we can do that tonight on a bill which clearly relates to the subject and at least begin the process of assuring American people that we are doing what we can do to stop these horrible events.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have been consulting with the chairman of the committee, and we are hopeful to get a vote on this amendment and a vote on final passage. We do intend, according to our leadership, to do that tonight.

In the interest of time, I was wondering if we could reach a time agreement on this amendment. Obviously, the proponents of the amendment have just spoken, by my estimate, for about a half an hour. I was wondering if we could reach a time agreement where anybody rising in opposition would be able to claim a half an hour, and then there would be a final 10 minutes which would be equally divided. We would have a vote on this amendment sometime around 8:45. I ask unanimous consent if people would agree to that.

Mr. LEAHY. I reserve the right to object; actually I will.
I say to my distinguished friend from New Hampshire, I would be delighted to discuss that. I am still reading this amendment. We have, for example, the requirement for full reform and reconciliation. It sounds like a good idea for people who are.

Mr. GREGG. I ask the Senator, is there a time agreement the Senator would be comfortable with?

Mr. LEAHY. I will be happy to discuss it with him. I thought it might be a little easier if I could get some of the questions I have answered.

Mr. GREGG. I withdraw my request, then, and yield the floor.

Mr. LEAHY. There is——

Mr. GREGG. The Senator might want to seek recognition.

I yield the floor.

Mr. LEAHY. I wonder if the proponents of the legislation could tell me, how much—I am not going to say we should not do this, but we have professional liability insurance, as it looks to me, for several thousands of people.

Do we have any idea how much that would cost? Are we talking about $50 million, $100 million, $200 million? Can any of the proponents of the legislation tell me that?

Let’s say it is $200 million. We will just write that down. It is easy enough to say $200 million. We have something that has been put together in the last few minutes.

So we have a requirement, notwithstanding any other provision of law. In other words, notwithstanding whatever other limits are in here, we shall reimburse for professional liability insurance for what appears to be several thousands of people.

Heck, I would like to add to that maybe we could all get ours paid for at the same time. I know mine costs several hundred thousand dollars. This might also be a good thing, but if we ask the CIA and the Justice Department to do that, it has to come out of their budget. They are all strapped for money to spend on fighting terrorism and whatnot. Are they willing to take a $200 or $300 million cut from their budget? I just ask the question. I have not heard an answer.

Mr. HATCH. If the Senator will yield?

Mr. LEAHY. Of course. I yield without losing my right to the floor.

Mr. HATCH. I am not sure we know the exact amount, but what justification is there for these heroic law enforcement people who are doing the people’s business to have to pay for their own liability insurance in case they get sued by a voracious trial lawyer who would——

Mr. LEAHY. It seems to me the distinguished Senator from Utah misstated by what I said. I happen to be in favor of people who are going to be out there for our country getting their insurance paid for if they are in a situation where they do not come under the normal provisions that insulate them from suit.

I know millions of dollars were spent by people from all the investigations that the Congress and others had against government employees, investigations that resulted in nothing in the end, except for the millions of dollars these people paid out of their own pocket. Sure, I think they should have insurance for that. I just ask the question: How much? And will this money come out of their other budget? If it is going to be $200 million or $300 million, let’s have a line item for that. I will vote for such a line item.

In here it says, on wiretapping, pen registers, trap and trace devices, if the court finds that a State investigator or law enforcement officer—it could just as well be a private investigator. This means a private investigator, a licensed PI—if they certify to the court that the information is relevant, if they just came in and said: Your Honor, I certify this is going to be relevant; I am a State investigator; I am the deputy sheriff of East Washtub—I apologize to anybody if there is such a town, East Washtub. Let’s say I am a deputy sheriff on weekends and a mechanic the rest of the time, and I certify we need this, a State officer. Does that mean a Federal judge is going to stop things and give them the order?

I have worked with some very good deputy sheriffs in my time. I am not sure that even with the best—some of them were darned good when I was a prosecutor—any of them are going to go into Federal court and say: I want to certify I need this wiretap or this pen register, trap and trace.

I think we ought to at least know what is going into people’s computers. Maybe the Senate wants to just go and ask the Director of the CIA, something the President could have them do just like that, if the President really wants to—if we are going to do all that here, with no hearing, what does this do to help the men and women who work in the FBI in the Pentagon—and their families? What does this do to help the men and women in New York and their families and those children who were orphans in an instant, a horrible instant? Hundreds, perhaps thousands, of children became orphans instantaneously. What does that do for them?

Somewhere we ought to ask ourselves: Do we totally ignore the normal wiretaps and tap our citizens. Maybe they want to adopt new abilities to wire our citizens. Maybe they want to adopt new abilities to go into people’s computers. Maybe that will make us feel safer. Maybe. And maybe what the terrorists have done made us a little bit less safe. Maybe they have increased Big Brother in this country.

If that is what the Senate wants, we can vote for it. But do we really show Reform and Immigration Responsibility Act of 1996, division C of Public Law 104–208; 110 Stat. 3009–565, the following new paragraph:

(6) unlawful violations of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism).

Does anybody want to tell me what that means? I thought we were here to give help to our law enforcement and to our law enforcement agencies. After all, they are all out there, for example, and sees me going out losing my right to the floor.

Mr. HATCH. If the Senator will yield?

Mr. LEAHY. I will not reread what I said, but to do something that nobody here on the floor can understand or explain, including the people who introduced the amendment.

Now maybe somewhere there is a press release in there. Why don’t we all send out a press release, a generic one that says we are against terrorists? No Member of the Senate is for terrorists. Why don’t we say we are against murder? Of course we are. But then why don’t we say what we are doing here? We are going to amend our wiretap laws so we can look into anybody’s computers.

If we are going to change all these things, if we are going to direct the Director of the CIA and, in effect, direct the President to change the way of the CIA, something the President could have them do just like that, if the President really wants to—if we are going to do all that here, with no hearing, what does this do to help the men and women who work in the FBI in the Pentagon—and their families? What does this do to help the men and women in New York and their families and those children who were orphans in an instant, a horrible instant? Hundreds, perhaps thousands, of children became orphans instantaneously. What does that do for them?
Mr. LEAHY. Mr. President, I would like to get back up.

The PRESIDING OFFICER. The Senate is in order.

Mr. LEAHY. Mr. President, I would like to get back. I have heard a lot of facts here. But we are talking about giving the tools to law enforcement that it needs to stop further terrorist acts in our society. You want the authority? I will tell you what the authority is right now. We don’t need a lot of facts and statistics.

This publication I hold in my hand is "Countering the Changing Threat of International Terrorism," the report of the National Commission on Terrorism. By the way, every one of these principles in this amendment, the Justice Department wants to implement, wants to do so badly, so that they can do their job to protect American citizens.

This National Commission on Terrorism says, just to go back to the original point:

By recent statute, a Federal agency must now absorb the cost of personal liability insurance to law enforcement officers and managers or supervisors.

Here is their recommendation, and it is not a bunch of obfuscation; it is pretty darn straight:

Recommendation: Congress should amend the statute to mandate full reimbursement of the cost of personal liability insurance for Federal Bureau of Investigation special agents and Central Intelligence Agency officers in the field who are combatting terrorism.

As I understand it, CIA officers do have this. So it is not something that hasn’t been considered or discussed by the top echelons of people who are knowledgeable about terrorism.

To get back to the provisions that we are considering, a lot of people in this country don’t realize that you cannot tap the lines of the terrorists without some predicate reason for doing so. They are not in Title III of our code. This corrects that. It doesn’t give law enforcement agents carte blanche to go out and do wiretaps. You still have to go to a judge. You still have to get the requisite authority. You have to present persuasive evidence to a judge to obtain wire-tapping authority.

But this is a tool that absolutely has to be had now, not a month or two from now. Let me go just a little bit further. This statute does not change the standard for traps and trace. It only adds emergency authority for the U.S. attorney. All trap and trace applications are approved by a Federal judge.

You have to make your case before a federal judge. It isn’t some wild-eyed breach of personal privacy. It gives us some tools to go get the terrorists. Local sheriffs cannot apply for trap and trace under these new provisions. Only U.S. attorneys can. I get a little tired of that type of talk. I have heard the suggestion that anybody can go in, anytime some local sheriff wants authority to, he can tap a computer. That is unmitigated bull.

Let’s talk about the computer situation. Currently, a judge’s order applies only in the jurisdiction where it is issued. The order goes from computer to computer, leaving a trail that law enforcement has to follow. Investigators must go from jurisdiction to jurisdiction obtaining a trap and trace in every jurisdiction in order to do so. It puts it in terms of a terrorist who happens to go in all 50 States. That means that, in order to investigate, law enforcement has to go in every State in the Union to a Federal judge and get authority to do what ought to be done overnight in front of a single federal judge. Under the amendment we are proposing, it can be done overnight by going to a single federal judge.

These are the kinds of things that bother me. This is what this amendment will do.

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

Mr. HATCH. Mr. President, I will be happy to sit down soon because I know we are ready to vote soon.

The chairman of the Judiciary Committee suggested that a prosecutor could get a wiretap for anything they wanted under our amendment. With all due respect, under Title III, a prosecutor must still go to a judge, just as he or she would when investigating wire fraud or interstate transport of stolen property. If this amendment is passed, the only change would be that a prosecutor could get wiretapping authority with respect to a terrorism or cyberterrorism offense.

Is terrorism or cyberterrorism as important as that? Will a judge apply a different standard in issuing authority for those wiretaps? You and I know a Federal judge will not do that. I think the answer is obvious. Why should we when we know that these tools will help? The FBI is the Justice Department strongly support for these important reforms. Let us adopt them now, and fight these problems now. We are not altering the Constitution or taking away the people’s rights. We are helping to give the tools to our law enforcement community to stop terrorism. We are helping law enforcement help us to be safe and to investigate the crimes like those committed this week.

There is a lot more I could say. I understand we are ready to vote. I wanted to set the record clear.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will respond only because my name was mentioned in this last debate and the implication was made as to what my position was. Let me state my position to be accurate on the RECORD. I read this to say: If the court finds that the State investigative or law enforcement officer—obviously two entirely different things—has certified to the court that the information likely to be obtained by such installation used is relevant to an ongoing criminal investigation, the judge shall order the installation.

That is what the amendment says. You could have a State investigator, not even a sworn police officer, come in and say: Your Honor, I certify that this is relevant; give me the order. It seems to me that through the judge has much choice. We do it to fight terrorism on computers. How is a terrorist defined? We know what terrorism was at the
trade towers. Is a terrorist somebody who comes in and says: I want to come in armed and make a statement, carrying a legally registered, licensed weapon, and make a statement; I shall have an easier time to carry my guns? Some people may feel terrorized. In my State, it would be routine. Is it terrorist activity if somebody blocks a contractor who wants to tear down trees to open up a development, and have sent e-mails to their friends about this? Is that terrorist activity? It is easy to define terrorism.

It says, however, if you come in from wherever and say you are the private investigator hired by the contractor, you say: Hey, I certify this, give me the order, and you get it. Fine, if that is what we want. I would be a little bit concerned about our own rights as Americans.

Mr. LEVIN. Mr. President, I have one question I want to ask, perhaps, of my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. LEVIN. I have not had a chance to read this language until tonight. I guess that is part of the problem. It also is clear this is going to be adopted. I want to ask one question for the record.

This amendment goes beyond changes in the wiretap law as it relates to terrorism; is that correct? The language is "any ongoing criminal investigation."

Mr. HATCH. That is correct.

Mr. LEVIN. So it is broader than terrorism. I am not debating merits plus or minus. I am trying to understand what is in it since it came to me for the first time tonight. I want to be very clear, at least the way I read this, that this is not something that is just limited to counterterrorism, about which I think all of us would have a passion.

Mr. HATCH. Will the Senator yield?

Mr. LEVIN. Yes.

Mr. HATCH. The wiretapping provision in a broad investigational authority. It is not limited just to terrorism, but, currently, terrorism is not included in that authority. It is one of the defects in our system. All we are trying to do is get it included so we can find these people, and we can do it. Even so, before being granted wiretapping authority, you have to make a case, before a Federal judge, that you have probable cause to believe that the subject of the wire-tapping order has committed a serious criminal offense.

Mr. LEVIN. If my friend will yield further, I understand we want to make sure terrorism is included in our statutes.

Mr. HATCH. Right.

Mr. LEVIN. This amends, though, our statutes. I am not arguing the pros and cons. It is just terrorism. It it amends the wiretap law and all criminal activity, including terrorism; is that correct?

Mr. HATCH. It adds terrorism to Title III. In addition, it upgrades wiretap laws to include computer terrorism, cyberterrorism, even right down to cyber-terrorist.

Mr. LEVIN. But it does not relate.

Mr. HATCH. Because those offenses are not currently covered in Title III, and we need to correct that defect or we cannot verify these problems with regard to terrorism.

Mr. LEVIN. I tend to agree with our friends that we need to strengthen the law on that point. I want to be clear on one point: We are not adding terrorism to make sure we are covered. We are applying these new standards to all criminal activity, not just terrorism.

Mr. HATCH. That is correct, but keep in mind, our current laws are anachronistic laws based upon telephones where now we are in the area of cyberterrorism, and we must upgrade the laws to take care of that.

Mr. LEVIN. I make one request of my good friend from Vermont, the chairman, because he has raised some important questions about making sure we take the time to know what we are doing. We are not going to have that time tonight. That is obvious. I express the hope, given the kind of points that have been made here, that it would be possible, before this comes back in the form of a conference report, for there to be some review of some of these provisions by the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we will try our best. We are, of course, under the same limitation as everybody else trying to get a lot of work done. I had planned in the next couple of weeks to do a number of judicial hearings. I suppose we can spend the time doing this. It probably would make some sense.

We do not define terrorism, but we say we are adding that. I guess some kid with a kid's computer could be a terrorist and you could go through the kid's house, his parents' business or anything else under this language; it is that broad.

Again, the Senate can vote for whatever it wants. I certainly hope we would put in, and I will support the money for the liability insurance. The problem, I suspect, is with several hundred million dollars. But if that is what we want, we should do it. Let us make sure it is covered. I will try to get the time for people to work on this during the next couple of weeks to try to answer the questions.

The Senator from Michigan asks a legitimate one. We will set aside virtually all of the Judiciary Committee to get an answer. Had I or our staff been asked about this, we probably could have had those answers, but I saw it about 30 minutes ago, about the same time the Senator from Michigan did.

I tell my friend from New Hampshire who asked a question earlier, I have no objection to voting any time the Senator from New Hampshire desires to vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have had a very good debate on this amendment. We have had two people who feel very strongly about the issue explain very well their respective positions, and the chairman of the Judiciary Committee indicated he will hold further hearings on this. He is concerned about the way this amendment arrived. The fact is, a lot of times legislation, as the Senator from Utah and the Senator from Vermont know better than I, they both having served here longer than I, sometimes ends up this way.

I hope we can get rid of this amendment at the earliest possible date. If it is my understanding the proponents of the amendment have agreed to accept a voice vote. It is clear this amendment will be agreed to. When this bill goes to conference, the two veteran legislators who are managing this bill will be able to deal with some of the problems that have been raised tonight.

Mr. HATCH. Will the Senator yield? I ask unanimous consent that Senator Helms be added as a cosponsor of the amendment.

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

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 1562.

The amendment (No. 1562) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

To address this limitation, we did two things. First, we delayed implementation of a full must-carry obligation until January 1, 2002, so as to give the industry time to upgrade their satellites to handle more channels. I regret that the satellite industry has challenged the must-carry requirement on constitutional grounds, but also observe that a federal court recently threw out their lawsuit. Second we directed the FCC to make "final determinations" regarding license for alternate technologies that could deliver local channels on must-carry basis to markets that the satellites would not be able to serve.
I know my friend from New Hampshire shared my interest in this issue, as we both hail from states with television markets that are considered too small to receive local channels via satellite. Could my friend refresh for the record what last year’s appropriations bill for the FCC had to say about this matter?

Mr. GREGG. I thank my friend from Vermont for raising this. As the Senator stated, the SHVIA gave the FCC 1 year from the date of enactment, or November 29, 2000, to make a final determination regarding licenses which had been filed at the FCC in January 1999. Thus, Congress effectively gave the FCC nearly 2 years to make a “thumbs-up-or-thumbs-down” decision on these applications.

As we were putting together last year’s CJS appropriations bill, it became clear to us that the FCC was not going to follow that statutory directive by acting on the license applications. Accordingly, we inserted report language into the conference report reiterating and clarifying the SHVIA directive. Specifically, we wrote that the FCC “shall take all actions necessary to complete the processing of applications for licenses.”

When the November 29, 2000 deadline was reached, however, the FCC did not fully satisfy the directive. I would ask my good friend from Hawaii, who, as a senior member of the CJS Appropriations Subcommittee and as the Chairman of the Commerce Subcommittee on Communications, is uniquely qualified to share his expertise on this FCC matter.

Mr. INOUYE. I thank my friends from New Hampshire and Vermont for their interest in this issue. The satellite “local-into-local” problem is indeed a problem in our states, but we are far from alone. A new watchdog group, Equal Airwaves Right Now!, or EARN, recently released a study which projected that DBS carriers will not carry any local TV stations in 17 states next January, when the must-carry obligation takes effect. Ten more states will find that less than a quarter of their stations are carried by DBS. All told, 80 percent of all television markets will not have any local TV service via satellite.

This is indeed a problem that the FCC should address as soon as possible. So I will concur with the sentiments of my colleagues and reiterate once again to the FCC that we expect the agency to make a determination on these long-pending license applications before the year is over.

Only one company has satisfied the statutory directive to demonstrate through independent testing that its terrestrial service will not cause harmful interference to DBS. Thus, on its own ground alone, it would appear that the FCC cannot hold a spectrum auction, because, with only one qualified applicant, there can be no finding of mutual exclusivity. I’m also concerned about any further postponement of the deployment of this service that would deny consumers the immediate savings that would come about with the entry of a new competitor in the marketplace, which some have estimated will total $1 billion.

For all of these reasons, I think it is more than realistic for the FCC to issue licenses for this new service by the end of this year without resorting to an unnecessary and inappropriate auction.

I believe the ranking member of the Appropriations Committee would also like to add some comments. He is particularly well qualified on this as he is also a member of the Commerce Committee, which like the Judiciary Committee, had jurisdiction over the SHVIA.

Mr. STEVENS. I thank the gentleman from Hawaii. He and my colleagues from Vermont and New Hampshire have correctly recited the legislative history and I agree that the FCC did not fully satisfy either the SHVIA directive or the CJS clarifying directive. That said, I do want to commend the FCC for advancing the ball forward, so to speak, by establishing a Multi-channel Video Distribution and Data Service (MVDDS), after having concluded that it is technologically feasible for the terrestrial license applicants to share spectrum with satellite providers.

I would also remind my colleagues that last year’s appropriations bill for the FCC also required applicants who applied to share spectrum with DBS operators to conduct an independent test, that their terrestrial systems can safely share spectrum with satellites. It is my understanding that only one applicant, Northpoint Technology, submitted its transmission equipment to the MITRE Corporation for the required independent test. The MITRE report confirmed the FCC’s earlier determination that terrestrial-satellite spectrum sharing is feasible.

The FCC’s comment period for the independent test was statutorily limited to 30 days. The opponents of this new service could contest the findings forever, if we let them. We must insist that the FCC respect that deadline by promptly making a final determination on the Northpoint applications. It is time for the FCC to make good on the original statutory directive and, better late than never, finally issue the license.

Mr. INOUYE. I thank my colleagues from Vermont and New Hampshire, who, as a senior member of the Appropriations Committee and as the ranking member on the Appropriations Subcommittee on Commerce, are far from alone. A new watchdog group, Equal Airwaves Right Now!, or EARN, recently released a study which projected that DBS carriers will not carry any local TV stations in 17 states next January, when the must-carry obligation takes effect. Ten more states will find that less than a quarter of their stations are carried by DBS. All told, 80 percent of all television markets will not have any local TV service via satellite.

This is indeed a problem that the FCC should address as soon as possible. So I will concur with the sentiments of my colleagues and reiterate once again to the FCC that we expect the agency to make a determination on these long-pending license applications before the year is over.

Only one company has satisfied the statutory directive to demonstrate through independent testing that its terrestrial service will not cause harmful interference to DBS. Thus, on its own ground alone, it would appear that the FCC cannot hold a spectrum auction, because, with only one qualified applicant, there can be no finding of mutual exclusivity. I’m also concerned about any further postponement of the deployment of this service that would deny consumers the immediate savings that would come about with the entry of a new competitor in the marketplace, which some have estimated will total $1 billion.

For all of these reasons, I think it is more than realistic for the FCC to issue licenses for this new service by the end of this year without resorting to an unnecessary and inappropriate auction.

I believe the ranking member of the Appropriations Committee would also like to add some comments. He is particularly well qualified on this as he is also a member of the Commerce Committee, which like the Judiciary Committee, had jurisdiction over the SHVIA.

Mr. STEVENS. I thank the gentleman from Hawaii. He and my colleagues from Vermont and New Hampshire have correctly recited the legislative history and I agree that the FCC did not fully satisfy either the SHVIA directive or the CJS clarifying directive. That said, I do want to commend the FCC for advancing the ball forward, so to speak, by establishing a Multi-channel Video Distribution and Data Service (MVDDS), after having concluded that it is technologically feasible for the terrestrial license applicants to share spectrum with satellite providers.

I would also remind my colleagues that last year’s appropriations bill for the FCC also required applicants who applied to share spectrum with DBS operators to conduct an independent test, that their terrestrial systems can safely share spectrum with satellites. It is my understanding that only one applicant, Northpoint Technology, submitted its transmission equipment to the MITRE Corporation for the required independent test. The MITRE report confirmed the FCC’s earlier determination that terrestrial-satellite spectrum sharing is feasible.

The FCC’s comment period for the independent test was statutorily limited to 30 days. The opponents of this new service could contest the findings forever, if we let them. We must insist that the FCC respect that deadline by promptly making a final determination on the Northpoint applications. It is time for the FCC to make good on the original statutory directive and, better late than never, finally issue the license.

Mr. SMITH of New Hampshire. Mr. President, I thank Senator GREGG and Senator HOLLINGS for their help. As Senator GREGG knows, American Tissue has closed its mills in Berlin and Gorham with only a few employees left and the hydro plants in Gorham running. These employees are not being paid. The mills have supported these communities for 150 years and are the largest employers in the north country. In addition to people being out of work, American Tissue owes the towns millions of dollars in back taxes and water bills. The EDA has visited the area and has seen first hand how desperate the situation is and I would like to encourage them to do whatever they can to provide these communities with additional help.

Mr. GREGG. I, too, have visited the region and they are truly in need of assistance. I would like to thank Senator SMITH for bringing this to the attention of this group and I will work with my colleague to ensure this area receives the necessary help.

Mr. HOLLINGS. The situation does indeed sound severe. Hopefully we can provide some assistance.

Mr. SMITH of Oregon. Mr. President, I would like to clarify with my colleagues on the Appropriations Committee the disposition of certain funds earmarked by the Senate report language for the Commerce, Justice, and State, the Judiciary and related agencies appropriations bill for fiscal year 2002. This earmark, for $1 million within the Pacific Coastal Salmon Recovery Fund, addresses natural threats to the southern Oregon/northern California coho salmon in the Klamath River. I would like to clarify that since this earmark is out of the funds provided for the State of Oregon, these funds are to be spent within the State of Oregon.

I would assure my colleagues that there are such overwhelming needs related to water quality in the Upper Klamath Basin that these funds would be spent effectively in Oregon to improve water quality or enhance flows for the Klamath River system overall. Is that also the understanding of my colleague from Oregon?

Mr. WYDEN. It certainly is. I believe it is imperative that, since these funds are allocated to the State of Oregon, they be spent for on-the-ground activities within Oregon. These funds will be an important component of the near-term solutions that the Oregon delegation is trying to put together, literally as we speak, in order to assure more stability in the operation of the Federal Klamath Project.

Mr. HOLLINGS. I think that is certainly appropriate, and I have no problem agreeing to such a clarification, provided it is agreeable to my colleagues.

Mr. GREGG. That is agreeable to me as the ranking member on the Appropriations Subcommittee on Commerce.
Mr. SMITH. I appreciate that clarification on this issue of such importance to the State of Oregon.

Mr. HOLLINGS. I understand that Missouri is waging quite a battle against Methamphetamines.

Mrs. CARNANA. The Senator from South Carolina is correct. The rural nature of Missouri and its location in the middle of the country have led to a sharp increase in methamphetamine production and trafficking. In fact, I am sorry to say that Missouri now ranks second in the nation in clandestine meth lab seizures.

Mrs. CARNANA. Those funds will go a long way to enabling Missouri's hard-working law enforcement officers to combat this epidemic. I would like to spell out exactly how these funds will be distributed in order to maximize their effectiveness.

$110,000 will be for the Southeast Missouri Narcotics Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a four county area.

$10,000 will be for the Southeast Missouri Drug Task Force to target manufacturing, importation, and distribution and related violent crime in Southwest Missouri.

$100,000 will enable the Northeast Missouri Narcotics Task Force to provide drug enforcement and assistance to city, county, state, and federal authorities that operate within the region.

$120,000 will be for the Joplin Crime Lab to purchase new equipment and staff salaries to analyze and assist law enforcement in fighting methamphetamine and other illegal drugs.

$110,000 will provide the Southeast Missouri State University Crime Lab with relocation into a new building on SEMO's campus and funding for new equipment to analyze and assist law enforcement agencies and court services to manage and compile information about their cases and to share electronically maintained subject and case data in real time. The end result will mean increased efficiency and effectiveness of the criminal justice system in Mecklenburg County and the surrounding region.

Again, I thank Senators HOLLINGS and GREGG for their generous support of these projects. I also thank Senator HELMS for his tireless efforts on these and the many other appropriations projects that we have worked so closely on together.

CODE NO. 16989
enforcement in fighting methamphetamine and other illegal drugs.

$110,000 will help the North Central Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a seven county area.

$100,000 will support the West Central Missouri Drug Task Force’s mission to combat drug interdiction within a nine county area.

$145,000 will go to the Combined Ozarks Multi-jurisdictional Enforcement Team (COMET) to aggressively investigate and seek reduction of drug violations that occur within the area.

The Mid-MO Unified Strike Team and Narcotics Group—MUSTANG—will receive $100,000 to support its efforts to combat meth and other illegal drugs.

The South Central MO Drug Task Force report was silent on this point. I am pleased that these funds have been included in this bill.

I am extremely pleased that these resources will have a meaningful impact on Missouri law enforcement’s efforts to make our state safe and drug-free.

Among other things, NIJ provides support for a series of National Centers for Law Enforcement and Corrections Technology which test and evaluate new and existing technology and equipment for various purposes.

Last year Congress provided $1.2 million to establish a new center in Alaska to provide cold weather testing capability. I have received reports that all the centers in the lower 48 States would be funded in the President’s request, but the new Alaska Center would be zeroed out. That certainly is not understanding of the committee’s intention, and I note that the committee will receive $100,000 to target manufacturing, importation, and distribution of narcotics in South Central Missouri, including the Mark Twain National Forest.

I am pleased that these funds have been included in this bill. I am confident that these resources will have a meaningful impact on Missouri law enforcement’s efforts to make our state safe and drug-free.

The National Institute of Justice National Centers for Law Enforcement and Correction Technology

Mr. STEVENS. The fiscal year 2002 State, Justice, Commerce bill fully funds the President’s request for the National Institute of Justice. I commend the chairman and ranking member of the subcommittee for providing full funding.

Among other things, NIJ provides support for a series of National Centers for Law Enforcement and Corrections Technology which test and evaluate new and existing technology and equipment for various purposes.

Last year Congress provided $1.2 million to establish a new center in Alaska to provide cold weather testing capability. I have received reports that all the centers in the lower 48 States would be funded in the President’s request, but the new Alaska Center would be zeroed out. That certainly is not understanding of the committee’s intention, and I note that the committee will receive $100,000 to target manufacturing, importation, and distribution of narcotics in South Central Missouri, including the Mark Twain National Forest.

I am pleased that these funds have been included in this bill. I am confident that these resources will have a meaningful impact on Missouri law enforcement’s efforts to make our state safe and drug-free.

The impact on our health and the environment are extensive. The byproducts of meth production are highly toxic and hazardous and pose serious threats to the public at large. Meth is produced with toxic chemicals and generates dangerous byproducts. Because manufacturing can take place in the basements of homes and other populated areas, innocent neighbors are often placed in danger by meth production and use. Last year, local law enforcement raided five times the number of meth labs than they did the year before in Washington.

The use of this drug can also have a severe impact on families and children. People who use and make meth put children and their families at risk of hazardous contamination and often live in unsanitary conditions. Meth users tend to emotionally and physically abuse those around them.

With that, I yield to my colleague from Washington.

Ms. CANTWELL. I thank Chairman Hollings and my colleague, Senator Murray, for their tremendous work on this bill and for their particular efforts to address the problems of methamphetamine and other illegal drugs.

I believe that we are facing an epidemic in this nation that has the potential to be every bit as devastating as the crack cocaine epidemic of the early 1990s. That epidemic is the rapidly spreading abuse of the drug methamphetamine and crack cocaine. Unlike crack cocaine, meth will not devastate our inner cities—it will instead primarily devastate our rural communities.

I am sure that the Chairman is aware that rural areas are uniquely hospitable to meth production, and that the paranoid users of meth seek out rural areas because they know that our law enforcement officers are spread thin, and that they lack the manpower and the resources to constantly find and destroy new labs. A study by the National Center for Addiction and Substance Abuse at Columbia found that eighth graders living in rural America are 104 percent more likely to use amphetamines than eighth graders in urban areas.

This is the reason that we are intent on ensuring that local law enforcement agencies have as much assistance as possible in fighting the further spread of the drug. I hope that the Chairman and the members of the Subcommittee can work closely with those of us on the Judiciary Committee as we work to assess the local need for federal resources in the months to come. Again, I thank the Chairman and yield back to my colleague from Washington.

Mrs. MURRAY. The Commerce, Justice, State and Judiciary Appropriations Subcommittee, of which Senator Hollings is Chairman and I am a member, has responded to this problem by providing money under the Community Oriented Policing Services Program to help local communities and law enforcement combat meth production and use. In this year’s bill, we have provided a good number of resources to those states with the meth problem, including an earmark for the Washington State Methamphetamine Program.

Is it the intent of the Appropriations Committee that the money provided for the Washington State Methamphetamine Program be spread among the participating counties in Washington State, which includes the counties of King, Benton, Snohomish, Kittitas, Spokane, Thurston, Pierce, Lewis, Grays Harbor, Mason, Cowlitz, Clark, Grant, Chelan, and Yakima?

Mr. HOLLINGS. The Committee has long recognized the problems associated with the use and production of Methamphetamines, and we have provided real money to help local communities deal with this problem. It is the intent of this Committee that the money made available for the Washington State Methamphetamine Program be spread among the counties that you have mentioned.
CONGRESSIONAL RECORD—SENATE 16991

PACIFIC COASTAL SALMON RECOVERY FUND

Mrs. MURRAY. Mr. President, I ask Senator Hollings, am I correct in my understanding that the Manager's Amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill for Fiscal Year 2002 includes an additional $1,000,000 for Washington State's share under the Pacific Coastal Salmon Recovery Fund, raising the total for Washington State to $24,150,000 and the total for this account to $74,000,000?

Mr. HOLLINGS. The Senator from Washington State is correct.

Mrs. MURRAY. I thank the Senator.

I appreciate his assistance in this matter.

COASTAL PROTECTION AND RESTORATION PROJECTS

Ms. LANDMAN. Yes. It is my understanding that of the $31 million provided for 'Coastal Protection and Restoration Project' in the National Ocean Service Account of the Senate Committee Report of the Commerce, Justice, State Appropriations Bill for fiscal year 2002, $15 million is to be provided to the State of Alaska and $15 million is to be provided to the State of Alaska for coastal impact assistance. This funding is to be allocated to and used by the States of Alaska and Louisiana in accordance with the coastal impact assistance program authorized by the Senate Commerce, Justice, State Appropriations Bill, fiscal year 2001.

Mr. HOLLINGS. The Senator from Louisiana is correct.

OREGON GROUNDFISH

Mr. WYDEN. Mr. President, I thank my colleague, Chairman Hollings, for accepting the amendment I sponsored to provide funding to aid Oregon groundfish fishers and their families. I also want to thank Chairman Hollings for providing me the opportunity to clarify, for the record, how the money provided by this amendment should be spent.

This amendment provides $2,000,000 in additional National Oceanic and Atmospheric Administration funds for Cooperative Research on West Coast groundfish. It also provides $3,000,000 in additional NOAA funds for emergency assistance for the Oregon groundfish fishers suffering from the groundfish fishery disaster resulting in more than 40 percent drop in income since 1995.

The $2,000,000 for cooperative research surveys will be used by the National Marine Fisheries Service to put currently out-of-work groundfish fishing vessel owners on the job. They do so every three years instead of annually, as they do in many other fisheries. This funding for annual surveys means jobs for displaced fishers and reliable economical and educated labor for an agency that claims it can't do its work because it doesn't have manpower. It also means better fisheries data, which should yield better fisheries management and benefit the environment and local fishers.

The $3,000,000 for economic assistance is provided for fishers impacted by the loss of the August court case in which the Natural Resources Defense Council sued NMFS and won because NMFS used 15-year-old data to set groundfish harvest levels. Allowable harvests have been cut by an average of 64 percent over the past five years, and for some species it has been cut by 90 percent. This court order will result in further catch reductions. These folks are on the ropes; if they can't fish, they can't pay their bills, who help while they figure out what to do next as almost 3,000 of them try to transition into other lines of work. This assistance money should be used for single, lump sum payments to vessel owners who are suffering from these financial losses. The precedent for this type of payment can be found in the Hawaii longline fishery where fishers received $3,000,000 of emergency assistance through the Secretary of Commerce in FY 2001 after the courts shut down their swordfish and tuna fisheries.

Mr. HOLLINGS. I understand that the $2,000,000 for cooperative surveys is to be used for annual West Coast groundfish surveys in Oregon, as well as to provide work for displaced Oregon groundfish fishers. I further understand that the economic assistance money is intended for vessel owners to tide them over these difficult times. I appreciate the Senator bringing this important issue to light and I am happy to have been able to help his constituents on this important issue.

NEW TECHNOLOGY TO AID FBI'S INNOCENT IMAGES INITIATIVE

Mr. GREGG. As the distinguished Chairman of the State, Justice, Commerce Appropriations Subcommittee knows, we have provided substantial funds for Cooperative Research on West Coast groundfish. It also provides $3,000,000 in additional NOAA funds for emergency assistance for the Oregon groundfish fishers suffering from the groundfish fishery disaster resulting in more than 40 percent drop in income since 1995.

Does the Chairman agree with me that Spectre AI's new technology should be carefully reviewed by the FBI for possible utilization in its 'Innocent Images Initiative'?

Mr. HOLLINGS. I am intrigued by the new technology that the Senator has described. I certainly will join you in encouraging the FBI to give it consideration.

Mr. INHOFE. Mr. President, I thank Senator Gregg and Senator Hollings for considering this amendment. For purposes of clarification, it is my understanding that this amendment will decrease funding from the National Oceanic and Atmospheric Agency (NOAA) Procurement, Acquisition and Construction account by $500,000, specifically from the "Norman Consolidation Project," and add the same amount, $500,000, to the International Trade Administration, Trade Development account for International Trade Processing Center Programs in McCain County, Oklahoma. Is that how the Senator from New Hampshire understands this amendment?

Mr. GREGG. Yes. That is exactly how I understand the amendment offered by the Senator from Oklahoma. We are happy to accept this amendment.

DESIGNATION OF THE FT. SMITH, ARKANSAS INS OFFICE AS A SUB-OFFICE

Mr. GREGG. I would like to discuss the designation of the Immigration and Naturalization office located in Fort Smith, Arkansas, as a Sub-office, with an Officer-in-Charge.
I understand that the area serviced by the Fort Smith INS office has experienced tremendous growth in its Hispanic population and needs this designation in order to efficiently administer and enforce our nation's immigration laws.

Mr. HUTCHINSON. That's absolutely correct. As you know, according to the 2000 Census, Arkansas' Hispanic population grew by 337 percent over the course of the past decade, a rate of growth which is believed to be the fastest in the nation. In the Third Congressional District, where the Fort Smith office is located, Hispanics now comprise 5.7 percent of the total population. This phenomenal growth is shown even more poignantly when one considers that the Northwest Arkansas county which is home to the University of Arkansas, Washington County, experienced a 629 percent increase in its Hispanic population. Needless to say, this influx of new immigrants is putting a significant strain on the provision of basic immigration services.

Mr. HUTCHINSON. Currently, the staff of the Fort Smith office are processing a significantly greater number of cases than was originally planned and doing so without a corresponding increase in staff. Thus, it is common for a person's work permit or travel document to be unnecessarily delayed due to the fact that the Fort Smith office simply does not have the resources necessary to locally process the application. A Sub-office designation, and the Officer-in-Charge that would accompany it, would allow the Fort Smith office to administer oaths of naturalization, authorize arrest warrants, issue intentions to fine, and process administrative matters.

Mr. HOLINGS. I appreciate your bringing this matter to our attention and we will look into this situation in conference.

FIVE SCAAP FUNDING

Mrs. FEINSTEIN. Mr. President, I rise with a number of my colleagues and the Chairman of the Commerce, Justice, State Subcommittee, the Senator from California, and others to stress the importance of adequate funding for the State Criminal Alien Assistance Program. When our state and local law enforcement undertake the task of assisting the federal government in areas of complete federal jurisdiction, such as immigration, we need to ensure that we are not unfairly shifting the cost burden of this task to our state and local partners.

The incarceration of criminal aliens, when undertaken by state and local governments, should be reimbursed. SCAAP is a good first step—it reimburses some of the costs—we should do more. But at the very least, we should ensure that at least the $565 million allocated in the House bill is available for SCAAP this year.

Each of our states receives reimbursement from SCAAP. Our law enforcement community counts on this funding, and it is our obligation to ensure that our federal responsibility is met.

I am pleased to be working with so many dedicated colleagues on this matter, and look forward to working with the Committee on an issue of such importance to each of our states.

Mrs. FEINSTEIN. I thank the Senator for his encouraging words. As I am sure he knows, the SCAAP reimbursements provided in prior years did not nearly cover the costs states and localities incurred to incarcerate illegal aliens in their jurisdictions.

In Fiscal Year 2000, the last year for which such cost figures are available, the cost for state and localities amounted to more than $11 billion. Thus, last year's funding level covered only $565 million, or 5.1 percent, of the actual costs.

A cut along the magnitude of that which is in the Committee bill would be absolutely devastating. The State of Wisconsin would lose more than $1.1 million in funding; Rhode Island would lose over $900,000; Pennsylvania would lose over $1 million. Thus, we hope that each of our colleagues had the opportunity to confront the growth in illegal immigration and bear the costs of this Federal responsibility.
When the Federal government fails in its responsibility to control our nation’s borders, local taxpayers should not have to foot the bill for incarcerating criminal aliens in State and local jails.

I will work closely with my colleagues in both bodies during the weeks to come to insure that this bill adequately funds SCAAP.

Mr. DODD. Mr. President, obviously the highest priority as a nation is addressing every aspect of the terrorist attacks that took place in our country earlier this week. That is now and should be in the foreseeable future our primary concern as a Senate, a Congress and as a country. Part of responding to that concern includes demonstrating to ourselves and the world that we can carry on the very important business of our country. That business is election reform.

I now address the issue that will become increasingly important as our Nation and our deliberations in Congress return to normal. This is the issue of funding for election reform. I appreciate this opportunity to include an amendment as part of the managers’ amendment to H.R. 2500 (S. 1215). This bill contains appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year 2002. My amendment provides for a $2 million placeholder for election reform in fiscal year 2002. These Federal dollars would be used to fund a Federal grant program administered by the Department of Justice to States and localities for election reform improvements nationwide.

The amendment that I have crafted is identical to the provision inserted in S. 1398, the Treasury-Postal appropriations bill. The Committee on Appropriations approved a $2 million placeholder in the Federal Election Commission appropriation for administering a program to award Federal matching grants to States and localities to improve election systems and election administration for fiscal year 2002. The report to accompany that bill, S. Report 107-57, notes the intent of the committee that “once such a program is enacted into law, the funds should be available to immediately begin this effort.”

My provision mirrors this language. Legislation ordered reported by the Rules Committee on August 2, 2001, S. 565 provides for a Federal grant program to the States and localities to fund election reform programs to meet minimum national requirements for voting systems standards and technology, provisional voting, and distribution of sample ballots, with voting instructions and voting rights.

The Senate will debate this legislation later this fall. This amendment preserves the ability of the Senate to fund reform through either the Department of Justice, the Federal Election Commission, or both.

I firmly believe that it is the obligation of the Congress to provide both the leadership and the resources for election reform. The reforms are necessary to provide guidance to States on election administration and technology to restore public confidence in our elections system. Similarly, the financial resources are essential to support States and localities in implementing, maintaining and weaving those vital election reforms into the fabric of our American democracy.

My amendment for a $2 million placeholder is at the same level of support that is currently included in the Treasury-Postal appropriations bill for election reform.

I urge colleagues on both sides of the aisle to support this amendment. It is essential that we include the $2 million placeholder now to preserve our ability to negotiate actual funding levels for election reform in conference.

Further, I also urge my colleagues to support the companion provision for election reform in the Treasury-Postal appropriations bill when it is debated on the Senate floor in the near future.

I will support both provisions.

Mr. FEINGOLD. Mr. President, I want to thank the managers of this bill, Chairman HOLLINGS and Senator GREGG, for accepting this amendment, and to thank Senators DURBIN and DEWINE and Congressmen HALL and WOLF for their leadership on this issue.

I also want to recognize the NGOs that have worked so hard on this bill, and to recognize the diamond industry itself, which has come forward to work with the advocates and with Congress.

I now serve as the chairman of the Senate Foreign Relations Committee’s Subcommittee on African Affairs. I have been to the Democratic Republic of the Congo. I have been to Angola. And, most recently, in February I traveled to Sierra Leone.

In each of these places, I have met amputees, refugees, widows and widowers and orphans. I have seen the tragic consequences of the near total disruption of a society—the malnourishment, the disillusionment, the desperation. And each time, I have been sickened by the knowledge that some people are getting rich as a result of this misery.

I believe that our national values demand that the United States disassociate itself from the trade in conflict diamonds.

But over the years that I have served on the Africa Subcommittee, I have also worked on issues relating to countries like South Africa and Botswana. The United States government must work with legitimate diamond industries to fuel economic growth and development. It is critical to distinguish between the entirely legitimate diamond exports of a country like Botswana, and the diamond trade that has helped the RUF and UNITA to sustain bloody wars.

The second amendment I offer today will ensure that momentum behind the multilateral efforts currently underway to regulate the diamond trade and to create a “clean stream” for the legitimate diamond industry and consumers to rely upon. It is my hope that the action we take today will encourage government authorities, advocacy groups and industry representatives gathering in London to work toward a multilateral solution. They must take decisive action to implement a rigorous regulatory regime, not retreat into half-hearted calls for self-regulation.

It is equally important to be honest about the fact that stopping the trade in conflict diamonds is not the silver bullet that will stop the conflicts in West Africa or the D.R.C. or Angola. There are complex cross-ridden and multi-faceted policy responses. But this one element—de-legitimizing the trade in conflict diamonds—will make it more difficult, and less lucrative, for some of the most odious actors on the international stage to continue pursuing their violent and abusive agendas. It is unquestionably a step worth taking.

Mr. KERRY. Mr. President, today the Senate voted in favor of an amendment I offered with Senators BOND and COLINS to increase funding for the Small Business Administration’s Women’s Business Centers program from $12 million to $13.7 million, by using some additional funds from the Agency’s Salaries and Expenses account. I thank all my colleagues for their support. This important resource for women around the country who are working for economic independence and working to provide jobs and opportunities for others in their communities.

Today is not the first time the Women’s Business Centers have been supported from both sides of the aisle. On April 6th, the full Senate agreed by voice vote to a similar amendment Senator BOND and I offered to the Senate Budget Resolution. Like today’s amendment, that amendment, Amendment No. 183, increased the funding for Women’s Business Centers from $12 million to $13.7 million.

I am encouraged by our ability to work together and reinforce the good work of the Women’s Business Centers. When I first came to this body, I was a small business owner, and she knows how to approach a lender for a loan, knows how to manage her business, and understands the hows and whys of marketing.

Let me give you two examples of women who sought assistance from the Women’s Business Centers. In the early 1990s, Nancy Engel went from struggling to raise her family on public assistance to
owning her own mail order and catalog company and creating four jobs. She not only helped herself, but has shared her better fortune by employing other mothers to help her make it home in time to meet their kids at the school bus.

And then there’s Sarah Byrne—a computer specialist who lost her job. Fed up with being at the mercy of a big company, she launched her own computer company, Complete Communications. With the help of CWE, Sarah has grown her company in Wakefield, Massachusetts, to about 14 employees.

I think it’s remarkable that the pro-gram opened its first 12 centers in 1989 and today women have access to training and counseling at almost 100 sites. I also think it’s remarkable that over the past decade the number of women-owned businesses operating in this country has grown by 103 percent to an estimated 9.1 million firms, generating $3.6 trillion in sales annually, while employing more than 27.5 million workers. I want to encourage this trend.

In closing, I want to thank Senator Hollings and his staff for all of their help and support of not only this amendment but for the Small Business Administration in general. Again, I thank all my colleagues for voting in favor of this amendment, and Senators Bond and Collins for offering this amendment with me. I ask unanimous consent that the amendment be included in the RECORD.

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

In the appropriate place in the bill regarding appropriations for Salaries and Expenses of the Small Business Administration, insert the following after the phrase “by section 21 of the Small Business Act, as amended”:

“Provided further, That $13,700,000 shall be available in fiscal year 2002 to fund grants as authorized by section 29 of the Small Business Act.”

Mr. CRAIG. I rise today to express my extreme concern about developments in the Republic of Korea that have far reaching negative implications for United States semiconductor companies.

I am referring to the massive and unjustified government bailout that the South Korean government is providing to Hyundai Electronics, now known as Hynix.

In the year 2000, Hynix was the world’s largest producer of dynamic random access memory—or D-RAM—an important type of memory semiconduc-tor that is used in everything from personal computers to satellites. Hynix has captured over 24 percent of the world semiconductor market.

However, Hynix achieved such a large share of the global market not because it is particularly good at making these critical semiconductor chips, but because it borrowed excessively and built up enormous capacity.

Last year, Hynix became unable to service its debt. Hynix lost over $2 billion in 2000, and is expected to lose over $3 billion this year on sales of a little over $3 billion.

By any reckoning, this company would have failed were it not for government assistance.

Now, Hynix is broke and cannot repay the loans it took out to finance its expansion. Verging on bankruptcy, Hynix has been kept alive by the South Korean government through infusions of new cash.

Far from solving the company’s problems, however, these government subsidies are just plunging Hynix deeper into debt.

This behavior circumvents normal market forces and has very severe implications for the companies in the U.S. and the rest of the world that are forced to compete with Hynix’s illegally subsidized products.

Over the past several months, the Korean government has given assurances to me, to my colleague Senator Craig, and other Members of this body, as well as Ambassador Zoellick, Secretary Evans and Secretary O’Neill, that the Korean government will stop giving these subsidies to Hynix—subsidies that clearly violate our international trade agreements.

Now, the Korean government seems poised to violate these assurances completely, destroying the U.S. semiconductor industry in the process.

The Sense of the Senate resolution I am offering outlines these facts and calls upon the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative to request consultations with the Republic of Korea under Article 4 and Article 15 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization.

This amendment further asks that the Administration take any other actions that are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed.

I hope my colleagues will support this sense-of-the-Senate amendment and will join me in calling on the Korean government to halt its bailout of Hynix and to stop this dangerous distortion of the international semiconductor market.

In the past, the Senate is proud to recognize theḡorical sacrifice on behalf of the American people. When the Congress made the decision to support the Hmong community in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Extension Act. The Act is named after my late colleague and dear friend, Congressman Bruce Vento. Congressman Vento dedicated much of his career to working with the Hmong community in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Extension Act. This amendment would make it possible for all eligible Hmong veterans and their wives to receive the benefits they are due under this Act by extending the application deadline from November 26, 2001 to May 26, 2003.

As there remains less than 3 months remaining before the deadline passes for most of those covered under the Act, only 25 percent of all eligible applicants have filed for citizenship. Advocates for the Hmong believe it will be impossible for all those eligible to file by the deadline. The Hmong community has faced many challenges in getting veterans and their wives filed. The Department of Justice did not release its guidelines for 2½ months and many INS regional offices were unfamiliar with the guidelines for a period of time after that, resulting in eligible Hmong applicants being turned away. The language barrier that created the need for the Hmong Veteran Naturalization Act in the first place has meant that many Hmong needed assistance from Hmong community advocates to understand the citizenship process and to fill out the citizenship application. These advocacy organizations are vastly under-resourced and are overwhelmed by the demand for help from Hmong applicants.

I want to make it clear. This amendment would not increase the number of eligible applicants. It in no way would change the other requirements of the law. It simply would provide a necessary extension for existing eligible applicants.

As the Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become much richer as a result of coming to know the history and culture of the Hmong people in Minnesota. I deeply respect their extraordinary efforts in support of the American people. When the Congress passed the Hmong Veterans Naturalization Extension Act, my colleagues’ strong support of this amendment so it may become law when this bill is passed. The original Act was passed because of Hmong veterans’ tremendous sacrifice on behalf of the United States during the Vietnam War and because of the unique literacy challenges the Hmong community faces. It would be wrong to deny the
benefits of the Act to eligible veterans for reasons that are beyond their control. Let us fulfill the intent of the Act we passed last year and ensure that these veterans and their families receive the benefits they are due.

Mr. ALLEN. Mr. President, I congratulate Chairman HOLLINGS and Senator GREGG for including in this appropriation a grant of $500,000 to the National Capital Area Council of the Boy Scouts of America for its "Learning for Life" program that serves 20,000 students in Washington, D.C., Virginia and Maryland. This is not a new program; the Congress has funded it for the past two years. By continuing to fund "Learning for Life" for another year, thousands of young people in the Washington metropolitan area will be able to participate in an innovative program that helps them develop life skills, assists in their character development, and helps them formulate positive personal values.

"Learning for Life" is designed to support our schools in their efforts to prepare youth to successfully handle the complexities of contemporary society and to enhance their self-confidence and motivation. It prepares youth to make ethical decisions that will help them achieve their full potential.

At a time when drugs and gangs are ravaging our schools and communities, this program is a catalyst to help stop this trend. Teachers use age-appropriate, grade-specific lesson plans that give the boys and girls in our schools the skills and information that helps them cope with the complexities of today's society. By making academic learning fun and relevant to real-life situations, the core values and skills learned by the students participating in this program prepare them to participate in and provide leadership in American society.

Senators HOLLINGS and GREGG have been, and continue to be, strong supporters of efforts to enhance educational opportunities for the youth of our country. The thousands of boys and girls who participate in this program join me in expressing our gratitude for the continued leadership of Senators HOLLINGS and GREGG.

I also wish to express my support for the Senate's efforts to include amendments to the fiscal year 2002 defense authorization bill authored by Senator THURMOND and Senator SESSIONS, who joined me in working to continue funding for "Learning for Life."

Mr. BAUCUS. Mr. President, I rise to address two important international trade issues in this bill: trade in conflict diamonds and trade adjustment assistance.

I thank Senator GREGG and Senator DURBIN for taking on the important issue of so-called "conflict diamonds."

As we have reported in the press, the struggle for control of diamond mining areas in Africa by various rebel groups have led to the commission of some terrible atrocities against unarmed civilians.

My colleagues Senator GREGG and Senator DURBIN have both introduced legislation to halt the flow of conflict diamonds. I applaud them for their efforts.

The appropriations measure that we are considering today includes language that would implement S. 1081, Senator DURBIN's bill to halt U.S. imports of conflict diamonds. Some of the measures used in this legislation to respond to the conflict diamond problem fall within the jurisdiction of the Finance Committee. Therefore, the preferred method for considering this measure would be to hold a hearing and mark up the bill in the Finance Committee.

In this case, however, there is a certain urgency to taking action on the issue of conflict diamonds in order to halt the atrocities that continue to take place in Africa and restore the confidence of the diamond-buying public in the United States. In addition, Senator GREGG and Senator DURBIN have worked closely with me and with each other to make sure that the substance of this provision is acceptable to all concerned.

Based on this close cooperation and the urgency of the issue, I have decided not to raise a jurisdictional objection. I therefore support the inclusion of S. 1081 in the bill before us.

I will now say a few brief words about Trade Adjustment Assistance. The TAA program has been on the books since 1962 and has historically received wide bipartisan support. The purpose of the program is to help workers and firms that experience layoffs due to import competition.

The portion of the Trade Adjustment Assistance program which assists trade-affected businesses operates out of the Department of Commerce and its budget is included in the Commerce, Justice, and State Appropriations bill. This program helps small- and medium-sized businesses that are facing layoffs due to import competition to get access to technical support and develop business plans that help them adapt to import competition, become more competitive, and maintain or increase employment.

The TAA for Firms program operates on a shoestring. Historically, the TAA for Firms program creates or preserves one job for every $861 spent. This is a bargain we cannot afford to pass up. In recognition of this program's track record, in the recent past the Senate has attempted to increase funding for this program in the CJJS Appropriations bill. Last year the amount that passed the Senate was about $24 million. Every year, the number of layoffs has increased, and a significant increase in funding is needed to help trade-affected businesses return to profitability, but certainly not a reason to give up.

This year, however, much to my chagrin, the bill before us does not include any increase in funding for this program over the current level, so there is no basis even to go to conference on this issue.

There is no doubt that the current funding level for the Trade Adjustment Assistance for Firms program is sorely inadequate. Every year more firms are certified eligible than there is money to provide even the most modest technical assistance. The result is that many qualified and deserving firms do not get the technical support they need to get back on their feet and keep jobs in their communities.

For example, right now in Montana ten companies have 25 approved but unfunded projects for a total shortfall of over $551,000. This includes several companies that have been forced to severely reduce operations due to imports of dumped and subsidized softwood lumber from Canada. The communities where these businesses are located often do not offer many opportunities for alternate employment and it is important that we help companies and communities like these to get back on their feet.

In conclusion, Mr. President, I want to express my profound disappointment that we in the Senate have not even made the attempt to provide a more adequate funding level for this valuable program in FY 2002, despite its extremely modest cost and proven benefits. I will certainly work to see that this mistake is not repeated next year. I will also work to see what solutions are available to this continuing problem when we mark up a bill to reauthorize the Trade Adjustment Assistance program this year in the Finance Committee.

Mr. LUGAR. Mr. President, I appreciate the good work the committee and the managers have done with respect to the fiscal year 2002 appropriations bill for the Departments of Commerce, Justice, and State. However, there is one area in which the bill is deficient; namely, embassy security.

The Department of State is requesting a total of $1.3 billion for worldwide security upgrade activities in fiscal year 2002, a 22 percent increase over the fiscal year 2001 level of $1.07 billion. This funding is to be used to maintain extensive security enhancements; address other domestic and overseas vulnerabilities; construct modern, secure facilities; and correct perimeter security weaknesses.

Over the past three years, the Department has invested more than $3 billion in extensive improvements in systems and facilities as well as security staffing to protect U.S. diplomats, employees, and dependents around the world. The $1.3 billion requested in the fiscal year 2002 bill for U.S. missions abroad maintains these programs at their current levels. Examples include continued funding for approximately 6,000 guards...
The Secretary of State has planned.

The fiscal year 2002 budget request also includes $64 million to reinforce defenses against cyberterrorism, technical and fiscal accountability gathering efforts, and penetration of our domestic facilities. Included in this effort is the addition of 186 positions, 86 agents and 100 other security professionals, not only to support expanded programs but to reduce the burden on current personnel and to ensure that sufficient agents are always available to address any serious threat or emergency.

The budget request also includes a total of $665 million for seven security-driven construction projects that will replace less secure embassies or consulates and U.S. AID facilities. The request also includes $211 million to address significant vulnerabilities in systems and equipment that monitor perimeter control access to U.S. facilities. These funds will continue perimeter security improvements and extend the installation of protective measures to additional posts.

I am disappointed that the committee mark does not fully fund the Department’s priority personnel increases for improved diplomatic readiness and worldwide security upgrades. The Department’s initial request had about $95 million to provide for the hiring of 360 new employees to support Diplomatic Readiness requirements. However, the committee’s mark only supports about 40 percent of this new hiring.

In order to have the right people in the right place at the right time with the right skills to advance American interests, the Department has put forward an aggressive plan to bring in over a 3-year period some 1,100 new employees, within the funds that the committee does not appear to extend to the protection of U.S. AID employees, an oversight that should be quickly addressed.

I am also concerned that the funding allocated by the committee does not appear to extend to the protection of American personnel serving in our embassies overseas. For example, within the funds that the committee provides for construction, funding is earmarked for projects not on the list of the most urgent, security-driven projects for fiscal year 2002, which will make it more difficult for the Department to meet its security-improvement goals.

I would urge the managers of the bill to revisit this issue in the conference with their House counterparts and, at minimum, agree to the administration’s request with respect to the embassy security account. Indeed, in light of the recent acts of war perpetrated against the United States, it would only be prudent, in my judgment, for the conferees to consider a major increase over the administration’s request.

Mr. DASCHLE. Mr. President, I want to thank Chairman HOLLINGS and Senator GREGG for working with other senators and me to accept an amendment that will ensure that eligible beneficiaries may receive compensation under the Radiation Exposure Compensation Act (RECA)."
a much needed multi-agency, federal laboratory in Lafayette for the study of coastal problems in the Northern Gulf of Mexico. While the building was completed it is still eighty percent vacant because of a political disagreement. Report language was included in 1995 C.J.S appropriations report that NOAA says prevents it from ever occupying or using these state-of-the-art facilities. It was worked since 1998 to remove this restriction with little success.

In the intervening years, the problems in the Gulf of Mexico originally identified for study at this facility have grown progressively worse and are having greater and greater negative impacts on Louisiana and the nation. Our wetlands continue to disappear, many important marsh lands have mysteriously died, and the size of the so-called “Dead Zone” has grown to 8,000 square miles.

With over 3 million acres, Louisiana is home to 40% of the coastal wetlands in the United States and is experiencing over 80% of the nation’s wetlands loss. Our state is losing 25-35 square miles of coastal wetlands per year. The United States loses one acre of productive coastal wetlands in Louisiana every 24 minutes. In the next ten years, Louisiana will lose wetlands equal to the size of San Diego. These wetlands play a critical role in our national and local economy. As much as 28% of the nation’s fisheries harvest comes from Louisiana’s coast. These shrimp, crab, crawfish, oyster and finfish fisheries (over 1.1 billion pounds per year landed in Louisiana alone) are dependent on our coastal wetlands. Louisiana’s fisheries alone are comparable to the annual catch on the entire Atlantic seaboard.

Louisiana’s coast also provides wintering for 5 million waterfowl every year, nearly 20 percent of the entire winter population of ducks and geese in the United States. The extensive coastal oil and gas infrastructure that this nation relies so heavily on is also at risk as it becomes increasingly exposed to greater storm energies without the protection of the marsh.

The national economic benefits of Louisiana’s coast include:

- $30 billion per year in petroleum products;
- $26 billion per year in Natural Gas (21% of the nation’s supply);
- $400 million tons per year of waterborne commerce;
- $2.8 billion per year in commercial fishing;
- $1.6 billion per year in recreational fishing;
- $2.5 billion per year in fish harvest (40% of the nation’s total);
- $40 million per year in alligator harvests.

In the years that we have been waging the political fight over the NOAA laboratory in Lafayette, my state has experienced a number of other devastating problems which have a major impact on these resources and desperately need to be fully studied. Last year we lost more than 30 square miles of salt marsh grass in an unprecedented phenomenon that could mean an advanced rate of loss for our coast in the years to come. These threats to our future and our fisheries are compounded by the horrific growth in the hypoxic zone, or Dead Zone, where extremely low levels of oxygen suffocate shellfish and drive out all other forms of marine life. Each summer, the Dead Zone moves off the coast covers an area off of Louisiana’s coast that is roughly the size of the State of New Jersey. I’d like to submit for the record to following Times-Picayune story which shows that this oxygen-deprived zone continues to grow.

While this issue has attracted attention and resources from the federal government, there remains a serious shortage of research in the Northern Gulf. The problems are astounding and solving them is critical to the economic and cultural future of the State of Louisiana and this nation. However, these problems are not fully understood, and we will not be able to effectively solve them until we do.

That is why I rise today to respectfully request that $1.5 million be added in the FY 2002 C.J.S appropriations bill for planning and design of a new research facility in Lafayette, Louisiana, to be occupied by NOAA for the study of coastal and fisheries problems in the Northern Gulf of Mexico. Let me be clear, I would prefer for NOAA to occupy the current facility. I want to thank Senators Hollings and Grasso again for helping me to try to do this, but time is running out. Louisiana and the nation can not wait yet another year.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are about to have final passage on this bill. I congratulate our two managers. This has been quite an ordeal. I congratulate them on their successful completion of the bill.

We have a number of nominees I want to be able to consider and, if necessary, have votes on the nominations. During this vote, we are going to be consulting with certain Senators about whatever requirements there may be on a couple of these nominations. If necessary, I would like to have these votes tonight if they are going to be required, but we will be able to make that announcement shortly after the vote, or perhaps during the vote, for those who are interested.

The other outstanding piece of business I would like to be able to complete before the close of the bill, of course, is the supplemental appropriations bill. If the House acts, we will then be in a position to act on this side. I do not know yet the status of that particular piece of legislation. That may require a vote tomorrow morning.

As I said in our joint caucus this afternoon, my hope is that we can avoid having votes after the memorial service tomorrow afternoon. That is not only my hope, my expectation, with the caveat, of course, we have been unable to resolve these matters successfully.

I urge colleagues not to leave after this vote until we are absolutely certain that no rollcall votes are going to be required on the nominees that I would like to consider yet tonight. I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KEN NEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]
Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses and appoints the following conferees on the part of the Senate:

The PRESIDING OFFICER (Mr. DAYTON) appointed Mr. HOLLINGS, Mr. INOUYE, Mr. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN conferees on the part of the Senate.

AMENDMENT NO. 1563

Mr. GREGG. Mr. President, I ask unanimous consent that it be in order, after passage of H.R. 2500, for the Senate to consider a Collins amendment, which is at the desk; that the amendment be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. GREGG), for Ms. COLLINS, proposes an amendment numbered 1563.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1563) was agreed to, as follows:

(Purpose: To provide funding for the Rapid Response Program in Washington and Hancock Counties, Maine.)

On page 34, line 5, after "Act," insert "of which $250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine".

Mr. GREGG. Mr. President, I thank the chairman of the committee for the tremendous effort he has done on this bill and for his very courteous approach to the Republican membership as we brought this bill forward.

I thank his staff, led by Lila Helms, who did a superb job, I especially thank my staff who worked hours, nights and days in many instances, led by Jim Morhard, who has done an extraordinary job to bring this bill to its present status. It is an excellent bill.

I particularly want to thank the support of the Senate. I thank the Members who supported this bill.

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from New Hampshire. We could not have passed this bill without his leadership and without his cooperation, and particularly without his vision with respect to terrorism. The Senator from New Hampshire was our chairman back in May. He held 3 days of hearings that got this comprehensive provision in the particular State-Justice-Commerce appropriations measure.

Let me also thank his staff: Jim Morhard, Kevin Linsky, Katherine Hennessey, and Nancy Perkins; and, of course, my own staff: Lila Helms, Jill Shapiro Long, Dereck Orr, and Luke Naylor.

I thank particularly the staff that really gets it done: Lula Davis, Marty Paine, Peter Arapis, Gary Myrick, and Tim Mitchell; the distinguished majority leader; and, most of all, the distinguished assistant majority leader who has been working around the clock. He is still working. I want him to hear my words of praise because HARRY REID of Nevada really got us moving and got these things accomplished. I couldn't feel more personally indebted to him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

MEETING WITH THE PRESIDENT

Mr. WARNER. Mr. President, I was at the White House today with the President discussing all aspects of this present crisis. In the course of the conversations, he specifically referred to the fact that America must be understanding of those of Arab dissent, especially those who are American citizens, and indeed others who are here for various reasons. This terrible crisis should not reflect across the board on that culture. For it, I think, will eventually be seen as a very small fraction. I commend the President for our meeting today.

I have for over 40 years had the privilege and the opportunity to be in the Oval Office. I started with President Eisenhower as a young person in the White House. I have been in that office with every successive President on a variety of matters. Our President, in the brief meeting of about 20 minutes or so with the two Senators from New York, my colleague, GEORGE ALLEN, myself, Condoleeza Rice, and Andrew Card, his chief, was absolutely calm. He was comfortable. He was knowledgeable. You got the feeling that he is a President who knew precisely what was going on and what has to be done. He was resolute and spoke with clarity about how he will take certain steps to right the criminal wrongs that have been done against our country in due time and all on his own timetable—nobody will pressure him—when he has the facts in hand to hold those accountable for these crimes against our country.

I am very proud of our President. Indeed, I know that this is going to take time. It might not be one; it might be two; who knows how many actions we will have to take. But let there be no doubt that this country is resolute in its determination, and that our citizens will be proud of the manner in which men and women of the Armed Forces and all other portions of our Government will respond to this crisis and do whatever we can to see that it doesn't happen again.

I thank the Chair. I yield the floor.

A DAY OF EMOTIONS

Mr. NELSON of Florida. Mr. President, as we wind up this extraordinary day, it has been a day of tremendous emotional swings. Earlier this morning, I came to this floor grief stricken having just talked to a family from Florida who had lost one of their members. Later on in the day, I talked to a police officer, now a widower of the flight attendant on the airliner that crashed in Pennsylvania who called her husband telling him that it had been hijacked and that she wanted to tell him that she loved him and she wanted them to know that she loved them. That is the flight that we have heard so many reports was targeted coming into Washington. It had made a 180-degree turn, having left Newark, westbound, and was headed to Washington. In fact, we have heard so many stories of other cellular telephone calls from the airplane that would indicate that the passengers, who were the real heroes, had indicated they knew that the hijackers were intent on harm to the American nation, and they were going to overcome the hijackers. In fact, they did—at their own peril, at their own demise, but being tremendous heroes to this country.

So it has been that kind of day. We have gone from the swings of the emotion of the lows, with those kinds of grief-stricken experiences, to the highs of where we have never seen this place so unified. We have never seen both sides of the aisle come together as they have in recent American political history. We have never seen the unity of the legislative branch of Government and the executive branch.

So it has been an extraordinary day. It has been an extraordinary 3 days. I am just grateful to be one participant, along with my colleague from Minnesota, who is the Presiding Officer.

I will defer to the great leader we have from the State of Nevada, a man who is the glue that pulls us all together, who gives the support that is the right hand to our great majority leader. It is my privilege to relinquish the floor so he might speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation to my friend from Florida for those flattering words.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now