Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed of Rhode Island, Barbara Mikulski, and Herb Kohl.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

TERRORISM

Mr. BIDEN. Mr. President, 5 years ago I stood here and called upon the Senate to join the fight against terrorism. Back then terrorism seemed like something that happened far away, in distant lands over distant conflicts. Well, that has all changed.

Terrorism has come to America.

We have to be a little proactive now. Back then, I proposed a series of precise antiterrorism tools to help law enforcement catch terrorists before they commit their deadly acts, not ever imagining the events of September 11.

In particular, I said that it simply did not make sense that many of our law enforcement tools were not available for terrorism cases.

For example, the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the Mob should be good for terrorists!

Anyway, some of my proposals were enacted into law, a number were not.

There were those who decided that the threat to Americans was apparently not serious enough to give the President all the changes in the law he requested.

Today, five years later, I again call on my colleagues to provide law enforcement with a number of the tools which they declined to do back then. The anti-terrorism bill we passed judgment on Thursday, S. 1510, is measured and prudent. It takes a number of important steps in waging an effective war on terrorism.

It allows law enforcement to keep up with the modern technology these terrorists are using. The bill contains several provisions which are identical or near-identical to those I previously proposed.

For example: it allows the FBI to get wiretaps to investigate terrorists, just like they do for the Mafia or drug kingpins; it allows the FBI to get a ''roving wiretap'' to investigate terrorists—so they can follow a particular suspect, regardless of how many different forms of communication that person uses; it allows terrorists to be charged with federal ''racketeering offenses''—serious criminal charges available against organizations which engage in criminal conduct as a group—for their crimes; it includes a provision similar to legislation I introduced last Congress, S. 3202, to prohibit terrorists, and others, from possessing biological materials when that person does not have any lawful reason for having them. Right now, it's only illegal if you intend to use such materials as a weapon, the FBI tells me that that is simply too difficult a burden for them to prove in many cases, and that the new offense we create in this bill will be helpful in prosecuting terrorists who possess dangerous biological agents; it incorporates the language of S. 899, legislation Senator HATCH and I introduced earlier this year to raise the payment to families of public safety officers killed or permanently disabled in the line of duty from $100,000 to $250,000.

Let's be clear. This bill is a step in the right direction. Some will say that it doesn't go far enough.

I have to say, I was disappointed that the Administration dropped some proposals from an early draft of its bill, measures which I called for five years ago. Those antiterrorism measures are NOT in the bill, but I continue to believe that they're common-sense tools which law enforcement should have.

We should be extending 48 hour ''emergency'' wiretaps and ''pen registers,'' ''caller-ID''-type devices to track incoming and outgoing phone calls from suspects, to terrorism crimes. This would allow police, in an emergency situation, to obtain immediately surveillance means against a terrorist, provided the police go to a judge within 48 hours and prove that they had the right to get the wiretap and that the emergency circumstances prevented them from going to the judge in the first place. Right now, these emergency means are available only for organized crime cases.

We should be extending the Supreme Court's ''good faith'' exception to wiretaps. This well-accepted doctrine prevents criminals in other types of offenses from going free when the police make an honest mistake in seizing evidence or statements from a suspect. We should apply this ''good faith'' exception to terrorist crimes as well, to prevent terrorists from getting away when the police make an honest mistake in obtaining a wiretap.

I'm also pleased that Chairman LEAHY and the administration were able to reach consensus on the two areas which gave me some pause in the administration's original proposal: those provisions dealing with mandatory detention of illegal aliens and with greater information sharing between the intelligence and law enforcement communities.

Overall, the agreement Chairman LEAHY reached has satisfied me that these new law enforcement powers will not upset the balance between effective law enforcement and the civil liberties we all value.

This bill is not perfect. No one here claims it has all the answers. This fight may be lengthy. But I am confident that by treating terrorism as seriously as we do the Mob, that we are taking a step in the right direction.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Last Friday marked the three-year anniversary of a heinous crime that occurred in Laramie, WY. On October 12, 1998, Matthew Shepard, 21, an openly gay student at the University of Wyoming, was savagely beaten to death, burned, and tied to a wooden fence. Russell A. Henderson, 21, and Aaron McKinney were convicted of first-degree felony murder, kidnapping, and aggravated battery. The duo had met Shepard at a bar, pretended to be gay, and lured him to their truck where they intended to rob him. After being pistol whipped and burned, Shepard was found 18 hours later tied to a fence and in a coma. He died later that night in Poudre Valley Hospital in Fort Collins, CO. The pair's girlfriends, Chasity V. Pasley, 20, and Kristen L. Price, 18, were convicted for being accessories after the fact.

On a personal note, I want to state that my involvement with hate crimes legislation stems from this murder. I was in Portland, OR watching the televised vigil on the steps of the Capitol following Matt's death. It caused me great sorrow to note that no sitting Republican Senator was involved in this vigil. I resolved then to help change our current hate crimes law in part so that what happened to Matt, would never happen again.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, this autumn from September 15th to October