So, as far as I am concerned, this bill is dead. I am not putting the unanimous consent request in my desk anymore; I am putting it in the garbage can. And we will wait and see what happens.

I think it is too bad. But maybe there has been something that has happened in the last few hours that will change their minds. Maybe my statement now will change their minds.

So I ask unanimous consent—I better take it out of the garbage so I can read it; and then I will put it right back, as soon as I finish—that the Senate proceed to the immediate consideration of Calendar No. 252, H.R. 3210, the House-passed terrorism insurance bill; that all after the enacting clause be stricken, and the text of S. 2600, as passed in the Senate, be inserted in lieu thereof, the bill, as thus amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the ratio of 4 to 3, all without intervening action or debate.

The PRESIDING OFFICER (Mr. DAYTON). Is there objection?

The Senator from Utah.

Mr. BENNETT. Mr. President, reserving the right to object, let me say to my friend from Nevada that his words are well-taken. His passion is understood. At least as far as I am concerned, his determination to get this bill through is fully shared.

However, on behalf of the ranking member of the Banking Committee, Senator GRAMM, and reserving his rights, as I am sure the Senator from Nevada has from time to time reserved the rights of some of his colleagues, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 3694

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 381, H.R. 3694, and that the Jeffords-Reid-Smith-Inhofe amendment, which is at the desk, be considered and agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. BENNETT. Mr. President, I am told that the amendment is still under review on this side of the aisle; therefore, I must again object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, I thank the Senator from Utah. He is absolutely correct. I, on an occasion or two, have represented Senators here, doing things that sometimes I did not personally agree with. But I do hope that we can move forward on both matters.

I was serious about everything that I said on the terrorism insurance bill. On the matter dealing with highway funding, it is very important we get this done for a lot of different reasons. One reason is to prepare for the bill that is coming up next year, of which everyone has an interest. It is the bill we do every 5 or 6 years to fund highway projects around the country. It is money that collected during the 5-year period from the gas taxes. We need to make sure we have the ability to meet as many of the demands of the country as we can.

So I appreciate the Senator working on his side to get that cleared.

I have another unanimous consent request.

UNANIMOUS CONSENT AGREEMENT—H.R. 4775

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the conference report accompanying H.R. 4775, the supplemental appropriations bill, be modified to provide that the debate time commence at the conclusion of the debate with respect to the Hagel amendment to S. 812; with the debate time on the conference report remaining as provided for under the previous order; that upon the use of the time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report; that upon disposition of the conference report, there be 5 minutes for debate prior to a vote in relation to the Hagel amendment, with the time equally divided and controlled between Senators Hagel and Kennedy or their designees, provided further that the previous provisions relating to the Hagel amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, I am happy to say on this occasion there is none.

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

Mr. REID. Mr. President, debate will begin on the Hagel amendment at 11 a.m. Under the previous order, there will be 2 hours of debate. At 1 p.m., the Senate will take up the supplemental conference report with 30 minutes of debate. The first vote tomorrow will be at 1:30, approximately, to be followed by a vote with respect to the Hagel amendment. There will be two votes then at 1:30 tomorrow.

I appreciate everyone working with us. We will be able to get a lot of work done in committees. The Appropriations Committee—Senator BYRD's committee—is reporting out, I think, four appropriations bills tomorrow morning.

We have a lot to do. This will allow us to do that without being broken up for votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

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 last 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.

I would like to describe a terrible crime that occurred in November 2000 in Bloomington, MN. Cecil John Reiners, 57, attacked a Hispanic man for speaking Spanish at work. Witnesses told police that Reiners, the business owner, was upset when a 23 year-old employee was speaking Spanish with two others at a break table. Reiners went to the warehouse with a wood post and severely beat the victim, who was treated for severe skull fractures and clots at the hospital. ''All I wanted was for that Mexican to leave my property,'' Reiners said. Mr. Reiners was later convicted of felony first-degree assault in connection with the incident.

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 and changing current law, we can change hearts and minds as well.

CIVILIZATION NEED NOT DIE

Mr. MURKOWSKI. Mr. President, in the more than 10 months since the attacks of September 11, 2001, all of us have been trying to bring context and understanding to the new world challenges we are confronting. It is at times such as this that the Senate needs wisdom and clarity to bring such context to our times.

Often in the past, the Senate turned to one of its most distinguished colleagues for vision and wisdom. That person, Daniel Patrick Moynihan, understood history and the actors and actions that make history.

Recently, I came across the Harvard University commencement speech that our former colleague, Senator Moynihan, gave this year, on the 58th anniversary of D-Day. I think all of my colleagues will benefit from reading Pat's remarkable speech, for it gives historical context to the times in which we are living.

I, for one, miss hearing Pat's insights into life. All of us who served with Pat

are better Senators because of the wisdom he imparted to all of us.

I ask unanimous consent that former Senator Pat Moynihan's Harvard commencement speech be printed in the RECORD.

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

COMMENCEMENT ADDRESS, JUNE 6TH, 2002

(By Daniel Patrick Moynihan)

A while back it came as something of a start to find in The New Yorker a reference to an article I had written, and I quote, ''In the middle of the last century.'' Yet persons my age have been thinking back to those times and how, in the end, things turned out so well and so badly. Millions of us returned from the assorted services to find the economic growth that had come with the Second World War had not ended with the peace. The Depression had not resumed. It is not perhaps remembered, but it was widely thought it would.

It would be difficult indeed to summon up the optimism that came with this great surprise. My beloved colleague Nathan Glazer and the revered David Riesman wrote that America was ''the land of the second chance'' and so indeed it seemed. We had surmounted the depression; the war. We could realistically think of a world of stability, peace—above all, a world of law.

Looking back, it is clear we were not nearly so fortunate. Great leaders preserved—and in measure extended—democracy. But totalitarianism had not been defeated. To the contrary, by 1948 totalitarians controlled most of Eurasia. As we now learn, 11 days after Nagasaki the Soviets established a special committee to create an equivalent weapon. Their first atomic bomb was acquired through espionage, but their hydrogen bomb was their own doing. Now the Cold War was on. From the summer of 1914, the world had been at war, with interludes no more. It finally seemed to end with the collapse of the Soviet Union and the changes in China. But now . . .

But now we have to ask if it is once again the summer of 1914.

Small acts of terror in the Middle East, in South Asia, could lead to cataclysm, as they did in Sarajevo. And for which great powers, mindful or not, have been preparing.

The eras are overlapping.

As the United States reacts to the mass murder of 9/11 and prepares for more, it would do well to consider how much terror India endured in the second half of the last century. And its response. It happens I was our man in New Delhi in 1974 when India detonated its first nuclear device. I was sent in to see Prime Minister Indira Gandhi with a statement as much as anything of regret. For there was nothing to be done; it was going to happen. The second most populous nation on earth was not going to leave itself disarmed and disregarded, as non-nuclear powers appeared to be. But leaving, I asked to speak as a friend of India and not as an official. In twenty years time, I opined, there would be a Moghul general in command in Islamabad, and he would have nuclear weapons and would demand Kashmir back, perhaps the Punjab.

The Prime Minister said nothing; I dare to think she half agreed. In time, she would be murdered in her own garden; next, her son and successor was murdered by a suicide bomber. This, while nuclear weapons accumulated which are now poised.

Standing at Trinity Site at Los Alamos, J. Robert Oppenheimer pondered an ancient Sanskrit text in which Lord Shiva declares, ''I am become Death, the shatterer of worlds.'' Was he right?

At the very least we can come to terms with the limits of our capacity to foresee events.

It happens I had been a Senate observer to the START negotiations in Geneva, and was on the Foreign Relations Committee when the treaty, having been signed, was sent to us for ratification. In a moment of mischief I remarked to our superb negotiators that we had sent them to Geneva to negotiate a treaty with the Soviet Union, but the document before us was a treaty with four countries, only two of which I could confidently locate on a map. I was told they had exchanged letters in Lisbon [the Lisbon Protocol, May 23, 1992]. I said that sounded like a Humphrey Bogart movie.

The hard fact is that American intelligence had not the least anticipated the implosion of the Soviet Union. I cite Stansfield Turner, former director of the CIA in Foreign Affairs, 1991. ''We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis . . . The corporate view missed by a mile.''

Russia now faces a near-permanent crisis. By mid-century its population could well decline to as few as 80 million persons. Immigrants will press in; one dares not think what will have happened to the nuclear materials scattered across 11 time zones.

Admiral Turner's 1991 article was entitled ''Intelligence for a New World Order.'' Two years later Samuel Huntington outlined what that new world order—or disorder—would be in an article in the same journal entitled ''The Clash of Civilizations.'' His subsequent book of that title is a defining text of our time.

Huntington perceives a world of seven or eight major conflicting cultures, the West, Russia, China, India, and Islam. Add Japan, South America, Africa. Most incorporate a major nation-state which typically leads its fellows.

The Cold War on balance suppressed conflict. But the end of the Cold War has brought not universal peace but widespread violence. Some of this has been merely residual proxy conflicts dating back to the earlier era. Some plain ethnic conflict. But the new horrors occur on the fault lines, as Huntington has it, between the different cultures.

For argument's sake one could propose that Marxism was the last nearly successful effort to Westernize the rest of the world. In 1975, I stood in Tiananmen Square, the center of the Middle Kingdom. In an otherwise empty space, there were two towering masts. At the top of one were giant portraits of two hirsute 19th century German gentlemen, Messrs. Marx and Engels. The other displayed a somewhat Mongol-looking Stalin and Mao. That wasn't going to last, and of course, it didn't.

Hence Huntington: ''The central problem in the relations between the West and the rest is . . . the discordance between the West's—particularly America's—efforts to promote universal Western culture and its declining ability to do so.''

Again there seems to be no end of ethnic conflict within civilizations. But it is to the clash of civilizations we must look with a measure of dread. The Bulletin of the Atomic Scientists recently noted that ''The crisis between India and Pakistan, touched off by a December 13th terrorist attack on the Indian Parliament marks the closest two states have come to nuclear war since the Cuban Missile Crisis.'' By 1991, the minute-hand on their doomsday clock had dropped back to 17 minutes to midnight. It has since been moved forward three times and is again seven minutes to midnight, just where it started in 1947.

The terrorist attacks on the United States of last September 11 were not nuclear, but they will be. Again to cite Huntington, ''At some point . . . a few terrorists will be able to produce massive violence and massive destruction. Separately, terrorism and nuclear weapons are the weapons of the non-Western weak. If and when they are combined, the non-Western weak will be strong.''

This was written in 1996. The first mass murder by terrorists came last September. Just last month the vice president informed Tim Russert that ''the prospects of a future attack . . . are almost certain. Not a matter of if, but when.'' Secretary Rumsfeld has added that the attack will be nuclear.

We are indeed at war and we must act accordingly, with equal measures of audacity and precaution.

As regards precaution, note how readily the clash of civilizations could spread to our own homeland. The Bureau of the Census lists some 68 separate ancestries in the American population. (Military gravestones provide for emblems of 36 religions.) All the major civilizations. Not since 1910 have we had so high a proportion of immigrants. As of 2000, one in five school-age children have at least one foreign-born parent.

This, as ever, has had bounteous rewards. The problem comes when immigrants and their descendants bring with them—and even intensify—the clashes they left behind. Nothing new, but newly ominous. Last month in Washington an enormous march filled Pennsylvania Avenue on the way to the Capitol grounds. The marchers, in the main, were there to support the Palestinian cause. Fair enough. But every five feet or so there would be a sign proclaiming ''Zionism equals Racism'' or a placard with a swastika alongside a Star of David. Which is anything but fair, which is poisonous ad has no place in our discourse.

This hateful equation first appeared in a two-part series in Pravda in Moscow in 1971. Part of Cold War ''agit prop.'' It has since spread into a murderous attack on the right of the State of Israel to exist—the right of Jews to exist!—a world in which a hateful Soviet lies has mutated into a new and vicious anti-Semitism. Again, that is the world we live in, but it is all the more chilling when it fills Pennsylvania Avenue.

It is a testament to our First Amendment freedoms that we permit such displays, however obnoxious to our fundamental ideals. But in the wake of 9/11, we confront the fear that such heinous speech can be a precursor to violence, not least here at home, that threatens our existence.

To be sure, we must do what is necessary to meet the threat. We need to better understand what the dangers are. We need to explore how better to organize the agencies of government to detect and prevent calamitous action.

But at the same time, we need take care that whatever we do is consistent with our basic constitutional design. What we do must be commensurate with the threat in ways that do not needlessly undermine the very liberties we seek to protect.

The concern is suspicion and fear within. Does the Park Service really need to photograph every visitor to the Lincoln Memorial? They don't, but they will. It is already done at the Statue of Liberty. In Washington, agencies compete in techniques of intrusion and exclusion. Identity cards and X-ray machines and all the clutter, plus a new life for secrecy. Some necessary; some discouraging. Mary Graham warns of the stultifying effects of secrecy on inquiry. Secrecy, as George Will writes, ''renders societies susceptible to epidemics of suspicion.''

We are witnessing such an outbreak in Washington just now. Great clamor as to what the different agencies knew in advance of the 9/11 attack; when the President was

briefed; what was he told. These are legitimate questions, but there is a prior issue, which is the disposition of closed systems not to share information. By the late 1940s the Army Signal Corps had decoded enough KGB traffic to have a firm grip on the Soviet espionage in the United States and their American agents. No one needed to know about this more than the President of the United States. But Truman was not told. By order, mind, of Omar Bradley, Chairman of the Joint Chiefs of Staff. Now as then there is police work to be done. But so many forms of secrecy are self-defeating. In 1988, the CIA formally estimated the Gross Domestic Product of East Germany to be higher than West Germany. We should calculate such risks.

The ''What-ifs'' are intriguing. What if the United States had recognized Soviet weakness earlier and, accordingly, kept its own budget in order, so that upon the breakup of the Soviet Union a momentous economic aid program could have been commenced? What is we had better calculated the forces of the future so that we could have avoided going directly from the ''end'' of the cold War to a new Balkan war—a classic clash of civilizations—leaving little attention and far fewer resources for the shattered Soviet empire?

Because we have that second chance Riesman and Glazer wrote about. A chance to define our principles and stay true to them. The more then, to keep our system open as much as possible, without purposes plain and accessible, so long as we continue to understand what the 20th century has surely taught, which is that open societies have enemies, too. Indeed, they are the greatest threat to closed societies, and, accordingly, the first object of their enmity.

We are committed, as the Constitution states, to ''the Law of Nations,'' but that law as properly understood. Many have come to think that international law prohibits the use of force. To the contrary, like domestic law, it legitimates the use of force to uphold law in a manner that is itself proportional and lawful.

Democracy may not prove to be a universal norm. But decency would do. Our present conflict, as the President says over and again, is not with Islam, but with a malignant growth within Islam defying the teaching of the Q'uran that the struggle to the path of God forbids the deliberate killing of noncombatants. Just how and when Islam will rid itself of current heresies is something no one cay say. But not soon. Christianity has been through such hersey—and more than once. Other clashes will follow.

Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies, disillusioning friends, thinking only of ourselves in the most narrow terms. That is not how we survived the 20th century.

Nor will it serve in the 21st.

Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: ''What We're Fighting For: A Letter from America.''

It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.

We affirmed ''five fundamental truths that pertain to all people without distinction,'' beginning ''all human beings are born free and equal in dignity and rights.''

We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And finally, . . . reason and careful moral reflection . . . teach us that there are times when the first and most important reply to evil is to stop it.

But there is more. Forty-seven year ago, on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Thank you.

ADDITIONAL STATEMENTS

SUSAN G. KOMEN BREAST CANCER FOUNDATION

• Mrs. HUTCHISON. Mr. President, I am pleased to pay tribute to the Susan G. Komen Breast Cancer Foundation, which is celebrating its 20th anniversary. The organization literally grew from a shoebox full of names in Dallas, TX, to the Nation's largest private source of funding for breast cancer research and community-based outreach programs.

Our current U.S. Ambassador to the Republic of Hungary, the Hon. Nancy Brinker, is the founder of the Komen Foundation. As a founding member of the organization, I can recall the very first meeting we held in Nancy's living room. She is a woman of conviction, with talent and energy to match. While it is too soon to tell, I believe the establishment and launching of the Komen Foundation will be Nancy Brinker's most remarkable legacy to humankind.

When her older sister Suzy died of breast cancer at the age of 36, Nancy set out to keep the promise she had made to Suzy: to do everything in her power to eradicate breast cancer as a life-threatening disease. Today, 20 years after the Komen Foundation's inception, we recognize the ''Power of Promise'' Nancy made that day.

I am proud to have worked for the Komen Foundation in the Senate, and mark today's celebration by noting the truly great things people can do when they answer a call, see a need, and set out to make things different.

Twenty years ago, breast cancer was a term rarely spoken in public, and a subject that almost never appeared in newspapers or magazines. There were no self-help books and those who survived the disease did not readily share their stories. What is worse, breast cancer was viewed as a certain death sentence. Few treatment options existed at the time, and those that did were drastic and disfiguring.

At its inception, the Komen Foundation began to educate people and help them recognize the seriousness of breast cancer in our society. People began giving of themselves as volunteers and as financial donors so that research into new breast cancer treatments, screening, and educational outreach efforts could be funded.

The Komen Foundation boasts over 100 affiliate groups in cities across the U.S., three European affiliates and a cadre of 75,000 dedicated volunteers, many of whom are survivors. In the past two decades, the Foundation has raised more than $450 million for research, education, screening and treatment programs—many of which reach into traditionally medically underserved areas. The Komen Race for the Cure had over 112 races this year with 1.2 million runners and walkers participating. Each race event is an occasion of hope and survivor pride for participants and their supporters.

On the 20th Anniversary of the Komen Foundation, let us all renew our promise in the fight against breast cancer so that one day we will have something miraculous to celebrate: the end of breast cancer as a life-threatening disease.•

CONGRATULATING MONTANA WRESTLERS

• Mr. BAUCUS. Mr. President, today I rise to congratulate the outstanding wrestlers from my home State of Montana who won the Amateur Athletic Union Grand Nationals Wrestling Championships in Shreveport, LA, this past June. This was the first year in which Montana has sent an organized team to the competition, and on behalf of all Montanans, I want to say how proud we are of these athletes and their historic success.

In order to win the title, Team Montana, competed in Greco-Roman, Freestyle and Sombo disciplines, which are the three international disciplines of wrestling. Led by Stan Moran of Wolf Point, MT, the team was composed of athletes 5–35 years old, including World Champion Josh Charette; World Silver medalist Rob Charette; and World Bronze medalist Stan Moran, Jr. This is Josh Charette's third consecutive World Open Championship. Josh is currently representing Montana at the Olympic Training Center in the Judo discipline, where he is preparing for the 2004 Olympic Games in Athens.

Athough these outstanding athletes are in the spotlight, I also want to take a moment to comment on the strength of the wrestling community in Montana. Whether it is this recent success at the AUU Grand Nationals Wrestling Championships or the success of Montana State University—Northern's wrestling program, Montana's entire wrestling community has a record that it can be very proud of. I know that such success comes only with focus and determination, and I want to commend the families, coaches, and wrestlers who have fostered an environment of excellence.