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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Faithful Father, Your words to Joshua so long ago sound in our souls as Your encouragement to us today: ''I will not leave you nor forsake you. Be strong and of good courage.''—Joshua 1:5,6. Thank You for Your faithfulness. Your love and guidance are not an on-again, off-again thing. We can depend on You for a steady flow of strength. Just to know that You are with us in all the ups and downs of political life is a great source of confidence. We can dare to be strong in the convictions You have honed in our hearts and courageous in the application of them in our work in government.

Grant the Senators a renewed sense of how much You have invested in them and how much You desire to do through them in the onward movement of this Nation. It is for Your name's sake, Your glory, and Your vision that You bless them. Guide and inspire them as leaders now in this time of crisis in our Nation. Your word for the day is, ''Be not afraid, I am with you!'' Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until approximately 11 a.m., with Senators, as the Chair has announced, permitted to speak up to 5 minutes each regarding S.J. Res. 22. Last night, there was a unanimous consent order entered that the following be the order of speakers today: BOND, LINCOLN, SMITH of New Hampshire, STABENOW, COLLINS, GRAHAM, MURKOWSKI, and BYRD. If there is not one of the Senators here on time, it will go back to the other side.

At 11 a.m. or thereabouts, the Senate will resume consideration of Commerce-State-Justice Appropriations Act, and it is every hope that with the two leaders we can complete action on that CSJ Appropriations Act early today.

There likely will be rollcall votes throughout the day's session. We may be in recess from 12:30 p.m. until 2:15 p.m. today. We are awaiting further word from Senator DASCHLE on that matter.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak with respect to S.J. Res. 22 for up to 5 minutes each.

Under the previous order, the Senator from Missouri, Mr. BOND, is recognized to speak for up to 5 minutes.

TERRORIST ATTACKS AGAINST THE UNITED STATES

Mr. BOND. Mr. President, September 11, 2001, will forever be burned into American history as a day of horror without precedent.

Our hearts and prayers are with survivors and families of those who were murdered in New York City, the Pentagon, and in the hijacked airplanes.

Although still appalled by the damage, the United States is in the process of recovering from these attacks.

Fate has written many painful chapters in America's history. Each is sharply engraved into our collective memory. Most are battles and wars: Gettysburg, Pearl Harbor, Iwo Jima, Pork Chop Hill. Others were acts of madmen such as the bombing of the Oklahoma City Federal building and the slaying of our Presidents Lincoln, McKinley, and John F. Kennedy.

The magnitude of Tuesday's attack defies understanding. It is the scale of what happened that day that freezes the mind in horror. The wrenching sights of passenger planes deliberately flown into the largest symbol of America's economic and military strength

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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was an assault on how we think of ourselves, our Nation and our role in the world and in history.

Vehicles of peaceful domestic travel were bent horrifically into missiles of death shot into the heart of our economy—into all of our hearts. The blasts we watched in real-time and in slow-motion reruns in our collective mind's eye have buried splinters deep into our souls.

As shock gives way to action, recovery and the identification of those responsible, we must remember this is not the first time the American people have been tested. History has probed the limits of our strength and patience many times, over many generations of Americans.

As the realization of what has happened continues to sink into our national consciousness, we must never forget that each time our Nation is tested, each time we have survived—as we will again.

And while it seems impossible to believe today, barely days after this horrific attack upon our soil, we must draw strength from the knowledge that each test has failed to diminish our Nation. Just the opposite. America's history is written by a people who rise to every challenge, and history has shown we will prevail.

We are the greatest and most powerful nation today precisely because we have met and triumphed over adversity. This is our national identity. This is what it means to be an American. This is the strength of character that built this Nation over the last four centuries.

Americans do not face challenges. We surmount them. And we grow stronger as a result.

I am confident that we are already seeing this in the days after the disaster. We see it in the faces of the New York firemen and police officers, the dedicated men and women who fought to protect and recover and who have often lost their lives in that effort. A grim determination and smoldering pride etched in the ashes on their faces—etched with sweat. And tears. And blood. We see it in the faces of our military men and women still breathing life into our Nation's military command center at the Pentagon.

We see it in the commitment of the urban search and rescue teams and other public safety officers who have gone into New York City and into the Pentagon to help. I am deeply honored and proud that my good friends in the Missouri Task Force One, from the Columbia, MO, area, are there helping, and they want to help. Americans want to help. While the terrorists hit their targets, caused death and damage, their real aim of terrorism is to strike a crippling psychological blow. The terrorists will succeed only if we surrender our confidence in our Nation. Americans cannot and will not allow them this victory.

Many people have asked me, what can we do? I hear that from Missourians all the time. First, obviously, is prayer, for those who have been lost, for those who suffer, for the families and loved ones. I ask also for prayers for individuals, for families, for guidance, that they may be strong, that this country may be strong, that we may not be disabled by the threats of terrorism.

We must continue to be strong as Americans. There are things we can do. Giving blood is one thing that is readily available. I ask all my constituents to listen to their radios and televisions and contact the local blood donor stations.

I ask citizens not to panic. We have seen panic in the buying of gasoline with 30-car-long lines. Do not horde. Prices are going way up; do not buy. Do not raise prices. Do not price gouge.

This country will be strong. We will have our economy back on track if we behave rationally and responsibly. Let us not be crippled by potential terrorism. Let us not put up barriers that are impossible to overcome.

I have talked with people in the airline industry. Our airline industry is suffering billions of dollars of losses. We must have a better airline security system. But let us be smart about it. Let us not make it impossible to travel by airplane.

We are beginning the process of taking down the extraordinary security items around this Capitol. This is the people's place of business. We want people to be able to visit. Normally on Thursday mornings I have an open house for Missourians. They could not get here. I had a tough enough time getting here myself. We are going to go back to business in this Capitol. We need to go back to business as Americans. We need to build the strength in our families. That will strengthen our country.

I hope those considering scheduling sporting events will realize this is part of our national culture. These should go forward. I ask we not be so terrorized by the terrorists that we forget what we do in this country and why we are strong.

I believe the President has indicated the war against terrorism will be conducted with great vigor, with no terrorist, and no nation harboring them, safe. The President's hands ought not to be tied. So we can ensure our Nation is never dealt a similar blow, we must give the President the authority, support him and give him the resources and provide him the freedom to act, to preempt the acts of terrorism.

Tuesday's attacks have shaken us. But the bedrock beliefs and principles of the United States remain strong. We will show the terrorists.

Our immediate focus must be to recover from these attacks. And to tend to the victims and their families. We may not know the full toll for many weeks.

In the longer run, we must recognize that these attacks demand an appropriate response from the United States.

I know the man who is the President of the United States. I know this man. And I am confident that he will throw the full weight of the U.S. Government behind the task of identifying and destroying those responsible for the attacks. The President should also have the power to take appropriate steps to prevent a reoccurrence. And I know that he has the support of both political parties in the U.S. Congress. And more importantly, he has the full support of the American people.

Our Nation must not rest until those behind the attacks are destroyed. Our unyielding anger will span the world and reach the terrorists wherever they may try to hide. The world is not big enough to offer them the concealment they seek. We will find them, we will get them, and we will make them pay for what happened Tuesday.

Any nation that seeks to provide protection or cover for the terrorists ought to think twice before doing so. The President is correct to make no distinction between the terrorists and those nations that shelter them. The price of doing so will be very high.

Let us be clear about what Tuesday's attack was—and what it was not. It was an act of war, not a simple criminal act. I say it was not merely a criminal act because of its scale. It was too large to be only a criminal act. It was an act of war against our people, our way of life, and against all people who cherish democracy and freedom.

I believe there has been an unfortunate trend in the American Government in recent years to ''criminalize'' acts that are by definition acts of war against this country. That trend has delayed our potential responses until the evidence collected approached the standards required by a court of law. I believe that to have been a mistake.

The war against terrorism—and its war against us—is just that, war. And we ought to be free to respond in kind. Not only after that fact, but I believe the President's hands ought not to be tied. To ensure our Nation is never dealt a similar blow, we must give the President the authority and freedom to act to preempt such acts. That is he must be able to strike terrorists before they strike.

For many years the prevailing trend has been to shackle our intelligence agencies—to err on the side of doing too little rather than doing too much. I understand the forceful reasons behind this trend. Nothing is more dear to us than the protection of our civil liberties. Our political culture at root is defined by our steadfast guardianship of our civil liberties.

I believe we can do more to attack terrorism without further encroaching upon our civil liberties. I believe we can strengthen the reach of our intelligence agencies significantly at no risk to our civil liberties.

We know the incalculable cost of getting this balance wrong. In our understandable zeal to protect our civil liberties, we hampered the very agencies

that protect not only our lives but our very way of life.

America is a different nation today than it was Tuesday morning. We have been attacked in a way without precedent, in kind and magnitude. Our Nation needs time to grieve, we need time to tend to our dead and to care for the wounded and their families.

Tuesday's attacks have shaken us. Yet the bedrock beliefs and principles that anchor the United States remain strong. Just how strong is something the terrorists will soon discover.

God bless the United States of America.

The ACTING PRESIDING pro tempore. Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized to speak for up to 5 minutes.

Mr. SMITH of New Hampshire. Mr. President, this is a very sad time for America. The unthinkable has happened. What we always feared could happen, but prayed never would happen, has happened.

I rise today to pay tribute to the men and women who lost their lives in this cowardly attack against the United States of America.

I, as so many others, am overcome by the magnitude of this horrific act, a cowardly act against innocent people. It is hard to understand what would motivate people to do such a thing. But now I think we understand our hearts must go out to the victims, to their families, and all who have suffered at the hands of this evil that struck this greatest nation on Earth.

May God be with those who have passed and those who are suffering. Words, I know, are of little solace in a terrible tragedy such as this in dealing with the shock and pain. I know words may ring hollow compared to the pain and disbelief that the families must be feeling. I want those families to know we are as one nation under God. We are united in our resolve, no matter who we are, to see justice done on behalf of the lives lost so senselessly.

We must unite and comfort our fellow Americans in these difficult days. Their grief is immeasurable and they need our support. They will have it.

My State lost many citizens in this tragedy, including Thomas McGuinness of Portsmouth who was the copilot of American Airlines Flight 11. I knew Tom personally. He was a fine man. His family and the families of all those who have lost loved ones are devastated by this tragedy. They need our prayers.

I commend the efforts also of the brave men and women who are working around the clock, risking their own lives to rescue those still trapped in both the Pentagon and at the World Trade Center. We stand behind them and pray for their success. As each hour goes by, we hope to see another survivor and another family member united.

I also commend President Bush and Senators DASCHLE and LOTT and the leadership in the House for returning to this city and getting back to business, letting these people know we will not tolerate this interruption in our system, and demonstrating we will not be cowed by the actions of these despicable people.

The American people understand an act of war was committed against the United States of America. Make no mistake about it, it was an act of war. You can say it is the Pearl Harbor of the new millennium, but it is far worse than Pearl Harbor. I might add, we responded to Pearl Harbor and we will respond to this. Make no mistake, the United States of America will respond to this heinous act with overwhelming force. We will find those responsible and those who supported these evil acts. They will be eradicated. This is not a question of bringing criminals to justice. This is an act of war, and it will be responded to as an act of war.

After we win—and win we will—we do have some serious questions we will have to answer. What went wrong? Why didn't we have the intelligence assets we needed? How can we protect ourselves in the future without giving up the civil liberties we cherish so much? Where are our priorities? These are all important questions which need serious attention and honest answers.

We must never forget the magnitude of this loss and its effect on our way of life. September 11, 2001, will always be with us. Like December 7, 1941, we will always remember where we were. In the past, we have not decisively acted against some of these terrorist attacks and threats. This will not stand any longer.

Some talk about multilateral efforts to combat terrorism; that is fine. I am here today to say to the American people we will act unilaterally, if necessary, to protect our people. We need to send a clear message to terrorists and those countries that harbor them that there is no distinction, as the President has said, between the terrorists and the country that harbors them; we will decisively act against this cowardly aggression, and they will pay the full price for what they did.

As our President said, America will hunt down and punish those responsible. President Bush will have my support and the support of every American to do just that. We must be on the offensive against terrorists and those states and individuals who support them. The policies of the past must change. We are at war, and this is a war that we will win.

God bless America.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas is recognized to speak for up to 5 minutes.

Mrs. LINCOLN. Mr. President, on Tuesday a series of terrorist attacks on the United States shook our Nation and left thousands suffering or dead. Almost all of us in this Chamber have risen to express our compassion. Almost everything has been said. But with such a tragic event, each one of us feels compelled to tell our own story.

I rise today to offer my continued prayers and condolences to the victims and their families. And I rise to add my voice to those condemning the atrocities committed against the United States of America Tuesday morning, September 11, 2001.

The four hijackings, and the deliberate terrorist attacks on the World Trade Center and the Pentagon, are an outrage against our nation and against human decency. I support the President in his pledge to devote all of our country's resources to the task of determining who is responsible for these acts and of holding them accountable.

In the days to come, we will need to reflect on Tuesday's events to determine what we will take from them and how we will respond.

To begin with, it appears certain that these attacks will force us to re-define our national defense priorities. According to many reports, the hijackers of the airplanes were armed only with knives and boxcutters. This disturbing detail underscores the reality that the greatest threats against our national security and our well-being may no longer be missiles or tanks or armies. The greatest threat is terrorists or rogue nations armed with simple weapons and a dangerous resolve.

It is time that we demonstrate the same resolve in preventing and, when necessary—as now—responding to acts of terror. We need to reconsider how our security apparatus, our intelligence network, and our channels of diplomacy can be strengthened and more effectively employed to ensure that these attacks are never duplicated. Let us begin a new dialogue about our national security that accounts for this changed and changing reality. Let us devote all our resolve to tracking down and destroying these agents of terror.

We need to recognize also that Tuesday's events must, by necessity, call us out of our complacency. For too many years, our national character has too often been focused inward.

Tuesday's tragedy should remind us of our duty to not only our families and our immediate circles, but of our duty to our neighbors, our communities, and our nation.

Still, the reports that we have heard suggest that these terrible attacks have brought out much of the best in the American character—the courage of the search and rescue team members, the commitment of our law enforcement officers, the generosity of those who have given their support to these efforts, and the sympathy and caring that all Americans have extended to the suffering.

I am deeply disturbed, however, by some other reports that are coming to light. Arkansas newspapers reported Wednesday morning that rumors of oil shortages have forced a run on gas stations in the American heartland, and that some station owners have raised

prices to exploit this fear. I am pleased that the Attorney General of Arkansas, Mark Pryor, has pledged to investigate the actions of these profiteers. Those who attempt to profit from these events should know that their actions will not be tolerated and that, if necessary, they will face prosecution for their actions. I ask my colleagues to join me in denouncing this sort of profiteering from tragedy.

Foremost in my mind is the human dimension of Tuesday's events. It will likely be several days before we have a clear sense of how many lives were lost, but there is no doubt that the total will be in the thousands. Numbers of this magnitude will ensure that the effects of these horrific acts will be felt by all Americans.

We now know that Sara Low, a native of Batesville, AK, and a flight attendant on American Airlines Flight 11, was killed when her plane struck the World Trade Center. Sara was a 1991 graduate of Batesville High School and a graduate of the University of Arkansas. Our deepest sympathy and our prayers are with her parents, Mike and Bobbie Low, and her family and friends as they grapple with this horrible tragedy.

It is a horrible and saddening reminder of how the shock waves of these events are felt throughout our nation, far beyond New York and Washington. As a daughter, as a wife, as a mother and as an American, I am deeply pained by our suffering today.

It has now been over 48 hours since the first plane struck the World Trade Center, and even now it is possible that there are scores of people trapped in the debris and rubble in New York and in Virginia. Our prayers are with them and their families, and it is my great hope that, if there are survivors, they are rescued soon and reunited with their loved ones.

We also extend our prayers and sympathy to the families of those who were killed in Pennsylvania, where United Airlines Flight 93 was forced into a crash landing.

Tuesday morning, these terrorists made their statement, at a great and unprecedented cost of American lives. Let our statement to them be that this was an act of war, and from this point forward, the United States of America is at war against these kinds of actions.

Let them know that although they may strike at the United States, they cannot strike at the freedom and resolve that make our nation great.

I join my colleagues in letting these terrorists and anyone else who would take such actions against this great Nation know, it will not be tolerated.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas yields the floor.

The Senator from Alaska, Mr. MURKOWSKI, is recognized to speak for up to 5 minutes.

Mr. MURKOWSKI. Mr. President, I join my colleagues and all Americans—those from my State of Alaska and throughout the world—in prayer, prayer for those who tragically lost their lives last Tuesday and for those who are even now fighting for their lives in the rubble associated with the tragedy in New York and possibly still at the Pentagon.

The inhumanity of this act will live in infamy. We yearn in heartfelt sorrow for the families of those injured, those lost. We all join together in support of our President and to assert our resolve to endure the evil wrought Tuesday, to ensure that evil is countered, and that that evil is destroyed.

The hunt for those responsible has begun. The terror they have sought to inspire will not stand. So let's be very clear, recognizing the great and enduring virtues of our Nation: our liberty, our tolerance, our fairness. These are the very values which the terrorists trampled upon in pursuit of their misguided quest. These will not save those responsible for these crimes. We recognize our own values are sacrosanct, but our resolve to protect those values is absolutely unshaken. We should not, as we follow the tracks of the killers to the lairs of their leaders, presume to know their identity with certainty. Neither can we begin to know their motivations for committing the most criminal of acts—killing innocent people.

If the killers believed that they, through this act, would enter the Kingdom of Heaven, they now realize the real destination to which Satan has guided them.

But to the children of America I say: Have faith; your parents, your teachers, your Government are all working hard to protect you, to protect you from this horror. Your responsibility is to grow, to learn, to play—and many adults are working to bring those responsible to justice, to ensure that they and those who helped them never commit this kind of a crime again.

To the terrorists who have sought to bring fear and chaos to the United States, I say to you: You have failed. It is you who should be afraid, afraid of the sense of justice of the American people, afraid of your fate at the hand of God, afraid of what you have unleashed.

As we shared, along with Members of the House, on the steps the other evening ''God Bless America,'' let me also mention the dimension of this which we all relate to in our own lives.

I stand here as one who recalls as a child the ''Day of Infamy,'' December 7, 1941. I noticed a piece that indicated the deaths from that surprise attack on Pearl Harbor. It was 2,403. Clearly, this tragic set of circumstances brings the death toll to many times that amount.

We have the realization for the first time that an aircraft has been used as a weapon by terrorists. How do we protect the public? What change is it going to make in transportation? It has shaken some of the foundations and symbols of our Nation—our buildings—which represent prosperity in our economy. It has not shaken the resolve to recover nor the resolve to pursue those responsible. We are prepared to move heaven and Earth to bring to justice those who are responsible for this carnage.

But everything did change Tuesday. Things will be different in this country. We still do not know the extent of the threat, although we do know that we all must be vigilant.

I join with my colleagues in an expression of faith and an expression of hope and an expression of conviction that America will overcome this tragedy. America will never forget this tragedy.

I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the Senator from Florida is recognized to speak for up to 5 minutes.

Mr. GRAHAM. Thank you, Madam President. I wish to commend you and Senator SMITH for the eloquent remarks you have just delivered to the American people.

We all are shocked by what occurred on September 11, and we recognize that this will be a demarcation date in the history of America. It will be a date upon which we will recognize our loss of innocence and the new reality of our vulnerability. Not since the Civil War has there been a conflict of such violence committed on the territory of the United States as we experienced on Tuesday.

As with Pearl Harbor and the assassination of President John Kennedy, all Americans will forever remember where they were and what was in their mind as they heard of the tragic events of last Tuesday. Today our prayers are with the victims in New York and here in the Pentagon and with their families.

Our admiration and good wishes go to the brave firefighters, policemen, doctors, nurses, and all the other emergency personnel who are working so hard to find the survivors and to deal with the pain. We pray for our Nation as well. We have entered a new phase in history, one that will unfortunately be marked by a pervasive sense of insecurity.

I am fortunate to be a grandfather of 10 beautiful boys and girls. Their mothers called me Tuesday evening to tell me how frightened the grandchildren were and that they were wondering whether their neighborhood, whether their school, and whether their own brothers, sisters, mothers, fathers, and friends would be subject to the same thing they had just seen on television.

Every time we take a trip, particularly by airline, we are likely to be reminded of Tuesday's incident. We will also face increased security, particularly at airports and seaports. Our border checkpoints will be reinforced. But all of these are necessary changes. Frankly, I believe the vast majority of Americans will agree that there will be

reasonable, new restrictions in light of the new period of American history in which we will now be living.

To honor the lives of the victims, we must take steps to assure that other Americans will not be subject to the same fate. A first step in that honoring will be to support the President of the United States of America. He will have some extremely difficult decisions to make in the next few days.

Clearly, we are not going to allow this horrific act to go unanswered. As has been the case in so many other incidents of conflict, we will enter this commitment to see that those who have committed these deeds will be brought to justice with great enthusiasm. The real test will be whether we are prepared to make the long march that is likely to be required in order to root out the many cells of terrorists around the world that represent a continuing threat to our security. The President will need our support then even more than now.

We also need to rebuild some of our institutions that will be on the front lines of our efforts to assure the security of America. One of those with which I feel a particular responsibility is our national intelligence capability. To deal with terrorism, there is no alternative but to have the most effective capacities to anticipate what the motivations and capabilities of our particular adversaries are and then to be able to interdict those capabilities before they can be put into action.

We have seen over the past several years a degradation in some important areas of our intelligence capabilities. We will know in the next few weeks whether those shortfalls bear a part of the responsibility for what happened on Tuesday.

Illustrative of the areas in which we are going to need to pay renewed attention and additional new resources will be rebuilding our human intelligence. For a long period during the cold war we became increasingly dependent upon technology as the means of gathering information. That played a critical role. But in this new era there is going to be no substitute for having well-trained, diverse in background and language skills, and technologically competent persons who can represent the interests of the United States in getting inside these organizations so that we will have a level of understanding that will allow us to prepare for and to avoid incidents such as Tuesday's tragedy.

We also must make some investments in some of our technological areas, particularly the National Security Agency, which for many years had been our prime means of gathering information by essentially eavesdropping on our adversaries. That capability, which was developed to a very high level during the cold war when most of those communications were over the air, has been degraded as countries, including our own, have gone to other forms of communication. As an example, communicating computer to computer does not allow the kind of detection we have relied on in the past. It is going to be important that we make a new commitment and a new investment to build up that capability to what it has been historically.

With the permission of the body, I am submitting for the CONGRESSIONAL RECORD a recent article which appeared in the Washington Post which examines the National Security Agency, some of its immediate challenges, and the pathway to a stronger and more secure future that is being developed under the direction of its leader, LTG Michael V. Hayden. I ask unanimous consent that be printed in the RECORD.

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

[From the Washington Post Magazine, July 29, 2001]

TEST OF STRENGTH

For two years, Air Force general Michael Hayden has waged a secret struggle to overhaul the world's most powerful spy agency. Nothing's riding on his success but the future of America's national security

(By Vernon Loeb)

The call came after dinner on a Monday night, as the general was watching the TV news at home. There was a computer problem back at the agency. A software failure had knocked out the network.

''Give me a sense,'' the general commanded the duty officer over the secure phone line. ''What are we talking about?''

''The whole system is down,'' the duty officer said. A result of overloading. Plus, the network had become so tangled that no one really seemed to know how it worked. There was no wiring diagram anyone could consult. It was January 24, 2000. Lt. Gen. Michael V. Hayden was still new on the job—just finishing his 10th month as director of the National Security Agency—but he did not need a duty officer to explain the implications of his computer problem. The agency's constellation of spy satellites and its giant listening stations on five continents were still vacuuming communications out of the either. Their vast electronic ''take''—intercepted telephone calls, e-mails, faxes and radio signals—still poured into memory buffers capable of storing 5 trillion pages of data at agency headquarters at Fort Meade. But once in house, the data froze. Nobody could access it, nobody could analyze it.

The NSA—the largest and most powerful spy agency in the world—was brain-dead.

Hayden called George J. Tenet on a secure phone and broke the news to the director of central intelligence. The nation's two top spymasters knew there was nothing they could do but get out of the way and let the technicians try to figure out what was wrong. The keepers of the nation's secrets now had another one to keep—a secret Saddam Hussein or Osama bin Laden or some other enemy of the state could have surely used to great advantage.

The next morning, the only consolation Hayden had was the snow: A blizzard had blasted Washington and shut down the federal government, giving his gathering army of computer engineers and techies some time—without the workforce around—to bring the agency out of its coma. Hayden's despair deepened as two full days passed without progress. The mathematicians and linguists reported back for duty Thursday morning, only to find a handwritten message taped to doors and computer terminals: ''Our network is experiencing intermittent difficulties. Consult your supervisor before you log on.''

The crash had now become a security crisis. By noon, at a hastily called ''town meeting,'' Hayden walked onto the stage of the agency's Friedman Auditorium and told thousands of employees—in person and on closed-circuit television—what had happened.

''We are the keeper of the nation's secrets,'' he said at the end of his grim presentation. ''If word of this gets out, we significantly increase the likelihood that Americans will get hurt. Those who would intend our nation and our citizens harm will be emboldened. So this is not the back half of a sentence tonight that begins, 'Honey, you won't believe what happened to me at work.' This is secret. It does not leave the building.''

Could all 30,000 employees live by the code of secrecy they'd grown up with?

To Hayden, a career intelligence officer who had served in the first Bush White House and had run the Air Force's cyberwar center, the computer crash seemed the perfect matephor for an agency desperately in need of new technology. But the reality, he would quickly see, was actually worse. Antiquated computers were the least of the NSA's problems.

By virtue of its magnitude and complexity, the NSA invites superlatives and outsize comparisons. Its collections systems scoop up enough data every three hours to fill the Library of Congress. It employs the world's largest collection of linguists and mathematicians and owns the world's largest array of supercomputers. To power the supercomputers, it uses as much electricity as the city of Annapolis. To cool them, it maintains 8,000 tons of chilled water capacity. One of its most powerful computers generates so much heat it operates while immersed in a nonconducting liquid called Flourinert.

But beyond the gee-whiz factor lies an agency in need of reinvention.

Heir to America's World War II code-breaking heroics, the agency was created in secret by President Harry Truman in 1952. Signals intelligence—SIGINT, in spy parlance—has long been considered even more valuable than human intelligence or satellite imagery, because the quantity and quality of the potential take is so much greater. The NSA was intended to be the world's premier SIGINT agency, encoding American secret communications while stealing and decoding other nations'. Soon after its founding, the agency started growing into a juggernaut that would put listening posts around the globe, spy ships and submarines out to sea, and reconnaissance planes and satellites in the heavens.

The NSA rose to dominance in what were, in telecommunications terms, simpler times. Radio signals and microwaves were ripe for the taking as they bounced off the ionosphere or traveled straight out into space; to intercept them, one simply needed to get in their path. And the NSA did this better than anyone else, using everything from portable receivers that picked up vibrations off windowpanes to geosynchronous satellites 22,000 miles above Earth.

It was the NSA that first reported the presence of Soviet offensive missiles in Cuba in 1962. It was the NSA that first warned of the Tet offensive—five days before the attacks commenced across South Vietnam in January 1968. All told, the NSA broke the codes of 40 nations during the Cold War and, through an operation code-named Gamma Guppy, intercepted personal conversations of Soviet Premier Leonid Brezhnev. In 1986, President Ronald Reagan went so far as to bomb Col. Moammar Gaddafi's Tripoli headquarters

after NSA intercepts revealed Libya's role in a terrorist attack on a Berlin discotheque that had killed two U.S. servicemen and a Turkish woman.

Making and breaking codes requires absolute secrecy, and the NSA took secrecy to extremes. Most Americans had never even heard of the agency for decades after it was established. In 1975, a Senate select committee headed by Sen. Frank Church revealed that the NSA had far exceeded the foreign intelligence mission envisioned by Truman and had been spying domestically on the likes of Jane Fonda, Joan Baez, Benjamin Spock and the Rev. Martin Luther King Jr.

The revelations led to laws and regulations that strictly prohibit the NSA from spying on U.S. soil—laws and regulations, agency officials say, they now strictly follow. But the agency's cult of secrecy proved far more resilient. Even after the Church committee's revelations, it was a standing joke at Fort Meade that NSA stood for No Such Agency or Never Say Anything. In 1982, when author James Bamford was writing his groundbreaking first book about the agency, The Puzzle Palace, the Reagan administration threatened to prosecute him for espionage if he did not return sensitive documents he had obtained through the Freedom of Information Act. The administration ultimately backed down, but its treatment of Bamford was a sign of how secretive and arrogant the NSA had become. (By contrast, Hayden cooperated with Bamford on his second book about the NSA, Body of Secrets, which was published in May.)

The agency's high opinion of itself was backed up by its success throughout the Cold War, success that rested on three pillars: massive budgets, superior technology and the luxury of having a single main adversary—the Soviet Union—that enjoyed neither of those first two advantages.

Now, all those pillars have crumbled.

The NSA is still one of the largest employers in the state of Maryland, but it lost 30 percent of its budget and an equivalent slice of its workforce during the 1990s. And instead of one backward adversary, the agency found itself trying to deploy against elusive terrorist groups, drug cartels and rogue states, in addition to a full slate of traditional targets ranging from Russia to China to India to Pakistan. In 1980, the NSA focused about 60 percent of its budget on the Soviet Union. By 1993, less than 15 percent was fixed on Russia.

But if the end of the Cold War was hard on the NSA, the onset of the digital age was harder. More and more communications were moving through hard-to-tap fiber-optic cable. More and more were encoded with powerful new encryption software that was proving virtually impossible to break. By the late 1990s, NSA officials had given up a futile effort to limit the spread of encryption software, but they were left fearful of how their agency's capabilities could wither if, say, Microsoft started building powerful encryption algorithms into its operating systems.

More immediately, the NSA had to confront the exploding volume of global communications. In the 1950s, there were 5,000 computers in the world and not a single fax machine or cell phone. Today, there are more than 100 million hosts on the Internet serving hundreds of millions of networked computers, not to mention 650 million cell phones in use worldwide. And with broadband fiber-optic cable being laid around the world at the rate of hundreds of miles an hour (virtually the speed of sound), the speed for moving digital data down these slender pipes more than doubles annually—faster even than computing power, which doubles every year and a half.

With more and more digital data moving across the Internet and bouncing off communications satellites, SIGINT has become more important than ever. Yet the interceptible data stream has threatened to drown the NSA's analysts in a roiling sea of 1s and 0s.

In this new context, private industry suddenly controls the technology that the NSA needs to keep pace. But the NSA has been isolated from the dynamism of the market by its own cult of secrecy. The agency has fallen farther and farther behind, unable to sort through a torrent of information streaming back into Fort Meade's computers and, to some extent, incapable of replacing its Cold War troops trained in radio intercepts and Russian with Internet engineers and Arabic speakers.

In 1999, the House Permanent Select Committee on Intelligence declared that the NSA was ''in serious trouble,'' desperately short of capital and leadership. Civil libertarians, Internet privacy activities and encryption entrepreneurs—not to mention the European Parliament and thousands, perhaps millions, of ordinary Europeans—question the continuing need for such an agency, describing the NSA as an ''extreme threat to the privacy of people all over the world,'' in the words of an American Civil Liberties Union Web site.

But the U.S. government considers SIGINT so essential that one senior intelligence official recently called the NSA's possible demise the greatest single threat to U.S. national security. So, three years ago, when the House and Senate intelligence committees began sounding the alarm, the director of central intelligence began an all-out search for somebody to fill the NSA's leadership void. George Tenet turned to a man who lacked the innate spookiness normally associated with this spookiest of agencies. A small man with a crew cut and a bald pate. A man with a scholarly interest in history. A man who would show no fear of either the public or the agency he would have to overhaul.

Michael Hayden, 56, grew up in an era when the backbone of America's industrial might comprised steel mills and factories, in a neighborhood on Pittsburgh's North Side where men carried lunch buckets to work and proudly traced their ancestors to County Galway.

His father, Harry Hayden Sr., was a welder at Allis-Chalmers, a plant that made giant electrical transformers. Harry worked the 3:30-to-midnight shift, leaving his wife, Sadie, to raise their three children almost by herself. But he remembers how, when he would awake before dawn and walk to the bathroom, the light would always be on in Michael's room at 5:30 in the morning. The boy was studying.

Michael was a standout student, and an athlete as well. ''We never had to talk about Michael,'' says Harry, now 81. ''Everybody else was.''

As early as grade school, Michael showed a talent for impressing talent spotters. His football coach at the St. Peter's parochial schools says Hayden clearly had ''the smarts'' to play quarterback—no small judgment, coming as it does from Dan Rooney, son of the founding owner of the Pittsburgh Steelers and now the franchise's president. In time, however, Hayden distinguished himself most in the classroom, graduating near the top of his class at North Catholic High School and at Duquesne University, where he majored in history.

One day, he surprised his father by coming home from college and announcing that he had signed up for Air Force ROTC. It was 1967, when a lot of young men were burning their draft cards to protest the Vietnam War. ''He wanted to travel, and I guess there wasn't a better way to do it,'' Harry says. Still, after graduating, Michael married his college sweetheart, a Chicagoan named Jeanine Carrier. She typed and proofread his master's thesis in American history at Duquesne while he drove a cab, worked as a nigh bellman at the Dusquesne Club and coached St. Peter's to a football title.

Then he started his service in the Air Force, as an analyst and briefer at the headquarters of the Strategic Air Command at Offutt Air Force Base in Nebraska. Harry Hayden Jr. figures his older brother joined the service because he had read everything he could about American history and wanted to start participating.

A decade into his Air Force career, Michael held the rank of major and was chief of intelligence for a fighter wing at Osan Air Base in South Korea. The director of operations, Col. Chuck Link, a fighter pilot, detected the same leadership qualities Dan Rooney had recognized years earlier. So did Hayden's men. Gene Tighe, a young intelligence officer, remembers Hayden more as a mentor than a commanding officer. ''He thought it was a great thing to be out and about and getting this opportunity overseas,'' Tighe recalls. ''He wanted us to see the temples, the rice paddies, go shopping in Hong Kong. He took a vested interest in making you feel important.''

After Osan, Hayden spent six months studying at the Armed Forces Staff College in Norfolk and 18 months learning Bulgarian before he became an Air Force attache to Sofia.

Two years later, he came home without a new assignment, but Link quickly recruited him to a job on a prestigious policy and planning staff inside Air Force headquarters at the Pentagon. Soon Link's boss, Gen. Chuck Boyd, the Air Force's director of plans, took notice of Hayden's ability to think conceptually and put his thoughts down on paper.

''He's got the soul of a historian, he really does,'' Boyd says. ''He thinks things are explainable on the basis of how things have been. It's a scholarly bent, combined with an exceptional sensitivity to human behavior.''

One day in the summer of 1989, Boyd told Hayden to go down to the National Security Council and see two men, an Air Force general and an arms-control expert. Hayden took the Metro across the river and reported to an office on the third floor of the Old Executive Office Building. Only then did he realize the he'd been sent to a job interview.

He spent the next two years as the NSC's director for defense policy and arms control, where he wrote national security adviser Brent Scowcroft's annual policy document on strategy, then two more years at the Pentagon running a policy staff for the secretary of the Air Force. In 1993, Boyd, then commander of the U.S. European Command in Stuttgart, Germany, asked Hayden to head its intelligence directorate as the United States was becoming directly involved in the Balkans. From his attache days in Bulgaria, Hayden probably knew the region as well as anyone in the U.S. military.

On June 2, 1995, Hayden walked into the U.S. Embassy in Belgrade to learn that an American F–16 piloted by Air Force Capt. Scott O'Grady had been shot down over Bosnia. The news marked a turning point in Hayden's thinking as a soldier.

Serb Gen. Rathko Mladic had been saying publicly that he would deny Serb airspace to NATO. Operations officers at the European Command had dismissed the threat, but Hayden was familiar with Mladic and did not see him making idle threats. As an intelligence officer, he had informed the operational commanders of Mladic's statements and relayed his impression that the general was

not to be trifled with. But he didn't believe it was his place to voice further objections—until after O'Grady was shot down.

''Maybe I [should] have picked up the phone and told the air commander, 'Every time I see that orbit on your morning slides, I get nervous,'" Hayden says, ''But I didn't.''

The incident forced Hayden to see the obsolescence of the military's traditional hierarchy, in which intelligence was seen merely as a support function. Increasingly, Hayden realized, intelligence was becoming so essential to make use of and counter sophisticated weaponry that it had become as much of a weapon in its own right as any bomb or missile. ''It was a kind of redefinition of self, as a professional,'' he says. ''It's not about intelligence successes or failures; it's just successes or failures.''

Hayden's next assignment, as commander of the Air Intelligence Agency at Kelly Air Force Base in San Antonio, gave him plenty of opportunity to further hone his thinking. Kelly is where the Air Force works on its plans for cyberwar—attacks designed to take down adversaries' computer networks. Hayden next served as deputy chief of staff for the United Nations Command and U.S. Forces Korea. To those inculcated in military culture, this move sent a message. He crossed the divide between the bookish world of intelligence into the front-line world of operations. In the words of one senior intelligence official, ''Here you've got an intel weenie who the four-star operator recognized as something special.''

Late in 1998, he was leading a military delegation negotiating with a group of North Korean generals at Panmunjon, where talks at that high a level had not taken place in seven years. He was in Seoul when Tenet, searching for a new NSA director, summoned him for an interview. They met at the Wye Plantation on Maryland's Eastern Shore, where Tenet was attending Arab-Israeli peace talks hosted by the Clinton administration. After a relaxed interview in which Tenet asked Hayden about his views on life and change, Hayden flew back to Korea with a clear signal from Tenet that the NSA job was his. Given the job's normal three-year term and his lack of SIGINT expertise, Hayden knew he'd been handed the most challenging assignment of his career. Still, he returned to Seoul in a celebratory mood. He took his wife to the movie theater at Yongsan Army Garrison, which was playing a new movie starring Will Smith, ''Enemy of the State.''

The film opens with a scene in which a rogue NSA official (played by Jon Voigt) assassinates an influential congressman (Jason Robards) who refuses to back a bill expanding the agency's power to spy on Americans. From there, the movie portrays the NSA as a lawless band of high-tech assassins who try their best to kill a Washington lawyer (Smith) who just happens to witness another NSA assassination on streets around Dupont Circle.

As Hayden watched, surrounded by GIs whooping it up in the theater, he sank lower and lower in his chair.

In real life, the NSA's image problems were a bit more complicated.

In 1997, the European Parliament had commissioned a report on Echelon, a global communications system. That report had concluded that the NSA was capable of intercepting every fax, phone call and e-mail in Europe. The conclusion was wrong—Echelon is actually a relatively small system through which the NSA and its electronic spy partners in the United Kingdom, Canada, Australia and New Zealand divide responsibility for processing intercepted satellite communications—but it did not matter. The European Parliament's anxieties flared into a controversy that wouldn't go away, fueled by the lawmakers' suspicions that the NSA was stealing European companies' secrets and passing them on to their American competitors, a practice NSA officials say they do not engage in.

Beyond industrial espionage, the Europeans also worried about individual privacy, because the U.S. laws and regulations that keep the NSA from spying on Americans provide no similar protections for foreigners. By 1999, this controversy had attracted the attention of civil libertarians in the United States who were concerned about possible NSA spying against Americans on the Internet, which the agency is prohibited by law from doing.

While all this was brewing, the agency's boosters on Capitol Hill were becoming alarmed that the NSA was in serious trouble because of new communications technologies—fiber-optic cables that couldn't be tapped, encryption software that couldn't be broken and cell phone traffic too voluminous to be processed.

Hayden was keenly aware of the irony: He was inheriting an agency that was simultaneously being accused of omnipotence and incompetence. And then, almost as soon as he arrived at Fort Meade, Hayden discovered another wrinkle: The NSA director didn't really run the agency. The agency, Hayden soon come to understand, had been diffused into five directorates that ran as fiefdoms unto themselves. The bureaucratic overlap was staggering, and no one had a picture of the whole. There were 68 different e-mail systems at Fort Meade, and 452 internal review boards of one sort or another.

It wasn't as though the bureaucracy was actively trying to sabotage him—''that would have required them to unify,'' Hayden says. Rather, he couldn't get the senior leadership to agree on anything, ''from whether or not we should invest $2 billion in a new collection system to whether we should serve grilled cheese'' to visiting delegations.

Early in his tenure, Hayden began plotting an internal coup, naming two review teams—one made up of NSA insiders, the other private-sector experts—to tell him what was wrong with the agency. The results were startling.

The insiders' report blasted Hayden's predecessors and the NSA's senior civilian managers, saying the agency ''has been in a leadership crisis for the better part of a decade . . . the legacy of exceptional service to the nation that is NSA is in great peril. We have run out of time.''

The outsiders cited the agency's ''reluctance'' to move from ''legacy targets to newer targets'' and said that NSA had already become ''deaf'' to concerns from its customers—military commanders, White House policymakers and the CIA. ''Right now, when stakeholders tell NSA that 'NSA doesn't get it,' the agency simply repeats itself and talks louder,'' their report said.

But Hayden remained cautious, painfully aware that he was no expert in signals intelligence. He thought he saw what needed to be done but didn't feel sure, especially when many of his senior managers who were SIGINT experts were reluctant to move.

Then the computers crashed in January 2000, confirming his worst fears about the agency's antiquated technology and its leaden bureaucracy.

With the snow outside headquarters still being cleared, Hayden strode off the stage in Friedman Auditorium. His challenge—This does not leave the building—was still ringing in everyone's ears. In a room off the agency's operations center, he called all of the agency's top technicians and engineers together and told them just how serious the meltdown had become. Tenet was still giving them plenty of room to fashion a solution, Hayden said, but pressure was building ''downtown.''

Hayden has no trouble remembering the day's event. That Thursday happened to be his 32nd wedding anniversary. That night, with the system showing some signs of life, he took Jeannie to an inn west of Frederick called Stone Manor for dinner. On the drive home, Robert Stevens, the NSA's deputy director for technology, called to say that he needed to talk to Hayden ''secure.'' Hayden called him back on a secure line as soon as he got home.

The system had been dysfunctional for more than 72 hours. It was back up to about 25 percent capacity, Stevens said, but he didn't think the techies were on the right path. He wanted permission to take the entire system down and start all over again.

By then, a team of NSA engineers and contractors had pinpointed an outdated routing protocol as the cause of the failure. With the system completely shut down, they began installing a massive hardware and software upgrade. And by Friday morning, the system was coming back to life, node by node. Deeply relieved, Tenet drove over to Fort Meade that night and personally shook the hands of dozens of disheveled, unshaven techies, many of whom hadn't been home since Monday.

Hayden, feeling much better about life the following afternoon, went cross-country skiiing with his wife on the Fort Meade gold course. Soon, he noticed that he was being shadowed by an NSA patrol car. Trudging through the snow, an officer asked Hayden to take off his skis and come with him back to the operations center. George Tenet needed to talk to him—ABC News had the story.

Tenet told Hayden to talk to the reporter, John McWethy, on the record so he would get the story right. Hayden said fine. He knew McWethy, and knew where he was based—the Pentagon. The leak had come from there, not Fort Meade. ''You held the line,'' Hayden later told his own people. ''You kept it secret while it had to be secret.''

But with Hayden's relief came a realization about the larger task ahead: The price he would pay for moving too cautiously would greatly exceed whatever he would pay for being too bold.

He would be bold.

Hayden's internal coup began with an innocuous act: He hired a chief financial officer. Without one, he had no way of making strategic decisions based on how much money was being spent across the entire agency on line items like research and development, information technology and security. So Hayden hired Beverly L. Wright, a Wellesley College graduate with an MBA from the Harvard Business School and a solid reputation as CFO at the old Baltimore investment bank of Alex. Brown.

For an agency that had always promoted its own and promised lifetime employment, hiring from the outside was a radical act.

Then Hayden did it again, hiring a former GTE telecommunications executive named Harold C. Smith to take control of the agency's information technology. In doing so, he wanted to extend a powerful metaphor he'd drawn from his experience in the Air Force. He had come to see the service as the military expression of the American aviation industry and American culture—its dynamism, its risk taking, its proud individualism. He believed that the NSA had to become the intelligence expression of American technology and American culture. It needed to embrace the innovative, flexible, entrepreneurial spirit that had come to define the digital age. ''We can no longer provide to America what we need to do so isolated from America,'' he says. ''To end the isolation, America needs to know us better.''

And so, as his housecleaning began, Hayden also launched an openness campaign, appearing in April 2000 at a rare public session of the House Permanent Select Committee on Intelligence. With the European Parliament continuing its Echelon investigation and the American Civil Liberties Union voicing similar concerns, Hayden told the committee that NSA employees took great care ''to make sure that we are always on the correct side of the Fourth Amendment.''

''Let me put a fine point on this,'' Hayden testified. ''If, as we are speaking here this afternoon, Osama bin Laden is walking across the bridge from Niagara Falls, Ontario, to Niagra Falls, New York, as he gets to the New York side, he is an American person. And my agency must respect his rights against unreasonable search and seizure.''

Rep. Heather Wilson (R-N.M.) pressed Hayden on this point. ''Does NSA spy on the lawful activities of Americans?'' she asked.

''No. The answer is we do not,'' Hayden said.

''Do you inadvertently collect information on U.S. citizens?'' asked Rep. Tim Roemer (D-Ind.).

Yes, Hayden replied. But, he said, ''if it is not necessary to understand the foreign intelligence value of the information collected, it is not reported, it is destroyed. And it is destroyed as quickly as we can do that.''

Back at Fort Meade, Hayden's grand plan for rebuilding the agency for the digital age was slowed by his inability to pick a deputy. He had departed from tradition again, appointing a search committee instead of simply anointing one of the bureaucracy's nominees. He was intrigued by the notion of picking an outsider, even though retired Adm. Bobby Ray Inman, a legendary past NSA director whom Hayden frequently called for advice, strongly objected. ''What I thought he couldn't do was go to somebody who didn't know the business,'' Inman recalls. ''The learning curve is too long, and you'd get waited out.''

Ultimately, Hayden resolved the conflict by picking an insider who had worked as an outsider. William B. Black had spent 38 years running some of the agency's spookiest operations before retiring in 1997 and going to work for Science Applications International Corp. He was, by training, yet another Russian linguist. But Black had served a tour as chief of an elite unit focused on Russian communications. More important, he had run the Special Collection Service, the joint NSA–CIA operation that works out of foreign embassies and fuss the talents of human spies and ultra-tech eavesdroppers to get very close to particularly difficult targets. Most telling was Black's final NSA assignment: special assistance to the director for information warfare. In that role, he had established the government's preeminent cyberwarfare unit—and alienated so many NSA bureaucrats by poaching on their cherished turf that resignation was his only viable option.

Hayden liked Black's expertise and his reputation as an iconoclast. In July 2000, he invited Black to his house for dinner. Over couscous and roasted vegetables the director had prepared himself, Hayden made it clear that he wanted a deputy who could help change the system, not end-run it. Black's one-word answer—''Exactly''—convinced Hayden that he had his deputy.

With Black onboard, Hayden was ready to move. Last October, he rolled out his reorganization plan, wresting control of the agency from its own bureaucracy. All the NSA's support services would be centralized under Hayden's chief of staff. And where there were five overlapping directorates, Hayden would have just two: one for information security (the agency's codemakers) and another for signals intelligence (its codebreakers).

Now, he hoped, senior managers could focus on going after bytes.

A decade ago, a single NSA collection system could field a million inputs per half-hour. Automated filtering systems would winnow that to 10 messages that needed review by analysts. With today's explosion in communications traffic, multiply a million inputs per half-hour by a 1,000 or 10,000, and 10 messages needing review becomes 10,000 or 100,000. Cutting-edge fiber-optic systems now move data at 2.5 to 20 gigabits per second. The latest Intelsat satellites can process the equivalent of 90,000 simultaneous telephone calls. A single OC3 line on the Internet transmits 155 million bits per second—the equivalent of 18,000 books a minute.

From an operational standpoint, the NSA's Cold War vacuum-cleaner approach is no longer tenable—there's just too much to be collected, and it's too hard to process. The only way for the NSA to remain relevant in this environment is to target the individuals and organizations whose communications are most valuable—and targeting now is more complicated than programming a target's telephone number into a computer. To succeed in the digital age, NSA analysts must understand how a target communicates, what its Internet protocol addresses are, and how its traffic is routed around the world.

And with so many conceivable targets in the world, the only way to zero in on the most important ones is to ask White House officials, Pentagon commanders and CIA officers to identify the targets they're interested in. The days when NSA officials sent the White House whatever interested them are over.

Now, SIGINT requires the agility to move from system to system and adapt to new technologies. If that can be done, the potential for electronic spying is enormous. Sophisticated Internet surveillance techniques now make it possible to acquire data ''in motion'' across the network—and data ''at rest'' in computer databases, the new frontier.

''The world has never been more wired together than it is today,'' says Stewart Baker, who served as the NSA's general counsel from 1992 to 1994. ''It's the golden age of espionage. Stealing secrets is going to get even easier for people who employ technologically advanced tools and are willing to work aggressively at it.''

Even so, the challenges are formidable. The NSA is known to be hard at work trying to gain access to fiber-optic cables. How it is doing is not publicly known. One means would be tapping undersea cables or placing interception pods over ''repeaters'' that periodically boost fiber-optic signals. But even if the lines can be tapped, transmitting the torrent of intercepted data from the depths of the ocean to Fort Meade in anything close to real time would be far harder still, possibly requiring the NSA to lay its own fiber-optic lines from the tap to some sort of relay station.

The most recent European Parliament report on Echelon concluded that such links would be far too costly. The report also said that new laser regenerators used to amplify fiber-optic signals cannot be tapped the way repeaters can, meaning that ''the use of submarines for the routine surveillance of international telephone traffic can be ruled out.''

The Navy's decision to spend $1 billion to retrofit its premier spy submarine, the USS Jimmy Carter, would suggest American policymakers believe otherwise.

Another challenge facing Hayden's NSA is to decode communications encrypted with powerful—and widely available—software. When Hayden became director, the deputy he inherited told Congress that the encryption software would make the job of decoding encrypted messages ''difficult, if not impossible,'' even with the world's largest collection of supercomputers.

One alternative is to steal 1s and 0s before they are encrypted, or after they are decrypted. This requires classic espionage—as practiced by the Special Collection Service, the top-secret joint CIA–NSA operation. In the Code War, American spies recruited Soviet code clerks. Now the targets of choice—the people paid to sell out their governments or organizations—are systems administrators and other techies capable of providing encryption keys or planting electronic ''trapdoors'' in computer systems that can be accessed from computers on the other side of the world.

The irony amid all this new technology is that human beings—old fashioned spies—are suddenly as important as ever.

With his organization laid out and his mission clarified, Hayden began updating his human resources last December. He freed up enough slots and cajoled additional funds from Congress to hire 600 people this year—three times what the agency had been hiring annually. Sixty senior managers accepted early retirement incentives, giving him enough headroom to reach down a generation in selecting new managers. Maureen A. Baginski, a member of the insiders team that produced the scathing management assessment for Hayden back in 1999, headed the class.

She would run the newly created directorate of signals intelligence. Now, an operations officer targeting a terrorist cell could team with an engineer who could help him figure out how the cell's communications were routed around the world. And though Baginski, too, is a former Russian linguist, she clearly understood the challenges ahead. ''You could literally stare for 25 years at the Soviet land mass and never have this kind of volume problem,'' she says. ''They were slow, so it was okay if we were slow. Today, it's volume, it's velocity and it's variety.''

Her management style, too, is more current—more attuned to the idea of empowering the people beneath her. When a U.S. Navy EP–3 reconnaissance aircraft—an NSA asset—crash-landed on China's Hainan Island this spring after colliding with a Chinese fighter jet, an operations officer called Baginski at home late on a Saturday night, told her what had happened and said, ''You will want to come in.''

Baginski replied: ''No, I will not want to come in.'' Her reasoning was that the agency already had a person charged with running an emergency response operation. ''Why should I do it in a crisis if someone else does it every day?'' Baginski said.

As Baginski was settling in, Hayden was busy looking outside the NSA for new people to work for her—and soon found the agency swamped. In February, the home of No Such Agency and Never Say Anything held a job fair to recruit computer scientists, mathematicians, linguists and analyst to become new spooks. Seventeen hundred people registered in advance—and hundreds of walk-ins dressed in dark business attire showed up and waited in a line that snaked through the parking lot. Hayden's openness initiative was paying dividends.

Soon, he advertised in the outside world to fill eight other top jobs, including chief information officer, chief of legislative affairs, deputy associate director for research and chief of SIGINT systems engineering. All of the jobs paid between $109,000 and $125,000, well below salaries for commensurate jobs in the private sector. But, as Black is fond of saying, ''patriotism still works on occasion.''

By the end of March, the NSA began its first major push to involve the private sector in development of new SIGINT technology

with an initiative it called Trailblazer. A total of three contracts, worth about $10 million apiece, were awarded to corporate consortia led by Booz Allen & Hamilton Inc., Lockheed Martin Corp. and TRW's systems and information technology group.

Skeptics wonder whether it will all be enough, given the speed with which technology is moving. They also question whether there is enough top technical talent still left at the NSA to manage complex relationships with contractors so that the contracts result in real gains instead of white elephants. The Federal Aviation Administration, after all, hired IBM in the late 1980s to design a new air traffic control system—and ended up abandoning the project at a cost of $500 million.

But analysts on Capitol Hill and other close observers in the private sector say Hayden, Black, Baginski and company appear to be getting their message across that the NSA must take risks if it is ever to ''own the virtual,'' as one industry analyst put it.

James Adams, a British journalist turned Internet security executive who serves on a panel of outside advisers created by Hayden, says the agency's workforce breaks down into three distinct camps: 25 percent are enthusiastic about Hayden's program, 25 percent are threatened and dead set against it, and 50 percent are sitting on the fence waiting to see who wins.

Sometime this summer, Hayden plans to publish reduction-in-force procedures to deal with the naysayers, if need be. He will keep offering retirement incentives, preferring the carrot to the stick, but now accepts that layoffs may be necessary.

They would be the first in the agency's history.

With all the changes, Hayden may be making enemies among his agency's old guard, but he's also building a powerful constituency elsewhere. ''We went deaf for 72 hours because of an antiquated system that should have been upgraded years ago,'' says Tim Sample, staff director of the House Permanent Select Committee on Intelligence. ''When you're at that point in an organization, it takes a monumental effort over a sustained period to get back up to speed. They needed a leader—and that's what they got.''

Sample's boss, Rep. Porter J. Goss (R-Fla.), the committee's chairman, recently floated the idea of promoting Hayden to a four-star general and extending his three-year tour, now less than a year from completion.

Tenet has gone even further. ''My personal view is, Mike Hayden must stay out there for five years—he has got to have time on target,'' Tenet says. ''He's thinking out of the box. He's engaged. He's not afraid of opening up the NSA. He's not afraid of the American public. And he knows what has to be done.''

Hayden is willing to stay on, if that's what Tenet and Defense Secretary Donald Rumsfeld desire. There is, he knows, much work still to be done. His personal focus this summer—now that the computers seem to be working again—is people. Specifically, promotions. Six months ago, Hayden got rid of all regulations requiring employees to spend two years at one pay grade before they get promoted to the next. Now he's trying to make sure that the agency's hidebound promotions panels start taking advantage of that freedom. If the right people don't advance, Hayden believes, nothing else really matters.

He says he feels more and more confident about the course he's charted. But there's a certain fatigue in his voice. ''I feel tired,'' Hayden allows. ''But I see points of light more frequently.''

Mr. GRAHAM. Madam President, with a prayer that God will be with us as we enter this next and more challenging period of our Nation's history, I extend the wish that God will bless our Nation and that we will be worthy of his blessings.

Thank you.

The PRESIDING OFFICER. Under a previous order, the Senator from Maine, Ms. COLLINS, is recognized to speak for up to 5 minutes.

Ms. COLLINS. Madam President, it is very difficult to wrap one's mind around the terrible tragedy that our Nation has suffered. It is still harder to comprehend what must have been in the hearts and minds of people willing to commit such atrocities against their fellow human beings. It is very difficult to even find the right words to speak about the attack on America.

But speaking about it is something we must do. The American people and the Government of the United States of America must speak forcefully and with crystalline clarity. The families and friends of those killed or wounded in these awful terrorist attacks must know that the prayers of every American and of millions upon millions of people around the world are with them now.

The heroic firefighters, police officers, rescue workers, National Guardsmen, doctors, nurses, members of the clergy, and the citizens who are volunteering, who are even now struggling to save the lives of the surviving victims and to help grieving families, must know that our hearts and our deepest gratitude are with them in their vital work.

Our Commander in Chief and all the men and women of the Armed Forces, our law enforcement community, and our intelligence agencies must know that we stand behind them, as perhaps never before in my lifetime, as they set about with grim resolution to ensure that justice is done to those responsible.

And the evil people who planned and committed these atrocities—and all of those who may have aided and abetted them—must know that far from paralyzing the American people and dividing us fearfully against one another, what they have done instead is instantly to unite all of us into one people. We stand united in the solidarity of grief and commitment to our fellow citizens and utterly single minded in our determination to remain unbowed and to see justice done.

In fact, this is my fifth year in the Senate, and never have I seen the Senate more united and more determined than we are now.

These, then, are the messages we must send—and that we must keep sending with relentless determination. America may have lost a measure of our innocence, a degree of that special separateness that has helped us to keep our land of liberty safe from some of the storms that have long battered other peoples in an often turbulent world; we clearly are not as separate or as safe as once we thought. But no one—no one—should doubt our resolve and our resilience. It is in moments such as these that the special character of America can and should shine through with particular brilliance. It shines through in our sacrifices in helping fellow citizens in terribly trying times. It shines through in the sacrifices of those brave and heroic passengers who were on the jet that did not make it to the intended target. It shines through in our commitment, even in adversity, to the bedrock values that make our system of government worth protecting, even as those values draw the murderous ire of twisted souls whose only answer to the discourse of liberty is a vocabulary of violence, terror, and death.

As we care for survivors and comfort those who have lost loved ones, we also will set about finding those responsible. We must respond to these horrors in a way befitting our voices as free and united people. But let there be no doubt, respond we should and respond we will.

As difficult as it is to find a voice to talk about the horrors we have experienced, I believe by finding our voices amid such shock, rage, and pain we reaffirm our most cherished principles as citizens of the United States of America.

With God's help, we shall persevere, we shall find comfort in our grief, we shall find strength in the days ahead, and we shall hold those responsible for these attacks on America responsible for their actions.

Madam President, seeing no one seeking recognition, 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess from 12:30 today until 2:15 this afternoon.

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

Mr. REID. Madam President, 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 1421 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Rhode Island.

TERRORIST ATTACKS AGAINST THE UNITED STATES

Mr. CHAFEE. Madam President, I stand before my fellow Senators in full support of the resolution on which we voted yesterday. A stunned world and Nation is struggling to come to grips with the horrifying violence of September 11, 2001. I support the President's efforts to marshal the resources of our intelligence, law enforcement, diplomatic, and military apparatus to bring about justice and to do so as swiftly as possible.

I call on any nation known to be harboring terrorists to fully cooperate with the United States and stem the rising tide of conflict. I believe people around the world are in equal measure demanding justice for these horrendous crimes and anxious for the world to settle its disputes in a rational and civilized manner.

We must cling to the hope that this is possible, even while we recognize that on this Earth there exists people capable of unbelievable barbarism. This is a time of overwhelming sadness, and I join my colleagues in support of S.J. Res. 22.

Madam President, I yield the floor.

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

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

Mr. BURNS. Madam President, I assume we are still in morning business and offering statements with regard to the incidents of Tuesday.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURNS. Madam President, ironically, on September 11 of this year, I was involved in a press conference looking at a report card to Congress on the deployment of E–911, the national emergency number. Last year, we passed that bill and the President signed it, with now the deployment of enhanced 911, which tells wireless phone operators that when you dial 911 on your wireless phone, you will get the nearest first responder rather than some other area, maybe your home area, even though you may be in roam, and I do not spell that R-o-m-e.

How ironic that started at 9 o'clock in the morning. It is one of those pieces of legislation that goes unnoticed. Yet it has a lot to do with public safety, especially in rural areas where we rely on wireless. It also nationalizes 911 as the emergency number across the Nation.

I made the statement at that time that we are dealing with a different world. Not only do we have to deal with our own little family emergencies, we also have to deal with this world of terrorism. So 911 and the ability to communicate becomes very important. As we walked out of that press conference, we were notified that an airplane had hit the World Trade Center in New York.

Not only did I stand still but the world has stood still. We were shocked; we were outraged at an unprovoked act of violence committed against thousands and thousands of innocent Americans.

Immediately, our President and Commander in Chief, George Bush, ordered the Federal Government to assist the victims of the violence, investigate these acts of terror, and to take the steps to bring those responsible for these tragedies to justice.

I fully support the President's actions and will do whatever I can as an individual to help him and our country in this time of need.

Terrorism, which has been condemned around the world, cannot and will not be tolerated in this country. I know the President will take all measures necessary to seek out and to punish those who viciously attacked innocent and defenseless Americans.

We, as Americans, are a strong and resilient people. We will heal, and we will emerge stronger than ever. The strength and spirit of our Republic and the democracy it represents will shine through. We will not simply endure; we shall prevail. And we will send a sharp message to those cowards saying that terrorist acts will not be tolerated or condoned. They will never be able to destroy the spirit of a free people, the freedom we enjoy, and our way of life.

Our thoughts and our prayers go out to those who tragically lost their lives and to those friends and families who lost their loved ones. This is far more than a tragedy to them. It is an outrageous act of terrorism that killed and injured so many innocent and decent citizens of our country. Nothing I can say to express my sympathy for those suffering is enough. My outrage of that cowardly act remains unwavering.

For now, we must mourn those who have passed on and care for those who were injured. We must let the President, our law enforcement people, military, and the intelligence community work. As a law-abiding nation—and we are a nation of laws—we must be sure to place the blame on the guilty. Taking independent action against innocents or guests of our country has to be guarded against.

The anger I feel inside has to be tempered because decisions made while in this state are usually not good decisions. Many are filled with that same anger and an unyielding desire for revenge. I realize we must remain calm and focused. In the heat of passion, fired by outrageous, despicable acts of those who are guilty, our leaders must be calm and dispassionate in determining who is responsible, where they are, and how we must deal with them.

Have no doubt, America, we will find those responsible. I say to those who are responsible: You cannot hide. You can run, but you cannot hide. Justice will be served. It will be swift, and it will be harsh.

September 11,—9–11—2001, will live a long time in the memory of many of us.

I was almost 7 years old on that Sunday, December 7, 1941. I remember that day, and I can remember being a small lad growing up on a farm. My folks talked to each other differently and so did the neighbors on Monday morning, the 8th, than any of us had ever heard before. I can remember when my mother yelled out of the house, because we had an old battery radio and didn't have electricity in those days—Dad and I were in the barn choring. Mother said that the Japanese had bombed Pearl Harbor. My dad looked down at me and he said: ''Where is Pearl Harbor?'' We didn't even know. Next, the pictures came out of Pearl Harbor of the bellowing smoke from the *Arizona* and of the *California* lying half on its side. It remained in our minds for a long time.

I fear that the pictures of the World Trade Center and the damage done there will live in the minds of young folks as Pearl Harbor did with us. Tuesday's acts represented a well-planned, well-financed attack on our freedom by a faceless, gutless enemy.

I also want to warn the American people that we are at war. It can be called by no other name. So I stand firmly and proudly behind my Commander in Chief, the President of the United States. There is no doubt about our unity and resolve to track down, root out, and relentlessly pursue terrorists and the states that harbor them. I stand by to support our military and intelligence community and will fight for all the resources they need to ensure our national security. Let us not forget this as we consider our funding bills.

What is important and what is not important? We must sift through and search our souls. This is a great nation with a strong and brave history. Americans have come together and triumphed in difficult times such as these. We will do it again, and we will punish those responsible. America remains resolved in its efforts to find those who so cowardly committed these horrific acts.

One always looks for words, but sometimes words escape us. That is kind of bad when words escape an auctioneer. But to quote a few words from the ''Battle Hymn of the Republic,'' those responsible will soon understand the true meaning of this line:

> He hath loosed the faithful lightning of his terrible swift sword.

I will tell you, America will do that, indeed, and America will march on.

I 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. NELSON of Florida. Madam 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 Florida, Mr. NELSON.

Mr. NELSON of Florida. Madam President, I come to the Chamber with a very heavy heart because of the tragedy so many people have experienced. It has touched all of our lives in one way or another. So, too, I have had a personal experience just in the last few minutes of how the tragedy has touched the life of my wife and me, for one of the passengers on the airliner that crashed into the World Trade Center was a personal friend of our family, Sonia Puopolo of Boston and Miami.

I come to the Chamber to share this experience because the grief that so many across this Nation have felt is shared by all of us—of talking to Sonia's husband Dominic and to her daughter Tita, who are so full of life and so upbeat and effervescent, talking to them in this condition where they still have the presence of mind in the midst of their unbelievable grief to be able to remember the good times, and Dominic telling me about the 40-some years he had the privilege of knowing his wife and the 37 years of marriage, where he met her in Puerto Rico and where it was planned he was going to be on the same flight and how she had insisted, no, she was going to Los Angeles so that she could be with their son by herself and enjoy her son since Dominic had already been in Los Angeles with their son.

This is the part of tragedy that puts a human face on the tragedy, but for Florida and Floridians it does not end there. A few minutes thereafter, I spoke by telephone with a courageous Fort Myers policeman, Officer Lyles, who has now gathered with his family in another part of Florida because it was his wife, Cee Cee Lyles, on the airliner that crashed in Pennsylvania, which we now know was headed for Washington and another target, perhaps this building; that she was able to get through to her husband by cell phone and he could hear the screams in the background. She told him they had been hijacked, and she told him she loved him and loved their children.

This is a part of the grieving process that is necessary for us to all go through, but it is also a poignant story of two lives that are touching the State of Florida that gives us even more resolve of why we are going to find the perpetrators, we are going to hunt them down, and they are going to be brought to justice.

I have seen America in this situation—and in my lifetime I have seen it several times—but the one I remember so vividly is the time of national tragedy when the symbol of our technological prowess, the space shuttle *Challenger*, in January of 1986, exploded in front of our eyes. I recall that event because there was something from the experience of that tragedy for the American people that was instructive to the rest of the world. That is, that Americans overcome. Americans persevere. When we are knocked down, we are not knocked out; we get up and we respond.

That has happened over and over in our history. It is part of our character as an American people that we overcome. We saw it in the Revolutionary War. We have seen it in every war since. We saw it in the national tragedy of the *Challenger* explosion, and we are seeing it again in the national tragedy of this terrorist attack.

In the process of overcoming and persevering, we make right that which is wrong. And so, too, the American people are unified in our commitment that we will find the perpetrators and they will be dealt with.

This is not a time for revenge. We are a forgiving people. That is part of our nature. That is part of our Scriptural background. But we are also a proud people who will not let the national reputation be sullied; we will protect it.

I come to the Senate today out of my personal grief, having just had one telephone conversation with a family who is convulsed in grief, and about to have another telephone conversation with another Florida family who is suffering likewise, to say that I don't understand the plan that good people are taken, but I do understand the ultimate plan that we are a nation blessed by God over and over and that God is protecting us. America will not only survive, America will do as she has so often done: America and Americans will overcome.

Ms. STABENOW. Mr. President, our national will is being tested as it never has before. On the clear, sunny morning of September 11, we were attacked from out of the shadows. There are no words to fully describe the depth of this infamy. And not enough tears to properly mourn the innocent lives so cruelly taken.

Thousands of families are grieving today over loved ones lost in this senseless attack on our nation and all of us mourn with them and keep them in our prayers.

But from within the depths of this horror, we saw and honor the heroism of our police and firefighters, many of whom gave their lives trying to rescue others. We thank them and offer our condolences to those who lost a loved one in the line of duty. We also offer our thanks to all the medical workers who are working tirelessly trying to save lives.

While our enemy is still uncertain, our resolve must be unflinching. Those who thought they could bring us to our knees must instead see us standing tall, united, and resolved to see that justice is done.

We stand firmly behind President Bush and his diplomatic and military efforts to discover who is behind these attacks and hold them accountable. The United States will respond decisively and forcefully against those who have perpetrated this atrocity and those who offer them safe harbor and assistance.

I am also outraged by reports of price gouging at gasoline stations around the Nation. Those who would profit in our time of grief are not only contemptible; in Michigan they are also criminals. The Michigan Attorney General has asked me to direct complaints to their regional offices.

Our Nation will come through this crisis even stronger than before. Those who attack from the shadows will see that we do not surrender to fear, but rather will go forward united in steely purpose and iron resolve. Even as we mourn, it is important that we carry on with the nation's business, with the immediate priority being to get help to the families and communities that were the victims of this horrendous attack.

Mr. JEFFORDS. Mr. President, the tragedy that has befallen America is only just beginning to fully sink in. The horror is so unimaginable, the devastation so great and the suffering it leaves in its wake is almost beyond our comprehension. We feel we have all, personally, been dealt a great blow, no matter where we live, whether or not we knew any of the victims. Our hearts go out to the many, many families who are suffering, and in a very real sense, we feel as if we are one family together today.

As chairman of the Environment and Public Works Committee, which has jurisdiction over the Federal Emergency Management Agency—FEMA—I pledge the full support of the committee to the relief effort. I would like to read the text of a letter that my committee sent to the President today:

DEAR MR. PRESIDENT: We are writing to commend you and the Administration for the Federal Government's response to the horrific terrorist attacks on the World Trade Center in New York and the Pentagon. In particular, we are encouraged and impressed by the organization and coordination at the Federal Emergency Management Agency.

We and our staff stand ready to assist you in your efforts in any way, including making any immediate changes to statutes or program funding levels within the Committee's jurisdiction that are necessary to implement measures to save lives and restore safety and order as quickly as possible.

Thank you for your resolve and determination.

Sincerely, Members of the Committee of Environment and Public Works.

Of the thousands of people working in the World Trade Center complex, 2,600 are Federal employees, working for a variety of Federal agencies. The General Services Administration is working diligently to find temporary office space so that these employees may get back to work as soon as possible.

America picks up and goes on. We are shaken but we are not bowed. We are also comforted by the stories of great heroism that come flooding out of this tragedy, the stories of people going back for friends, office workers carrying disabled colleagues down 80 flights of stairs, firefighters and police rushing up the stricken towers in their frantic effort to save lives. Still today,

we are watching rescue workers who have not slept in 2 days, continuing to dig through the rubble, exposing themselves to great hazards, running on adrenaline from the news that three people were just found alive today.

As more information comes to light, we are seeing a picture emerge of another great act of heroism—the crashing of United Airlines Flight 93 in Pennsylvania. From what we can glean from phone calls from passengers on that flight, realizing that the hijackers planned to crash their plane and learning that two hijacked planes had just crashed into the World Trade Center, passengers decided to take action. We can only surmise from their last words to family members that several passengers confronted the hijackers and the plane was prevented from completing its mission. It is unlikely that we will know for sure what target the hijackers had in mind, but we can be fairly certain that brave passengers saved the lives of many hundreds or even thousands of people, and maybe even our own lives. I believe that all of America should be deeply grateful to them and their courage in the face of death.

America has closed ranks behind its President and its people. I am also very pleased that so many of our allies have closed ranks behind us. Yesterday, the North Atlantic Treaty Organization—NATO—for the first time in its 52-year history, invoked collective defense arrangements under Article 5 of its Charter that states that an attack upon one member of the alliance is viewed as an attack upon all. This reiteration of NATO solidarity is unprecedented and will be most helpful in formulating a unified response. Condolences and offers of assistance have poured in from all regions of the world, giving us heart as we focus on the task ahead of us.

Fighting terrorism is an exceedingly difficult task. It will take applying ourselves in a way we have never done before. Ferreting out terrorists and destroying their networks will be long and arduous work. It will require a concerted international effort and potentially great patience. We will need the strong cooperation of our allies, and we will need to reach out to nations that are not our traditional allies. Fighting terrorism is usually a frustrating task, as targets are elusive and the means of terror difficult to control. We still hope to learn a great deal more about the perpetrators of this tragedy and uncover those who helped them. I expect that we will take firm action in retaliation. But this may take time, and it must be done in a manner that will not unnecessarily provoke reprisals or generate additional acts of terrorism. I am confident that American resolve will remain firm no matter how long or how difficult this fight.

In closing, I would like to recognize the contributions to the relief effort from my small State of Vermont. The Vermont Air Guard has already flown many hours of additional missions as part of the effort to maintain security over American airspace. Vermont doctors, nurses, firefighters, and rescue workers have volunteered in great numbers to help. All over the State, people have lined up to give blood. True to their history, Vermonters are quick to offer their help.

I see this strength replicated all across America. This makes me, and all Americans, proud.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. STABENOW). Morning business is closed.

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

Ms. STABENOW. Under the previous order, the Senate will now resume consideration of H.R. 2500, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Dorgan amendment No. 1542, to increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti.

Dorgan amendment No. 1543, to prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I am awaiting the attendance of the Senator from New Hampshire who is in an important conference at the moment. Let me bring my colleagues up to speed. We have tried our best, working out certain amendments all yesterday and earlier this morning—those that would be accepted, those that would be included in the managers' amendment, and those that would still be pending. On both sides we are trying to assemble the determinant list of pending amendments. When we do, we will ask unanimous consent and see if we can facilitate the disposition of this bill today, and no later than tomorrow. We will see what best can be done.

Pending that, let me say a word about the efforts of your subcommittee of Commerce, Justice, State in the field of counterterrorism. For example, in early May, your subcommittee, under the leadership of Senator JUDD GREGG of New Hampshire, chairman at that time, held 3 days of comprehensive hearings of which I now hold a transcript.

On May 8, we had a hearing with Department of the Treasury Secretary Paul O'Neill; Department of Defense Deputy Secretary Paul Wolfowitz; Secretary of State Colin Powell; and Secretary of Transportation Norman Mineta.

That afternoon, we had a hearing with FEMA Director Joseph Allbaugh; National Security Administrator John A. Gordon; and Nuclear Regulatory Commission Chairman Richard A. Meserve.

On May 9, at that hearing, we had Attorney General John Ashcroft; Secretary of Health and Human Services, Tommy Thompson; Commerce Secretary, Don Evans; and in the afternoon, Secretary of Veterans Affairs, Anthony Principi; Secretary of Agriculture, Ann Veneman; and Secretary of the Interior, Gale Norton.

On May 10, we had the joint task force civil support commander, Gen. Bruce Lawlor; the American Red Cross president and chief executive officer, Dr. Bernadine Healy; a panel of State and local representatives from fire, police, public health, and emergency management. And then in the afternoon, we closed the session with the Director of the CIA, George Tenet; the FBI Director, Judge Louis Freeh, and VADM Thomas Wilson.

We were trying our best to lay the groundwork for better coordination of our effort on counterterrorism. I ask unanimous consent to have the statement by President Bush, dated May 8, printed in the RECORD.

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

PRESIDENT GEORGE W. BUSH,
White House, May 8, 2001.

STATEMENT BY THE PRESIDENT

DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCTION

Protecting America's homeland and citizens from the threat of weapons of mass destruction is one of our Nation's important national security challenges. Today, more nations possess chemical, biological, or nuclear weapons than ever before. Still others seek to join them. Most troubling of all, the list of these countries includes some of the world's least-responsible states—states for whom terror and blackmail are a way of life. Some non-state terrorist groups have also demonstrated an interest in acquiring weapons of mass destruction.

Against this backdrop, it is clear that the threat of chemical, biological, or nuclear weapons being used against the United States—while not immediate—is very real. That is why our Nation actively seeks to deny chemical, biological, and nuclear weapons to those seeking to acquire them. That is why, together with our allies, we seek to deter anyone who would contemplate their use. And that is also why we must ensure that our Nation is prepared to defend against the harm they can inflict.

Should our efforts to reduce the threat to our country from weapons of mass destruction be less than fully successful, prudence dictates that the United States be fully prepared to deal effectively with the consequences of such a weapon being used here on our soil.

Today, numerous Federal departments and agencies have programs to deal with the consequences of a potential use of a chemical, biological, radiological, or nuclear weapon in the United States. Many of these Federal programs offer training, planning, and assistance to state and local governments. But

to maximize their effectiveness, these efforts need to be seamlessly integrated, harmonious, and comprehensive.

Therefore, I have asked Vice President Cheney to oversee the development of a coordinated national effort so that we may do the very best possible job of protecting our people from catastrophic harm. I have also asked Joe Allbaugh, the Director of the Federal Emergency Management Agency, to create an Office of National Preparedness. This Office will be responsible for implementing the results of those parts of the national effort overseen by Vice President Cheney that deal with consequence management. Specifically it will coordinate all Federal programs dealing with weapons of mass destruction consequence management within the Departments of Defense, Health and Human Services, Justice, and Energy, the Environmental Protection Agency, and other federal agencies. The Office of National Preparedness will work closely with state and local governments to ensure their planning, training, and equipment needs are addressed. FEMA will also work closely with the Department of Justice, in its lead role for crisis management, to ensure that all facets of our response to the threat from weapons of mass destruction are coordinated and cohesive. I will periodically chair a meeting of the National Security Council to review these efforts.

No governmental responsibility is more fundamental than protecting the physical safety of our Nation and its citizens. In today's world, this obligation includes protection against the use of weapons of mass destruction. I look forward to working closely with Congress so that together we can meet this challenge.

Mr. HOLLINGS. We noted in this statement that the President appointed Vice President CHENEY to conduct hearings, devise a comprehensive study, and develop a position with respect to coordination, and he designated in the same instrument Joseph Allbaugh, the Director of FEMA, to create an Office of National Preparedness responsible for the implementation of the results.

He asked that FEMA's Director coordinate all Federal programs dealing with weapons of mass destruction and consequence management within the Departments of Defense, Health and Human Services, Justice, the EPA, and the other Federal agencies.

It was our considered judgment that FEMA was not going to be the appropriate office to handle, certainly, the prevention of any kind of terrorism. Since terrorism is now not only admitted to be a crime, but more than that, an act of war—which this particular Senator believes it to be—you have to go with the Department of Justice.

The President, of course, at a time of war, is really the director. But for the peacetime coordination—let's call it that—the subcommittee thought it best not to be implemented by a counterterrorism, or terrorism, czar—we know what drug czars have done; very little, in all candor.

On the contrary, the subcommittee unanimously passed out within the Committee of Appropriations itself—and I read on page 10:

The United States is in the beginning stages of developing an organizational structure for leadership in the area of terrorism preparedness. A National Coordinator for Security, Infrastructure Protection, and Counterterrorism was established 4 years ago within the National Security Council. Under Presidential Decision Directive 62, the National Coordinator was tasked with coordinating interagency terrorism policy issues and reviewing ongoing terrorism-related activities. While the designation of a National Coordinator signaled the previous Administration's recognition of the weight of the problem, it was not a permanent solution. Responsibility for developing national security policy belongs to the President. However, it is the responsibility of the Congress to provide the means to implement a systematic and synchronized policy that will achieve sustainable Federal, State, and local cooperation on domestic terrorism issues. Whomever is responsible for managing this Nation's activities to combat terrorism must be accountable to the American people.

Despite increased attention to this problem over the last 5 years, there remains considerable confusion over jurisdiction at all levels of government. In order to improve coordination and centralize the policy-making structure for domestic terrorism within the Department of Justice, the Committee recommends the creation of a Deputy Attorney General for Combating Domestic Terrorism (DAG–CT). The Committee recommends $23,000,000 for this purpose. The DAG–CT shall have as its principal duty the overall coordination and implementation of policy aimed at preventing, preparing for, and responding to terrorist attacks within the United States. This person will be directly responsible to the Attorney General. This office will be responsible for domestic terrorism policy development and coordination and will speak for the Department on and coordinate with all of the appropriate agencies for terrorism-related matters.

The subcommittee also committed, of course, at the full committee, the authorization for that Deputy Attorney General, section 604. I read:

(b) Section 504 of title 28, United States Code, is amended by inserting after ''General'' the following, ''and a Deputy Attorney General for Combating Domestic Terrorism''.

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

We tried, providing this, to put it in step with the President's directive. Now, with the terrible events of the past two days, the White House, along with the leadership, has agreed on a $20 billion package relative to counterterrorism and any activity the administration deems necessary as a result of that terrorism.

Of course, the subcommittee would be willing to conform now or in conference with what the President and the leadership desire. But there must be coordination and there must be a fixed responsibility if we are really going to handle this particular problem. I am confident the American people would agree with us that we have to have better coordination from the very get-go; namely, with respect to intelligence.

I got into that intelligence game almost 50 years ago, in 1954 as a member of the Hoover Commission investigating intelligence activities. At that particular time we had good covert activity, fine agents buried within the Soviet Union and other places. There is not any question, if we can get into the Soviet Union, we can get into Osama bin Laden and Hamas, and Hezbollah, and any other of these terrorist groups.

We used to read all these articles about how difficult intelligence work was. It is not an easy thing, where you just call to find something out. On the contrary, you work at it.

Our friend Tom Clancy just momentarily said, of the 20,000 employees out there at the CIA, we only have about 800 in covert operations. And to quote General Schwarzkopf after Desert Storm—I will never forget a briefing we had at the Appropriations Committee Defense Subcommittee—he said he could not depend on intelligence from the CIA, that it was mush.

The reason he called it mush was he said it was so overanalyzed, the corners were cut, the edges were rounded, and everything else of that kind. I found out at that time they had 864 intelligence analyzers at the CIA. Cold, hard facts are analyzed, analyzed, and analyzed, and everyone wants to protect their backsides, so in analyzing, you are giving yourself a grade, you are not giving the cold, hard, intelligence fact. That is what General Schwarzkopf called it—mush. He said he had to depend on his pilots in Desert Storm.

Obviously, the problem persists with a massive attack upon the United States in such a coordinated and deliberate fashion, and we have not an inkling. We know about Mogadishu; we know about the barracks in Saudi Arabia; we know about the Embassy in Kenya; we know about the Embassy in Tanzania; we know about the U.S.S. *Cole*, we know about the prior attack on the World Trade towers. The leader of all that continues to say he is really going to pull off an attack on the United States of America. And when it occurs, we say we wonder who did it.

We are hard learners. We have to get going and get serious about this war we are in. In that light, I want to make sure counterterrorism is coordinated and we do everything possible to secure ourselves domestically.

With respect to that, on Thursday morning at 9:30 we will have a meeting and a hearing before the Commerce, Science, and Transportation full Committee whereby we will hear from notably, I take it, the Secretary of Transportation, and Jane Garvey, the head of the Federal Aviation Administration. Also, perhaps we will hear from the FBI in a closed hearing ahead of time so that we will know exactly what is needed and what the threat is.

Eliminating the curbside check-in option as part of new federal security standards announced yesterday doesn't fully address our security problems. After all, luggage checked curbside or at the desk both have to go through some type of scanner.

Unless and until we federalize the security screeners and the scanners that you find at airports, unless we federalize like the European Governments, we are not going to get a better result than the present one. And that is folks who are privately hired by the airlines working for minimum wage, staying for an average of three months or so.

My wife had two knee replacements. She has titanium knees. We know the metal detector is going to sound. I am trying to explain to the employees there and they do not understand. We need trained professionals working in airport security.

Heightened security measures on airplanes are also needed. The airplane cabins need to be secure, so no one can get to the pilots. The door has to be made more stable and solid. There is no reason to open the door. Tell pilots to bring a box lunch. They can communicate, if there is an emergency, and if they identify it as an emergency. But if a terrorist starts taking over the crew, they can hear it. They have communications. They can land the plane and save, hopefully, some of the individuals.

But terrorists ought to know up front that they are not going to turn a domestic flight into a weapon of mass destruction and just run it into a building. That has to stop immediately.

I would like to be able to talk at length about what needs to be done. But that is enough. I think perhaps the last talk should be about better orchestration, coordination, and action quietly. That is really what is needed at this particular time.

I ask colleagues if they have an amendment to please come to the floor immediately. Let's present it, debate it, and have a vote on it. Otherwise, we will make up that list of amendments. I will soon be joined by the Senator from New Hampshire.

Credit should go to the Senator from New Hampshire who set up these hearings. In May, he had everyone in the administration come, as you can tell from this hearing record. It is the most comprehensive look-see the Government has had with respect to terrorism this year.

We think we have to fix some responsibility, and we have to appropriate for it.

There is some $364 million for the various offices that you might see on page 48 of the Committee report where you have the total activities to combat terrorism: Management and Administration, $8 million; Center for Domestic Preparedness, Fort McClelland, AL, $30 million; for consortium members, $58 million; National Energetic Materials Research and Testing Center in New Mexico, $7 million; National Emergency Response and Rescue Training Center at Texas A&M, $7 million; National Center for Bio-Med Research and Training, Louisiana State University, $7 million; National Exercise, Test and Training Center at Nevada Test Site, another $7 million; Domestic Preparedness Equipment Grants, $175 million; Dartmouth Institute for Security and Technology Studies, $18 million; Oklahoma City National Memorial Institute for the Prevention of Terrorism, $18 million; Virtual Medical Campus, $2 million; Domestic Preparedness Exercise Grants and Exercise Support Funds, $20 million; TOPFF II, $4 million; Annual Exercise Program, $5 million; Improved Response Program, $3 million; other training, $35 million; technical assistance, $8 million; prepositioned equipment, $8 million; and Web Site Pilot, $2 million.

It adds up to around $364 million.

That really was a result of the Oklahoma bombing. We went in every direction possible. But that is our problem. We are still going in every direction. We are not coordinating. The responsibility is not fixed. Someone ought to be at that Cabinet table—the Attorney General with his assistants talking with the President, who, of course, has the prime responsibility.

Let me say, so far so good. The country has responded admirably. I think our Government is up and well and doing good.

There is a wonderful element of bipartisanship.

During the August break, I was on a trip in Australia, and up around Thailand, Cambodia, Vietnam, and China in the Pacific area. Everywhere I went, the Ambassador would get into the budget, and I would tell them how we were running a heck of a deficit. I told them there wasn't any surplus. Now everybody will admit to it. The law in Section 201 of the Social Security Act of 1935 says that if there's a surplus in the Social Security trust fund, then we must invest that in government notes. We take the money, but we don't give it to Social Security.

Under Section 13–301 of the Budget Act, it says thou shall not use that money. Follow section 21 of the Greenspan report of 1983, which concurs. It says thou shall not use this money against the deficit, or in the general revenues to account for lowering the deficit. But we do. We have done it since President Johnson's time. Up to President Johnson's time, we never did. But President Johnson didn't do it. He had a surplus in 1968–1969 without the use of Social Security funds.

In any event, I said to each one of these Ambassadors that our problem back in the States is that we need some national purpose. We are just running around with courthouse politics. It is a shameful thing. We can't do anything but argue about who is responsible for the deficit, or who is going to invade the trust fund, or stem cell research. The country is really asleep. The leadership is in all directions. What we really need is a national purpose. I think at least in the last 48 hours we now have a national purpose. We know who the enemy is. Let's characterize it: People who give up their life for a cause, we will call them the enemy. But they call them heroes.

Let's depict this properly. It is the leadership. And I commend the President for saying we are not only going to hold those responsible, but the countries that harbor them. I think he is right on target.

But that is the whole idea now. We are in this war together. We are working together. I think that has helped this particular bill along. We are going to try to get a finite list of amendments.

Now, with my ranking member here, I yield to Senator GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the chairman for yielding to me. I appreciate his courtesy in my arriving in the Chamber a little late for the beginning of this work, as a group of us were in a meeting on how we are going to handle this bill and move it along, I hope.

I congratulate the chairman of the committee for this bill, which is a soothsayer bill really. Long before the events of the day before yesterday, which were so horrific and which reflected the threat of terrorism to our Nation, our committee aggressively pursued the issue of how to try to prepare for such an act.

We have held innumerable hearings over the last 4 or 5 years. One of the lines that has flowed through all those hearings has been the fact that our intelligence community—our communities focused on domestic intelligence and our communities focused on international intelligence—had concluded that it was more than likely, it was a probability, that a terrorist event would occur in the United States and that it would be of significant proportions. And it has occurred.

How have we tried to ready for this? Well, a lot of the response you saw in New York—which has been overwhelming and incredibly professional, and heroic beyond description, which has taken the lives of many firefighters and police officers and just citizens who went to help—a lot of that response was coordinated as a result of initiatives that came out of the hearing process, and the question of first responder, and how we get the people who are first there up to speed as to how to handle this type of event. So in that area at least there has been some solace.

But the real issue remains, How do you deal with an enemy who, as the chairman just related, is willing to give their life to make their point and who has, as their source of support, religious fervor, in most instances—and I suspect this is going to be proved true

in this instance—a religious fervor which gives them a community of support and praise which causes them to be willing to proceed in the way that they did, which is to use their life to take other innocent lives?

First, how do you identify those individuals because they function as a fairly small-knit group, and it is mostly familial. It involves families. It involves sects which are very insular and very hard to penetrate.

But equally important, when you are trying to deal with that type of a personality and that type of a culture, which basically seeks martyrdom as its cause, as its purpose for life, and sees martyrdom as part of its process for getting to an afterlife in terms of their religious belief—how do you deal with that culture and group of individuals without creating more problems, without creating more people who are willing to take up the banner of hatred and willing to pursue and use their life in a way to aggravate the situation?

I think we as a committee have concluded that the first thing you have to do is have a huge new commitment to intelligence. And we have made this point. We have dramatically expanded the overseas efforts of the FBI as an outreach of this effort. But it involves more than that.

We have to set aside our natural inclination as a democracy to limit the type of people we deal with in the area of human intelligence. Unfortunately, the CIA in the 1990s was essentially limited and defanged, for all intents and purposes, in the area of human intelligence gathering because the directives and the policies did not allow us, as a nation, to direct our key intelligence community to basically go out and employ and use people who were individuals who could give us the information we needed. Because of our reticence as a democracy to use people who themselves may be violent and criminal, we found ourselves basically sightless when it came to individual intelligence.

So we have to recognize that in a period of war, which is what I think everyone characterizes this as, and which it truly is, we are, as a nation, going to have to be willing to be more aggressive in the use of human intelligence, and we are going to have to allow our agencies in the international community to be more aggressive.

Equally important, we, as a nation, because of our natural inclination and our very legitimate rules relative to search and seizure and invasion of privacy, have been very reticent to give our intelligence communities the technical capability necessary to address specifically encoding mechanisms.

The sophistication of encoding mechanisms has become overwhelming. I asked Director Freeh at one hearing when he was Director of the FBI—and I remember this rather vividly because I didn't expect this response at all—what was the most significant problem the FBI faced as they went forward. He pretty much said it was the encryption capability of the people who have an intention to hurt America, whether it happened to be the drug lords or whether it happened to be terrorist activity.

It used to be that we had the capability to break most codes because of our sophistication. This has always been something in which we, as a nation, specialized. We have a number of agencies that are dedicated to it. But the quantum leap that has occurred in the past to encrypt information—just from telephone conversation to telephone conversation, to say nothing of data—has gotten to a point where even our most sophisticated capability runs into very serious limitations.

So we need to have cooperation. This is what is key. We need to have the cooperation of the manufacturing community and the inventive community in the Western World and in Asia in the area of electronics. These are folks who have as much risk as we have as a nation, and they should understand, as a matter of citizenship, they have an obligation to allow us to have, under the scrutiny of the search and seizure clauses, which still require that you have an adequate probable cause and that you have court oversight—under that scrutiny, to have our people have the technical capability to get the keys to the basic encryption activity.

This has not happened. This simply has not happened. The manufacturing sector in this area has refused to do this. And it has been for a myriad of reasons, most of them competitive. But the fact is, this is something on which we need international cooperation and on which we need to have movement in order to get the information that allows us to anticipate an event similar to what occurred in New York and Washington.

The only way you can stop that type of a terrorist event is to have the information beforehand as to who is committing the act and their targets. And there are two key ways you do that. One is through people on the ground, on which we need to substantially increase the effort—and this bill attempts to do that in many ways through the FBI—and the other way is through having the technical capability to intercept the communications activities and to track the various funding activities of the organizations. That requires the cooperation of the commercial world and the people who are active in the commercial world. That call must go forth, in my opinion.

Another thing this bill does, which is extremely positive and which, again, regrettably anticipated the event, is to say that within our own Federal Government we are not doing a very good job of coordinating our exercise.

There are 42 different agencies that are responsible for intelligence activity and for counterterrorism activity. They overlap in responsibility. In many instances, they compete in responsibility.

Turf is the most significant inhibitor of effective Federal action between agencies. Although there is a sincere effort to avoid turf, and in my opinion, in working with a lot of these agencies, I have been incredibly impressed by a willingness of the various leaders of these agencies, both under the Clinton administration and under the Bush administration, to set aside this endemic problem of protection of one's prerogatives and allow parties to communicate across agency lines and to put aside the stovepipes. Even though there is that commitment, the systems do not allow it to occur in many instances.

This bill, under the leadership of the chairman, includes language which has attempted to bring more focus and structure into the cross-agency activities. One of the specific proposals in the bill, which may not be the last approach taken and probably won't be but is an attempt to move the issue down the field, is to set up a Deputy Attorney General whose purpose is to oversee counterterrorism activity and coordinate it across agencies and who is the repository of the authority to do that. There is no such person today in the Federal Government. Of these 42 agencies, everybody reports to their own agency head. Nobody reports across agency lines. There is virtually no one who can stand up and say, other than the President, ''get this done.''

The purpose of the Deputy Attorney General is to accomplish that, at least within the law enforcement area and within much of the consequence manager's area, especially the crime area, although it is understood that this individual will work in concert with the head of FEMA, the purpose of which is to actually manage the disaster relief efforts that occur as a result of an event such as New York or where you have these huge efforts committed.

That type of coordination is so critical. Would it have abated the New York and Washington situation? No, it wouldn't have. But can it, in anticipation of the next event, because this is not an isolated event. Regrettably, whether we like it or not, we are in a continuum of confrontation here.

As I mentioned earlier, there is not one or two people but rather a culture that sees this as an expression of the way they deliver their message for life, or after life for that matter. Regrettably, we have to be ready for the potential of another event.

I do believe this type of centralizing of decision, centralizing authority, centralizing the budget responsibility is absolutely critical to getting the Federal Government into an orderly set of activities or orderly set of approaches.

Just take a single example. If you happen to be a police officer in Epping, NH, and you have a sense that you notice something that isn't right, you know it isn't necessarily criminal but you think there is something wrong, something that might just, because of your intuition as an officer or your

knowledge as an officer, might need to be reported, you can call your State police or you can call the FBI or you can call the U.S. attorney, but there really is no central clearinghouse for knowledge. There is no one-stop shopping. If you as a fire chief want to get ready in Epping, NH, for an event, you don't have a place to go for that one-stop shopping where you can find out how you train your people, where they go for training, what your support capabilities are going to be, who is going to support you. This should exist within the Federal Government. It does not. This is an attempt to try to get some of that into a form that will be effective and responsive to people.

Of course, when you get to the end of the line—we have talked about all the technical things we can do as a government and all the important things we can do to try to restructure ourselves and commit the resources in order to improve our capacity to address this, but in the end it comes down to a commitment of our people, understanding that we are confronting a fundamental evil, an evil of proportions equal to any that we have confronted as a nation, and that we as a nation cannot allow those who are behind this evil to undermine our way of life and our commitment to democracy.

We must make every effort, leave no stone unturned—regrettably, these people live under stones to a large degree—to find these people who are responsible and to bring them to justice. But we also must make every effort to recognize that in doing that, we cannot allow them to win by losing our basic rights and the commitment to openness as a society and a democracy. Then they would be successful, if we were to do that.

So as we rededicate ourselves, as we all continue to see the image of those buildings collapsing and the horror that followed—and we all obviously want retribution and we are all angered by it—we have to react in the context of a democracy. We have to pursue this in the context of what has made us great, which is that we are a people who unite when we confront such a threat. We unite and we focus our energies on defeating that threat. But we don't allow that threat to win by undermining our basic rights and our openness as a society.

In summary, I appreciate all the efforts of the chairman of the committee to bring forward a bill which, regrettably, understood that this type of event could occur and attempted to address it even before it did. Now I think it is important we pass this legislation. It does empower key agencies within the Government who have a responsibility to address the issue of counterterrorism not only with the dollars but with the policies they need in order to be more successful in their efforts.

There is still a great deal to do. There is still a lot of changes we need to make, a lot of changes in the law we should make in order to empower these agencies to be even more effective. Certainly there is going to be a great deal more funds that have to be committed than what are in this bill in order to give these agencies—the FBI and the State Department—the resources they need to be strong and be successful in pursuing the people who committed this horrific act and in protecting Americans around the world and especially protecting our freedoms and liberties here in the United States.

This bill is clearly a step in the right direction. I congratulate the chairman for bringing it forward.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank the distinguished Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. CONRAD are printed in today's RECORD under Morning Business.)

Mr. CONRAD. I thank the Chair and yield the floor.

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

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

Mr. REID. Madam President, we have two of the finest managers in the Senate working this bill—the Senator from South Carolina and the Senator from New Hampshire. We need to move this bill along. We need help from the membership of this Senate. Staff has worked hard to work down the amendments, and they have a fairly finite list now. But there is talk now that there are some issues still unresolved by Members of the Senate.

We are going to have a recess, by virtue of a previous order, at 12:30. I am going to recommend to Senator DASCHLE and Senator HOLLINGS when we come back at 2:15—or whatever time it is—that we move beyond this point of people having disagreements with certain parts of this bill. If people are going to be in disagreement, let them come out here and tell us what is wrong with the bill.

We need to move forward. This is a very important piece of legislation. It is our sixth appropriations bill. When we finish, we still have seven to go. We haven't had conferences on the ones we passed. This country is in a state of emergency. We need to do the work of the Congress, and the work of the Congress at this stage, nearing the end of the appropriations season, is to finish these bills by the end of the fiscal year. That is looking very dubious at this time. So we have to move forward.

I repeat, the two managers are the best we have, or as good as we have; that is for certain. We have to move this bill along.

Mr. HOLLINGS. Madam President, the distinguished Senator—other than his reference to me—is on target. We have a bill that was passed not only unanimously out of subcommittee but the full committee. It has been before the Senate last week and this week. Everyone knows the provisions within the bill. I was just told by a colleague who had served previously in the House—he said the reading clerk reads each section as they go through each section, and you have to be there and propose your amendment. After that, the amendment is passed or defeated and they go to the next section. You cannot offer an amendment to one that has already been read and passed upon.

We have to devise some other way. We are sitting around here in charge of the business of the Senate pleading. We should not be pleading. I do not want to be like Al Haig—''I'm in charge''—but I can make a motion for third reading and they can defeat the motion or we can have a live quorum and get everybody here and disrupt them. We are going to have to take disruptive action, or something, to get some kind of response. The leader is exactly right. The country is in a state of serious purpose now, and they do not want any dallying around and ''I have to have this amendment,'' ''I have to have that,'' and they want me to put it in. Let them propose it. I heard one amendment has $70 million all of a sudden. We do not have any moneys like that. We have our 302(b) allocation.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. I want to say this also. This bill was brought from the subcommittee and the full committee to the floor prior to this situation that took place in New York. If there were ever a vision two men had, it is this bill. This bill deals with terrorism. That is what is in this bill. If there were ever an appropriate time to pass this legislation, it is now. There is a provision in this legislation that sets up within the Justice Department somebody who will work on counterterrorism. This is very fine legislation, and it is very appropriate for the day and time in the history of this country. We have to move this bill forward.

The Senator is absolutely right. The Senator from Louisiana, who was just here, and I served in the House, as the Senator from New Hampshire served in the House. When you have a section in a bill in the House and you are not there to offer your amendment, you are out of luck; it is tough luck. Here we wait around begging people to come to the floor and do the business of the Senate. That is not the way it should be.

Mr. HOLLINGS. I thank the distinguished leader.

I immediately give credit to the ranking member, the Senator from New Hampshire, who as chairman had the vision that it was necessary we have some coordination and a full comprehensive review of the problem of terrorism and how to respond to it. It was under his leadership that we have these sections in the bill. Now we are ready to move. We are ready to go to third reading, and we are ready to pass it. The two leaders are here.

I again suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have been meeting with the two managers of the bill. It appears we are very close to working something out. However, it does not appear we can offer a unanimous consent agreement at this time. Those Members who have some problems with this legislation, if we don't work something out between 12:30 and 2:15, they will have to come on the floor at 2:15 and personally object; otherwise, the managers of the bill will move to third reading.

We have cooperated, and we appreciate very much those people who have interest in this bill working with us to this point, but we are down to the nitty-gritty where we need to get the bill done.

This is such good legislation. I repeat what I said a short time ago. This bill has some very important items in it for antiterrorism. It has within the Department of Justice a coordinator for antiterrorism activities that was written long before the New York terror took place. This bill is so important to what took place that we need to finish this bill today.

Mr. GREGG. Mr. President, I appreciate the counsel of the assistant Democratic leader. I would note that there are a number of Senators who have amendments. We expect to protect those amendments. At no later than 2:30, I hope, we will have a complete list, and we will work towards that. My expectation is that we have heard already from everyone who has an amendment. We are pretty close to having a complete list.

Mr. REID. Mr. President, we were scheduled to recess at 12:30. I ask unanimous consent we extend the time for speaking until 12:40, as the Senator from New York has a very important message to deliver to the Senate.

Mr. GREGG. Will that be in morning business?

Mr. REID. Yes.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have heard the discussions about the bill on the floor, the Commerce-Justice-State appropriations bill. As the chairman and ranking member know, I have offered two amendments, one of which is fairly controversial. My proposition would be that I withdraw that amendment. I will chat about it for 1 minute. I understand from discussions we have had that the chairman and ranking member would approve my second amendment by a voice vote, and I propose I be allowed to withdraw the amendment dealing with eliminating funding for TV Marti and using that money instead to enhance enforcement and compliance in international trade.

I will ask consent to do that in a moment. Things have changed very substantially and now is not the time for this discussion. That doesn't mean I don't believe during this appropriations process this year, either in conference or in some other device, we ought not do what I propose in my amendment. I believe very strongly in my amendment that identified $10 to $11 million of tragic waste of the taxpayers money and identified an area that cries out in a desperate need: our trading partners like compliance of enforcement of our trade laws dealing with China, Japan, Europe, Mexico, and Canada.

Although I ask consent to withdraw the TV Marti amendment if we have reached agreement on the other amendment, I want everyone to understand that this is not necessarily the end of that discussion this year. But I think it is probably better not to continue the discussion at this time.

Mr. HOLLINGS. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. HOLLINGS. I appreciate the Senator's understanding and willingness to withdraw the first amendment. I will see if we have an understanding.

Mr. GREGG. My understanding is we reached agreement with the Senator.

Mr. HOLLINGS. Let's agree to the amendment now.

Mr. GREGG. Have the yeas and nays been requested on either amendment?

Mr. DORGAN. No.

Mr. HOLLINGS. Can we call that amendment up?

AMENDMENT NO. 1543

The PRESIDING OFFICER. The small business amendment is the pending question.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1543) of the Senator from North Dakota.

The amendment (No. 1543) was agreed to.

AMENDMENT NO. 1542, WITHDRAWN

Mr. DORGAN. I ask consent to be allowed to withdraw the amendment I offered dealing with funding for TV Marti and trade compliance.

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

Mr. DORGAN. I thank the Presiding Officer.

Mr. HOLLINGS. I thank the distinguished Senator from North Dakota very much.

Mr. DORGAN. Mr. President, let me just say again that while I have withdrawn that particular amendment, I believe very strongly that we need to revisit this as we go along in this process. I think this is not the time to do that. I have talked to the Senator from South Carolina, who I know has some feelings about this as well. We will revisit this later in this process.

Let me say how much I appreciate the work of the Senators from South Carolina and New Hampshire; they have done so much work on this bill.

Mr. HOLLINGS. I thank the Senator very much.

NATIONAL SUPPORT FOR NEW YORK

Mrs. CLINTON. Mr. President, I wanted to take just a few minutes of morning business to report to my colleagues about my visit, along with Senator SCHUMER, to New York yesterday, to convey the appreciation that New Yorkers feel, starting with our Governor and our mayor but going down through the people whom I saw—whether they were a firefighter, or police officer, or emergency medical technician, or someone standing on the street—for the unified and extraordinary support that has been demonstrated by our entire country, starting with our President.

Senator SCHUMER and I flew to New York with Administrator Joe Allbaugh, the director of the Federal Emergency Management Agency, for the purpose of assessing the damage and attending a very long briefing with the Governor and mayor and their respective staff who are on the front lines dealing with this tragedy.

We took a military plane from Andrews and flew to LaGuardia where we got into helicopters. The helicopters flew us to the tip of Manhattan where we circled from the East River toward the Hudson and were close enough in to see the burning debris, to see the wreckage, the crumpled destruction of the buildings that had once stood there—a sight that the only comparable basis I think most living Americans would have, such as our distinguished senior Member, Senator INOUYE, is what war was like in World War II, or Korea, or Vietnam.

We took another pass so we could get in a little bit closer. As we did, we saw dozens and dozens of people running away from the site. We later learned that the continuing danger from these structurally damaged and unsafe buildings had driven our rescue workers out.

We landed at the heliport on the East Side and went in to meet with the mayor and the Governor. We had some time to talk with the press, where everyone expressed the solidarity and unity that the people of New York are

certainly feeling between and among themselves, and that we are grateful for the support that our President, our Congress, our entire Government, and people have given New York.

We then went in a convoy down to the site. I wish every one of my colleagues could have been with us, because the streets were lined with people holding American flags and signs expressing their gratitude and their thanks to the many workers and volunteers who had come to help, and a real sense of resolve and demonstration of support for our Nation.

Because of the difficulties with the buildings, we were not able to go in as close as we had originally planned. So we stopped at a place short of the immediate area that one could approach and still not interfere with the search and rescue mission or be in danger. We put on our masks because the acrid smell of the still burning debris is extraordinarily oppressive. We got a briefing on the spot from some of the people who were directly in charge of the work that is being done.

I felt as though I were on the edge of hell. I watched the smoke rising. I could see the twisted wreckage, and I had a much clearer visual image because of my helicopter view. I saw the people who have been there hour after hour since this vicious attack occurred coming toward me. Their shift was over. They were seeking some respite—firefighters in their uniforms covered from head to toe with dust and debris, exhausted, and dragging their fire axes with them.

The impression and feeling that one gets from actually being even as close as I was is so much greater with respect to the devastation than we see on our television screens. The television in a sense contains a miniaturized view of what has happened in New York.

When we then stood there for a few minutes—and that is all we were able to spend there—we visited with people who were looking for their lost loved ones. One mother in particular had just come down to the area hoping against hope to hear something about her son. Residents who had lost their apartments, their offices, and their businesses were standing on the side of a familiar street in a totally awful, inexplicable new circumstance.

We then went to the police academy which has been set up to be the command center since the city's command center was lost in the collapse of one of the ancillary buildings to the two towers, and we had a very long and very informative briefing from the mayor, from the Governor, and from all of the people on the front lines—the police commissioner and others who talked about where they were in the struggle that they are engaged in against this massive mountain of debris.

Just that night they had moved out more than 120 dump trucks filled with debris. The estimate from the Army Corps of Engineers is that there will be at least 500,000 tons of debris.

In addition to the immediate search and rescue and cleanup work that has to go on, the power situation, the loss of energy and telephone and communication services, has meant that the New York Stock Exchange could not open for business yesterday. It has meant that there are still many offices of our major financial institutions unable to reopen.

The humanitarian needs are enormous. There is an armory down on Lexington Avenue at about 25th or 26th Street that will be open for those whose family members and loved ones and friends are missing so that they can go down and identify, and have that registered, and provide additional information that may be required for identification.

The overall impression that I certainly take from that experience yesterday is of the pride I feel in the work that is being done, of the leadership given by our mayor and our Governor, of our police and fire and emergency personnel, the extraordinary readiness of our hospitals to care for the injured, the tragedies—there are not as many injured as they had expected—and the realization that we have a very big job ahead of us, a job of cleaning up and rebuilding and reconstructing.

I asked for some estimate from the mayor and the Governor as to what we were looking at because this is something for which we have to plan. They were obviously unable to say what the total estimate would be of the costs that have already been incurred and will necessarily have to be incurred in the future, but they know that they could immediately explain and justify $20 billion of direct costs. We will be asking our colleagues for a show of support, as a way of recognizing that the epicenter of this attack on our country occurred in New York City.

I took a late train back last night because I needed to be here to work with my colleagues on not only the further understanding of the level of devastation and need that has occurred but to answer questions and to be available as we continue to try to sort out what kind of national response is required.

I am very pleased that the President will be going to New York tomorrow afternoon. I applaud and salute him for that decision. I know it was a difficult decision because of the security issues that surround the movement of any President. I personally, on behalf of my constituents, thank him.

I will be meeting, along with Senator SCHUMER, and others, at the White House this afternoon with the President, where I will personally not only convey my appreciation for his leadership, his commitment, and his visit tomorrow, but also the specifics about the requests that the Governor and the mayor have made for additional and specific Federal assistance.

In addition, I introduced legislation earlier today that will be cosponsored by many colleagues on both sides of the aisle. It has an identical companion bill in the House. It is S. 1422, which will expedite the process by which the Federal Government provides benefits to the families of public safety officers, firefighters, police officers, emergency service personnel, and others who lost their lives in the line of duty.

I am very pleased, once again, that the President, in his video-phone conversation with the mayor and the Governor, stated his strong support for this legislation.

It has been said that more public safety officers lost their lives in the terrorist attack against the United States on September 11 than in any other single event in modern history.

We may not know exactly how many rescuers gave the ultimate sacrifice yet, but I was told by the acting commissioner yesterday that they are missing 300 firefighters.

I just was handed a note that is a very good piece of news, that they have just found two firefighters and one citizen still alive, which is why the search and rescue mission has to continue. We cannot give up. We know from cell phone communication and from the experience and intuition of our firefighters and rescue personnel on the scene that it is still possible—as we just learned—for people to be alive buried under that rubble. We will not give up until we find every single person.

Yet when we look at who is on the front lines, it is not me carrying the ax. It is not me as one of the ironworkers who rushed down to volunteer their services to help remove some of the debris. It is not me as a police officer who is on the front lines. It is these men and women who have made the sacrifice to protect us, and to respond as they would have at a time of battle. And, in effect, when this act of war took place, they were our front-line soldiers.

The Federal Government provides a one-time benefit payment to the families of public safety officers lost in the line of duty through the public safety officer benefit program. Unfortunately, these benefits are often delayed for long periods of time because of very burdensome regulatory applications.

In fact, I stood in this Chamber back in May to commend the sacrifice of brave New York City firefighters who lost their lives in a Father's Day blaze in Queens. Their families are still struggling to complete the application process. They fill it out and they are told they need more information.

It is imperative that we take action now to ensure that the family members of those brave men and women who lost their lives in this terrorist attack are not confronted with the same onerous process.

So the legislation that I have introduced today would direct the Department of Justice to expedite the process for these families of those who lost their lives while responding at the World Trade Center in New York City, the Pentagon in Virginia, or in Stonycreek Township, PA.

Given what I heard on television from the President, and the extraordinarily broad support that I have for this already in the Senate, I do not think this will be a controversial piece of legislation. But I hope it can be considered as soon as possible to send a tangible message to our firefighters, our police officers, and our emergency personnel that we are with them and their families in their time of loss.

Finally, Mr. President, we are just realizing the full depth of the humanitarian crisis and grief and loss that has occurred. For the children who have now been orphaned, the husbands and wives who have been widowed, the parents who are facing what no parent should have to face ever—the loss of their son or their daughter—there are no words adequately to describe or express our sense of loss as a society.

I am very grateful that the city, the State, and FEMA will be on the ground with grief counseling, with psychological help, with mental health services because having been to more disasters in my life than I wished, I know that those who do not bear any visible injuries or scars carry deep and lasting wounds.

We will, as a nation, not only seek out the enemy wherever he may be, but we will also care for the grieving and the wounded. We will, I know, do everything required to provide whatever help and assistance we can as a nation.

I also hope that for those who were far away from any of the attacks on September 11, they, too, will talk with one another and comfort each other.

I was very grateful and proud to see Laura Bush, Mrs. Bush, on television today talking about the need to have an open conversation with our children, depending upon their ages, to reassure and comfort them because the binding up of our wounds as a nation goes far beyond lower Manhattan, or Arlington, VA.

We have all been stricken by this cowardly act of terrorism, but I am confident that we will respond with the same resolute purpose that has always defined us as a nation, with the same compassion that marks us as a people, and with the same resolve to not only defend ourselves wherever and whenever that is necessary, but to rebuild and reconstruct the human spirit and the physical terrain of America.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the senior Senator from New York will be recognized for 7 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, I join with my colleague in speaking of our trip that we had to New York and in what we are seeking to do here.

I fly home to New York every week. The sight I see is usually a friendly sight: first over Staten Island and the Verrazano Bridge, and then Prospect Park and my home which is on Prospect Park in Brooklyn, then the Statue of Liberty and those two tall towers that stand as symbols of New York.

We flew back with FEMA Administrator Joe Allbaugh last night. Those towers were gone. I felt violated. My city, the city we all love, had been violated. To hear the people talk about looking for their loved ones, to go down there and see a war zone, to fly in the helicopter and see these two tall towers gone—unbelievable.

Two things get us through this: First, the resilience of New Yorkers—I talked about that yesterday—and second, the words of not only sympathy but offers of help from the President, Members of both sides of this body, from all regions and, in addition, from the other body.

We have talked to the mayor and Governor. We have put together a plan. We are going to ask our colleagues for help. We are going to ask them for $20 billion in addition to the appropriation that will come forward now. It seems like a huge sum of money, but let me catalog some of the problems.

The mayor and Governor are compiling a list. We want to move this bill quickly so that list will not be complete and this will not be a complete inventory of our needs. We will certainly have to come back.

Rescue and recovery will cost $10 billion, according to the mayor. The subway that has collapsed under the World Trade Center Towers will cost $1 to $3 billion to fix. We have lost 20 million square feet of office space; 100,000 people don't have places to work. Add to that the loss of life of the brave policemen, firefighters, EMS people, those 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 system, all 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 Revolution, 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.

RECESS

The PRESIDING OFFICER. The Chair thanks the Senators from New York.

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I understand we are very close to working out something on the filing of amendments. The managers are working on that at this time. Awaiting their arrival, 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.

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

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, traffic sometimes backs up to the Canadian border. And when assistance is needed, a call must be placed to the State Police barracks in Skowhegan, the nearest sheriff's office in Farmington, the nearest Border Patrol office in Rangeley, or the nearest land border port of entry in Jackman, each of which is located at least an hour's drive away.

For years, all available INS resources have been allocated to increase the number of Border Patrol agents stationed on our southern border. At the same time, the number of land border inspectors actually has decreased slightly. I am therefore very pleased that Senators HOLLINGS and GREGG have allocated $25.4 million to hire 348 land border inspectors to, in their words, ''begin 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.

TESTING OUR NATIONAL WILL AND CHARACTER

Ms. STABENOW. Mr. President, I rise today to talk about how Tuesday's terrorist attack is testing our national will and our character. There are no words to fully describe the depth of that infamy and not enough tears to properly mourn the innocent lives that have been so cruelly taken. We join all Americans in a focus to help those victims, families, and communities who have been terrorized, and also to focus on those who are responsible and hold them accountable.

We have come together to say loudly and clearly that we will respond to those who have attacked and murdered Americans. But I am also concerned that in our anger, an anger we all share, we would lash out at fellow Americans who come here from the Middle East, which is also wrong.

I am disturbed by reports from my home State of Michigan that Arab Americans have been victims of threats and hate mail and their businesses and institutions have been vandalized. One businessman felt so threatened that he bought two American flags—one for his home and one for his business—as he felt he needed to prove his love for his country. We want people to fly American flags out of pride, not out of fear.

The Koran, just as the Bible, is a book of love, peace, and tolerance. There are those who have outrageously perverted that message. It reminds me of the Ku Klux Klan that took the symbol of the cross and the words of Christianity and perverted them to lash out with hate and violence against other Americans. There are those in the world who are extremists who are doing the same thing with the religion of Islam.

I know Arab Americans, as all Americans, grieve and have anger and outrage about what has happened, and they want justice for Americans.

I stand here today urging all of us to come together as Americans and not allow the terrorists to have another victory by having us turn on each other. Arab Americans, as all Americans, have lost loved ones. They are part of the rescue crews, and they are the nurses and the doctors working around the clock to save lives. We, all of us, have been attacked and assaulted as Americans of all faiths, of all backgrounds. We stand as Americans to take on those who threaten us and to respond and hold them accountable. It is important in our grief and in our anger that we not allow the terrorists to turn us on each other.

This is a time of testing our American values, our beliefs, and our will. It is an opportunity for all of us to stand together and make a statement about who we are and what we believe. I know that in the great State of Michigan, all that I represent, everyone I represent, stand together arm in arm to make sure the victims and the families have what they need and that justice is served in this outrageous attack on America.

Thank you, Mr. President.

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 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 and police officers, many of whom 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.

During my own remarks, I noted that General Holland, the U.S. Air Force commander in chief of the Special Operations Command at MacDill Air Force Base in Florida, who directs our counterterrorism efforts on behalf of the U.S. military, does not have a direct civilian counterpart. I reiterate what I and several other of our colleagues said yesterday: We should have one.

I find it almost ironic, while the terrorists were attacking our innocent civilians and our democratic freedoms, we in the Chamber of democracy's most deliberative body were considering a bill that takes a significant step to provide such a civilian counterpart to the military point person on counterterrorism.

This bill before the Senate today contains language to create the position of Deputy Attorney General for Combating Terrorism.

When I spoke this morning, I commended the two managers of this bill.

Senator HOLLINGS said he was glad to participate, but the original idea came from the Senator from New Hampshire, Mr. Gregg. The Deputy Attorney General for Combating Terrorism would not only oversee the counterterrorism activities within the Department of Justice but would also provide much needed leadership throughout the Federal Government for counterterrorism prevention, preparedness, crisis management, and consequence management.

This Deputy AG would be appointed by the President of the United States, confirmed by this Senate, and would have the authority and access to resource, coordinate, and oversee the full range of programs throughout the Federal Government to combat terrorism.

This Deputy Attorney General would also make recommendations to the Congress and the President for developing a strategy preventing, preparing, and responding to terrorism.

Moreover, this Attorney General would play the central role in reviewing the budgets of all the Agencies and Departments within the Federal Government to determine whether they are adequately funded to implement our national strategy against terrorism, and when General Holland or some other person who follows in his footsteps would want to talk to his civilian counterpart, he would have some place to go and not have to go to the FBI, the Department of Justice, the Immigration and Naturalization Service, or the Department of State. There would be one place for the military counterpart to go.

As Senator GREGG stated earlier today, this proposal may not and should not be the last word in how we respond to terrorism in this country and abroad.

Given the barbaric and uncivilized events of Tuesday, we need action on the part of this Congress and we need it now. We have a bill before us today that addresses many of our concerns. For the fourth or fifth time today, I commend Chairman Hollings and Senator GREGG for their leadership and their vision in including this language in this bill that was written well before the tragic events of Tuesday. I pledge my assistance to them in retaining this language as we move forward in the conference committee on this legislation.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Nevada for his generous comments about the efforts of Senator HOLLINGS and myself in this area and his support of these initiatives in this bill to accomplish some focus on counterterrorism, although, as he mentioned, it is not going to change what happened in New York. It may appear it is too little too late. It is actually in anticipation of trying to get ready for the next round of what is clearly going to be a long and difficult struggle for our Nation. It is part of that effort. It is not as comprehensive, but it is an important element of it. I certainly thank him for his support as he is a significant leader within the Senate, and his support is welcome and will give this proposal a little bit more credibility.

I thank the Senator from Nevada.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me also thank our distinguished leader, Senator REID.

Mr. President, I ask unanimous consent that the following list I send to the desk be the only first-degree amendments in order to H.R. 2500; that they be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendments, 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 no intervening action or debate.

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

The list of amendments is as follows:

AMENDMENTS

Bayh: Social Security Payback.
Boxer: Relevant.
Boxer: Relevant.
Breaux: Relevant.
Byrd: Relevant.
Byrd: Relevant.
Byrd: Relevant to the list.
Carnahan: Byrne grants.
Clinton: Increasing funds for Internet Crimes Against Children Task Force.
Clinton: Authorizing pension benefits for spouses.
Daschle: Relevant.
Daschle: Relevant.
Daschle: Relevant to the list.
Dodd: Election Reform.
Durbin: Replacing Clean Diamonds Act.
Feingold: Relevant.
Feingold: Relevant.
Feinstein: Crib Safety.
Feinstein: INS Backlog.
Feinstein: Judges.
Feinstein: Relevant.
Graham: Social Security Trust Fund.
Harkin: SOS—Discrimination against Islamic Faith.
Hollings: Managers Amendments.
Hollings: Relevant.
Hollings: Relevant to the list..
Inouye: Relevant.
Kennedy: Relevant.
Landrieu: Domestic Violence.
Landrieu: Relevant.
Nelson (FL): Relevant.
Nelson (FL): Relevant.
Reid: Relevant.
Reid: Relevant to the list.
Schumer: Relevant.
Hatch: 15 related to terrorism.
Bond: American Airlines.
Sessions: Funding for Coverdell Crime Lab.
Sessions: Tech on Crime Lab.
Sessions: 2 Relevant.
Kyl: Terrorism.
Kyl: Relevant.
Thurmond: Circuit Meetings.
B. Smith: Terrorist Assets.
Specter: 2 Relevant.
Hutchison: Sky Marshal Program.
Lott: 2 Relevant.
Lott: 2 Relevant to list.
B. Smith: America Tissue.
B. Smith: Eco Industrial Grant Program Study.
Specter: Redistributing PA Funding.
McCain: Title II.
Nickles: 2 Relevant.
Nickles: 2 Relevant to any on list.

Mr. HOLLINGS. Mr. President, I appreciate the cooperation and leadership of Senator GREGG and the leadership on both sides of the aisle in helping us with this finite list.

They said not to send up the matter of the conferees at this particular time, but that is the same list. The list, Mr. President, is agreed to on both sides and the Chair has already ruled. I only ask that some of these Senators come forward so we can debate and vote.

I want to confer with my ranking member to see what we can have brought up and what we can eliminate and bring this to a conclusive list because this one is pretty long.

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 address for a few moments 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 these 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 so they can match a passport 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 wonder 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 be done to make sure you do not 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 being 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 fax from a friend I flew with 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 past the age of flying. They might 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 am told El Al has on their airlines 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, in military parlance, on all aircraft. When the aircraft started up and you turned on the electrical system, that IFF began to transmit. It was on until that airplane was either shot down or landed and turned off. I believe we ought to have that on every domestic airliner in this country. It is a simple device.

In other words, these people got on and somehow they knew how to turn the transponder off. Once they did that, it was very hard to keep track of the airliner. But with an IFF system 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 airline 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, where 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 time we get 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 who 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. I applaud 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 is on my list; I just didn't read it. I didn't want to take all afternoon.

Mr. HOLLINGS. That is what everyone suggested. Everyone realizes it is inadequate.

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 32½ 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, 32½ inch long, galvanized, heavy pipe, into which I drilled holes.

So I go through the x ray machine out here at National. I set it there and 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 11½ 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 opportunity 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 people who have concerns 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 OFFICER. 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 call be rescinded.

The PRESIDING OFFICER. 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 these 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 almost 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.

As the distinguished 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 appointment 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 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.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1558

Mr. HOLLINGS. Mr. President, I send to the desk a managers' amendment. It has been gone over with the ranking member and the other side.

Let me yield on that score.

The PRESIDING OFFICER. The Senator from New Hampshire.

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 report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes 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?

If not, the question is on agreeing to amendment No. 1558.

The amendment (No. 1558) was agreed to.

Mr. HOLLINGS. 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.

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.

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

Mr. BOND. Mr. President, I have been listed as potentially having an amendment today. I want to address the subject. I discussed this at our bipartisan caucus luncheon today because this is one of the many serious aftermaths of the tragedy of September 11.

We have talked a great deal, as we should—properly so—about the tremendous search and rescue efforts that are going forward. We are going to move expeditiously to make sure we find those who may be alive, and today as we watch the news, we see very gratifying stories of people being found alive. As I have said before, a search and rescue unit is there from central Missouri where I live. They are working hard.

I also mentioned, in addition to the deaths, the damage, and the destruction that the terrorists have caused directly, they will be successful to the extent they are able to cripple this country psychologically or destroy our economy. We all have a responsibility to work with, to encourage, to respond to the needs of our citizens so they can move forward and not be paralyzed by fear so we can get this country working again.

We have a responsibility as well to make sure that our economy is not crippled.

The situation was brought to my attention today about the two airlines whose airliners were hijacked by these terrorists who are conducting their own form of war against the United States. They captured airlines and used helpless passengers as human bombs to destroy the two towers of the World Trade Center, to destroy a section of the Pentagon, and, with sorrow but without as great a damage, to down one plane in Pennsylvania.

Two of the airlines involved are major airline carriers, American Airlines and United Airlines. They have lost airplanes. More important, they have lost valued employees and their priceless cargo, the passengers.

At this point, the entire airline industry in America is facing a crisis. They have been grounded. Their expenses go on, but their revenues are not coming in. For all of these airlines, we must consider a number of ways to assist them, and we should work on that very quickly to make sure we do not lose airline service because if we were, as a result of this action, to see commercial airline traffic cut off in the United States, our economy would be crippled.

United Airlines and American Airlines face a very unusual circumstance where because their planes were involved, there is a potential for lawsuits on behalf of the passengers who were killed, the crew that was killed, and potentially even the innocent victims on the ground, which we do not know the final total but we expect it is past the 4,000 mark, and we fear greatly that it may go significantly higher.

I spoke today about the need of providing some means of keeping these airlines from being put out of business by the potential liability. It is not just the lawsuits that they might face in the future that could force these airlines out of business. The potential of the lawsuits has the likelihood of making it impossible for them to continue normal financing operations. In other words, if they were to go to a bank and say: We need to keep our cash flow intact so we have the cash to run our airlines, to purchase the jet fuel, to pay our employees, to buy the supplies, a bank might look at them and say: If you are exposed to lawsuits of wrongful death for untold thousands of people, we cannot lend you money, in which case one could easily see the end of these two great airlines, with the tremendous impact this would have on our economy, not just our traveling public but the entire economic structure that depends upon good airline service.

I raised the question of limiting liability at lunch today with a number of colleagues. One of the concerns that came back from them was, okay, who will compensate these unfortunate victims? We have talked with legislative counsel. We are working with the Congressional Research Service. We do not have ready the amendment I had hoped to be able to present on this bill, but the amendment we are considering would provide compensation for all of these victims under the Federal Tort Claims Act. That means the victims would be compensated in the appropriate manner to the extent they could establish the basis for compensation. It would mean the Federal Government would pay the claims. The important impact would be this would take that one potentially crippling liability off the financial balance sheets of the two airlines.

I am concerned if we do not do that, the airlines will not be able to secure normal financing or extraordinary financing that will now be required to get them back into the air to continue the service that is vital not only for those of us in the traveling public but for the entire economy which depends upon good commercial airline service, not only for passengers but for delivery of other commodities by mail.

We have heard stories about organ donations. Organs being transported for implantation purposes cannot be handled because there is no airline service. There are many aspects of this economy which depend very much on the effective continuation of airline service.

I ask my colleagues to join me in attempting to find a way where we can be fair and equitable to those innocent victims and their surviving families and still not cripple our economy.

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 not to say anything, 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, but 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 year, I can tell you 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 heard this about the airlines and we found out last year from a 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, 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 around in a circle, where did the money go? The economy went into 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. Worry about safety. 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 compensation, we are going to have to get to that later in hearings. I do appreciate the Senator from Missouri raising this particular question and the fact that he will set it aside now so that we can move on this bill this afternoon.

I yield the floor.

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. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, as the chairman of the subcommittee and the manager of the bill knows very well, in September 1999 the Department of Justice sued the tobacco industry to recover federal costs associated with diseases caused by smoking. The suit alleges that the tobacco companies engaged in a campaign since 1953 to defraud and deceive the American public regarding the dangers of smoking disease and death, despite the fact that the companies were aware of these health effects.

This case continues to be pending before the courts. Last year, a U.S. District Court judge dismissed some counts of the lawsuit but upheld the government's right to sue the tobacco industry under the Racketeer Influenced and Corrupt Organizations Act. That portion of the case is still pending. Discovery is underway, and the judge has set a trial date for the year 2003.

There were a number of press reports that indicated some uncertainty of the Department of Justice about this lawsuit. The Attorney General has indicated that he was going to personally review the lawsuit and determine whether or not to vigorously pursue it.

Just last week, the Acting Assistant Attorney General for the Civil Division at the Department of Justice testified before the Senate Judiciary Committee that the suit is proceeding as planned. I presided over that testimony.

I inquire of the chairman of the subcommittee, the manager of this important appropriations bill, whether it is his 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 myself.

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 the best way was to remain silent. 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 on this important appropriations bill. So there is nothing in this appropriations bill which in any way inhibits the vigorous pursuit of this lawsuit?

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 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, 2000,''

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 Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes 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 ''$79,625,000 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 ''3,061,805,000''.

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 Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

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

SEC. 623. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking ''on or about October 1, 2000,'' and all that follows through the end and inserting ''not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003.''.

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 here 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 put 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 hear that they are getting together 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. The clerk will call the roll.

The bill 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.

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, Mr. HATCH, 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, in the strongest possible terms, the terrorists 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 American 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 and police having to 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

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

Mr. REID. Mr. President, I ask unanimous consent that a vote occur on this amendment at 5:20 and that there be no amendments allowed on the bill prior to the 5:20 vote, and the time be divided between Senators HATCH and HARKIN during the approximately 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself and Senator HATCH of Utah, and other cosponsors are Senator REID and Senator LEAHY, chairman of the Judiciary Committee. Also, Senator HOLLINGS, the chairman of the Commerce Committee, and Senator FEINGOLD wanted to be added as cosponsors.

The entire Nation has been shocked and dismayed at what transpired earlier this week in New York and at the Pentagon in Northern Virginia and in Pennsylvania. These were attacks on the 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 Mideast, or whose ancestors may have been from the Mideast, who may be of Arabic dissent, or of the Islamic faith—but who had nothing at all to do with these attacks.

Arab Americans and American Muslims have faced a terrible rash of hate crimes since Tuesday morning:

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 trample 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 bricks with notes were thrown through the window of an Islamic bookstore right here in Alexandria, a suburb of Washington, DC. One note was 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 in order to give 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. They are acts of hate, as Governor Ryan said, that tear at the fabric of American society. We cannot accept them or let them go unanswered.

It is especially ironic that these acts of hate have occurred despite strong Arab, Arab American, and American Muslim support for our country in the wake of the terrorist acts. Heads of state in Saudi Arabia, Egypt, Jordan, Kuwait, Pakistan, and other predominantly Muslim countries have strongly condemned the terrorist attacks and the senseless loss of innocent lives. American Muslims have lined up to give blood for those injured in the attacks, waiting in line for hours, along with so many other Americans. They are as saddened, sickened, and outraged at what happened as other Americans.

The terrorist attacks were heinous crimes, and we will bring to justice and punish their perpetrators and those who aided or harbored them. But we must make sure that when we train our sights on the enemy, we do not harm innocent people in the crossfire. Again, I quote from Cardinal McCarrick, the Archbishop of Washington, speaking at a mass on Tuesday:

> We must resist the temptation to strike out in vengeance and revenge and, in a special way, not to label any ethnic group or community for this action, which certainly is just the work of a few madmen. We must seek the guilty and not strike out against the innocent, or we become like them who are without moral guide or direction.

These outbursts of hate, this misplaced blame and labeling of an entire group, is not an inevitable response. When 168 people died in the bombing of the Federal building in Oklahoma City in 1995, some people immediately falsely assumed that Islamic extremists had done it, and the same kind of vandalism and hate speech occurred. Later, when we found out that the main perpetrator was Timothy McVeigh, nobody said all Christians are to blame.

Not all 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 unanimously as a strong statement of our enduring support for our constitutional framework of tolerance, civil rights, 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. HATCH. 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 so 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 our 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.

We all know how important it is 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 any and all other Americans.

We are going to do something about these terrorists. I believe that soon we will have sufficient identifications to be able to take very strong action against those who have committed these atrocities and against those 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 commit acts of 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 anybody else when it comes to this. 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 cosponsor 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 will yield, the Senator from Iowa wants to ask 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 in the Chamber about 2:25 p.m. 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, for prosecution. 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 cosponsors 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 before it Milosevic 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 against 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 such authority given to the prosecutor of the War Crimes Tribunal, or the prosecutor of an international criminal court, goes 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 discretion on the part of 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 fit what was 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 illustratively 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 jurisdiction, which 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 a distinct possibly—again, not a certainty, but a possibility—that the International Criminal Court can be so structured.

I am concerned that an international criminal court which does not have input from the United States will come into existence. Input from the U.S. could correct problems that may arise if the international criminal court seeks to exercise jurisdiction over Americans at a later date, even if we are not a member of the criminal court.

International criminal law has taken a very expansive turn in modern times through efforts to prosecute people such as former U.S. Secretary of State Henry Kissinger and former Chilean President General Augusto Pinochet, and with courts in other countries exercising previously unheard of jurisdiction .

It is my hope that in conference we can structure an arrangement where funding is not denied to the U.S. Government so that it can participate in the Preparatory Commission. U.S. participation in this commission would allow this country to work out these issues so that American citizens and citizens of other countries will not be subject to runaway jurisdiction, and so that we will not have Secretary Kissinger subject to prosecution again. 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 appears to be given to a 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 somewhere down the road that President might 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 very legitimate 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.

I told my 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 endorsing 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. DODD) 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 result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Allard	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Corzine
Bayh	Campbell	Craig
Bennett	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Domenici
Breaux	Clinton	Dorgan
Durbin	Johnson	Reid
Edwards	Kennedy	Roberts
Ensign	Kerry	Rockefeller
Enzi	Kohl	Santorum
Feingold	Kyl	Sarbanes
Feinstein	Landrieu	Schumer
Fitzgerald	Leahy	Sessions
Frist	Levin	Shelby
Graham	Lieberman	Smith (NH)
Gramm	Lincoln	Smith (OR)
Grassley	Lott	Snowe
Gregg	Lugar	Specter
Hagel	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Mikulski	Thomas
Helms	Miller	Thompson
Hollings	Murkowski	Thurmond
Hutchinson	Murray	Torricelli
Hutchison	Nelson (FL)	Warner
Inhofe	Nelson (NE)	Wellstone
Inouye	Nickles	Wyden
Jeffords	Reed	

NOT VOTING—2

Dodd	Voinovich

The amendment (No. 1560) was agreed to.

Mr. HOLLINGS. Mr. President, we have been very patient and very understanding. I am ready for 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. From time to time there are 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 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. Right.

Mr. DORGAN. But there comes a time, it seems to me, that when, if you have an amendment, you have a responsibility to come and offer it, and let the Senate decide.

If there are those who have amendments, I hope they will come to this Chamber. I know the Senator from South Carolina and the Senator from New Hampshire have been in this Chamber, literally begging for people to come and get these amendments to the floor.

Mr. HOLLINGS. And on this particular amendment, my understanding is that there are serious misgivings about it because, No. 1, it is authorization, a tremendous authorization bill affecting the intelligence activities and the different departments and the different committees involved there. And the committee chairman, I understand, would oppose it. I know two or three Senators who say they are going to oppose any amendment that involves legislation on an appropriations bill.

So I am saying this publicly so no one will think that I am presumptuous or traumatic in any sense that I just cut somebody off. They are just cutting off the real work of the Senate because everybody is ready to vote on final passage of this measure.

I see the distinguished chairman of the Judiciary Committee is in the Chamber. Maybe he can enlighten us as to where we are headed and that we should wait. I will, along with the chairman of the Judiciary.

Mr. DORGAN. One final point, if I might, if the Senator from South Carolina will yield.

I would encourage the Senator to consider going to third reading on this bill, or at some point there needs to come a time when the Senate says it is time to go to third reading if people are not going to be here to offer amendments.

Mr. HOLLINGS. The distinguished Senator from Vermont, Mr. President, has been waiting patiently for 5 or 10 minutes to speak as in morning business. And then we will come back on to this bill. So I ask unanimous consent that he be recognized for 10 minutes.

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 OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are printed in today's RECORD under ''Morning Business.'')

MODIFICATION TO AMENDMENT NO. 1559

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I send a technical amendment to modify amendment No. 1559 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is to be so modified.

The modification is as follows:

On page 24, line 19, strike ''$83,125,000'' and insert ''$84,625,000''.

On page 24, line 21, before the '';'', insert the following: '', of which $1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.''.

Mr. HOLLINGS. I thank the distinguished Chair. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the Senator from Utah is going to offer an amendment on his behalf and others'. I ask unanimous consent this amendment be the only first-degree amendment in order to this bill, of course, with appropriate second-degree amendments.

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

AMENDMENT NO. 1562

(Purpose: To enhance the capability of the United States to deter, prevent, and thwart domestic and international acts of terrorism against United States nationals and interests)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mrs. FEINSTEIN, for herself, Mr. HATCH, and Mr. KYL, proposes an amendment numbered 1562.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.'')

Mr. HATCH. Mr. President, we are all interested in moving forward to support this funding bill, and we broke through the barrier where this is the last pending amendment. We are also even more concerned that the Government have the right tools to hunt down and find the cowardly terrorists who wreaked such havoc 2 days ago. For this reason, I believe it is important to make available important tools to those investigating this and related matters. This amendment, in my opinion, is critical and should pass this evening.

I have been working with my colleagues, Senators FEINSTEIN, KYL, and SCHUMER, on a package of reforms that can aid these investigations. I will highlight a few of the provisions to this bill.

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 step possible 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 interceptions 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 Senator from Utah.

Mr. HATCH. It takes care of those criminal activities, mail fraud, wire fraud, and the interstate transportation of stolen property, however the Federal terrorism statutes are not currently included in Title III. As a result, Federal investigators are often hampered in the use of this powerful tool when investigating terrorist incidents. We have to remedy that, and we should not let a day go by without remedying it. We should not let some of the petty aspects of this body stand in the way, not passing this type of legislation right now when it is really needed, on the day that, for the first time in my 25 years, a vote was interrupted by a bomb threat and we all had to move outside.

It is time to start fixing these laws. We can play around with commissions. We can play around with task forces. We can do a lot of other things, but I would like to fix it now.

At this juncture of our history it is essential that we give our law enforcement authorities every possible tool to search out and bring to justice those individuals who have brought such indiscriminate 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 as a society 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 this very important tool—the wiretapping statute—to bear on the terrorists 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 fastest growing areas of criminal activities. Terrorists, criminals, and hostile governments are using computers as tools to perpetrate 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 adequate 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 electronic conversations in connection with the investigation of criminal activity. The law lists a number of crimes deemed by Congress as serious

enough to warrant allowing the FBI to intercept communications. Because cybercrime is a relatively recent development, the Federal cybercrime statute is not currently included in Title III. As a result, Federal investigators could not use this powerful tool when investigating cybercrime offenses.

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 possibility. I urge all my colleagues to agree to this amendment to provide our law enforcement authorities with the tools they need to effectively combat this growing menace to the security 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 to prevent terrorist acts in the future. We put up with an awful lot of mistaken arguments around here throughout all these years that made it very difficult to put human intelligence to work in the interests of the protection of our people, and it is inexcusable, under these circumstances, to allow that to continue.

As you know, in some cases, when dealing with human intelligence assets, sometimes you have to deal with unsavory characters because they are the only ones who can get inside and help us know the motivations of some of the people who are about to do terrorist acts. It is pretty pathetic that we cannot get our law enforcement people the ability to get wiretap authority against terrorists because they are not included in title III, unless there is some underlying criminal reason for doing so. We have to stop that. If we wait any longer, it seems to me, it is a big, big mistake, with the way people are afraid in this country, with what happened this week, and with the threats that continue to surround us throughout the world.

I have a lot more to say on this, but I think, if I can, I would like to yield the floor to my colleague from Arizona, if he cares to take the floor, and he can talk about further aspects of this bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is my intention to be very brief, unless there is some objection to what we are doing, because I think all of us would like to get on with the adoption of this piece of legislation so we can conclude work on this bill. But just to ensure there is an adequate description of it, I would like to take a minute.

I also ask unanimous consent that Senators DEWINE, SESSIONS, and THOMPSON be added as original cosponsors.

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

Mr. KYL. I believe Senator SCHUMER will have some things to say in a moment. He may ask as well to be added.

Let me be very clear about the intent of this legislation. This country has just suffered the worst terrorist attack in its history. All of us are focused on the victims. We are focused on the terrible devastation and the individual lives impacted. But, as policymakers, we have also been asked some hard questions by our constituents and those questions include things such as: Why can't our Government do something about these horrible crimes? As policymakers, we have to respond to that. We have such an opportunity. I use that word advisedly because in the circumstances that put us where we are today, that word seems hardly appropriate. But we do have an opportunity, given the fact we are here doing business on behalf of the American people, and that part of that business is the bill that relates to the jurisdiction of the Justice Department, the funding for that Justice Department, and the fact that the bill before us, in fact, 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 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 and we will be passing 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 has 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 commission reports 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 imploring 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 half 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 hearings about 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 we 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, and they are absolutely right. 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 applied to other governments. We said we are not going to recruit people to spy on other governments guilty of crimes or human rights abuses. That is a policy. I don't think we were thinking about terrorism because it is pretty hard to infiltrate a terrorist organization with a Boy Scout. They sort of show. What you need are people who are accepted by these terrorist cells. Some of them are undoubtedly going to have some things in their background of which ordinarily we would not approve. But it is the only way they are going to get into the terrorist cell. We 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 chairman.

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 ''assets''—people who would be useful in infiltrating an organization and getting information out of that cell and sharing that information with us.

Mr. LEAHY. Is the distinguished Senator from Arizona saying that we are unable to have what is called a retainer, or bribe, or anything else on a regular basis and have somebody who is part of the terrorist organization be 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 assets, 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 act against another government. But when you are trying to infiltrate a 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 argument, and I don't want to interfere with that. Unfortunately, because this is something that we have had no hearings 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 very specific things where 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 administration—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. We are not doing anything untoward 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 punctilious about who you get to work with you to get information from the enemy ought to come to an end.

I will assure the distinguished chairman that we are assured that in the past this has not been too much of a problem. But the problem is, our folks are a little reluctant to try to go recruit people with the current limitations in place because of the difficulties that presents.

All this does is to change a guideline—no 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 terrorist organizations, which by definition 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 be very uncontroversial.

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 a 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 that they be reimbursed for 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 asked 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 terrorist attack, all the way 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 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 go 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 combination is relatively modest 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 the 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 reimbursement. 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 dollars a year.

This might be a fine 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—and I assume by accident—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 be an investigator; I don't know if 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 that is, going into people's computers because the local investigator says, ''I want to.'' I am not sure if the authorities, under normal going into court, asking for a court order, having a hearing, can go into my computer; that is one thing. But if somebody goes out there, for example, and sees me having target practice outside my house—I have a pistol range out back of my house—and they say: I wonder how many guns he has; I want to go into his computer to find out just in case he has listed his ammunition purchases. Should they be allowed to? I would think some of those who are concerned about the rights of gun owners might be a little bit concerned about this provision. I am a gun owner. I am concerned.

Authority to do wiretaps. It says here that we will redesignate paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–132; 110 Stat. 1274, as paragraph (r); and (2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996, division C of Public Law 104–208; 110 Stat. 3009–565, the following new paragraph:

(q) any criminal 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 our antiterrorist authority to go after people. I thought we were here to try to finish up a bill that the Senator from South Carolina and the Senator from New Hampshire have worked on very closely—and the Senator from West Virginia and the Senator from Alaska—that would give money to our law enforcement agencies so we could go ahead and work and try to get the money which the city of New York and the State of New York desperately need after the horrific, murderous terrorist acts in that city. I thought that was what we were here for.

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 rules 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 were injured or killed 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 ways of doing business in the Senate? If we do that, what is going to happen when we get down to the really difficult questions?

Maybe the Senate wants to just go ahead and adopt new abilities to wiretap 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 respect to the American people by slapping something together, something that nobody on the floor can explain, and say we are changing the duties of the Attorney General, the Director of the CIA, the U.S. attorneys, we are going to change your rights as Americans, your rights to privacy? We are going to do it with no hearings, no debate. We are going to do it with numbers on a page that nobody can understand.

And by the way, we are going to tell the people who are working around the clock today to stop that and give us reports within 2 months on all these areas. By the way, we commend you for the work you are doing, but set aside a few dozen people and the President to give us these certifications. Part of it seems to me to ask the Attorney General to report back to us right away. We are asking the President to report back to us right away.

Frankly, I think the Attorney General and the President have their hands full right now. I commend them for what they are working on. I have talked with the Attorney General several times over the last few days. He hasn't told me that he needs this investigation. He is pretty busy working on what he is doing. And I say Attorney General Ashcroft is doing a very good job.

I have spoken to the Director of the CIA. He has not requested that we suddenly turn the attention of the Senate to this legislation. I haven't heard from the President that he wants to suddenly have them do a number of reports connected with this. Maybe it would make a lot more sense if we gave the chairman, the vice chairman of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, and the chairman and ranking member of Judiciary a chance to actually have the kind of hearings necessary to know what we are doing so that we do not get into some of the problems we got into in the past.

If we are going to change habeas corpus, change our rights as Americans, if we are going to change search and seizure provisions, if we are going to give new rights for State investigators to come into Federal court to seek remedies in the already overcrowded Federal courts, fine, the Senate can do that. But what have we done to stop terrorism and to help the people in New York and the survivors at the Pentagon?

I yield the floor.

Mr. HATCH. Mr. President, I have heard a lot of talk 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, and wants 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 reimburse up to one-half of 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 combating 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 trap 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, and anytime some local sheriff wants 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. Typically, hackers go 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 follow a hacker's trail. Let's put it 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. REID. Will the Senator yield for a question?

Mr. HATCH. 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 dither when we know that these tools will help? The FBI are 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, they get the order.

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 as though 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 should 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 Michigan.

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 is 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 amends not just terrorism, but 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 illegal hacking.

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 resolve 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 antiquated 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 week or so 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 who is scaring you with his 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 we know. 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 everything else in 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. 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.

SATELLITE HOME VIEWER IMPROVEMENT ACT

Mr. LEAHY. Mr. President, when Congress enacted the Satellite Home Viewer Improvement Act (SHVIA) in 1999, I well remember, as ranking member of the Judiciary Committee, that we amended the Copyright Act to authorize satellites to carry local channels into local markets. We knew at that time, however, that satellites would be unable to carry local TV stations on a must carry basis.

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 alternative 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 two 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 apparent 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 this 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 Multichannel 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 show, through independent testing, 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 licenses. It has how been over 2½ years since Northpoint filed its license applications, and we need the FCC to complete action on these applications now so that this new service can enter the marketplace in a matter of months, not years.

HYDRO PLANTS

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 keeping 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 the full Senate and 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.

COASTAL SALMON FUNDING

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 can assure my colleagues that there are such overwhelming needs related to water quality in the Upper Klamath River 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 next spring.

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

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.

MECKLENBURG COUNTY, NC

Mr. HELMS. Mr. President, It would be helpful if Senator EDWARDS and I can discuss, for the record, with the distinguished Chairman of the Commerce, Justice, State and the Judiciary Appropriations subcommittee, two matters of considerable importance to the citizens of Mecklenburg County, NC.

Mr. HOLLINGS. I will be delighted to discuss these matters with the distinguished Senators from North Carolina.

Mr. HELMS. I thank the able Senator. Mr. President, I would be remiss if I did not start by thanking the chairman and the ranking member, Senator JUDD GREGG of New Hampshire, as well as their outstanding staffs, for all of their hard work in putting this bill together. I know that all involved have invested long hours and that you have made many difficult decisions. Senator EDWARDS and I are grateful for the support that we received for several vital initiatives in North Carolina that are intended to improve public and officer safety.

In particular, I am grateful for the willingness of the committee to agree to our request for $500,000 to help equip a new Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office. Tragically, sex offenders are, at once, among the most difficult criminals to convict of their crimes and among the most likely to commit new offenses.

North Carolina law requires convicted sex offenders to register with local law enforcement and to notify the police of their change of address. The safety of the public in general, and the safety of our children in particular, is placed in jeopardy when a convicted sex offender fails to comply with N.C. registration laws. Statewide, approximately one in ten convicted sex offenders does fail to register.

North Carolina's largest county in terms of population, it is perhaps not surprising that Mecklenburg is also the leader in the number of registered sex offenders. Over the past few years, there have been at least 15 separate instances where offenders that were required to register were later apprehended and convicted of subsequent charges of molestation or the rape of a minor child. Ever one such case is one too many.

The abhorrent nature of these crimes demands that we do everything we can to ensure that sex offenders are not able to victimize others when they return to our communities. This $500,000 will help the Mecklenburg County Sheriff's Office to property identify, register, and consistent with North Carolina law, track these heinous offenders after their release from prison.

Mr. HOLLINGS. I thank the Senator from North Carolina for his remarks. He is correct about the high rate of recidivism among sexual offenders. We were delighted to be able to accommodate the request of the Senators from North Carolina.

Mr. HELMS. I thank the chairman. In addition to the $500,000 provided for the Sex Offender Registration Unit, there is one other matter involving the county that I would like to address. Senator EDWARDS and I combined our efforts in support of the county's request for $3,000,000 from the COPS Technology Program for the Criminal Justice Information System. Upon receiving the committee's report, we were pleased to note that the money requested for CJIS was included but we also noted that the reference to Mecklenburg as the intended recipient was inadvertently omitted. If the chairman would be so kind as to clarify the committee's intent with respect to these funds, then I would be most grateful.

Mr. HOLLINGS. Mr. President, I am glad to be able to address this matter. The committee was impressed by the fact that Mecklenburg County has already committed $8,500,000 to upgrade its criminal justice history information systems and intends that the $3,000,000 designated for CJIS be used by the county to assist in their ongoing efforts.

Mr. HELMS. I again thank the chairman and my good friend, Senator JUDD GREGG, for their vital support on these projects. I would also like to recognize the efforts of Senator EDWARDS and his staff who worked diligently to promote these initiatives.

Mr. EDWARDS. Mr. President, one of the greatest challenges facing the criminal justice system is the question of how we ensure that convicted criminals do not repeat their crimes when they are released from prison. In my State of North Carolina, there are laws that attempt to address this issue in order to make our communities safer places to live and work. These laws require sex offenders to register with law enforcement whenever they move into a new county in the State, and require law enforcement agencies to locate and arrest sex offenders who fail to comply with any part of the registration laws. The establishment of a Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office will enable the Sheriff to keep better track of offenders that move into the County, and to identify sex offenders who do not comply with registration laws. Funding for the Unit is critical toward ensuring that our communities are kept safe from individuals who intend to repeat their crimes and prey on some of the most vulnerable members of our society—our children. I greatly appreciate the support of Senators HOLLINGS and GREGG for this important project.

Also, as my distinguished colleagues indicated, the committee report appropriated $3 million for the Mecklenburg County Criminal Justice Information System. The demands of modern, large, urban law enforcement systems, such as Mecklenburg County's, are numerous. That is why the CJIS project is so important. CJIS will help local 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.

METHAMPHETAMINE

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

Mrs. CARNAHAN. 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.

Mr. HOLLINGS. In order to combat that problem, we are including $1,100,000 in Fiscal Year 2002 funding for the Missouri Drug Eradication Initiative.

Mrs. CARNAHAN. 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:

$105,000 will go to the Southwest Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a four county area.

$110,000 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 for 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 in Cape Girardeau with funding to assist with relocation into a new building on SEMO's campus and funding for new equipment to analyze and assist law 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 illicit 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 will receive $100,000 to target manufacturing, importation, and distribution of narcotics in South Central Missouri, including the Mark Twain National Forest.

I am extremely 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 CORRECTIONS 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 law enforcement 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 report was silent on this point. Could the distinguished Senator from South Carolina and the chairman of the subcommittee help me clarify this point?

Mr. HOLLINGS. It is the committee's intention that the Alaska Center as well as the national centers in the lower 48 States continue to be funded through the National Institute of Justice. There was certainly no intention on the part of the subcommittee to zero out the Alaska Center. Within the funding that is agreed upon in conference with the House for the National Institute of Justice, it is my hope and expectation that we will be able to continue funding all the centers nationwide at the fiscal year 2002 level. If reductions are required in conference, they will occur proportionally, and if increases are possible, they would also be spread proportionally among the existing centers.

Mr. GREGG. I agree with the chairman of the subcommittee. There was never any intention of zeroing out the new Alaska Center. We will work with the Senator from Alaska to include language clarifying this issue in the statement of managers when we meet in conference with the House to work out the differences between the two versions of the bill.

WASHINGTON STATE METHAMPHETAMINE PROGRAM

Mrs. MURRAY. Mr. President, methamphetamine production and use has had a devastating effect on many communities across our country, and tackling this problem has been very challenging to law enforcement.

Meth has a particularly large impact on my state. We rank number two in the nation in 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 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. There are also serious safety issues due to the risk of fire and explosion associated with the chemicals involved. Furthermore, the toxins that are used and discarded as a part of meth production have serious and long term impacts on the environment, and the clean-up cost are substantial.

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 uses also tend to emotionally and physically abuse those around them.

With that, I yield to my colleague from the state of Washington, a member of the Judiciary Committee, Senator CANTWELL.

Ms. CANTWELL. I thank Chairman HOLLINGS and my colleague, Senator MURRAY, for their tremendous work on this bill and am particularly grateful to the Chairman for his clear understanding of the complicated law enforcement and natural resource issues facing the western states and wish to thank him for his attention to those matters in this bill.

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. Except that 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 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 Appropriation 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 deal 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 include the counties of King, Benton, Snohomish, Kitsap, 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 and law enforcement 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. I do look forward to continuing to working with the Senators from Washington on this issue in the future.

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 $4,000,000 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. LANDRIEU. 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 Louisiana 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 in the 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 this 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 vessels and their owners to work doing annual groundfish data collections. In Oregon, and along with the West Coast, the National Marine Fisheries Service sets harvest regulations regarding 83 species of groundfish but collects data on only 16 species. 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 enough money or 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. They need some 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 through the years to support Federal Bureau of Investigation (FBI) efforts to catch child predators and pornographers engaging in criminal activity on the Internet. The FBI's first undercover operation in this field of investigation, code named ''Innocent Images,'' was initiated in 1995. Six years later, Innocent Images is an FBI National Initiative, supported by annual funding of $10 million, with undercover operations in eleven field offices.

The FBI's Innocent Images Initiative utilizes undercover agents posing as children on-line to identify and investigate potential sexual predators. Under current practice, the FBI's Innocent Images Initiative relies on individual agents posing as children in on-line ''chat rooms.'' Thus, the effectiveness of the program is necessarily limited because human resources are limited.

Recently, I became aware that a company called Spectre AI has developed new technology that has the potential to increase vastly the effectiveness of the Innocent Images Initiative. Spectre's technology utilizes computers that are capable of monitoring large numbers of on-line chat rooms simultaneously. These computers are programmed to search for certain key words or phrases for which agents are trained to spot when on-line looking for child predators and pornographers. When such key words or phrases are identified, Spectre's artificial intelligence program carries on a limited, two-way dialogue with the potential child predator. Simultaneously with the initiation of this two-way dialogue, the Spectre technology notifies an FBI agent, who then takes over the investigative chat-room dialogue.

This new technology developed by Spectre AI has the potential to increase exponentially the number of Internet chat rooms that the FBI can monitor. Thus, it holds the promise of an enormous leap forward in the effectiveness of the FBI's ''Innocent Images Initiative'' and its goal of protecting our Nation's children from sexual predators and pornographers.

Does the Chairman agree with me that Specter 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 Atomospheric 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 need to designate 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. GREGG. Can you give me an example of how a Sub-office designation would reduce that strain?

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 other administrative matters.

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

FY02 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 South Carolina, to discuss funding for the State Criminal Alien Assistance Program, popularly known as SCAAP.

As the Senator knows, States and localities across the nation, especially those with high immigration populations, face extraordinary costs associated with incarcerating criminal aliens.

The burden continues to grow, for high impact States like California, for example. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates in the system with INS holds. California taxpayers can expect to spend $571.2 million this year to cover these costs.

Over the past few years, the SCAAP program has reimbursed roughly 33 percent of the costs incurred by State and local governments. Since 1997, the authorization level for SCAAP has been $650 million. Funding for the program peaked at $585 million in FY 1999, and dropped to $565 million in FY 2000.

Given the rising costs associated with criminal alien incarceration, the legislation my colleagues and I had hoped that Congress would see fit to fully fund this important program at the authorized level of $650 million.

I am concerned that the bill reported by the committee makes dramatic cuts in federal funding for SCAAP, reducing the level of funding by 53 percent to only $265 million.

Given the urgency of the need and the fact that all 50 States, the District of Columbia, Puerto Rico and more than 360 localities received SCAAP funding in the most recent reimbursement period, I would like to inquire of my friend from South Carolina if there is something that can be done to increase funding for this bill for SCAAP to a more appropriate level.

Mr. KYL. Mr. President, I wish to associate myself with the remarks of my good friend, the Senator from California, and also look forward to working with the Chairman and Ranking Member of the subcommittee to resolve the funding disparity in the State Criminal Alien Assistance Program (SCAAP).

Before I begin my comments about this important program and the level of funding in the Senate Commerce-Justice-State Appropriations bill, I want to state my full support for the $565 million funding level for SCAAP in the House FY 2002 bill. Through the Crime Control Act of 1994, the Congress created SCAAP to reimburse states and localities for the costs they incur incarcerating criminal illegal aliens. Such costs, it has been made clear, are the responsibility of the federal government. SCAAP has been authorized at $650 million, although total expenditures of the states and localities exceeds $1.6 billion per year. Though the financial burden to process and incarcerate criminal illegal aliens overwhelms the budgets of many states and localities, SCAAP has never been allocated its full authorization. Over the past five years, SCAAP has usually been funded at levels between $500 million and $600 million, which has provided states and localities reimbursement of about 30 cents for each dollar spent on incarceration.

The Congress would be doing the right thing if it allocated $1.6 billion. In FY 2001, the state of Arizona and its localities incurred costs of well over $30 million to incarcerate criminal illegal aliens, and received $18 million in federal reimbursement—when SCAAP was funded at $585 million overall.

To reduce the total 2002 SCAAP fund from its $565 million level to $265 million (a $300 million decrease), is unacceptable. Should funding be reduced to $265 million, all 50 states, D.C., and the increasing number of localities that incur costs, which now receive an unacceptable 30 cents for each dollar spent, will receive an even more unacceptable level of reimbursement.

Mr. President, I very much hope that Senators GREGG, HOLLINGS, FEINSTEIN, GRAHAM and I can work to resolve these issues before this bill is signed into law.

Mr. GRAHAM. I join with my colleagues 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 states 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 included 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, even states which have not traditionally had to confront the growth in illegal immigration are bearing 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 undocumented 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 includes 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 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 included 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 process.''

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 reforms, including funds 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 bill funds the grant program through the Department of Justice. 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 and to re-establish 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 my 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. These states depend upon their 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.

This legislation will help to build 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 the governmental 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. These complex crises call for nuanced 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 COLLINS 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 of 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 a Center trains an entrepreneur, 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 Center in Boston, the Center for Women & Enterprise.

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 who have the flexibility to 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 program 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 was 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.

Today, I am offering a sense-of-the-Senate amendment on this issue. I am joined by my colleague from Idaho, Senator CRAPO, in this effort.

To date, the South Korean government and the government-owned banks have given Hynix over $5 billion in loans and other types of financing which carry the guarantee of the government of Korea. This is a subsidy pure and simple.

Now the Korean government is planning on giving Hynix additional loans to keep them solvent.

In the year 2000, Hynix was the world's largest producer of dynamic random access memory—or D–RAM—an important type of memory semiconductor 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 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 CRAPO, 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 7 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 stop subsidizing Hynix and to stop this dangerous distortion of the international semiconductor market.

Mr. WELLSTONE. Mr. President, I thank the managers of this bill, Senator HOLLINGS and Senator GREGG, for working with me to include an amendment I offered to the Commerce, Justice, State Appropriations bill. The amendment is the Bruce Vento 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 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.

With 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 Conference Committee meets, I urge 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 appropriations measure 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 social and life skills, assists 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 am also thankful for the support of Senators THURMOND and 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 raised 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 all seen 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 bills aiming to stem the trade in conflict diamonds. I applaud them for their efforts.

The appropriations measure that we are considering today includes language that would implement S. 1084, 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. 1084 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-impacted 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 adjust 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 every recent year the Senate has attempted to increase funding for this program in the CJS appropriations bill. Last year the amount that passed the Senate was about $24 million. Every year, the number gets reduced in conference. This is very frustrating, 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 $351,000. 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 3 years, the Department has invested over $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 budget includes $363 million to maintain these programs at their current levels. Examples include continued funding for approximately 6,000 guards and surveillance specialists; maintenance of 490 explosives detection devices, 877 walk-through metal detectors, and 283 x-ray machines; and maintenance of almost 1,000 armored vehicles.

The fiscal year 2002 budget request also includes $64 million to reinforce defenses against cyberterrorism, technical and human intelligence 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 areas and 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 above attrition. Funding to hire the full 360 employees is one of the Department of State's highest priorities and is supported by the authorization marks of both the House International Relations Committee and the Senate Foreign Relations Committee, as well as by the House appropriators on the Commerce-State-Justice bill.

Moreover, the hiring of 186 additional diplomatic security professionals, 86 diplomatic security agents, 9 security engineers, 10 security technicians, and 81 civil service infrastructure support employees, is critical to the Department's efforts to improve the security of our overseas personnel, facilities and national security information.

Finally, the reductions to the Department's overseas construction account, $219 million and applying $154 million in prior year construction balances to fiscal year 2002 requirements, will make it more difficult to meet the very ambitious buildings program that the Secretary of State has planned.

I understand that the committee has maintained funding for embassy security in the diplomatic and consular programs and embassy security, construction, and maintenance accounts at approximately last year's levels. However, the failure by the committee to provide the administration's requested increases for additional security personnel and construction could severely hamper the Department of State's multiyear effort to improve security for 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 am also concerned that the funding allocated by the committee does not appear to extend to the protection of U.S. AID employees, an oversight that should be quickly addressed.

We cannot in good conscience leave the manifestations of the American presence abroad, namely, our embassies and consulates, inadequately protected. The terrorist attacks on New York and the Pentagon were preceded, it should be remembered, by attacks on American embassies in two African countries just a few short years ago. U.S. embassy security abroad deserves the same degree of attention by authorizers and appropriators as homeland defense.

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 American homeland, 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).

Over a year ago, Senator HATCH and I worked together to update RECA to ensure it took into account the latest scientific evidence and to extend benefits to new groups of workers, including uranium mill workers and ore transporters. In addition, we extended eligibility for compensation beyond the group of five States identified in the original law, to additional States where uranium mining occurred, including South Dakota.

Due to the concerns about the amount of funding available for this program, language was included in both the fiscal year 2001 and fiscal year 2002 Commerce, Justice and State Appropriations bill limiting the payment of compensation to the original RECA beneficiaries. While I share concerns about the limited amount of funding available, I cannot support this approach to the problem. Those added to RECA in 2000 are now legally entitled to compensation and should have their claims paid along with original beneficiaries.

We simply must do a better job of funding RECA in the future. Last year, many beneficiaries received IOUs from the Federal Government because inadequate funding was available to pay their claims. To ensure adequate funding over the long term, I already have cosponsored legislation to make funding for RECA mandatory. I am committed to working with my colleagues to secure the passage of this legislation in the near future.

I appreciate the willingness of the chairman and ranking member to accept my amendment. I also want to thank Senators BINGAMAN, DOMENICI, HATCH, and REID for their support of this amendment.

Mr. MCCAIN. Mr. President, I had intended to offer an amendment to the Commerce, Justice, and State appropriation bill regarding the Title XI Loan Guarantee Program. However, in light of the events of the last several days, I believe the Senate needs to quickly move onto the consideration of legislation that will aid our Government in addressing issues resulting from the devastating attacks on our Nation earlier this week. Therefore, I am going to reserve the amendment for another time.

I am very concerned that the Title XI Loan Guarantee Program is in fiscal peril due to recent loan defaults and ongoing construction problems with other guaranteed projects that could soon lead to further defaults that will cost the American taxpayers billions of dollars. I encourage all my colleagues to review the merits and cost of this and all programs which provide taxpayer-funded support to special interests. We should carefully weigh the needs of those interests against the needs of our Nation as a whole. We are going to have to make some very difficult budget choices in the weeks ahead and I hope that we can come together to ensure those choices are in the best interest of all Americans.

NOAA LABORATORY IN LAFAYETTE, LOUISIANA

Mr. BREAUX. First, I'd like to thank Senator HOLLINGS and Senator GREGG for all of their help over the last four years in trying to establish a strong NOAA presence in Lafayette, Louisiana. Their efforts are most appreciated by me and by the State of Louisiana.

Many of my colleagues may not realize that Congress appropriated close to $14 million in the 1991 Commerce, Justice, State appropriations bill to build 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 long ago, 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. I have 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 lowing 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 habitat for over 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;
$7.4 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 million per year in fur harvest (40% of the nation's total; and
$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 march 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 coastline 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 increases in size and 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 GREGG 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 end of the week is, of course, 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 able 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. KENNEDY), 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.]

YEAS—97

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Reed
Boxer	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Helms	Sessions
Cantwell	Hollings	Shelby
Carnahan	Hutchinson	Smith (NH)
Carper	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Clinton	Jeffords	Stabenow
Cochran	Johnson	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—3

Dodd	Kennedy	Mikulski

The bill (H.R. 2500), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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, Ms. 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 appreciate 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 Linskey, Katherine Hennessey, and Nancy Perkins; and, of course, my own staff: Lila Helms, Jill Shapiro Long, Dereck Orr, and Luke Nachbar.

I thank particularly the staff that really gets it done: Lula Davis, Marty Paione, 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.

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 course. He is going to do it 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, he said 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 their boys 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 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 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.

THE HAPPY HOOLIGANS

Mr. CONRAD. Madam President, when the Pentagon was attacked and F–16s were scrambled from Langley Air Force Base, those fighter planes were the 119th Fighter Wing of the North Dakota National Guard. I didn't know that myself when I saw those planes flying. I can tell you, they made an awful lot of us feel much more secure when we saw F–16 fighter planes in the air protecting Washington, DC. So imagine my surprise and my pride when I learned that those were North Dakota National Guard fighter planes.

This is the group we affectionately call in North Dakota the Happy Hooligans. The Happy Hooligans are America's best. The Happy Hooligans have been called the best fighter unit on the planet Earth. They have been called that because the Happy Hooligans have been recognized in competition after competition as America's best. Not only have they won the competitions—the William Tell award, for example—as the best active fighting unit in the United States, but they have not only been in competition with other National Guard units but the regular Air Force. The Happy Hooligans come out No. 1.

So not only are we incredibly proud in North Dakota that a key part of this

Nation's defense at this time of tragedy and attack was from North Dakota but that we sent our very best and that our very best are America's very best.

GROWING PROBLEM OF PIRACY AT SEA

Mr. AKAKA. Mr. President, I rise today to call attention to the growing problem of piracy at sea. The days of Blackbeard and Captain Kidd may be gone, but pirates are still with us.

In February 2001 the International Maritime Bureau, IMB, of the International Chamber of Commerce reported that piracy attacks jumped 57 percent from 1999 to 2000. The IMB reported a total of 469 attacks on ships either at sea, at anchor, or in port. Today's pirates prowl the sea in speedboats, armed with automatic weapons, satellite phones, and global positioning devices. They are often backed by organized crime syndicates, making use of forged registration documents and bills of lading to offload hijacked cargo. Rarely are hijacked ships recovered or pirates arrested.

We should be concerned with this because U.S. trade and national security depend upon maritime transportation. Ninety percent of the world's cargo is carried over the seas. In addition to its role in foreign commerce, our Nation's merchant shipping fleet provides vital national security sealift in the event of war or other crisis. Crews and cargo are coming under increasing attack from pirates. Through violence or the threat of force, pirates are boarding vessels and looting cargo. Last year, there were 72 reported deaths of mariners and 99 injuries due to pirate attacks.

Maritime crime, in general, can take many forms including low-level assaults, thefts, armed robbery, organized hijacking, environmental crimes, and smuggling of humans or contraband. Criminals use violence or the threat of violence to target seafarers, cargo, and ships. Attacks may occur while at dock, in territorial waters, or on the high seas. Piracy can result in immediate loss of life and property and may present a threat to navigational safety.

Under international law, piracy is defined as theft or other illegal acts of violence committed on the high seas for private gain by the crew of a private ship against another ship, or the persons or property on board. The phrase ''on the high seas'' is a legal term of art. It is any area not within the territorial sea, or sovereignty, of another state. Under the United Nations Convention on the Law of the Sea, a state's territorial sea extends 12 nautical miles from its coastline. Piracy on the high seas is considered a crime against all nations. Accordingly, under international law every state has the right to seize pirate ships on the high seas and arrest pirates who are subject to the jurisdiction of the courts of the state which carried out the arrest.

The true scope of the piracy problem, however, is not known. Despite numerous press reports, current sea piracy statistics are incomplete. There is no consensus among reporting organizations on what constitutes a reportable piracy attack. Although the definition under international law requires that the attack occur on the high seas, some organizations include attacks at port. In addition, it appears that instances of piracy among noncommercial vessels such as yachts and regional fishermen may be significantly underreported.

Although the risk of attack on U.S. flag ships is not significant, piracy is a problem for our trading partners in Asia. The nations of this region account for more than $435 billion in trade with the U.S., more than any other region in the world. Approximately 98 percent of this commerce moves by sea. The Malacca Straits, separating the Malay Peninsula with the island of Sumata, is one of the most important shipping lanes in the world. Surrounded by the nations of Indonesia, Malaysia, and Singapore, it is the shortest route between the Indian Ocean and the South China Sea. Asian allies, dependent on oil imports from the Arabian Gulf, rely upon ships passing safely through the straits. It also happens to be a pirate hot spot.

The piracy problem in Southeast Asia has resulted in several regional responses. In July 2000 Indonesia set up a special court to try piracy cases. In November 2000 the Japanese sent a coast guard vessel to India and Malaysia to participate in joint exercises. In January 2001 Malaysia launched an operation to reduce piracy in the Malacca Straits in cooperation with Indonesia, Singapore, and Thailand. In June 2001 the Japanese Coast Guard announced that it is planning to send patrol boats to the region periodically to participate in joint training exercises.

The U.S. has also responded to this issue through the U.S. Coast Guard, USCG. The Coast Guard's Deepwater Program is responsible for conducting operations 50 miles or more out to sea. The Coast Guard is leveraging its maritime law enforcement expertise by providing training to foreign maritime law enforcement agencies to combat sea piracy. For example, in June 2001 the USCG led a cooperation afloat readiness and training, CARAT, exercise on maritime law enforcement techniques with the Royal Thai Navy. CARAT is an annual series of bilateral exercises between the American military and that of several Asian nations including Indonesia, Malaysia, Singapore, the Philippines, and Brunei. Although well-suited for this mission the Coast Guard is currently ill-equipped. It is in the process of modernizing its aging fleet to carry out more deepwater missions. The current plan calls for the replacement of approximately 100 cutters and more than 200 aircraft in the Deepwater Program.

The rise in the number and seriousness of pirate attacks has drawn the attention of the United Nations' International Maritime Organization, IMO. The IMO encourages cooperation among governments in the area of regulations and standards concerning maritime safety. Since 1998, the IMO has sponsored a series of seminars around the world to study the piracy problem and heighten awareness. At a June 2001 meeting the IMO renewed its call for all governments and industry to intensify their efforts to eradicate sea piracy and encouraged regional agreements supported by appropriate national piracy laws and adequate enforcement and prosecutorial capabilities. The IMO also approved a draft resolution for submission to the U.N. General Assembly session in November 2001.

As the Bush administration reviews its policy on the issue of sea piracy, I strongly encourage consideration of the following points: (1) We need better statistics on pirate attacks to assess the national security risks. More detailed reporting and analysis is needed to determine the appropriate response to this problem. (2) The U.S. should commend those nations in the region that are attempting to police the waters within their jurisdiction and reduce the number of pirate attacks. (3) The U.S. should encourage further regional cooperation, such as the recent agreement between Japan and Southeast Asian nations regarding joint training exercises. (4) Finally, the U.S. should continue to support the actions of the United Nations in addressing the issue of sea piracy. This would include determining the scope of the problem, whether regional actions are adequate, whether further legislation is needed in some countries, and how the U.N. can be of assistance in drafting these new laws and encouraging more effective enforcement capabilities.

Modern-day piracy must be stopped, and the United States can and should be an active partner in the fight against pirate attacks.

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.

I would like to describe a terrible crime that occurred August 26, 2001, in Portland, OR. Lorenzo Okaruru, according to detectives, died after being savagely beaten about the head and face with a blunt instrument, most likely by a man who picked up someone he thought was a woman and was angered to find out Okarura was a man. Law enforcement officials have said they believe Okaruru was killed based on sexual orientation or gender identity. The Washington County Sheriff's Office last week classified

Okaruru's August 26 beating as a hate crime, the first such killing in the county.

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.

COMMENDING THE SERVICE OF NANCY T. NORTON

Mr. WARNER. Mr. President, I rise today for the Senate to recognize the dedication and professional contributions made to the United States Senate and the Commonwealth of Virginia by one of my valuable staff members, Nancy T. Norton.

For 2 years Nancy has effectively served as my Legislative Assistant for Military and Foreign Affairs. She has worked tirelessly in this position to provide sound counsel to me in the formation of military and foreign policy.

More importantly, Nancy brought to this position endless energy and a wealth of compassion and caring as she worked on legislation to improve the quality of life for the men and women of the armed forces, our nation's military retirees and our veterans.

Nancy's distinguished professional career is one of many accomplishments. After having graduated from the United States Naval Academy, Nancy began her service to the country as a Naval Officer and aviator flying the C–130 aircraft. Among the positions she held during her military career, she served as a pilot instructor for the E–6A aircraft and flew worldwide logistic support missions for the Department of Defense, including those in support of the Joint Chiefs of Staff in and around the Pacific Theater. Later, Nancy served as a Congressional Liaison Officer and a Department of Defense Legislative Detailee in the offices of Senator SUSAN COLLINS and former Virginia Congressman Norman Sisisky.

After a time in the private sector, Nancy returned to public service as a member of my staff. She has been a tremendous asset to me as she brought her integrity and professionalism to every task she undertook. All of the members of my staff join me in wishing her every success in the next chapter of her career.

ADDITIONAL STATEMENTS

TRIBUTE TO ALBUQUERQUE COOPERATIVE STUDIES PROGRAM CLINICAL RESEARCH PHARMACY COORDINATING COUNCIL CENTER

• Mr. DOMENICI. Mr. President, I rise today to recognize the Cooperative Studies Program Clinical Research Pharmacy Coordinating Council Center in Albuquerque, NM. This center will soon be awarded the Robert W. Carey Quality Award by the Department of Veterans' Affairs. This award is VA's highest recognition for quality achievement. The Carey Award honors VA offices that demonstrate organizational effectiveness and high-quality service to our Nation's veterans. The award encourages efficient management by prominently honoring the VA's highest performing offices.

The Albuquerque Pharmacy Coordinating Council Center truly deserves this great honor. The center was founded in 1972 as a part of VA's Cooperative Services Program. This program is responsible for planning and conducting the large multicenter clinical trials within VA, and the Albuquerque center manages all of the pharmaceutical aspects of these trials. The center plays a critical role in planning VA's clinical trials, packaging clinical trial materials, and monitoring the implementation of clinical trials. These trials have benefitted not only our Nation's veterans, but have improved the health of our entire Nation, by contributing to the rapidly increasing body of medical knowledge.

The center has a staff of over 60 highly trained and experienced pharmacy and management professionals and technicians. Through the efforts of these outstanding employees and under the excellent leadership of Director Dr. Mike Sather, the center has developed a solid reputation within the medical research community. In fact, the center has contributed to ground-breaking medical research in developing treatments for a wide range of diseases from cancer to heart disease to mental illness. The center has also demonstrated its proficiency in its successful collaborations with such institutions as the National Institutes of Health, specifically the National Heart, Lung and Blood Institute and the National Institute of Mental Health, as well as the centers for Disease Control and Prevention.

The recognition of the Albuquerque center by the VA should come as no surprise to anyone familiar with its history. In fact, the center has previously been recognized for its achievements by Quality New Mexico and has received both the Roadrunner Recognition and the Piñon Award. I congratulate the exceptional leadership and the devoted staff of the Albuquerque Pharmacy Coordinating Council Center on this fine achievement, and I look forward to their future accomplishments in improving the health of our Nation and demonstrating our continued commitment to our Nation's veterans.•

MESSAGES FROM THE HOUSE

At 9:35 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 22. Joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States.

At 4:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed today, September 13, 2001, by the President pro tempore (Mr. BYRD).

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.R. 2291. An act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 13, 2000, she had presented to the President of the

United States the following enrolled joint resolution:

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3825. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a report relative to the Crop Year 2001 Agricultural Economic Assistance Act; to the Committee on the Budget.

EC–3826. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances'' (RIN2900–AK96) received on August 25, 2001; to the Committee on Veterans' Affairs.

EC–3827. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a twenty-five percent danger pay allowance for the Gaza Strip, the West Bank and the Former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

EC–3828. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of a list of agreements and backgrounds statements concerning international agreements other than treaties; to the Committee on Foreign Relations.

EC–3829. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax; Recodification of Regulations (2001R–58P)'' (RIN1512–AC47) received on September 7, 2001; to the Committee on Finance.

EC–3830. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Domestic Asset/Liability and Investment Yield Percentages'' (Rev. Proc. 2001–48) received on September 7, 2001; to the Committee on Finance.

EC–3831. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Payments for New Medical Services and New Technologies under the Acute Care Hospital Inpatient Prospective Payment System'' (RIN0938–AL09) received on September 7, 2001; to the Committee on Finance.

EC–3832. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Annual Report on Commercial Activities for 2000; to the Committee on Governmental Affairs.

EC–3833. A communication from the Acting Director of the Office of Resource Management, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC–3834. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 7, 2001; to the Committee on Governmental Affairs.

EC–3835. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Inventory of Commercial Activities for 2001; to the Committee on Governmental Affairs.

EC–3836. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1755, Telecommunications System Construction Contract and Specifications'' (RIN0572–AB41) received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3837. A communication from the Congressional Review Coordinator , Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports'' (Doc. No. 00–017–1) received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3838. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1755, RUS Standard for Service Installations at Customer Access Locations'' received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3839. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Section 709.12 Prepayment Fees to Federal Home Loan Bank'' received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3840. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 749 Records Preservation Program and Record Retention Appendix'' received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3841. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–B–7419) received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3842. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 721—Incidental Powers'' received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3843. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Section 709.12—Prepayment Fees to Federal Home Loan Bank'' received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3844. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 712—Credit Union Service Organizations'' received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3845. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–MPC Revision'' (RIN3150–AG83) received on August 27, 2001; to the Committee on Environment and Public Works.

EC–3846. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver 1-Hour Ozone Redesignation of Attainment, Designation of Area for Air Quality Planning Purposes, and Approval of Related Revisions'' (FRL7044–8) received on September 5, 2001; to the Committee on Environment and Public Works.

EC–3847. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Trip Reduction, and Reduction of Diesel Vehicle Emissions'' (FRL7044–6) received on September 5, 2001; to the Committee on Environment and Public Works.

EC–3848. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska'' (FRL7052–7) received on September 5, 2001; to the Committee on Environment and Public Works.

EC–3849. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and South Coast Air Quality Management District'' (FRL7045–9) received on September 5, 2001; to the Committee on Environment and Public Works.

EC–3850. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to appropriations for the Brigantine Inlet to Great Egg Harbor Inlet, Brigantine Island, New Jersey; to the Committee on Environment and Public Works.

EC–3851. A communications from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the United States Air Force Academy; to the Committee on Armed Services.

EC–3852. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to Maxwell Air Force Base; to the Committee on Armed Services.

EC–3853. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Review of Acquisition Plans for Conventional Ammunition'' (DFARS Case 2000–D030) received on September 6, 2001; to the Committee on Armed Services.

EC–3854. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Iceland—Newly Designated Country Under Trade Agreements Act'' (DFARS Case 2001–D008) received on September 6, 2001; to the Committee on Armed Services.

EC–3855. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Caribbean Basin Country End Products'' (DFARS Case 2000–D302) received on September 6, 2001; to the Committee on Armed Services.

EC–3856. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Financial Institutions on DoD Installations'' (RIN0790–AG73) received on September 7, 2001; to the Committee on Armed Services.

EC–3857. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Reporting Requirements Update'' (DFARS Case 2001–D004) received on September 7, 2001; to the Committee on Armed Services.

EC–3858. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''DoD Pilot Mentor-Protege Program'' (DFARS Case 2001–D006) received on September 6, 2001; to the Committee on Armed Services.

EC–3859. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations'' (RIN0790–AG74) received on September 7, 2001; to the Committee on Armed Services.

EC–3860. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port Huron Tall Ship Celebration. St. Clair River, MI'' ((RIN2115–AA97)(2001–0097)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3861. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ackerman Engagement Fireworks Display, Westhampton Beach, NY'' ((RIN2115–AA97)(2001–0099)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3862. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Algoma Shanty Days 2001, Algoma Harbor, Wisconsin'' ((RIN2115–AA97)(2001–0100)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3863. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Inner Harbor Navigation Canal, LA'' ((RIN2115–AE47)(2001–0086)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3864. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atchafalaya River, LA'' ((RIN2115–AE47)(2001–0088)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3865. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Wrightsville Channel, Wrightsville Beach, North Carolina'' ((RIN2115–AE46)(2001–0028)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3866. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Trail Creek, IN'' ((RIN2115–AE47)(2001–0085)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3867. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Hampton River, Hampton, Virginia'' ((RIN2115–AE46)(2001–0030)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3868. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Delaware River, Pea Patch Island to Delaware City, Delaware'' ((RIN2115–AE46)(2001–0027)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3869. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Cheboygan River, MI'' ((RIN2115–AE47)(2001–0089)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3870. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Port Allen Canal, LA'' ((RIN2115–AE47)(2001–0087)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3871. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Duwamish Waterway and Lake Washington Ship Canal, WA'' ((RIN2115–AE47)(2001–0090)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3872. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Milwaukee River, Milwaukee, WI'' ((RIN2115–AE46)(2001–0031)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3873. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Diego Bay'' ((RIN2115–AA97)(2001–0089)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3874. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Milwaukee Home Run 2001 Hog Rally Fireworks, Milwaukee, WI'' ((RIN2115–AA97)(2001–0083)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3875. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Diego Bay'' ((RIN2115–AA97)(2001–0095)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3876. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Nanticoke River, Sharptown, Maryland'' ((RIN2115–AE46)(2001–0029)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3877. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Establishment of Class E Airspace at Van Nuys Airport; Van Nuys, CA'' ((RIN2120–AA66)(2001–0144)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3878. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Modification of Class D and Class E Airspace, Bellingham, WA'' ((RIN2120–AA66)(2001–0145)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3879. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Realignment of Jet Routes and VOR Federal Airways, FL'' ((RIN2120–AA66)(2001–0152)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3880. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Class E Airspace; Springhill, LA'' ((RIN2120–AA66)(2001–0151)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3881. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) Series Airplanes; Model Hawker 800, Hawker 800 (U–125A), Kawker 800XP, and Hawker 1000 Airplanes'' ((RIN2120–AA64)(2001–0490)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3882. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Class E Airspace, Jackson, WY'' ((RIN2120–AA66)(2001–0150)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3883. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Class E Airspace, Sidney, MT'' ((RIN2120–AA66)(2001–0149)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3884. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Modification of Class E Airspace, Lewistown, MT'' ((RIN2120–AA66)(2001–0148)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3885. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Class E Airspace, Fort Bridger, WY'' ((RIN2120–AA66)(2001–0147)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3886. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Diego Bay'' ((RIN2115–AA97)(2001–0096)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3887. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Amend Legal Description of Federal Airway V–611'' ((RIN2120–AA66)(2001–0153)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3888. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines'' ((RIN2120–AA64)(2001–0477)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3889. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives Immediatley Adopted Rule; Airbus Model A300 B2 and B4 Series Airplanes and Model A300 B4–600, and F4–600R (collectively called A300–600) Series Airplanes'' ((RIN2120–AA64)(2001–0481)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3890. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule, Request for Comments; Agusta S.P.A. Model A109E Helicopters'' ((RIN2120–AA64)(2001–0480)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3891. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace; Pittsburgh, PA'' ((RIN2120–AA66)(2001–0143)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3892. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; Boeing Model 737–100, –200, and –200C Series Airplanes'' ((RIN2120–AA64)(2001–0474)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3893. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes'' ((RIN2120–AA64)(2001–0485)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3894. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' ((RIN2120–AA64)(2001–0484)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3895. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Immediately Adopted Rule: Boeing Model 767 Series Airplanes'' ((RIN2120–AA64)(2001–0483)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3896. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Company, Inc. Model 47B, 47B–3, 47D, 47D–1, 47G, 47G–2, 47G2A, 47G–2A–1, 47G–3B, 47G–3B–1, 47G–3B2, 47G–3B–2A, 47G–4A, 47G–5, 47G–5A, 47H–1, 47J, 47J–2, 47J–2A, and 47K Helicopters'' ((RIN2120–AA64)(2001–0482)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3897. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes'' ((RIN2120–AA64)(2001–0489)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3898. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10 and MD–10 Series Airplanes'' ((RIN2120–AA64)(2001–0488)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3899. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Immediately Adopted Rule; Israel Aircraft Industries, Ltd. Model Astra SPX and 1125 Westwind Astra Series Airplanes'' ((RIN2120–AA64)(2001–0487)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3900. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–100, 200, and 300 Series Airplanes'' ((RIN2120–AA64)(2001–0486)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3901. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Revision of Class E Airspace, Vernal, UT'' ((RIN2120–AA66)(2001–0146)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3902. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; McDonnell Douglas Model DC–10 Series Airplanes, and KC–10A and KDC–10 (military) Airplanes'' ((RIN2120–AA64)(2001–0478)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3903. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule Boeing Model 707 and 720 Series Airplanes'' ((RIN2120–AA64)(2001–0475)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3904. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; McDonnell Douglas Model 717 Series Airplanes'' ((RIN2120–AA64)(2001–0479)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3905. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; Bombardier Model DHC–8–102, –103, –106, 201–202, 301, 311, 314, and 315'' ((RIN2120–AA64)(2001–0476)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3906. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands'' received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3907. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting , pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (rescinds the groundfish trawl closure in the Chiniak Gully Research Area'' received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3908. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Hook-and-Line Gear Groundfish, Gulf of Alaska'' received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3909. A communication from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Federal Assistance to Expand the Use of Satellite Data for the Study of Scientific Phenomena in Local and Regional Areas'' (RIN0648–ZA44) received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3910. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts'' (I.D. 082401D) received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3911. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/ Flathead Sole/ ''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area'' received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Brian Jones, of California, to be General Counsel, Department of Education.

By Mr. LEAHY for the Committee on the Judiciary:

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Mary Beth Buchanan, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Peter W. Hall, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

By Mr. BIDEN for the Committee on Foreign Relations:

*Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Laura E. Kennedy.

Post: Ambassador to Turkmenistan.

Contributions, Amount, Date, and Donee:

1. Self, None.

2. Spouse: John J. Feeney, None.

3. Children: Martin Feeney, None. Patrick Feeney, None.

4. Parents: Alfred Kennedy, $25.00, 08/04/97, RNC; $25.00, 09/09/97, RNC; $25.00, 02/10/98, RNC; $30.00, 05/11/98, RNC; $50.00, 06/22/98, RNC; $30.00, 09/29/98, RNC; $50.00, 10/16/98, RNC; $25.00, 10/30/98, RNC; $50.00, 01/19/99, RNC; $25.00, 03/02/99, RNC; $50.00, 03/22/99, RNC; $50.00, 03/29/99, RNC; $50.00, 10/01/99, RNC; $25.00, 02/17/00, RNC; $15.00, 02/24/00, RNC; $25.00, 03/13/00, RNC; $25.00, 06/15/00, RNC; $25.00, 06/16/00, RNC; $51.00, 09/25/00, RNC; $50.00, 10/11/00, RNC; $25.00, 10/12/00, RNC; $50.00, 10/21/00, RNC; $25.00, 10/21/00, Virginia GOP; $50.00, 11/17/00, RNC; $50.00, 01/05/01, RNC.

Laura Kennedy, None.

5. Grandparents: Eugene Patton, None (Deceased). Elizabeth Patton, None (Deceased). Marie Kennedy, None (Deceased). Ralph Kennedy (step-grandfather), None (Deceased). Oswald Kwiecsinky, None (Deceased).

6. Brothers and Spouses: Bryan Kennedy (brother), None. Marilyn Cole (spouse), None.

7. Sisters and Spouses: Victoria Kennedy (sister), None. Elizabeth Gische (sister), None. David Gische (spouse), $100.00, 10/18/00, DNC; $100.00, 08/30/00, DNC; $100.00, 01/06/00, Emily's List; $100.00, 10/15/97, DNC.

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*Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

*John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

*John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John D. Negroponte.

Post: Permanent Representative to the United Nations.

Contributions, Amount, Date, and Donee:

1. Self: $1,000.00, 1999, G.W. Bush Exploratory Committee; 200.00, 1998, Matt Fong for Senate.

2. Spouse: $1,000.00, 1999, G.W. Bush Exploratory Committee; 290.00, 2000, RNC Victory 2000; 100.00, 2000, Bush Cheney Recount; 520.00, 2000, McCain 2000.

3. Children: Minors, no contributions.

4. Parents: Catherine Negroponte, Deceased, none. Dimitri Negroponte, Deceased, none.

5. Grandparents: John Negroponte, Deceased, none. Helen Negroponte, Deceased, none. Helen Coumantaros, Deceased, none. Nicholas Coumantaros, Deceased, none.

6. Brothers and Spouses: George Negroponte $50.00, 1997, DNC; 100.00, 1998, DNC; 100.00, 1997, People for the American Way. Hope Igelhardt (George's spouse), No contributions. Michel Negroponte, $25.00, 1997, Friends of Barbara Boxer; 75.00, 1998, Friends of Barbara Boxer; 25.00, 2000, Ferraro for Senate. Joni Negroponte, (Michel's spouse), 175.00, 2000, Hillary Clinton for Senate. Nicholas Negroponte No contributions. Elaine Negroponte, (Nicholas' spouse), $25.00, 2000, Paul Dumachis (Boston).

7. Sisters and Spouses: n/a.

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*Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marcelle M. Wahba.

Contributions, Amount, Date, and Donee:

Self: None.

Spouse: Derek Farwagi, None.

Parents: Carmen & Michel Wahba, None.

Grandparents: Deceased.

Brothers and Spouses: Wagdy Wahba, None.

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*Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald E. Neumann.

Post: Bahrain.

Contributions, amount, date, and donee:

1. Self: Ronald E. Neumann, None.

2. Spouse: Margaret Elaine Neumann, None.

3. Children and Spouses: Brian D. Neumann, None. Helen D. Neumann, None.

4. Parents: Robert and Marlen Neumann. See Attachment: Marlen—Deceased July 15, 1997. Robert—Deceased June 18, 1999.

5. Grandparents: Mark and Helen Eldredge—Deceased. Hugo and Stephanie Neumann—Deceased.

6. Brothers and Spouses: Gregory and Leonica Neumann, None.

7. Sisters and Spouses: Marcia Neumann—Deceased.

Political contributions by parents Robert G. and Marlen E. Neumann (Given to me in 1997, before my Mother's death. At that time, there were no contributions for 1997. I do not know of any made after that).

$210.00, 1996, Republican National Committee; 50.00, 1996, Friends of Barbara Boxer; 200.00, 1996, Crawford for Congress; 60.00, 1996, Republicans for Choice; 100.00, 1996, Lugar for President; 200.00, 1996, Dole for President; 50.00, 1996, Republican Campaign Council; 50.00, 1996, Council for the National Interest; 25.00, 1996, Republican Presidential Task Force; 140.00, 1996, Montgomery County Republican Party; 100.00, 1996, Republicans Abroad; 25.00, 1996, People for the American Way; 100.00, 1996, Patterson for Senate; 50.00,

1996, Harvey Gantt for Senate; $100.00, 1995, Republican Campaign Council; 70.00, 1995, Republicans for Choice; 65.00, 1995, Montgomery County Republican Party; 50.00, 1995, Spiro for Congress; 85.00, 1995, Concord Coalition; 50.00, 1995, Montgomery County Republican Party; 40.00, 1995, NARAL; 50.00, 1995, Council for the National Interest; 100.00, 1995, Republican National Committee; 100.00, 1995, Dole for President; 100.00, 1995, Republicans Abroad; 50.00, 1995, People for the American Way; 50.00, 1995, Crawford for Congress; 100.00, 1995, Lugar for President; 25.00, 1995, Republican Presidential Task Force; 100.00, 1995, Tom Campbell for U.S. Congress.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. SPECTER, and Mr. WARNER):

S. 1421. A bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, Mr. HATCH, Mr. SPECTER, Mr. BIDEN, Mr. WARNER, Mr. SARBANES, Mr. ALLEN, Mr. DASCHLE, Mr. NICKLES, Ms. MIKULSKI, Mr. INHOFE, and Mr. BYRD):

S. 1422. A bill to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; to the Committee on the Judiciary.

By Mr. BUNNING:

S. 1423. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for military or civilian employees of the United Stats who are victims of terrorist attacks against the United States; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. HATCH, and Mr. DURBIN):

S. 1424. A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of ''S'' visa nonimmigrants; considered and passed.

By Mr. WYDEN:

S. 1425. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 492

At the request of Mr. THOMPSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 492, a bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals.

S. 497

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 634

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 634, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Enterprise Communities, and for other purposes.

S. 640

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 640, a bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment.

S. 942

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 942, a bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002.

S. 948

At the request of Mr. LOTT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1075

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1149

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1149, a bill to amend the Immigration and Nationality Act to establish a new nonimmigrant category for chefs and individuals in related occupations.

S. 1161

At the request of Mr. CRAIG, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. ALLARD), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1161, a bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time, earned adjustment to legal status for certain agricultural workers; and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. RES. 139

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 139, a resolution designating September 24, 2001, as ''Family Day—A Day to Eat Dinner with Your Children''.

At the request of Mr. BIDEN, the names of the Senator from Georgia (Mr. MILLER), the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 139, supra.

AMENDMENT NO. 1539

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1539 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. SPECTER, and Mr. WARNER):

S. 1421. A bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Madam President, the bill I am introducing today, and for which I will soon have cosponsors because I want everyone to have the opportunity to join me in this effort, will address one part of our aviation security issue. It is not the only one that I will look for us to address in the long term.

I do want the flying public to know that we have a safe and secure aviation system. However, last Tuesday, the terrorists who perpetrated this heinous crime found a vulnerability in that system. There are several things we will be able to do to correct this situation.

I was Vice Chairman of the National Transportation Safety Board. I have been dealing with aviation security for a long time. Today I am the ranking member of the Aviation Subcommittee of the Commerce Committee. This is my area of interest.

The bill I am introducing today would order the FAA to implement and augment within 30 days a sky marshal program that would allow for peace officers to be put in random airplane flights for domestic commercial air passenger flights and for international flights that would be coming into or out of America on U.S.-based airlines.

What I am trying to do is provide an extra measure of security which today is the responsibility of pilots. Many people may not realize it, but it is the pilot and the copilot who are responsible for dealing with unruly passengers, or with any kind of security threat to the people on an airplane.

We can no longer afford to allow pilots to have the dual responsibility of keeping the plane safe in the air and at the same time be responsible for handling disruptions in the cabin.

The FAA, which has a very limited program, can train people on how to handle a breach of the peace in an airplane. It is a unique kind of training. It is not like military training certainly. It is not like a U.S. marshal on the ground. It is a different set of circumstances. An air marshal must be able to disarm a threat to the aircraft while operating in the confined space of the cabin.

No longer can any passenger carry on even the smallest knife. The FAA has issued a ruling that not even a penknife will be allowed on an airplane by a passenger or in any kind of carry-on baggage. Our passengers will be disarmed. We want to make sure they are protected in some way.

I am introducing this legislation, which will be a temporary program for 1 year. Then the FAA will report to Congress to determine if they believe it has been successful, if it should be continued, or if it is no longer necessary.

I am allowing the FAA Administrator to assess up to $1 per passenger ticket for every segment of the flight. I talked to the FAA Administrator this morning. I told her that I wanted her to have the discretion to implement this program to deal with the security threats facing our passenger aviation system. I do not expect her to charge the full $1 if she does not feel that it is necessary. I do not expect her to do it for every leg of the flight if she does not think it is necessary. I do think we need to act quickly and there needs to be a resource.

I can't imagine any airline passenger who would object to the payment of $1 for this kind of onboard security. This would be required to be put in place within the next 30 days.

We need swift action to assure the flying public that we will do everything possible to make them secure in the air. The Administrator, Jane Garvey, told me this morning that she has already talked to the airlines about the possibility of sky marshals. My bill requires the airlines to provide a seat for the sky marshal regardless of availability. She said the airlines have already said that this is fine with them.

I am very hopeful that we will be able to enact this common-sense measure on an expedited basis. I want the people of our country to know that we are not going to leave any stone unturned to protect the public.

Having said that, I also want to say that this is not the end. This is a beginning. It is only one part of what I believe Congress and the President need to accomplish, working together to assure the safety of the people of our country. Clearly, this hijacking operation that was so well orchestrated is one facet of domestic terrorism. It highlighted a weakness in our aviation security, and we are going to clamp down in every way to assure the security of our flying public and the security of anyone in America who would be attacked by a weapon of mass destruction which, in this case, was an airplane.

They found a vulnerability and they exploited it. We must assure that we have addressed every such vulnerability for our citizens, not only for the aviation security of our country, but we need to look at the public works in our country, the water systems, the tunnel systems we have for highways and trains and for mass transit, for our subway systems. We need to be ever vigilant over the public works of our country.

Secondly, we need to establish a missile defense system for our country. We must not let any terrorist in the world believe that now we have addressed the issues of domestic terrorism within our own public works systems or our infrastructure but we would be vulnerable to an incoming ballistic missile. This should be part of our domestic terrorism effort.

I appreciate the opportunity to take this first step. I hope it is one of many. I know my colleagues will work with me, with the President, all of us working together, Democrats and Republicans, to take the extra steps that our people expect us to take to make sure everyone in the world knows that we are committed to freedom and nobody is going to dash the spirit of America.

Madam President, these tragedies have stunned the nation. Moreover, they revealed that our passenger air system was vulnerable to this cowardly attack. Preliminary reports indicate that the hijackers were armed with nothing more than knives. Horrifically, these simple weapons were apparently used to murder members of the flight crew as they bravely attempted to alert the FAA, and even change the course of at least one of the doomed flights, taking it away from population centers and our priceless national symbols.

From these early reports, it is clear that the men and women who struggled to provide this information performed heroic feats while certainly knowing that they would not survive. We stand in awe of their deeds, but we lament that it was necessary. I also want to commend the Federal Aviation Administration for somehow managing to quickly ground thousands of airborne flights to remove any further threats to our Nation. Now, our attention must turn to finding those responsible for this act of war and making sure that we do everything in our power to prevent such a tragedy from occurring again. Airline passengers should not be called upon to make the ultimate sacrifice in order to avert an even greater tragedy.

Since the hijacking of TWA flight 847 in June 1985, the FAA has been authorized to train and deploy sky marshals. There is already in place a training facility in Atlantic City, New Jersey. However, the FAA has never revealed the number or identity of the marshals, the details of their training, nor

the routes that they fly. We appreciate the need for secrecy in this program, but clearly, the sky marshal deployment needs to be substantially expanded.

Toward that end, I am introducing the Emergency Aviation Security Act of 2001. The bill will require an increased random deployment of sky marshals on both domestic and international flights. These peace officers will be hired and trained under guidelines set by the FAA, but, at a minimum, they will undergo thorough background checks and be trained to deal with situations such as the ones onboard the four hijacked aircraft.

The program may, at the FAA's discretion, be paid for with a ticket fee of not more than one dollar on every domestic segment. The program will be instituted on a temporary basis for one year, after which the FAA will report to Congress on the success of the program and make recommendations as to whether it should continue and if it should be changed.

Last year, more than 600 million people flew through U.S. airports. If we only charge the fee on domestic flights, one dollar would generate between $400–$500 million in one year. That is enough to hire, train, supervise and deploy thousands of sky marshals.

The American public needs to have the kind of security that an onboard peace officer would provide. Under current procedures, the pilot and copilot are charged with the responsibility of dealing with unruly passengers, as well as more serious threats. I believe that the pilots should fly the plane. Period. A sky marshal would relieve the pilot and copilot of this additional responsibility.

The FAA should have the flexibility to determine training requirements and qualifications. However, these guidelines must be prepared within 30 days of enactment of the legislation. This tight time frame is necessary to protect the public. This is an emergency bill and I urge my colleagues, as well as the FAA, to get behind this urgent effort.

By Mr. BUNNING:

S. 1423. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for military or civilian employees of the United States who are victims of terrorist attacks against the United States; to the Committee on Finance.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME TAXES OF UNITED STATES MILITARY AND CIVILIAN EMPLOYEES WHO ARE VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692(c) of the Internal Revenue Code of 1986 (relating to income taxes of military or civilian employees of the United States dying as a result of injuries sustained overseas) is amended by striking ''outside the United States''.

(b) CONFORMING AMENDMENT.—The heading of section 692(c) of such Code is amended by striking ''OVERSEAS'' and inserting ''AS A RESULT OF TERRORISTIC OR MILITARY ACTION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 2. RELIEF FROM ADDITIONAL ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting ''(a) IN GENERAL.—'' before ''The additional estate tax'', and

(2) by adding at the end the following:

''(b) UNITED STATES MILITARY OR CIVILIAN EMPLOYEES WHO ARE VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual dying while in active service as a military or civilian employee of the United States if such decedent dies as a result of wounds or injuries incurred in a terroristic or military action (as defined in section 692(c)(2)). The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

''SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.''.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

''Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. HATCH, and Mr. DURBIN):

S. 1424. A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of ''S'' visa non-immigrants; considered and passed.

Mr. KENNEDY. Mr. President I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF "S" VISA NONIMMIGRANTS.

Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184(k)) is amended—

(1) by striking (2);

(2) by redesignating paragraphs (3), (4), and

(5) as paragraphs (2), (3), and (4), respectively; and

(3) in paragraph (4)(E) (as redesignated), by striking ''paragraph (4)'' and inserting ''paragraph (3)''.

By Mr. WYDEN:

S. 1425. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Medicare Hospice Improvement Program Act, which is supported by the National Hospice and Palliative Care Organization. The purpose of this bill is to provide for at least three demonstration projects within Medicare to improve the delivery of the hospice benefit to seniors. This legislation would allow us to find new ways to: (1) Allow people to enroll in hospice even though they may want to continue trying curative treatment for a limited time; (2) modify the requirements to decrease the strain on rural hospice providers; and (3) revise reimbursement rates to more adequately cover comfort care. In addition this bill would provide a grant program to help defray the costs of providing education of the public, the medical community and patients about hospice care.

The Medicare hospice benefit has not been revised since it was first created nearly two decades ago. Too often patients and their families are unaware of the Medicare hospice benefit or they seek hospice care too late to get the full benefit of hospice services. This legislation is important because it would help us find ways to assure that the Medicare hospice benefit is better integrated into medical care, as well as improve patient access to the pain and symptom management, counseling, and other comfort care services provided by hospice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1551. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1552. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1553. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1554. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1555. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1556. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1557. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1558. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1559. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1560. Mr. HARKIN (for himself, Mr. HATCH, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. FEINGOLD, Mr. SMITH of Oregon, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2500, supra.

SA 1561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; which was referred to the Committee on the Judiciary.

SA 1562. Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, Mr. THOMPSON, Mr. THURMOND, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1563. Ms. COLLINS proposed an amendment to the bill H.R. 2500, supra.

SA 1564. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1565. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1566. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1567. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1568. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1569. Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 856, to reauthorize the Small Business Technology Transfer Program, and for other purposes.

TEXT OF AMENDMENTS

SA 1551. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, insert between lines 11 and 12 the following:

SEC. ____. (a) Section 203(c) of the Judicial Improvement Act of 1990 (28 U.S.C. 133 note) is amended—

(1) in the first sentence following paragraph (12), by striking ''and the eastern district of Pennsylvania'' and inserting '', the eastern district of Pennsylvania, and the northern district of Ohio''; and

(2) by inserting after the third sentence following paragraph (12) ''The first vacancy in the office of district judge in the northern district of Ohio occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.''.

(b) The amendments made by this section shall take effect on the earlier of—

(1) the date of enactment of this Act; or

(2) November 15, 2001.

SA 1552. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 18, after ''program,'' insert ''of which $8,800,000 shall be for the Maine State Police Communications Systems for technology enhancements to improve the communications infrastructure of the system.''.

SA 1553. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 14, insert after ''Counsel:'' the following: ''*Provided further,* That of the amount provided to the National Marine Fisheries Service for the Fisheries Research and Management Services for Science and Technology, $400,000 shall be available for activities with respect to Atlantic herring and mackerel:''.

SA 1554. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, strike ''$1,000,000 for the Elwin Project in Pennsylvania to reduce placement in institutions of mentally ill youth.''

At the appropriate, insert: ''$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth''; ''$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States''; and, ''$100,000 to replicate a witness relocation program in Pennsylvania.''

SA 1555. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 2, strike ''$2,089,990,000'' and insert ''$2,090,990,000''.

On page 24, line 16, strike ''$578,125,000'' and insert ''$579,125,000''.

On page 24, line 19, strike ''$78,125,000'' and insert ''$79,125,000''.

On page 24, line 21, before the semicolon insert '', and of which $1,000,000 shall be for a grant to the Joint Emergency Services Training Center in Baton Rouge, Louisiana: *Provided,* That any amount provided in this Act for the Office of Victims of Crime is reduced by $1,000,000''.

SA 1556. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. (a) ENHANCEMENT OF GRANT PROGRAM TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2012 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ADDITIONAL PRIORITY.—In awarding grants under this part, the Attorney General shall also give a priority to States, Indian tribal governments, and units of local government that afford the same priority in responses to emergency calls involving domestic violence as is afforded to responses to emergency calls involving other life threatening circumstances.''.

(b) REPORT ON RESPONSE OF LOCAL LAW ENFORCEMENT TO EMERGENCY CALLS INVOLVING DOMESTIC VIOLENCE.—(1) Not later than March 31, 2002, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the response of local law enforcement agencies to emergencies calls involving domestic violence.

(2) The report shall include the following:

(A) An analysis of the response of local law enforcement agencies throughout the United States to emergency calls involving domestic violence.

(B) A description of the manner in which local law enforcement agencies and their dispatch units (including 911 dispatch units) coordinate, establish priorities for, and respond to emergency calls involving domestic violence.

SA 1557. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

SEC. 409. Notwithstanding any other provision of law, all fees collected by the Department of State in the performance of services in connection with the processing of international adoptions, including fees collected under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), shall be deposited as offsetting receipts into a separate account in the Treasury of the United States and shall remain available, without fiscal year limitation, to the Secretary of State only for the improvement and strengthening of services performed by the Department in connection with the processing of international adoptions.

SA 1558. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Department of

Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 34, line 5, before the ''::'', insert the following: '', of which $300,000 shall be available only for the ''From Darkness to Light'' program in Charleston, South Carolina''.

On page 54, line 22, after ''::'' insert ''*Provided further*, That $1,500,000 shall be available only for the planning and design of research facilities which shall be located in Lafayette, Louisiana:''.

On page 31, line 18, after ''program'', insert the following: '', of which $1,900,000 shall be available only for the New Jersey State Police Law Enforcement Training Center''.

On page 52, line 24, before the ''::'', insert the following: '', of which $300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and $300,000 shall be available only for the Connecticut River Partnership''.

On page 20, line 14, after the ''::'', insert the following: ''*Provided further*, That, of the amount made available under this heading, $9,962,000 shall be available for partial site and planning for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in Berlin, New Hampshire:''.

On page 31, line 18, after ''program'', insert the following: '', of which $1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers''.

On page 32, line 10, after the first '','', insert the following: ''of which $3,000,000 shall be for a grant to the Law Enforcement Innovation Center at the University of Tennessee,''.

On page 32, line 5, after the '','', insert the following: ''of which $3,800,000 will be for a grant to the Jersey City Police Department's Crime Identification System to upgrade communications systems,''.

On page 30, line 24, after the third '','', insert the following: ''including $1,500,000 for a computer forensic lab in Ohio,''.

On page 23, line 25, insert ''That'' the following: ''from such funds $15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106–313; 114 Stat. 1260): *Provided further*, That''.

On page 30, line 24, insert after ''laboratories,'' the following: ''of which $600,000 shall be available to the Mecklenburg County, North Carolina Sheriff's Office for a Sex Offender Registration Unit.''.

On page 41, after line 22, insert the following:

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note) (as amended by Public Law 106–415) is amended by striking ''18 months'' each place such term appears and inserting ''36 months''.''.

Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented $58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277; 112 Stat. 2681–220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes a actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive $5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that

(1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

On page 22, line 16, after the ''))'', insert the following: '', of which not to exceed $2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: *Provided*, That no funds for the purpose of administering such program of for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.''.

On page 67, after line 15, insert the following:

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

On page 40, line 3, strike ''$3'' and insert ''$1.50''.

On page 109, line 25, strike ''$7'' and insert ''$6.50''.

On page 7, line 9, after ''That'' insert the following: ''$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes; *Provided further*, That''.

On page 22, line 21, strike ''$364,000,000, to remain available until expended.'', and insert ''$375,800,000, to remain available until expended, of which $9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.''.

On page 32, line 10, after the first '','' insert the following: ''of which $2,000,000 shall be available only for law enforcement technology upgrades for Berlin, New Hampshire,''.

On page 32, line 20, before the '';'', insert the following: '', of which $1,300,000 shall be for a grant to the California Department of Justice for a methamphetamine initiative.''

On page 23, line 2, strike ''$2,089,990,000'' and insert ''$2,094,990,000''.

On page 24, line 16, strike ''$578,125,000'' and insert ''$583,125,000''.

On page 24, line 19, strike ''$78,125,000'' and insert ''$83,125,000''.

On page 24, line 21 before the '';'', insert the following: '', of which $10,000,000 is for the Mental Health Courts Grants Initiative''.

On page 32, line 17, strike ''$48,393,000'', and insert ''$49,493,000''

On page 32, line 20, before the '';'', insert the following: '', of which $1,100,000 shall be for a methamphetamine initiative in the State of Missouri.''

On page 33, line 22, strike ''$320,026,000'' and insert ''$324,926,000''.

On page 34, line 3, strike ''$55,691,000'' and insert ''$60,591,000''.

On page 34, line 5 before the ''::'', insert the following: '', of which $5,000,000 is to fund the Strengthening Abuse and Neglect Courts Act''.

On page 34, line 5, before the ''::'', insert the following: '', of which not to exceed $5,000,000 shall be available for grants for local juvenile justice programs for mental health screening and treatment for juvenile offenders during incarceration that are inconsistent with guidelines issued by the Attorney General''.

On page 30, line 10, strike ''$1,019,874,000'' and insert $1,024,659,000''.

On page 31, line 3, strike ''$510,524,000'' and insert ''$514,209,000''.

On page 31, line 7, strike $31,315,000'' and insert $35,000,000''.

On page 76, line 6, strike ''$3,088,990,000'' and insert ''$3,063,305,000''.

On page 53, line 12, after the colon, insert the following: ''*Provided further*, That such sums as are necessary shall be available to the National Marine Fisheries Service, in collaboration with the United States Fish and Wildlife Service, to conduct a review of the agencies' joint regulations governing consultations on Federal agency actions under subsection (a)(2) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), so as to streamline the consultation process to ensure that consultations are completed within the deadlines provided in that section and have streamlined documentation requirements consistent with that section, and to make any necessary modifications to those regulations not later than April 1, 2003:''.

On page 115, after line 25, insert the following: ''SEC. 623. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.''.

On page 102, line 3, after ''as amended'', strike the period and insert '': *Provided further*, That $13,700,000 shall be available in fiscal year 2002 to fund grants authorized by section 29 of the Small Business Act.''

At the appropriate place, insert the following:

SEC. . No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment sued primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

On page 34, line 5 before the '':'', insert the following: ',of which $500,000 is for the Boy Scouts ''Learning for Life'' program''.

On page 52, line 23, strike ''$2,267,705,000'' and insert ''$2,268,305,000''.

On page 57, line 25, strike ''$939,610,000'' and insert $941,110,000''.

On page 89, line 23, strike ''S.787'' and insert ''S.1084''.

On page 89, line 24, strike ''April 26'' and insert ''June 21''.

On page 57, line 8, strike ''$133,940,000'' and insert ''$137,940,000''.

On page 16, line 22, after the semicolon insert ''of which $5,500,000 shall be for the Violence Against Women Act Unit of the Eastern Adjudication Service Center to provide for the processing of immigration self-petitions and U visas under the Violence Against Women Act (Public Law 103–322, reauthorized in Public Law 106–326) and T visas under the Victims of Trafficking and Violence Protection Act (Public Law 106–326), out of which $500,000 shall be for the Eastern Adjudication Service Center to provide for the production and distribution of training materials to State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act;''.

On page 52, line 23, strike ''$2,268,305,000 to remain available until expended'' and insert ''$2,273,305,000, to remain available until expended, of which $2,000,000 shall be for West Coast Groundfish Cooperative Research and $3,000,000 shall be for Oregon Groundfish Disaster Assistance''.

On page 31, line 18 after the '','', insert the following: ',of which $1,000,000 is to the National Sheriff's Association to conduct a multi-state information sharing demonstration project,''.

On page 58, on line 18, before the colon, insert: '', of which $2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island''.

On page 34, line 5, before the colon, insert the following: '', of which $500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth; $400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States; and, ''$100,000 to replicate a witness relocation program in Pennsylvania''.

On page 57, lien 25 strike ''939,610,000'' and insert $939,110,000''.

On page 44, line 5 strike ''$66,820,000'' and insert $67,320,000''s.

On page 115, after line 15, insert the following:

SEC. 623. Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking ''or'' at the end of clause (i);

(B) in clause (ii)—

(i) by striking ''February 17, 1999,'' and inserting ''May 17, 1996, May 7, 1997, February 17, 1999, December 15, 1999,'';

(ii) by inserting ''October 22, 1999,'' after ''February 17, 1999,''; and

(iii) by striking the semicolon at the end and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(iii) a member of the plaintiff class in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia;''; and

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' before ''For purposes'' and

(C) by adding at the end the following:

''(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

''(i) liquidating those assets without third party interest of those countries designated as state sponsors of terrorism, under section 40(d) of the Arms Control Act or section 6(i) of the Export Administration Act of 1979, held or blocked by the United States; and

''(ii) in the event the judgment remains not fully satisfied after such liquidation, using any other available means collect from Iran, with one-third of any amount collected by these other means to be remitted to the Treasury of the United States.''.

On page 10, line 18, strike ''$724,682,000'' and insert ''$699,682,000''.

On page 30, line 10, strike ''$1,019,874,000'' and insert ''$1,044,874,000''.

On page 30, line 11, strike ''$150,962,000'' and insert ''$175,962,000''.

On page 30, line 24, insert after the third '','', the following: ''of which $25,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.),''.

SA 1559. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purpose; as follows:

On page 12, line 10, strike ''as in effect on June 1, 2000;''.

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 Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes 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 ''$79,625,000 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 ''3,061,805,000''.

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 Appropriations of the Senate and House of Representatives Appropriation Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

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

SEC. 623. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking ''on or about October 1, 2000,'' and all that follows through the end and inserting ''not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003.''.

SA 1560. Mr. HARKIN (for himself, Mr. HATCH, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. FEINGOLD, Mr. SMITH of Oregon, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists 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 American 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 and police having to 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

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

SA 1561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expedited payment of certain benefits for public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; which was referred to the Committee on the Judiciary; as follows:

On page 2, at line 8, delete ''shall pay to qualified beneficiaries, not later than 30 days'' and insert ''Shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days''.

SA 1562. Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, Mr. THOMPSON, Mr. THURMOND, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 116, between lines 9 and 10, insert the following:

TITLE VIII—TERRORISM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Combating Terrorism Act of 2001''.

SEC. 812. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing an assessment of the capabilities of the National Guard to preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

SEC. 813. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect science and technology necessary to prevent, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term ''catastrophic terrorist attack'' means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 814. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) REVIEW REQUIRED.—The Attorney General shall conduct a review of the legal authority of the agencies of the Federal Government, including the Department of Defense, to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term ''catastrophic terrorist attack'' means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 815. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence related terrorist plans, intentions and capabilities.

SEC. 816. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403–4).

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the type of information that can be shared by the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community; and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.—The terms ''foreign intelligence'' and ''counterintelligence'' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947.

SEC. 817. JOINT TASK FORCE ON TERRORIST FUNDRAISING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals; and

(2) the Federal Government is not fully utilizing all the tools available to it to prevent, deter, or disrupt the fundraising activities of international terrorist organizations, and it should do so.

SEC. 818. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.

(a) REPORT ON IMPROVEMENT OF CONTROLS.—(1) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) The Attorney General shall prepare the report under paragraph (1) in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Agriculture, the Director of Central Intelligence, the Commissioner of Customs, and other appropriate Federal officials.

(3) The report under paragraph (1) shall include—

(A) a list of the equipment identified under that paragraph as critical to the development, production, or delivery of biological weapons;

(B) recommendations, if any, for legislation to make illegal the possession of the equipment identified under subparagraph (A), for other than a legitimate purpose, including attempts and conspiracies to do the same;

(C) recommendations, if any, for legislation to control the domestic sale and transfer of the equipment identified under subparagraph (A); and

(D) recommendations, if any, for legislation to require the tagging or other means of marking of the equipment identified under subparagraph (A).

(b) IMPROVED SECURITY OF FACILITIES.—(1) Commencing not later than 60 days after the date of the enactment of this Act, the President shall undertake appropriate actions to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at the research laboratories and other government and private facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other wrongful diversion of such pathogens.

(2) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report on the actions undertaken under paragraph (1).

SEC. 819. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.

(a) REQUIREMENT FOR FULL REIMBURSEMENT.—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) QUALIFIED EMPLOYEE.—In this section, the term ''qualified employee'' means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the legislative branch of Government.

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.—The terms ''law enforcement officer'' and ''professional liability insurance'' have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Subtitle B—Criminal Matters

SEC. 831. LAUNDERING OF PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amending by inserting ''or 2339B'' after ''2339A''.

SEC. 832. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire and electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

''(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

''(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State investigative or law enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of that section is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking '', or who has been ordered by the court'' and inserting ''or applied, or who is obligated by the order''.

(c) EMERGENCY INSTALLATION.—

(1) AUTHORITY FOR UNITED STATES ATTORNEYS.—Section 3125(a) of that title is amended in the matter preceding paragraph (1)—

(A) by striking ''or any Deputy Assistant Attorney General,'' and inserting ''any Deputy Assistant Attorney General, or any United States Attorney,''.

(2) EXPANSION OF EMERGENCY CIRCUMSTANCES.—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) immediate threat to the national security interests of the United States;

''(D) immediate threat to public health or safety; or

''(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,''.

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting ''or process'' after ''a device''; and

(B) by striking ''of an instrument'' and all that follows through the end and inserting ''or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;''.

SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

''(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or''.

SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking 'and section 1341 (relating to mail fraud),' and inserting 'section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),'.

SA 1563. Ms. COLLINS proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

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''.

SA 1564. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.

Section 2516(1) of title, 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesigned by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

''(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or''.

SA 1565. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire and electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

''(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required by effectuate the order.

''(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended——

(A) in subparagraph (A)——

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) Nondisclosure Requirements.—subsection (d)(2) of that section is amended::

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking ''or who has been ordered by the court'' and inserting ''or applied or who is obligated by the order''.

(c) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended——

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) immediate threat to the national security interests of the United States;

''(D) immediate threat to public health or safety; or

''(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,''.

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting ''or process'' after ''a device''; and

(B) by striking ''of an instrument'' and all that follows through the end and inserting ''or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;''.

SA 1566. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY PEN REGISTER AUTHORITY FOR U.S. ATTORNEYS.

Section 3125(a) of title 18, United States Code, is amended—

(1) by striking ''any investigative or law enforcement officer, specially designated by''; and

(2) by striking ''or any Deputy Assistant Attorney General,'' and inserting ''any Deputy Assistant Attorney General, or any United States Attorney,''.

SA 1567. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO THE COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking 'and section 1341 (relating to mail fraud),' and inserting 'section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),'.

SA 1568. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. . LAUNDERING THE PROCEEDS OF TERRORISM

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SA 1569. Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 856, to reauthorize the Small Business Technology Transfer Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Technology Transfer Program Reauthorization Act of 2001''.

SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.

(a) IN GENERAL.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended to read as follows:

''(1) REQUIRED EXPENDITURE AMOUNTS.—

''(A) IN GENERAL.—With respect to each fiscal year through fiscal year 2009, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

''(B) EXPENDITURE AMOUNTS.—The percentage of the extramural budget required to be expended by an agency in accordance with subparagraph (A) shall be—

''(i) 0.15 percent for each fiscal year through fiscal year 2003; and

''(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter.''.

(b) CONFORMING AMENDMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking ''pilot'' each place it appears.

SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.

(a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$500,000'' and inserting ''$750,000''; and

(2) by inserting before the semicolon at the end the following: '', and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

SEC. 4. AGENCY OUTREACH.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(14) implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and''.

SEC. 5. POLICY DIRECTIVE MODIFICATIONS.

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

''(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided for under paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C)).''.

SEC. 6. STTR PROGRAM DATA COLLECTION.

(a) IN GENERAL.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

''(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k).''.

(b) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR'' after ''SBIR'' each place it appears;

(B) in subparagraph (C), by striking ''and'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(E) with respect to assistance under the STTR program only—

''(i) whether the small business concern or the research institution initiated their collaboration on each assisted STTR project;

''(ii) whether the small business concern or the research institution originated any technology relating to the assisted STTR project;

''(iii) the length of time it took to negotiate any licensing agreement between the small business concern and the research institution under each assisted STTR project; and

''(iv) how the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project were allocated (by percentage) between the small business concern and the research institution.''; and

(2) in paragraph (2)—

(A) by inserting ''or an STTR program pursuant to subsection (n)(1)'' after ''(f)(1)'';

(B) by striking ''solely for SBIR'' and inserting ''exclusively for SBIR and STTR'';

(C) in subparagraph (A)(iii), by inserting ''and STTR'' after ''SBIR''; and

(D) in subparagraph (D), by inserting ''or STTR'' after ''SBIR''.

(c) SIMPLIFIED REPORTING REQUIREMENTS.—Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended by inserting ''or STTR'' after ''SBIR'' each place it appears.

(d) REPORTS TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and (o)(9),'' and inserting '', (o)(9), and (o)(15), the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns under each of the SBIR and STTR programs,''.

SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.

(a) DEVELOPMENT OF MODEL AGREEMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(w) STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.—

''(1) IN GENERAL.—The Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

''(2) OPPORTUNITY FOR COMMENT.—In promulgating regulations under paragraph (1), the Administrator shall provide to affected agencies, small business concerns, research institutions, and other interested parties the opportunity to submit written comments.''.

(b) ADOPTION OF MODEL AGREEMENT BY FEDERAL AGENCIES.—Section 9(o)(11) of the Small Business Act (15 U.S.C. 638(o)(11)) is amended by striking ''develop a model agreement not later than July 31, 1993, to be approved by the Administration,'' and inserting ''adopt the agreement developed by the Administrator under subsection (w) as the agency's model agreement''.

SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.

(a) SELECTION CONSIDERATION.—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in clause (iv), by striking ''and'' at the end;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(vi) whether the proposal addresses the needs of small business concerns—

''(I) owned and controlled by women;

''(II) owned and controlled by minorities; and

''(III) located in areas that have historically not participated in the SBIR and STTR programs.''.

(b) REGULATIONS.—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following: ''The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 13, 2001, at 2:30 p.m., in open session to consider the nomination of General Richard B. Myers, USAF, for reappointment in the grade of general and for appointment as the Chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 13, 2001, at 9:00 am on Corporate Average Fuel Economy (CAFE).

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

COMMITTEE ON FINANCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 10:00 am to hear testimony on ''Medicaid Upper Payment Limits: Restoring the State-Federal Partnership.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 11 a.m. to hold a nomination hearing.

Nominee: John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

To be introduced by: The Honorable TED STEVENS, United States Senate, Washington, DC; the Honorable JOHN MCCAIN, United States Senate, Washington, DC; and the Honorable Richard Holbrooke Counselor, Council on Foreign Relations, New York, NY.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 5:00 p.m. to hold a nomination hearing.

Nominees:

The Honorable Patrick Kennedy, of Illinois, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mrs. Laura Kennedy, of New York, to be Ambassador to Turkmenistan.

The Honorable Ronald Neumann, of Virginia, to be Ambassador to the State of Bahrain.

Mrs. Marcelle Wahba, of California, to be Ambassador to the United Arab Emirates.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Protecting Against Genetic Discrimination: The Limits Of Existing Laws during the session of the Senate on Thursday, September 13, 2001. At 10:00 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, September 13, 2001.

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

COMMITTEE ON THE JUDICIARY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 13, 2001 at 10:30 a.m., in SD226.

I. Unfinished business:

S. 754, the Drug Competition Act of 2001 [Leahy/Kohl/Schumer/Durbin/Feingold/Cantwell/Grassley].

S. 1319/H.R. 2215, The Department of Justice FY2002 Authorization Bill [Leahy/Hatch].

S. 1140, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 2001 [Hatch/Feingold/Grassley/Leahy].

II. Nominations:

To Be United States Attorney:

Michael G. Heavican—District of Nebraska; Paul J. McNulty—Eastern District of Virginia; Colm F. Connolly—District of Delaware; Roscoe C. Howard, Jr.—District of the District of Columbia; Michael J. Sullivan—District of Massachusetts; Joseph S. Van Bokkelen—Northern District of Indiana; Stephen B. Pence—Western District of Kentucky; Gregory F. Van Tatenhove—Eastern District of Kentucky; Thomas B. Heffelfinger—District of Minnesota; Patrick L. Meehan—Eastern District of Pennsylvania; Mary Beth Buchanan—Western District of Pennsylvania; Peter W. Hall—District of Vermont.

III. Bills:

S. 1315, The Judicial Improvement and Integrity Act of 2001 [Leahy/Hatch].

S. Res. 159, Designating the Week Beginning September 16, 2001 as ''National Historically Black Colleges and Universities Week.'' [Thurmond].

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

COMMITTEE ON THE JUDICIARY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Thursday, September 13, 2001, at 2:00 p.m. in Dirksen 226.

Panel I: Senator Thad Cochran (R–MS); Senator Christopher Dodd (D–CT); Senator Joseph Lieberman (D–CT); Senator Trent Lott (R–MS); Senator Diane Feinstein (D–CA); Senator Chuck Hagel (R–NE); Senator Hillary Clinton (D–NY); Senator Ben Nelson (D–NE).

Panel II: Barrington D. Parker, Jr., to be United States Circuit Judge for the Second Circuit.

Panel III: Laurie Smith Camp, to be United States District Judge for the District of Nebraska; Michael P. Mills, to be United States District Judge for the Northern District of Mississippi.

Panel IV: John W. Gillis, to be Director of the Office of Victims of Crime.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. HOLLINGS. Mr. President, I ask unanimous Consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Thursday, September 13, 2001 at 10:00 a.m. to conduct a hearing on improving the utilization of available water and wastewater infrastructure funding. The hearing will be held in the Rm. SD–406.

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

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Revitalizing Protections for Humans Subjects in Research during the session of the Senate on Thursday, September 13, 2001, at 2:00 p.m.

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

SUBCOMMITTEE ON TECHNOLOGY AND SPACE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 13, 2001, at 2:00 p.m. on Digital Divide.

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

PRIVILEGES OF THE FLOOR

Mr. GREGG. I ask unanimous consent that Rebecca Farmer and Casey McGinley, members of Senator KYL's staff, be granted the privilege of the floor during the pending debate on H.R. 2500.

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

Mr. GREGG. Mr. President, I ask unanimous consent that the following staff members be granted the privilege of the floor for purposes of debate on this bill: Jeff Kuhnreich, John Barth, Joe Lozano, and Jeff Taylor of Senator HATCH's staff.

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

JOINT REFERRAL OF NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of Harold Craig Manson, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on September 4, 2001, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

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

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of Calendar Nos. 138 and 139.

The PRESIDING OFFICER. The clerk will report the joint resolutions by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 19) providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 20) providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to the consideration of the joint resolutions.

Mr. REID. Mr. President, I ask unanimous consent that these joint resolutions be considered read three times, passed, and the motions to reconsider be laid upon the table, en bloc; that any statements relating to these resolutions be printed in the RECORD; further, that the consideration of these items appear separately in the RECORD, with the above occurring with no intervening action.

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

REAPPOINTMENT OF ANNE D'HARNONCOURT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 19), providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Anne d'Harnoncourt of Pennsylvania, is filled by reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on December 29, 2001.

PROVIDING FOR THE APPOINTMENT OF ROGER W. SANT AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 20), providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Howard H. Baker, Jr., of Washington, D.C., is filled by the appointment of Roger W. Sant of Washington, D.C. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1424, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1424) to amend the Immigration and Nationality Act to provide permanent authority for the admission of ''S'' visa nonimmigrants.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. LEAHY. Mr. President, in this time of tragedy, there are a few things Congress can do to provide immediate assistance. Passage of this legislation is one of them.

This bill restores the 'S' visa, which Congress created as part of the 1994 Violent Crime Control Act. The visa allows foreign nationals with critical information about criminal cases, especially events of terrorism, to remain in the United States legally for the purpose of cooperating with law enforcement. An application for the visa must be made by a Federal, State, or local law enforcement agency or by a court.

The provision authorizing the 'S' visa expired yesterday, so without this legislation law enforcement will be unable to take advantage of it. The State and Justice Departments have requested that we reinstitute the 'S' visa. I urge the Senate to grant this request and to give law enforcement the support it needs in this area.

This is a limited program, but it serves an important purpose. The number of 'S' visas granted in a year is limited to 200 for those providing information about crimes and an additional 50 specifically devoted to those who can provide information about terrorism.

Our law enforcement officials face a terrible responsibility in seeking out the perpetrators of these evil acts. I am pleased to cosponsor this legislation, and hope that it helps in this search.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1424) was read the third time and passed.

(The text of S. 1424 is printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 142, S. 856.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 856) to reauthorize the Small Business Technology Transfer Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1569

Mr. REID. Mr. President, I understand Senators KERRY and BOND have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, for himself and Mr. BOND, proposes an amendment numbered 1569.

The amendment is as follows:

(Purpose: To provide for a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Technology Transfer Program Reauthorization Act of 2001''.

SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.

(a) IN GENERAL.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended to read as follows:

''(1) REQUIRED EXPENDITURE AMOUNTS.—

''(A) IN GENERAL.—With respect to each fiscal year through fiscal year 2009, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

''(B) EXPENDITURE AMOUNTS.—The percentage of the extramural budget required to be expended by an agency in accordance with subparagraph (A) shall be—

''(i) 0.15 percent for each fiscal year through fiscal year 2003; and

''(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter.''.

(b) CONFORMING AMENDMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking ''pilot'' each place it appears.

SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.

(a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$500,000'' and inserting ''$750,000''; and

(2) by inserting before the semicolon at the end the following: '', and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

SEC. 4. AGENCY OUTREACH.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(14) implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and''.

SEC. 5. POLICY DIRECTIVE MODIFICATIONS.

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

''(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided for under paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C)).''.

SEC. 6. STTR PROGRAM DATA COLLECTION.

(a) IN GENERAL.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

''(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k).''.

(b) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR'' after ''SBIR'' each place it appears;

(B) in subparagraph (C), by striking ''and'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(E) with respect to assistance under the STTR program only—

''(i) whether the small business concern or the research institution initiated their collaboration on each assisted STTR project;

''(ii) whether the small business concern or the research institution originated any technology relating to the assisted STTR project;

''(iii) the length of time it took to negotiate any licensing agreement between the small business concern and the research institution under each assisted STTR project; and

''(iv) how the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project were allocated (by percentage) between the small business concern and the research institution.''; and

(2) in paragraph (2)—

(A) by inserting ''or an STTR program pursuant to subsection (n)(1)'' after ''(f)(1)'';

(B) by striking ''solely for SBIR'' and inserting ''exclusively for SBIR and STTR'';

(C) in subparagraph (A)(iii), by inserting ''and STTR'' after ''SBIR''; and

(D) in subparagraph (D), by inserting ''or STTR'' after ''SBIR''.

(c) SIMPLIFIED REPORTING REQUIREMENTS.—Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended by inserting ''or STTR'' after ''SBIR'' each place it appears.

(d) REPORTS TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and (o)(9),'' and inserting '', (o)(9), and (o)(15), the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns under each of the SBIR and STTR programs,''.

SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.

(a) DEVELOPMENT OF MODEL AGREEMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(w) STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.—

''(1) IN GENERAL.—The Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

''(2) OPPORTUNITY FOR COMMENT.—In promulgating regulations under paragraph (1), the Administrator shall provide to affected agencies, small business concerns, research institutions, and other interested parties the opportunity to submit written comments.''.

(b) ADOPTION OF MODEL AGREEMENT BY FEDERAL AGENCIES.—Section 9(o)(11) of the Small Business Act (15 U.S.C. 638(o)(11)) is amended by striking ''develop a model agreement not later than July 31, 1993, to be approved by the Administration,'' and inserting ''adopt the agreement developed by the Administrator under subsection (w) as the agency's model agreement''.

SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.

(a) SELECTION CONSIDERATION.—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in clause (iv), by striking ''and'' at the end;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(vi) whether the proposal addresses the needs of small business concerns—

''(I) owned and controlled by women;

''(II) owned and controlled by minorities; and

''(III) located in areas that have historically not participated in the SBIR and STTR programs.''.

(b) REGULATIONS.—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following: ''The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).''.

Mr. KERRY. Mr. President, today I rise to urge passage of S. 856, the Small Business Technology Transfer (STTR) Program Reauthorization Act of 2001. This legislation reauthorizes the Small Business Administration's highly successful Small Business Technology Transfer (STTR) Program for an additional eight years. Absent legislative action to reauthorize the Small Business Technology Transfer (STTR) program, it will expire on September 30, 2001.

On July 19, 2001, the Committee on Small Business and Entrepreneurship (Committee) considered S. 856, the Small Business Technology Transfer (STTR) Program Reauthorization Act of 2001, unanimously reported the bill and recommended its passage. This legislation also makes changes to the STTR program to facilitate more effective collaboration between small businesses and research institutions.

The STTR program funds research and development (R&D) projects performed jointly by small companies and research institutions as an incentive to advance the nation's technological progress and the government's research and development goals. It complements the Small Business Innovation Research (SBIR) program, which was reauthorized last year. Whereas the SBIR program funds R&D projects at small companies, STTR funds cooperative R&D projects between a small company and a research institution, such as a university or a Federally funded R&D lab. Like SBIR R&D projects, STTR projects help participating agencies achieve their missions in the research and development arena. It was also designed to convert the billions of dollars invested in research and development at our nation's universities. Federal laboratories and non-profit research institutions into new commercial technologies.

The STTR program was started as a pilot in 1992, and the first grants were made in 1994. The program was reauthorized in 1997 for four years. The program is not funded out of the Small Business Administration's (SBA) budget, but out of the extramural R&D budgets of Federal agencies or departments with extramural R&D budgets of $1 billion or more. Such agencies must award at least .15 percent of that money for STTR projects. Five agencies currently qualify: the Department of Defense (DoD); the National Institutes of Health (NIH); the National Aeronautics and Space Administration (NASA); the National Science Foundation (NSF); and the Department of Energy (DoE).

There are three phases of the program. Phase I is a one-year grant for $100,000, and its purpose is to determine the scientific and commercial merits of an idea. Phase II is a two-year grant for $500,000, and its purpose is to further develop the idea. Phase III is used to pursue commercial applications of the idea and cannot be funded with STTR funds. Only private-sector and non-STTR Federal funds may be used in Phase III.

At the Committee on Small Business and Entrepreneurship hearing on S. 856 we heard from Dr. Anthony N. Pirri, Director of the Division of Technology Transfer at Northeastern University in Boston, Mass.; Mr. Clifford C. Hoyt, Vice President and Chief Technology Officer of Cambridge Research and Instrumentation in Woburn, Mass.; Dr. Barna Szábo, Founder and Chairman of Engineering Software Research and Development Inc. in St. Louis, Mo.; Mr. Kirk Ririe, President and CEO of Idaho Technology, Inc. in Salt Lake City, Utah; Mr. Maurice Swinton, Assistant Administrator for the Office of Technology at the Small Business Administration; and Mr. Jim Wells, Director of Natural Resources and Environment at the General Accounting Office.

There was consensus that the program is meeting its objectives, should be continued, and the Phase II award amount should be increased. Examples were given of technological advances which improved industries, grew businesses, created jobs and more than returned the Federal government's investment. One comment, in particular, from Mr. Kirk Ririe of Idaho Technology Inc., which started modestly in a potato shed and now has locations in Idaho and Utah, demonstrates the power of the STTR program:

> We were a tiny company—six people working with the university group. We were able to, within two years, launch (with about $100,000 in funding) a product that basically filled a hole in biotechnology research and development . . . that has gone on to generate over $100 million in sales . . . The GAO figures may not [reflect this, but] I guarantee that we have paid a lot more money back to the government in taxes than we received in any of the funding . . . The program has been absolutely crucial to us. If we had not had this program, we would still be in the potato shed . . .

At the request of the Chairman and Ranking member of the Committee, GAO surveyed all companies which had received Phase II awards from 1995 to 1997. GAO chose these years because they were the first years of the program and it generally takes three to nine years for a company to progress from basic research of a concept to commercialization of a developed product. Though this program is still relatively young, the survey results indicate it is working effectively. Of the 102 companies participating in the survey, 53.5 percent had either commercialized the technology or received follow-on funding for the technology.

These companies had approximately $132 million in sales and $53 million in additional funding. These STTR winners expect additional sales of more than $90 million dollars by 2005. Putting this into perspective, the Government's total awards to these companies were less than $60 million, less than half of the sales to date and about five percent of the expected sales by 2005.

While S. 856 as reported reauthorized the program for nine years, the Manager's amendment reduces this to eight years. This was done in order to reach consensus promptly and enable the bill to pass both houses—before the expiration date of the program.

In FY2004 and thereafter the bill increases from .15 to .3 percent of Federal extramural research and development funds going to this program. Recently the program was made $65 million annually for STTR awards. Based on that amount, increasing the percentage to .3 percent would make $130 million available annually for small business technology transfer. The Committee originally reported language that would have increased the percentage to .5 percent in 2007. In order to reach consensus, we agreed to delete the final incremental increase from the bill until we have more experience and information.

The bill also raises the Phase II grant award amount from $500,000 to $750,000. This change was intended to address concerns by the small businesses and the research institutions that $500,000 typically is no longer enough for this stage of research and development. As Dr. Pirri of Northeastern said at the hearing, ''By expanding the STTR program, funding levels will become more adequate to take technologies through the prototype stage and increase their probability of commercial success.'' Raising Phase II STTR awards to $750,000 makes them consistent with the Small Business Innovation Research (SBIR) program's Phase II awards.

GAO reported that only about 250 universities have participated in the program so far. The Committee believes, and GAO concurs, that there is tremendous potential to involve more universities in partnering with small businesses to convert research into new technologies. One of the goals of the STTR program is to create economic development around universities, Federal laboratories and non-profit research institutions across the country are attempting to duplicate the successful clusters similarly developed along Massachusetts' Route 128 and in California's Silicon Valley. In order to increase participation by a larger number of universities, S. 856 includes a provision encouraging the STTR agencies to reach out to universities to raise awareness of the program and to provide information to their faculty members.

S. 856 also strengthens the data rights protection for companies and research institutions that conduct STTR projects. The change in data rights is important because it clarifies that STTR companies, like SBIR companies, retain the data rights to their technology through all phases of a STTR project. Unfortunately some agencies have been interpreting the law to mean that STTR companies only retain their data rights through Phases I and II.

This clarification helps protect STTR companies from losing control of their research so that they have a greater chance of commercializing their technology themselves. This clarification is important because the Committee has learned some agencies are providing the data to bigger contractors for development, thereby cutting out the small business. This unfortunate situation not only robs small businesses of revenues, but it also results in expensive legal costs for small businesses to protect their data rights.

As last year's legislation did for the SBIR program, this bill strengthens the data collection requirements regarding awards and the data rights for companies and research institutions that conduct STTR projects. The goal is to collect better information about the companies doing the projects, as well as the research and development, so we can measure success and track technologies. The Manager's amendment expands the reporting requirements to include reporting on HUBZones small businesses under the SBIR and STTR programs. The amendment also requires the SBA and the agencies to develop a model agreement for intellectual property rights. Finally, the Manager's amendment includes a provision that requires SBA, when considering proposals under the recently enacted Federal and State Technology Partnership Program (FAST), to consider whether the proposals address the needs of small business concerns: (I) owned and controlled by women; (II) owned and controlled by minorities; and (III) concerns located in areas that have historically not participated in the SBIR and STTR Programs.

This bill will ensure that this successful program is continued and expanded. It will also provide Congress with important information and data on the program and encourage more outreach to small businesses and research institutions.

Mr. President, I want to encourage my colleagues to learn about this program, to find out the benefits to their state's hi-tech small business, research universities and labs, and to join me in passing this legislation in the Senate. To my friend from Missouri, Senator BOND, I want to thank you and your staff for working with me and my staff to build this country's technological progress. I especially want to thank one member of Senator BOND's staff, David Bohley. Dave has worked tirelessly and effectively for the technology and small business community. He is leaving the Committee, and we will all miss working with him. I wish him well in his new job at the Federal National Mortgage Association (FNMA). I also want to thank all of the members of the Committee for their work on this legislation and for helping small business. All 19 members of the Committee voted for and supported this legislation.

Mr. President, I urge the Senate to pass S. 856, as amended.

Mr. BOND. Mr. President, I rise to lend my strong support to S. 856, the Small Business Technology Transfer Program Reauthorization Act of 2001. The Committee on Small Business and Entrepreneurship has closely reviewed the STTR program this year and found the STTR program to be highly successful. This important bill acknowledges that success by expanding the program.

This bill, like most bills considered by the Small Business and Entrepreneurship Committee, was crafted in a bipartisan manner and approved by a unanimous vote. I would like to thank Senator KERRY, and chairman of the committee, for his leadership and cooperation in this effort. I am pleased to have worked closely with him on this bill, and I trust our colleagues will overwhelmingly support this legislation.

The STTR Program was created in 1992 to stimulate technology transfer from research institutions to small firms while, at the same time, accomplishing the Federal government's research and development goals. The program is designed to convert the billions of dollars invested in research and development at our nation's universities, federal laboratories and nonprofit research institutions into new commercial technologies. It does this by joining the ideas and resources of research institutions with the commercialization experience of small companies.

To receive an award under the STTR Program, a research institution and a small firm jointly submit a proposal to conduct research on a topic that reflects an agency's mission and research and development needs. The proposals are then peer-reviewed and judged on their scientific, technical and commercial merit.

Numerous benefits result from the Federal government fostering collaborations between research institutions and small firms. Small firms have shown themselves to be excellent at commercializing research when they are provided the opportunity to take advantage of the expertise and resources that reside in our nation's universities. A recent report by the Small Business Administration's Office of Advocacy reviewed the rate of return for research and development by large and small firms both with and without university partners. When these firms do not have university partners, their rate of return is 14 percent. When a collaboration is formed between universities and small firms, however, the rate of return jumps to 44 percent. By contrast, the rate of return only increases

to 30 percent when large firms and universities collaborate.

Moreover, partnerships between small firms and universities have led to world-class high-technology economic development. Numerous studies cite the emergence of Silicon Valley and the Route 128 corridor in Massachusetts as directly resulting from the partnerships and technology transfer that occurred, and are still occurring, among small firms, Stanford University and the Massachusetts Institute of Technology. The cooperation between industry and these universities has strengthened considerably our economic competitiveness in the world. The STTR Program seeks to foster this same type of economic development in the hundreds of communities around the country that contain universities and federal laboratories. Further, the STTR Program has proven to be immensely successful at growing small firms from these types of partnerships.

In a Committee hearing this year on the STTR Program, the General Accounting Office (GAO) reported on the commercial success of small firms participating in the STTR program between 1995 and 1997. The GAO's findings are truly remarkable. Of the 102 projects surveyed in that time-frame, over 53 percent had either resulted in sales or follow-on developmental funding for the technology. Through 2000, these projects had resulted in $132 million from sales and $53 million in additional developmental funding. Moreover, the GAO reported that the companies that received the STTR awards are projecting an additional $186 million in sales in 2001 and an estimated additional $900 million in sales by 2005. These numbers are even more outstanding since it typically takes between 7 to 10 years to commercialize new technologies successfully.

In addition to proving to be an amazing commercial success, the STTR Program has also provided high-quality research to the Federal government. The GAO has reported in the past that Federal agencies give high ratings to the technical quality of STTR research proposals. The Department of Energy, for example, rated the quality of the proposed research in the top ten percent of all research funded by the Department.

A good example of the benefits that the STTR Program provides to small firms and universities is the experience of Engineering Software Research and Development, Inc. in St. Louis, Missouri. The chairman and founder of that company, Dr. Barna Szabó, testified on the STTR program before the Committee in July of this year. Engineering Software, in partnership with Washington University in St. Louis, received a phase two award from the Air Force to develop an innovative method of analyzing the stresses placed on composite materials. While this technology is currently being used in the aeronautics industry, it has many other practical applications.

The STTR Program permitted Dr. Szabó, who had originated an algorithm he developed at Washington University, to transfer the technology to Engineering Software, which had the software infrastructure to transition the technology from an academic to a practical commercial application. According to Dr. Szabó, Engineering Software has received an estimated $1.25 million in sales and follow-on developmental funding resulting from the technology funded by the STTR award and that the STTR Program was of great assistance in transferring the technology from the academic environment to actual use and application.

Based on the proven success of the STTR Program to date this legislation increases the funds allocated for the program from .15 percent to .3 percent of an agency's extramural research and development budget. This increase will not require any additional appropriations but merely will reallocate funds in the participating agencies to this successful program. I thank Senator LEVIN and Senator WARNER on the Armed Services Committee for working closely with Senator KERRY and me to make such an increase possible. When a program is working as well as the STTR Program, it would be a mistake if Congress did not build on its success.

This is especially true for Federal investment in small business research and development. Despite report after report demonstrating that small businesses innovate at a greater rate that large firms, small businesses receive less than four percent of all Federal research and development dollars. This number has remained essentially unchanged for the past 22 years. Increasing funds for the STTR Program sends a strong message that the Federal government acknowledges the contributions that small businesses have made and will continue to make to government research and development efforts and to our nation's economy.

Mr. President, Senator KERRY and I have worked together to produce a sound, bipartisan bill. This legislation is good for the small business high-technology community and will ensure that our Federal research and development needs are well met in the next decade. I trust that the bill will receive the overwhelming support of my colleagues.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1569) was agreed to.

The bill (S. 856), as amended, was read the third time and passed.

PROVIDING FOR THE EXPEDITED PAYMENT OF CERTAIN BENEFITS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2882, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2882) to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I commend the Senators from New York for their leadership on this legislation to streamline the Public Safety Officers' Benefits application process so that the family members of fire fighters, emergency medical technicians and rescue workers who perished or suffered great injury in the aftermath of the tragic terrorist events of this week. I am proud to be an original cosponsor of S.1422. I applaud Congressman NADLER and Congressman SENSENBRENNER for their work on H.R. 2882, which we are passing today.

Earlier today, I received a call from Congressman SENSENBRENNER, Chairman of the House Judiciary Committee, who asked me if the Senate would consider and pass H.R. 2882 without delay. I thank our leaders, Senator DASCHLE and Senator LOTT, for bringing this legislation before the Senate so quickly, and urge the Senate to support it.

We have before us a unique opportunity to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans. Senator CLINTON and a number of other members of the Senate and House have proposed this bill to amend the Public Safety Officers' Benefits Act of 1976 for the purpose of speeding the process by which the Office of Justice Programs at the Department of Justice processes applications for death benefits for families of public safety officers killed in the line of duty in New York City, Washington, D.C., and Western Pennsylvania, on September 11.

The Public Safety Officers' Benefits Program provides $150,000 in benefits for each of the families of law enforcement officers, firemen, emergency response squad members, ambulance crew members who are killed in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of this national tragedy, it is important that we begin to process quickly this measure of relief for the families of these brave Americans who selflessly gave their lives so that others might live through the attacks of September 11.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 2882) was read the third time and passed.

EXPRESSING THE SENSE OF THE CONGRESS THAT AS A SYMBOL OF SOLIDARITY U.S. CITIZENS ARE ENCOURAGED TO DISPLAY THE AMERICAN FLAG

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res 225, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 225) expressing the sense of the Congress that as a symbol of solidarity following terrorist attacks on the United States on September 11, 2001, every U.S. citizen is encouraged to display the flag of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if given, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 225) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 2833

Mr. REID. Mr. President, I understand that H.R. 2833, received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2833) to promote freedom and democracy in Vietnam.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 2291

Mr. REID. Mr. President, I understand that H.R. 2291, just received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2291) to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second reading on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 14, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 o'clock tomorrow morning, Friday, September 14. I further ask that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. Mr. President, on tomorrow, the Senate will convene at 9 a.m. Senators are advised that there will be a 9:15 Democratic conference. We expect to consider the Supplemental Appropriations Act during the day.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Having said that, believing that we have accomplished a lot today, I announce that we have no further business to come before the Senate. Therefore, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:28 p.m., adjourned until Friday, September 14, 2001, at 9 a.m.