United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, FRIDAY, APRIL 12, 2002 No. 40

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 15, 2002, at 2 p.m.

Senate

FRIDAY, APRIL 12, 2002

The Senate met at 10:30 a.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

The PRESIDING OFFICER. Our guest Chaplain today, Father Daniel Coughlin, Chaplain of the U.S. House of Representatives, will lead the Senate in prayer. Father.

PRAYER

The guest Chaplain offered the following prayer:

Lord God of Heaven and Earth, be our shepherd and our guide. Bring light into the darkest corners of our world and the darkest recesses of our hearts. From within, bring forth desires for lasting peace that will be born not only of human compromise but of Your creation in human hearts. Shed wisdom and understanding upon the Senate, all lawmakers, courts of justice, and negotiators. Be assurance to the doubtful, fearful, and depressed. Freed of hatred and malice, bring forth purity of conscience to all and faithfulness to Your word and promises, especially to all those rooted in Abrahamic faith. Grant health to the sick, consolation to the grieving, recovery to the addicted, and safety to the children of the world. In You, O Lord God, we are renewed. In You, Lord God, we place our trust now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to proceed momentarily to a period for morning business until 11:30 a.m. At 11:30 a.m., the Senate will begin consideration of the border security bill. There will be no rollcall votes today. As the majority leader had me announce yesterday, there will be a rollcall vote or votes Monday evening.

This past week we worked very hard on legislation. We, of course, did not make the progress we wanted to make, but we did OK. We were able to complete election reform, we were able to get border security, and we were able to work through some very difficult amendments. I hope, as soon as we get off border security, we will be able to go to ANWR. If not, the majority leader is going to go to other issues. We have waited such a long time for ANWR, and as of yesterday, they did not have an amendment ready to offer. We hope we can complete action on the energy bill next week.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair.

ENERGY POLICY

Ms. LANDRIEU. Mr. President, I am happy to have some time this morning to speak about the important issue that is before the Senate and has been for some time. It is very important legislation that will help us set the course of our energy policy for perhaps the next several decades.

While we have spent a great deal of time on this bill, I am glad we have spent this time because this is one of the most, if not the most, important issue we could be addressing at this time. It relates to our national security posture and it relates to the issues that are before our eyes and on our hearts: what is happening in the Mideast and around the world.

Although I understand the leadership wanting to move to other issues, hopefully, we can have the final votes and move on to other issues.

I have come to this Chamber a number of times to relay what people in Louisiana are thinking and hoping for in this bill, and I have tried to express their frustration in some ways over what they and I also perceive as a conflicting policy.

It seems as though our Nation has a test of our will every 20 or so years: Are we willing to take the steps necessary to become more energy independent? The last time we had this test was in the 1970s when oil spiked because of international circumstances. Our gas lines were very long. It put a clamp on our economy, helped to raise interest prices and threw our economy into a tailspin. We failed the test.

Over the last 25 years, we have not become more energy independent. We have become more efficient. Our technologies have improved significantly in terms of environmental impacts, but we have not passed the test for energy independence. It is now 25 years later and we are taking this test again.

It is my hope that as we cast these last important votes on this energy bill that we will this time pass the test and move our country on a steady and sure march toward energy independence.

Instead of reducing our reliance on imported oil over the last 25 or 30 years, we have increased our reliance on foreign oil and energy sources, the exact reverse of what we were hoping to do. And we have not increased renewables in our energy portfolio nearly to the point where they can help us reach that self-reliance.

I do not have to explain to the Presiding Officer, who knows this issue well, or to my colleagues, how important it is for us to pass this test now because it has a direct relation to our national security. It has a direct relation to our ability to fight clearly, and without compromise, our war on terrorism. It helps us to broker a peace and a compromise in the Mideast based on our values of freedom and democracy.

I have a chart which I hope will help people understand how important this is. As I said, 25 years ago we failed the test of trying to help our country march towards energy independence. Instead of standing still, we have actually taken a reverse course. In the last 30 years, instead of putting more places on the map for production of oil, gas, coal, and other traditional fuels, as well as nuclear power, hydro and alternatives, we have actually taken places off the map.

So in 2002, we have this great, mighty, and very wealthy United States of America that consumes more energy per capita than any nation on Earth and any nation in the history of man, and yet we refuse to produce it. We want to consume it. We do not want to produce it.

We have been misled to believe that we cannot produce oil and gas without great environmental damage. This is simply not true.

What is true is when we began producing oil and gas in the 1930s, the 1940s, and the 1950s, prior to rules and regulations, before the science was clear and before we were able to understand some of the great negative consequences, we did make a lot of environmental mistakes.

We have now minimized the risk financially, economically, as well as environmentally in our drilling, whether it is onshore or offshore. Are there still problems? Yes. Are there some environmental risks associated with drilling? Yes.

I do not know any exercise in life that is without risk. The question is: what is the measure and the weight of the risk? I say unequivocally, coming from a State that has done a lot of oil and gas drilling, the benefits of drilling outweigh the environmental risks if rules are followed and polluters are prosecuted.

When we are free of Mideast-set oil prices it helps our Nation be secure internationally. Every time violence escalates in the Mideast, it drives prices higher causes our economy to tailspin.

When our economy takes a tailspin, as I have tried to explain, it is not only charts and graphs where the lines start moving. Dreams are shattered. Houses are lost. Businesses are lost. People lose their jobs. Kids do not go to school. Families fall into despair. These are serious issues. These economic trends affect real people, in my State, and all over our country. Let us take a step now for more domestic drilling.

We have no amendments to open these places shown here where moratoria exist. But we must consider opening drilling both on and off of our shores because there are rich, significant reserves of meaningful proportion. Let me give one example.

In the Gulf of Mexico, where we see this blue area where we have been drilling for many years, the red dots indicate all current and active leases. Where it says ''gas, 105.52 trillion cubic feet,'' that is the estimated reserves of the gas that is located in this part of the gulf. Notice this is only the central and the western part of the gulf, not the eastern part, off of the Florida coastline.

One hundred and five trillion cubic feet of gas is a lot of gas. In the whole Nation, we use 22 trillion cubic feet a year. So in this one small part of the gulf, if we drilled it in its entirety and were committed to a good drilling program, we could supply enough gas for the entire United States, according to my math, for between 4 and 5 years.

I have to assume that the geology does not stop at this line. Just because the political boundaries divide Louisiana, Mississippi, Alabama, and Florida does not mean the geographic or geological formations stop. So there are tremendous gas and oil reserves in this part of the gulf. There are probably tremendous reserves all along our Nation's shorelines. Does that mean we have to drill within sight of the coast? No. It used to be that way 20 years ago, where drilling would have to be in shallow water. But one of the great advances that has occurred because of wise tax credits, encouragement, research, and development is that we now can drill safely in deeper water.

What does that mean? That means we can have great beaches, wonderful coastlines, a tremendous tourism industry, and never see an oil rig.

The technology is there to drill, and drill safely, and move gas and oil throughout this country. We would not have to rely on Iraq or Saudi Arabia and be held hostage to world oil prices.

We need more oil and more gas. It is simply hogwash when people say it will not help. That is not true. It will help, and we can do it.

Regarding the ANWR situation, people might not be clear. It was not to me until I visited Alaska and began to understand how huge Alaska is. I asked my staff to place Alaska on the map of the continental United States so we could appreciate how big the State is. We are lucky to have purchased this land, this wonderful State with so many resources. It is a great asset for the United States of America.

When we purchased Alaska, people thought it was a folly. We have the last laugh. It has given us great natural resources, an abundance of wildlife, timber, and oil and gas.

We cannot turn all of Alaska into a national park. We cannot afford to do it. We have set aside some areas of Alaska. One area the size of the State of South Carolina is a refuge. It is the Arctic National Wildlife Refuge.

Are we suggesting to drill in the whole refuge? No, the debate over ANWR is regarding 1.5 million out of 19 million. That is what the fear is about. A huge number of people say we absolutely, positively, cannot drill in this little dot because a major catastrophe will befall our environment or Nation.

Other nations hear this and say: What is the United States thinking? They have so much land, so much more than we do, so many more resources than we do. What is keeping them from drilling in a place far removed from any urban population? If they will not drill here, the question is, where will these people in America drill? That is my question.

While some of the Democratic leadership is getting blamed for this position, neither party has been instrumental in opening up lands for drilling. This motto of not in my backyard, not in anyone's backyard, not now, not ever, is going to bring this country to its knees.

I don't mean to sound pessimistic, but we cannot maintain the great military strength we have, and the great economic strength we have, if we refuse to produce the energy we consume. We have to produce more. We have the land. We have the skill. We have the technology. We have people who want jobs, good jobs. I have thousands of workers out of a job. They want a job that can pay $20, $25, $30, $35, $40 an hour; scientists who can make a fabulous living exploring new ways for drilling; engineers, geologists, truckers, suppliers, small business owners.

More domestic production in little areas like this or in places in the gulf or in some parts of California and some parts of the east coast would be very helpful. I hope we can do it.

In addition, we must diversify our fuel source. We need more oil and gas. If anyone says we don't, they are leading you astray. We also need more nuclear power. There is also a byproduct of hydrogen that will help America move to hydrogen fuel cells in our transportation sector. That is very exciting.

The Presiding Officer and Members from agricultural States know we can help develop fuels from excess agricultural byproducts and help to produce the kind of fuels for our automobiles, from corn, wheat and sugarcane. This is a careful way to produce our food: consume what we need, and use the excess to produce energy to run the new vehicles of the next decade—this is truly exciting—and wean ourselves off of the oil and gas that is so necessary today and will be for the next several years.

The second important area is improving the transmission grid. I compare it to the National Highway System. If you came to Louisiana or Mississippi before we had a National Highway System, you would reach the State line and the highway might end because we in Louisiana decided to build the road in a different way. Imagine not being able to get to Texas because we had our highway going north when we needed it going west.

That is what would have happened. But we came together a number of years ago and said: We are going to have a National Highway System so we can move goods from the East to the West. To do that, the Federal Government is going to have some say about how this highway system is built.

We need to do the same thing with transmission. Let me show the problem with transmission. Even if we drilled more, we don't have adequate infrastructure to move electricity. Even if we increase our production, we have to be able to move it from the source to the user.

What this chart shows is the increase in system demand. There is an increase in demand. Why? Because we are using more electricity. This country is moving aggressively to using more power, not less.

So, this is our demand curve. Here, though, is the net transmission investment, which is going down, not up. This is what causes blackouts and brownouts, this separation. The reason for this is 50 States are doing their own thing.

Senator BINGAMAN he has some wonderful language in this bill to help us build, if you will, an interstate, national transmission system to move electricity to the places that need it.

I would like to improve upon this language, so I am going to be offering an amendment next week that will produce more transmission capacity through participant funding.

The current electricity pricing system is a tremendous obstacle to enhanced transmission capacity. This system dictates that new transmission capacity be rolled in, or socialized across the system, but when power moves from one system to another, customers who receive no benefit, like those in my State, still shoulder the burden of the cost of building more transmission. This situation leads to state utility commissioners and consumer groups to oppose badly needed expansions of the transmission grid.

Prior to recess, I introduced an amendment, along with Senator KYL, to establish an option of participant funding, whereby the utility customers who give rise to, and benefit from the expansion of transmission, pay the associated costs.

Now let me clear about one thing: this amendment does not mandate anything. Rolled-in pricing would continue to be the rule while participant funding would become an option.

Unfortunately, there has been a persistent tendency to misread or misinterpret this amendment to the contrary. In order to clarify this issue, I have made a series of changes to the amendment which make absolutely clear, beyond any doubt, that the amendment is not a mandate.

We are building support for this amendment. Again, besides increasing production, we have to build a national transmission system, similar to our highway system, and we have to do it in this bill right now or all the discussions about energy reliability are going to be for naught.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I want to show another part of the problem: the need for some reinvestment in our energy infrastructure.

Let me put up the chart that shows drilling in the gulf. All of these red dots represent wells that are being drilled out in the gulf. It is really a sight to see. There are thousands of people working out in the gulf on these rigs. But they do not just get there from heaven. They have to come from some shore, usually from Texas, Louisiana, or Mississippi where the pipes, the supplies, and helicopters are located. We serve as the platform that allows this activity to go on. We are happy to do that.

But we have been doing it now for 50 years and getting no compensation whatsoever. In other words, all the taxes paid in this area do not come back to Louisiana. We do not see a penny of the royalties that are paid, and it is a lot of money. It is $120 billion, since 1955; $120 billion since 1955 has been paid to the Federal Government from the drilling. Some of it is off the shore of Florida, but most of it is off Alabama, Mississippi, Louisiana, and Texas.

Since 1955, these wells and energy have produced, for Washington, $120 billion. Yet for the parishes, the States, and the communities that support that drilling, we get zero. It has to change. It is just not fair, it is not right, and it makes no sense.

This is what happens. This is Highway 1, the highway that goes down the boot of Louisiana to the gulf. This is what the highway looks like because we cannot get one penny, under the current law, to broaden or improve this highway. This is what happens when there is an accident on this narrow two-lane highway. These are all workers in these trucks. This is what we cause our citizens to have to deal with because we refuse to design a system, for coastal States, that interior States have.

Interior States, when they drill for resources, get to keep 50 percent of their money. That goes to help them fund their highways, their schools, to counter any negative environmental impacts, to invest in those local communities. Coastal States, for some reason, have not been able to share in that way.

My amendment, which is in this bill, establishes an authorization for that. I am going to ask this body to take a further step and make a direct appropriation—if we are going to drill in the gulf—for Alabama, for Mississippi, for Louisiana, and for Texas. We certainly deserve to keep a portion of those revenues so we can invest back in our communities and make this situation more tenable for the workers and for the community of people who produce energy for this Nation. We think it is our patriotic duty, but we cannot continue without just compensation.

That is a picture of what Highway 1 looks like on a bad day when there has been an accident. Frankly, on a good day when there has not been an accident, it looks a lot like that. There can be 1,000 trucks a day trying to get down to the gulf to produce oil.

First, we need to drill more in this Nation in places where we can. We can have protected waters so the beaches of Florida or the coast of Louisiana or places in Alaska can be protected and preserved. But we can drill in places where we can become more energy independent and self-sufficient.

Second, we should double our efforts to diversify our sources of energy and concentrate on developing renewables.

Third, we should create a transmission grid much like our national highway system so that wherever the power is created, we can move it to wherever the Nation needs it, efficiently and at low cost.

It will be fabulous for our consumers and for our businesses.

Finally, we need to make sure we compensate the States such as Louisiana that are producing and give them a fair share of these revenues so we can invest in our economic future, fix highways such as Highway 1, and restore the damage to our coastal wetlands.

I thank the Presiding Officer for the attention and the time to speak on this important issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be given up to 15 minutes to address the Senate as if in morning business.

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

Mr. HAGEL. Thank you, Mr. President.

THE MIDDLE EAST

Mr. HAGEL. Mr. President, I come to the floor this morning to speak on the Middle East. I begin my comments this morning with a statement of support for Senator DASCHLE's comments yesterday concerning his call for restraint by our colleagues while Secretary of State Powell is in the Middle East. Senator DASCHLE's statement was wise. It is important we all listen carefully to what Senator DASCHLE said. And, more importantly, in my opinion, it is important that we follow his suggestion.

President Bush was correct in his assessment that he presented to the American public and the world last Thursday in his speech when he informed the world he was going to be engaged in the Middle East by sending Secretary Powell to the Middle East. It was a correct decision.

Secretary Powell is now engaged in a very difficult, dangerous, and delicate mission. Yes, there are great risks for the President's prestige, our Nation's risk to that prestige, and to America's prestige. There are risks all around.

We must not misunderstand the reality of with what we are dealing. We are not dealing with some abstraction or some theory. We are dealing with the cold, brutal reality of what is taking place in the Middle East. There are no good options. There are no risk-free options for America, for Israel, for the Palestinians, for the Arab world, and for, indeed, the entire world.

There are far greater risks if the United States of America does not engage and provide leadership where there has been a vacuum of leadership, which, in my opinion, has produced much of this danger, chaos, and turmoil, and which I believe borders on the brink of a raging inferno if this is not brought under control. We have no option but to lead. Terrorists win if we don't engage—if we allow ourselves to be held captive to terrorist actions.

As we follow this through, do we believe things will get better? Things won't get better. Things will get worse and more dangerous and will draw more and more of the world into this conflict. So we have no option.

The President is right. If this situation continues to spiral out of control, it serves no one's interest or purpose except the fringes, the radicals, and the terrorists.

It is not in Israel's interest, nor the Palestinians' interest, nor the world's interest to allow this problem to continue. Of course, our hearts go out to the Israeli people today, and to the victims and families of the latest terrorist bombing in Jerusalem. We can never justify nor condone acts of terrorism.

Unfortunately, I am not surprised that on the day Secretary Powell is in Israel meeting with leaders to attempt to bring some sanity to this situation that the terrorists have struck. That is what they always do. They try to drive us back. They try to fragment us. They try to get us to argue amongst ourselves as to strategy and policy. But we must not fall prey to terrorist actions and allow ourselves to become paralyzed by what they are doing.

No Nation and no people should have to live under the conditions the Israelis are presently living under and the Palestinian people are enduring.

That is why Secretary Powell is there. Let us not forget why he is there. Let us cut through the fog. He is there to try to bring some stability and peace and pull apart the warring factions so that we can get on with a settlement, get on with lives, and hopefully on into a future for all peoples of that region. That is why he is there.

President Bush has been very clear in his condemnation of terrorism and his unprecedented commitment to ending it. We understand Israel's right to defend itself. We are committed to that right. We have helped Israel defend that right. We will continue to do so. But it should not be at the expense of the Palestinian people—innocent Palestinian people and innocent Israelis who are paying a high price. Both Israelis and Palestinians are trapped in a war not of their making.

We must step back from this great tragedy and recognize one constant: That the more the violence escalates, the more the terrorists win, and that further violence will embolden the terrorist bombers in Israel and elsewhere, and it will spread and spread.

We cannot allow a vacuum of leadership to develop in the Middle East. That, too, is why Secretary Powell is there. Secretary Powell is on a critical mission to help end this cycle of violence and eventually help both sides see a future where there can be peace. Look over the horizon. Is it imperfect? Absolutely. Is it full of problems and holes and gaps, imperfections and flaws? Absolutely. But if we do not anchor ourselves to some hope, some plan, some leadership—all, yes, full of risk—then what is there, what will there be?

We must be reminded that this cannot, and will not, be accomplished in one trip. This will take time. We must have patience. We must stay focused, disciplined, and prepared for setbacks. And there will be setbacks. But allowing this to spiral out of control is not an option.

The military solution alone is not an option. That is part of it. We will get to a time—I have confidence we will—where we will be asking, How do we guarantee this peace? Will America be called upon, NATO forces be called upon to help guarantee this peace? Maybe. But we should now put all our creative, new, wider-lens thinking on this issue, and all our foreign policy in this new world in which we live, on the table. It will require some new thinking.

Who guarantees this peace? If, in fact, we expect Israel to pull back to their pre-1967 borders, who guarantees that peace? Those will be difficult decisions for this body to be part of making, as well as the President having to make those difficult decisions. I do not tremble with any fear or quake with fear that we are not up to that. We will get to that. We must be prepared to think through that—and long term.

The Secretary's mission is all about the war on terrorism. Let's not get disconnected to the broader purpose. Its purpose is to end the violence and terror. The Middle East is connected to our policies in Afghanistan and Iraq. We are paralyzed now in some of these areas because we are totally consumed with the Middle East, and appropriately so. We have few options anywhere until this Middle East issue is on some track of resolution.

The situation in Afghanistan, as the Presiding Officer knows, is still very fragile and very dangerous. There is a long way to go. We must not allow Afghanistan to unwind. The investment, the progress, the good, the justice, the dignity—all that has been brought to that land as a result of American leadership, which we must preserve—we

cannot allow to erode and for us to go back to a time when we were losing there.

Deadly terrorism stalks the world. It is the great challenge of our time. It is the reality of our time. We need the help of all our allies, all our friends all over the world, all the Moslem nations, to continue to root out terrorism and stabilize and secure the world.

This is not an American interest alone. And we cannot do it alone. We are the greatest power the world has ever known. We stand astride the globe as no power in the history of man. But we have limits, too. These coalitions for peace, coalitions for change, will be our future, the world's future. And we must lead that coalition. We cannot press forward on a regime change in Iraq with the fires burning in Israel or we will stand alone, without our allies. We will risk finding ourselves isolated, Israel isolated. It is not in the interest of Israel to find America and Israel isolated in the world.

America's and the world's vital interests are connected to the Israeli-Palestinian conflict—completely, directly, daily. We must give Secretary Powell and the President the time to work through these unprecedented challenges, this unprecedented violence and danger. They need the latitude, the flexibility to work through to a solution, in consultation with the Congress, of course. In this body and in the House of Representatives reside great expertise, ability, common sense, and wisdom on which the President will and is calling.

We need an Arab coalition for peace, building upon the Saudi initiative of Crown Prince Abdullah, incorporating the Tenet plan and the Mitchell plan. We need to support the President's policies to help bring to this region peace which has worldwide consequences. All of the world will be affected by the outcome. There are consequences playing out today, and they will continue to play out, and they are uncontrollable consequences.

In conclusion, I offer a comment that Henry Kissinger made in a statement recently on U.S. policy in the post-cold-war world reality. Dr. Kissinger said this: ''history . . . will not excuse failure by the magnitude of the task.'' It applies very appropriately, clearly, and with deadly accuracy today in the Middle East. The President has shown his courage and the determination that a nation as great and worthy as America is—and can be, and has been—to go forward with the kind of leadership the world expects from us, and, yes, at great risk. But that risk is for peace, and that risk is worth taking. It will be long and difficult, but it can be done. We are dealing with a manmade problem. We will find a manmade resolution.

So I return to the opening of my comments this morning in once again suggesting that Senator DASCHLE had it right yesterday in calling for all of us on Capitol Hill to work together to support the President, to find solutions and resolutions. Criticism is easy. It is very easy to criticize. But we do not have an option to criticize. We have a responsibility to find a solution. And we will. We must support our President and Secretary Powell in his mission for peace.

Mr. President, I thank you for your attention. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 3525, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3525) to enhance the border security of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is time to enact the Enhanced Border Security and Visa Entry Reform Act.

I thank my colleagues, Senators BROWNBACK and KYL, on the Judiciary Committee, the Republican leaders on the Judiciary Committee and on this issue, and also acknowledge the very strong leadership of my colleague and friend from California, Senator FEINSTEIN. We have worked very closely together. We all had different legislation in different forms and shapes, but all on a similar subject matter. We have worked closely to make a unified recommendation to the Senate which reflects our best judgment.

It also reflects the best judgment of those who have had the opportunity to study the issues that we have included, and we have benefited from a number of recommendations. I am very grateful to all of our colleagues for all of the good work they have done. We present this as a unified team.

This legislation would strengthen the security of our borders, improve our ability to screen foreign nationals, and enhance our ability to deter potential terrorists. This legislation addresses the significant national security challenges we face today.

The House passed the Border Security Act in December. The Senate action is long overdue.

I believe there are five dimensions to our security challenge today. First is the military. The Armed Forces are performing superbly, and they are well led. Secondly, we have a new intelligence challenge that deals primarily with the control of nuclear and biological materials in the former Soviet Union, and the gaps in what we know about terrorist groups. A third involves a cracking-down on money laundering and improving our ability to follow the financial trail of terrorist groups through the international monetary system, and we have seen important legislation on that subject successfully completed in this body.

Fourth is the area of bioterrorism. Senator FRIST and I have worked closely together to enact the Public Health Threats and Emergencies Act signed by the President in the year 2000. We are in conference now with the Bioterrorism Preparedness Act. We have very good bipartisan support for this legislation—Congressman TAUZIN, House Members—and we are very close to making recommendations with a conference report sometime next week or very shortly thereafter. We have worked very closely in a bipartisan, bicameral way to meet this particular challenge.

Finally, there is the security of our borders, which remains the challenge that needs attention.

As the recent mistakes of the INS demonstrate, the need is urgent to close the loopholes in our immigration system. Border security is the shared responsibility of the INS, the State Department, intelligence agencies, and the Customs Service, and requires improved technology, enhanced intelligence capacity, and dynamic information sharing, updated training for border officials and Foreign Service offices, and expanded monitoring of foreign nationals already in the United States.

Additional restructuring within agencies to streamline the implementation of this multi-faceted goal may be necessary over time, but are not a precondition to the passage of this legislation.

The pressing need for enhanced border security must proceed without further delay.

As I mentioned, the reorganization, restructuring of the INS is important.

I and others have introduced that restructuring in the 105th and 107th Congresses. Basically, that incorporated the recommendations of what we call the Barbara Jordan Commission. The Commission itself spent over a year evaluating and examining the series of recommendations about how to make the whole INS more effective and efficient and respond to both its enforcement as well as its service needs. It is a solid base from which we should move ahead.

But it does seem to all of us that it is important we get about this business now in terms of border security first and not wait for the more general

kinds of debates on the restructuring and reorganizing, because whatever is going to be done with that, these provisions that we will be accepting and endorsing today will be well incorporated into that system.

In strengthening our security at our borders, we must also safeguard the unobstructed entry of the more than 31 million persons who enter the United States legally each year as visitors, students, and temporary workers. Many others cross our borders from Canada and Mexico to conduct daily business or visit close family members. We are talking about 550 million people who come and go from the United States every year—with the possibility of some visitors who might pose some danger to our country and society in the form of terrorism. It is really like finding a needle in the haystack.

We have to use technology to the greatest effect we can—with well-trained people and good technology at the entry level. With this new technology, we will be able to track when individuals acquire a visa and follow that individual while they are in the United States to know when they are leaving or when they should leave the United States. This technology will keep alive the knowledge and the whereabouts of individuals who are visiting our country. That capability does not exist today. It is key in terms of trying to deal with the challenges of border security. And now that we have recognized that the terrorists were visitors to this country who acquired visas, we understand the importance of trying to deal with this issue and deal with it effectively.

We believe the legislation we are supporting is not going to answer all of the problems, but it is going to move us into the modern technology age and will take advantage of all the new technology to help provide security for our country.

We also must live up to our history and heritage as a nation of immigrants. We can go to a more restrictive kind of border security. It probably would not be responsive to the nature of the terrorists, and it would have important implications in terms of families and in terms of commercial relationships. We want to provide a recommendation consistent with our historical and economic interests, but also use the best of technology in terms of identifying it and seeking out those who mean to do harm to our society.

Continued immigration is a part of our national well-being, our identity as a nation, and our strength in today's world. In defending America, we are also defending the fundamental constitutional principles that made us strong in the past and will make us even stronger in the future. Our action must strike a careful balance between protecting civil liberties and providing the means for law enforcement to identify, apprehend, and detain potential terrorists. It makes no sense to enact reforms to severely limit immigration into the United States. ''Fortress America,'' even if it could be achieved, is an inadequate and ineffective response to the terrorist threat. This legislation strikes the balance. Immigrants are not the danger; terrorists are. We have to keep that in mind.

Our legislation creates increased and improved layers of security by providing multiple opportunities for our government to turn away or apprehend potentially dangerous visitors and travelers.

Our first layer of security is the intelligence information provided to consular offices, the INS, and border guards. Our efforts to improve border security must therefore include targeted intelligence gathering and analysis to identify potential terrorists, and coordinated information-sharing within and between the Department of State, the Immigration and Naturalization Service, and the law enforcement and intelligence agencies.

This legislation will require the President to submit and implement a plan to improve the access to critical security information. It will create an electronic data system to give those responsible for screening visa applicants and persons entering the United States the information they need in real time and the tools they need to make informed decisions. It also provides for a temporary system until the President's plan is fully implemented.

Now, most foreign nationals who travel here must apply for visas at American consulates overseas. We must improve the ability of the Foreign Service officers to detect and intercept potential terrorists before they arrive in the United States. Traditionally, consular offices interviewing visa applicants have focused on trying to determine whether the applicant is likely to violate his or her visa status.

Although this review is important, consular offices must also be trained specifically to screen for security threats, not just potential visa violators.

We are basically talking about two concepts. One is in terms of the technology and the shared information and the other is the training. Too often we find that the intelligence agencies refuse to provide information in terms of the dangers of individuals who may pose a threat to the United States and share that with the consular offices that are making decisions and judgments with regard to whether they ought to give that person a visa. And it has been a bureaucratic snafu that continues too often, even today.

The intelligence community believes that if they provide that information, they are somehow potentially sacrificing their sources in a given country because there are foreign nationals in the consular offices and they will be able to get wind of what is happening and endanger their sources of information with regard to those who pose us a threat. So in many instances they will not make those individuals and the dangers of those individuals available to the consular offices. Clearly, if the consular offices, no matter how well-trained, don't have that information, then they are unable to make a judgment about the kinds of threats that individual poses for the United States. That has to stop.

There is no question, with the level of technology that is available at this time and the whole processing that can be utilized, we can meet the responsibilities of the intelligence community, as well as ensuring that well-trained consular offices are going to have the kinds of information they are going to need in order to make a solid judgment in terms of the individual. That is a key element. We need to have the training of the consular offices so they are not just looking at the usual judgments, whether individuals may overstay, based upon family relationships; but they need the additional kind of training in order to be able to detect and determine, to the extent that the training can, whether individuals pose us a threat. Those two factors are included in this legislation and strongly supported. It is extremely important, right at the very beginning, to make sure you are going to have the best information that is going to be available to that visa officer, and that the visa officer is going to have the best possible training to not only understand their responsibility on individuals who want to get a touring visa, but also they are going to be carefully trained in order to use their skills to be able to root out those who may potentially be a threat. Those are very important parts of this legislation.

Terrorist lookout committees will be established in every U.S. consular mission abroad in order to focus the attention of our consular officers on specific threats and provide essential critical national security information to those responsible for issuing visas and updating the database. So if the other intelligence agencies are going to be able to pick up information, as we have seen happen at different times, that a particular area is a potential threatened area, that information can be made available as well to the consular offices to put them on a higher alert. That too often does not exist today. That has to be altered and changed. This legislation does that.

This legislation will close gaps on restrictions on visas for foreign nationals from countries that the Department of State has determined are sponsors of terrorism. It prohibits issuing visas to individuals coming from countries that sponsor terrorism, unless the Secretary of State has determined on a case-by-case basis that the individual is not a security threat.

The current visa waiver program, which allows individuals from participating countries to enter the United States for a limited period of time without visas, strengthens relations between the United States and those

countries and encourages economic growth around the world. Given its importance, we must safeguard its continued use, while also ensuring the country's designation as a participant in the program does not undermine the U.S. law enforcement and security. This legislation will only allow a country to be designated as a visa waiver participant—or continue to be designated—if the Attorney General and Secretary of State determine that the country reports instances of passport theft to the U.S. Government in a timely manner.

There is a criterion for selecting those countries. Those countries are eligible for a visa waiver if they demonstrate that 97 percent of those who are granted visas return. That has been reviewed and studied over a period of time. Rather than using the personnel when we know individuals will be returning, part of all of this effort is to use the resources we have, which are not infinite, to target the areas where there is the greatest need.

We have 22 million visitors who come from these visa waiver countries. There is not a careful monitoring of those individuals when they are here or when they are returning. That has to change. This legislation ensures the INS will know when those individuals come here, their whereabouts, and when they are going to leave. That is enormously important.

Another provision is the student waiver program. We have 22,000—listen, 22,000—educational institutions that can grant an educational visa. We do not now know when the individual comes in, once they get by the port of entry, whether they ever go to the college, whether they ever attend for any period of time, or, quite frankly, whether they graduate, which is an enormous loophole. That has to change.

There are provisions in this legislation that do that. We have accomplished this with the cooperation of the universities and the educational centers. They cooperated. They helped us. We will have a chance to go through this in greater detail to the extent Members want to, but that is included in this legislation as well.

We must require also that all airlines electronically transmit passenger lists to destination airports in the United States, so that once the planes have landed, law enforcement officers can intercept passengers on the lookout list. United States airlines already do this, but some foreign airlines do not do it. Our legislation requires airlines to electronically transmit passenger manifest information prior to arrival in the United States. That information is going to be put into the computers so we know when the visa is granted and that it is based on the most current information. We will know when that individual purchased a ticket. That information will be shared. We will know by the tracking of that ticket when the person enters. When the border security person sees that individual at the port of entry, they are going to have up-to-date information and ultimately will have biometric technology to make sure the person standing before them is the same person who was granted the visa. That does not exist today, and it creates enormous opportunities for abuse. We make that commitment in this legislation.

We do not minimize the complexity in achieving all of this, but we believe it represents our best effort in how we can improve our current system.

Enforcement personnel at our ports of entry are a key part of the battle against terrorism, and we must provide them greater resources, training, and technology. These men and women have a significant role in the battle against terrorism. This legislation will ensure that enforcement personnel receive adequate pay, can hire necessary personnel, are well trained to identify individuals who pose a security threat, have access to important intelligence information, and have the technologies they need to enhance border security and facilitate cross-border commerce.

The Immigration and Naturalization Service must be able to retain highly skilled immigration inspectors. Our legislation provides incentives to immigration inspectors by providing them with the same benefits as other law enforcement personnel. They do not have that today. Our bill does.

Expanding the use of biometric technology is critical to prevent terrorists from traveling under false identities. This legislation is needed to bring our ports of entry into the digital and biometric age and equip them with biometric data readers and scanners. These secure travel document scanners will verify that a person entering the country is the same person who was issued the passport and the visa.

We must expand the use of biometric border crossing cards. The time frame previously allowed for individuals to obtain these cards was not sufficient. This legislation extends the deadline for individuals crossing the border to acquire the biometric cards. There are some instances where individuals, particularly in Mexico, have the cards and we have not put the investment into the technology that is necessary to read these cards.

The USA PATRIOT Act addressed the need for machine-readable passports but did not focus on the need for machine-readable visas issued by the United States. This legislation enables the Department of State to raise fees through the use of machine-readable visas and use the funds collected from these fees to improve technology at our ports of entry. The fee raising has been enormously successful. It has funded these programs. It makes a great deal of sense.

We must also strengthen our ability to monitor foreign nationals within the United States. In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry of every non-citizen arriving in the United States and to match it with the record of departure. Although the technology is available for such a system, it has not been put in place because of the high costs involved. Our legislation builds on the antiterrorism bill and provides greater direction to the INS for implementing the entry/exit system.

Also, we include in the legislation a very interesting proposal, and that is to first look north and then south at perimeter security. We are not only looking at our border with Canada, but we are also working with Canada to find out who is coming into Canada as a first line of defense. That is shared information, with the idea that we can set up systems that are going to be cooperative and interchangeable with the exchange of information and intelligence on individuals.

The Canadian Government is responding very positively. Our Ambassador to Canada, the former Governor of Massachusetts, Paul Cellucci, testified before our committee about the steps that are being taken. That will take time to work through. Then we can obviously think about doing the same job on the southern perimeter. Most of those who worked on the whole security issue believe that can be enormously important and very worthwhile.

It is time for the Senate to support this bill. The security concerns addressed by this legislation cannot be ignored, action cannot be postponed, and the cost is reasonable. The estimated cost of the legislation is $1.2 billion in 1 year, $3.2 billion for full implementation. It is a small price to pay for the security this bill will provide the American public.

Some have urged Congress to delay the passage until we have had, as I mentioned, the opportunity to restructure the INS. But the many important goals of this bill, including developing an interoperable data system to give immigration and consular officers access to relevant law enforcement and intelligence information, requiring biometric identifiers be included in travel documents, and strengthening the training of consular officers and immigration inspectors are important reforms that need to be enacted regardless of how our agencies are organized.

These reforms cannot wait for a bureaucratic arrangement to be resolved, as we have seen the risks are too great. While reorganization of the INS is a top priority, which Congress plans to quickly address, we cannot afford to wait until that task is implemented to undertake the necessary changes advanced in the border security bill.

The Enhanced Border Security and Visa Entry Reform Act has the broad bipartisan support of 60 Senators and the support of numerous coalitions such as the National Border Patrol Council, the U.S. Chamber of Commerce, Americans for Better Borders,

International Biometric Industry Association, the American Immigration Lawyers Association, the Association of International Educators, the Leadership Council for Civil Rights, National Council of La Raza, National Immigration Forum, the American Federation of Government Employees, and the AFL–CIO.

The USA PATRIOT Act was an important part of the effort to improve immigration security, but further action is needed. This legislation is a needed bipartisan effort to strengthen the security of our borders and enhance our ability to prevent future terrorist attacks while also reaffirming our tradition as a nation of immigrants.

I see my colleague and friend Senator FEINSTEIN is in the Chamber. At this time, I state for the record the very strong support from the National Border Patrol, which represents 9,000 nonsupervisory Border Patrol employees, talking about the very important aspects of this legislation, and rest assured we can count on the support of the National Border Patrol Council to secure the passage of this legislation. Americans for Better Borders, similarly they have indicated their strong support and state that given the importance of this legislation, they urge swift passage in the Senate. Also included are the groups I have indicated in this chart, which are as broad a range of groups in support of this legislation as one could hope for in this body.

One of the most important groups that support this—and I intend to yield in a moment—are the Families of September 11. We heard marvelous eloquence today from MaryEllen Salamone, who is the director of the Families of September 11. These families testify about the importance of this legislation. They are attempting not only to try and bring their lives together, but also in areas of public policy they are expressing their views in ways of ensuring, to the extent that we can, that we will not have a similar kind of tragedy as September 11.

We heard testimony so powerful today in support of legislation from that group. I will include those letters of support, as well as from the International Biometric Industry, as to why they believe this legislation is so important. I have letters from the Alliance, which is the International Education and Cultural Exchange, and the Association of International Educators. There is strong support from those who would be impacted by this legislation.

This is good legislation. It is necessary, and I hope the Senate will support it. I am so glad to see my colleague and friend from California, who I have indicated has been a driving force in this area as in so many other areas, and she has been an essential partner. We always enjoy the opportunity to work closely with her, and we always learn from that experience.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

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

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Washington, DC, April 11, 2002.

Hon. EDWARD KENNEDY,
Chairman, Subcommittee on Immigration, Senate Committee on Judiciary, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the American Federation of Government Employees, I would like to express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act of 2002. In our view, the combination of improved technology, better training and higher pay will do much to improve our border response capability.

We are particularly gratified that this legislation includes a long overdue increase in the journeyman pay grade for immigration inspectors and border patrol agents. Currently, the journeyman pay grade for these two groups of employees is GS–9, among the lowest for all federal law enforcement personnel. This, coupled with the lack of law enforcement retirement benefits for immigration inspectors, has created an attrition crisis at the Immigration and Naturalization Service.

According to statistics provided by the I&NS, the current attrition rate for border patrol agents is 14 percent and is expected to rise to a staggering 20 percent by the end of the fiscal year. For immigration inspectors, the current rate is 10.1 percent and it is expected to reach 15 percent by the end of the year. We have been told that over 50 percent of our nation's border patrol agents have applied for air marshal positions. The tremendous loss of experienced personnel to other law enforcement agencies has a devastating effect on agency effectiveness and employee morale.

W3 applaud you for your leadership on this issue and look forward to working with you to secure full funding for this important measure.

Sincerely,

BETH MOTEN,
Legislative Director.

NATIONAL IMMIGRATION AND NATURALIZATION SERVICE COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
April 11, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Immigration & Naturalization Service Council and its 6,800 members, I would like to express our appreciation for your efforts to increase the journeyman pay grade for INS inspectors from GS–9 to GS–11. We believe this is a long overdue step that will help stem the double digit attrition rate currently experienced within the ranks of INS inspectors. It will also begin to close the gap between their pay rates and that of most other federal law enforcement agencies.

For this reason, we want to lend our strong support to S. 1749/H.R. 3525, the Enhanced Border Security and Visa Entry Reform Bill of 2002. We look forward to working with you to secure the necessary appropriation to implement the pay grade increase.

We also look forward to working with you in the future on legislation that would grant immigration inspectors their right as federal law enforcement officers to receive law enforcement retirement benefits. It is a gross injustice that these individuals, who make countless arrests, are required to carry firearms and place themselves in danger on a regular basis and are denied such retirement benefits.

If there is anything we can do to assist you in your efforts to enact this bill, please let us know.

Sincerely,

CHARLES J. MURPHY,
President.

FAMILIES OF SEPTEMBER 11,
Great Falls, VA.

DEAR SENATOR: On September 11, 2001, terrorists attacked America. They hijacked four planes and crashed into the World Trade Centers and the Pentagon. They took over 2800 lives, they left 15,000 children without one or both parents, and they ruined thousands and thousands of families. They left America in fear.

Senate Bill 1749, The Enhanced Border Security and VISA Entry Reform Act addresses immigration security issues. The events of September 11 illustrated most clearly the weaknesses of our immigration monitoring systems and Congress responded with this well thought out and carefully written legislation. It passed in December, without delay, in the House.

It is disturbing to learn that this legislation is presently blocked from a vote on the Floor of the Senate. In honor of our loved ones lost, our organization, the Families of September 11, Inc., is committed to promoting legislation and policies which will prevent the recurrence of such a horrific tragedy. We implore you, as an elected official of this country, not just of your state, to do the same. All legislation necessary to improved homeland security must be passed without delay. There is no justification to compromise the safety of the United States of America. Senate Bill 1749 needs to be passed, and it needs to be law.

This is not a time for politics in our country, it is a time for action. The families affected by the events of September 11 have already paid the ultimate price for freedom. We have a reasonable expectation that neither we, nor anyone, should have to pay such a great price as ours for the liberty of this country again. And we have a reasonable expectation that it should be your obligation to ensure this. Please exert any effort necessary to effect a vote on S1749 on the Floor of the Senate. And please vote in its favor, homeland security needs to be of the utmost priority in these dangerous times.

Thank you for your attention and dedication to the resolution of this issue.

Sincerely,

MARYELLEN SALAMONE,
Director.
CARIE LEMACK,
President.

INTERNATIONAL BIOMETRIC INDUSTRY ASSOCIATION,
Washington, DC, April 10, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Biometric Industry Association (IBIA), I am writing to express warm support for swift enactment of the Enhanced Border Security and Visa Reform Act of 2001.

The IBIA and other industry stakeholders understand the critical importance of this legislation to help counter vulnerabilities in national infrastructure security that were so tragically demonstrated on 9/11. Incorporating biometric identification technology into the new security program called for by the bill will vitally strengthen border security.

The IBIA and its partner organizations in research and education in biometrics believe that biometrics must be deployed in ways that both advance security and protect privacy and civil liberties. This legislation is consistent with that goal while making great strides toward removing the cloak of anonymity used by those who have no regard for such personal freedoms and the safety of our citizens.

IBIA is a tax-exempt, nonprofit trade association founded in 1998 to advance the collective interests of the biometric industry. IBIA impartially serves all biometric technologies in all applications. IBIA's membership includes leading manufacturers of hand recognition, iris, facial fingerprint, voice and signature biometrics, and leading integrators of layered biometrics.

Thank you for your farsighted leadership.

Sincerely,

JOHN E. SIEDLARZ,
Chairman.

FEDERATION FOR AMERICAN IMMIGRATION REFORM,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: It is my distinct pleasure to offer the full support of the Federation for American Immigration Reform (FAIR) for S. 1749, the Enhanced Border Security and Visa Entry Reform Act of 2001. As you know, FAIR has worked tirelessly with you and with other members of both the House and Senate to develop and advance this critically important homeland security legislation. Senate consideration of this measure separately from other controversial legislation to extend Section 245(i) is the only supportable means for handling this landmark legislation.

Absent the important provisions of this legislation, the United States will remain perilously vulnerable to attack by terrorists because the nation presently lacks any federal capacity to monitor or track foreign nationals who violate the terms of their visas. Without this important legislation, the United States will continue to lack knowledge of who has entered and departed the country. Similarly the nation will continue to lack knowledge of whom and how many have failed to depart and remain illegally in the country.

As we have seen since the attacks of September 11, our federal investigative agencies are fragmented, uncoordinated and lack the ability to share important information needed to identify terrorists either attempting to enter our country or who are already here. S. 1749 will mandate interoperability of investigative databases, making it at least possible to detect, intercept and quickly apprehend terrorist suspects before their deadly plans are consummated. The mandates to implement an exit-entry system, inter-agency information sharing and the use of verifiable biometric identifiers on visas and passports make enforcement of laws against all forms of illegal immigration far more feasible.

Senator Feinstein, we applaud the steadfast determination you have shown in ending the logjam holding up Senate consideration of this bill since last December. The nation is in your debt.

Sincerely,

DAN STEIN,
Executive Director.

NATIONAL BORDER PATROL COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, FL, April 12, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Immigration Subcommittee, Judiciary Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Border Patrol Council, representing over 9,000 non-supervisory Border Patrol employees, appreciates your leadership on immigration issues and support of the dedicated men and women who protect our nation's borders. Your recent efforts to provide enhanced technology, more training, and higher pay through the pending Enhanced Border Security and Visa Entry Reform Act of 2002 (S. 1749/H.R. 3525) are greatly appreciated. As you are aware attrition within the ranks of the Border Patrol is at an all-time high, and continues to climb at an alarming rate. Increasing the journeyman pay level of these employees is an important step in addressing this severe problem. Rest assured that you can count on the support of the National Border Patrol Council to secure the passage of this legislation. After it is enacted, your continued assistance in the effort to fully fund the pay increase authorization will prove invaluable.

Sincerely,

T.J. BONNER,
President.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the Senator from Massachusetts for his leadership on this issue. It is very clear to me we would not be where we are today had it not been for his leadership, both as a former chairman of the Judiciary Committee and as the chairman of the Immigration Subcommittee, and as a 40-year member of this great body.

I am very pleased to join with Senators KENNEDY, BROWNBACK, and KYL in sponsoring the Enhanced Border Security and Visa Entry Reform Act of 2001. This legislation, I think it is fair to say, represents a consensus. It draws upon the strength of both the Visa Entry Reform Act of 2001, which I introduced with my colleague from Arizona, Senator KYL, and the Enhanced Border Security Act of 2001, which Senators KENNEDY and BROWNBACK introduced.

How did this happen? Senator KYL and I, in the Technology and Terrorism Subcommittee, held hearings and came upon many of the same things I think Senators KENNEDY and BROWNBACK did in the full Subcommittee on Immigration. In any event, the final result, as Senator KENNEDY has said, garnered widespread support from both sides of the aisle. We now have a total of 61 cosponsors, and I think that is pretty much unprecedented for an immigration bill, particularly one of this magnitude.

September 11 clearly pointed out the shortcomings of our immigration and naturalization system. For example, all 19 terrorists entered the United States legally. They had valid visas. Three of the hijackers had remained in the United States after their visas had expired. One entered on a foreign student visa. Another, Mohamed Atta, had filed an application to change status to M–1, which was granted in July. However, Mr. Atta sought permission and was admitted to the United States based on his then current B–1 visitor visa.

On March 11, 6 months from the date of the attacks, 6 months after Mohamed Atta and Marwan al-Shehhi flew planes into the World Trade Center, the Immigration and Naturalization Service notified a Venice, FL, flight school that the two men had been approved for student visas.

I think the sheer volume of travelers to our country each year illustrates the need for an efficiently run and technologically advanced immigration system. This is extraordinarily difficult if we just look at some of the numbers. I want the record to reflect some of these numbers.

We have in our country between 8 and 9 million people who are residents without any legal status. They either entered illegally or they overstayed a temporary visa. Actually, 40 percent of the total were visa overstays. We had 30.1 million nonimmigrants entering the United States during the year 1998. That is the most recent year for which INS has statistics.

As Senator KENNEDY pointed out, 23 million of them entered as tourists on the visa waiver program. Nobody knows really whether they ever went home again. Six million of them were issued nonimmigrant visas as students, tourists, temporary workers, and other temporary visitors; 660,000 were foreign students who had entered in the fall of 2001. If that is not enough, we have about 500 million border crossings back and forth each year, combining Americans who cross the border with non-Americans who cross the border, and 350 million of the 500 million are non-Americans crossing the border.

So if one talks about securing borders, our country is a giant sieve. This sieve is virtually our strength in times of peace, and at times of war it is our greatest insecurity.

Of these 666,000 foreign nationals who held student visas in 2001, more than 10,000 enrolled in flight training, in trade schools, in other nonacademic programs, and more than 16,000 came from terrorist-supporting countries.

Senator KENNEDY pointed out—my numbers are 2,000 different from his—that we have some 74,000 U.S. schools that are allowed to admit foreign students, but checks of the schools on the current INS list found that some had closed. Yet students still come in. Others have never existed; therefore, they were fraudulent schools set up clearly to bring in people on student visas.

Exactly 6 months after the 9–11 attacks, as I pointed out, Huffman Aviation received student visa approval forms for Mohamed Atta and Marwan al-Shehhi.

There is a big problem out there, and I think the sheer volume of travelers to our country each year points out eloquently the problems we face.

This is one of the reasons why we have to change a paper-driven agency into a much more active agency, with better management, with more technologically modern tools, and I think knowing what we now know to secure our borders. It is visa entries, change the processes, and improve the border. This bill aims to do that.

I will talk for a moment about the visa waiver program. I mentioned visa waivers: Some 23 million people, from 29 different countries. I mentioned nobody knows where they go in the United States or whether they leave once their visas expire. The INS estimates over 100,000 blank passports have been stolen from government offices in participating countries in recent years. Why would 100,000 passports be stolen? The answer is, to use them fraudulently. Abuse of the visa waiver program poses threats to U.S. national security. It also increases illegal immigration.

For example, one of the co-conspirators in the World Trade Center bombing of 1993 deliberately chose to use a fraudulent Swedish passport to attempt entry into the United States because of Sweden's participation in the visa waiver program. That clearly says we have to change the program. What we do in this bill is mandate all these passports must be machine readable, so they can be read when the individual enters the country, they can be read when the individual leaves the country, and also the information can be provided to know what these people are going to do while they are in the country.

Let me talk about the foreign student visa program. I mentioned that more than 500,000 foreign nationals enter each year. Within the last 10 years, 16,000 came from such terrorist-supporting States as Iran, Iraq, Sudan, Libya, and Syria. The foreign student visa system is one of the most under-regulated systems we have today. We have seen bribes, bureaucracy, and other problems with this system that leave it wide open to abuse by terrorists and other criminals.

For example, in the early 1990s, 5 officials at 4 California colleges were convicted in Federal court of taking bribes, providing counterfeit education documents, and fraudulently applying for more than 100 foreign student visas. It is unclear what steps the INS took to find and deport the foreign nationals involved in this scheme, even after these five officials were convicted.

Each year, we have 300 million border crossings. For the most part, these individuals are legitimate visitors in our country, but we have no way of tracking all of these visitors. Mohamed Atta, the suspected ring leader in the attack, was admitted as a non-immigrant visitor in July 2001. He traveled frequently to and from the United States during the past 2 years. According to the INS, he was in legal status the day of the attack. Other hijackers also traveled with ease throughout the country.

It has become all too clear that without an adequate tracking system, our country becomes the sieve that it is today. That creates ample opportunities for terrorists to enter and establish their operations without detection.

I sit as chair of the Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information. Last October, the subcommittee held a hearing to explore the need for new technologies to assist our Government agencies in keeping terrorists out of the United States. The testimony at that hearing was very illuminating. We were given a picture of an immigration system in chaos and a border control system rife with vulnerabilities. Agency officials don't communicate with each other, computers are incompatible, and even in instances where technological leaps have been made, as in the issuance of 4.5 million smart border crossing cards with biometric data, the technology is not even used because the laser readers have never been purchased and installed.

It is astonishing that a person can apply for a visa and be granted a visa by the State Department and there is no mechanism by which the FBI or the CIA can raise a red flag with regard to the individual if he or she is known to have links to a terrorist group or otherwise pose a threat to national security.

In the aftermath of September 11, it is unconscionable that a terrorist might be permitted to enter the United States simply because our Government agencies don't share information. We heard testimony from the head person of the State Department in the consular division. She testified that they feel terrible because they granted these visas. They granted them from abroad. But they had no information on the individuals, no reason at the time to deny the visas.

We have discovered since then the perpetrators of these attacks clearly had a certain confidence that our immigration laws could be circumvented either because the law itself was not adequate to protect us or the enforcement of existing law is too lax. It almost seemed effortless the way the terrorists got into this country. They did not have to slip into the country as stowaways on sea vessels or sneak through the borders evading Federal authorities. Most, if not all, appeared to have come in with temporary visas, which are routinely granted to tourists, to students, and to other short-term visitors to our country.

This brings me to why the provisions we have cosponsored are so important and should be enacted without further delay. Right now, our Government agencies use different systems with different information and different formats. They often refuse to share that information with other agencies within our Government. This clearly, in view of September 11, is no longer acceptable. When a tourist presents himself or herself at a consular office asking for a visa or at a border crossing with a passport, we need to make sure his or her name and identifying information are checked against an accurate, up to date and comprehensive database.

Under the pending legislation, the administration would be required to develop and implement an interoperable law enforcement and intelligence data system which would provide the INS and the State Department immediate access to relevant law enforcement and intelligence information. The database would be accessible to foreign service officers issuing visas, to Federal agents determining the admissibility of aliens to the United States, and law enforcement officers investigating and identifying aliens.

In addition, the interoperable data system would include sophisticated, linguistically based, name-matching algorithms so that the computers can recognize that, for example, Muhamad Usam Abdel Raqeeb and Haj Mohd Othman Abdul Rejeeb are transliterations of the same name. In other words, this provision would require agencies to ensure that names can be matched even when they are stored in different sets of fields in different databases.

Incidentally, this legislation also contains strict privacy provisions limiting access to this database to authorized Federal officials only. The bill contains severe penalties for wrongful access or misuse of information contained in the databases.

I wish to address one other problem. Some people say if you give the date that is in the legislation, it is too soon, they cannot approve it. I don't believe that. We have been after them for years to do things like this, and I believe, after talking with several people from the private sector, that the private sector can come in and provide the software very quickly for the kinds of databases we are discussing.

They have assured me this is possible. I think one of the problems we have is we don't employ the experts in the private sector we have—the technologically hypersensitive people who know the most modern technology and how to apply software, how to get the system up and running, how to get the data entered, and then stay with the system.

I remember when I was mayor of San Francisco when we did the first latent fingerprint database in the United States. NEC did it for us. NEC sent their people to San Francisco to install the system and to establish the software. They remained for 5 years to see that the programming was done adequately. This was done on a request for proposal of bid from the private sector.

I believe very strongly, if we are going to ever get this section of the bill properly instituted, that not only does the private sector have to come in, but they have to stay for substantial periods of time—at least 5 years—to supervise the data entry as that data is put in, as the databases are checked, as

they are revised. I think that is critical to a system.

I mentioned briefly the Visa Waiver Program. With 123 million people and 29 different countries, we would require tamper-resistant, machine-readable biometric passports. Each country participating in the visa waiver program would issue tamper-resistant, machine-readable biometric passports to its nationals by 2003. This must happen. No excuse should be tolerated. If they cannot meet it, they should be dropped out of the program.

Prior to admitting a foreign visitor from a visa waiver country, the INS inspector must first determine that the individual does not appear in any lookout database. As a condition of a country's continued participation in the visa waiver program, the Attorney General and the Secretary of State must consider whether that country keeps the United States apprised of the theft of blank passports. One-hundred thousand of them have been stolen. Again, why? Fraud.

This is important because terrorist organizations have made use of stolen or counterfeit passports from countries participating in the visa waiver program. The INS would be required to enter stolen or lost passport numbers into the interpretable visa data system within 72 hours of notification of loss or theft. Until that system is established, the INS must enter that information into an existing data system. So when they come through on the visa waiver program with a stolen passport, that number is hot. That number pops up. Whoever is waving them through knows it.

We know the September attacks were connected with al-Qaeda, which has links in some 60 to 70 countries around the world. It has, in fact, established bases in visa waiver countries such as Albania, Belgium, Bosnia, Croatia, Denmark, France, Germany, Luxemburg, the Netherlands, Spain, Sweden, Switzerland, Turkey, and the United Kingdom.

Al-Qaeda cells exist in these countries. Stolen passports become available. They come in, and no one knows what happened after that time. Clearly, we cannot allow this program to become a passageway for terrorists into our country.

We also have new requirements for passenger manifests. All commercial flights and vessels coming to the United States from international ports must provide manifest information about each passenger, crew member, and other occupants prior to the arrival of that flight or that vessel. That is critical to closing some of these loopholes. The manifest has to get to the INS prior to the arrival of the ship or the plane.

I have checked with airlines as to whether this can be done and whether it is practical. The answer is yes.

In addition, each vessel or aircraft departing from the United States for any destination outside of the United States must provide manifest information before departure. By 2003, the manifest must be transmitted electronically.

The Attorney General would be authorized to extend manifest requirements to any public or private carrier transporting persons to or from the United States.

The Attorney General may impose a fine on carriers that fail to provide manifest information or those who provide inaccurate, incomplete, or false information.

This section of the bill also eliminates the 45-minute deadline to clear arriving passengers which now exist in law.

This legislation also includes other concrete steps to restore integrity to the immigration and visa process, including the following new travel document requirements.

The bill would require all visa, passports, and other travel documents to be fraud and tamper resistant and contain biometric data by October 26, 2003.

The legislation would also require all foreign nationals to be fingerprinted, and when appropriate submit other biometric data to the State Department when applying for a visa.

That is reasonable. It has to be done. This provision should help to eliminate fraud as well as identify potential threats to the country before they gain access.

There is a provision on nonimmigrants from certain countries. The bill would prohibit the issuance of nonimmigrant visas to nationals from countries designated as state-sponsored international terrorism, unless the Secretary of State, after consulting with the Attorney General and the heads of other appropriate agencies, determines that the individual poses no safety or security threat to the United States.

Student visa reforms: We worked closely with the university community in crafting new strict requirements for the student visa program to crack down on fraud—to make sure that students really are attending classes, and to give the Government the ability to track any foreign national who arrives on a student visa but fails to enroll in school.

Prior to 9–11, I think it is fair to say that the American academic community didn't really want to have this responsibility. After 9–11, to some extent, they still didn't.

That is when I came forward with perhaps a moratorium on the student visa program. Then they came in and agreed to assume additional responsibility.

I am very grateful to the university associations for their leadership in this matter. I know it is additional work for schools. But I also think if the schools receive the tuition, and if the schools receive the individuals, there has to be a private sector sharing of this responsibility as well. That is just, and that it is appropriate. I believe the university community now agrees with this.

I am very grateful to them for their cooperation. The legislation also reforms the student visa process by doing the following: It would require the Attorney General to notify schools of the student's date of entry and require the schools to notify—this is important—the INS if a student has not reported to school within 30 days of the beginning of an academic term.

The monitoring program does not preselect such information as the student's date of entry, the port of entry, the date of school enrollment, the date the student leaves the school, graduates, or quits the degree program or field of study. That, and other significant information, will now be collected.

I think it is important. I do not believe the people of my State or the people of America want us to give advanced nuclear training to those who would conduct a nuclear program and use that program against us. We know we have trained the head of the Iraqi nuclear program. We know we have given a higher education to the head of the Islamic Jihad. I do not think our people want us to do that. I, as one Member of this Senate, really rebel against that kind of thing. I don't want to train people who will create enormous danger to all of our citizens.

I think we can't entirely avoid it, but we can have those systems in place that guard against it. We at present do not.

We would also require the INS, in consultation with the State Department, to monitor the various steps involved in admitting foreign students and to notify the school of the student's entry. This does not presently happen.

It would also require the school to notify INS if a student has not reported for school no more than 30 days after the deadline for registering for classes. So if you are supposed to register and you do not register for 30 days, right now the INS doesn't know that. You can be long gone. They do not know it. This would be the school's responsibility. The schools are prepared to accept that responsibility.

We would also mandate the INS to conduct a periodic review of educational institutions to monitor their compliance with recordkeeping and reporting requirements. If an institution or program fails to comply, their authorization to accept foreign students may be revoked. While the INS currently reviews educational institutions, reviews have not been done consistently in recent years, and some schools are not diligent in their recordkeeping and reporting responsibilities.

As to more border personnel, this section authorizes an increase of at least 1,000 INS inspectors. If you were there—and I believe you were, Madam President, this morning at our hearing—you heard the immigration specialist say how very important the INS

inspector is; how overburdened—and underpaid, I would add—they are. This bill would change both of those. It would add 1,000 INS investigative personnel, 1,000 Customs Service inspectors, and additional associated support staff in each of fiscal years 2002 through 2006, to be employed at either the northern or southern border.

As to better INS pay and staffing, to help INS retain Border Patrol officers and inspectors, this section would raise their pay grade and permit the hiring of additional support staff.

As to enhanced Border Patrol and Customs training to enhance our ability to identify and intercept would-be terrorists at the border, funds are provided for the regular training of Border Patrol, Customs agents, and INS inspectors. In addition, funds are provided to agencies staffing U.S. ports of entry for continuing cross-training, to fully train inspectors in using lookout databases and monitoring passenger traffic patterns, and to expand the carrier consultant program.

As to better State Department information and training, this section authorizes funding to improve the security features of the Department of State screening of visa applicants. Improved security features include better coordination of international intelligence information, additional staff, and continuous ongoing training of consular officers.

The bill contains a number of other related provisions as well, but the gist of this legislation is this: Where we can provide law enforcement more information about potentially dangerous foreign nationals, we do so. Where we can reform our border crossing system to weed out and deter terrorists and others who would do us harm, we do so. And where we can update technology to meet the demands of modern war against terror, we do that as well.

As we prepare to modify our immigration system, we must be sure to enact changes that are realistic and feasible. We must also provide the necessary tools to implement them, and the money to pay for it all. I think Senator BYRD was eloquent this morning in expressing that.

We have a lot to do, but I am confident that we will move swiftly to address these important issues. The legislation Senators KENNEDY, BROWNBACK, KYL, and I crafted is an important and strong first step, but this is only the beginning of a long and difficult process because our entire intent, our body language, our laws, our philosophy, has been to have a very liberal, open border. Now we cannot afford to do that.

Madam President, I would like to respond to any concern anyone might have that this bill is anti-immigrant. We are a nation of immigrants. The United States takes more immigrants legally each year than all of the other industrialized nations on Earth put together. So we are a nation of immigrants. We recognize it; we respect it. It is what the Statue of Liberty stands for. And we have followed it.

The overwhelming percentage of people who come to live in this country do so to enjoy the blessings of liberty, equality, and opportunity. The overwhelming percentage of the people who visit this country mean us no harm, but there are several thousand innocent people, including foreign nationals, who were killed on September 11—in part because a network of fanatics determined to wreak death, destruction, and terror. They exploited the weaknesses of our immigration system to come here, to stay here, to study here, and to kill here.

We learned at Oklahoma City that not all terrorists are foreign nationals. But the world is a dangerous place and the world is peopled with regimes that would destroy us if they had a chance.

We are all casualties of September 11. Our society has necessarily changed as our perception of the threats we face has changed. The blinders have fallen from our eyes. Clearly, we need to address the vulnerabilities in our immigration system that September 11 painfully revealed.

O, that we had done it after the 1993 bombing of the World Trade Center.

When one of the bombers was being moved after 9–11, he said to the FBI agent moving him: If I only had the money and explosives, I could have done what was done on September 11, in 1993.

The changes we need to make in our system will inconvenience people. Let there be no doubt. Once implemented, however, those changes will make it easier for law-abiding foreign visitors either to visit or to study here, and for law-abiding immigrants who want to live here to do so. More importantly, once they are here, their safety—and our safety—will be greatly enhanced.

We must do everything we can to deter the terrorists, here and abroad, who would do us harm. From the Pentagon to downtown Manhattan, we have learned just how high the stakes are. It would dishonor the innocent victims of September 11 and the brave men and women in our Armed Forces who are defending our liberty at this very instant if we failed in this effort.

So it is extraordinarily important that we enact the Enhanced Border Security and Visa Entry Reform Act. I urge the bipartisan leadership of the Senate to join with us in gaining final passage of this important legislation.

Thank you, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Madam President, I would also like the RECORD to reflect the following:

In fiscal year 1999, the Department of State identified 291 potential nonimmigrants as inadmissible for security or terrorist concerns. Of that number, 101 aliens seeking nonimmigrant visas were specifically identified for terrorist activities, but 35 of them were able to overcome the ineligibility.

Including the 19 September 11 hijackers, 47 foreign-born individuals have been charged, pled guilty, or been convicted of involvement in terrorism on U.S. soil in the last 10 years. Of the 47 terrorists, at least 13 had overstayed a temporary visa at some point prior to taking part in terrorist activity, including September 11 ring leader Mohamed Atta. Therefore, tracking visa overstays is a very important part of what we are trying to do.

One other fact: Some reports indicate that Khalid Al Midhar, who probably flew American Airlines flight 77 into the Pentagon, was identified as a terrorist by the CIA in January 2001, but his name was not given to the watch list until August 2001. Unfortunately, he had already reentered the United States in July 2001.

I should point out that there is some debate about exactly when the CIA identified him as a terrorist. But if it really did take the CIA several months to put his name on the list, as PBS's ''Frontline'' has reported, then that is a serious problem because we might have stopped him from entering the country had they shared this information sooner. This, of course, speaks to the issue of sharing information between Federal agencies.

Let me just add some information on absconders and detainees.

In December 2001, INS estimated that 314,000 foreigners who have been ordered deported are at large. More recent estimates, released in March 2002, suggest there may be at least 425,000 such absconders. At least 6,000 were identified as coming from countries considered al-Qaeda strongholds.

In a report released in February 2002, the U.S. General Accounting Office said that antifraud efforts at the INS are ''fragmented and unfocused'' and that enforcement of immigration law remains a low priority—that enforcement of immigration law remains a low priority.

The report found that the agency had only 40 jobs for detecting fraud in 4 million applications for immigrant benefits in the year 2000. I think that is a clear indication that the additional personnel provided for in this bill are truly necessary.

Since there is no one else on the floor at the present time, I would like to also put in the RECORD some border agency statistics.

There are 1,800 inspectors at ports of entry along the U.S. borders.

The Customs Service has 3,000 inspectors to check the 1.4 million people and 360,000 vehicles that cross the border daily—1.4 million people and 360,000 vehicles daily.

The 2,000-mile-long Mexican border has 33 ports of entry and 9,106 Border Patrol agents to guard them.

In October 2001, there were 334 Border Patrol agents assigned to the nearly 4,000-mile-long northern border between the United States and Canada. This number of agents clearly cannot cover all shifts 24 hours a day, 7 days a week, leaving some sections of the border open without coverage.

The Office of the Inspector General found that one northern border sector had identified 65 smuggling corridors along the 300 miles of border within its area of responsibility.

INS intelligence officers have admitted that criminals along the northern border monitor the Border Patrol's radio communications and observe their actions. This enables them to know the times when the fewest agents are on duty and to plan illegal actions accordingly.

The primary tool available to INS inspectors during the inspections process is the Interagency Border Inspection System, known as IBIS, which allows INS inspectors to search a variety of databases containing records and lookouts of individuals of particular concern to the United States.

A 1999 Office of the Inspector General report found, however, that INS inspectors at U.S. ports of entry were not consistently checking passport numbers with IBIS. INS officers also failed to enter lost or stolen passports from visa waiver countries into IBIS in a timely, accurate, or consistent manner. One senior INS official from Miami International Airport told the OIG that he was not even aware of any INS policy that required the entry of stolen passport numbers.

I thank the Chair and yield the floor.

I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Madam President, I know Senators BROWNBACK, KYL, and DORGAN will come to the Chamber shortly to speak. In the interim before they appear, I wanted to just make a couple of budget points, at least as I understand them.

The committee, I believe the Appropriations Committee as well, has the INS-anticipated budget numbers—Senator KENNEDY referred to them—that the total cost to implement the bill, according to the INS, is $3,132,307,000. The amount of the first year's cost is $1.187 billion. There is $743 million additional in the President's budget, which leaves a net deficit of $187,959,000.

Of the $40 billion we appropriated after the 9–11 attacks, $20 billion to New York City and $20 billion for discretionary funding, it is my understanding the administration has allocated all but $327 million of that $10 billion. I don't know whether that money is available to be put into this program. We certainly will look and determine that.

I agree with those in the Senate who believe homeland defense is extraordinarily important; that this asymmetrical warfare we are engaged in is going to last a substantial period of time, perhaps a decade or more; and that when we took this oath of office, we ought not only uphold the Constitution but also protect and defend our people. Therefore, if we are really to carry this out, this becomes a very high priority item.

I am hopeful the money will be appropriated. I believe it will. There is now a commitment on both sides of the aisle to do so. It is going to take much more money than we even recognize at the present time, but I believe the American people want us to do that. Therefore, we certainly should.

I don't see any of the other Senators in the Chamber at this time. I ask unanimous consent to print in the RECORD a letter by Bruce Josten on behalf of the U.S. Chamber of Commerce supporting the bill.

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

MARCH 1, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the U.S. Chamber of Commerce, I would like to urge you to bring to the floor as soon as possible the Enhanced Border Security and Visa Entry Reform Act of 2001 (H.R. 3525/S. 1749). As you know, the Chamber and its members have been long concerned about the security and efficiency of our borders for commerce and travel. We believe this legislation goes a long way toward achieving those goals and is particularly necessary following the tragic events of September 11. The legislation has broad bipartisan support, and already passed the U.S. House of Representatives by voice vote on December 19, 2001.

This legislation takes a careful and reasoned approach to the issue of border security, and we strongly support the provisions to increase resources for technology and personnel for our Immigration and Customs Services, enhance data sharing capabilities expand pre-clearance and pre-inspection programs, and direct Federal agencies to work with our NAFTA partners to ensure our joint security while enhancing the flow of legitimate commerce and travel across shared borders. These changes are long overdue.

While we understand that Congress must provide adequate funding if the ambitious deadlines set forth in the legislation are to be met, further delay in this legislation will only postpone the needed reforms that can provide both security and efficiency to our inspections processes. Such changes will allow business to look to the future of cross-border travel and trade with some sense of stability.

We look forward to working with you to secure passage of this legislation, and working with the Congress and the Administration on its implementation.

Sincerely,

R. BRUCE JOSTEN.

Mrs. FEINSTEIN. I ask unanimous consent to have printed in the RECORD letters from a number of other organizations: the American Council on International Personnel; the Alliance for International Education and Cultural Exchange; Americans for Better Borders; and the host of agencies that are reflected by the Family of September 11th Victims; and by the Association of International Educators; and the University of California as well.

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

NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATION,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Chair, Subcommittee on Technology, Terrorism and Government Information, U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of the Nation's largest association of international education professionals—with more than 8,000 members nationwide, including 992 in California—to express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act.

We have a particular interest in those parts of the bill that pertain to international students and scholars. We have worked closely with your offices to ensure that the bill includes any necessary provisions with respect to visa screening and student tracking, while at the same time maintaining the openness to international students and scholars that is itself important to our Nation's security. In our judgment, the bill strikes that crucial balance, and we congratulate you for your work.

We look forward to early enactment of this legislation, and we pledge our ongoing cooperation to ensure its successful implementation.

Sincerely,

MARLENE M. JOHNSON,
Executive Director and CEO.

AMERICANS FOR BETTER BORDERS,
Washington, DC, March 8, 2002.

To Members of the U.S. Senate:

We urge you to help bring S. 1749 to the floor, the Enhanced Border Security and Visa Entry Reform Act of 2002 sponsored by Senators Kennedy, Brownback, Feinstein, and Kyl. In December, the House passed H.R. 3525, the companion measure, by voice vote. The Senate should quickly follow suit.

Almost six months have passed since the September 11 terrorist attacks. Since that time we, like the rest of the nation, have focused on how to enhance our Nation's security through constructive changes to our immigration policies. This legislation takes a significant step in ensuring that our Nation's immigration policies are in line with our common goal of effectively deterring terrorism. It includes many long-overdue reforms that will deter terrorism by developing layers of protection both outside and within the U.S., and help our country increase its intelligence capacity. It provides authorization for increased funding to support additional personnel and technology at our border agencies, mandates better cooperation among border agencies, and encourages further cooperation on a North American Security Perimeter with Canada and Mexico. The bill requires new and advance information sharing between the privates sector and government agencies, and enhances the use of biometrics in our visas and passports.

While we support all of these efforts, we are aware that this bill also poses significant challenges to the agencies and Congress to implement new technologies and processes in very short deadlines. Congress must allocate

adequate, ongoing resources to ensure that these deadlines are met and new systems are property maintained and updated into the future. Reliance on user fees will not be adequate for this national security priority. Furthermore, if it proves impossible to meet the deadlines in this legislation, Congress must be willing to revisit them to ensure that the legitimate cross-border flow of people, commerce and goods can continue, or our economic security may be jeopardized.

Given the importance of this measure, we urge its swift passage in the Senate and signature by the President. For our part, we in the private sector pledge to work closely with Congress and the agencies to ensure swift and effective implementation of these needed reforms.

Sincerely,

American Council on International Personnel.
American Hotel & Lodging Association.
American Immigration Lawyers Association.
American Trucking Associations.
Bellingham (WA) City Council.
Bellingham/Whatcom Chamber of Commerce & Industry.
Bellingham Whatcom Economic Development Council.
Border Trade Alliance.
Canadian/American Border Trade Alliance.
Detroit Regional Chamber.
Eastman Kodak Company.
Fresh Produce Association of the Americas.
Greater El Paso Chamber of Commerce.
Greater Houston Partnership.
International Mass Retail Association.
International Trade Alliance of Spokane, WA.
National Alliance of Gateway Communities.
National Association of RV Parks & Campgrounds.
National Customs Brokers and Forwarders Association of America.
National Retail Federation.
National Tour Association.
Pacific Corridor Enterprise Council (PACE).
Plattsburgh-North Country Chamber of Commerce.
Quebec-New York Corridor Coalition.
Southeast Tourism Society.
The National Industrial Transportation League.
Travel Industry Association of America.
U.S. Chamber of Commerce.
Western States Tourism Policy Council.

ALLIANCE FOR INTERNATIONAL EDUCATION AND CULTURAL EXCHANGE,
Washington, DC, April 11, 2002.

Hon. DIANNE FEINSTEIN,
Chair, Subcommittee on Technology, Terrorism and Government Information, Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of the Alliance for International Educational and Cultural Exchange, an association of 65 American nongovernmental organizations that conduct exchange programs of all types. We wish to congratulate you and express our strong support for S. 1749, the Enhanced Border Security and Visa Entry Reform Act.

We have worked with your staffs as the legislation has developed, and have had opportunities for input to help ensure that the bill strikes the right balance between our strong national interests in increased security and in continued openness to exchange visitors, students, and scholars from around the world. We believe you have succeeded in accomplishing that important goal.

We look forward to the passage of this legislation, and to continuing to work with you to ensure that the United States remains fully, and safely, engaged with the world.

Sincerely,

MICHAEL MCCARRY,
Executive Director.

MARCH 8, 2002.

DEAR SENATOR: We write to urge you to cosponsor and help enact S. 1749/H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act of 2001, and to commend Senators Feinstein, Kyl, Brownback and Kennedy for their leadership in developing this important measure. We support their compromise version.

This legislation includes constructive changes to our immigration policies that can help strengthen our nation's security. These changes fill current gaps in our immigration system and will increase our nation's intelligence capacity as well as develop layers of protection both outside and within the U.S. Among other provisions, this bill:

Provides consular and border personnel with the training, facilities and data needed to prevent the entry of people who intend to do this country harm.

Calls for vital improvements in technology to provide more timely information.

Authorizes increased funding for the Department of State and the Immigration and Naturalization Service so that they, along with other federal agencies, can coordinate and share information needed to identify and intercept terrorists.

Calls for a study to determine the feasibility of an North American Perimeter Safety Zone. This study includes a review of the feasibility of expanding and developing preclearance and pre-inspections programs with protections for persons fleeing persecution.

Includes provisions for a workable entry-exit control system.

Provides for a one-year extension of the deadline for individuals crossing the border to acquire biometric border crossing cards.

S. 1749/H.R. 3525 is a bipartisan effort that merits your cosponsorship and swift passage. The House passed this measure in December. We urge the Senate to immediately take up and pass this measure as well.

Sincerely,

American Immigration Lawyers Association.
Church World Service.
Episcopal Migration Ministries.
Hebrew Immigrant Aid Society.
Immigration and Refugee Services of America.
Institute of International Law and Economic Development.
Leadership Conference for Civil Rights.
Lutheran Immigration and Refugee Services.
National Association of Latino Elected and Appointed Officials.
National Council of La Raza.
National Immigration Forum.

AMERICAN COUNCIL ON INTERNATIONAL PERSONNEL, INC.,
New York/Washington, DC, December 11, 2001.

Hon. DIANNE FEINSTEIN,
Washington, DC.

DEAR SENATOR FEINSTEIN: The American Council on International Personnel (ACIP) would like to thank you for your leadership in enhancing our Nation's security. ACIP believes the Enhanced Border Security and Visa Entry Reform Act of 2001 (S. 1749) takes appropriate measures to better screen and track foreign visitors without imposing unreasonable burdens on the mobility of international personnel so vital to our Nation's economy.

ACIP is not-for-profit organization of 300 corporate and institutional members with an interest in the global mobility of personnel. Each of our members employs at least 500 employees worldwide; and in total our members employ millions of U.S. citizens and foreign nationals in all industries throughout the United States. ACIP sponsors seminars and producers publications aimed at educating human resource professionals on compliance with immigration laws, and works with Congress and the Executive Branch to facilitate the movement of international personnel.

ACIP has long supported the enhanced use of electronic communications and information technology to process immigration petitions and visas, assess risks, identify fraud, and speed legitimate foreign visitors across the borders. ACIP members are heavy users of the INSPASS and Visa Waiver programs. We believe that in the long run, machine-readable documents and biometric technology will make these programs even more successful. We fully support the expansion of preclearance, the integration of agency databases and the electronic transmission of visa files and passenger manifests and hope this will eventually be used to facilitate legitimate travelers as well as to apprehend those who pose a threat. Efforts to standardize our laws with neighboring countries is also a welcome step that should facilitate commerce. In addition, ACIP is authorized to maintain an Umbrella J Visa program for international trainees employed by our member companies. While it is unclear whether the Foreign Student Monitoring Program will eventually be extended to programs such as ours, ACIP would be pleased to participate in any pilot programs.

We appreciate that S. 1749 provides authorizations to implement and maintain these important programs. We look forward to your leadership in ensuring that adequate funds are appropriated to enable the agencies to carry out these missions within the ambitious timeframes. ACIP looks forward to assisting you in this important work.

Sincerely,

LYNN FRENDT SHOTWELL,
Legal Counsel and Director of Government Relations.

UNIVERSITY OF CALIFORNIA
Oakland, CA, December 3, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the University of California, I am pleased to express our support for the provisions regarding student visas in The Enhanced Border Security and Visa Entry Reform Act of 2001. This legislation reflects a well-crafted balance between the nation's need to enhance security with the benefits of international education.

The University of California has more than 9,000 undergraduate and graduate foreign students and approximately 23,000 foreign students in our Extension programs. We value the contributions these students, and all of our students, are making to education and research. Like you, we recognize the tremendous benefits that UC students provide to California and to our nation. International education is one of our nation's best tools for sharing democratic ideas around the world; we believe the instruction and research opportunities UC provides are helping to better shape our nation and democracy abroad.

The legislation you have introduced with Senator Kyl, Senator Kennedy, and Senator Brownback will strengthen and accelerate implementation of the foreign student tracking system (SEVIS), and will provide interim measures until that system is operational. On October 12, I wrote President Bush asking him to support your request of $36.8 million

for SEVIS. It is my hope that Congress and the administration recognize the need to fund fully this tracking system. You may be interested to know that our campuses are already working with the Immigration and Naturalization Service (INS) to ensure the effective deployment of this system.

My colleagues and I appreciate your effort to work with us in developing language that is agreeable to the University and addresses your concerns about strengthening the student visa system. As we have stated, the University of California is ready to work with the INS and other relevant agencies in implementing this legislation. Furthermore, we hope that cooperative discussions will continue regarding the collection of the fee associated with the tracking system.

Thank you for your leadership on national security issues and your interest in working with the University of California.

Sincerely,

RICAHRD C. ATKINSON,
President.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. I note the distinguished Senator from Arizona has come to the Chamber. He is the ranking member of the Subcommittee on Technology and Terrorism and has been the driving force behind this legislation. I thank him for all his help. It has been a long road, but we are almost there, we hope. I know he wants to make some remarks at this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, Senator FEINSTEIN, and I have been working on issues relating to terrorism from the time I first came to the Senate. We have been either chairman or ranking member, respectively, of the committee ever since that time. I can think of few issues that have galvanized our attention and effort—I can't think of any that have accomplished that—as much as this legislation.

Of course, the reason is it is in response to what we found in the aftermath of September 11—specifically, how the 19 terrorists who came into the country and performed their evil deeds actually got here. What we found, through testimony before the committee, was that they had all gotten here legally with visas. When we talked to the people who granted those visas and worked in the system, many of them expressed great sorrow and disappointment that they had granted the visas. But one in particular testified that, of course, she had no choice because she had no information that would have told her she should deny the visa.

That one little story is a metaphor for what is in this legislation. If we had provided information to the people who grant visas, that would have raised a red flag, at least with respect to some of these terrorists, that would have caused the consular offices to say, wait a minute, maybe we should not grant this visa.

I remember the testimony of one official saying, it is like the driver of the car who is going through the school zone at 15 miles per hour and a child runs out from between parked cars. You hit the child and injure that child. You feel horrible about it, but you say: There is nothing I could do about it; I was driving 15 miles an hour through the school zone, doing what I was supposed to do, and the child ran out in front of me. I could sense the degree of angst when she testified saying: Yes, we granted this visa to Mohamed Atta, but we didn't know. They could not know because we didn't have the system in place to tell them that some of these people should have been denied visas.

We also had people coming in on student visas and then they stopped going to class. This legislation that Senator FEINSTEIN has talked about closes loopholes in the existing law that permit people who mean to do us harm to come into this country and stay here without being detected. There is no question that, even if we passed this legislation, it would still be possible for a terrorist to sneak into this country and do something wrong. But if we pass this law and get it effective immediately, we can reduce substantially the probability that terrorists, such as those who came here prior to September 11, will ever be able to do that again.

That is the essence of the bill. I am not going to take the time this afternoon to go through the bill piece by piece. I will just mention a couple of features of it in very general terms to make my point.

Due to Senator FEINSTEIN's work, we found that prior to September 11, schools in the United States actively recruited foreign students because they paid a pretty high tuition to come to the schools, and the schools need money. We know that all of our schools, from the prestigious universities down to trade schools, can use extra money. So they advertise for foreign students, who come here by the hundreds of thousands. We welcome them with open arms. But Senator FEINSTEIN at one point said: Do you think we should be a little more careful about who actually gets visas? The school said: Oh, no, we need the money. That may not be exactly what they said, but that was the reason for being skeptical of any limitations that might be placed on their recruitment of these students.

So what Senator FEINSTEIN said—and I joined her in this effort—was let's craft a series of procedures that accompany the application for the student visa, the accounting for that visa to the INS and Customs and the State Department, and the confirmation back to the school that the individual should be arriving because the student visa has been granted, and a confirmation back to the U.S. Government that the student is in fact enrolled in school, and so on—a series of procedures that make it much more likely that the students these schools recruit actually will come to the school, attend classes, and won't be involved in terrorism.

The multiple forms they used to have that INS used—the so-called I–20 form—will no longer be filled out by lots of different schools that each accept the student for attendance. All of those forms, in the past, have been either sold or shopped around in one way or another for people to come into the United States ostensibly with a proper I–20 form from a school by which they have been accepted. But, of course, it was a fraud because the student only went to 1 of the 10 schools by which he was accepted. He shopped around the other forms to friends who used them to come into the United States.

That is one of the many ways we have tightened up the law. We found that people were coming into the country from nations that are on our terrorist list, such as Syria, a state sponsor of terrorism. Even after September 11, it was into the teens—I think something like 19 students wanted to come and learn how to fly big airplanes in the United States from a country that is a state sponsor of terrorism, so designated by the State Department. Our legislation makes it much more difficult for that to happen. In fact, it puts the burden on the students to prove they are not going to be engaged in terrorism. They can still come, but they have a burden of proof there.

One of the most important things we do is coordinate information that we gather on people abroad who want to come here, whether it is the CIA, FBI, INS, State Department, or even international agencies such as Interpol, or anyone else who may have information that would cast doubt on whether an individual should be granted a visa.

All of that information will be available. It will not be put together in one database, but it is going to be accessible to the people who make the decision whether to grant a visa. The consular officer will be able to scroll down the list, and when he finds the name of the person involved, he will see whether or not there is a red flag there. It may say don't grant a visa because he is wanted for a felony. That is fairly easy. It may say there is information pertaining to this individual that can only be shared with a very limited number of people, but it has a bearing on potential terrorism, and therefore you need to back this up to your supervisor who can have access to the classified information. One way or the other, though, any information that should be available to the people who make the decisions will be made available. That is probably the central feature of this legislation. It is going to cost money.

Senator BYRD spoke before the Immigration Subcommittee this morning,

and he said: I sure hope that if we pass this bill, you will all support the appropriations necessary to fund it. We all made the commitment that we indeed would do that—that, clearly, we are going to have to have the support of the INS and the appropriators in Congress and the rest of us to ensure that once we authorize this closing of loopholes, the programs we put into place to do that will be funded properly and will be administered by the INS.

Senator BYRD raised the question about whether or not we should reform INS first. I don't think there is one of us here who doesn't think they need to reform INS. But, clearly, we cannot wait. We cannot allow terrorists to come into this country while we are trying to figure out how to reform INS. We have to ask the people at INS who work hard and try hard to begin to put into place the protections that are embodied in this legislation.

While we are also going about figuring out how to reform the INS, we cannot afford to not proceed with this bill, which would begin to close those loopholes. So I hope our colleagues will come to the floor and debate.

One of the questions was: Should we do this by unanimous consent or should we have debate on the floor? We agreed to have debate. So anybody who wants that opportunity for debate now has it. I think that after today, and perhaps Monday, if they have not come to the floor, we can conclude that in fact there is no more debate necessary on the bill and we can move to its adoption. I hope we can do that very quickly.

I encourage my colleagues who want to speak to come here and do so. If they have amendments, fine, we will consider those. We think it is pretty good without amendments. We are taking up the House-passed bill, and it would be much easier to be able to pass that bill. If there are amendments, let's see what they are. I hope we can quickly get this bill to the President. He said he wants to be able to sign it. I have personally spoken with Governor Tom Ridge, who is anxious to move forward as quickly as possible to get this done.

I think we can at least say we have done what we can do. We cannot do everything to prevent terrorism, but we know we can do some things in the Senate. I have felt pretty bad for the last several months that we have not put this into place. I have asked, have I done everything I can do to get this bill on the floor and get it started on closing the loopholes. The Senate can do something to fight this war on terrorism, and that needs to be done now. I will feel a whole lot better when we have passed this bill and sent it on to the President and he has signed it into law. I will at least know I have done everything I can do, at least with respect to these issues, to make sure we are not again struck by people we should not have allowed into this country.

TRIBUTE TO TOM ALEXANDER

Mr. KYL. Mr. President, I wish to take 2 minutes of my colleagues' time on an extraneous matter, if my colleagues will permit me. We would not be able to do the work we do—I see Senator FEINSTEIN's staff and my colleagues can see my staff sitting here. LaVita and Elizabeth are people who have made it possible for us to get this legislation before the Senate.

Our staff means a great deal to those of us who work with them closely. We know to a significant extent the successes we have are due to their efforts.

Today one of my staff members is leaving my employment to go to the Department of Labor. It is our loss and Secretary Chao's gain. He has worked with me since 1994. Most staff members do not stay around that long. His name is Tom Alexander. There is not a staff member who has ever been employed by me who has worked harder, has been more dedicated, more loyal, and has been more effective on the issues that he has handled than Tom Alexander.

I have told the rest of my staff that if they want an example of who to emulate, how to act, they should think of Tom. He is the kind of person who sets the example, I said, with one caveat: Do not stay around in the evening as long as Tom does. I have told him to go home at 8 or 9 o'clock at night, and that is staying too long. Other than working too hard, Tom has been that exemplary employee who, again, makes us look good.

I will give a couple of notes about him so my colleagues have an idea of the kind of person he is.

He is a former Missouri tax prosecutor and worked in the Reagan White House and served in the first Bush administration Labor Department.

He also previously served on the legislative staff of Representative JIM MCCRERY. I talked with Representative MCCRERY before I offered Tom the job in my office. JIM recommended him highly and, as a result, I was able to hire him.

He is married to Patricia. They have a son born last year, Shane. Tom also has a 14-year-old son, of whom I know he is very proud, a sophomore in high school.

As I said, he has served on my staff since 1994 primarily—that, by the way, is January 1994—primarily working on health care matters. He has also served as my legislative director for the last year or so. He has worked on issues dealing with emergency medical treatment, EMTALA, Medicare private contracting, Patients' Bill of Rights, IHS off-reservation reimbursement issues for Native Americans, antitrust, antigag rule, HMOs, and the teacher tax credit—a variety of issues that are important to the people of Arizona and have resulted in good policies for all of the people of the United States.

It is very rare I come to this Chamber to speak about an employee, but Tom Alexander is special, and I hope by doing so, it will allow folks who are not necessarily familiar with the staff of Senators to get just a little bit of an appreciation as to how much these people mean to us, how important they are in representing all Americans. They are what allow us to make the policies and do the work we do.

From the bottom of my heart, I thank Tom Alexander for his service on behalf of the people of Arizona and the United States and service in my office. Thank you, Tom.

Mr. President, I yield to Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank Senator KYL for those remarks. One of the great treats of my tenure in the Senate, I guess now 9½ years, has been to work with him. I do not think we have ever had a cross word between us. It has been a wonderful working relationship. I am very grateful for it. When we can work across the aisle the way we have worked, we can be much more productive. So I thank the Senator from Arizona for his work. He is a great ranking member. He was a great chairman of the committee. I have enjoyed it thoroughly. I thank him for his work on this bill. I also thank his staff.

I wish to comment about my staff also. She is LaVita Strickland sitting to my right. She is a Judiciary counsel. She is very mild mannered, but she has been very tenacious in the pursuit of the consideration of this bill and has become very forceful. LaVita is enormously talented. I am very proud of her. I thank her for many hours of hard work. I think we have a good product. Thank you very much, LaVita.

I see the Senator from Kansas, the ranking member of the Immigration Subcommittee, has come to the Chamber. I wish to turn this over to him and also thank him for his cooperation. Senator KYL and I sat down with Senators KENNEDY and BROWNBACK and had some good discussions and were able to put this together. Our respective staffs followed up.

I am very grateful to him for his cooperation and leadership as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, might I acknowledge Senator FEINSTEIN. She has talked about our cooperation and working together. I share the pleasure she has had in that relationship. There is nobody I have worked closer with in the Senate, Republican or Democrat, than Senator FEINSTEIN. It has not only been a good experience but has produced good results, such as this legislation.

Since she mentioned LaVita Strickland, I will mention Elizabeth Maier of my staff. Elizabeth is one of the experts on immigration in the Senate. Working with Senator BROWNBACK's staff and Senator KENNEDY's staff, those four staff people, working together in a bipartisan manner, might

suggest to Senators how we can work together in the future. I appreciate the work all of them did. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas, Mr. BROWNBACK, is recognized.

Mr. BROWNBACK. I thank the Chair. Mr. President, I thank my colleagues for putting this bill forward. I particularly thank Senators KENNEDY, FEINSTEIN, and KYL for their great work and leadership on this legislation.

I am delighted that we have this broad bipartisan bill to deal with a serious security issue in this country. I am hopeful we will pass this in short order so we can provide better border security for our Nation. It is a delight to be with them in the Chamber and with my staff, David Neal, who has worked so hard on getting this legislation to the point where we can consider it and hopefully pass it.

The House has acted. The President wants it. We can act in short order and provide greater security at our borders. I thank my colleagues for their leadership and all they have done on this particular bill.

Mr. President, this really is a time of trial for our Nation. Those were horrific acts on September 11 of last fall. We were shocked, and this Nation went into a situation of prosecuting the war on terrorism and building up our defenses at home at the same time. This bill is a key component of building those defenses at home.

Senators FEINSTEIN, KENNEDY, KYL, and myself have worked on the bill. We have to make sure we are secure at home. We have to make sure the people who come into the United States seek to not do us harm but to do us good.

We have millions of border crossings each year. The number I have seen is about 250 million total legal border crossings into the United States each year of people who are not U.S. citizens.

Out of that, we are looking for a handful that seek to do us harm. We have to be able to be very smart about this and very targeted about this in stopping them. We literally are looking for a needle in a hayfield.

I talked previously about it being a needle in a haystack. This literally is a needle in a hayfield.

On September 11, we fell victim to evil of such incomprehensible barbarism we did not see it coming. Confronted with the unthinkable, we find our Nation now being tested. Do we have the ingenuity to defend ourselves from this evil? What protections will we take to safeguard our people and our way of life? Can we thwart terrorism without compromising the freedoms and values that make us strong?

That is the balance Senator KENNEDY, Senator FEINSTEIN, Senator KYL, and myself really sought to try to achieve in this legislation, that balance of protection and safeguarding the freedoms that are America.

I have no doubt we are up to this task. President Bush and the dedicated men and women of the Armed Forces, of law enforcement, and of public service diligently fight the good and noble fight. To all of these people we are very grateful.

I commend the administration for everything it has done and is doing to safeguard our great Nation. However, September 11 has shaken the public's confidence in the laws and institutions that guard our borders. There are nagging concerns about whether our Government is fully prepared to intercept and prevent terrorists as they seek to cross our borders. That is why last fall my distinguished colleagues, Senator KENNEDY, Senator KYL, Senator FEINSTEIN, and I, combined our efforts to craft legislation that would close the security gaps in our immigration system and make needed reform to our visa practices.

We assembled the legislation before us, the Enhanced Border Security and Visa Entry Reform Act of 2002, to address several critical weaknesses in our border security. Let me underscore this point: Our legislation does not make desirable changes to our law and practices; It makes essential changes. It makes essential changes that we need not now do; we needed them yesterday.

The importance of doing such now is critical. We should have done it yesterday, but now is the time we can finally do it. These are not desirable; they are essential. We do not need them today. We needed them yesterday. We have to get this done.

The provisions in this legislation are not created out of hurried or rash deliberation. Far from it. The border security bill was carefully vetted with our colleagues in the Senate before its introduction last November, and it was carefully manipulated and worked in bicameral negotiations before its passage by the House last December. There were lots of negotiations, discussions, and people from whom we solicited input on what we should be doing.

This legislation has widespread support in the Senate, including the majority leader, the minority leader, the chairman and ranking member of the Judiciary Committee, the chairman and ranking member of the Immigration Subcommittee, and the chairman and ranking member of the Technology and Terrorism Subcommittee.

This legislation has ringing endorsements from a wide array of interests in the public, including family groups, business groups, law enforcement and academic institutions. We have extensively consulted experts from both within the executive branch and outside it. In short, we have utilized the insights of the affected agencies and the affected public. Even though the legislation may contain some tough provisions, the people and entities affected by this legislation see the wisdom in it.

This bill has broad bipartisan support for it carefully balances all the competing interests in the immigration equation. Our Nation receives millions of foreign nationals each year, persons who come to the United States to visit family, to do business, to tour our sites, to study and to learn. Most of these people enter lawfully. They are our relatives, our friends, and our business partners. They are good for our economy and a witness to our democracy and our way of life. They become our ambassadors of goodwill to their own countries.

We do not want terrorists to shut our doors to the people we want to visit. At the same time, we must take intelligent measures to keep out the small fraction of people who mean us harm. This legislation requires such measures and makes them possible.

The terrorists of September 11 exploited our lack of information and governmental coordination. The border security bill recognizes that the war on terrorism is, in large part, a war of information. To be successful, we must improve our ability to collect, compile, and utilize information critical to our safety and our national security. This bill, therefore, requires that the agencies tasked with screening visa applications and applicants for admission to the United States, namely the Department of State and the Immigration and Naturalization Service, be provided with law enforcement and intelligence information necessary for them to identify terrorists.

By directing better coordination and access, this legislation will bring together the agencies that have the information and others that need it, making prompt and effective information sharing between those agencies a reality.

Of course, to the degree we can realistically do so, we should seek to intercept terrorists well before they reach our borders. We must, therefore, consider security measures to be placed not only at domestic ports of entry but also at foreign ports of departure. To that end, this legislation directs the State Department and the Service to examine, expand, and enhance screening procedures to take place outside the United States, such as preinspection and preclearance. It also requires international air carriers to transmit passenger manifests for prearrival review by the Service.

Further, it eliminates the 45-minute statutory limit on airport inspections which compromises the Service's ability to screen arriving flights properly.

Finally, this bill requires these agencies to work with Canada and Mexico to create a collaborative North American security perimeter, and this is a point that I want to emphasize, as some of my colleagues have already. We need to extend the perimeters of our borders in this country to include Canada and Mexico.

I was with the Attorney General last spring, in March of last year, before September 11, at the El Paso INS detention facility. At that detention facility were people who had tried to come across our borders illegally.

There were people there from 59 different countries, many of whom had come in through Central America, some places in South America, had taken land transportation up through Central America, through Mexico, to our borders. We need to extend that perimeter to include Canada and Mexico and work closely and cooperatively with them to be able to stop these people when they are in the process of trying to enter illegally into the United States.

While this legislation mandates certain technological improvements, it does not ignore the human element in the security equation. This bill requires that terrorist lookout committees be instituted at every consular post and the consular offices be given special training for identifying would-be terrorists. It also provides special training to Border Patrol agents, inspectors, and Foreign Service officers to better identify terrorists and security threats to the United States.

This legislation considers certain classes of aliens that raise security concerns for our country, nationals from states that sponsor terrorism and foreign students from those countries. This bill expressly prohibits the State Department from issuing a non-immigration visa to any alien from a country that sponsors terrorism until it has been determined that the alien does not pose a security threat to the safety or national security of the United States.

As for students, this legislation fills data and reporting gaps in our foreign student programs by requiring the Service to electronically monitor every stage in the student visa process. It also requires the school to report a foreign student's failure to enroll, and the Service to monitor a school's compliance with this reporting requirement.

We certainly should be careful not to compromise our values or our economy in this border security measure. However, we must take intelligent steps to enhance the security of our borders, and we must do so now.

This legislation, which was already urgently needed when it was introduced and put forward last fall, does just what I have articulated and does so without compromising our values or our economy. I certainly will urge the swift passage of this critical legislation.

I inform Members we held a hearing this morning on this piece of legislation. We had an expert from the American Immigration Lawyers Association, Miss Kathleen Cambell Walker, who went through the various provisions of the bill and her strong support for it. She noted a couple of key things I will pass on to Members. She felt it was critical to put the increased funding for inspectors into the Immigration and Naturalization Service. It is good what we are doing. She supports the legislation and thinks it is the right thing to do, but we need more inspectors to enforce it, not just Border Patrol but inspectors to make sure the laws are followed.

Senator BYRD appeared before our committee after her and testified about his desire to adequately fund this task, his desire to do it last fall, and the need to be able to do that now. Within the President's budget is $742 million to help fund the enhanced border security measure.

The committee, in our deliberations, from the information we received from the Department of Justice, said this would take about $3.1 billion for total implementation, about $1.13 billion this year for the initial first year implementation, to give Members some idea of the cost we are talking about. Over half, two-thirds, of the cost for this year's implementation is already built into the Bush budget. That is an important step we are taking to get the money needed to help enhance this legislation and get it passed.

We have to have this information sharing. We have talked about it, but the key point I make is currently we collect information from a number of different sources. INS has information, CIA has information, DIA, the FBI has information. They are mostly in stovepipes. We have to get the information shared when we are looking for the needle in the haystack, this bad person who seeks to come into our country and do harm, among the millions who seek to come to our country and do good. We need to know this of somebody desiring ill toward the United States so we will be able to get at them. That information sharing is critical.

We need to have resources in the system to make sure if we put in biometric cards we have biometric readers at the borders, equipment that can read that. That funding will be critical to this legislation.

Down the road, we are going to have to consider reorganization of the INS. Bills are pending in the House to do that. We are working on one now in the Senate. We should not wait on that reorganization before we do the border security enhancement. It is important we do this border security enhancement now. The reorganization of the INS will take some time. We needed this legislation yesterday, last year. We should not wait on that to hold up this piece of legislation.

I discussed the preinspection and the passenger manifest list, the student program. We get a number of foreign students in the United States. It is important we have them. We have to have better tracking of the foreign students. It is reported in the committee that two involved in September 11 were here on student visas. They did not report to their student sites. We need better monitoring of foreign students. We can head some of this off in the future if we monitor foreign students.

We have other provisions but those are the most important. We need to pass this bill. We should not take more than, I hope, a day or two to get it debated and consider any amendments, to get this passed and to the President. The House has acted. It has passed this measure. We need to act and get it to the President to secure our borders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in strong support of the Enhanced Border Security and Visa Entry Reform Act of 2001, of which I am an original cosponsor. I am relieved that the Senate is finally considering this bill, which the House has passed not once, but twice, and has the strong support of President Bush.

With the passage of the USA Patriot Act, Congress resolved some of the ambiguities in the Immigration and Nationality Act as it related to the admission and deportation of terrorists. We also provided the Attorney General the power to detain suspected terrorists before they could do further harm. The changes to the law were very necessary, but more must be done.

The Enhanced Border Security and Visa Entry Reform Act of 2001 closes additional loopholes in our immigration law, procedure, and practice that have in the past provided terrorists access to our country. First, it strengthens our initial line of defense—the borders and our embassies abroad—by providing additional staff and training. Moreover, it breaks down some of the barriers that have prevented a comprehensive data sharing operation between intelligence agencies, law enforcement, the State Department, and the Immigration and Naturalization Service and compels the use of biometric technology to enhance our ability to confirm the identity of those seeking admission into our country.

Second, it restricts the issuance of nonimmigrant visas to nationals of countries that sponsor terrorism by requiring that our government first conclude that the admission of that person poses no safety or national security threat to the United States. And it repeals that provision of the law compelling a 45-minute clearance time for arriving aliens at our ports of entry, which has, to date, handcuffed the INS's ability to properly screen all incoming travelers.

Finally, it solves some of the problems with our foreign student program. The bill provides for increased data collection from students so we can know more precisely who they are and where they will reside while in the United States. Also, under this bill, the State Department must now confirm that the student has been admitted to a qualified educational institution before it can issue any student visa, and the schools themselves will be placed under the affirmative obligation of reporting, every single term, those who fail to attend. Finally, the bill requires the INS to periodically review the educational institutions and other entities authorized to enroll or sponsor foreign students to determine whether they

are complying with prescribed reporting requirements.

This bill deserves our support. The House of Representatives moved quickly on its passage last December and, again, last month. They recognized the need for its provisions. Likewise we should move, and move quickly, to send this bill to the President for his signature. We can delay no longer. The principal parties, and I commend them, Senators BROWNBACK, KYL, KENNEDY, and FEINSTEIN and their staffs deserve a tremendous amount of credit for the many hours of discussion, meetings, and negotiations which have led to the end result. This bill has the support of our government, the State and Justice Departments, and represents a very common-sense approach to further immigration reform. Thankfully, many of you agree, as evidenced by the nearly 60 cosponsors to the original bill. I am confident, then, that the Senate will pass this profoundly significant legislation and I look forward to that result.

Mr. President, 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. KENNEDY. Mr. President, 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. KENNEDY. Mr. President, we have had a good presentation from our colleagues on the issue of border security that has had several hours. I am enormously grateful for the presentation of my friend and colleague, Senator FEINSTEIN, and also Senator BROWNBACK, Senator KYL, and the thoroughness of their presentations. During the course of the day, since we have been considering this bill, we have been responding to a number of questions that have been brought up.

For all intents and purposes, I don't know another of our colleagues wanting to speak. I don't intend to foreclose that possibility, but I think we were prepared to consider amendments this afternoon. We understood, as the majority leader indicated, there would not be any votes, but we were hopeful at least that we would be able to consider some amendments and set those aside and at least have the opportunity to review them this afternoon and put them in the RECORD so our colleagues could examine them on Monday next. But we will look forward, when we resume this discussion on Monday, to considering other amendments. We invite colleagues, if they have them and if they would be good enough, to share those amendments with myself or the other principal sponsors. We will do the best we can to respond to them, and those who are related we may be willing to accept. We will consider them and indicate to Members if they are acceptable and, if not, why they are not.

We are thankful to the leaders for their cooperation in arranging for us to be able to bring this matter before the Senate. I will not repeat at this time why there is a sense of urgency about it. I think that case has been well made.

Earlier today, we had a good hearing on this subject matter and we received additional support for this measure, for which we are very grateful. So I think it represents our best judgment on a matter that we consider to be important to the security of our country. I hope we will be able to dispose of this legislation in the early part of next week.

Mr. STEVENS. 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 Alaska.

Mr. STEVENS. Mr. President, is there an order for business following the consideration of the pending legislation?

The PRESIDING OFFICER. There is not. We are on the border security bill.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. STEVENS. Mr. President, I am once again before the Senate because of the situation regarding the ANWR amendment which will be presented to the Senate next week. We are not on the energy bill now. I have spoken briefly twice this week on energy and its relationship to the possible development of the 1.5 million acres on the Arctic Plain. We call it the 1002 area. Some people call it ANWR.

ANWR is the Arctic National Wildlife Refuge. During the period I was in the Interior Department in the sixties, the Arctic National Wildlife Range was created. That range was 9 million acres. It specifically provided that oil and gas leasing under stipulations to protect the fish and wildlife could proceed in that 9 million acres.

The area that is now within the 1002 area was a portion of that 9 million acres. I have a chart to show that. It is a very interesting history. In the original area of the 9 million acres, there is the coastal plain of the 1002 area which is an area set aside by an amendment offered by Senators Jackson and Tsongas. I will talk about that later. It is 1.5 million acres. The remainder of that original Arctic wildlife range is now totally wilderness.

In 1980, there was an addition to the wildlife area in the Arctic. It is refuge, but it is not wilderness. So there are now, because of the act of 1980, the Alaska National Interest Lands Conservation Act, 19 million acres in this Arctic area. It is, in fact, the Arctic wildlife refuge. The part that is not refuge yet is the 1002 area which is specifically, because of the Jackson-Tsongas amendment, available for oil and gas leasing following that basic act.

I have to confess to the Senate and to anyone who might be interested in watching this presentation, I have not been sleeping well lately. I have spent almost 34 years in the Senate, and I remember only one other night that I did not sleep, and that was with regard to the time recently when a very great and dear friend of mine passed away, and I was chiding myself because I had not seen enough of him and found I did not sleep.

Since I have been back from the trip to the Asian regions of the Pacific with my great friend, Senator INOUYE, during the last recess, I have been trying to concentrate on the subject of the possible oil and gas development in Alaska, not only the oil potential of the 1002 area but also the Alaska natural gas pipeline.

At the time that oil was discovered in 1968 in the great Prudhoe Bay area, which is on State lands and did not require Federal permission to start oil was discovered there in enormous quantities. At the time of the discovery, the wells came in somewhere around 500,000 to 1 million barrels a day.

The great environmental organizations—I call them the radical environmental organizations—opposed the building of the Alaska oil pipeline. As a matter of fact, that pipeline was delayed for over 4 years by litigation brought by these radical groups trying to prove everything from we were going to kill the caribou to we were going to destroy the area. They have alleged since that time that this area which we call the 1002 area is wilderness.

Wilderness is a word of art in our State because we have more wilderness in our State than all the rest of the United States put together. This area that was set up in the fifties by the Secretary of the Interior and then approved by President Eisenhower was originally set up at the request of the Fairbanks Women's Garden Club. Fairbanks was my first home in Alaska, and that area was set aside in response to their request that there be some area designated in which the interests of the fish and wildlife of the Arctic area would be protected, but they specifically—specifically—excepted from that protection the concept of oil and gas leasing subject to consideration of stipulations that would, in fact, be required to protect fish and wildlife should there be oil and gas development.

Prudhoe Bay is in the area of State lands, and this is Federal land. As the President realized at the time we obtained statehood, we obtained the right to select lands. All other States of the Union had the right on public lands to take sections 16 and 36 out of every

township. They selected those lands as they were surveyed.

With an area such as Alaska, which is one-fifth the size of all the United States, 20 percent of all the lands of the United States and half of the Federal lands are in the State of Alaska. We determined we could not wait for surveying and asked Congress, and did receive, the right to select lands which were then to be surveyed out—not the whole State to be surveyed but our selection to be surveyed out.

Subsequently, our native people received in 1971 the right to, again, select lands to satisfy their settlement of the Alaska Native land claims in the Settlement Act of 1971 of some 40 million acres outright, and additional areas were represented by their traditional burial grounds and traditional lands. So it adds up to about 45 million acres that the Alaska Natives selected.

We are in the process now of trying to relate all of this to the American public so they will ask their Senators to support what we want to do, and that is to open this 1002 area now—as it was committed to us in 1980 would be done—to oil and gas exploration and development.

To get this all into context, this chart shows our State of Alaska imposed upon the United States using the same scale. Normally, when one looks at the State of Alaska at the top of the North American maps, they see Alaska just a little place up at the top where people think that has to be a small place.

Actually, it goes from the east coast to almost the west coast and almost from Duluth down into the middle of Texas. It is a concept of space that most people do not realize, almost three times the size of Texas. My old friend, Senator Tower from Texas, used to say he was afraid we might iron the place out and it would be as big as the whole country because there are a lot of mountains up there.

This is a route of the Trans-Alaska Pipeline which was the subject of action by the Senate in 1968. This is the ANWR outline with the 1002 area in green, and the area we seek to develop is right up there. Two thousand acres out of the 1.5 million acres will be developed according to the bill passed by the House authorizing us to proceed with oil and gas exploration in ANWR.

The problem I have been talking about all week is we face a different circumstance than we did in 1973 when we sought to get the oil and gas pipeline completed. It had been, as I said, subject to litigation for a series of years and we determined we had to get legislative authorization to proceed. My great and good friend and mentor, Senator Jackson of Washington, was the chairman of the Senate Interior and Indian Affairs Committee, and he was the author of the Right of Way Act to amend the rights of way provisions to cross Federal lands for utilities and pipelines. We encouraged him to include a provision to authorize the construction of the oil and gas pipeline, and to permit its immediate initiation. During that period of time, as a matter of fact, Senator Jackson sent out a letter—and I will have that put on everyone's desk on Monday. It was signed by himself and Senator Hatfield—urging that the views expressed by these extreme radical environmentalists be ignored because of the great necessity to have that oil because it was a matter of national security.

This is a poster of General Eisenhower back during World War II where he called attention to the Petroleum Industry War Council. There were some people leaving their work in the oilfields and enlisting in the Army, and General Eisenhower, to his great credit, sent this message:

> Your work is vital to victory . . . Our ships . . . Our planes . . . Our tanks must have oil.

He was then the supreme commander of our expeditionary force and he said, ''Stick to your job. Oil is ammunition.''

We are at war again, and the same radical environmentalists are now opposing us moving out into another area of Alaska to explore for oil and gas. It is within this 1002 area.

In 1980, I had long and serious discussions with two great Senators. This is the photo taken of Senator Jackson, Senator Tsongas, and myself, standing outside in the hall, discussing the amendment that had been agreed to, that I agreed to support, that my colleague opposed, in order to settle the dispute over the Alaskan National Interest Conservation Lands Act. That 1002 provision was authored by these two Senators.

As I said last week, God would that they would still be alive. We would not be having these arguments because they were men of their word. They gave us their commitment. My State, my colleague and I, had opposed the Alaskan National Interest Conservation Lands Act because of the original provisions in the House bill that would have prohibited oil and gas development in the 1002 area. They crafted the amendment that gave us the chance to proceed to develop oil and gas in that area, provided there was an environmental impact statement filed, approved by the Secretary of Interior and the President which then had to be approved by Congress, which then had the job of authorizing proceeding with oil and gas development in that area.

It was 1980 that we received that commitment. At the time of that commitment, we thought this would proceed in a year or two. As a matter of fact, the first environmental impact statement was made during the first Reagan administration. President Reagan asked Congress to approve it. Congress did not act. Then they ordered another environmental impact statement, and the President asked Congress to approve it. It did not. Subsequently, during the Clinton administration, Congress initiated two acts, primarily at my request, to approve an environmental impact statement and direct the administration to commence oil and gas leasing activity in this area. President Clinton vetoed those bills.

So we are now, 21 or 22 years later, based on the act of 1980, still trying to see that the commitment made to Alaska, as part of the condition for withdrawing almost 100 million acres of Alaska—which, incidentally, came ahead of the State selections, ahead of the Native selections. The only concession we could get out of the whole situation that made any sense was the 1002 area, which we knew was our future.

I was just home to Alaska twice in the last 2 weeks, and I have to report that my State is in dire trouble. Our timber mills have been closed down. Our pulp mills are closed down. All our major mines are closed down. There is no wildcat oil and gas activity in our State at all. Even the number of cruise ships that come to Alaska has been limited now by action of the Federal Government.

Our future is still in resources. Half of the coal of the United States is in Alaska. None of it can be reached because of an act of Congress. That act of Congress provided that in order to have the right to develop the coal of Alaska, an operator would have to restore the natural contour. Well, that coal is found in areas of ice lenses and extreme cover of ice and water. Obviously, when coal is strip-mined, there is a hole. The original contour cannot be restored.

That provision was added to a bill one day, over my great objection, and has prevented the development of any new coal mines in Alaska since that time.

Our oil is in the Arctic. It is not only in our State. We have the one in Canada, too. If we look at the map of the Arctic of the world, that is where most of the oil is, up near the Arctic Circle and above the Arctic Circle. We have the vast areas where oil in tremendous quantities has been found.

We believe within the area covered by 1002—I did not mention that was a 7-year fight; from 1973 to 1980 we fought to try to preserve the right to develop this area. But this is a historic oil and gas activity in the Canadian area.

This is adjacent to us. Our wells are in the Prudhoe Bay area, very few of them. These are the Canadian oil wells all over in this area, including the area of the Porcupine caribou herd. The Porcupine caribou herd is a Canadian herd. It is not an Alaskan herd. It comes into Alaska once a year, most of the time, and comes up during the calving period. It is not during the mating period but the calving period. The calves have been dropped up in this area, not in the 1002 area but in the area along the plain. There have been sometimes when they have gone into the 1002 area and there have also been times in recent years they have not come at all. One of the reasons for that is the path the caribou wanders

through Canada. In Canada, caribou is not a game animal; it is a domestic animal. They can harvest as many as they want. These caribou can be harvested in Canada. The numbers are going down, no question, but not because of interference on our slope.

To the contrary, the central caribou herd—around the land of the pipeline—has increased in size and is almost four to five times in number as before. The western caribou herd is not migrating anymore and is out toward Wainwright, AK. This map shows the withdrawal areas I mentioned. The areas are in the withdrawal land before the State of Alaska was granted statehood and before the Natives got their land. These lands were set aside in 1980 by an act of Congress. One of the conditions in our favor was that we can explore that little area up there in the 1002 area.

The western herd of caribou is out here. They could not migrate anymore. The central caribou herd has increased enormously, so has the western. It is the Porcupine herd that is reduced in numbers, but there is no oil and gas activity now that has caused that. We keep hearing we caused that, but there is no oil and gas activity there. That is caused by hunting and by predators. We now do not have any control over the wolves. Those caribou travel thousands of miles to go to the Arctic area to drop their calves. They are, most of them, pregnant female caribou and are easily killed by wolves. The same people who are trying to prohibit us from oil and gas activity bring on the problems of trying to find some way to reduce the predators that are killing the Porcupine herd.

In my time in the Senate, I have taken literally 100 Senators to the North Slope to show them this area. Those are the caribou that do come to the oil and gas area. This is the central caribou herd. I don't care if it is winter or summer, you will find them there. In fact, when we finished the oil pipeline, the university developed a new type of cover for the tundra, and it happens to be a very great favorite of the caribou. We have the oil industry replant that whole area with the new vegetation. It is tremendous food for them.

In passing, it is not just caribou that like the pipeline. The pipeline is like a paved highway. Did you know oil coming from the ground in Alaska is hot? If you go near the pipeline, you are walking on a nice, warm sidewalk. The bears like it. We have great fondness for our wildlife. Alaskans go out of their way to make sure industrial activity does not harm our fish and wildlife.

Returning to the 1980 act, if you want my history lesson for the day, when I was assistant leader, I sat here night after night and listened to the history lessons, as I call them, of the distinguished President pro tempore, Senator BYRD, chairman of our committee. I wish God had given me the prodigious memory he has. I don't have that kind of memory, but I like history lessons and I am trying to give one now.

In 1978, a year I was up for reelection, we had this act before us, the Alaska National and Lands Conservation Act. In 1978, just before the election, that bill had been brought out of conference and I had agreed to support it. My colleague was opposed to it. At the very last minute, Senator Gravel objected to that bill proceeding until the bill itself was read. An adjournment resolution had already been entered so, in effect, that request killed the bill.

Following that, I might add, I went back home to try to start getting ready again for consideration of this bill, and riding with my wife and five other people in a chartered jet we crashed going into Anchorage. My wife Ann was killed and all the passengers, other than myself and one other passenger, were killed. Those people killed were the head of what we called the Citizens for Management of Alaska Land. We were trying to raise funds to, once again, present our position to the Congress in the period of 1979 and 1980.

By 1980 we had developed this bill after long arguments and meetings with my great friends, Senator Jackson and Senator Tsongas. Senator Jackson was chairman at the time. Section 1002, the Jackson-Tsongas amendment started with:

> The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

Those conditions were met. Two environmental impacts were followed. There was a period of seismic activity that went on in the 1980s. We all know the largest reservoir that could contain oil or gas on the North American continent is beneath the 1002 area. There is no question about that. That is a scientific fact.

When we get to the period of time when we try to look at this development, we are often told you can proceed without this. This is, again, now moving over to the Prudhoe Bay oilfields, not just one but several now. This is Kuparuk, further to the west, Prudhoe Bay, and the Sourdough Oil field, a small field adjacent to ANWR. We have within the 1002 area the village of Kaktovik. They have lands that belong to the Natives, but by order of the administration at the time they got the title to those lands, they were prohibited from drilling on the lands. They said they had to wait until the Congress authorized drilling on the Coastal Plain. So if we pass this bill, they, too, will have the right to proceed to determine their own rights.

The oil pipeline goes now from Valdez to Prudhoe Bay. This is the Wainwright area, which is the area of the caribou of the western herd. This is the size of ANWR. It is equal, the refuge itself, to South Carolina. We are not talking about a small piece of land. But the proposed development area in this 1002 area, 1.5 million acres, of 2,000 acres is 3.13 square miles from a State that has 565,000 square miles.

We are at wit's end. That is why this Senator is losing some sleep. That 2,000 acres is roughly the size of Dulles Airport. That is what this bill limits us to use. We cannot use more than 2,000 acres of the 1.5 million acres set aside in the Oil and Gas Exploration Act. It is not wilderness.

I will discuss later the newspapers that keep talking about the wilderness area of ANWR. They are talking about the wilderness area of ANWR where there is no oil and gas activity proposed at all. None at all. I believe one of the great problems we have is to try to deal with the subject without a full explanation. The difficulty that I have right now is in trying to orient myself to the bill. We will file an amendment next week—there has been a lot of gossip about this so I might as well get down to talking about it on the record.

Yes, this Senator has been talking to people involved in the steel business, to the steelworkers, to other labor unions, and I have been talking to a great community of this Nation, the Jewish community. All have an interest in the development of this area.

I have also been talking to people who are concerned about the Alaskan natural gas line. I will be talking about that soon, too.

I thank the Chair for his courtesy on this Friday afternoon. If I don't get this out of me, I won't sleep tonight either.

One of the great problems we have been facing is the battles with the press, so let's start with that. Let's start with our own Washington paper. In the past, in 1987 and 1989, this newspaper argued in favor of proceeding with exploration on the Arctic coast. It said:

> . . . But that part of the Arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life. . . .
>
> . . . That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra. . . .

In 1989 it said:

> . . . But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful. . . .
>
> . . . The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

What do we see now? December 25, 2001—nice Christmas present for somebody:

Gov. Bush has promised to make energy policy an early priority of his administration. If he wants to push ahead with opening the plain as part of that, he'll have to show that he values conservation as well as finding new sources of supply. He'll also have to make the case that in the long run, the oil to be gained is worth the potential damage to this unique, wild and biologically vital ecosystem. That strikes us as a hard case to make.

They made the case in 1987. They made the case in 1989. They are saying George Bush should make it now. Where is the consistency of the Washington Post? What has changed in the Washington Post? The management? They haven't changed any science. They haven't produced any science.

Now, in February they said:

Is there an energy crisis, and if so, what kind? What part of the problem can the market take care of, and what must Government do? What's the right goal when it comes to dependence on overseas sources?

America cannot drill its way out of ties to the world oil market. There may be an emotional appeal to the notion of American energy for the American consumer and a national security argument for reducing the share that imports hold. But the most generous estimates of potential production from the Alaska refuge amount to only a fraction of current imports.

That is wrong. They belie the fact that Iraq is currently threatening to withhold exports to us—or really to the international food program that we buy from. In fact, our oil will produce as much as a 30 years' supply from Iraq.

Today Iraq sends to every suicide bomber's family $25,000 in cash. If we can believe the reports we got yesterday, even the Saudis have a fund now to pay the costs of education and maintenance for the children of suicide bombers. From where is that money coming? It is coming from the United States.

Had Congress listened to President Reagan, had President Clinton not vetoed the bill, we would be producing oil from that area now.

At the height of the Persian Gulf war, 2.1 million barrels of oil a day came down from the Alaska oil pipeline. When I was home last week, it was 950,000 barrels. Meanwhile, we are now importing over 1 million barrels a day from Iraq—at least we were until he shut it off.

There is no consistency in these national newspapers when they do this. Why should one generation act on the recommendation in 1987 and 1989 and another one be told now that is all wrong? There ought to be some kind of integrity in the Washington Post.

The New York Times—an interesting thing, if you follow this. I am not going to do it, follow the transition. When one of these papers changes its mind, the other one changes its mind. This is the New York Times. Then in 1987, 1988, 1989, the same thing.

Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.

. . . A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

In 1988 they say the same thing:

. . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

Again, they call it wilderness. It is not wilderness.

. . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

That is the issue today. Should a small group of radical environmentalists block the United States from obtaining another source of oil to lead us toward total dependence on foreign sources? At the time of the oil embargo in the 1973 area, we imported about 35 percent of our oil. Today we are approaching 60 percent. Now they turn around on us, from having supported us through the whole series—1987, 1988, 1989.

New York Times, 1989:

. . . Alaskan oil is too valuable to leave in the ground.

. . . The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

. . . Washington can't afford . . . to treat the accident as a reason for fencing off what may be the last great oilfield in the nation.

Now they attack my colleague, saying he is wrong in his estimates. They are also saying:

The country needs a rational energy strategy . . . but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

What happened to the New York Times? Change of management? Yes, another change of management. Maybe they hired one of the radical environmentalists, for all I know. But that is not a national newspaper that deserves any credibility. As far as I am concerned, I have written them off. How can you believe them one year and have them turn around and not tell you what they said before, in 1987, 1988, 1989, is wrong? They didn't even recognize in their own editorials that they had taken those positions so the new young people, reading their paper, don't know about that unless some of us call them to task.

Where was the editorial board that was involved in 1987, 1988, and 1989, when this editorial board of the New York Times took a diametrically opposite position? That is not a national paper anymore, as far as I am concerned. It is unworthy of credibility. Beyond that, I might have some long statements about them next week.

Mr. President, I don't want to keep you too long, but I do want the world to know that, starting next week, we are going to be on this bill for a long time. When that bill goes in, I am told the leadership perseveres with their attitude—which was not Senator Mike Mansfield's attitude, it was not Senator Jackson's attitude.

In 1973, there we had the oil pipeline amendment up—conscious of what President Eisenhower had said, conscious of the approach that all of us had taken up to that time, that oil and the availability of oil to this country is a matter of national security as well as economic security. The leadership now says we must have 60 votes—or we should not even bring up the amendment.

I want leadership to know that I don't know that I have 60 votes, and neither does Senator MURKOWSKI. We are going to bring up the amendment and we are going to debate it until we have 60 votes—until we have 60 votes or unless they can get the votes to table our amendment. There is a possibility that could happen.

But I want you to know that every steelworker in the country is going to know who denied them their legacy fund. Every coal worker who is going to fall short of the money on their funds under the act of 1992 will know who did that to them.

Every member of the Jewish community who now supports the development of ANWR is going to know who denied them what they need. Part of this law extends the right of Israel to receive a portion of the output of the Alaska oil pipeline in the event it is denied oil by its neighbors. Most people do not know that. Years ago that was enacted. It must be renewed now. Our amendment renews that.

We support entirely the freedom of Israel. Our State insisted on sharing with Israel our oil as it came out of the pipeline if their oil was shut off. So did the people who buy our oil.

The Senate ought to look to the groups who support an energy policy for America. We have American veterans, the American Legion, Veterans of Foreign Wars, AMVETS, Vietnam Veterans Institute.

Catholic War Veterans, organized labor, the Seafarers International Union, the International Brotherhood of Teamsters, the Maritime Laborers Union, the Operating Engineers Union, the Plumbers and Pipefitters Union, and the Carpenters, Joiners and Builders Trade, the Hispanic Union, the Latin American Latino Coalition, the United States-Mexico Chamber of Commerce, Seniors Coalition, United Seniors Association, every major American Jewish organization, scientist organizations of America, Americans for a Safe Israel, American business communities, National Black Chamber of Commerce, U.S. Chamber of Commerce, National Association of Manufacturers, and Alliance for Energy and Economic Growth. I could go on and on with this list of who supports this.

(Mr. INOUYE assumed the chair.)

I welcome the occupant of the chair, my great and long-time friend. As I said last night, we will not keep you long.

We will have to put in orders, if ANWR produces oil, for 17 new double-hulled tankers. As a result of *Exxon*

Valdez, we decreed in Congress—and the State industries agreed—that all new tankers to serve Alaska must be double-hulled. When this great area starts producing oil, 17 new double-hulled tankers will be built to carry the oil coming out of the Alaska pipeline.

The current occupant of the chair didn't see this chart. I want to present it again for his benefit because the two of us served under that great general. This is what he said during World War II to our oil field workers: ''Stick to your job. Oil is ammunition.''

If the leadership followed the precedent set by Mike Mansfield, who opposed the Alaska oil pipeline amendment when there was a tie vote—they supported the one provision which accelerated the litigation and required immediate construction of the pipeline. Senator Mansfield would not permit a filibuster on the matter involving national security. Senator Jackson was chairman of the committee. And both of them voted against that oil pipeline amendment when it was a tie vote. They did not try to filibuster against that amendment. Had they done so, we undoubtedly would not have the oil pipeline today.

If those two great leaders had opposed the one amendment that accelerated the construction of the pipeline, we would never have had an oil pipeline.

I believe the situation today is an odd one. I am sad that leadership now perseveres in its statement to us that we must have 60 votes.

I close out by saying Alaska Senators are going to try to persevere too. We are going to stay here and the Senate is going to stay here until we get 60 votes next week.

I thank the President for his courtesy.

I yield the floor.

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. STEVENS assumed the Chair.)

Mr. INOUYE. 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. INOUYE. Mr. President, I wasn't prepared to present a lengthy argument in favor of or against it, but I must tell you that I support you fully, sir. I support your proposal on ANWR. I did so when the pipeline was proposed many years ago. I still recall that at that time the opponents of the pipeline predicted the caribou herd in Alaska would be decimated. I am a lover of animals. I was concerned. But today I am happy to tell you that instead of being decimated, the herd has increased tenfold. There are more caribou than we ever had in our lifetimes.

The opposition to the use of ANWR at this time comes from many sources. These sources are my friends. As you may know, Mr. President, I have the privilege of serving at this moment as chairman of the Committee on Indian Affairs. I am concerned about the plight of the Native Americans. Yes, it is true that there is a tribe—a nation—in Alaska opposed to the use of ANWR for drilling of oil—one tribe. I am pleased to advise you, Mr. President, that the Federation of Alaskan Natives, representing all the other tribes, favors your measure. As chairman of the Committee on Indian Affairs, I feel almost compelled to support you if only on that basis.

But there are other reasons for my support. The next reason was given to me just a few days ago when the dictator of Iraq stated: Why don't we use the oil weapon against the United States?

As long as the present condition continues, we will be hostage to oil, we will be captives to oil. We may find ourselves, once again, going out into the desert to fight for oil, risking and sacrificing American lives. And as chairman of the Defense Appropriations Committee, I am not in favor of that, sir.

So when the time comes, I will be answering ''aye'' on your measure.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority whip.

A SENATE FRIENDSHIP

Mr. REID. Mr. President, while I disagree with the distinguished senior Senator from Hawaii and the senior Senator from Alaska on this issue, I am forever amazed at the great relationship of the senior Senator from Alaska and the senior Senator from Hawaii.

We develop friendships in the Senate, and I have no question that my friendship with Senator INOUYE is one that will last me a lifetime. He is such a wonderful man. And I also have such warmth and feelings for the senior Senator from Alaska. But with the example that is set by the Senator from Alaska and the Senator from Hawaii, in friendship and in working together on issues, I am, each year, as a member of the Appropriations Committee, stunned by the ability of these two gentlemen to move through the Defense appropriations bill the way they do. This should take weeks of our debate time in the committee and on the Senate floor, but as a result of their working relationship, it is always held to just a short period of time.

So when the history books are written about the Senate, these two men, who now stand before me and with me in the Senate—Senator STEVENS and Senator INOUYE—will be known for many things, for doing so many good things for our country and for their respective States, but the thing I am going to remember is the example of friendship that I see between the Senator from Alaska and the Senator from Hawaii. And I do not mean in any way to demean the Senator from Hawaii because I know he believes in his position not because of friendship but because he believes in the merits of the case, as it has, I am sure, something to do with the friendship they have. But the relationship of the two Senators is, as far as I am concerned, encyclopedic as to how we should work with each other in the Senate.

So on behalf of the Senate, I applaud and congratulate these two Senators for the example they set for the rest of us on how civilly the Senate should be run—a Democrat from Hawaii, thought of as a liberal State in some people's minds, and a Republican from the conservative State of Alaska. What we have coming from those two States is two people to show us that with different ideologies we can still work together for the good of the country.

So I say to both Senators, thank you very much.

TRADE PROMOTION AUTHORITY

Mr. HATCH. Mr. President, I want to speak on a subject that is very important to the American public—the importance of free trade and how free markets can help the United States and the worldwide economy.

By working together to create and foster a free market atmosphere, we can help all nations that actively promote and participate in international trade to improve the economic futures of their citizens. This is good economic policy and good international relations.

As the ranking Republican member on the International Trade Subcommittee and as a member of the Intelligence Committee, I can tell you that international trade has long been one of the most important foreign policy tools of the United States.

Trade was a key component of our post-World War II international political and economic strategy. For more than 50 years, international trade contributed to stability and economic growth throughout the world. It helped lift the nations of Europe and Asia out of the ruins of World War II. And it helped millions of Americans experience unprecedented prosperity here at home.

A large part of the reason that the Berlin Wall fell was the difference in economic performance and promise between a centralized command and central economy and free markets. International trade can play a similar role at the beginning of the 21st century. But, the United States must lead the way.

I am pleased that the administration, led by President Bush, Commerce Secretary Don Evans, and our United States Trade Representative Bob Zoellick, has helped launch a new round of international trade talks. We all have an interest in making the next World Trade Organization ministerial succeed. I believe that success can only

be enhanced if the Congress passes legislation on Trade Promotion Authority.

In my view, the prospects of favorable progress in the next ministerial will increase if the United States signals to the world that—even while we undertake an unprecedented military mission against terrorism—we will continue to give our trade agenda a very high priority.

Although there are some members of Congress who might think otherwise, I believe that the new round of trade negotiation is clearly in our national interest.

Trade creates jobs—both at home and abroad. Trade can also help promote political stability in many regions of the world. It is in our national interest to foster free trade.

Let's look at the facts. Ninety-six percent of the world's consumers live outside our borders. Based on that fact alone, the United States would be foolish not to pursue a vigorous trade agenda. But let me go on. Exports accounted for about 30 percent of U.S. economic growth over the last decade, representing one of the fastest growing sectors in our economy. Almost 97 percent of exporters are small or medium-sized companies and, as my colleagues are aware, small businessmen are the engine of job growth.

In fact, almost 10 percent of all U.S. jobs—an estimated 12 million workers—now depend on America's ability to export to the rest of the world. Export-related jobs typically pay 13 percent to 18 percent more than the average U.S. wage.

There are many reasons to believe that the best is yet to come in this dynamic sector. Economists predict that there could be a 33 percent reduction in worldwide tariffs on agricultural and industrial products in the next WTO trade round. This action alone could inject an additional $177.3 billion into the American economy in the next 10 years.

I strongly support congressional passage for Trade Promotion Authority legislation this year. TPA will provide a measure of certainty to our trading partners that any agreement reached with USTR will receive timely congressional consideration and will not die a slow death by amendment.

As part of granting this fast track authority, Congress naturally will expect extensive consultation and notification procedures.

Success in passing TPA will require a close partnership between the executive and legislative branches of our government. The Constitution grants Congress the authority to promote international commerce. However, the Constitution also gives the President the responsibility to conduct foreign policy. Thus, the very nature of our Constitution requires a partnership between the executive and legislative branches of Government in matters of international trade negotiations. That is what the trade promotion authority bill is all about—a partnership between the executive and legislative branches of government to enable U.S. consumers, workers and firms to be effectively represented at the negotiating table. And, I might add, farmers as well.

In my opinion, TPA is an essential tool for sound trade expansion policy, a tool we have been without since its expiration in 1994. For over a decade, the United States has too often sat on the sidelines while other nations around the world continued to form trade partnerships and lucrative market alliances. The lack of fast track has put the United States at a disadvantage during trade negotiations.

As we come out of the economic slowdown, U.S. efforts to expand trade alliances around the world can help accelerate the economic recovery we are all hoping for. TPA can help put wind back into the sails of U.S. trade policy.

Without Trade Promotion Authority, the United States is not the only loser. Since trade agreements must be mutually advantageous, workers in countries that were not able to complete agreements with the United States are also injured. Global economic growth is a tide that will lift many boats.

Trade can be a win-win situation. There will always be criticisms that one side bested the other in any negotiation. Sometimes you come out a little ahead. Sometimes not. One thing is clear: If there is no trade agreement—both sides will lose out on opportunities for their citizens.

Last year, the United States exported more than $780 billion in goods and services to more than 200 foreign markets. In fact, exports provided more than one-quarter of all economic growth in America. Jobs can be created in agriculture, high technology, manufacturing, financial services and other industries. We know this to be true.

Free trade is not just a matter of economics. It is a fundamental aspect of American foreign policy. Through trade our values are reflected abroad and citizens of developing nations have the opportunity to teach us about their culture and we can all discuss shared values.

As President Bush stated in his address on trade issues on April 4:

> Fearful people build walls around America. Confident people make sure there are no walls.
>
> . . . I am confident. I'm confident in America products, I'm confident in American entrepreneurs, I'm confident in the American worker, I'm confident in the American know-how, I'm confident in America's farmers, I'm confident in America's ranchers. We need to be a trading nation.

I could not agree more with the President. Market-opening trade pacts with developing nations not only present an opportunity for the United States to increase American sales of U.S. goods and services abroad, they also can serve as a catalyst to bring stability and prosperity to economically stagnant nations of the world.

America's engagement in world affairs and trade can project to our strengths and values. Vigorous efforts to forge free trade alliances between the United States and developing countries will help to foster respect for the rule of law, competition and free-market principles in the developing world.

As Majority Leader DASCHLE noted in a floor speech on March 21 in support of Trade Promotion Authority legislation:

> Expanding trade also offers national security and foreign policy benefits because trade opens more than new markets. When it is done correctly, it opens the way for democratic reforms. It also increases understanding and interdependence among nations, and raises the cost of conflict.

I think that Senator DASCHLE makes a compelling point. We need to keep up strong, international economic leadership and help more nations become prosperous. Trade can help us create new jobs, both at home and abroad, and help change the conditions that breed poverty and instability overseas.

TPA is also good for Utah. The fact is that TPA can help bring new jobs into Salt Lake City and across my State. Here are the facts: trade has benefitted my home State of Utah. For example Utah's manufacturers produced and exported $2.52 billion worth of manufactured items to 164 countries around the world. In fact, an estimated 61,400 Utah jobs are trade dependent and one in every six manufacturing jobs in Utah—approximately 20,300 jobs—are tied to exports. Furthermore, the bulk of international trade and export in Utah benefits small and medium sized companies. About 80 percent of Utah's 1,894 companies that export are small and medium sized businesses. Our record is good, but we can do even better.

TPA is good for America. The passage of TPA improves the quality of life for American consumers by providing a greater choice of goods at better prices. Past agreements have benefitted the typical family of four an estimated $1,300 to $2,000 a year. Future agreements stand to save Americans thousands more every year. TPA also builds on previous market-opening successes such as the North American Free Trade Agreement that generates $1.2 million a minute in trade for American exporters.

While we have important foreign policy goals that can be advanced through a rigorous program with respect to international trade, let us not forget Tip O'Neill's famous observation: ''All politics is local.''

So, for both economic *and* foreign affairs considerations, I am hopeful that before our work is completed this fall, we will have taken up the bill that the Finance Committee approved—by the overwhelming margin of 18–3 I might add—and send it forward to the President for his signature.

The Finance Committee has done its work. I want to commend Chairman BAUCUS and ranking Republican member GRASSLEY for leading the way for this bipartisan achievement. I also

want to recognize the efforts of Senators BOB GRAHAM and FRANK MURKOWSKI for their important contribution to achieving this consensus.

I urge the majority leader and Republican leader to act in a way that will advance American interests abroad by bringing the TPA bill up for debate and action.

I recognize that the reality is that the Senate will in all likelihood also act favorably on Trade Adjustment Assistance legislation—TAA—or the TPA bill will stall. So be it. I am for both TPA and TAA in any order, tied or untied. But let me be clear, I am not for a loaded up TAA bill with health care provisions.

Let's get the job done for the American people. My constituents from firms like Geneva Steel need assistance to cushion their loss of jobs lost through trade. But in addition to TAA, we need TPA to open new markets for the workers of Utah and others throughout the United States.

Now is the time for the Senate to take up and pass Trade Promotion Authority. Now is the time.

The longer we wait to come together on fast track authority—authority that will undoubtedly provide billions of dollars to our economy through increased trade—means the longer that American families will have to endure a less than optimal economy. As the President noted ''Every day we go by without the authority is another day we are missing opportunities to help our economy, to help our workers, to help our country, to relate to our friends around the world.'' President Bush is right on target.

In closing, I urge passage of the Trade Promotion Authority legislation. It is my hope that the majority leader will give us a date certain when the Senate will have the opportunity to act on this important legislation. I hope that we pass TPA before Memorial Day.

CLONING

Mr. KENNEDY. Mr. President, in the next few weeks, the Senate will debate the important issue of cloning. Using cloning to reproduce a child is improper and immoral—and it ought to be illegal. I think that every member of the Senate would agree on this point.

But some want to use our opposition to human cloning to advance a more sweeping agenda. In the name of banning cloning, they would place unwarranted restrictions on medical research that could improve and extend countless lives. In a letter to the Congress this week, 40 Nobel Laureates wrote that these restrictions would ''impede progress against some of the most debilitating diseases known to man.'' I am saddened that the President has endorsed these restrictions to the detriment of patients across America.

Senator ARLEN SPECTER, Senator DIANE FEINSTEIN, and I have developed legislation that bans human cloning, but allows medical research to go forward with strict ethical oversight. I am confident that our colleagues on both sides of the aisle will support this balanced and responsible bipartisan approach—rather than voting to ban an area of medical research that holds such great promise.

We must not let the misplaced fears of today deny patients the cures of tomorrow.

The recent announcement that rogue doctors may have initiated a pregnancy through cloning shows how urgently our legislation is needed. Such actions should be a crime, and our legislation will make human cloning punishable by fines and imprisonment.

But we must not confuse human cloning with medical research using the remarkable new technique of nuclear transfer. One creates a person and should be banned. The other saves lives by helping doctors find cures for diseases that deprive people of their dignity, their careers or even their very lives. We owe it to our fellow citizens to do everything we can to encourage this extraordinary research that brings such great hope to so many Americans. Medical research using nuclear transfer does not reproduce a child or create carbon copies of ourselves.

But this debate isn't about abstract ideas or complex medical terms—it's about real people who could be helped by this research. Dr. Douglas Melton is one of the nation's foremost researchers on diabetes. For Dr. Melton, the stakes involved in this research could not be higher. His young son, Sam, has juvenile diabetes, and Dr. Melton works tirelessly to find a cure for his son's condition.

One of the most promising areas of research on diabetes involves using stem cells to provide the insulin that Sam—and thousands of children like him—need to live healthy, active lives.

But a shadow looms over this research. A patient's body may reject the very cells intended to provide a cure. To unlock the potential of stem cell research, doctors are trying to reprogram stem cells with a patient's own genetic material. Using the breakthrough technique of nuclear transfer, each one of us could receive transplants or new cells perfectly matched to our own bodies. Can we really tell Sam Melton, and the millions of Americans suffering from diabetes, or Parkinson's disease or spinal injuries that we won't pursue every opportunity to find a cure for their disorders?

Some have said that this research will put women at risk by subjecting them to undue pressures to donate eggs. Our legislation addresses this concern by applying to all nuclear transfer research—whether publicly or privately funded—the same strict ethical standards used in research funded by the NIH. These protections guarantee ethical review, informed consent, and respect for the privacy of donors.

Congress has rejected calls to place undue restrictions on medical research many times in the past. In the 1970s we debated whether to ban the basic techniques of biotechnology. Some of the very same arguments that are raised against nuclear transfer research today were raised against biotechnology back then. Some said that the medical promise of biotechnology was uncertain, and that it would lead to ecological catastrophe or genetic monsters.

Because Congress rejected those arguments then, patients across America today can benefit from breakthrough new biotechnology products that help dissolve clots in the arteries of stroke victims, fight leukemia, and help those with crippling arthritis lead productive lives.

When in vitro fertilization was first developed in the 1980s, it too, was bitterly denounced. And once again, there were calls to make this medical breakthrough illegal. Because Congress rejected those arguments then, thousands of Americans today can experience the joys of parenthood through the very techniques that were once so strongly opposed.

Congress was right to place patients over ideology in the past, and we should do the same again today.

ADDITIONAL STATEMENTS

JESSE SEROYER

• Mr. SESSIONS. Mr. President, the people of the great state of Alabama are going to benefit from the wisdom of President George W. Bush in appointing Jesse Seroyer as their United States Marshal. I came to know Jesse well when I was elected Attorney General of Alabama in 1994. My respect for him grew continuously. Jesse had one primary motivation—to do the right thing. He was proud of his work and wanted the Alabama Attorney General's office to be the best it could be. His focus was always on the right goal—investigating cases thoroughly, clearing the innocent and prosecuting the guilty. Jesse leads by example. He works hard, does the right thing and expects others to do the same. While he is cooperative and a team player, he will not participate in or condone wrongdoing.

Jesse's career began with the Opelika police department in 1976. He worked vice and narcotics and worked with many different law enforcement agencies making cases all over Alabama. In 1987 he joined the Attorney General's office as chief investigator. During his time with the Attorney General's office Jesse has been invaluable in a host of important cases and activities. He has investigated white collar crime, corruption, voter fraud, and violent crime cases. In addition, he trained other investigators in his unit, conducted investigations of judges for the Alabama Judicial Inquiry Commission, provided security and protection for the Attorney General and others, conducted all investigations under the Alabama

Sports Agent Act, and assisted countless state, federal and local investigators in important investigations. In addition, he has helped develop and plan the investigative priorities of the Attorney General's office. Jesse also served as a certified instructor for Peace Officer Standard and Training program for Alabama.

I, and Senator RICHARD SHELBY, were pleased to recommend him to President Bush and I am certain that these qualities will make him a great Marshal.

When I became Attorney General, the office faced a serious budget crisis. Indeed, it was a disaster. The office was forced to reduce its size by one-third and to completely reorganize to meet our challenges with less personnel. That is when I saw Jesse Seroyer rise to the challenge. He took on many challenges and extra duties. Most importantly, as the investigator with the most institutional knowledge, he was invaluable to me and others in the office. It was a difficult time and he was a tower of strength. Without his leadership and cooperation we could not have been successful.

More than just a respected law officer, Jesse Seroyer is a man of faith and family. He married a very special lady, Novelette K. Ward, in 1973 not long after graduating from Opelika High School. Their marriage has produced two children, Steve and Jessica.

His faith is central to his life. He and his wife are active members of Greater Peace Baptist Church where he serves as a Deacon. He also serves as a Director for Boy Scout Troop 373, Opelika, Ala., and is a member of the National Organization of Black Law Enforcement Executives.

Novelette is extremely talented in her own right. She is also a state employee with the State Department of Education. She is a woman of rich Christian faith. At Jesse's investiture, she blessed the large crowd beautifully singing ''America.'' It was a special way indeed for Jesse to start his new work.

Jesse Seroyer loves his God, his family and his country. He is trained and ready for this new step in his career. I extend my special appreciation to President Bush for this nomination and to the Senate for its unanimous confirmation. He will serve superbly.●

THE DEATH PENALTY AND THE INNOCENT

● Mr. CORZINE. Mr. President, Monday, a man named Ray Krone was released from prison. Ray Krone had been convicted of murder. He had already served 10 years behind bars. And he had been sentenced to die.

But Ray Krone is and always has been an innocent man. New DNA evidence proved that conclusively. He was convicted for a crime he did not commit. And prosecutors now acknowledge that. As the local county attorney put it, ''He deserves an apology from us, that's for sure.''

To put it mildly, that is an understatement.

How would any of us feel if we were charged, tried and convicted by a jury of our peers for a crime we did not commit? And then, to top it off, sentenced to die?

Ray Krone knows what that feels like. And, unfortunately, he is not alone. In fact, he was the 100th person to be released from death row with proof of his innocence.

These 100 innocent people have experienced nothing short of a living hell. And the outrageous injustice of their convictions and their sentences should be a wake up call for all of us.

I take second place to nobody in my determination to fight the scourge of crime. As part of that effort, I believe we need to be very tough on violent criminals, including imposing long sentences with little or no opportunity for parole.

But while we get tough on crime, we also need to recognize that our criminal justice system makes mistakes. Sometimes very serious mistakes.

Until recently, it was virtually impossible to know when innocent people were wrongfully convicted. But with the advent of DNA technology, at least some of these cases finally are coming to light.

Why are innocent people convicted and sentenced to death? To a large extent, it is because our criminal justice system has serious systemic flaws.

Capital defendants often have lawyers who do a terrible job. Sometimes, their failure is simply a result of carelessness and lack of preparation. They fail to find or interview key witnesses. They fail to thoroughly read the case law. They fail to object to unreliable evidence. They make a variety of mistakes.

I don't say this to criticize all defense attorneys. Most try to do a good job. But too many are inexperienced, overworked and underpaid. Even if they worked 24 hours a day, 7 days a week, they're just too overwhelmed to provide effective representation.

But ineffective assistance of counsel is just one reason why innocent people find themselves on death row. Sometimes eyewitnesses make honest mistakes. Sometimes, witnesses give false testimony, such as jailhouse informants seeking reduced sentences. Sometimes, prosecutors engage in misconduct by, for example, withholding evidence that could help a defendant's case.

Any of these factors can lead to a wrongful conviction. And we now have 100 examples to prove it.

A system that sends 100 innocent people to death row can be called a lot of things. But fair, equitable and just are not among them.

In fact, our criminal justice system is badly broken. And before we send any more innocent people to death row, we need to fix it.

That is why I am joining with Senator FEINGOLD in cosponsoring legislation to establish a moratorium on all Federal executions until a commission can be established to review the death penalty system and propose meaningful reforms.

This wouldn't lead to the release of any convicted criminals, or threaten public safety in any way. It would simply help ensure that innocent people are not put to death.

I urge my colleagues to support this legislation. And I want to express my sincere appreciation to Senator FEINGOLD for his leadership on this critically important matter.●

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred in January 1996 in Houston, TX. A gay man was brutally murdered. The assailant, self-proclaimed white supremacist Daniel Christopher Bean, 19, was sentenced to life in prison for the murder.

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

RECOGNITION OF LOILA HUNKING, CHILDCARE SERVICES COORDINATOR FOR THE STATE OF SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor a very special South Dakotan who has made a real difference in the lives of women, children, and families across my home State. Today is Loila Hunking's last day as Childcare Services Coordinator for the State of South Dakota. While I'm sure this is not the last we have seen of Loila, I wanted to use the occasion of her retirement to honor her tireless work in many capacities for the people of the State of South Dakota.

After some time as a reporter and editor for our State's largest newspaper, the Sioux Falls Argus Leader, Loila turned to a career as a high school English and Journalism teacher in Brandon, SD. During this time, Loila was an active member in the South Dakota Education Association, and also served in the South Dakota House of Representatives. Her time in the South Dakota Legislature is marked by her strong support for equal rights for women, enactment of a spousal rape law, credit regulation, and human rights issues. After leaving the

legislature, Loila continued her work as an advocate in many capacities, truly leading the charge for issues important to women.

In 1976, Loila developed the first tool to measure community child care needs in South Dakota. Together with the Augustana Research Institute, Loila worked to put together a survey questionnaire and process of statistical computation that would assess child care needs and the causation of those needs in communities across South Dakota. Because of this survey, communities were able to explore the availability and scope of services and suggested relationships between women's career mobility, educational advancement, and child care opportunities.

As Chair of the South Dakota Commission on the Status of Women, Loila worked on a landmark publication that brought the serious issue of domestic violence into the light of day in South Dakota. The report published in 1979, and titled ''A Conspiracy of Silence: A Report on Spouse Abuse in South Dakota'' exposed the high occurrence of domestic violence in our State for the first time. State officials and the general population were stunned by the dramatic statistics the report revealed. The report offered important data and information to lawmakers who soon realized that this was not an issue that could be ignored.

Over the next two decades, Loila served as a member of the Sioux Falls School Board, the Sioux Falls City Commission, and as Chair of the South Dakota Democratic Party. Her tenure in all these positions was always marked by her devotion to the needs of children and families in South Dakota communities. In 1996, Governor Janklow appointed Loila as Childcare Services Coordinator for the state of South Dakota. He made an excellent choice. Throughout her years in that office, Loila has been dedicated to expanding, developing and improving childcare services in our state. She will be greatly missed.

Over the years, I have known that I can always count on Loila to give me the story, straight. I have always appreciated her no-nonsense approach to policy, government, and politics. It's my hope that Loila will find time in her retirement to continue to serve women, children, and all of South Dakota. She has always been a strong voice for those who were in need of one. She truly has made South Dakota a better place to live. I offer her my whole-hearted congratulations and thanks upon her retirement, and wish her all the best in her future endeavors.●

TAIWAN RELATIONS ACT

● Mr. SMITH of New Hampshire. Mr. President, April 10 marked the 23d anniversary of the Taiwan Relations Act, signed into law by President Jimmy Carter in 1979. The Taiwan Relations Act has enabled Taiwan to build successfully a democratically governed society and an economy by which the Taiwanese people prosper.

However, for Taiwan to continue its economic and political development under the ominous threats posed by Communist China, the United States must remain committed to the Taiwan Relations Act. The United States must ensure Taiwan possesses a capable military deterrent until a peaceful settlement of cross-straits relations with the People's Republic of China is realized.

The United States cannot allow the People's Republic of China to bully Taiwan, as it did during the 1995 Taiwan legislative elections and in the 1996 and 2000 Presidential elections. I am quite pleased to see the Bush administration's strong support for Taiwan. In particular, I was delighted to hear that the Bush administration would do ''whatever it takes'' to defend Taiwan.

Taiwan has proven itself a worthy friend. Its dedication to democratic freedoms, processes and institutions, attention to human rights, and adherence to rule of law, as well as its words and deeds after the events of September 11, 2001, have helped it gain strong political support in the United States. We must continue to assist such a worthy friend by honoring the Taiwan Relations Act in its totality and making sure that mainland China does not misunderstand our intention of maintaining peace and stability in the Taiwan Strait.●

VOTE EXPLANATION

●on Wednesday, April 10 on the rollcall votes regarding the amendments offered by the distinguished Senator from California, Senator FEINSTEIN, and the distinguished Senator from Idaho, Senator CRAIG. Unfortunately, I was absent for medical reasons and was unable to vote.

I wanted to express my support for Senator FEINSTEIN's amendment and had I been here, my intention was to vote ''yes'' on the motion to invoke cloture on her energy derivatives amendment. I understand that this body specifically exempted over-the-counter trading in energy derivatives from anti-fraud, anti-manipulation and other oversight regulation by the Commodities Futures Trading Commission back in 2000. However, I believe the Enron collapse, and the dramatic energy price spikes we saw last year in California and the Northwest, including in my State of Montana, tell us that we should take a closer look at energy markets and make sure we are catching market manipulators. I was disappointed that cloture was not invoked on this amendment.

I also wanted to express my support for Senator CRAIG's amendment, and had I been here, my intention was to vote for the Craig amendment to strike title II of S. 517. With so much uncertainty in today's energy markets. I was not convinced that the modified electricity restructuring provisions in S. 517 did enough to protect the best interests of consumers. This is a complicated area of Federal law, and I think the Senate needs more time to get it right. For that reason, I would have supported Senator CRAIG's amendment.●

BILL TAYLOR

● Mr. SESSIONS. Mr. President, the office of United States Marshal is one of the great and historic law enforcement positions in America. This honor carries with it the responsibility of protecting the Federal judiciary, tracking down fugitives from justice, delivering defendants to trial, ensuring safety of witnesses, leading and coordinating with local law enforcement and, in general, helping the entire federal legal system work together harmoniously and effectively to fight crime. Because Marshals often come from State and local law enforcement to their federal position, their experience helps further communication among all criminal justice agencies. This is critical today in fighting crime.

I was therefore extremely pleased William S. Taylor and that President Bush has chose him to be the U.S. Marshal for the Southern District of Alabama. He has all the qualities necessary to be a great success. First and foremost he is a good man. He loves his God, his family and his country. He has served each with distinction and fidelity. Bill is known for his honesty. He is always a gentleman, always courteous, always cooperative with the public and his superiors, but you may be sure he will not do things that he does not believe is right. On that point, he is rock solid.

I came to know Bill and his superior reputation when he served as Police Chief of Jackson, AL, while I served as U.S. Attorney for the Southern District of Alabama. During that time, we got to know each other well, working together on important criminal cases and even fishing together periodically. My mother, originally from Choctaw County, AL, later told me about his fine parents. Bill's father was a fine carpenter and brick mason respected throughout that area of the State. In 1994, I was elected to the office of Attorney General for Alabama and I prevailed upon Bill to join me as Alabama's Law Enforcement Coordinator. Bill was superb in that position and won the respect of law enforcement personnel all over the state. He understood their needs and problems and worked to help them. Law enforcement officers trusted him. In addition, I would call on him periodically to help us investigate difficult cases. He was a great asset as an investigator also. For more than a year, the chief of staff of my Senate office who was then the administrative officer of the Attorney General's office, Armand DeKeyser, State Trooper Mike Barnett, Bill and I

roomed together in Montgomery while our families remained at home. I came to like and respect Bill even more during that time. His fidelity to the mission of the Attorney General's office and his high ideals were extraordinary.

Indeed, Bill has a history of exceptional service. He was drafted into the Army right after his graduation from Choctaw County High School in Butler. After undergoing rigorous training he was sent directly to Vietnam where he served with distinction for one year. Bill was promoted quickly and ended his Army career with the rank of E–6. His unit was involved in extensive combat taking heavy casualties and Bill completed his tour of Vietnam having promoted to acting Platoon Sergeant.

His superior performance in Vietnam was rewarded by a host of awards including the Bronze Star, the National Defense Service Medal with one bronze star, and the Republic of Vietnam Gallantry Cross Unit Citation Badge. When his country called, Bill Taylor went without complaint and served with courage and distinction.

After leaving active duty he joined the Army National Guard and continues to serve in the Army Guard with distinction, now having attained his rank of Chief Warrant Officer Two. Indeed, Vietnam turned out not to be his only war. As a Guardsman, he was called again to combat for 6 months service in Desert Shield/Desert Storm. A superb military record indeed.

After Vietnam, Bill returned to his hometown of Butler and in 1969 was hired as a police officer. At that point, a fellow Choctaw Countian, Larry Linder, then a lieutenant with the Jackson, AL, Police Department lured him to the Jackson Police Department. There Bill found his calling. He served 2 years as a patrolman, two years as a lieutenant, 2 years as Assistant Chief and in 1975, commenced a sterling 20-year career as a police chief. Though very young, Bill did a superb job as chief, creating a highly respected police department in Jackson. He was selected for the prestigious national FBI Academy and undertook many educational programs. In fact, such was the excellence of his career, that in 1979 Chief William S. Taylor was named Citizen of the Year in Jackson and in 1980 he was selected as the Law Enforcement Officer of the Year for the state of Alabama. All this when he was hardly 30 years of age.

Has any of this turned his head—made him ''too big for his britches''? The answer is no. He is the same today as when he first answered the call of his country to serve in Vietnam. He will lead the Marshal's office with fairness, professionalism, skill and integrity. President Bush is to be commended for this excellent nomination. One of his most valuable attributes is his knowledge of and respect for local law enforcement. This is a critical quality for a modern marshal. Working every day to enhance cooperation and coordination among all state and local law enforcement agencies, as well as the federal agencies is one of the most important duties of the office. His experience and the respect with which he is held will make him quite valuable in this regard.

Bill is married to an exceptional lady in her own right, Catherine. They have been married for 32 years and have three sons Patrick, Bobby and Jonathan. The Senate acted wisely when it unanimously confirmed President Bush's nomination of William S. Taylor. The people of the United States will continue to benefit from his leadership.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1009. An act to repeal the prohibition on the payment of interest on demand deposits.

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 Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2120. A bill to amend section 313 of the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2121. A bill to amend section 313 of the Tariff Act of 1930 to simplify and clarify certain drawback provisions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLEN:

S. Res. 239. A resolution recognizing the lack of historical recognition of the gallant exploits of the officers and crew of the S.S. *Henry Bacon*, a Liberty ship that was sunk February 23, 1945, in the waning days of World War II; to the Committee on Armed Services.–

ADDITIONAL COSPONSORS

S. 969

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1104

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. HARKIN) 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. 1787

At the request of Mr. DASCHLE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1787, a bill to promote rural safety and improve rural law enforcement.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1868

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1868, a bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

S. 1991

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. DODD), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2057

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2057, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 2076

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2076, a bill to prohibit the cloning of humans.

S. RES. 230

At the request of Mr. CORZINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 230, a resolution expressing the sense of the Senate that Congress should reject reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security.

AMENDMENT NO. 3103

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3103 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—RECOGNIZING THE LACK OF HISTORICAL RECOGNITION OF THE GALLANT EXPLOITS OF THE OFFICERS AND CREW OF THE S.S. ''HENRY BACON'' A LIBERTY SHIP THAT WAS SUNK FEBRUARY 23, 1945, IN THE WANING DAYS OF WORLD WAR II

Mr. ALLEN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 239

Whereas during World War II the S.S. Henry Bacon was assigned the task of conveying war materials and supplies to the beleaguered Russian nation via the dangerous Murmansk Run, and faithfully fulfilled its mission;

Whereas in 1945 the S.S. Henry Bacon saved 19 refugees from Nazi-controlled Norway and accepted these Norwegian refugees from the British for passage to Murmansk;

Whereas the S.S. Henry Bacon, with a full crew and refugees aboard, set sail for Scotland amid the worst storms ever registered in the Arctic Ocean and suffered damage from the force of the storms and from internal mechanical problems;

Whereas the S.S. Henry Bacon, while suffering from a loss of steering capacity, lost its place in Convoy RA 64 and became a stray, unable to communicate with the convoy and required to maintain radio silence;

Whereas the S.S. Henry Bacon was left to its own devices: engine room workers used a sledgehammer and wedge to physically turn the ship;

Whereas the S.S. Henry Bacon, alone in that freezing sea, came under attack by 23 Junker JU–88s of the German Luftwaffe;

Whereas armed with only several small guns, the United States Navy Armed Guard and the ship's Merchant mariners fought gallantly against the oncoming torpedo bombers;

Whereas mortally wounded after 1 German pilot was successful in delivering a payload to the ship, the S.S. Henry Bacon fought back, shooting down 9 enemy planes;

Whereas when the S.S. Henry Bacon began to sink, her captain ensured that all 19 Norwegian refugees would receive a place in a lifeboat;

Whereas when the lifeboat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia;

Whereas the S.S. Henry Bacon went down with 28 casualties, including Captain Alfred Carini, Chief Engineer Donald Haviland, Bosun Holcomb Lammon Jr., and the commanding officer of the United States Navy Armed Guard, Lt. John Sippola, but in its sinking kept the German planes from looking further and locating the main body of the convoy;

Whereas the 19 Norwegian refugees were saved and ultimately returned to Norway; and

Whereas the actions of the officers and crew of the S.S. Henry Bacon, in the finest tradition of the United States Merchant Marines and the United States Navy, have been recognized by the people of Norway and Russia but, until now, have not been acknowledged by our grateful Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the valiant efforts of the crew of the S.S. Henry Bacon; and

(2) requests that the President issue a proclamation, calling to memory the deeds, exploits, and sacrifices of the officers and crew of the S.S. Henry Bacon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3124. Mr. FITZGERALD (for himself, Mr. CORZINE, Mr. JEFFORDS, and Mr. CHAFEE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3125. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3124. Mr. FITZGERALD (for himself, Mr. CORZINE, Mr. JEFFORDS, and Mr. CHAFEE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows;

On page 81, between lines 2 and 3, insert the following:

SEC. 2 .DEFINITIONS OF BIOMASS AND RENEWABLE ENERGY FOR THE PURPOSES OF THE FEDERAL PURCHASE REQUIREMENT AND THE FEDERAL RENEWABLE PORTFOLIO STANDARD.

(a) FEDERAL PURCHASE REQUIREMENT.—

(1) BIOMASS.—In section 263, the term ''biomass'' does not include municipal solid waste.

(2) RENEWABLE ENERGY.—Notwithstanding anything to the contrary in subsection (a)(2) of section 263, for purposes of that section, the term ''renewable energy'' does not include municipal solid waste.

(b) FEDERAL RENEWABLE PORTFOLIO STANDARD.—

(1) BIOMASS.—Notwithstanding anything to the contrary in subsection (l)(1) of section 606 of the Public Utility Regulatory Policies Act of 1978 (as added by section 265), for the purposes of that section, the term ''biomass'' does not include municipal solid waste.

(2) RENEWABLE ENERGY RESOURCE.—Notwithstanding anything to the contrary in subsection (l)(10) of section 606 of the Public Utility Regulatory Policies Act of 1978 (as added by section 265), for the purposes of that section, the term ''renewable energy resource'' does not incluce municipal solid waste.

SA 3125. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . ENHANCED DOMESTIC PRODUCTION OF OIL AND GAS THROUGH EXCHANGE OF NONPRODUCING LEASES.

(a) DEFINITIONS.—For purpose of this section:

(1) the term ''Badger-Two Medicine Area'' means federal lands, owned by the United States Forest Service, located in: T 31 N, R 12–13 W; T 30 N, R 11–13 W; T 29 N, R 10–16 W; and, T 28 N, R 10–14 W.

(2) the term ''Blackleaf Area'' means federal lands, owned by the United States Forest Service lands and Bureau of Land Management, located in: T 27 N, R 9 W; T 26 N, R 9–10 W, T 25 N, R 8–10 W, T 24 N, R 8–9 W.

(3) the term ''nonproducing leases'' means authorized Federal oil and gas leases that are in existence and in good standing as of the date of enactment of this Act and are located in the Badger-Two Medicine Area or the Blackleaf Area.

(4) the term ''Secretary'' means the Secretary of the Interior.

(b) EVALUATION.—The Secretary is directed to undertake an evaluation of opportunities to enhance domestic production through the exchange of the nonproducing leases in the Badger-Two Medicine Area and the Blackleaf Area. In undertaking the evaluation, the Secretary shall consult with the Governor of Montana, the lessees holding the nonproducing leases, and interested members of the public. The evaluation shall include—

(1) A discussion of opportunities to enhance domestic production of oil and gas through an exchange of the nonproducing leases for oil and gas lease tracts of comparable value in Montana or in the Central and Western Gulf of Mexico Planning Areas on the Outer Continental Shelf;

(2) A discussion of opportunities to enhance domestic production of oil and gas through the issuance of bidding, royalty, or rental credits for use on federal onshore oil and gas leases in Montana or in the Central and Western Gulf of Mexico Planning Areas on the Outer Continental Shelf in exchange for the cancellation of the nonproducing leases;

(3) A discussion of any other appropriate opportunities to exchange the nonproducing leases or provide compensation for their cancellation with the consent of the lessee.

(4) Views of interested parties, including the written views of the State of Montana;

(5) A discussion of the level of interest of the holders of the nonproducing lessees in the exchange of such interest;

(6) Recommendations regarding the advisability of pursuing such exchanges; and

(7) Recommendations regarding changes in law and regulation needed to enable the Secretary to undertake such an exchange.

The Secretary shall transmit the evaluation to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within two years after the date of enactment of this Act.

(c) VALUATION OF NONPRODUCING LEASES.—For purposes of the evaluation, the value of each nonproducing lease shall be an amount equal to—

(1) consideration paid by the current lessee for each nonproducing lease; plus

(2) all direct expenditures made by the current lessee prior to the date of enactment of this Act in connection with the exploration or development, or both, of such lease (plus interest on such consideration and such expenditures from the date of payment to date of issuance of the credits); minus

(3) the sum of the revenues from the nonproducing lease.

(d) SUSPENSION OF LEASES.—In order to allow for the evaluation under this section and review by the Congress, nonrproducing leases in the Badger-Two Medicine Area shall be suspended for a period of three years commencing from the date of enactment of this Act.

(e) LIMITATION ON SUSPENSION OF LEASES.—The suspension referred to in subsection (d) shall not apply to nonproducing leases located in the Blackleaf Area.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the committee on Indian Affairs.

The hearing will take place on Wednesday, April 24, 2002 at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes.

Because of the limited time available for the hearing witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Mike Connor or Kira Finkler of the committee staff at (202–224–4103).

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary subcommittee on Immigration be authorized to meet to conduct a hearing on ''The Enhanced border Security and Visa Entry Reform Act'' on Friday, April 12, 2002, at 9 a.m., in Dirksen 226.

Witness List

Panel I: Ms. MaryEllen Salamone, Director, Families of September 11, North Caldwell NJ, and Ms. Kathleen Campbell Walker, American Immigration Lawyers Association and Senior Shareholder and Chair of the Immigration Department, Kemp Smith, PC, El Paso, TX.

Panel II: The Honorable Robert C. Byrd.

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

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Melanne Civic, a detailee on my Judiciary Committee staff, be granted the privilege of the floor for the duration of the debate on border security.

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

Mr. KYL. Madam President, I ask unanimous consent to grant the privilege of the floor to Dustin Pead, who is a detailee on the Judiciary Committee, for the duration of the consideration of H.R. 3525.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 762 through 772; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD, and that the Senate return to legislative session, without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Patrick E. McDonald, of Idaho, to be United States Marshal for the District of Idaho for the term of four years.

Warren Douglas Anderson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

James Joseph Parmley, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

J. Robert Flores, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

EXECUTIVE OFFICE OF THE PRESIDENT

Scott M. Burns, of Utah, to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

DEPARTMENT OF JUSTICE

John B. Brown, III, of Texas, to be Deputy Administrator of Drug Enforcement.

Michael Taylor Shelby, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Jane J. Boyle, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Matthew D. Orwig, Of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

James B. Comey, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

Thomas A. Marino, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 1009

Mr. REID. Mr. President, it is my understanding that H.R. 1009 has been received from the House and is now at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1009) to repeal the prohibition on the payment of interest on demand deposits.

Mr. REID. Mr. President, I ask for its second reading but object to my own request on behalf of other Members.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 15, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday afternoon, April 15, at 1 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the exception that the time from 1 to 1:30 be under the control of Senator DORGAN, and the time from 1:30 to 2 p.m. be under the control of Senator LOTT or his designee; and, further, that at 2 p.m. the Senate resume consideration of the Border Security Act.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

PROGRAM

Mr. REID. For the information of all Senators, the next rollcall vote is expected on Monday evening at approximately 5:30 in relation to an amendment to the Border Security Act or on final passage of that act or on an Executive Calendar nomination.

Mr. STEVENS. Will the Senator yield for one moment?

Mr. REID. I am happy to yield to my friend from Alaska.

HAWAII AND ALASKA POLITICS

Mr. STEVENS. Mr. President, seeing my good friend, the Presiding Officer, and the distinguished whip having made the statement he made, I would like the RECORD to show that at the time the Senator from Hawaii was fighting for statehood for Hawaii, Hawaii was Republican. At the time I was fighting for statehood for Alaska, Alaska was Democratic. It has changed since the two of us have been here.

ADJOURNMENT UNTIL MONDAY, APRIL 15, 2002 AT 1 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:26 p.m., adjourned until Monday, April 15, 2002, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 12, 2002:

DEPARTMENT OF JUSTICE

JEREMY H.G. IBRAHIM, OF PENNSYLVANIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2002, VICE RICHARD THOMAS WHITE, TERM EXPIRED.

JEREMY H.G. IBRAHIM, OF PENNSYLVANIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2005. (REAPPOINTMENT)

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2004, VICE LARAMIE FAITH MCNAMARA.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 2002:

DEPARTMENT OF JUSTICE

PATRICK E. MCDONALD, OF IDAHO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

WARREN DOUGLAS ANDERSON, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

JAMES JOSEPH PARMLEY, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

J. ROBERT FLORES, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF JUSTICE

JOHN B. BROWN, III, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

MICHAEL TAYLOR SHELBY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

JANE J. BOYLE, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

MATTHEW D. ORWIG, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

JAMES B. COMEY, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

THOMAS A. MARINO, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.