

hunt. What they witnessed was shocking to all who are concerned about the humane treatment of animals. The images are difficult to envision but harder to believe: skinning of live animals and the dragging of live seals across the ice using steel hooks.

Few would argue that this industry still serves a legitimate purpose. A number of years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent of only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly \$30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago.

FBI CHALLENGES

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation faces tremendous challenges in the war on terrorism, particularly with its internal operations, where a culture of fear, retaliation, and coverup demoralize agents and weaken the organizations.

Director Mueller has taken at least two important steps to address this culture. First, he has recognized it, making him one of the first Directors in recent memory to acknowledge the problem. His appointment of Judge

Griffin Bell and Dr. Lee Colwell to study the Office of Professional Responsibility, OPR, is an excellent example of his recognizing the seriousness of the problem.

Second, Director Mueller has translated this attitude into action. For example, earlier this year, he justly and fairly punished a senior manager, which was especially noteworthy because he had been handpicked by the Director for the job. Just a few years ago, I could not have imagined an FBI Director taking action against a top official the way he did with Robert Jordan, the Assistant Director of OPR. By implementing the recommended punishment of the Justice Department Inspector General (DOJ OIG), Director Mueller fairly applied high standards to a senior-level FBI official.

I commend the Director for these positive developments, and that is why I feel the following issues are important.

Specifically, I am concerned about the FBI recently awarding contracts to several former senior officials involved in wrongdoing during their careers. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, OR, Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division; and Special Agent in Charge of the Buffalo, NY, Division; and Joseph Wolfinger, who retired in the late 1990s from the position of Assistant Director of the Training Division in Quantico, VA.

First, it is my understanding that Mr. Mathews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria VA, defense and security contracting company, was awarded a contract worth between \$500,000 and \$1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's "Alexandria Group," which "will provide the highest quality education, training, and organizational expertise, to law enforcement and corporations around the world," according to the company's Web site. Mr. Coyle is listed as "Senior Law Enforcement Affiliate" for the company.

One reason I have questions about these former officials and/or their companies obtaining contracts is that they were involved in the Ruby Ridge scandal (Mathews) and the "Pottsgate" scandal (Wolfinger). Mr. Coyle was involved with both Ruby Ridge and Pottsgate.

Ruby Ridge refers not only the deadly 1992 standoff at the Idaho home of Randall Weaver, but also the ensuring coverups of misconduct and lying by senior FBI officials. The Pottsgate scandal refers to the sham conference held in 1997 so friends and co-workers

of then-Deputy Director Larry Potts could fly to Washington for his retirement party on the taxpayers' dime, rather than their own personal money.

It is not worth repeating the long and sorry history of the misconduct of all the senior-level officials involved in the Ruby Ridge standoff; Pottsgate; the ensuing investigations, re-investigations, and reviews of investigations; and the failure to take appropriate disciplinary action in both matters. A full recounting covering more than a dozen officials who were involved in wrongdoing would take hundreds of pages.

The most comprehensive, public details of these two scandals are outlined in the DOJ OIG's report, entitled "A Review of Allegations of a Double Standard of Discipline at the FBI," issued in November 2002.

The FBI's reputation and integrity suffered enough when these men escaped any appropriate discipline for wrongdoing during their careers. Not only did they avoid accountability, but recent developments indicate that their former colleagues and friends are rewarding them with lucrative contracts. I am sure this is not the lesson Director Mueller wants agents and the public to learn about the FBI and the way it handles misconduct in its top ranks.

Before I explain my other concerns about Mr. Mathews, Mr. Wolfinger/MPRI, and Mr. Coyle/MPRI profiting—either directly or indirectly—from these contracts, a brief explanation of their involvement in misconduct is necessary. The following is based on the DOJ OIG's report on the double standard in discipline.

Mr. Mathews, in June 1994, led an internal inquiry into the findings of a previous criminal investigation regarding allegations of FBI misconduct during the Ruby Ridge standoff. Danny Coulson, for whom Mr. Mathews worked from 1988 to 1990 in Portland, OR, was one subject of the criminal probes and Mr. Mathews' inquiry.

Mr. Mathews' probe led to discipline for several agents and officials at the scene of the standoff, but not for any headquarters officials—including Mr. Coulson and his boss, Mr. Potts. Later, the Justice Department, DOJ, conducted criminal and administrative investigations into new allegations, including that Mr. Mathews and his investigation covered up misconduct. While under investigation for those issues, Mr. Mathews was promoted twice, and shortly after that DOJ investigation ended in 2001, he was promoted a third time to head the Portland, OR, Division. After contradictory conclusions at the senior levels of the DOJ under former Attorney General Janet Reno, Mr. Mathews, like other senior officials, escaped any discipline.

However, the November 2002 DOJ OIG report later determined that:

Mathews should have been disciplined for failure to carry out [his] assigned duties—completing thorough and impartial inquiries—regardless of whether there was evidence of improper motivation. Moreover,

like DOJ OPR, we believe that there was sufficient evidence in the record to sustain a finding that [Mathews] acted with an improper purpose. (Page 64)

The DOJ OIG report also stated:

We also believe that Mathews' failure to rescue himself despite his relationship with Coulson, taken together with his statements and the unsubstantiated findings in his report regarding approval of the rules of engagement, established by a preponderance of the evidence that Mathews conducted an inadequate investigation. (Page 64)

The Pottsgate scandal refers to the allegation, among others, that Mr. Wolfinger, in October of 1997, arranged a conference to justify official business travel to Washington, DC, of senior officials so they could attend the retirement party of Mr. Potts, who was Deputy Director of the FBI at the time. The investigation focused on whether: the "conference" was a sham; it was used to justify the personal travel of officials to Washington for the party; those officials misrepresented their actions on travel forms and other government documents; and the officials were less than honest to investigators about their actions.

Mr. Wolfinger, the Assistant Director of the Training Division in Quantico, VA, was the organizer of the Thursday, October 9, 1997, retirement party for Mr. Potts. Just 7 days before the party, Mr. Wolfinger ordered a subordinate to send out a communication to the field announcing a conference for Special Agents in charge, SACs, on Friday, October 10, 1997, the day after the party.

This "conference" was unusual in several ways, as the DOJ OIG November 2002 report points out. The conference—

announcement did not contain a conference schedule, a starting or concluding time, a training identification number, or travel instructions. The conference was scheduled for a Friday, normally a travel day for FBI employees following the conclusion of conferences. (Page 17)

The DOJ OIG report identifies other unusual characteristics of the "conference." Only five people attended: Mr. Wolfinger, the subordinate he ordered to organize it, two SACs, and another individual. The agent who was ordered to give a presentation was told of the conference only 3 days before, on October 7, 1997. The conference had no formal agenda, and it lasted between 45 minutes and 90 minutes, rather than all day.

Despite the damning evidence, a disciplinary board of Senior Executive Service, SES, officials decided the "conference" was not a sham, though the board did conclude "the planners exercised poor judgment in not properly preparing for it." (Page 26)

The DOJ OIG report notes that it is unclear exactly what action, if any, the board during two meetings decided to take against Mr. Wolfinger, who retired shortly after the board's meetings. Ultimately, however, it appears that Mr. Wolfinger was not punished. Michael Defeo, the Assistant Director of FBI OPR at the time, told the DOJ

OIG that "no recommendation as to Wolfinger was ultimately made . . ." (Page 28)

Mr. Coyle, a coworker of Mr. Wolfinger at MPRI, was one member of the disciplinary board in the Pottsgate matter. The DOJ OIG concluded:

Coyle should not have participated because, at a minimum, an appearance of a conflict of interest existed, if not an actual conflict of interest. (Page 30)

As the DOJ OIG report notes, at the time of the board's decisions, Mr. Coyle and Mr. Potts were subjects of the Ruby Ridge investigation. The DOJ OIG wrote:

It was well known that many people wanted to attend the Potts retirement party to show support for him because of the Ruby Ridge investigation. That attitude was likely to be especially strong for someone like Coyle who also was a Ruby Ridge subject. We believe that Coyle should have recused himself or been removed from these Board proceedings. (Page 30)

The actions of these officials during their careers at the FBI are troubling. That is why I sent Director Mueller a letter today asking questions about the contracts these men were awarded. I asked for a response by Wednesday, August 27, 2003.

Mr. Chairman, I also ask that the letter, dated today, July 22, be printed in the RECORD.

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

JULY 22, 2003.

Hon. ROBERT MUELLER,
*Federal Bureau of Investigation,
Washington, DC.*

DEAR DIRECTOR MUELLER: The purpose of this letter is to inquire about the FBI recently awarding contracts to several former senior officials. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, Oregon Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division, and Special Agent in Charge of the Buffalo, New York Division; and Joseph Wolfinger, who retired in the later 1990s from the position of Assistant Director of the Training Division in Quantico, Virginia.

First, it is my understanding that Mr. Mathews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria, Virginia defense and security contracting company, was awarded a contract worth between \$500,000 and \$1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's "Alexandria Group," which "will provide the highest quality education, training and organizational expertise, to law enforcement and corporations around the world," according to the company's Web site. Mr. Coyle is listed as "Senior Law Enforcement Affiliate" for the company.

(1) Mr. Wolfinger and Mr. Coyle.

(A) Please provide a list of Mr. Wolfinger's involvement in counterintelligence cases during his career in the FBI, including the John Walker spy case. This list should include the name of the counterintelligence investigation, a brief description of the case,

his role in the case, his title and place of work at the time. Also, please provide detailed information on any counterintelligence training Mr. Wolfinger participated in or led during his career at the FBI.

(B) What role did Mr. Wolfinger, David Szady, Assistant Director of the Counterintelligence Division, and Beverly Andrews, a Deputy Assistant Director in the Counterintelligence Division, play in the John Walker spy case? This reply should include their titles and place of work at the time, their duties and responsibilities, and the time period each person worked on the case.

(C) Did their relationship play any role in the awarding of the contract to Mr. Wolfinger and MPRI?

(D) Did any FBI official, in the course of awarding the contract, consider the potential appearance of favoritism if the contract was awarded to Mr. Wolfinger and MPRI?

(E) Please describe in detail the role that Mr. Wolfinger and Mr. Coyle play in supervising MPRI contract personnel conducting the counterintelligence training, and their role in fulfilling the contract in general.

(F) What objective performance measurements does the DBI employ to check whether MPRI personnel on this contract are tardy or absent from some training sessions, or lack the appropriate security clearances?

(G) Please provide all documents and materials relating to performance evaluations of MPRI contract personnel, including for Mr. Wolfinger and Mr. Coyle.

(H) Who was/were the deciding official(s) at the FBI who selected Mr. Wolfinger/MPRI for this contract? In addition, please identify all the persons involved in the contract process, including those persons dealing with the Request For Proposal, evaluating bids and making the decision to award the contract.

(I) Please provide all records generated in the course of selecting a company for this contract, including information submitted by MPRI, Mr. Wolfinger, and other bidders on the contract, as well as FBI records. This reply should include the FBI's Request For Proposal, detailed criteria used to evaluate the bidders and select MPRI.

(J) Please provide any records of contacts between the deciding official(s) for this contract and Mr. Szady or Ms. Andrews. This list of contacts should include copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recording that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(K) Please provide a copy of the contract. In addition, provide in summary form the compensation and general conditions and terms, as well as any modifications, deletions and changes.

(2) Mr. Mathews

(A) By what criteria and on what basis was Mr. Mathews selected for the trip of FBI officials to Jakarta, Indonesia for a training seminar? This reply should include details of Mr. Mathews qualifications for the specific purpose of the trip. This reply should also include, if relevant, the FBI's Request for Proposal, Mr. Mathews bid, and other bids. If this was not a competitively bid contract, please explain the selection process in detail.

(B) Who was/were the deciding official(s) at the FBI who selected Mr. Mathews for this trip? Please identify all persons—including title and place of work—involved in selecting Mr. Mathews for the trip.

(C) Was Mr. Mathews compensation approximately \$7,000 for this 10-day trip, plus expenses? If not, please explain what his compensation was, including expenses billed to the FBI.

(D) Please provide the names, affiliation and titles of all other persons who went on the trip, whether they are or were employed by the U.S. government or not.

(E) Please provide detailed information on the nature and purpose of the trip, including the names and a brief synopsis of lectures or seminars provided by Mr. Mathews and others on the trip.

(F) What official government-issued identification or identity documents did Mr. Mathews use for his travel?

(G) Please provide a copy of Mr. Mathews' contract for this trip. In addition, please provide copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recordings that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(I) Will Mr. Mathews be considered for future contracts with the FBI?

I ask that these questions be answered, and requested documents provided, by Wednesday, August 27, 2003. Once the answers and documents are provided, I ask that the appropriate FBI officials brief interested committee staff on this matter.

Sincerely,

CHARLES E. GRASSLEY.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. KENNEDY. Mr. President, I commend the Senate for the bipartisan cooperation in approving the Prison Rape Elimination Act.

I especially commend my lead Republican co-sponsor, Senator SESSIONS and his dedicated staff, Andrea Sander, William Smith, and Ed Haden. It has been a privilege to work with Senator SESSIONS and the two lead sponsors of this legislation in the House, Congressmen FRANK WOLF and BOBBY SCOTT.

I commend as well the extraordinary coalition of churches, civil rights groups, and concerned citizens who made this achievement possible. The coalition includes Amnesty International, Human Rights Watch, the Justice Policy Institute, the NAACP, the National Association of Evangelicals, the National Council for La Raza, Prison Fellowship, Salvation Army, the Sentencing Project, the Southern Baptist Convention, and the Youth Law Center.

The coalition has been ably led by Michael Horowitz, a senior fellow at the Hudson Institute. I also commend Mariam Bell from Prison Fellowship and the Wilberforce Forum, Vincent Schiraldi from the Justice Policy Institute, Lara Stemple from Stop Prison Rape, and John Kaneb, the courageous citizen of Massachusetts whose unyielding effort and commitment to human rights has been invaluable to this legislation.

It has taken us nearly a century to get here. It was Winston Churchill who said in 1910 that the "mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country."

Today, in 2003, we know that hundreds of thousands of inmates in our Nation—hundreds of thousands, not only convicted prisoners but pretrial detainees and immigration detainees as well—are victims of sexual assault each year. Of the 2 million prisoners in the United States, it is conservatively estimated that 1 in every 10 has been raped. According to a 1996 study, 22 percent of prisoners in Nebraska had been pressured or forced to have sex against their will. Human Rights Watch has reported "shockingly high rates of sexual abuse" in U.S. prisons.

Prison rape has devastating physical and psychological effects on its victims. It also has serious consequences for communities. Six hundred thousand inmates are released from prison or detention each year, and their brutalization clearly increases the likelihood that they will commit new crimes after they are released.

Infection rates for HIV, other sexually transmitted diseases, tuberculosis, and hepatitis are far greater for prisoners than for the population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving potential death sentences to its victims because of AIDS.

In 1994, the Supreme Court ruled that "being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society." Federal, State, and local government officials have a duty under the Constitution to prevent prison violence. Too often, however, officials fail to take obvious steps to protect vulnerable inmates.

The Prison Rape Elimination Act has been carefully drafted to address the crisis of prison rape, while still respecting the primary role of States and local governments in administering their prisons and jails. The act directs the Department of Justice to conduct an annual statistical analysis of the frequency and effects of prison rape. It establishes a special panel to conduct hearings on prison systems, specific prisons, and specific jails where the incidence of rape is extraordinarily high. It also directs the Attorney General to provide information, assistance, and training for Federal, State, and local authorities on the prevention, investigation, and punishment of prison rape. It authorizes \$40 million in grants to strengthen the ability of State and local officials to prevent these abuses.

Finally, the act establishes a commission that will conduct hearings in the next 2 years and recommend national correctional standards on issues such as staff training, inmate classification, investigation of rape complaints, trauma care for rape victims, and disease prevention.

These standards should apply as soon as possible to the Federal Bureau of Prisons. Prison accreditation organizations that receive Federal funding will be required to adopt the standards. Each State must certify either that it

has adopted and is in full compliance with the national standards, or that the State will use 5 percent of prison-related Federal grants to come into compliance with the standards. States that fail to make a certification will have their grants reduced by 5 percent.

The Prison Rape Elimination Act is an important first step. We know that prison education programs reduce recidivism and facilitate the reentry of prisoners into society. Pell grant eligibility should be restored to prisoners who are scheduled for release. Because the high incidence of HIV and hepatitis B and C in prisoners threatens the health of many others, medical testing and treatment for infected prisoners should be expanded and improved. Congress should also repeal the provisions of the Prison Litigation Reform Act that prevent inmates who have been abused from raising their claims in court.

I commend our Senate and House colleagues for their strong support of the Prison Rape Elimination Act, and I look forward to its enactment.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 17, 2001. In Wilmington, DE, a 25-year-old man was charged with a hate crime after he and a 22-year-old friend fled a liquor store with several bottles of alcohol. When the Middle Eastern manager of the store attempted to stop the pair, the thief yelled, "Bin Laden, you're going to pay for it," before striking him.

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 is 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.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, during the height of the war in Iraq, I came to the floor to honor those from California who had made the ultimate sacrifice. And I paid tribute to these service members who embody the very best of the American spirit, those willing to give their own lives so we and others around the world can enjoy the blessings of freedom.

At least eight men with California connections have died in Iraq since May 1 due either to accident or hostile enemy fire. I strongly believe that they