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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada

### PRAYER

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

Almighty God, we come to You as intercessors for our beloved Nation at this crucial time of confrontation with the evil forces of terrorism in the world. May this war be decisive, undergirded by Your mighty power and lead toward the extrication of terrorism from the world. We intercede for our President George W. Bush, Colin Powell, Don Rumsfeld, General Richard Myers, General Tommy Franks, Condeleezza Rice, John Ashcroft, and all who seek Your guidance and supernatural power for their leadership in this just war. We pray for Tom Ridge as he assumes his new responsibilities to coordinate all who must work cooperatively for the protection of our land against further terrorist attacks. And Lord, we ask for a special measure of Your wisdom and strength for TOM DASCHLE, TRENT LOTT, HARRY REID, and DON NICKLES as they seek to lead this Senate in unity, in support of our Armed Forces. Protect the men and women now in harm's way both in the strategic bombing and the humanitarian effort. Grant Your peace to the American people, many of whom are gripped with unhealed grief over September 11 and now feel panic over the danger of terrorist attacks.

Dear Father, flood our hearts with Your Spirit, filling us with trust in You. May patriotism for our Nation, and pertinacity to win this battle be the antidote to fear. In the Name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 9, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the same previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. But under the previous order, the Senator from West Virginia, Mr. BYRD, is recognized to speak for up to 30 minutes.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

### UNDERTAKING A DANGEROUS MISSION

Mr. BYRD. Mr. President, this morning I have come to the Senate floor to

talk about our late friend and Senate majority leader, Mike Mansfield. But before I do, I shall take a moment to recognize the efforts of the men and women of our Armed Forces who have undertaken a dangerous mission in the past few days. They are fighting to protect our Nation's interests and its security. They are working to ensure the freedom of others across the globe, never wavering in their duty. Throughout America's history, our sons and daughters have always been ready to answer that call to duty. In particular, West Virginians have a proud and enviable record of service to our country in perilous times of war and conflict. This time is no different; mountaineers once again are playing an important role in the defense of our country.

Our soldiers, sailors, and airmen are now engaged in what could be a long battle. In locales stretched around the world, they will put themselves in harm's way. They will fight to protect our freedoms and the freedoms of people around the world. We in the Senate and House of Representatives will make sure they have the resources they need in order to be successful, but until their return home they and their families will be in our thoughts and prayers. May God watch over them and bring them home safely in the end.

### SENATE MAJORITY LEADER MIKE MANSFIELD

Mr. BYRD. Mr. President:

When I remember all  
The friends, so link'd together,  
I've seen around me fall  
Like leaves in wintry weather,  
I feel like one  
Who treads alone  
Some banquet-hall deserted,  
Whose lights are fled,  
Whose garlands dead,  
And all but he departed!  
Thus, in the stilly night,  
'Ere slumber's chain has bound me,  
Sad Memory brings the light  
Of other days around me.

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



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Mr. President, in June 1970, it was my honor and privilege as the then Secretary of the Senate Democratic party conference to go to this floor and make the announcement that Senator Mike Mansfield had become the longest serving majority leader in history.

Today, it is with sadness that I come to the Senate floor to speak of the passing on Friday last of Mike Mansfield, and of his service to this Chamber and to our country.

Mike Mansfield personified both America and the American dream. He was born in New York City, the son of Irish immigrant parents, in 1903, the year in which the Wright Brothers made their historic flight. He was raised in his beloved Montana. When he was only 14 years of age, without completing the 8th grade, he served first in the U.S. Navy during World War I, and eventually in the Army and the Marine Corps—at that time, all of the branches of the U.S. military. After the war, he became a miner, then a mining engineer.

At 30 years of age, he was finally able, with the constant help of his devoted wife Maureen, to obtain the first of several college degrees that would enable him to become a college professor of history and political science for almost a decade.

In 1942, he was first elected to the U.S. Congress and served five terms in the House of Representatives. In 1952, Mike was elected to the Senate—that was the year in which I was elected to the House of Representatives—and began a remarkable quarter-of-a-century of service in this Chamber, a career that included being elected Senate majority whip in 1957.

In January 1961, Senator Mansfield was elected Senate majority leader, and he served in that capacity until 1977—one of the most turbulent periods in American history. It was a time of assassinations and riots, marches and demonstrations, war and anti-war protests.

Nevertheless, under his leadership—a leadership that emphasized cooperation, honor, fairness, integrity, and negotiation—and a leadership style marked by personal conviction and a loyalty to lasting principles—the Senate was a place of remarkable legislative accomplishments, including the Great Society legislation of the mid 1960's. That was one of the most productive periods of Congress in American history, and Senate Majority Leader Mansfield certainly had an important role in it.

I worked shoulder to shoulder with Mike Mansfield for 10 years on this floor, where I served as secretary of the Democratic conference for 4 years and as Democratic whip for 6 years.

After leaving the Senate, he continued his public career by serving as the American Ambassador to Japan under Presidents Carter, Reagan, and Bush. Mansfield's 12 years as Ambassador to Japan are the longest in history.

Mike Mansfield of Montana was a man of outstanding achievements, a re-

markable Senator, and an outstanding leader.

Mr. President, it was on last Friday, that the pallid messenger with the inverted torch beckoned Mike Mansfield to depart this life. We can believe that he awakened to see a more glorious sunrise with unimaginable splendor of a celestial horizon, and that he yet remembers us as we remember him, for we have the consolation that has come down to us from the lips of that ancient man of Uz, whose name was Job: "Oh that my words were written in a book and engraved with an iron pen, and lead in the rock forever, for I know that my redeemer liveth and that in the latter day he shall stand upon the earth."

Mike Mansfield has now passed from this earthly stage and gone on to his eternal reward. The links which connect the glorious past with the present have been forever sundered.

Passing away!

'Tis told by the leaf which chill autumn breeze,

Tears ruthlessly its hold from wind-shaken trees;

'Tis told by the dewdrop which sparkles at morn,

And when the noon cometh

'Tis gone, ever gone.

I always held Mike Mansfield in the highest esteem. He was a gentleman with great courage and unwavering patriotism, a wise and courageous statesman, affable in his temperament, and regarded as one of the outstanding men in the Senate. He was both morally and intellectually honest and that is saying a great deal in these times. He was simple in his habits and devoid of all hypocrisy and deceit. There was not a deceitful cell in his body. He never resorted to the tricks of a demagog to gain favor and, although he was a partisan Democrat, he divested himself of partisanship when it came to serving the best interests of his country. May God rest his soul.

The potentates on whom men gaze  
When once their rule has reached its goal,  
Die into darkness with their days.  
But monarchs of the mind and soul,  
With light unailing, and unspent,  
Illumine flame's firmament.

Socrates, Plato, Aristotle, Cicero, and other great Grecian and Roman philosophers, by pure reason and logic arrived at the conclusion that there is a creating, directing, and controlling divine power, and to a belief in the immortality of the human soul. Throughout the ages, all races and all peoples have instinctively so believed. It is the basis of all religions, be they Islamic, Hebrew, Christian, or heathen. It is believed by savage tribes and by semi-civilized and civilized nations, by those who believe in many gods and by those who believe in one God. Agnostics and atheists are, and always have been, few in number. Does the spirit of man live after it has separated from the flesh? This is an age-old question. We are told in the Bible that when God created man from the dust of the ground, "He breathed into his nostrils the breath of life, and man became a living soul."

When the serpent tempted Eve, and induced her to eat the forbidden fruit of the tree of knowledge, he said to her, "ye shall not surely die."

Scientists cannot create matter or life. They can mold and develop both, but they cannot call them into being. They are compelled to admit the truth uttered by the English poet Samuel Roberts, when he said:

That very power that molds a tear  
And bids it trickle from its source,  
That power maintains the earth a sphere  
And guides the planets in their course.

That power is one of the laws—one of the immutable laws of God, put into force at the creation of the universe. From the beginning of recorded time to the present day, most scientists have believed in a divine creator although I read not too long ago that only about 40 percent of the scientists in this country believe in a creator. I have often asked a physician:

Doctor, with your knowledge of the marvelous intricacies of the human body and mind, do you believe that there is a God, a Creator?

Not one physician has ever answered, "No."

Each has answered, readily and without hesitation, "Yes." Some may have doubted some of the tenets of the theology of orthodoxy, but they do not deny the existence of a creator. Science is the handmaiden of true religion, and confirms our belief in the Creator and in immortality.

It was William Jennings Bryan who said:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man made in the image of his Creator?

As an aside let me say that I always grow a few tomatoes—about four vines. This year I planted four vines, and I had more than 400 tomatoes off those four vines. Sometimes I plant the Early Girl, sometimes I plant Big Boy or Better Boy. I grow enough tomatoes to furnish my wife and myself, also to supply our older daughter and her husband. Our grandsons and our granddaughters and their spouses live farther away, but sometimes they have some tomatoes for them.

Whoever plants a seed beneath the sod  
And waits to see it break away the clod  
Believes in God.

As Longfellow said:

It is not all of life to live, nor all of death to die. Rather, as he says:

There is no death! What seems so is transition;

This life of mortal breath  
Is but a suburb of the life Elysian,  
Whose portal we call death.

Life is but a narrow isthmus between the boundless oceans of two eternities. All of us who travel that narrow isthmus today, must one day board our little frail barque and hoist its white sails for the journey on that vast unknown sea where we shall sail alone into the boundless ocean of eternity,

there to meet our Creator face to face in a land where the roses never wither and the rainbow never fades. Mike Mansfield has gone on to meet his pilot face to face. He was 98. I am but 84—within 42 days I will reach my 84th birthday. And it won't be long until I, too—and then so will you, and so will you—meet our pilot face to face.

Sunset and evening star,  
And one clear call for me  
And may there be no moaning of the bar  
When I put out to sea,  
But such a tide as moving seems asleep,  
Too full for some and foam,  
When that which came from out the bound-  
less deep  
Turns again home.  
Twilight and evening bell  
And after that the dark,  
And may there be no sadness of farewell  
When I embark,  
For though from out our borne of time and  
place,  
The flood may bear me far  
I hope to see my Pilot face to face  
When I have crost the bar.

To that borne, from which no traveller ever returns, Mike Mansfield has now gone to be reunited with his wife Maureen and others who once trod these marble halls, and whose voices once rang in this Chamber.

I can hear them yet: Hubert Humphrey, Paul Douglas, Allen Ellender, Richard B. Russell—who sat at this desk—George Aiken, Everett Dirksen, Norris Cotton, “Scoop” Jackson—their voices in this earthly life have now been forever stilled.

Mike Mansfield has crossed the Great Divide. Of that illustrious man who sat in this Chamber when he and I were young Senators, only STROM THURMOND and I remain here today.

They are drifting away, these friends of old  
Like leaves on the current cast;  
With never a break in their rapid flow  
We count them, as one by one they go  
Into the Dreamland of the Past.

Erma and I extend our condolences to Mike's daughter, Ann, and to others of his family. May his soul rest in peace.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Montana.

#### THE “MIKE” I KNEW

Mr. BURNS. Madam President, I cannot find the words I want for Mike Mansfield—their meaning—and put them together like our good friend from West Virginia. He knew Michael almost as long as I did.

But Mike has moved on. His work here on Earth is done. His legacy will live as it will be placed among the archives as majority leader of the Senate, as a Member of the House of Representatives, and as an Ambassador to Japan. As a nation, we have been graced and blessed by great leaders who rose to uncommon levels in times of national crises. We, the Members of this Senate, are the benefactors of his stewardship. A thankful nation is the benefactor of his wisdom.

I now occupy the seat once held by Mike. Thirteen years ago, I came to

this body, and for 13 years Mike and I had breakfast every Wednesday morning the Senate was in session. He seldom missed. Those conversations were wonderful, and they were also very insightful. They were full of wisdom, information, and insight.

Senator BYRD described him as a nonpartisan. That is 95 percent correct. But one cannot work in this system and not have some partisan leanings.

No person in Washington, DC, was kinder or more helpful to a newly elected Member of the Senate than Mike Mansfield—even being on the other side of the aisle. I shall never be able to thank him enough or forget what he did for me.

Senator, Ambassador, Mike Mansfield, whichever you prefer—he was a good and faithful servant of the Nation and of the people of Montana whom he represented. His long lifespan was some 98 years. That gave him a perspective on life and history that very few of us will ever understand or attain. His wise eyes had seen and experienced so much of this country's history. In his lifetime, a nation—think about this—went from horseback to the Moon. Think of it.

He was an honest man. He lied a little about his age to get into World War I. He came home and worked in the mines of Butte and Anaconda. One has to read the history of Montana to know that was not easy work, and very dangerous.

His beloved wife Maureen, who preceded him in death just a year ago, pushed him for education to better himself and to lift himself from the mines. He experienced the rigors of the worst depression in the history of the United States—what lessons that taught many of us—and the experience of World War II. If that weren't enough, the era of Korea, Vietnam, and the cold war, when two powers looked each other in the eye until one blinked.

During tumultuous times, the United States has been blessed with common men and women who rose to uncommon levels of leadership when they were tested and asked to do so—men and women with a hidden character of steel, vision, compassion, and integrity. Mike Mansfield was one who, when called, responded to that level demanded by the day.

Looking back at those conversations, they were mostly events and happenings of the Senate. He loved to tell stories of the giants of their day. That gave me great insight of this body, and his advice was seldom, if ever, wrong.

The Mike I knew will be with me as long as I shall breathe. I thank God every day that our Nation's demands were answered by men and women such as Mike Mansfield.

The best advice that was ever given to me by Senator Mansfield was short and very pointed.

By the way, I used to work in the press corps in Montana when Michael was a Member of this body. The producer of the news show would say: Go

out and interview Senator Mansfield. We need about a 15-minute interview. That meant you had better have about 40 questions, because the answers were very short.

Yes, noble—little possible doubt. He didn't embellish much. But the best advice he ever gave me was short and very pointed. He said one time—and I will never forget it—“At the end of the day, it will be courage and vision that will sustain this Republic for generations to come.” Courage and vision to sustain this Republic for the generations to come.

This Nation has not only been blessed by great topography, but with a great climate and great natural resources from the mountains in the East, across the Ohio, the Missouri, and Mississippi valleys to the mountains of the West, to the high prairies and the Deep South. It has always produced men and women who, when tested, showed the steel of character and vision.

Thank God he was a Member of this body. And might all of us live for the day when we can even stand in measure with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MEASURES PLACED ON THE CALENDAR—S. 1499 and S. 1510

Mr. REID. Madam President, I understand the following bills are at the desk, having been read the first time: S. 1499 and S. 1510.

I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, and I then object to any further consideration.

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

The clerk will read the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1499) to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

A bill (S. 1510) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

# AVIATION SECURITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1447) to improve aviation security, and for other purposes.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both leaders on this matter.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, what time is it?

The PRESIDING OFFICER. It is 10:18.

Mr. REID. We have 12 minutes left before the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Chairman HOLLINGS is in the Chamber.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, we have the cloture vote on the motion to proceed to the airport security bill at 10:30.

I say, in the few minutes allotted me, I wish everyone could have been at the Commerce Committee briefing we had with the El Al airline security chief and Israeli government security officials. You would immediately understand that when the plane went down over the Black Sea this past weekend, even though the plane came from Israel, the explosion had to come from somewhere else because it is veritably impossible to get a bomb aboard a plane at airports in Israel.

The United States military is now working with Ukrainian and Russian officials to verify evidence that a Ukrainian missile may have gone astray during military exercises on the Black Sea coast. I only mention this incident to emphasize the thoroughness of airport security in Israel. They call their security plan the "onion ring" perimeter defense. Their plan effectively addresses not only security during the boarding of the plane, but security surrounding the airport and on the tarmac. But we continue to talk more narrowly about security in the cockpit and the need for federal screeners and U.S. marshals on board. As inexperienced as we are on these matters, this is where our minds are focused.

However, we need to expand our work on airline security to the airport and airline personnel working on the

tarmac. At some point during pre-flight preparation, you have not only the screeners, cargo handlers, caterers, and general airport perimeter officials, but you have the individual who vacuums underneath the seats, who all have access to the airplane prior to take-off. Because of this access, all personnel need to go through an FBI check, in our opinion. That is what this bill provides.

Take the following scenario for instance. A terrorist checks in ahead of time online and the airline staff says to the person you have seat 9A. All a terrorist has to do is pick up that mobile phone and call a friend who has been working 2 years on the tarmac out there and say it is a 12 o'clock flight to Charleston, seat 9A. That is it. They tape a pistol or a weapon of some kind under seat 9A. But even there at the counter, all you have to do is get out there a little bit early, get your ticket, and then sit down and be calm. Then just give a motion up at the window because your friend has already been told that this is the flight you are going to take.

The bill itself has been released to the Senate after a full day's hearing we had at the Commerce, Science, and Transportation Committee with nearly all of the Senators in attendance. In a bipartisan fashion, Senator MCCAIN, and I, Senator KAY BAILEY HUTCHISON, who has been working on this over several years, along with the chairman of our Subcommittee on Aviation, Senator ROCKEFELLER of West Virginia, all got together with some two dozen cosponsors to develop this legislation.

We do have a managers' amendment that really takes care of some of the flexibility needs that we found out about from the FAA with respect to restrictions on parking 300 feet from the airport building—that kind of thing. As the Senator from North Dakota says, I think if you move 300 feet from the airport building in North Dakota, you will be in Senator DORGAN's cow pasture. We must be careful to maintain reasonable and flexible oversight of airline security in order to ensure the continued efficiency of the industry. Those kinds of judgments can be made from time to time by the administering agency.

These efforts will be paid for. Right now, we are studying the exact cost. Senator MCCAIN and I have tried to hold costs down—including the passenger security fee itself. What we have agreed upon at the moment, of course, is \$2.50 per ticketed passenger which would add up to \$1.5 billion. But they are saying, no, if you are going to take care of the 18,000 screeners and some 10,000 other personnel around the tarmac and out on the sidewalk, you are going to really get into about \$1.7 billion or maybe \$1.9 billion total cost. So we might have to raise the passenger fee up to \$3. I don't know. We are currently trying to obtain the best CBO figures.

The airline executives favor this bill; the airline pilots favor the bill. You go

right on down the list, all the personnel involved; the mayors have sent us resolutions. I think we made a mistake in calling it airline security. We should have used the word "stimulus," the "airline stimulus" bill, because if we had used that word, we would not have had any trouble at all in passing this measure. Everybody is around here trying to stimulate, stimulate, stimulate—these fancy words we get up here in Washington.

I know of no better measure to stimulate airline travel and get the airlines back to normal. We give the airlines \$15 billion and then guarantee they go broke by keeping the airports closed or extending the idea that there is no security, that there are no marshals on the plane, as the Senator from California told me early this morning. We are going to have marshals. We are going to have security with this airline stimulus security measure.

I yield to the distinguished Senator from Montana. He has worked closely with us on this issue, and perhaps he would have an observation.

Mr. BURNS. I thank my good friend from South Carolina. I didn't think he had to be invigorated or stimulated to make a great speech. I was going to stay out of this, but the Senator is correct; nothing will stimulate travel more than a strong sense of security. It has to be visible. People have to see the measures that are being taken to make it viable and to give them a sense of security whenever they fly. We know we are in a different kind of a confrontation now. Some have termed it a war. It really is. But it is different from anything this Nation has ever faced.

Whenever we start talking about our own security, providing security for our people in this country and abroad, we only have to look—I was interested, as was the chairman of the Commerce Committee, that when we talk to the representatives of El Al, the national airline of Israel, we talked to the people who are in charge of security. If the Senator remembers, there are 7,000 employees of El Al, both domestic and international; 1,500 of that 7,000 are in security. And there is a bright line between their security people and everybody else—the pilots, the people who operate their airports, the people who operate their reservation systems, the people who operate their ground operations and their in-flight operations. There is a bright line of authority between those people who are the security people. They know how to exercise that authority. They are accountable and responsible for that. But most importantly, they are accountable to their airline and to their country.

We have crafted this legislation without a hearing—we never had a markup—but it is as close, and I think with a couple of amendments we can perfect it, as we can come to some understanding on that bright line of accountability and responsibility for security.

I congratulate the Senator for his leadership. He understands where we

have to go and how to get there in order to provide the safety and security the American people demand.

I thank the Senator.

Mr. HOLLINGS. Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security:

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1447, a bill to improve aviation security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 292 Leg.]

#### YEAS—97

Akaka	Cleland	Fitzgerald
Allard	Clinton	Frist
Allen	Cochran	Graham
Baucus	Collins	Gramm
Bayh	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Hagel
Bingaman	Crapo	Harkin
Bond	Daschle	Hatch
Boxer	Dayton	Helms
Breaux	DeWine	Hollings
Brownback	Dodd	Hutchinson
Bunning	Domenici	Hutchison
Burns	Dorgan	Inhofe
Byrd	Durbin	Inouye
Campbell	Edwards	Johnson
Cantwell	Ensign	Kennedy
Carnahan	Enzi	Kerry
Carper	Feingold	Kohl
Chafee	Feinstein	Kyl

Landrieu	Nelson (FL)	Smith (OR)
Leahy	Nelson (NE)	Snowe
Levin	Nickles	Specter
Lieberman	Reed	Stabenow
Lincoln	Reid	Thomas
Lott	Roberts	Thompson
Lugar	Rockefeller	Thurmond
McCain	Santorum	Voinovich
McConnell	Sarbanes	Warner
Mikulski	Schumer	Wellstone
Miller	Sessions	Wyden
Murkowski	Shelby	
Murray	Smith (NH)	

#### NOT VOTING—3

Jeffords	Stevens	Torricelli
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The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0.

Three-fifths of the Senators duly sworn and having voted in the affirmative, the motion is agreed to.

#### EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Madam President, it was my hope we could move directly now to the bill, given the 97-0 vote on the motion to proceed. As I understand it, there are still objections to go to the bill itself. I hope we can work through whatever objections there may be on the other side so we can get on the bill and begin offering amendments and coming to closure of this bill quickly. We have a lot of work. All of it is being held up now as a result of our inability to get that work done.

In the interim, it would be my hope for those Senators who had come to the floor with the expectation they could speak as if in morning business on Senator Mike Mansfield and other matters, we accord Senators that opportunity. I ask for the next hour that the Senate stand as if in morning business to accommodate Senators who wish to speak in tributes to Senator Mansfield and other matters.

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

#### AVIATION SECURITY

Mr. KERRY. Madam President, I ask the majority leader if we could clarify something for the record. We had 97 Senators vote, publicly saying they are prepared to have a motion that allows us to at least proceed to the bill, but we are not actually able to get on the bill itself. Nobody should be mistaken that suddenly the Senate is actually making big progress on aviation security.

I ask the majority leader if he would just clarify what the procedural hurdle is now, and also, what is the substantive resistance here and how he sees the Senate proceeding.

Mr. DASCHLE. If the Senator will yield, I will simply say it is the right of any Senator to ask for his or her time allocated to postcloture debate. As everyone in this body knows, you have 30 hours of postcloture debate after cloture has been achieved. We have now voted on cloture, and Senators are entitled to a 30-hour debate.

It is my hope we can accelerate and somehow bring to closure this

postcloture period of debate so we can somehow get on the bill. I do not think it is in anybody's interests right now to be exacerbating the situation with any kind of accusations about who is at fault. We are going to try to work through that. I just hope we can work through it in a way that will accommodate debate on the bill and ultimately a successful conclusion of that debate so we can enact this legislation this week. It is critical that we get this work done. No Senator has to be reminded of that.

Again without acrimony, without pointing fingers, let's see if we can work through it in a constructive way, and that is my intention. I will be speaking to the Republican leader momentarily, as well as, again, to the ranking member of the Commerce Committee, as we try to find a way to resolve whatever outstanding problems there still are.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the majority leader.

I want to emphasize, as I know Senator MCCAIN and Senator HOLLINGS feel, nobody at this point wants the good work of the Senate to be distracted in any way by any kind of finger pointing or accusations. That is not the purpose of my question.

But we have now been discussing airport security for several weeks—several weeks. There is a very significant majority of the Senate who are poised to vote in a certain way. It is my hope my colleagues will allow the will of the Senate to be worked. The American people expect nothing less of this Congress than a prompt response in a responsible way. Frankly, I think we can do better at the job of resolving this faster than we seem to be at this moment. I hope that will happen in short order, in the course of the next 24 or 48 hours.

I thank the Chair.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana.

Mr. BAUCUS. I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. BAUCUS. Certainly.

#### ORDER FOR RECESS

Mr. REID. I ask unanimous consent the Senate recess from 12:30 p.m. to 2:15 p.m. today for the party luncheon conferences and that the recess time be charged postcloture as well as a period for morning business.

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

The Senator from Montana.

#### THE PASSING OF MIKE MANSFIELD

Mr. BAUCUS. Mr. President, I rise today to pay tribute to a great Montanan, a great American, and a great

leader who passed away early Friday morning.

In our Nation's history, we have been blessed with leaders who have stepped forward to lead us in moments of crisis, war, or social upheaval. Mike Mansfield of Montana was such a man, such a leader.

Modest and self-effacing, Mike Mansfield, as Senate Majority Leader, was instrumental in the 1960s and 1970s in steering the U.S. Senate and America through some of the most tumultuous times in our Nation's history.

He was here in this Chamber, leading the Senate through the sadness following the assassination of President Kennedy.

He helped pass landmark Great Society programs, including the Civil Rights Act of 1964, which prohibited discrimination in public accommodations.

And the Voting Rights Act of 1965, which allowed blacks in the South to more widely take part in Federal and State elections.

He questioned our country's growing role in the Vietnam War when that might have been unpopular to do so, but when it needed to be done.

He helped lead the Senate through Watergate, when the foundations of our democracy and government were shaken by scandal and the resignation of our President.

And he was most proud of his role in helping Congress pass legislation that led to ratification of the 26th amendment. That gave our young people—18 year olds—the right to vote and extended participation in our government to even more Americans.

Mike Mansfield was a key leader in extraordinary times. He was the sage, laconic captain with his hand firmly on the wheel. The captain we could trust in rough seas, who knew when to speak and give orders, and knew when to listen.

He was a counselor and team leader who walked the bridge to consult with Presidents Kennedy, Johnson, Nixon, and Ford. And later Presidents tapped Mike Mansfield for even more public service—to serve as America's Ambassador to Japan, one of the most sensitive postings in the world.

This Senator from Montana served longer than anyone else in American history as Senate majority leader and as U.S. Ambassador to Japan.

And he left the Senate a better place, not only for Senators but for the American people. He left it a civilized institution that allowed all Senators an equal voice in the legislative process. He encouraged younger Senators to speak, breaking the tradition of a Senate dominated by an exclusive club of older men. Senator Mansfield democratized the Senate.

When he retired at age 73, Senator Mansfield noted that in his period of service in Congress—from 1942 to 1976—he had witnessed: "One-sixth of the Nation's history since independence. The administrations of seven Presidents.

The assassination of a President and his brother. Able political leadership and seamy politics and chicanery. The dawn of the nuclear age and men on the moon.

"A great war and a prelude to two more wars. A dim perception of world order, and an uncertain hope for international peace. There is a time to stay and a time to go. Thirty-four years is not a long time, but it's time enough."

That's quite a record, quite a resume, quite a life.

But that all pales in comparison to his love for his wife Maureen, and his love for Montana and the people he so faithfully represented.

Over the course of his career, Mike Mansfield went by many titles: Professor Mansfield, Congressman Mansfield, Senator Mansfield, Majority Leader Mansfield, and Ambassador Mansfield.

Senator Mansfield was an internationally recognized leader. But in Montana, we simply knew him as "Mike." And he was our Mike.

Mike was the embodiment of Montana: Quiet, humble, strong, salt of the earth, committed to his wife, family, State and country. He was my mentor and he was my friend.

Although he served six U.S. Presidents in his career as majority leader and ambassador to Japan, Mike once said humbly, "I reached the height of my political aspirations when I was elected Senator from Montana."

That's just the kind of man he was, a quiet but firm leader, one who didn't like the spotlight but endured it in service to his State and country.

Michael Joseph Mansfield was born in New York City on March 16, 1903. He moved with his family to Great Falls, MT, in 1906.

When he was only 14 years old, Mike joined the Navy and served as a seaman in World War I. He then served as a private in the Army in 1919 and 1920, and as a private first class in the Marines from 1920 to 1922.

After his military service, Mike moved back home to Montana, where he worked as a mine mucker and engineer in the copper mines of Butte for 8 years.

It was during this time that he met his soon-to-be wife, Maureen. After meeting Maureen, Mike's life was forever changed, he would say. They would marry in 1934. By her guidance, her faith in him, Mike said, Maureen pushed him to go back to school and was responsible for his success in life.

So Mike went back to school. He attended the Montana School of Mines in Butte in 1927 and 1928, then graduated from Montana State University—as it was called then—in 1932. Mike earned a masters degree in history in 1934, and taught history and political science for eight years.

Mike's 34-year career of representing Montanans in Washington began in 1942, when Maureen urged him to run for a seat in the U.S. House of Representatives. He served Montanans well

in the House for over a decade. Then we sent him to the Senate in 1952.

Mike's ability to bring people together and find common ground enabled him to succeed Lyndon Johnson as Senate majority leader in 1961, a post he held until 1977.

When John F. Kennedy asked him to serve as majority leader, Mike at first declined. Mike and Kennedy were freshmen together in the Senate, and Mike became a close confidant. Mike finally agreed to serve—for love of country—and went on to become one of the most effective gentlemen ever to grace this great Chamber.

After he was elected majority leader, Mike was asked if he would act the same way as the legendary Lyndon Johnson, whose style as majority leader was blunt and heavy-handed. In typical Mansfield fashion, Mike said, "I am who I am."

After Mike Mansfield's distinguished service here in the Senate, President Carter appointed him in 1977 to be our ambassador to Japan. Mike was reappointed to that post by President Reagan. And Mike continued his diplomatic service until he retired in 1988, making him the longest-serving Ambassador to Japan in our Nation's history.

When he served as Ambassador to Japan, Mike said, "I try to put myself in the shoes of the Japanese, but I have never forgotten that the shoes I wear are American, and that my country's interests come first."

That's Mike. He never forgot where he came from.

Although he came from the mines in Butte, Mike understood the importance of our relationships with other countries and the world.

I remember about 5 years ago, I wanted to ask Mike about his thoughts on Most Favored Nation status for China. So, I called him up. We talked briefly and then he said, "MAX, do you have a few minutes?" I said, "Of course." Then he proceeded to read to me an in-depth analysis he had written on the U.S.-China relationship and China's role in the world.

Mr. President, that was the most cogent, trenchant analysis I had ever encountered or have ever seen to date. But that was Mike. In a matter-of-fact tone, he just read it to me over the phone.

Mike's legacy includes, among many others, the Mansfield Center for Pacific Affairs in Washington, D.C., and the Maureen and Mike Mansfield Center at the University of Montana in Missoula.

These institutions live on. They teach us and our children the importance of looking out across our borders, the importance of understanding different cultures. And that is more important now than ever.

That's a distinguished record. But Mike never lost touch with his roots. Mike was so humble. I told him once that I was looking forward to reading his memoirs one day. He simply said: "Nope."

He said many of those conversations were confidential. No kiss and tell for Mike. He was such a classy, deep, dignified, thoughtful, and wonderful person.

When I first considered running for Congress in 1974, I went to Mike and asked whether or not he thought I should run. "Yep," he said. That's how he used to respond to questions: Yep, nope, and maybe. Very straight forward, he told it as it was.

He told me running for Congress took a lot of hard work, a lot of shoe leather, and a little bit of luck. That was enough for me.

That wasn't the last time I sought out Mike's counsel. Right up until his death last Friday, I went to Mike for his advice on a variety of issues. I saw him just a few weeks ago, not long after the September 11 terrorist attacks. Even though he was laid up in a hospital bed, he immediately said, "Hi, MAX," and invited me to take off my coat and have a seat. At age 98, he was still sharp as a tack and just as gracious as ever.

We talked for some time before our conversation turned to Afghanistan. This was a man who knew so much. He talked about the history of Afghanistan—how the Russians and every would-be conqueror attempting to occupy that country ran into trouble. His history lesson on Afghanistan was rich with such figures as Genghis Kahn and Alexander the Great.

When a Japanese reporter once asked Mike about his secret of longevity and health, Mike smiled and said, "A good wife and good Montana people." Mike was always quick to point out that all the success he had in life he owed to his beloved wife Maureen. Maureen Hayes took him out of the mines of Butte and into greatness.

Her quiet encouragement gave Mike the strength to lead our nation during some very difficult times: civil rights, the Vietnam War, Watergate. Maureen cashed in her life insurance policy to help pay for Mike's education. And in Washington, she worked in his office without compensation so she could spend more time with him.

What they did, they did together. Mr. President, Mike and Maureen were a team, a great team. When Maureen passed away last year, we all mourned the loss. Today, we mourn the loss of Mike. But today we also find comfort in knowing that the love affair that started so long ago has come full circle. Now, Mike and Maureen are together.

Now, we as Montanans and Americans pay tribute to their lives and their contributions. Now, especially now, we look to their example of leadership through humility, integrity, and dignity.

Mike was the embodiment of family, saying so eloquently in Maureen's eulogy, that what he did and accomplished, they did together. That recognition of her greatness, strength and vision was Mike's greatness, strength and vision.

I am proud and honored to have known Mike and Maureen Mansfield. They were common people who led uncommon lives. They were great Montanans, they were great Americans, and they were our friends.

Mike used to say he had three loves in this world: His wife, Montana and the U.S. Senate.

When I saw him just over two weeks ago in the hospital, we talked about Montana, we talked about the Senate, and we talked world events. Then we talked about Maureen.

And right before I left him, he leaned back in his bed, looked off in the distance, closed his eyes, smiled, and said, "Maureen—what a girl she was, what a girl."

And Mike, what a great man you were. You were both great—together.

This is not goodbye, Mike. Rather, as our many Indian friends say, "See you later." And as you would say and said so many times to your many Montana friends, Tap'er light, Mike.

Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Montana for his comments about our former majority leader. I was one of those who was fortunate enough, as he was, to know Senator Mansfield—not nearly as well, of course, as Senator BAUCUS did, but well enough to seek his counsel, to enjoy his friendship, to be provided with his guidance on so many occasions over the years that I have had the good fortune to serve as leader.

Mike Mansfield, in every way, shape, and form, was a Senator whom all could admire, a Senator who understood that in this body of loquaciousness there is an eloquence to simplicity, that in this place of debate there is always an opportunity for decency, that in this location, as we consider those who are more prominently seen throughout the country in positions of leadership, there is that quiet strength that came from a Mike Mansfield.

Mike Mansfield once said, "when I am gone, I want to be forgotten."

With all due respect to my dear friend and teacher, he will never be forgotten.

Mike Mansfield began his service to America as Senator BAUCUS noted, when he was 14, when he managed to enlist in the Navy in World War I. Eventually, he would serve in both the Army and the Marine Corps as well.

He served 34 years in Congress, 24 of them in the Senate.

He said he achieved the height of his ambition when he was elected Senator from Montana. But it was certainly not the height of his achievement.

He served as majority leader longer than any other leader has in our Nation's history—16 years.

Following that, for 12 years, under two Presidents—one Republican and one Democratic—he represented America as our Ambassador to Japan.

He said he had three great loves in his life. The first was obvious.

The first was his wife, Maureen—his partner for more than 65 years. She was the one who forced an eighth grade dropout to leave the coal mines of Montana, go to college, and make something of himself.

The second was his beloved State of Montana.

The third was this institution, the U.S. Senate.

The Senate majority leader has been called "the first among equals." No one deserved that title more than Mike Mansfield. He was wise. He was decent. He was endlessly patient. He was a man who deeply believed in the ability of free people to govern themselves wisely. It is no coincidence that the Mansfield years remain the most civil and the most productive in our Senate's history.

He was a steady hand during turbulent times. In the sad and anxious days that followed President Kennedy's death, Senator Mansfield's words and poise helped calm this Nation.

In the years that followed he led the Senate to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. During his tenure, he led the Senate through a war in Vietnam and the resignation of a President.

The last time Mike Mansfield spoke to a group of Senators was 3½ years ago when he returned to the Capitol to inaugurate the leaders' lecture series begun by my colleague and friend Senator LOTT. On that night, Senator Mansfield delivered a speech that he had written many years earlier. He wrote the speech to answer critics who said he was not forceful enough as majority leader. He said he had intended to give the speech on a quiet afternoon when there would be no news to compete with. The date he had chosen was Friday, November 22, 1963.

A week later, as the Nation grieved, Senator Mansfield simply inserted his remarks in the CONGRESSIONAL RECORD. Thirty-five years later, he returned to the Capitol and delivered them for the first time. I want to read a section of those remarks.

I have always felt that the President of the United States—whoever he may be—is worthy of the respect of the Senate. I have always felt that he bears a greater burden of responsibility than any individual Senator for the welfare of the nation, for he, alone, can speak for the nation abroad; and he, alone, at home, stands with the Congress as a whole, as constituted representatives of the American people. In the exercise of his grave responsibilities, I believe we have a profound responsibility to give him whatever understanding and support we can, in good conscience and in conformity with our independent duties.

I believe we owe it to the nation of which all our states are a part—particularly in matters of foreign relations—to give to him not only responsible opposition, but responsible cooperation.

And finally, within this body, I believe that every member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they



represent to face the legislative issues of the nation. . . .

And to the extent that the Senate may be inadequate in this connection, the remedy lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.

The constitutional authority and responsibility does not lie with the leadership. It lies with all of us individually, collectively and equally. And in the last analysis, deviations from that principle must in the end act to the detriment of the institution. And, in the end, that principle cannot be made to prevail by the rules. It can prevail only when there is a high degree of accommodation, mutual restraint and a measure of courage—in spite of our weaknesses—in all of us.

It can prevail only if we recognize that, in the end, it is not the Senators as individuals who are of fundamental performance. In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.

So said Senator Mansfield and so it is advice to all of us. We are in the Senate today considering matters of the gravest national importance. I can think of no better advice than the sage guidance Mike Mansfield left for all of us. His words are at least as important today as they were when he delivered them 3½ years ago and when he wrote them 38 years ago.

We were lucky to have Mike Mansfield for as long as we did. Now we have his remarkable example. That itself is a considerable gift. We should treasure it. We should live by it.

Our thoughts and prayers go to his daughter Anne.

Contrary to Mike Mansfield's wishes, Mike Mansfield will never be forgotten. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak about Mike Mansfield, not from the standpoint of the eloquent eulogy given by the Senator from Montana, who knew Mike Mansfield so well, or the majority leader, who knew him and served with him. I didn't serve with Mike Mansfield, but I did have a wonderful relationship with him in a very different way.

The first time I ever saw the stature of Mike Mansfield was through his picture that is in the Mansfield Room. For anyone who has been in the Mansfield Room, which is one of the major meeting rooms in the Capitol, the picture of Mike Mansfield says so much about him because it is a very long, narrow picture with Mike Mansfield standing there alone, nothing behind him, just that solitary figure that is so very powerful.

That is exactly the kind of man I came to know. I go to the Senate prayer breakfast every Wednesday morning, where Senators and former Senators meet to talk about our feelings about religion. We have Jewish members. We have Catholic members. We have

Protestant members. We have even had a member come and talk about agnosticism.

It is something we all keep very personal and private. It has been one of the highlights of my service in the Senate to meet every Wednesday morning and talk about religion and the importance of religion in our lives and in the life of our Nation.

The special place Mike Mansfield held was in the Senate prayer breakfast. He was coming to the Senate prayer breakfast all the way up until he died. He never missed a week except in the unusual circumstance when Maureen had taken a turn for the worse or immediately following Maureen's death, and then only when he was sick. And I would call him if he missed one or two times and I was concerned about him. I would find there was a reason, but he was going to be OK. Getting to know him was wonderful.

It was kind of interesting because no one has assigned seats and it is a small room. Probably 30 of us come in any 1 week. But there are no assigned seats. You just take the seat that is empty—except for Mike Mansfield's seat. He did have a regular seat. No one would sit in Mike Mansfield's seat unless it was clear that he wasn't coming. He was always there on time. So if we started and he wasn't there, someone might sit in his seat, but never before because we revered having him there. He was such a wonderful presence, and his countenance was always so positive.

I had the opportunity to talk to him because I generally sat next to him. I started getting to know him when I joked with him. Here was Mike Mansfield when he was 95, 96, 97, and he had a breakfast that was eggs, bacon, biscuits, and if they had gravy, it would have been on there, too. Do you know what. I have to sit by a guy who still eats like a guy because so many people are now into rabbit food, as we call it. This was a guy who still ate like a guy. It gave me great hope that someone who was 97 years old was eating like that. And so we started a friendship that has lasted throughout my 8 years in the Senate.

I talked to Mike Mansfield about Japan. As many people know, he was our wonderful Ambassador to Japan immediately—not immediately following his Senate leadership position, but he was appointed by a Democrat, as well as a Republican President, because he was so effective in Japan and he understood that part of the world so well. I would talk to him about the economic situation in Japan. As things would look bad, I would ask him about it. He always had absolutely great insights. I remember a time when Mike Mansfield was telling me that he worked for Goldman Sachs. He worked for Goldman Sachs all the way up until he died.

I said: "Well, tell me what you do."

He said: "I advise them on the Far East and Japan."

That is very important for the economy, of course, and for them.

I said: "When did you start working for them?"

He said: "Actually, they started calling me, and I thought there must be a mistake, so I didn't return their calls."

This was years ago.

So he said: "They kept calling," and I said, "I'm 88 years old; are you really serious about wanting me to go to work for you?" He said only after they said: "We know how old you are; we think you have very valuable advice."

So he agreed to go to work for Goldman Sachs and worked for them up until he died at the age of 98. He was so pleased that he could still be helpful. We all knew that his mind never left him. He was so precise and up on issues that it would astound anyone. He read the London Economist and the newspapers in Japan. He was very up to date.

I talked to Mike Mansfield once about Maureen, and I told him that I knew of the great love story; it is legendary around here, how committed he was to Maureen. She was bedridden for a long time. He would go to see her regularly. He kept her in their apartment until he just could not take care of her, and then he would visit her daily when she was being taken care of in another place.

I asked him about her, and he never forgot that it was Maureen who made him what he was. That is what he said. Just as Senator BAUCUS related earlier, it was Maureen who saw this miner and saw that he could be something more than a miner. So she encouraged him to get his high school education and then his college education. She saw in him someone who could make a great contribution, and he never forgot that, no matter how high he went. He went to the very highest level as the distinguished majority leader and then as Ambassador to Japan. He never forgot that it was Maureen who made him what he was, and his love for her was so touching and so poignant. I enjoyed having that conversation with him.

So my experience with Mike Mansfield was not during his active service, as it was with so many of my colleagues here. My experience with him was in a different way, but it was so rewarding. He would bring me clips from foreign newspapers that he thought would be of interest to me. So I thought he was a great man in a different time of his life.

It shows how much you can contribute if you stay active and keep on top of world affairs, and that is what Mike Mansfield did. It was hard to believe that he was 96, 97, 98 years old if you were around him because he was so absolutely vivacious and clear. He wasn't a talkative person, as has been mentioned. He was the strong, silent type—the epitome of what you would think of as the Marlboro Man who didn't feel as if he had to talk a lot. But certainly when he did speak, he had a lot to say, and it was clear and



focused; there was no excess. But you knew it was the wisdom of all those years coming through.

I pay tribute to Mike Mansfield as a man who was a symbol of decency and humility in the Senate and throughout his public service career. Honesty and integrity will always be words that will be associated with this great man. We have lost a friend and one of the great Members of the Senate. I know that Republicans and Democrats will feel this loss for a long time to come. I know his words and the speeches that were read by the majority leader will be here for us to remember a great leader and give us guidance as we go through the trying times we are facing in our country today.

Thank you, Mr. President. I yield the floor.

Mr. HOLLINGS. Mr. President, it is an honor for me to pay tribute to my former Senate leader, Mike Mansfield. The State of Montana and the United States have lost a great man, a valiant soldier, a dedicated statesman, and a gentleman of a breed we don't see enough of these days.

Mike Mansfield was a revered figure whose distaste of partisanship led the Senate to accomplish great deeds for civil rights, voting rights, and foreign relations during Vietnam, the cold war, and the Watergate scandal. His leadership emphasized equality, cooperation, and fairness which were marked by his personal style of leadership. He was considered a quiet man who did not care for self-promotion, often answering questions with a "Yep," "Nope," "Maybe," or "Can't say." Although he was not known as an orator, his simple statements and words were extremely effective. He said in eulogy for John F. Kennedy, "There was a sound of laughter; in a moment, it was no more. And so she took a ring from her finger and placed it in his hands." In his quiet manner, he managed to guide an exceptionally productive Senate during a turbulent political era which could have become bogged down had he not been able to work with both Republicans and Democrats alike.

Mike was a Representative and Senator from Montana who came to Congress after dutifully serving his country in the military during WWII. At 14, he stretched the truth about his age in order to enlist in the Navy. He then went on to serve in both the Army and the Marine Corps. Having returned from duty in 1922, he worked as a "mucker" in the copper mines of Butte, Montana where he met Maureen Hayes. In 1932, he married Maureen who is said to have played an essential role in his remarkable career. She was the person who convinced him to go back to school, run for Congress, and become U.S. Ambassador to Japan under President Carter and President Reagan.

He was elected as the Senate Majority Leader in 1961, 5 years before I was elected to the Senate from South Carolina. I remember in 1971 when I was in

Canada on my honeymoon with Peatsy, Mike's office called and asked us to come to Europe. Peatsy and I left Canada immediately and spent our honeymoon traveling around Europe with Mike and Maureen.

Mike served as Senate Majority Leader for 16 years—longer than anyone in Senate history. He was extremely involved in the civil rights movement, a critic of the Vietnam conflict, and an advocate of health care legislation. He was a man who was convinced that the true strength of the Senate lay in the center and not on the right of the left. Partisan politics was not his style, and his success lay in the fact that he was an honest, straight shooting individual who cooperated and worked with both sides of the aisle.

We have lost a great statesman and a fine man who served his country well.

The distinguished Senator from Montana was my role model. He believed in getting things done. In order to get things done, you have to listen and let everyone be heard. But once done, then move on.

He was particularly kind to me because I was just a freshman Senator in 1966. He had me immediately on what we call the policy committee. I then, in 1971–1972, chaired the campaign committee for the Democrats on this side of the aisle.

It so happened that I was off on a trip just after my wedding in 1971. Senator Mansfield was asked by President Nixon to coordinate and communicate the 10-percent surcharge on imports with about 10 country heads in Europe and in Africa and Morocco. He called me. I was in Canada. He called and I came immediately back down to the Andrews air base. We boarded the plane, and we went to Helsinki, Norway, Denmark, France, Germany, Italy, Spain, Morocco, of course, London, several, a couple other countries, he and his wife Maureen and my wife Peatsy and myself.

Watching him, how he responded and acted and more or less chaired those meetings with the heads of state was really an inspiration to me. He was so direct, so much to the point. We have so much in the field of political correctness now. Mike Mansfield was always politically correct, but he didn't bother around with all those nuances.

He was the finest of Senators and leaders in the history of this body.

The best of Mike Mansfield was more or less said by himself in a eulogy to his wife at the time of her funeral just last year. I included that eulogy. He permitted me to put it in the RECORD because I knew he had friends all over the country and the world. They wanted to be with him in that trying moment. I knew that they would, more than any, appreciate the real Mansfield flavor if they could just hear him.

The most eloquent of all tributes to be paid to Mike Mansfield was sort of paid to himself when he made the eulogy to his charming wife Maureen, and I ask unanimous consent that that be printed in the RECORD.

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

EULOGY FOR MAUREEN MANSFIELD DELIVERED BY SENATOR MIKE MANSFIELD, SEPTEMBER 26, 2000

1929

We met—She was 24 and I was 26. She was a high school teacher; I was a miner in the Copper mines of Butte.

She was a college graduate; I had not finished the 8th grade.

She urged me to achieve a better education. I followed her advice and with her help, in every way, we succeeded.

She took me out of the mines and brought me to the surface.

1932

We were married in Missoula during the great depression.

She gave up her teaching job.

She cashed in on her insurance.

She brought what little savings she had and, she did it all for me.

1940

Maureen was very politically oriented—I was not.

She urged me to run for Congress.

We campaigned together.

We finished next to last.

The day after the election she put us on the campaign trail for the next election and we won.

1942

Maureen was largely responsible for our election to the House of Representatives.

Almost every summer she drove herself and our daughter, Anne, to Missoula—5 days and 3,000 miles.

Why? To campaign for us and in

1952

She got us elected to the U.S. Senate.

1977

We decided—after talking it over, to retire.

We did not owe anything to anybody—except the people of Montana—nor did anyone owe anything to us.

1977

President Carter asked me if we would be interested in becoming the U.S. Ambassador to Japan. Maureen thought we should accept and we did and when President Reagan called and asked us to stay, we did for almost 12 years.

1988

Around Xmas Maureen almost literally forced me to go to the Naval Hospital at Yokosuka, which sent me to the Army Hospital at Honolulu, which sent me directly to Walter Reed Army Hospital where I had heart bypass and prostate operations. Again it was Maureen.

1989

We came home.

1998

Illness began to take its toll on Maureen.

On September 13, 2000, less than 2 weeks ago, we observed—silently—our 68th Wedding Anniversary.

Maureen and I owe so much to so many that I cannot name them all but my family owes special thanks to Dr. William Gilliland, and his associates, who down through the last decade did so much to alleviate Maureen's pain and suffering at Walter Reed Army Medical Hospital—one of the truly great medical centers in our country.

We also owe special thanks to Gloria Zapata, Ana Zorilla and Mathilde Kelly Boyes and Ramona the "round the clockers" who took such loving care of Maureen for the last two years on a 24 hour day, seven day week basis.

MAUREEN MANSFIELD

She sat in the shadow—I stood in the lime-light.

She gave all of herself to me.

I failed in recognition of that fact until too late—because of my obstinacy, self centeredness and the like.

She sacrificed much almost always in my favor—I sacrificed nothing.

She literally remade me in her own mold, her own outlook, her own honest beliefs. What she was, I became. Without her—I would have been little or nothing. With her—she gave everything of herself. No sacrifice was too little to ignore nor too big to overcome.

She was responsible for my life, my education, my teaching career, our elections to the House and Senate and our selection to the Embassy to Japan.

She gave of herself that I could thrive, I could learn, I could love, I could be secure, I could be understanding.

She gave of her time to my time so that together we could achieve our goals.

I will not say goodbye to Maureen, my love, but only “so long” because I hope the Good Lord will make it possible that we will meet at another place in another time and we will then be together again forever.

Mr. NELSON of Florida. Mr. President, I go from the debate, along with my good chairman and leader, Senator HOLLINGS, that tends to get one's blood pressure up over the fact we are having to spend 30 hours debating the airline security bill, to now go to the subject of great sadness over the passing of one of the greatest leaders that the Senate has ever produced: Senator Mike Mansfield.

Growing up in my political adult lifetime, of course, he has always been someone to whom I have looked up. He was someone I looked up to while I was in college because he was already an established leader. He was an assistant to the majority leader, Lyndon Johnson. He reigned because he was loved and respected as majority leader for an unprecedented 16 years. One of the greatest compliments I have read in the commentary since his death was made by one who was on the other side of the aisle, Senator Scott, who paid him an extraordinary compliment that he was one of the finest men he had ever met.

The fact that Senator Mansfield was selected by administrations of both parties to represent this Nation in the nation of Japan as our Ambassador for an unprecedented long time also speaks volumes.

But the reason I felt compelled to come to the floor today was to share with the Senate my observations of Senator Mansfield in the last few months, for I had never really known Senator Mansfield except when I saw him faithfully every Wednesday as he attended the Senate prayer breakfast. It is a private meeting completely off the record where Senators can come and share what is on their hearts. Who was the first one there every Wednesday? None other than Senator Mansfield at age 98, as much a participant in that activity every week as anybody else in the room, often with many of us deferring to him for his political, professional, and spiritual guidance.

That spoke volumes to this freshman Senator. It said something else to me about a man who has had so many accolades. But I saw a man that was truly walking humbly with his God.

That is what I wanted to come to the floor of the Senate to share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### STRUGGLING TOGETHER WITH TERRORISM

Mrs. CARNAHAN. Mr. President, grief has changed the face of America. We are a tear-stained nation, but in spite of that, we are united as never before. Americans are wearing symbols on their lapels. They are displaying flags from their cars and windows, and they are donating millions of dollars to victims' families. America has responded, as we always do, with patriotism and purpose.

Today, we are uniting further in support of our troops flying dangerous missions in Afghanistan. This is the first step in a prolonged campaign against terrorism. It is a necessary step, and it was directed at the right targets—the Taliban government, which has given safe harbor to terrorists and to organizations such as theirs for far too long.

Americans are also united in sympathy with the Afghan people. While our bombers were flying over Taliban strongholds, our C-17s were dropping food to the refugees. Congress has also responded to the September 11 attacks with unity and determination. We came together to support the people of Washington and New York by providing \$40 billion to begin the relief effort. We came together to support the President and our military by authorizing the use of force in this new struggle with terrorism. We came together to aid our airlines by enacting a \$15 billion stabilization package, and with the vote today in favor of cloture, we are poised to increase airline security.

We are now focused on our military action abroad and security issues at home, but we also need to deal with the severe economic problems the September 11 attacks have caused. Our airlines are now flying and their short-term economic crisis has been resolved. Now we must come together behind the men and women who are the heart and soul of the airline industry—the workers. The layoffs announced in the airline industry since September 11 are staggering. We need only look at this chart to see Boeing, 30,000; American Airlines, 20,000; United Airlines, 20,000. The list goes on and on. Twenty to thirty percent of Boeing's orders for new aircraft have been cancelled, and they plan to lay off as many as 30,000 workers. Then there are the airport workers, the concessionaires, and the workers who make the airlines' meals.

The total number of announced layoffs in the industry is 140,000, and that figure may continue to rise. These are

not just numbers on a page. These are men and women. These are moms and dads who up until just a few weeks ago thought they had good paying jobs, believed they would be able to pay their bills, and were saving to send their children to college. They believed their future was secure.

These layoffs are going to affect communities all across the country. St. Louis; Kansas City; Springfield, MO, have about 14,000 airline workers, and they will be hard hit by these layoffs. The Boeing layoffs will also cause hardships for every family in Everett, WA, and Wichita, KS. Any city that is home to a large hub airport—Pittsburgh, Cleveland, Salt Lake City, Denver, Dallas, Chicago—will feel the effects of these layoffs.

Once the airline safety bill is under consideration, I will offer an amendment. It will provide meaningful assistance for airline industry workers who have lost their jobs as a result of the September 11 attacks.

My amendment will do three things: First, it will provide income support because many of these families live from paycheck to paycheck.

Second, it will provide job training so employees can prepare to work in other industries, or new jobs within the airline industry.

Third, it will give health care benefits so workers can stay in their health plan and keep their doctors while they are looking for work.

The benefits in my proposal would be available to employees of airlines, airports, aircraft manufacturers, and suppliers to airlines.

Obviously, airline industry employees are not the only ones who are losing their jobs. When we do an economic stimulus package, I believe we should address the problem more broadly. But the impact on the airline industry has been abrupt, immediate, and severe. Congress acted quickly and decisively to provide \$15 billion of assistance for the airlines, and we should act with the same level of urgency for the airline industry workers.

It is interesting, when we did the airline bailout, I did not hear my colleagues saying we should wait until we came up with a package to help other industries that were impacted by the attack. But now, when it comes to the workers, all of a sudden some argue we need to slow down.

We did the right thing for the airlines when we acted quickly. We should do the same thing for the workers as well.

Another criticism of this proposal has been assistance is already available for displaced workers, and there is no need to provide additional help.

I have modeled my package of benefits on the Trade Adjustment Assistance Act, which provides benefits to workers displaced due to products imported into the United States.

The Trade Adjustment Assistance Act provides additional assistance beyond standard unemployment insurance. It also provides resources to retrain laid-off workers so they can get back to work.

In passing the Trade Adjustment Assistance Act, Congress determined to support workers who lose their job due to the vagaries of international trade. Can we not again determine that workers who are laid off as a direct result of a terrorist attack on the United States also deserve assistance?

The primary difference between my amendment and the Trade Adjustment Assistance Act is the inclusion of health care coverage for the displaced worker. We have had lots of discussion during this Congress about how to address the problems of the uninsured. Today is the chance for Members to take a courageous step that will prevent 140,000 workers and their families from joining the rolls of the uninsured.

Some have also said the best way to help workers is to keep the airlines going. That is about half right. We did the right thing helping the airlines, and that has protected thousands of jobs. The assistance bill did not do anything for those workers who were put out of a job or have no immediate prospects of being rehired and will now have to seek work in an economy that has slowed.

Last week, the President highlighted three things that should dictate the way we undertake efforts to stimulate the economy and help displaced workers. He said we should take actions that will, first, encourage economic growth. Second, we should be bipartisan and instead of creating new programs, we should make use of the programs that already exist and make them work better. I strongly agree.

My amendment is consistent with these principles. First, it will encourage growth by providing income assistance and job training benefits to airline employees who have recently been laid off.

Second, the amendment has bipartisan support. Senators FITZGERALD, BROWBACK, and GORDON SMITH have signed on as cosponsors.

Finally, it makes use of an existing program, the Trade Adjustment Assistance Program, that was put in place to help displaced workers in times of need.

While the President's plan is a step in the right direction, I believe we need stronger action at this time. As we did with the bailout and the disaster relief package, we need to act boldly. We need to make sure those airline industry workers who were laid off suddenly, with no time to make preparation, receive immediate assistance, obtain retraining, and are able to retain their health care. The President's package does not guarantee these benefits for everyone covered by my amendment.

I am extremely pleased this amendment is being supported by the airline industry. The airlines know their em-

ployees have been dealt a severe blow and deserve help. Our Governors have also known many communities around the country are going to be hard hit.

As Carl Sandburg once reminded us, "We are Americans. Nothing like us ever was."

Now is the time for us to stand together, and that means standing together behind our industries and our workers. Every day we delay, our economy suffers. Every day we delay, families struggle to pay bills. Every day we delay, children go without health insurance. Let us do what is right for those who need it most.

I am pleased my proposal has received bipartisan support, and I hope it will be adopted by the Senate. I ask unanimous consent that a letter from the Air Transport Association and a letter from a tripartisan group of 13 Governors be printed in the RECORD.

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

AIR TRANSPORT ASSOCIATION,  
Washington, DC, October 1, 2001.

Hon. TRENT LOTT,  
Republican Leader, U.S. Senate,  
Washington, DC.

DEAR MR. LEADER: The member airlines of the Air Transport Association deeply appreciate your leadership in obtaining the economic stabilization package enacted September 22. Without this assistance the very viability of the industry would have been in question.

Even with the adoption of the airline stabilization package many of our members have found it impossible not to furlough large numbers of employees. Just as the economic disaster that has befallen the airline industry is the result of our being used as an instrumentality of the terrorists, these dedicated employees face very serious adverse economic consequences. These employees, along with those still working, are the backbone of our industry. We are working very hard to put this difficult period behind us and, hopefully, bring them back as soon as the economic situation allows us to.

In the meantime, we strongly support the prompt adoption of legislation to provide these workers with displacement assistance including extended unemployment benefits, training and retraining, and the continuation of health care coverage. It is only fair and reasonable that we ensure that adequate provisions are made for the basic protections for the workers who face extreme economic hardship in the weeks and months ahead.

The airlines and their workers are inextricably linked in the battle against terrorism. We must ensure that all participants are adequately protected, and we urge the prompt enactment of worker relief legislation.

Sincerely,

CAROL B. HALLETT,  
President and CEO.

OCTOBER 1, 2001.

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

Hon. TRENT LOTT,  
Senator Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS: We applaud the Congress' timely response to appropriate funds for recovery and relief efforts in the aftermath of the devastating attacks of September 11th. Likewise, we strongly supported Congress-

sional legislation to assist the airline industry, which has suffered incredible financial losses.

However, we believe that the Congress should also provide assistance to displaced workers who have been laid off as a result of the ongoing security crisis. Airlines and related employers are laying off tens of thousands of workers, and industry experts are estimating that more than 130,000 people could lose their jobs. These displaced workers are going to need financial assistance—and because we do not know how long they will be out of work, it is important for the federal government to act now to ensure that the necessary assistance is available to those who might need it.

S. 1454, the Displaced Workers Assistance Act, would provide financial assistance, training, and health care coverage to those workers displaced due to the attacks of September 11, 2001. The benefits would be distributed within the framework created by the Trade Adjustment Act.

We are writing in support of S. 1454. States, of course, will finance the initial 26 weeks of unemployment assistance. However, federal financing of an additional 52 weeks of unemployment insurance and the extension of health coverage will protect those unemployed workers that might not otherwise have a safety net. The additional funding to help train those individuals who cannot be expected to return to the airline industry, and those who would need new training to prepare for a different job within the industry, is definitely needed. We also support providing 8 months of Medicaid to those who do not qualify for COBRA coverage, and 26 weeks of unemployment compensation to those who would not normally be eligible for their state programs.

It is difficult at this time to determine how long our displaced workers will be out of work. Obviously, they are going to need financial assistance. States will do their job to assist these vulnerable citizens, but we need the federal government to help provide the funds to do so. Please work with us to enact S. 1454.

Thank you.

Sincerely,

13 STATE GOVERNORS.

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from New York, I ask unanimous consent that the quorum call be rescinded. Without objection, it is so ordered.

# RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AVIATION SECURITY ACT

Mr. WELLSTONE. Mr. President, I am not going to take long. I know there are other colleagues who are going to want to speak, but I do want to talk about where we are right now in this Senate Chamber. I want to try to do that not in an abstract way but in relation to what is happening throughout the country and, particularly, I want to talk about my State of Minnesota.

Yesterday we had a field hearing in Minnesota. It was a formal hearing of the Subcommittee on Employment, Safety and Training of which I am lucky enough to chair. It was just absolutely packed with people. I am not sure that is good news. I think it was packed with people because we have had a sharp economic downturn, and it affects a broad section of the population in Minnesota and around the country.

I said yesterday that I cannot remember—and I think I said this to the distinguished Presiding Officer—another time in my adult life when I ever felt as if our country was facing three challenges or crises and all at the same time.

One of them has to do with the world that we live in—military action, use of force in Afghanistan. I have said back home that I very much want this action to be successful. I think it is terribly important that it is with the most careful targeting. I think it is essential that we do everything we know how to do to minimize the loss of innocent civilian life.

I pray for the men and women of our armed services, and, frankly, I pray no innocent Afghan, or anyone else, is killed in this process.

I had a chance to talk with the Ambassador to Pakistan today and was asking her how things were going in her country. And she, too, talked about how it is so important that what we do militarily, and in many other ways, we do in the right way. Whatever we do has to be consistent with our own values. That means, above and beyond the use of force, dealing with the humanitarian crisis, dealing with the massive hunger and starvation in Afghanistan, and doing everything we can to minimize the loss of civilian life.

Then there is the whole question of physical security in our own country. Today Chairman KENNEDY and the HELP Committee had very powerful hearings. The distinguished Chair testified about his work and some of his legislation as to what we need to do to better defend our own homeland. Then there is economic security. What I rise to discuss briefly is my indignation about some of the opposition and delay. Quite often, one person's political truth is another person's political horror. We are all different, and political truth can be illusive. We have dif-

ferent ideas. People of good conscience can disagree. That always is the case, including now as well.

I have to say I don't really know how any Senator, Democrat or Republican, can go home, after we have provided \$15 billion of help for the airline industry—which we should have done; I don't think they are playing Chicken Little crying that the sky is falling in—now and be unwilling to provide the employees with help.

Senator CARNAHAN has an amendment, in which a number of us have joined—it makes all the sense in the world—extending unemployment insurance to a full year, picking up the cost of COBRA or helping people get Medicaid assistance—when you lose your job, the other thing that is so terrifying in our country is, you lose your health care coverage for yourself and your loved ones—making sure that that is there, making sure the funding is there for training. I am just amazed at the opposition to this amendment. I am amazed that we have been having to go through cloture votes, and now people want to burn up yet more time.

For my own point of view, I don't think we should move. Senator HOLLINGS is right that one of the best ways to get this industry back on its feet is to have people think they are safe. God knows the whole notion of federalizing the security forces is what the vast majority of people are for. That is apparently being opposed. There are other colleagues who talk about Amtrak and say there has to be a commitment to that as part of our transportation system. They are right.

What I want to relate today is what Senator DAYTON and other colleagues from Minnesota, Democrats and Republicans, heard at our field hearing, which was all the employees, 4,500 people out of work, who were asking: What about us? You helped the industry. Fine. But what about working families? What about us?

I said about a week ago now that I believe the people values are coming out in the country. September 11 and beyond, people really are very committed to helping one another. I can't quite figure out why that has not extended to the Senate.

There will be plenty of discussion about this in the Chamber, but as far as I am concerned, this is the place we draw the line. This airline security bill has to pass. If there is opposition to federalizing part of the security forces, so be it; we will vote on it. If there is opposition to providing the help to employees I just outlined, the Carnahan amendment, then we will vote on it. If there is opposition to other amendments, then we will vote on them.

I just can't, for the life of me, understand the opposition. I can't understand why we wouldn't want to help people flat on their back. Frankly, I don't want to go back home to Minnesota and face these employees and tell them that Congress was unwilling to provide the help.

I thank the majority leader and the whip, Senator REID, for their commitment. I am committed to this fight. We are unified as a country. There is no question about it. We have to be our own best selves. To me, part of being your own best self is to speak out and advocate for people you love and believe in who need help. That is what we are talking about right now.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. It is my understanding that the Senator has offered a resolution—in fact, did so last week—commending the Capitol Police for the valiant work they did on September 11 and what they have done since then; is that true?

Mr. WELLSTONE. That is true. I did offer an amendment, and I was hoping that every single Senator would support it. I thought on Thursday or Friday maybe the whip could help me out. I actually submitted it. I didn't want to make a big hoo-ha about it. I wanted to thank the Capitol Police and thought maybe we would pass it by unanimous consent. Then we could send it out and let everyone know we have expressed our appreciation.

My understanding is, it has been blocked; is that correct?

Mr. REID. That is my understanding. We wanted that cleared last week, but somebody is holding this up. My friend knows how holds work. We have a general idea from where they come but not specifically from whom. I say to the Senator from Minnesota, he has always been such a supporter of the Capitol Police. He has always been thoughtful and kind to them. I have seen that as he walked through the Capitol. I personally am so grateful for the work they have done. Prior to September 11, I always felt really strongly about the work they did. Since September 11, my emotions have run much higher.

I commend the Senator from Minnesota for this resolution. I want him to know we are going to continue to talk about this resolution until it is cleared. Otherwise, we will try to figure out a way to get a vote on it so anyone who has the audacity to stand and not say to the Capitol Police they have done a good job will have to come forward and be counted.

Mr. WELLSTONE. Mr. President, I will not speak much longer. Let me say to the whip—who, by the way, also was a member of the Capitol Police, the only one in the Senate—I thank him. I don't even want to make a big deal of this. In fact, I am almost embarrassed about it. This now is going to become a point of contention? I am a pretty good rabble-rouser. I didn't think this would be something on which we would have to go this far.

My hope is that it will pass. I say to the whip that I would like to get his help, that if this doesn't clear today, then I will prepare an amendment. I would love to have the whip's support

and do it with him. We will just come out here and have a debate, I suppose, if Senators are opposed to the resolution of support. Above and beyond that, we are talking about a lot of Capitol Police. They are working 6 days a week, 12 hours a day. Frankly, the whip discussed this with me. Above and beyond just the resolution saying "thank you for your support," the other point is the additional resources. With all due respect, there will have to be additional resources to go to them for them to be able to do this job.

I thought when I came back that this resolution would have been passed. I wouldn't have thought there would have been any controversy. I thought we then could notify the police.

Now what we will do is talk about it for a day or so. We will keep asking who is holding it up. We will keep asking why. It is hardly a way to say thank you to the police. And if necessary, we will have an amendment on it.

Mr. REID. I say to the Senator, I am hopeful and confident that it is just a misunderstanding. Otherwise, we will have to move forward as the Senator from Minnesota has indicated.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in a period of morning business until the hour of 4 o'clock today with Senators allowed to speak therein for a period of up to 10 minutes each.

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

Mr. REID. And that the time continue to be charged against the underlying matter before the Senate; that is, on the motion that is postcloture.

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

#### AVIATION SECURITY AND THE STIMULUS PACKAGE

Mr. WELLSTONE. Mr. President, I was actually thinking about reading some of the descriptions and testimony of some of the people who spoke yesterday.

Let me just say one more time that on this one, we don't budge until we get the help for the employees. That is all there is to it. If that is the difference between Democrats and Republicans, so be it. That would make me proud to be a Democrat. If it does not end up being the difference between Democrats and Republicans and we do it in a bipartisan way, all the better. But we are not waiting any longer. I am not going back home again this weekend trying to explain to people how in the world the Senate could not provide them some support.

My final point is, the truth is, we need to be doing this business and more because, frankly, we have something else that is ahead of us, which is all the other people in Minnesota and in the

country who have been affected, all of the other people who are losing their jobs, whether it be in the tourism industry, hotel/restaurant, related to tourism, whatnot, whether it be small businesses, or whether it be people in high-tech. There are a lot of people right now who are out of work. A lot of small businesses lost some of their business, and they never had a lot of capital to rely on in the first place.

So I just say to colleagues that we are in a serious recession in our country. These are hard economic times. We need to put a stimulus package together next week. We need to have the stimulus package large enough to make a difference. It has to be something that focuses on getting money into the hands of consumers—those who will make purchases right away. It has to take effect within the next couple of months, frankly, to really make a difference. There are a lot of people who, A, could use the help and, B, this would put purchasing power back into the economy. Unemployment benefits need to be extended and improved. There is the health care coverage for people and child care expenses, and there is the workforce development and work training that is so important. There are ways in which we can invest in rebuilding crumbling schools and affordable housing and creating jobs at the same time. There is a whole lot we need to do, and we need to do it now. That is part of the crisis that is staring us in the face. Yet we are in morning business for another 2 hours this afternoon.

I just wanted to make it clear that—and I think I am speaking for other Democrats—we are not giving any ground on getting help to the aviation employees and others, and we are going to do it this week on this bill. We are not going to give any ground on safety, and we are going to pass this bill this week. We are also going to move on and get serious about an economic stimulus package as well.

I yield the floor.

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

Because of the unanimous consent agreement, I ask that the time continue to run on the motion to proceed because it is the same morning business we asked it to run against; is that right?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 4:30 p.m. today with the time charged against the postcloture proceedings.

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

Thereupon, the Senate, at 2:54 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from South Dakota, notes the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CLASSIFIED INFORMATION

Mr. DORGAN. Mr. President, about a half hour ago, President Bush was in the Rose Garden for a ceremony. During the question-and-answer period, the President expressed some great concern—in my judgment, justifiable concern—about the leaking of classified information that was given to some Members of Congress. Apparently, at least a couple Members of Congress, on a couple of occasions, have leaked that information to the press.

In my judgment, the President has every right to be very upset about that. This country has asked its young men and women in military service to risk their lives in this time of national emergency. As they undertake military operations in parts of the world that are thousands and thousands of miles from here, it ill-serves our country's interests to have any Member of Congress, under any circumstance, at any time, going to a classified briefing and then disclosing the information from that classified briefing to a member of the press.

The solution, I might say, is not, however, for the administration to stop briefing the Congress about classified material. The solution, I would urge the President, would be for us to find out which Member of Congress has leaked classified information and then make certain that this Member of Congress—House or Senate—is not given classified information in the future.

I know this is a difficult area and a difficult set of circumstances, but this country faces some very difficult days ahead.

The September 11 terrorist attacks that were committed against this country changed almost everything. The need for security is quite evident to almost everyone in this country.

The terrorist attacks require this country to respond. The President had no choice. We cannot ignore those attacks. We had to respond to those attacks. And the President has the full support of the American people in his response, in my judgment, and certainly the full support of the Congress.

But I just want to say that the President was dead right this afternoon in

expressing anger about the disclosure—the unlawful disclosure and unauthorized disclosure—of classified information. Members of the House or the Senate who would disclose classified information to the press that they received in classified briefings do no service to this country.

I would hope the administration and the President, rather than deciding they will not share that information with Congress, would decide that they would sanction those who have misused that classified information.

In order for Congress to do its work, and in order for the committees in Congress to do their work, information must be made available, even classified information. But the President is correct that information must be treated as classified, treated as top secret, and cannot be given to the press. An unauthorized disclosure, in my judgment, undercuts this country's interests.

I hope the President's admonition today, and I hope the discussion by other Members of Congress about this, will convince the administration they ought to continue the briefings. They are helpful and important as a part of this process. But some of us in Congress full well understand the President's concern about the unauthorized leaks that have occurred.

#### THE FARM BILL

Mr. DORGAN. Mr. President, last week the House of Representatives passed a new farm bill. That piece of legislation is an important step forward because most of us believe the current farm bill does not work. The so-called Freedom to Farm bill, in fact, has been a disaster for family farmers now for many years. It had no ability to help farmers during tough times to provide for disasters and collapses in commodity prices. Because of this, each year Congress has had to come up with emergency funding at the end of the year.

We did that. We did not do enough, but we did some each year to try to repair the hole in the so-called Freedom to Farm bill. That bill now expires at the end of next year and needs to be replaced.

The House of Representatives, God bless them, said: No. We should not wait until next year. We should write a new farm bill now. And it ought to be in place for the next crop-year when people go into the fields next spring. We in the Senate now have the obligation to do the same, and I believe we will do the same.

With respect to the bill that the House of Representatives enacted last week, let me say this: I think it is better than the Freedom to Farm bill. They have made progress. Good for them. I commend them.

There are some things we need to do better than they did in the House bill. For example, in my part of the country we raise a great deal of wheat and barley. The loan rates, for example, for

wheat and barley are not significant enough, when compared to other crops. They are far too low in the House bill. So we need to make some adjustments to that piece of legislation.

Farm benefits ought to be better targeted to family farmers, in my judgment, as well. We have had the development in this country of these giant agrifactories. Well, that is not what we are trying to preserve. If this isn't about preserving family farms, families that are trying to live out their lives in the country and make a living on the family farm, if that is not what this is about, then, in my judgment, we do not need a farm bill.

Abraham Lincoln started the Department of Agriculture with nine employees in the 1860s. As you know, a century and a half later, it is a behemoth organization. If a farm bill is only to support the giant agrifactories of the world, then count me out. But if it is to support family farms, I say: Good; it is important. And it is important to this country's future that we maintain a network of family farm food producers.

There is a national security interest as well for the Senate to do a farm bill. The House has done the bill, so we also ought to do it before we adjourn, in the interest of national security.

What is the national security interest? The other evening on national television, they described a feedlot with nearly 200,000 cattle in it over the year. This is a giant agricultural enterprise that brings large numbers of cattle together and feeds them in a huge series of feedlots. They talked about the potential of bioterrorism entering the food supply, and how convenient it would be for those giant agrifactories to be a target for efforts in bioterrorism.

It seems to me a broad network of family producers across this country tends to thwart that.

Security of America's food supply is best achieved by a network of family farms producing America's food. That is why a farm bill is so important.

We have the obligation and the opportunity in the Senate to do the right thing. Between now and when we leave at the end of this session of Congress, we should pass a farm bill, go to conference, reach agreement with the House, and then send a farm bill to the President that he will sign. I understand the President says he doesn't support the bill passed by the House of Representatives. The fact is, however, if it is not his priority, it is ours. We ought to write a good farm bill and send it to him.

I believe at the end of the day he will support it because the House passed it with a veto-proof majority. I would expect a good farm bill will pass the Senate with a similar majority.

I believe we ought to waste no time. I have talked to the majority leader and others about it. He agrees. Let's try to do what we can do to pass a farm bill in the Senate, then go to conference and see if we can't get a farm

bill signed into law before the end of this year. That way, family farmers who go into the fields next spring will understand what the new farm bill will be and will be able to plan accordingly.

It will certainly be better than the Freedom to Farm bill, a bill that has undercut the interests of families trying to make a living on a family farm.

Very few people in this country have seen their income cut as dramatically as the average family farm income has been cut over the years. This loss of income, then, is somewhat ironic. We are dropping food into Afghanistan because people are on the abyss of starvation; we hear reports of old women climbing trees in Sudan to forage for leaves to eat; and one-half a billion people go to bed every night with an ache in their belly because it hurts to be hungry. All told, thousands of children die every day from hunger and hunger-related causes. Yet the farmers of South Dakota and North Dakota and Kansas and Montana and Nebraska are told, when they load their truck with wheat or barley and take it to the country elevator, that which they produce has no value. They are told the food somehow has no value, that the price is collapsed because it is not worth very much. It seems to me that much of the world is placing great worth on that which we produce in great abundance on America's farms.

If we can't find a way to connect that which we produce to those who need it, then we are not thinking hard. The surest road to stability and peace in the world is to try to help people who are hungry. We must place a value on the food our family farmers produce. Again, there is a disconnection there somewhere. We need to find it and reconnect it.

Let me again say, I hope in the coming couple of weeks we will, in the Senate, make it a priority to write a farm bill, bring it to the floor, and go to conference with the House. We have that obligation to our family farmers. That ought to be our responsibility now. It is not only good for family farmers; it is good for American security interests, for food security interests to do that. I hope we will do it soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AVIATION SECURITY ACT—MOTION TO PROCEED

Mr. HOLLINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1447.

Mr. HOLLINGS. Mr. President, let me correct a statement I made sometime last week when we were checking



into the practice of other countries with respect to airport security. We were told that of the countries in Europe, all were Government employed. That should be corrected. That is not the case. In fact, France, Belgium, the Netherlands, and England, those four countries, have contracts, but they have the health benefits and the guaranteed vacation and other benefits guaranteed by the Government. It is a sort of hybrid situation.

Of 102 countries around the world with significant air travel systems, only 23 use contract screeners. I think that is not the point I want to make this afternoon.

No one would suggest that we take the security for the President of the United States; namely, the Secret Service, and privatize it, contract it out. Nor would anyone recommend privatizing the security that the distinguished Chair, myself, and other Senators receive, the Capitol Police, who incidentally have been working around the clock, doing an outstanding job. You can go on down the list, whether it is Customs, whether it is the Border Patrol, and the Immigration and Naturalization Service that has some 33,000 personnel, no one in the House or Senate has suggested that we contract that out.

No one has suggested we contract out the Federal Bureau of Investigation with the thousands of professionals conducting the investigation right now. No one suggests that they take some 669,000 civilian workers in national defense and contract them out. In fact, there was a suggestion by the OMB earlier this year to do just that. The OMB folks called over to the Pentagon and said: We are looking at downsizing and we want to get some contracting out of 5 to 10 percent of your civilian workers. And the Department of Defense said: That will never happen. We are in the security business.

Yet the big hangup is federalization, the Government taking over the responsibility of security for air travel in America.

Now, we have tried after Pan Am 103 back in 1988, with more training, more hours, more supervision, extra this and extra that, to no avail; we had TWA 800 in 1996 and again the Gore commission with more training, more supervision, and what have you. And now we have 6,000 killed and 13,000 casualties. To me, it will take unmitigated gall, with the recent experiences in mind, to come forth with a contracting out proposal.

Only a while ago did I learn why we are having to put up with this nonsense. All you have to do is read Roll Call, "Airport Firms Form Alliance." The airport firms formed an alliance with a Swedish company and call themselves the Aviation Security Association. And who do they have as members? The contractors that want to keep continuing their misdeeds. For instance, one of the association mem-

bers, Argenbright had the contract for the Dulles and Newark airports.

Now, let's read about Argenbright. I find in an article on September 13 in the Miami Herald:

The security company that provides the checkpoint workers at the airports breached by Tuesday's hijackers has been cited at least twice for security lapses.

In its worst infraction, Atlanta-based Argenbright Security pleaded guilty last year to allowing untrained employees, some with criminal backgrounds, to operate checkpoints at Philadelphia National Airport.

In settling the charges, Argenbright agreed to pay \$1.2 million in fines and investigative costs.

... Argenbright was also found to have committed dozens of violations of Federal labor laws against its employees at Los Angeles International Airport, an administrative law judge ruled in February 2000.

Here we are trying to do the work of the people of America, and we don't have any Senators listening. They are listening to the lobbyists, the K Street crowd, who are down here working the different Senators, and I can't explain to them the problem of security at the airports. Mind you me, those who are falsifying records, if you please, are now saying what we have to do is have contracting out; we can't federalize.

Of course, that appeals to the crowd that comes into public service by promising to get rid of the Government. "The Government is not the solution, the Government is the problem." That is all they all talk about. They are thinking of what? Of next year's reelection. They are not thinking of security. They are thinking: Wait a minute now, I was going to downsize and get rid of the Government, and now I supported 18,000 screeners and some 10,000 other airport personnel—some 28,000 I am going to put on the Government payroll, and my opponent is going to say: He promised to get rid of the Government, and he went and voted to add 28,000 more Government jobs.

That is the problem—along with the blooming lobbyists. They are trying to carry out their political commitments. They are not looking out for the safety of the traveling public in America. The worst thing we have ever done is give the money to the airlines. They didn't take care of the employees. I had Herb Kelleher, of Southwest Airlines, tell me he did not furlough a single employee and maintained 100 percent service. But they were all going broke. Why? Because the lobbyists took over—the same crowd that came running around hollering they were all going to go broke. Here I am fighting to do the people's work, and Senators are gathered together in their offices with all of these airline lobbyists. This is the fifth week since September 11, and we can't pass airline security.

All of America wants this responsibility fixed within the Government. No one for a second, as I say, would suggest that the FBI and the Secret Service, the Border Patrol, and Customs, or any of the other security agencies—no

one would suggest that the 669,000 civilians in defense be contracted out. According to the lobbyists the Government is too big, the Government can't do anything. They ought to be ashamed of themselves. Look at what is happening. Turn on your TV if you want to see what Government can do. Look at these attacks on Osama bin Laden and the Taliban. I don't know—there are some 31 different military targets, with 2 countries involved, B-2s coming all the way from Missouri, ships stationed in the Indian Ocean, planes coming off Diego Garcia—all Government, Government recruited, Government fed, Government housed, Government trained, Government deployed, with precision work that we all praise—but we can't get a Government airport security screener. Oh, no, no, that would be against my ideology. No, we want contracting out, privatization.

We now know what we are putting up with in this lobbyist crowd and the silly ideology that the Government can't do anything. Well, I am proud of our Government; I am proud of our deployment. We are going to correct this situation, and we are not going to have an Executive order. I have heard word that the administration might implement an Executive order to take care of it and say Congress is dragging its feet.

We are trying to go along and be bipartisan and everything else because this is a bipartisan bill, reported unanimously out of the Commerce Committee. We have been ready to vote and take amendments, consider them and vote upon them. But they are going to say now that we are going to have to get an Executive order because we are dragging our feet and can't get security out of the Congress, mind you me.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HOLLINGS. I am delighted to yield to the distinguished Senator.

Mr. DORGAN. I was listening with interest to the Senator about this issue of national objectives and Federal employees doing airport screening. I know there are some who think there is nothing in Government that can be done correctly. But I say them, that they should go to ground zero in New York City, the site of these terrorist acts, and talk to the firefighters and law enforcement people. They will then understand that those Government employees, those firefighters who lost their lives, were climbing the stairs of those twin Trade Towers even as they were coming down. As that fire broke out in both buildings and people began to evacuate those buildings, those firefighters were going up with full backpacks. People told me—and I read reports—of seeing firefighters on the 20th floor and the 30th floor, nearly out of breath, climbing the stairs of those buildings. Those are public servants providing a public service that is unmeasurable in its value to this country.

So when I hear people talk about Government workers in a disparaging



way, I say this: There are a lot of people who commit themselves to public service in this country who, every day and every way, every hour, protect this country and stand up for the interests of this country. Yes, I'm describing the firefighters of New York, and the law enforcement folks in New York and New Jersey and the surrounding region, but this public service also occurs in every community across this country, every single day.

The Senator from South Carolina has proposed, and I support, the notion that at the 100 largest airports in this country we federalize the screeners who are screening baggage so that they are following national standards and national training guidelines. It makes great sense to me. And with respect to the other airports, I believe the Senator proposed that local airports could contract with law enforcement officials and others to do the same thing.

But it seems to me that—I guess I will ask the Senator this question, finally, that we are hung up on this issue at this moment: The issue of aviation security is of paramount importance to this country. Why? Because some people don't like the notion that we would replace the big companies that have now contracted to provide this service—service where inspector after inspector has shown us you can drive a truck through the holes in the service. They decide: We don't want to do it. Therefore, we will hold up the legislation and not allow it to continue.

How long, I ask the Senator, have we been held up on the floor of the Senate by this ideology that says we won't allow there to be Federal screeners at the Nation's largest airports? How long?

Mr. HOLLINGS. We are into the fifth week. We are into the fifth week since the attacks. We immediately held these hearings, and I called the distinguished Secretary of Transportation the week of this occurrence. It was on the following Thursday immediately after September 11th. I said: I am going to set this hearing up. I said: You can enhance cockpit security by installing reinforced cockpit doors. We found in Israel that once you secure that cockpit—and Boeing said they could retrofit doors immediately in the next 2 to 3 weeks, and then they will have a more secure door. They have a retrofit package for the planes right now, and if you and I were head of an airline, we would immediately require this for the security of our pilots.

We want pilots to fly, not fight. Once they secure that door, then you do not have disturbed individuals storming that door as we had on that Los Angeles to Chicago flight. That ends hijacking for all intents and purposes, because never again can they use an air flight as a weapon of mass destruction.

I do not want to pass up the eloquence of the observation of the Senator with respect to these firefighters. They are the best in the world. They are not paid enough. They are working

extra hours, and they were willing, as the Senator says, to give their life to try to save those lives while the building was coming down. They thought there could be a chance they would save a life or two, and they were going up those steps. That is fixed in my mind.

We should be ashamed of ourselves for delaying this bill. We get all boiled up about procedure. We have to move now. Once we moved 97 to 0 to cloture, we need to go ahead to the bill itself. Why are we not debating the bill this afternoon and passing it tonight?

There are two or three amendments. Let us vote on those amendments. They could be just ideas. We are not hard and fast, except on one thing, and that is to get airport security. Yes, there is flexibility in the bill. We live in the real world.

Take small, rural airports such as at Bamberg and Orangeburg, SC. They are not used to having the federalization of the system, but we have to have the Federal standards for inspections to make certain they have airport security. We do not want a plane coming from, say, Bamberg to fly into Charlotte and then the passengers get off, never having been checked properly, to come into Washington, never having had the proper security check.

So that is a lesson I learned from El Al, the Israeli security agents, and the chief pilot at El Al. He told me, for example, once that cockpit door was closed, they could be assaulting his wife in the cabin, but he does not open the door. That is why, when they heard this Russian plane that had come out of Israel exploded and went down into the Black Sea last weekend, they knew immediately it was not from a bomb, because for 30 years they have known they are not going to get anywhere. They are still investigating the possibility that a Ukrainian missile gone astray may have caused the crash. They might start a fight and hurt, say, 5 people, but not 5,000. But the pilot immediately lands and already has law enforcement waiting to take over.

The rule used to be—and I guess still is unless that FAA is getting going—if I am the pilot and you come forward and say, this is a hijacking and I want to go to Havana, Cuba, you say, oh, yes, I always wanted to go to Cuba; let's all go to Havana, wonderful, yes—just go wherever the hijacker wants and get it down and then let law enforcement come.

No, the rule has changed and ought to have been changed 3 weeks ago, and they are still dillying around wondering about contractors and the employees.

I actually had a meeting with the transportation officials, and they were talking about 9 months to a year to get this thing done. Absolutely ludicrous. We are in an emergency situation. We have men committed in battle, putting their lives on the line, and we are talking about maybe securing our airlines in a year's time even though we have already sent \$15 billion to the airlines.

Mr. DORGAN. Will the Senator yield further for a question?

Mr. HOLLINGS. Yes.

Mr. DORGAN. I do not mean to interrupt the Senator, but I was inspired listening to his discussion and I want to make a couple of additional comments, concluding with a question.

It is not unusual for politicians to compliment themselves, but the Senator from South Carolina is not someone who would ever do that. So let me pay a compliment to Senator HOLLINGS and also to Senator MCCAIN. The Senator has brought a bill to this Chamber that makes good sense. He worked on this legislation in a manner of developing a consensus, worked in a bipartisan way, brought a bill in a very timely manner, and then, as the Senator from South Carolina has said, it has been hung up now for some weeks.

It is inexplicable that in a time of national emergency—and it is that, not just with respect to national security issues but also with respect to this economy—it is inexplicable that there is, among some, business as usual in the Senate. This is not business as usual. In my judgment, it ought to be a circumstance where, if someone disagrees with what Senator HOLLINGS and Senator MCCAIN have brought to the floor, then by all means offer an amendment, make their best case and try to strip it out.

Mr. HOLLINGS. Right.

Mr. DORGAN. Have a record vote and strip it out.

As I understand the circumstances, those with whom the Senator disagrees at this point, they are content just preventing the Senator from considering this bill because they do not want to have a vote. They will lose the vote, and lose the vote by a fairly large margin.

Will the Senator from South Carolina agree with that assessment?

Mr. HOLLINGS. I agree with that assessment, and part of that assessment should go right to the lobbyists. This is actually a headline: Airport firms form alliance. Well, they did not form an alliance for safety or security. They formed an alliance to feather their own nests. They are not interested in security, and that is what the hold-up is over with that political stand-off of "get rid of the Government." They are thinking about their reelection campaigns next year. They are not thinking about the security of airline travel in America, I can say that.

Mr. DORGAN. Will the Senator yield one final time for a question? I deeply appreciate his indulgence.

The reason this is important, aside from basic safety, which I think is paramount, is the airline industry and commercial aviation are critically important to this country's economy. Prior to September 11 our economy was very soft, and the airline industry as a leading economic indicator was hemorrhaging in red ink going into September 11. Then the Government shut down the entire commercial aviation

sector, just shut it down completely. Now that it has begun to start up once again, people are leery, are worrying about whether or not they want to get back on an airplane. People are cancelling trips. They are cancelling conferences.

The thing is, Government has the obligation to say to those people who have images in their head of an airplane crashing into a trade tower over and over again, we have a responsibility to say to people we are taking effective, decisive, and immediate action to deal with security on commercial airliners in this country, and that is why there is this urgency.

Yes, it is about this industry, but even more so it is about this economy. It is important that we do this, that we do it right, and that we do it immediately.

Let me again say I think the leadership of the Senator and the leadership of Senator MCCAIN is something all of us should cherish, and I hope we can get to this bill and get it moving, have the votes, and pass this legislation. I support what the Senator is doing.

Mr. HOLLINGS. I thank the distinguished Senator. It is proper to mention the leadership of Senator MCCAIN, Senator KAY BAILEY HUTCHISON of Texas, Senator CONRAD BURNS of Montana, Senator OLYMPIA SNOWE of Maine, and it has been bipartisan; this was not a partisan approach.

We have tried over the past 15 years to set professional standards for airline security, more hours of training, more supervision. But even with all of the contract standards, with all the training, with all the supervision, they are falsifying the records and putting people with criminal records in as the screeners, and they say: Let us keep doing it. Give us some more standards. Give us some more training. Come on.

Mr. REID. Will the Senator yield for a question?

Mr. HOLLINGS. Yes, sir.

Mr. REID. I recognize the Senator is not talking about contracting out, but the Senator mentioned contracting out, and I am an opponent of contracting out. I have seen what it has done to Federal installations in the State of Nevada where these outside contractors come in and say, we will give you a real good deal, and they give a contract this year, and the next year it goes up and up and up, where we would have been better off sticking with Government in the first place.

So I thank the Senator from South Carolina very much for bringing to the attention of the American public the fact we have to federalize the safety of these airplanes and to also alert the American public that contracting out is not a panacea for good government.

Mr. HOLLINGS. That is right. We want those in charge of security to have their minds set on just that, not the bottom line, not the profit. We are going to do the oversight. We will look and see whether there is any fat, or anything else of that kind. The truth

of the matter is, we have to have accountability. The only way to do it now is to fix it. Don't have some security measures over here, some over there, and then not check in there.

If you go to the onion ring security structure of the Israel Security Agency and El Al, the Israeli airline, you can see exactly you can't have any gaps. They start with the outer perimeter of intelligence. Incidentally, Senator, when I mention intelligence, harken the New York Times article by Bobby Inman, Admiral Inman, former head of the CIA, which recounts how our intelligence went down, down, down, was inadequate, and brought about—indirectly, obviously—these September 11 attacks. It never could have occurred if we had the intelligence agents like before.

I became involved in intelligence matters under the Hoover Commission in 1954. We had McCarthy running around about security. So President Eisenhower appointed the commission on the reorganization of the executive branch under former President Herbert Hoover. I served as one of the six members of that task force going into the CIA, Army, Navy, air intelligence, security, Secret Service, special clearance, atomic energy. At that time we had the entire sphere of security and intelligence. Under Alan Dulles we had a real outfit, but it has gone down, down, down with respect to high, high costs of technology. And the technology is so amazing to you and me that we can see this and recognize that. We collect as much intelligence information as they have in the Library of Congress, perhaps, every day. But nobody looks at it, they just say: Oh, look at all the information we are getting.

In addition to that, when they are talking about analysts, we want something to look at, but we don't want too much analysis. They have General Schwarzkopf on TV. All weekend he was on the TV. I will never forget the briefing he gave us when he returned from Desert Storm. He told a Defense Appropriations Subcommittee that CIA analysts rounded the edges, they cut the corners, they protected their backsides. When I got it—I am going to use the word he used—it was "mush." He said it was of no value, it was mush. I had to go to my pilots in order to get the intelligence and find out how I could move forward.

Now that is what we have been limping along with. It is our fault. There is no question about it. But read what Bobby Inman said. The intelligence is starting at the outer perimeter of a security system. The intelligence is keyed on not just the screener, but when they get to the departure gate, to the pilots, to the marshals on that plane and everything else. And it is not a one-way feed. It is back and forth, all the time. You know somebody is not going to come through with a knife or a gun. The entire airport is a screening place now.

All we do, the Senator and I, we get our ticket to go down to Miami. The agent says here is your ticket; you have seat 9A. So I call my friend who has been out there for 2 years working on the tarmac. He knows when I call, that is the signal. I will take the 12 o'clock flight, 9A, to Miami. He is out there and he goes to seat 9A and tapes a pistol or tapes a box cutter or whatever else they are using. Or you don't have to wait, just go to the counter and you get your seat assignment. Then you just drift around in the crowd. You have already alerted your friend on the tarmac and you are by the window and give the signal, 9A, and he puts a weapon under the seat.

You have to check and have absolute security, not just for screeners but with the person who vacuums the plane. You have the marshals. They come in and they check those things. They don't take their seat and wait for a hijacking, just sitting there eating and drinking. They are alert and know exactly what they are looking for. They look for suspicious actions and reactions on the plane by any of the passengers. They know what to look for. We have to get serious about security because it comes right down to the aircraft.

As I pointed out, once you secure that door, that for all intents and purposes ends the hijacking of commercial flights. But since they have been flying planes, I don't know how we control private flight.

There are many more opportunities for terrorism beyond airlines. But once we secure airlines, we can try to get some of the other things done on the railroads, on the seaports, that the Senator from Florida and his senior colleague, Senator GRAHAM, have been pointing out for years. In fact, we have the bill on the calendar, seaport security. They can take one of those containers which is hardly looked at, bring it into New Jersey, and drive it down to Times Square and have the container full of anthrax, 40,000 pounds.

There can be all kinds of acts of terrorism. This thing is not the 100-yard dash. It is the endurance contest. We have to endure, sober up and get serious. We need to cut out all of our reelection concerns about what we promised to do in getting rid of the Government and that kind of thing. We are elected by the people to make the Government work, and work efficiently and economically.

By the way, this is paid for, Senator. That is the genius of this. All you have to do is put \$2.50 or \$3 and we are arguing that backwards and forwards, but we will get the amount, and that will take care of all the screeners, make sure every bag has gone through the screener. If I go through now and take a bag—they just put out the rule I cannot take but one—but a bag goes through the screener. Why let baggage that goes into the cargo be different? All of the cargo should be screened, air marshals on all of these flights, particularly cross-country and down to

Florida, up and down the seaboard, up and down California, and across the country. We have to have those marshals on the plane. Once they know that, America comes back again.

Mr. NELSON of Florida. Will the Senator yield?

Mr. HOLLINGS. I am happy to yield.

Mr. NELSON of Florida. The Senator has been a great inspiration to me and all the members of the Commerce Committee which he chairs. What a great inspiration it is to see on matters of grave national importance that the Senator, as chairman, and the ranking member, Senator MCCAIN, work so closely together. I want the Senator to know that observation comes from many Members.

What troubles me is that certain Members of this Chamber, for either ideological reasons or for partisan reasons or for parochial reasons, would not recognize what the chairman of the Commerce Committee and the leadership is saying, how important to the national defense of this country it is to produce legislation on airline security so that the American people believe we are following through on a promise we made to them so they will be encouraged to get back on the airlines and start flying. This will help all of the collateral industries such as car rental companies, such as hotels, such as restaurants, tourism destinations, and so forth.

As we say in the South, it is just beyond me—

Mr. HOLLINGS. It is beyond this Senator.

Mr. NELSON of Florida. That we would have people hold up this legislation, cause us to have 30 hours of debate not on the bill but just on a motion to proceed to get to the bill. The big hangup is over federalizing the airline passenger screeners.

Mr. HOLLINGS. Right.

Mr. NELSON of Florida. Everybody in America wants the most proficient, the most trained, the most expert, and well-paid people doing the adequate and professional and thorough job of screening people when they go through those checkpoints. If that means federalizing, then we ought to be getting about the business of the American public and passing this legislation and moving it.

I want to add a comment and also another compliment to the Senator, our chairman. Over the weekend I visited two ports in Florida. I visited, on Friday, the Port of Pensacola. In the warehouse there, I found a huge load of sacked flour that was going to Tadzhikistan. Fortunately, those 100-pound sacks of flour were red, white, and blue so people would know where it was coming from—the USA.

That is what we need to do if we are going to try to win the hearts and minds of people as we have had such tremendous success doing in North Korea, a Communist dictatorship. The food we have sent in there is in these red, white, and blue sacks so people

know where it is coming from—the USA. So I was very gratified to see that.

But when I went to the Port of Pensacola on Friday and the Port of Jacksonville yesterday, Monday, it was to talk about security and to talk about the bill the Senator had passed out of committee on September 14 and the amendment that he intends to add, increasing the amount available, both in grants and in loan guarantees, for the 300 ports that we have in this country in order for them to upgrade security because, if we are looking at vulnerability, where a terrorist might attack, clearly a port—whether it be a cruise ship or whether it be a commercial ship with a precious cargo or whether it be a port collocated with a military facility or, in the case of the Port of Pensacola, where they would be responsible for loading and unloading military equipment—not for the Pensacola Naval Air Station but for Hurlburt Air Force Base, which is the head of the Air Force Special Operations Command—be it any of those particular roles that a port plays, we have to upgrade security there.

I thank our chairman for his leadership. Wouldn't it be nice to get to the port security bill, if we could get through the airline security bill?

Mr. HOLLINGS. Exactly. Exactly. We are bogged down in here and they all seem to be enjoying it. I do not understand.

I understand you have to be considerate. We are not ramming anything. We do not want to, for example, ram this bill through the House. They are going to have their say, and they do have their say. But heavens above, let's move it over to them so they can have their say.

We want to be considerate—and you have been too generous to me. The point is with respect to seaports, 9 out of 10 containers coming in are not even looked at. If Senator NELSON and Senator HOLLINGS wanted to get into the drug business down in Colombia, we would fill up 10 containers full of cocaine and send it in. I can tell you right now, you have 9 of them that would go through and we would have made a fortune. We don't mind one getting caught; that is the name of the game.

What they have been trying to do is brag how fast they could move cargo through. Up there in New Jersey they not only go to the port, then they go to a staging area 25 miles farther. In between the time they go from the port, actual dock to the 25-mile site, some of them, they never see those trucks again. They don't know where they went or whatever happened to them. They just do not show up for the inspections.

The DEA says, no, it is the Customs' fault. Customs say, no, it is the port's fault. The port says, no, it is the Coast Guard's fault. The Coast Guard says you are running the port and you are in charge. But no one is in charge. That is

where we have had it with these contractors.

We are not going to give this the run-around. We are going to fix this responsibility once and for all. With the seaports, under the law, the captain of the port is the responsible officer. You cannot just put in one bill and wave a wand and all of a sudden you have security. You have to give them time and money and let them change the culture and get in step. Labor is absolutely concerned about background checks of those working the docks, just as they were in El Al. They had trouble, the El Al security people and the El Al chief pilot said, yes, we had problems too with labor, and we finally got past that and everybody is subject to these background checks and periodic spot checks for security.

When you mention FAA—and that is one of the reasons we put it under a Deputy Secretary of Transportation and not under the FAA—last week I had the distinction of meeting, if you please, with the former chairman, on the House side, of the Transportation Appropriations Committee of FAA. He told me some of the horror stories. For spot checks he had the individual given the pictures and told: We are going to make spot checks down in Florida next week, so you go to these particular airlines and show them the pictures because these are the fellows coming through making the spot checks.

That is how incestuous the FAA has become. That is why the airlines continue to say they want to be able to provide the money.

No, no, they are going to be Federal employees with Federal pay. It is going to be subject to appropriations. Why? Because we know already, under the Airport and Airways Improvement Act, we owe them \$15 billion because you and I and the Government have been using that \$15 billion to balance the budget, to cut the deficits down and try to get surpluses. We have not given them airport security. We have not given them airport improvements.

So when we look at this, our distinguished colleague and friend, the Senator from the State of Washington, Mrs. MURRAY—she has that committee. She is going to have the oversight. With Senator BYRD, the full committee chairman, along with Senator STEVENS, the ranking member, we are going to have it subject to appropriations.

The gamesmanship is stopped. We have gotten dead serious about this situation. We are going to fix the responsibility and have accountability, accountability, accountability.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent I be recognized to speak as in morning business, and the time I consume be counted against the 30 hours of postcloture debate.

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

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

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### THE WORDS OF GORDON HINCKLEY

Mr. REID. Mr. President, every 6 months the Church of Jesus Christ of Latter-Day Saints, referred to as the Mormon Church, has a semiannual conference. Every 6 months, for 3 days, the leaders of the church get together and those people who are members of the church come to Salt Lake City to the relatively new auditorium which holds approximately 22,000 people. It is broadcast and telecast around the world to 11 million members of the church.

The reason I come to the floor today is to read to the Senate a few select paragraphs from a statement that was given by the president of the church, a 92-year-old man by the name of Gordon Hinckley.

I will ask unanimous consent at the appropriate time to have the full statement printed in the RECORD.

His statement started with the words:

I have just been handed a note that says a U.S. missile attack is underway.

Keep in mind that this is being telecast to 11 million members of the church and millions of others who are watching.

He went on to say:

You are all acutely aware of the events of September 11, less than a month ago. Out of that vicious and ugly attack we are plunged into a state of war. It is the first war of the 21st century. The last century has been described as the most war-torn in human history. Now we are off on another dangerous undertaking, the unfolding of which and the end thereof we do not know.

For the first time since we became a nation, the United States has been seriously attacked on its mainland soil. But this was not an attack on the United States alone. It was an attack on men and nations of good will everywhere. It was well-planned, boldly executed, and the results were disastrous. It is estimated that more than 5,000 innocent people died. Among these were many from other nations. It was cruel and cunning, an act of consummate evil.

Skipping a couple of paragraphs, he went on to say:

Now we are at war. Great forces are being mobilized and will continue to be. Political alliances are being forged. We do not know how long this conflict will last. We do not know what it will cost in lives and treasure. We do not know the manner in which it will be carried out. It could impact the work of the Church in various ways.

Skipping again a couple of paragraphs, President Hinckley went on to say:

Those of us who are American citizens stand solidly with the President of our nation. The terrible forces of evil must be confronted and held accountable for their actions. This is not a matter of Christian against Muslim. I am pleased to see that food is being dropped to the hungry people of a target nation. We value our Muslim neighbors across the world and hope that those who live by the tenets of their faith will not suffer. I ask particularly that our own people do not become a party in any way to the persecution of the innocent. Rather, let us be friendly and helpful, protective and supportive. It is the terrorist organizations that must be ferreted out and brought down.

Skipping two paragraphs, he went on to say:

On the Larry King television broadcast the other night I was asked what I think of those who, in the name of their religion, carry out such infamous activities. I replied, "Religion offers no shield for wickedness, for evil, for those kinds of things. The God in whom I believe does not foster this kind of action. He is a God of mercy. He is a God of love. He is God of peace and reassurance, and I look to Him in times such as this as a comfort and a source of strength."

Mr. President, I ask unanimous consent that the full statement of Gordon B. Hinckley be printed in the RECORD, with the understanding that his statement is one that lays out what most Americans believe: that we are in a time of trouble; that there are things we can do as Americans to respond. But the most important thing we can do to respond is to treat our fellow man with the Golden Rule: Do unto others as you would have them do unto you; be kind, thoughtful, and considerate to those you come in contact with on a daily basis. This is the most important thing we can do to thwart the actions of these terrible people who did these terrible, evil deeds on September 11.

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

#### THE TIMES IN WHICH WE LIVE

(By President Gordon B. Hinckley of the Church of Jesus Christ of Latter-day Saints)

My beloved brethren and sisters, I accept this opportunity in humility. I pray that I may be guided by the Spirit of the Lord in that which I say.

I have just been handed a note that says a U.S. missile attack is under way.

I need not remind you that we live in perilous times. I desire to speak concerning these times and our circumstances as members of this Church.

You are all acutely aware of the events of September 11, less than a month ago. Out of that vicious and ugly attack we are plunged into a state of war. It is the first war of the 21st century. The last century has been described as the most war-torn in human history. Now we are off on another dangerous undertaking, the unfolding of which and the end thereof we do not know.

For the first time since we became a nation, the United States has been seriously attacked on its mainland soil. But this was not an attack on the United States alone. It was an attack on men and nations of good will everywhere. It was well-planned, boldly executed, and the results were disastrous. It

is estimated that more than 5,000 innocent people died. Among these were many from other nations. It was cruel and cunning, an act of consummate evil.

Recently, in company with a few national religious leaders, I was invited to the White House to meet with the President. In talking to us he was frank and straightforward.

That same evening he spoke to the Congress and the nation in unmistakable language concerning the resolve of America and its friends to hunt down the terrorists who were responsible for the planning of this terrible thing and any who harbored such.

Now we are at war. Great forces are being mobilized and will continue to be. Political alliances are being forged. We do not know how long this conflict will last. We do not know what it will cost in lives and treasure. We do not know the manner in which it will be carried out. It could impact the work of the Church in various ways.

Our national economy has been made to suffer. It was already in trouble, and this has compounded the problem. Many are losing their employment. Among our own people this could affect Welfare needs, and also the tithing of the Church. It could affect our missionary program.

We are now a global organization. We have members in more than 150 nations. Administering this vast worldwide program could conceivably become more difficult.

Those of us who are American citizens stand solidly with the President of our nation. The terrible forces of evil must be confronted and held accountable for their actions. This is not a matter of Christian against Muslim. I am pleased to see that food is being dropped to the hungry people of a target nation. We value our Muslim neighbors across the world and hope that those who live by the tenets of their faith will not suffer. I ask particularly that our own people do not become a party in any way to the persecution of the innocent. Rather, let us be friendly and helpful, protective and supportive. It is the terrorist organizations that must be ferreted out and brought down.

We of this Church know something of such groups. The Book of Mormon speaks of the Gadianton Robbers, a vicious, oath-bound, and secret organization bent on evil and destruction. In their day they did all in their power, by whatever means available, to bring down the Church, to woo the people with sophistry, and to take control of the society. We see the same thing in the present situation.

We are people of peace. We are followers of the Christ who was and is the Prince of Peace. But there are times when we must stand up for right and decency, for freedom and civilization, just as Moroni rallied his people in his day to the defense of their wives, their children, and the cause of liberty.

On the Larry King television broadcast the other night I was asked what I think of those who, in the name of their religion, carry out such infamous activities. I replied, "Religion offers no shield for wickedness, for evil, for those kinds of things. The God in whom I believe does not foster this kind of action. He is a God of mercy. He is a God of love. He is God of peace and reassurance, and I look to Him in times such as this as a comfort and a source of strength."

Members of the Church in this and other nations are not involved with many others in a great international undertaking. On television we see those of the military leaving their loved ones, knowing not whether they will return. It is affecting the homes of our people. Unitedly, as a Church, we must get on our knees and invoke the powers of the Almighty in behalf of those who will carry the burdens of this campaign.

No one knows how long it will last. No one knows precisely where it will be fought.

No one knows what it may entail before it is over. We have launched an undertaking the size and nature of which we cannot see at this time.

Occasions of this kind pull us up sharply to a realization that life is fragile, peace is fragile, civilization itself is fragile. The economy is particularly vulnerable. We have been counseled again and again concerning self-reliance, concerning debt, concerning thrift.

So many of our people are heavily in debt for things that are not entirely necessary. When I was a young man, my father counseled me to build a modest home, sufficient for the needs of my family, and make it beautiful and attractive and pleasant and secure. He counseled me to pay off the mortgage as quickly as I could so that come what may there would be a roof over the heads of my wife and children. I was reared on that kind of doctrine. I urge you as members of this Church to get free of debt where possible, and to have a little laid aside against a rainy day.

We cannot provide against every contingency. But we can provide against many contingencies. Let the present situation remind us that this we should do.

As we have been continuously counseled for more than 60 years, let us have some food set aside that would sustain us for a time in case of need. But let us not panic nor go to extremes. Let us be prudent in every respect. And above all, my brothers and sisters, let us move forward with faith in the Living God and His Beloved Son.

Great are the promises concerning this land of America. We are told unequivocally that it is a "choice land and whatsoever nation shall possess it shall be free from bondage, and from captivity, and from all other nations under heaven, if they will but serve the God of the land, who is Jesus Christ" (Ether 2:12). This is the crus of the entire matter—obedience to the commandments of God.

The Constitution under which we live and which has not only blessed us but has become a model for other constitutions, is our God-inspired national safeguard ensuring freedom and liberty, justice and equality before the law.

I do not know what the future holds. I do not wish to sound negative, but I wish to remind you of the warnings of scripture and the teachings of the prophets which we have had constantly before us.

I cannot forget the great lesson of Pharaoh's dream of the fat and lean kine, and of the full and withered stalks of corn.

I cannot dismiss from my mind the grim warnings of the Lord as set forth in the 24th chapter of Matthew.

I am familiar, as are you, with the declarations of modern revelation that the time will come when the earth will be cleansed and there will be indescribable distress, with weeping, and mourning, and lamentation (see D&C 112:24).

Now, I do not wish to be an alarmist. I do not wish to be a prophet of doom. I am optimistic. I do not believe that the time is here when an all-consuming calamity will overtake us. I earnestly pray that it may not. There is so much of the Lord's work yet to be done. We and our children after us, must do it.

I can assure you that we who are responsible for the management of the affairs of the Church will be prudent and careful as we have tried to be in the past. The tithes of the Church are sacred. They are appropriated in the manner set forth by the Lord Himself.

We have become a very large and complex organization. We carry on many extensive

and costly programs. But I can assure you that we will not exceed our income. We will not place the Church in debt. We will tailor what we do to the resources that are available.

How grateful I am for the law of tithing. It is the Lord's law of finance. It is set forth in a few words in the 119th section of the Doctrine and Covenants. It comes of His wisdom. To every man and woman, to every boy and girl, to every child in this Church who pays an honest tithing, be it large or small, I express gratitude for the faith that is in your hearts. I remind you, and those who do not pay tithing but who should, that the Lord has promised marvelous blessings (see Malachi 3:10-12). He has also promised that "he that is tithed shall not be burned at his coming" (D&C 64:23).

I express appreciation to those who pay a fast offering. This costs the giver nothing other than going without two meals a month. It becomes the backbone of our Welfare Program, designed to assist those in distress.

Now, all of us know that war, contention, hatred, suffering of the worst kind are not new. The conflict we see today is but another expression of the conflict that began with the war in heaven. I quote from the book of Revelation:

"And there was war in heaven: Michael and his angels fought against the dragon; and the dragon fought and his angels,

"And prevailed not, neither was their place found anymore in heaven.

"And the great dragon was cast out, that old serpent, call the Devil, and Satan, which deceiveth the whole world: he was cast out into the earth, and his angels were cast out with him.

"And I heard a loud voice saying in heaven, Now is come salvation, and strength, and the kingdom of our God, and the power of his Christ" (Rev. 12:7-10).

That must have been a terrible conflict. The forces of evil were pitted against the forces of good. The great deceiver, the son of the morning, was defeated and banished, and took with him a third of the hosts of heaven.

The Book of Moses and the Book of Abraham shed further light concerning this great contest. Satan would have taken from man his agency and taken unto himself all credit and honor and glory. Opposed to this was the plan of the Father which the Son said He would fulfill, under which He came to earth and gave His life to atone for the sins of mankind.

From the day of Cain to the present, the adversary has been the great mastermind of the terrible conflicts that have brought so much suffering.

Treachery and terrorism began with him. And they will continue until the Son of God returns to rule and reign with peace and righteousness among the sons and daughters of God.

Through centuries of time, men and women, so very, very many, have lived and died. Some may die in the conflict that lies ahead. To us, and we bear solemn testimony of this, death will not be the end. There is life beyond this as surely as there is life here. Through the great plan which became the very issue of the war in heaven, men shall go on living.

Job asked, "If a man die, shall he live again?" (Job 14:14).

He replied:

"For I know that my redeemer liveth, and that he shall stand at the latter day upon the earth:

"And though after my skin worms destroy this body, yet in my flesh shall I see God:

"Whom I shall see for myself, and mine eyes shall behold, and not another" (Job 19:25-27).

Now, brothers and sisters, we must do our duty whatever that duty might be. Peace may be denied for a season. Some of our liberties may be curtailed. We may be inconvenienced. We may even be called on to suffer in one way or another. But God our Eternal Father will watch over this nation and all of the civilized world who look to Him. He has declared: "Blessed is the nation whose God is the Lord" (Psalms 33:12). Our safety lies in repentance. Our strength comes of obedience to the commandments of God.

Let us be prayerful. Let us pray for righteousness. Let us pray for the forces of good. Let us reach out to help men and women of good will whatever their religious persuasion and wherever they live. Let us stand firm against evil, both at home and abroad. Let us live worthy of the blessings of heaven, reforming our lives where necessary, and looking to Him, the Father of us all. He has said: "Be still, and know that I am God" (Psalms 46:10).

Are these perilous times? They are. But there is no need to fear. We can have peace in our hearts and peace in our homes. We can be in influence for good in this world, every one of us.

May the God of heaven, the Almighty, bless us, help us, as we walk our various ways in the uncertain days that lie ahead. May we look to Him with unflinching faith. May we worthily place our reliance on His Beloved Son who is our great Redeemer, whether it be in life or in death, is my prayer in His Holy Name, even the name of Jesus Christ, Amen.

The PRESIDING OFFICER. The Senator from Montana.

#### AVIATION SECURITY ACT

Mr. BURNS. Mr. President, we have been talking about aviation security. While the chairman of the Commerce Committee is still in the Chamber, I want to get a few things straight. The amendment that is hanging out there for this piece of legislation has nothing to do with airport security—nothing. In all other parts of the debate, we are so close to agreement it is unbelievable. And those areas can be ironed out.

I am one, as the chairman knows, who has an amendment that would put the authority of airport security under the Justice Department. There is a very good reason for that. The model is already in front of us.

The Attorney General can either have the Marshals Service or the FBI, whichever, put them in charge of airport security, and then give them the leeway if they wanted to contract using their standards and their clearance, making sure, I would imagine, that the people who work as screeners or baggage handlers or with the cargo could stand the scrutiny of a security clearance.

The chairman of the Commerce Committee, and rightly so, invited members of El Al's security team in to visit with us. We sat there and listened to them. I was impressed with what they did. I think the Senator would have to admit that. But they only have 31 airplanes. They have 7,000 employees, and 1,500 of them are security people. They do nothing but security.

There is a bright line between those people who fly them, those people who

load them, those people who refuel them, those people in checkout areas, or check-in areas, and baggage areas—they know what they are supposed to do—but there is a bright line on their security. One person is in charge of security.

Those areas the Senator mentioned a while ago—passenger lists and intelligence, the airport, the periphery outside, the check-in area, the departure gate, cargo, the aircraft—you get down to the little bottom part of it that says: Aircraft. Above that is where it parks. We know those areas. And they can be supervised by people who understand restricted areas, restricted cargo, the movement of contraband, and understand passenger lists and intelligence. And that is Justice. That is where it is at. So we can agree on that, I am sure, before it is all over.

But that is what we have to do. This debate is right on target, I say to the Senator. And I do not know what the House wants. I have no idea. They have not told anybody. I do not know what they want or what they do not want.

But I think it is incumbent on us and the chairman of the Commerce Committee, through his leadership, that we get a bill out of this Senate this week and also probably an antiterrorism bill, too. We can agree on those things.

But make no mistake about it; what is continuing this debate, which I doubt continues past tomorrow, is an amendment that is hanging out there that has nothing to do with airport security.

What we have to be very careful about—and I think there are a couple others, but those areas can be worked out. We can negotiate those out. I am satisfied with them because nobody understands justice any better than our chairman. He chairs the appropriations subcommittee that gives them their money. He understands that. And I am willing to work with my chairman to make sure that we make this as suitable as possible.

But what I think I want to do, I want to make a bright line of authority, accountability, and responsibility because we are in war. Why am I adamant about this? It is very simple. Approximately 6,000 people died September 11. That is an astounding figure to me, astounding. And the system we were using had a soft point. It did not work.

So what I am saying is this: Give authority where there is accountability and responsibility and also a presence that is trusted by the American people so they feel confident, safe, and secure when they fly.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. BURNS. I certainly will.

Mr. HOLLINGS. Mr. President, I thank the Senator from Montana. He has been the most diligent of all. He has been to every one of the hearings, all the briefings with El Al, and has been a wonderful supporter to get responsibility fixed. That has been his

theme. And whether we do it in Justice or whether we do it in Transportation, or wherever, I always tended toward trying to get it done. And the White House wanted it in Transportation. Transportation has a follow-on with respect to railroads and the seaports. So I thought the one entity of Transportation would be it.

But there is tremendous logic in what the Senator has pointed out. I cannot thank him enough for his support, so we can move to let the majority's will govern.

We ought to be embarrassed. Five weeks after September 11, and we are still dillying around, with an empty Senate Chamber, arguing about maybe benefits and maybe about the railroads and maybe about something else.

I am ready to move to this and have it done and then take up railroads. Let's take up the question of the seaports and take up counterterrorism and all these other measures. But I think in trying to engineer around and satisfy this Senator and satisfy that Senator, we have been doing that for 3 weeks, and we have gotten nowhere.

I thank the Senator for his leadership.

Mr. BURNS. Mr. President, I thank the Senator for his time and appreciate that we quit monkeying around and that we get it done. But in those areas that really concern us about airport security, we are pretty close. We can agree on that.

So I think we ought to keep our eyes on the ball, why we are here, what the legislation is supposed to do, and then let other issues come up as they shall. But I think the American people expect this piece of legislation.

Again, I cannot believe that people would venture into areas that have nothing to do with security when basically we are at war. Nobody understands that in this body today as well as the man who is the Presiding Officer, his losing friends, family—maybe not family but friends. Six thousand people died on that day. It is time to quit monkeying around. It is time to get on with our business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT REQUEST— S. 1510

Mr. DASCHLE. Madam President, we have been negotiating in good faith on both sides of the aisle all day long. As you know, there have been Republican objections to moving directly to the

airport security bill. We are still in that postcloture period where the 30 hours are being consumed as we attempt to address the need to move directly to the bill. Tomorrow at 5 o'clock, we will have that opportunity. It was my hope, in consultation with Senator LOTT, that we could move in the interim to the counterterrorism bill. So much work and effort and negotiation has gone into getting us to this point that it was my hope, in the interest of expediting consideration of this bill, that we would have the opportunity to take it up, and it would be my hope we could take it up tonight, work through the day tomorrow, and then have a vote on final passage tomorrow.

I ask unanimous consent that at 10 o'clock tomorrow, the Senate turn to consideration of S. 1510, the antiterrorism bill; that the time between then and 5 o'clock be equally divided between Senator LEAHY and Senator HATCH; that the only amendment in order be a managers' amendment to be cleared by both managers, with 30 minutes of Republican time under the control of Senator SPECTER; that at 5 p.m. tomorrow, the bill be read the third time, and the Senate vote without any intervening action or debate on final passage. Further, upon disposition of S. 1510, the Senate immediately vote on the motion to proceed to S. 1447.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I understand and certainly appreciate the urgency of this bill. It is very important we give the Department of Justice and our intelligence agencies the tools they need to combat and prevent terrorism, but it is also crucial that civil liberties in this country be preserved. Otherwise, I am afraid the terrorists win this battle without firing another shot.

It is our constitutional duty in this body to preserve and protect the Constitution of the United States. Our freedoms in part are what the terrorists hate about us. We cannot be expected to limit those freedoms without careful study and debate, and I do know—and the majority leader, of course, is right—how hard the leaders, the chairman, and the ranking member of the Judiciary Committee have been working on this measure, and I appreciate all they have done. But there has not been an open process in the Judiciary Committee, much less the full Senate, for Senators to have an opportunity to raise concerns about how far this bill goes in giving powers to law enforcement to wiretap or investigate law-abiding U.S. citizens.

As of the end of last week, we were told the bill would probably come up on Thursday of this week. Today the request is made to bring it up immediately under extremely restrictive



terms for debate that would not allow any opportunity for amendments other than the one the majority leader mentioned.

Senators must have the opportunity to read and debate this 200-plus page bill and offer amendments. It does not have to take weeks or even days, but it cannot be done before most Senators have even had a chance to read and understand the far-reaching changes this bill makes on our laws.

Madam President, I reserve the right to object. I do not wish to object, but in order to give due attention to the serious constitutional issues before us, and in the interest of moving forward on this important legislation, I ask unanimous consent that the leader's request be modified to allow this Senator to offer four relevant amendments with each to be debated for an hour equally divided.

Mr. DASCHLE. Will the Senator from Wisconsin be prepared to insert the text of the amendments in the RECORD this evening?

Mr. FEINGOLD. I will not be able to do it this evening, but I will be able to do it tomorrow.

Mr. DASCHLE. Madam President, that is exactly the problem we have had with the Senator from Wisconsin and others over the course of the last several days. There is a desire on the part of Senators to amend the bill but no amendments are available. I cannot agree to amendments I have not seen, obviously, and I think it is asking a good deal of all the Senate that we reserve opportunities for him to offer amendments without having the opportunity to see the amendments themselves. Of course, I have to object to that.

I am very disappointed. This bill has been on the calendar now for some time. It has been available for all Senators to review. We have had the opportunity to discuss it in caucus now on several occasions.

It has been available for discussion, certainly for further consideration, as Senators have had the opportunity to talk to the distinguished Chair, with me, and with others. So I am understandably concerned about the request of the Senator from Wisconsin. Obviously, I am not able to agree to it.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from Vermont.

Mr. LEAHY. Madam President, reserving the right to object, and I will not object to the request of the leader because I agree with it, but I want Senators to know an enormous amount of time has gone into this bill. We have been trying to consult with Senators on the Judiciary Committee and outside the Judiciary Committee as we have gone forward. We have consulted with Republicans, Democrats, the White House, and with the Department of Justice. I have tried to keep the distinguished majority leader informed each step of the way, and I know Sen-

ator Hatch has done the same with the distinguished Republican leader.

We put the bill in last week.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. REID. Is it not true that the Senator and Senator HATCH and the staffs have spent hundreds of hours on the bill in the last 5 weeks? Is that a fair statement, hundreds of hours?

Mr. LEAHY. I tell my friend from Nevada not only is it a fair statement, but I am painfully aware of all of those hours. In fact, I got up at 3 this morning in Vermont to come back in time to be prepared to go forward to discuss the bill, to have a full discussion today or tomorrow, if need be, so that Senators could ask questions and they could either vote for it or against it. I say to my friend, the senior Senator from Nevada, throughout those nights and days, a lot of times I would leave about 1 a.m. and the staff would still be there at 4 a.m. or 5 a.m. We made a number of changes. Nobody is more protective of the rights of individuals than I, and considerably more than that, I feel very strongly in agreement with Benjamin Franklin's comment when he literally had his neck on the line when he said people who would trade their liberty for security deserve neither.

We are trying to get that balance between liberty and security. Is it a perfect bill? No. Could we pass a perfect bill? I doubt it very much. Is it far better than when it was originally proposed by the administration as far as being protective of civil liberties? I believe it is.

Mr. REID. I ask my friend one more question. I know that one of Senator LEAHY's key staff members had a long-standing dinner engagement, and he had to dress in the car prior to taking 2 hours off on a Saturday night for dinner because he had worked all Friday night, all Saturday, and he finished dinner and was going back to work.

Mr. LEAHY. I have asked him about those 2 hours he took off during that 48 hours.

Mr. REID. I ask the Senator this question: During this process, has the Senator's staff been available to my staff and any other Senator who had a question about what was being done with that legislation?

Mr. LEAHY. We have had calls from Senators on and off the committee. The Senator from Nevada is absolutely right, to answer his question. We have been available to everybody. Since the bombing, I have been able to go back a couple of times to Vermont, mainly to tell Vermonters what has happened. I do not know the number of faxes and calls I had from Senators around the country who had questions, and we tried to get answers to them. I sometimes get e-mails at 2 a.m., going back and forth. So I do not know any Senator who could say they have not had an opportunity.

The Senator from South Dakota is absolutely right; as I said, I have tried

to keep him briefed. I know Senator HATCH tried to keep Senator LOTT briefed. I say to my friend from Wisconsin, is it moving faster than I would like to see such legislation move? Yes. Are we facing other threats in this country today? I believe we are.

I also might say this bill does not answer all of those threats. We will at some appropriate time go back and look at the number of things that were probably overlooked by the Department of Justice or the FBI or others, things that might have prevented the bombings in the first place that were overlooked, things that have been gathered under the current law.

Having said all of that, and notwithstanding the fact the current law was not used as well as it should have been by the Department of Justice and others, we have made some improvements, but the House has also made changes.

I ask my friend from Nevada, who is the distinguished deputy majority leader, would it not be his assumption that ultimately the final version of this bill will come out of that conference between the Senate and the House? But we cannot get to conference until we get the bill off the floor.

The PRESIDING OFFICER. The Senate majority leader has the floor.

Mr. DASCHLE. Madam President, I again propound the unanimous consent request.

Mr. LOTT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senate minority leader.

Mr. LOTT. I will not object, but I do wish to commend Senator DASCHLE for working to make it possible to move this antiterrorism bill forward. I also commend Senator LEAHY. Two weeks ago, it looked as if it was hopelessly balled up and an agreement or compromise was not going to be worked out. There was a lot of give and take, and Senator LEAHY hung in there. Even though some people were being critical of him, he did not let it deter him. He stuck with it and came up with a very strong bill, a delicately balanced bill. He worked with the administration. He worked with his colleague on the other side of the aisle, and I think compliments are due all around.

Is it a perfect bill? No. I have people on our side of the aisle who believe it is still not nearly strong enough, and Senators who would like to have an opportunity to offer amendments that would make it even stronger from the standpoint of how we deal with the necessary information we need, wiretaps, and from a law enforcement standpoint, but this was a way for us to deal with this critical issue.

I do not make a blanket indictment. I do worry about, Heaven forbid, something further happening that we could have avoided if we had had these tools at our disposal. We still have to get through the Senate, get through the House, get into conference, and get this bill done. We are talking about, if we



get this done tomorrow or the next day, still probably a week.

So I urge my colleagues on both sides, let us work together. An example has been set, and I am proud of what the Senate has done. I am proud of what the committee has done and is willing to do. I hope the rest of us will take advantage of the opportunity to follow that leadership.

I wanted to get that on the record. I will not object, Madam President.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. We can certainly continue these discussions, but I want to say it is certainly not the case that I have not shared the concerns I have, I would say, concerning the amendments we have talked about, the actual areas, and shared them with the leadership. We certainly could have the text of all of these amendments by 10 tomorrow morning. In other words, the language would be available before the bill even comes up. That strikes me as sufficient notice usually in the Senate.

I do not think it is a fair complaint to say we cannot agree to these reasonable requests simply because of the extra language written out at this point.

Madam President, at this point, unless other Members wish to address this issue, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if the Senator from Mississippi seeks recognition, obviously I yield to the distinguished Senator.

Mr. LOTT. Madam President, I was hoping to have a brief opportunity to speak about the magnificent leadership of Senator Mike Mansfield, but I will be glad to withhold on that.

Mr. LEAHY. I will say to the minority leader, Mike Mansfield is a man who was my mentor and I will be speaking about him tomorrow after the memorial service. But I say to the distinguished leader, he was my leader when I came to the Senate, and I think he probably had as much involvement in teaching me how to be a Senator as anybody. I will speak further on that at another time.

I hope Senators would work with the distinguished majority leader and the distinguished Republican leader to help us schedule this legislation. I have tried to be accommodating, getting up at 3 o'clock this morning in Vermont to try to get back.

Do I love this bill? Of course I don't love this bill, Madam President. But neither does the distinguished Republican leader. Neither does the distinguished ranking member. There is nobody in here who does. It is impossible to craft a bill of this nature that everybody is going to like.

Does it protect us for all time from terrorism? Of course it does not. As I said earlier, I suspect we had information prior to September 11 in our files at the Justice Department that might have led to the apprehension and the stopping of the terrorists. That was information and intelligence that was acquired properly under the current laws. Will this protect us by itself? No. Will it give us some tools we don't have? Yes. This can be done in such a way that we ask ourselves, are we willing to try some of this for a while? Put constitutional limitations.

I think the distinguished Senator from Mississippi knows I am very truthful when I say I will have some very serious and, I would hope, bipartisan oversight hearings of abuse of the law as we go along. This is not a liberal or conservative piece of legislation. We have liberals and conservatives and moderates who have areas of concerns. We all do because we protect and respect our privacy. I come from a State where privacy is paramount to everybody. It is one thing that unites every one of us, no matter our political background.

But we cannot tell what is going to be the final bill until we consider it. We have to pass something out of the Senate. The House has to pass something. They have been working extraordinarily hard, Madam President, both Chairman SENSENBRENNER and Ranking Member CONYERS. Why not see what we can come up with? The committee of conference will be the final package. If I don't like the final package, I will be the first to vote against it. But I suspect we will come up with something. We will probably have some very late nights that will be worthwhile.

I thank my friend from Mississippi and my friend from South Dakota for trying to bring this bill up. I will stand ready. I don't have to leave at 3 o'clock anymore this week to be here. I am here. Although I might say, if anybody could know how absolutely beautiful it is in Vermont at this time of year, with the best foliage we have had in 25 years, maybe we should move the Senate up there. It depends on the good graces of my friend from Mississippi.

I yield the floor.

Mr. LOTT. I thank Senator LEAHY for his work. We have clearly come up with a superior bill to the one being moved in the House, but the House is also moving forward. I know Senator SMITH of New Hampshire has an amendment he wanted to offer, too. Every Senator has the right to object. We should not be critical of a Senator exercising that right.

But I think there is urgency on this legislation. I hope, I say to Senator LEAHY, we will continue to work to see if we can clear this bill and get it considered tomorrow. If we don't, there is a danger that the aviation security bill will tangle up the rest of the week and we might not be able to get to this bill until next week.

I think the American people have appreciated the way we have worked together, shoulder to shoulder, regardless of party. We are all feeling a great need to pull together with patriotism while protecting fundamental rights. I hope we can continue to do that. We will be glad to work with Senators LEAHY and DASCHLE to see that happens.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1521 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. I yield the floor, and 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE UNITING AND STRENGTHENING AMERICA ACT OF 2001

Mr. LEAHY. Madam President, last Thursday, October 4, I was pleased to introduce with the Majority Leader, Senator DASCHLE, and the Chairmen of the Banking and Intelligence Committees, as well as the Minority Leader, Senator LOTT, and Senator HATCH and Senator SHELBY, the United and Strengthening America, or USA Act. This is not the bill that I, or any of the sponsors, would have written if compromise was unnecessary. Nor is the bill the administration initially proposed and the Attorney General delivered to us on September 19, at a meeting in the Capitol.

We were able to refine and supplement the administration's original proposal in a number of ways. The administration accepted a number of the practical steps I had originally proposed on September 19 to improve our security on the Northern Border, assist our Federal, State and local law enforcement officers and provide compensation to the victims of terrorist acts and to the public safety officers who gave their lives to protect ours. This USA Act also provides important checks on the proposed expansion of government powers that were not contained in the Attorney General's initial proposal.

In negotiations with the administration, I have done my best to strike a

reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I have acquiesced in some of the administration's proposals because it is important to preserve national unity in this time of crisis and to move the legislative process forward.

The result of our labors still leaves room for improvement. Even after the Senate passes judgment on this bill, the debate will not be finished. We will have to consider the important judgments made by the House Judiciary Committee in the version of the legislation making its way through the House. Moreover, I predict that some of these provisions will face difficult tests in the courts and that we in Congress will have to revisit these issues at some time in the future when, as we all devoutly hope, the present crisis has passed. I also intend as Chairman of the Judiciary Committee to exercise careful oversight of how the Department of Justice, the FBI and other executive branch agencies are using the newly-expanded powers that this bill will give them.

The negotiations on this bill have not been easy. Within days of the September 11 attacks, I instructed my staff to begin work on legislation to address security needs on the Northern Border, the needs of victims and State and local law enforcement, and criminal law improvements. A week after the attack, on September 19, the Attorney General and I exchanged the outlines of the legislative proposals and pledged to work together towards our shared goal of putting tools in the hands of law enforcement that would help prevent another terrorist attack.

Let me be clear: No one can guarantee that Americans will be free from the threat of future terrorist attacks, and to suggest that this legislation—or any legislation—would or could provide such a guarantee would be a false promise. I will not engage in such false promises, and those in the administration who make such assertions do a disservice to the American people.

I have also heard claims that if certain powers had been previously authorized by the Congress, we could somehow have prevented the September 11 attacks. Given this rhetoric it may be instructive to review efforts that were made a few years ago in the Senate to provide law enforcement with greater tools to conduct surveillance of terrorists and terrorist organizations. In May 1995, Senator LIEBERMAN offered an amendment to the bill that became the Antiterrorism and Effective Death Penalty Act of 1996 that would have expanded the Government's authority to conduct emergency wiretaps to cases of domestic or international terrorism and added a definition of domestic terrorism to include violent or illegal acts apparently intended to "intimidate, or coerce the civilian population." The consensus, bi-

partisan bill that we consider today contains a very similar definition of domestic terrorism.

In 1995, however, a motion to table Senator LIEBERMAN's amendment was agreed to in a largely party-line vote, with Republicans voting against the measure. In fact, then Senator Ashcroft voted to table that amendment, and my good friend from Utah, Senator HATCH, spoke against it and opined, "I do not think we should expand the wiretap laws any further." I recall Senator HATCH's concern then that "We must ensure that in our response to recent terrorist acts, we do not destroy the freedoms that we cherish." I have worked very hard to maintain that balance in negotiations concerning the current legislation.

Following the exchange on September 19 of our legislative proposals, we have worked over the last two weeks around the clock with the administration to put together the best legislative package we could. I share the administration's goal of providing promptly the legal tools necessary to deal with the current terrorist threat. While some have complained publicly that the negotiations have gone on for too long, the issues involved are of great importance, and we will have to live with the laws we enact for a long time to come. Demands for action are irresponsible when the road-map is pointed in the wrong direction. As Ben Franklin once noted, "if we surrender our liberty in the name of security, we shall have neither."

Moreover, our ability to make rapid progress was impeded because the negotiations with the administration did not progress in a straight line. On several key issues that are of particular concern to me, we had reached an agreement with the administration on Sunday, September 30. Unfortunately, within two days, the administration announced that it was reneging on the deal. I appreciate the complex task of considering the concerns and missions of multiple federal agencies, and that sometimes agreements must be modified as their implications are scrutinized by affected agencies. When agreements made by the administration must be withdrawn and negotiations on resolved issues reopened, those in the administration who blame the Congress for delay with what the New York Times described last week as "scurrilous remarks," do not help the process move forward.

We have expedited the legislative process in the Judiciary Committee to consider the administration's proposals. In daily news conferences, the Attorney General has referred to the need for such prompt consideration. I commend him for making the time to appear before the Judiciary Committee at a hearing September 25 to respond to questions that Members from both parties have about the administration's initial legislative proposals. I also thank the Attorney General for extending the hour and a half he was

able to make in his schedule for the hearing for another fifteen minutes so that Senator FEINSTEIN and Senator SPECTER were able to ask questions before his departure. I regret that the Attorney General did not have the time to respond to questions from all the Members of the Committee either on September 25 or last week, but again thank him for the attention he promised to give to the written questions Members submitted about the legislation. We have not received answers to those written questions yet, but I will make them a part of the hearing record whenever they are sent.

The Chairman of the Constitution Subcommittee, Senator FEINGOLD, also held an important hearing on October 3 on the civil liberties ramifications of the expanded surveillance powers requested by the administration. I thank him for his assistance in illuminating these critical issues for the Senate.

Rule 14: To accede to the administration's request for prompt consideration of this legislation, the leaders decided to hold the USA Act at the desk rather than refer the bill to the committee for markup, as is regular practice. Senator HATCH specifically urged that this occur, and I support this decision. Indeed, when the Senate considered the anti-terrorism act in 1995 after the Oklahoma City bombing, we bypassed committee in order to deal with the legislation more promptly on the floor.

Given the expedited process that we have used to move this bill, I will take more time than usual to detail its provisions.

The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11. Even now, we cannot assess the full measure of this attack in terms of human lives, but we know that the number of casualties is extraordinarily high.

Congress acted swiftly to help the victims of September 11. Within 10 days, we passed legislation to establish a Victims Compensations Program, which will provide fair compensation to those most affected by this national tragedy. I am proud of our work on that legislation, which will expedite payments to thousands of Americans whose lives were so suddenly shattered.

But now more than ever, we should remember the tens of thousands of Americans whose needs are not being met—the victims of crimes that have not made the national headlines. Just one day before the events that have so transformed our nation, I came before this body to express my concern that we were not doing more for crime victims. I noted that the pace of victims legislation had slowed, and that many opportunities for progress had been squandered. I suggested that this year, we had a golden opportunity to make significant progress in this area by passing S.783, the Leahy-Kennedy Crime Victims Assistance Act of 2001.

I am pleased, therefore, that the antiterrorism package now before the

Senate contains substantial portions of S.783 aimed at refining the Victims of Crime Act of 1984, VOCA, and improving the manner in which the Crime Victims Fund is managed and preserved. Most significantly, section 621 of the USA Act will eliminate the cap on VOCA spending, which has prevented more than \$700 million in fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. Section 621 of the USA Act replaces the cap with a self-regulating system that will ensure stability and protection of Fund assets, while allowing more money to be distributed to the States for victim compensation and assistance.

Other provisions included from S. 783 will also make an immediate difference in the lives of victims, including victims of terrorism. Shortly after the Oklahoma City bombing, I proposed and the Congress adopted the Victims of Terrorism Act of 1995. This legislation authorized the Office for Victims of Crime (OVC) to set aside an emergency reserve of up to \$50 million as part of the Crime Victims Fund. The emergency reserve was intended to serve as a "rainy day" fund to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victim compensation program and crime victim assistance services. Last month's disaster created vast needs that have all but depleted the reserve. Section 621 of the USA Act authorizes OVC to replenish the reserve with up to \$50 million, and streamlines the mechanism for replenishment in future years.

Another critical provision of the USA Act will enable OVC to provide more immediate and effective assistance to victims of terrorism and mass violence occurring within the United States. I proposed this measure last year as an amendment to the Justice for Victims of Terrorism Act, but was compelled to drop it to achieve bipartisan consensus. I am pleased that we are finally getting it done this year.

These and other VOCA reforms in the USA Act are long overdue. Yet, I regret that we are not doing more. In my view, we should pass the Crime Victims Assistance Act in its entirety. In addition to the provisions that are included in today's antiterrorism package, this legislation provides for comprehensive reform of Federal law to establish enhanced rights and protections for victims of Federal crime. It also proposes

several programs to help States provide better assistance for victims of State crimes.

I also regret that we have not done more for other victims of recent terrorist attacks. While all Americans are numbered by the heinous acts of September 11, we should not forget the victims of the 1998 Embassy bombings in East Africa. Eleven Americans and many Kenyan and Tanzanian nationals employed by the United States lost their lives in that tragic incident. It is my understanding that compensation to the families of these victims has in many instances fallen short. It is my hope that OVC will use a portion of the newly replenished reserve fund to remedy any inequity in the way that these individuals have been treated.

Hate Crimes: We cannot speak of the victims of the September 11 without also noting that Arab-Americans and Muslims in this country have become the targets of hate crimes, harassment, and intimidation. I applaud the President for speaking out against and condemning such acts, and visiting a mosque to demonstrate by action that all religions are embraced in this country. I also commend the FBI Director for his periodic reports on the number of hate crime incidents against Arab-American and Muslims that the FBI is aggressively investigating and making clear that this conduct is taken seriously and will be punished.

The USA Act contains, in section 102, a sense of the Congress that crimes and discrimination against Arab and Muslim Americans are condemned. Many of us would like to do more, and finally enact effective hate crimes legislation, but the administration has asked that the debate on that legislation be postponed. One of my greatest regrets regarding the negotiations in this bill was the objections that prevented the Local Law Enforcement Enhancement Act, S. 625, from being included in the USA Act.

The administration's initial proposal was entirely focused on Federal law enforcement. Yet, we must remember that State and local law enforcement officers have critical roles to play in preventing and investigating terrorist acts. I am pleased that the USA Act we consider today recognizes this fact.

As a former State prosecutor, I know that State and local law enforcement officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These New York public safety officers, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local law enforcement partners. The USA Act provides three critical measures of Federal support for our State and local law enforcement officers in the war against terrorism.

First, we streamline and expedite the Public Safety Officers' Benefits application process for family members of

fire fighters, police officers and rescue workers who perish or suffer a disabling injury in connection with prevention, investigation, rescue or recovery efforts related to a future terrorist attack.

The Public Safety Officers' Benefits Program provides benefits for each of the families of law enforcement officers, firefighters, and emergency response crew members who are killed or disabled in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of our national fight against terrorism, it is important that we provide a quick process to support the families of brave Americans who selflessly give their lives so that others might live before, during and after a terrorist attack.

This provision builds on the new law championed by Senator CLINTON, Senator SCHUMER and Congressman NADLER to speed the benefit payment process for families of public safety officers killed in the line of duty in New York City, Virginia, and Western Pennsylvania, on September 11.

Second, we have raised the total amount of Public Safety Officers' Benefit Program payments from approximately \$150,000 to \$250,000. This provision retroactively goes into effect to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans during the year. Although this increase in benefits can never replace a family's tragic loss, it is the right thing to do for the families of our fallen heroes. I want to thank Senator BIDEN and Senator HATCH for their bipartisan leadership on this provision.

Third, we expand the Department of Justice Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and authorize a doubling of funding for this year and next year. The RISS Secure Intranet is a nationwide law enforcement network that already allows secure communications among the more than 5,700 Federal, State and local law enforcement agencies. Effective communication is key to effective law enforcement efforts and will be essential in our national fight against terrorism.

The RISS program enables its member agencies to send secure, encrypted communications—whether within just one agency or from one agency to another. Federal agencies, such as the FBI, do not have this capability, but recognize the need for it. Indeed, on September 11, 2001, immediately after the terrorist attacks, FBI Headquarters called RISS officials to request "Smartgate" cards and readers to secure their communications systems. The FBI agency in Philadelphia called soon after to request more Smartgate cards and readers as well.

The Regional Information Sharing Systems Program is a proven success that we need to expand to improve secure information sharing among Federal, State and local law enforcement agencies to coordinate their counterterrorism efforts.

Our State and local law enforcement partners welcome the challenge to join in our national mission to combat terrorism. We cannot ask State and local law enforcement officers to assume these new national responsibilities without also providing new Federal support. The USA Act provides the necessary Federal support for our State and local law enforcement officers to serve as full partners in our fight against terrorism.

I am deeply troubled by continuing reports that information is not being shared with state local law enforcement. In particular, the testimony of Baltimore Police Chief Ed Norris before the House Government Reform Committee last week highlighted the current problem.

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of Border Patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressay, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home State of Vermont has seen huge increases in Customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and Customs Service employees in each of the States along the 4,000-mile Northern Border. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the administration agreed that this critical law enforcement improvement should be included in the bill. Senators CANTWELL and SCHUMER in the Committee and Senators MUR-

RAY and DORGAN have been especially strong advocates of these provisions and I thank them for their leadership. In addition, the USA Act, in section 401, authorizes the Attorney General to waive the FTE cap on INS personnel in order to address the national security needs of the United States on the northern border. Now more than ever, we must patrol our border vigilantly and prevent those who wish America harm from gaining entry. At the same time, we must work with the Canadians to allow speedy crossing to legitimate visitors and foster the continued growth of trade which is beneficial to both countries.

In addition to providing for more personnel, this bill also includes, in section 402(4), my proposal to provide \$100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. The bill also includes, in section 403(c), an important provision from Senator CANTWELL directing the Attorney General, in consultation with other agencies, to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States. In short, this bill provides a comprehensive high-tech boost for the security of our nation.

This bill also includes important proposals to enhance data sharing. The bill, in section 403, directs the Attorney General and the FBI Director to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center, NCIC, database, as the administration and I both proposed. The Attorney General is directed to report back to the Congress in two years on progress in implementing this requirement. We have also adopted the administration's language, in section 413, to make it easier for the State Department to share information with foreign governments for aid in terrorist investigations.

The USA Act contains a number of provisions intended to improve and update the federal criminal code to address better the nature of terrorist activity, assist the FBI in translating foreign language information collected, and ensure that federal prosecutors are unhindered by conflicting local rules of conduct to get the job done. I will mention just a few of these provisions.

FBI Translators: The truth certainly seems self-evident that all the best surveillance techniques in the world will not help this country defend itself from terrorist attack if the information cannot be understood in a timely fashion. Indeed, within days of September 11, the FBI Director issued an employment ad on national TV by calling upon those who speak Arabic to apply for a job as an FBI translator. This is a dire situation that needs attention. I am therefore gratified that the administration accepted my proposal, in section 205, to waive any federal personnel re-

quirements and limitations imposed by any other law in order to expedite the hiring of translators at the FBI.

This bill also directs the FBI Director to establish such security requirements as are necessary for the personnel employed as translators. We know the effort to recruit translators has a high priority, and the Congress should provide all possible support. Therefore, the bill calls on the Attorney General to report to the Judiciary Committees on the number of translators employed by the Justice Department, any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

Federal Crime of Terrorism: The administration's initial proposal assembled a laundry list of more than 40 Federal crimes ranging from computer hacking to malicious mischief to the use of weapons of mass destruction, and designated them as "Federal terrorism offenses," regardless of the circumstances under which they were committed. For example, a teenager who spammed the NASA website and, as a result, recklessly caused damage, would be deemed to have committed this new "terrorism" offense. Under the administration's proposal, the consequences of this designation were severe. Crimes on the list would carry no statute of limitations. The maximum penalties would shoot up to life imprisonment, and those released earlier would be subject to a lifetime of supervised release. Moreover, anyone who harbored a person whom he had "reasonable grounds to suspect" had committed, or was about to commit, a "Federal terrorism offense"—whether it was the Taliban or the mother of my hypothetical teenage computer hacker—would be subject to stiff criminal penalties. I worked closely with the administration to ensure that the definition of "terrorism" in the USA Act fit the crime.

First, we have trimmed the list of crimes that may be considered as terrorism predicates in section 808 of the bill. This shorter, more focused list, to be codified at 18 U.S.C. §2332(g)(5)(B), more closely reflects the sorts of offenses committed by terrorists.

Second, we have provided, in section 810, that the current 8-year limitations period for this new set of offenses will remain in place, except where the commission of the offense resulted in, or created a risk of, death or serious bodily injury.

Third, rather than make an across-the-board, one-size-fits-all increase of the penalties for every offense on the list, without regard to the severity of the offense, we have made, in section 811, more measured increases in maximum penalties where appropriate, including life imprisonment or lifetime supervised release in cases in which the

offense resulted in death. We have also added, in section 812, conspiracy provisions to a few criminal statutes where appropriate, with penalties equal to the penalties for the object offense, up to life imprisonment.

Finally, we have more carefully defined the new crime of harboring terrorists in section 804, so that it applies only to those harboring people who have committed, or are about to commit, the most serious of Federal terrorism-related crimes, such as the use of weapons of mass destruction. Moreover, it is not enough that the defendant had "reasonable grounds to suspect" that the person he was harboring had committed, or was about to commit, such a crime; the Government must prove that the defendant knew or had "reasonable grounds to believe" that this was so.

**McDade Fix:** The massive investigation underway into who was responsible for and assisted in carrying out the September 11 attacks stretches across State and national boundaries. While the scope of the tragedy is unsurpassed, the disregard for State and national borders of this criminal conspiracy is not unusual. Federal investigative officers and prosecutors often must follow leads and conduct investigations outside their assigned jurisdictions. At the end of the 105th Congress, a legal impediment to such multi-jurisdiction investigations was slipped into the omnibus appropriations bill, over the objection at the time of every member of the Senate Judiciary Committee.

I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. §530B. According to the Justice Department, the McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate federal prosecutions. At a time when we need Federal law enforcement authorities to move quickly to catch those responsible for the September 11 attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on Federal investigations and prosecutions caused by this ill-considered legislation.

On September 19, I introduced S. 1437, the Professional Standards for Government Attorneys Act of 2001, along with Senators HATCH and WYDEN. This bill proposes to modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I am delighted that the administration recognized the importance of S. 1437 for improving Federal law enforcement and combating terrorism, and agreed to its inclusion as section 501 of the USA Act.

The first part of section 501 embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of pro-

fessional responsibility, and not to the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of section 501 specifically addresses the situation in Oregon, where a State court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See *In re Gatti*, 330 Or. 517 (2000). Such activities are legitimate and essential crime-fighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, section 501 addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. We need to pass this corrective legislation before more cases are compromised.

**Terrorist Attacks Against Mass Transportation Systems:** Another provision of the USA Act that was not included in the administration's initial proposal is section 801, which targets acts of terrorism and other violence against mass transportation systems. Just last week, a Greyhound bus crashed in Tennessee after a deranged passenger slit the driver's throat and then grabbed the steering wheel, forc-

ing the bus into the oncoming traffic. Six people were killed in the crash. Because there are currently no Federal laws addressing terrorism of mass transportation systems, however, there may be no Federal jurisdiction over such a case, even if it were committed by suspected terrorists. Clearly, there is an urgent need for strong criminal legislation to deter attacks against mass transportation systems. Section 801 will fill this gap.

**Cybercrime:** The Computer Fraud and Abuse Act, 18 U.S.C. section 1030, is the primary Federal criminal statute prohibiting computer frauds and hacking. I worked with Senator HATCH in the last Congress to make improvements to this law in the Internet Security Act, which passed the Senate as part of another bill. Our work is included in section 815 of the USA Act. This section would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a definition of "loss" to cover any reasonable cost to the victim in responding to a computer hacker. Calculation of loss is important both in determining whether the \$5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of "protected computer," to include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases.

Finally, this section eliminates the current directive to the Sentencing Commission requiring that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least 6 months.

**Biological Weapons:** Borrowing from a bill introduced in the last Congress by Senator BIDEN, the USA Act contains a provision in section 802 to strengthen our Federal laws relating to the threat of biological weapons. Current law prohibits the possession, development, or acquisition of biological agents or toxins "for use as a weapon." This section amends the definition of "for use as a weapon" to include all situations in which it can be proven that the defendant had any purpose other than a peaceful purpose. This will enhance the Government's ability to prosecute suspected terrorists in possession of biological agents or toxins, and conform the scope of the criminal offense in 18 U.S.C. section 175 more closely to the related forfeiture provision in 18 U.S.C. section 176. This section also contains a new statute, 18 U.S.C. section 175b, which generally makes it an offense for certain restricted persons, including non-resident aliens from countries that support international terrorism, to possess a listed biological agent or toxin.

Of greater consequence, section 802 defines another additional offense, punishable by up to 10 years in prison, of possessing a biological agent, toxin, or delivery system "of a type or in a quantity that, under the circumstances," is not reasonably justified by a peaceful purpose. As originally proposed by the administration, this provision specifically stated that knowledge of whether the type or quantity of the agent or toxin was reasonably justified was not an element of the offense. Thus, although the burden of proof is always on the government, every person who possesses a biological agent, toxin, or delivery system was at some level of risk. I am pleased that the administration agreed to drop this portion of the provision.

Nevertheless, I remain troubled by the subjectivity of the substantive standard for violation of this new criminal prohibition, and question whether it provides sufficient notice under the Constitution. I also share the concerns of the American Society for Microbiology and the Association of American Universities that this provision will have a chilling effect upon legitimate scientific inquiry that offsets any benefit in protecting against terrorism. While we have tried to prevent against this by creating an explicit exclusion for "bona fide research," this provision may yet prove unworkable, unconstitutional, or both. I urge the Justice Department and the research community to work together on substitute language that would provide prosecutors with a more workable tool.

**Secret Service Jurisdiction:** Two sections of the USA Act were added at the request of the United States Secret Service, with the support of the administration. I was pleased to accommodate the Secret Service by including these provisions in the bill to expand Electronic Crimes Task Forces and to clarify the authority of the Secret Service to investigate computer crimes.

The Secret Service is committed to the development of new tools to combat the growing areas of financial crime, computer fraud, and cyberterrorism. Recognizing a need for law enforcement, private industry and academia to pool their resources, skills and vision to combat criminal elements in cyberspace, the Secret Service created the New York Electronic Crimes Task Force, NYECTF. This highly successful model is comprised of over 250 individual members, including 50 different Federal, State and local law enforcement agencies, 100 private companies, and 9 universities. Since its inception in 1995, the NYECTF has successfully investigated a range of financial and electronic crimes, including credit card fraud, identity theft, bank fraud, computer systems intrusions, and e-mail threats against protectees of the Secret Service. Section 105 of the USA Act authorizes the Secret Service to develop similar task forces in cities and regions

across the country where critical infrastructure may be vulnerable to attacks from terrorists or other cyber-criminals.

Section 507 of the USA Act gives the Secret Service concurrent jurisdiction to investigate offenses under 18 U.S.C. section 1030, relating to fraud and related activity in connection with computers. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two. This will enable the Secret Service to investigate a wide range of potential White House network intrusions, as well as intrusions into remote sites, outside of the White House, that could impact the safety and security of its protectees, and to continue its missions to protect the Nation's critical infrastructure and financial payment systems.

**Counter-terrorism Fund:** The USA Act also authorizes, for the first time, a counter-terrorism fund in the Treasury of the United States to reimburse Justice Department for any costs incurred in connection with the fight against terrorism.

Specifically, this counter-terrorism fund will: one, reestablish an office or facility that has been damaged as the result of any domestic or international terrorism incident; two, provide support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities; three, conduct terrorism threat assessments of Federal agencies; and four, for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

I first authored this counter-terrorism fund in the S. 1319, the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I introduced in August.

The USA Act provides enhanced surveillance procedures for the investigation of terrorism and other crimes. The challenge before us has been to strike a reasonable balance to protect both security and the liberties of our people. In some respects, the changes made are appropriate and important ones to update surveillance and investigative procedures in light of new technology and experience with current law. Yet, in other respects, I have deep concerns that we may be increasing surveillance powers and the sharing of criminal justice information without adequate checks on how information may be handled and without adequate accountability in the form of judicial review.

The bill contains a number of sensible proposals that should be not be controversial.

**Wiretap Predicates:** For example, sections 201 and 202 of the USA Act would add to the list of crimes that may be used as predicates for wiretaps certain offenses which are specifically tailored to the terrorist threat. In addition to crimes that relate directly to terrorism, the list would include crimes of computer fraud and abuse which are committed by terrorists to support and advance their illegal objectives.

**FISA Roving Wiretaps:** The bill, in section 206, would authorize the use of roving wiretaps in the course of a foreign intelligence investigation and brings FISA into line with criminal procedures that allow surveillance to follow a person, rather than requiring a separate court order identifying each telephone company or other communication common carrier whose assistance is needed. This is a matter on which the Attorney General and I reached early agreement. This is the kind of change that has a compelling justification, because it recognizes the ease with which targets of investigations can evade surveillance by changing phones. In fact, the original roving wiretap authority for use in criminal investigations was enacted as part of the Electronic Communications Privacy Act, ECPA, in 1986. I was proud to be the primary Senate sponsor of that earlier law.

Paralleling the statutory rules applicable to criminal investigations, the formulation I originally proposed made clear that this roving wiretap authority must be requested in the application before the FISA court was authorized to order such roving surveillance authority. Indeed, the administration agrees that the FISA court may not grant such authority *sua sponte*. Nevertheless, we have accepted the administration's formulation of the new roving wiretap authority, which requires the FISA court to make a finding that the actions of the person whose communications are to be intercepted could have the effect of thwarting the identification of a specified facility or place. While no amendment is made to the statutory directions for what must be included in the application for a FISA electronic surveillance order, these applications should include the necessary information to support the FISA court's finding that roving wiretap authority is warranted.

**Search Warrants:** The USA Act, in section 219, authorizes nationwide service of search warrants in terrorism investigations. This will allow the judge who is most familiar with the developments in a fast-breaking and complex terrorism investigation to make determinations of probable cause, no matter where the property to be searched is located. This will not only save time by avoiding having to bring up-to-speed another judge in another jurisdiction where the property is located, but also



serves privacy and fourth amendment interests in ensuring that the most knowledgeable judge makes the determination of probable cause. The bill, in section 209, also authorizes voice mail messages to be seized on the authority of a probable cause search warrant rather than through the more burdensome and time-consuming process of a wiretap.

**Electronic Records:** The bill updates the laws pertaining to electronic records in three primary ways. First, in section 210, the bill authorizes the nationwide service of subpoenas for subscriber information and expands the list of items subject to subpoena to include the means and source of payment for the service.

Second, in section 211, the bill equalizes the standard for law enforcement access to cable subscriber records on the same basis as other electronic records. The Cable Communications Policy Act, passed in 1984 to regulate various aspects of the cable television industry, did not take into account the changes in technology that have occurred over the last 15 years. Cable television companies now often provide Internet access and telephone service in addition to television programming. This amendment clarifies that a cable company must comply with the laws governing the interception and disclosure of wire and electronic communications just like any other telephone company or Internet service provider. The amendments would retain current standards that govern the release of customer records for television programming.

Finally, the bill, in section 212, permits, but does not require, an electronic communications service to disclose the contents of and subscriber information about communications in emergencies involving the immediate danger of death or serious physical injury. Under current law, if an ISP's customer receives an e-mail death threat from another customer of the same ISP, and the victim provides a copy of the communication to the ISP, the ISP is limited in what actions it may take. On one hand, the ISP may disclose the contents of the forwarded communication to law enforcement, or to any other third party as it sees fit. See 18 U.S.C. section 2702(b)(3). On the other hand, current law does not expressly authorize the ISP to voluntarily provide law enforcement with the identity, home address, and other subscriber information of the user making the threat. See 18 U.S.C. section 2703(c)(1)(B),(C), permitting disclosure to government entities only in response to legal process. In those cases where the risk of death or injury is imminent, the law should not require providers to sit idly by. This voluntary disclosure, however, in no way creates an affirmative obligation to review customer communications in search of such imminent dangers.

Also, under existing law, a provider even one providing services to the pub-

lic may disclose the contents of a customer's communications—to law enforcement or anyone else—in order to protect its rights or property. See 18 U.S.C. section 2702(b)(5). However, the current statute does not expressly permit a provider voluntarily to disclose non-content records, such as a subscriber's login records, to law enforcement for purposes of self-protection. See 18 U.S.C. Section 2703(c)(1)(B). Yet the right to disclose the content of communications necessarily implies the less intrusive ability to disclose non-content records. Cf. *United States v. Auler*, 539 F.2d 642, 646 n.9, 7th Cir. 1976, phone company's authority to monitor and disclose conversations to protect against fraud necessarily implies right to commit lesser invasion of using, and disclosing fruits of, pen register device, citing *United States v. Freeman*, 524 F.2d 337, 341, 7th Cir. 1975. Moreover, as a practical matter providers must have the right to disclose the facts surrounding attacks on their systems. When a telephone carrier is defrauded by a subscriber, or when an ISP's authorized user launches a network intrusion against his own ISP, the provider must have the legal ability to report the complete details of the crime to law enforcement. The bill clarifies that service providers have the statutory authority to make such disclosures.

**Pen Registers:** There is consensus that the existing legal procedures for pen register and trap-and-trace authority are antiquated and need to be updated. I have been proposing ways to update the pen register and trap and trace statutes for several years, but not necessarily in the same ways as the administration initially proposed. In fact, in 1998, I introduced with then-Senator Ashcroft, the E-PRIVACY Act, S. 2067, which proposed changes in the pen register laws. In 1999, I introduced the E-RIGHTS Act, S. 934, also with proposals to update the pen register laws.

Again, in the last Congress, I introduced the Internet Security Act, S. 2430, on April 13, 2000, that proposed: one, changing the pen register and trap and trace device law to give nationwide effect to pen register and trap and trace orders obtained by Government attorneys and obviate the need to obtain identical orders in multiple Federal jurisdictions; two, clarifying that such devices can be used for computer transmissions to obtain electronic addresses, not just on telephone lines; and three, as a guard against abuse, providing for meaningful judicial review of government attorney applications for pen registers and trap and trace devices.

As the outline of my earlier legislation suggests, I have long supported modernizing the pen register and trap and trace device laws by modifying the statutory language to cover the use of these orders on computer transmissions; to remove the jurisdictional limits on service of these orders; and to

update the judicial review procedure, which, unlike any other area in criminal procedure, bars the exercise of judicial discretion in reviewing the justification for the order. The USA Act, in section 216, updates the pen register and trap and trace laws only in two out of three respects I believe are important, and without allowing meaningful judicial review. Yet, we were able to improve the administration's initial proposal, which suffered from the same problems as the provision that was hastily taken up and passed by the Senate, by voice vote, on September, 13, 2001, as an amendment to the Commerce Justice State Appropriations Act.

**Nationwide Service:** The existing legal procedures for pen register and trap-and-trace authority require service of individual orders for installation of pen register or trap and trace device on the service providers that carried the targeted communications. Deregulation of the telecommunications industry has had the consequence that one communication may be carried by multiple providers. For example, a telephone call may be carried by a competitive local exchange carrier, which passes it at a switch to a local Bell Operating Company, which passes it to a long distance carrier, which hands it to an incumbent local exchange carrier elsewhere in the U.S., which in turn may finally hand it to a cellular carrier. If these carriers do not pass source information with each call, identifying that source may require compelling information from a host of providers located throughout the country.

Under present law, a court may only authorize the installation of a pen register or trap device "within the jurisdiction of the court." As a result, when one provider indicates that the source of a communication is a carrier in another district, a second order may be necessary. The Department of Justice has advised, for example, that in 1996, a hacker, who later turned out to be launching his attacks from a foreign country, extensively penetrated computers belonging to the Department of Defense. This hacker was dialing into a computer at Harvard University and used this computer as an intermediate staging point in an effort to conceal his location and identity. Investigators obtained a trap and trace order instructing the phone company, Nynex, to trace these calls, but Nynex could only report that the communications were coming to it from a long-distance carrier, MCI. Investigators then applied for a court order to obtain the connection information from MCI, but since the hacker was no longer actually using the connection, MCI could not identify its source. Only if the investigators could have served MCI with a trap and trace order while the hacker was actively on-line could they have successfully traced back and located him.

In another example provided by the Department of Justice, investigators



encountered similar difficulties in attempting to track Kevin Mitnick, a criminal who continued to hack into computers attached to the Internet despite the fact that he was on supervised release for a prior computer crime conviction. The FBI attempted to trace these electronic communications while they were in progress. In order to evade arrest, however, Mitnick moved around the country and used cloned cellular phones and other evasive techniques. His hacking attacks would often pass through one of two cellular carriers, a local phone company, and then two Internet service providers. In this situation, where investigators and service providers had to act quickly to trace Mitnick in the act of hacking, only many repeated attempts—accompanied by an order to each service provider—finally produced success. Fortunately, Mitnick was such a persistent hacker that he gave law enforcement many chances to complete the trace.

This duplicative process of obtaining a separate order for each link in the communications chain can be quite time-consuming, and it serves no useful purpose since the original court has already authorized the trace. Moreover, a second or third order addressed to a particular carrier that carried part of a prior communication may prove useless during the next attack: in computer intrusion cases, for example, the target may use an entirely different path, i.e., utilize a different set of intermediate providers, for his or her subsequent activity.

The bill would modify the pen register and trap and trace statutes to allow for nationwide service of a single order for installation of these devices, without the necessity of returning to court for each new carrier. I support this change.

Second, the language of the existing statute is hopelessly out of date and speaks of a pen register or trap and trace “device” being “attached” to a telephone “line.” However, the rapid computerization of the telephone system has changed the tracing process. No longer are such functions normally accomplished by physical hardware components attached to telephone lines. Instead, these functions are typically performed by computerized collection and retention of call routing information passing through a communications system.

The statute’s definition of a “pen register” as a “device” that is “attached” to a particular “telephone line” is particularly obsolete when applied to the wireless portion of a cellular phone call, which has no line to which anything can be attached. While courts have authorized pen register orders for wireless phones based on the notion of obtaining access to a “virtual line,” updating the law to keep pace with current technology is a better course.

Moreover, the statute is ill-equipped to facilitate the tracing of communications that take place over the Internet.

For example, the pen register definition refers to telephone “numbers” rather than the broader concept of a user’s communications account. Although pen register and trap orders have been obtained for activity on computer networks, Internet service providers have challenged the application of the statute to electronic communications, frustrating legitimate investigations. I have long supported updating the statute by removing words such as “numbers . . . dialed” that do not apply to the way that pen/trap devices are used and to clarify the statute’s proper application to tracing communications in an electronic environment, but in a manner that is technology neutral and does not capture the content of communications. That being said, I have been concerned about the FBI and Justice Department’s insistence over the past few years that the pen/trap devices statutes be updated with broad, undefined terms that continue to flame concerns that these laws will be used to intercept private communications content.

The administration’s initial pen/trap device proposal added the terms “routing” and “addressing” to the definitions describing the information that was authorized for interception on the low relevance standard under these laws. The administration and the Department of Justice flatly rejected my suggestion that these terms be defined to respond to concerns that the new terms might encompass matter considered content, which may be captured only upon a showing of probable cause, not the mere relevancy of the pen/trap statute. Instead, the administration agreed that the definition should expressly exclude the use of pen/trap devices to intercept “content,” which is broadly defined in 18 U.S.C. 2510(8).

While this is an improvement, the FBI and Justice Department are shortsighted in their refusal to define these terms. We should be clear about the consequence of not providing definitions for these new terms in the pen/trap device statutes. These terms will be defined, if not by the Congress, then by the courts in the context of criminal cases where pen/trap devices have been used and challenged by defendants. If a court determines that a pen register has captured “content,” which the FBI admits such devices do, in violation of the Fourth Amendment, suppression may be ordered, not only of the pen register evidence by any other evidence derived from it. We are leaving the courts with little or no guidance of what is covered by “addressing” or “routing.”

The USA Act also requires the government to use reasonably available technology that limits the interceptions under the pen/trap device laws “so as not to include the contents of any wire or electronic communications.” This limitation on the technology used by the government to execute pen/trap orders is important since, as the FBI advised me June, 2000, pen

register devices “do capture all electronic impulses transmitted by the facility on which they are attached, including such impulses transmitted after a phone call is connected to the called party.” The impulses made after the call is connected could reflect the electronic banking transactions a caller makes, or the electronic ordering from a catalogue that a customer makes over the telephone, or the electronic ordering of a prescription drug.

This transactional data intercepted after the call is connected is “content.” As the Justice Department explained in May, 1998 in a letter to House Judiciary Committee Chairman Henry Hyde, “the retrieval of the electronic impulses that a caller necessarily generated in attempting to direct the phone call” does not constitute a “search” requiring probable cause since “no part of the substantive information transmitted after the caller had reached the called party” is obtained. But the Justice Department made clear that “all of the information transmitted after a phone call is connected to the called party . . . is substantive in nature. These electronic impulses are the ‘contents’ of the call: They are not used to direct or process the call, but instead convey certain messages to the recipient.”

When I added the direction on use of reasonably available technology, codified as 18 U.S.C. 3121(c), to the pen register statute as part of the Communications Assistance for Law Enforcement Act, CALEA, in 1994, I recognized that these devices collected content and that such collection was unconstitutional on the mere relevance standard. Nevertheless, the FBI advised me in June 2000, that pen register devices for telephone services “continue to operate as they have for decades” and that “there has been no change . . . that would better restrict the recording or decoding of electronic or other impulses to the dialing and signaling information utilized in call processing.” Perhaps, if there were meaningful judicial review and accountability, the FBI would take the statutory direction more seriously and actually implement it.

Judicial Review: Due in significant part to the fact that pen/trap devices in use today collect “content,” I have sought in legislation introduced over the past few years to update and modify the judicial review procedure for pen register and trap and trace devices. Existing law requires an attorney for the Government to certify that the information likely to be obtained by the installation of a pen register or trap and trace device will be relevant to an ongoing criminal investigation. The court is required to issue an order upon seeing the prosecutor’s certification. The court is not authorized to look behind the certification to evaluate the judgement of the prosecutor.

I have urged that government attorneys be required to include facts about their investigations in their applications for pen/trap orders and allow

courts to grant such orders only where the facts support the relevancy of the information likely to be obtained by the orders. This is not a change in the applicable standard, which would remain the very low relevancy standard. Instead, this change would simply allow the court to evaluate the facts presented by a prosecutor, and, if it finds that the facts support the Government's assertion that the information to be collected will be relevant, issue the order. Although this change will place an additional burden on law enforcement, it will allow the courts a greater ability to assure that government attorneys are using such orders properly.

Some have called this change a "roll-back" in the statute, as if the concept of allowing meaningful judicial review was an extreme position. To the contrary, this is a change that the Clinton administration supported in legislation transmitted to the Congress last year. This is a change that the House Judiciary Committee also supported last year. In the Electronic Communications Privacy Act, H.R. 5018, that Committee proposed that before a pen/trap device "could be ordered installed, the government must first demonstrate to an independent judge that 'specific and articulable facts reasonably indicate that a crime has been, is being, or will be committed, and information likely to be obtained by such installation and use . . . is relevant to an investigation of that crime.'" Report 106-932, 106th Cong. 2d Sess., Oct. 4, 2000, p. 13. Unfortunately, the Bush administration has taken a contrary position and has rejected this change in the judicial review process.

**Computer Trespasser:** Currently, an owner or operator of a computer that is accessed by a hacker as a means for the hacker to reach a third computer, cannot simply consent to law enforcement monitoring of the computer. Instead, because the owner or operator is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. I have long been interested in closing this loophole. Indeed, when I asked about this problem, the FBI explained to me in June, 2000, that:

This anomaly in the law creates an untenable situation whereby providers are sometimes forced to sit idly by as they witness hackers enter and, in some situations, destroy or damage their systems and networks while law enforcement begins the detailed process of seeking court authorization to assist them. In the real world, the situation is akin to a homeowner being forced to helplessly watch a burglar or vandal while police seek a search warrant to enter the dwelling.

I therefore introduced as part of the Internet Security Act, S. 2430, in 2000, an exception to the wiretap statute that would explicitly permit such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send "harmful interference to a lawfully operating computer system."

The administration initially proposed a different formulation of the exception that would have allowed an owner/operator of any computer connected to the Internet to consent to FBI wiretapping of any user who violated a workplace computer use policy or online service term of service and was thereby an "unauthorized" user. The administration's proposal was not limited to computer hacking offenses under 18 U.S.C. 1030 or to conduct that caused harm to a computer or computer system. The administration rejected these refinements to their proposed wiretap exception, but did agree, in section 217 of the USA Act, to limit the authority for wiretapping with the consent of the owner/operator to communications of unauthorized users without an existing subscriber or other contractual relationship with the owner/operator.

**Sharing Criminal Justice Information:** The USA Act will make significant changes in the sharing of confidential criminal justice information with various Federal agencies. For those of us who have been concerned about the leaks from the FBI that can irreparably damage reputations of innocent people and frustrate investigations by alerting suspects to flee or destroy material evidence, the administration's insistence on the broadest authority to disseminate such information, without any judicial check, is disturbing. Nonetheless, I believe we have improved the administration's initial proposal in responsible ways. Only time will tell whether the improvements we were able to reach agreement on are sufficient.

At the outset, we should be clear that current law allows the sharing of confidential criminal justice information, but with close court supervision. Federal Rule of Criminal Procedure 6(e) provides that matters occurring before a grand jury may be disclosed only to an attorney for the government, such other government personnel as are necessary to assist the attorney and another grand jury. Further disclosure is also allowed as specifically authorized by a court.

Similarly, section 2517 of title 18, United States Code provides that wiretap evidence may be disclosed in testimony during official proceedings and to investigative or law enforcement officers to the extent appropriate to the proper performance of their official duties. In addition, the wiretap law allows disclosure of wiretap evidence "relating to offenses other than specified in the order" when authorized or approved by a judge. Indeed, just last year, the Justice Department assured us that "law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security." Letter from Robert Raben, Assistant Attorney General, September 28, 2000.

For this reason, and others, the Justice Department at the time opposed

an amendment proposed by Senators KYL and FEINSTEIN to S. 2507, the "Intelligence Authorization Act for fiscal year 2001 that would have allowed the sharing of foreign intelligence and counterintelligence information collected from wiretaps with the intelligence community." I deferred to the Justice Department on this issue and sought changes in the proposed amendment to address the Department's concern that this provision was not only unnecessary but also "could have significant implications for prosecutions and the discovery process in litigation," "raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons" and jeopardized "the need to protect equities relating to ongoing criminal investigations." In the end, the amendment was revised to address the Justice Department's concerns and passed the Senate as a free-standing bill, S. S. 3205, the Counterterrorism Act of 2000. The House took no action on this legislation.

**Disclosure of Wiretap Information:** The administration initially proposed adding a sweeping provision to the wiretap statute that broadened the definition of an "investigative or law enforcement officer" who may receive disclosures of information obtained through wiretaps to include Federal law enforcement, intelligence, national security, national defense, protective and immigration personnel and the President and Vice President. This proposal troubled me because information intercepted by a wiretap has enormous potential to infringe upon the privacy rights of innocent people, including people who are not even suspected of a crime and merely happen to speak on the telephone with the targets of an investigation. For this reason, the authority to disclose information obtained through a wiretap has always been carefully circumscribed in law.

While I recognize that appropriate officials in the executive branch of government should have access to wiretap information that is important to combating terrorism or protecting the national security, I proposed allowing such disclosures where specifically authorized by a court order. Further, with respect to information relating to terrorism, I proposed allowing the disclosure without a court order as long as the judge who authorized the wiretap was notified as soon as practicable after the fact. This would have provided a check against abuses of the disclosure authority by providing for review by a neutral judicial official. At the same time, there was a little likelihood that a judge would deny any requests for disclosure in cases where it was warranted.

On Sunday, September 30, the administration agreed to my proposal, but within two days, it backed away from its agreement. I remain concerned that the resulting provision will allow the unprecedented, widespread disclosure

of this highly sensitive information without any notification to or review by the court that authorizes and supervises the wiretap. This is clearly an area where our committee will have to exercise close oversight to make sure that the newly-minted disclosure authority is not being abused.

The administration offered three reasons for reneging on the original deal. First, they claimed that the involvement of the court would inhibit Federal investigators and attorneys from disclosing information needed by intelligence and national security officials. Second, they said the courts might not have adequate security and therefore should not be told that information was disclosed for intelligence or national security purposes. And third, they said the President's constitutional powers under Article II give him authority to get whatever foreign intelligence he needs to exercise his national security responsibilities.

I believe these concerns are unfounded. Federal investigators and attorneys will recognize the need to disclose information relevant to terrorism investigations. Courts can be trusted to keep secrets and recognize the needs of the President.

Current law requires that such information be used only for law enforcement purpose. This provides an assurance that highly intrusive invasions of privacy are confined to the purpose for which they have been approved by a court, based on probable cause, as required by the Fourth Amendment. Current law calls for minimization procedures to ensure that the surveillance does not gather information about private and personal conduct and conversations that are not relevant to the criminal investigation.

When the administration reneged on the agreement regarding court supervision, we turned to other safeguards and were more successful in changing other questionable features of the administration's bill. The administration accepted my proposal to strike the term "national security" from the description of wiretap information that may be shared throughout the executive branch and replace it with "foreign intelligence" information. This change is important in clarifying what information may be disclosed because the term "foreign intelligence" is specifically defined by statute whereas "national security" is not.

Moreover, the rubric of "national security" has been used to justify some particularly unsavory activities by the government in the past. We must have at least some assurance that we are not embarked on a course that will lead to a repetition of these abuses because the statute will now more clearly define what type of information is subject to disclosure. In addition, Federal officials who receive the information may use it only as necessary to the conduct of their official duties. Therefore, any disclosure or use outside the conduct of their official duties remains

subject to all limitations applicable to their retention and dissemination of information of the type of information received. This includes the Privacy Act, the criminal penalties for unauthorized disclosure of electronic surveillance information under chapter 119 of title 18, and the contempt penalties for unauthorized disclosure of grand jury information. In addition, the Attorney General must establish procedures for the handling of information that identifies a United States person, such as the restrictions on retention and dissemination of foreign intelligence and counterintelligence information pertaining to United States persons currently in effect under Executive Order 12333.

While these safeguards do not fully substitute for court supervision, they can provide some assurance against misuse of the private, personal, and business information about Americans that is acquired in the course of criminal investigations and that may flow more widely in the intelligence, defense, and national security worlds.

Disclosure of Grand Jury Information: The wiretap statute was not the only provision in which the administration sought broader authority to disclose highly sensitive investigative information. It also proposed broadening Rule 6(e) of the Federal Rules of Criminal Procedure to allow the disclosure of information relating to terrorism and national security obtained from grand jury proceedings to a broad range of officials in the executive branch of government. As with wiretaps, few would disagree that information learned in a criminal investigation that is necessary to combating terrorism or protecting the national security ought to be shared with the appropriate intelligence and national security officials. The question is how best to regulate and limit such disclosures so as not to compromise the important policies of secrecy and confidentiality that have long applied to grand jury proceedings.

I proposed that we require judicial review of requests to disclose terrorism and foreign intelligence information to officials in the executive branch beyond those already authorized to receive such disclosures. Once again, the administration agreed to my proposal on Sunday, September 30, but reneged within two days. As a result, the bill does not provide for any judicial supervision of the new authorization for dissemination of grand jury information throughout the executive branch. The bill does contain the safeguards that I have discussed with respect to law enforcement wiretap information. However, as with the new wiretap disclosure authority, I am troubled by this issue and plan to exercise the close oversight of the Judiciary Committee to make sure it is not being abused.

Foreign Intelligence Information Sharing: The administration also sought a provision that would allow the sharing of foreign intelligence in-

formation throughout the executive branch of the government notwithstanding any current legal prohibition that may prevent or limit its disclosure. I have resisted this proposal more strongly than anything else that still remains in the bill. What concerns me is that it is not clear what existing prohibitions this provision would affect beyond the grand jury secrecy rule and the wiretap statute, which are already covered by other provisions in the bill. Even the administration, which wrote this provision, has not been able to provide a fully satisfactory explanation of its scope.

If there are specific laws that the administration believes impede the necessary sharing of information on terrorism and foreign intelligence within the executive branch, we should address those problems through legislation that is narrowly targeted to those statutes. Tacking on a blunderbuss provision whose scope we do not fully understand can only lead to consequences that we cannot foresee. Further, I am concerned that such legislation, broadly authorizing the secret sharing of intelligence information throughout the executive branch, will fuel the unwarranted fears and dark conspiracy theories of Americans who do not trust their government. This was another provision on which the administration reneged on its agreement with me; it agreed to drop it on September 30, but resurrected it within two days, insisting that it remain in the bill. I have been able to mitigate its potential for abuse somewhat by adding the same safeguards that apply to disclosure of law enforcement wiretap and grand jury information.

"Sneak and Peek" Search Warrants: Another issue that has caused me serious concern relates to the administration's proposal for so-called "sneak and peek" search warrants. The House Judiciary Committee dropped this proposal entirely from its version of the legislation. Normally, when law enforcement officers execute a search warrant, they must leave a copy of the warrant and a receipt for all property seized at the premises searched. Thus, even if the search occurs when the owner of the premises is not present, the owner will receive notice that the premises have been lawfully searched pursuant to a warrant rather than, for example, burglarized.

Two circuit courts of appeal, the Second and the Ninth Circuits, have recognized a limited exception to this requirement. When specifically authorized by the issuing judge or magistrate, the officers may delay providing notice of the search to avoid compromising an ongoing investigation or for some other good reason. However, this authority has been carefully circumscribed.

First, the Second and Ninth Circuit cases have dealt only with situations where the officers search a premises without seizing any tangible property. As the Second Circuit explained, such

searches are "less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property." *United States v. Villegas*, 899 F.2d 1324, 1337 (2d Cir. 1990).

Second, the cases have required that the officers seeking the warrant must show good reason for the delay. Finally, while the courts have allowed notice of the search may be delayed, it must be provided within a reasonable period thereafter, which should generally be no more than seven days. The reasons for these careful limitations were spelled out succinctly by Judge Sneed of the Ninth Circuit: "The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed." See *United States v. Freitas*, 800 F.2d 1451, 1456 (9th Cir. 1986).

The administration's original proposal would have ignored some of the key limitations created by the caselaw for sneak and peek search warrants. First, it would have broadly authorized officers not only to conduct surreptitious searches, but also to secretly seize any type of property without any additional showing of necessity. This type of warrant, which has never been addressed by a published decision of a federal appellate court, has been referred to in a law review article written by an FBI agent as a "sneak and steal" warrant. See K. Corr, "Sneaky But Lawful: The Use of Sneak and Peek Search Warrants," 43 U. Kan. L. Rev. 1103, 1113 (1995). Second, the proposal would simply have adopted the procedural requirements of 18 U.S.C. section 2705 for providing delayed notice of a wiretap. Among other things, this would have extended the permissible period of delay to a maximum of 90 days, instead of the presumptive seven-day period provided by the caselaw on sneak and peek warrants.

I was able to make significant improvements in the administration's original proposal that will help to ensure that the government's authority to obtain sneak and peek warrants is not abused. First, the provision that is now in section 213 of the bill prohibits the government from seizing any tangible property or any wire or electronic communication or stored electronic information unless it makes a showing of reasonable necessity for the seizure. Thus, in contrast to the administration's original proposal, the presumption is that the warrant will authorize only a search unless the government can make a specific showing of additional need for a seizure. Second, the provision now requires that notice be given within a reasonable time of the execution of the warrant rather than giving a blanket authorization for up to a 90-day delay. What constitutes a

reasonable time, of course, will depend upon the circumstances of the particular case. But I would expect courts to be guided by the teachings of the Second and the Ninth Circuits that, in the ordinary case, a reasonable time is no more than seven days.

Several changes in the Foreign Intelligence Surveillance Act, FISA, are designed to clarify technical aspects of the statutory framework and take account of experience in practical implementation. These changes are not controversial, and they will facilitate the collection of intelligence for counterterrorism and counterintelligence purposes. Other changes are more significant and required careful evaluation and revision of the administration's proposals.

The USA Act, in section 207, changes the duration of electronic surveillance under FISA in cases of an agent of a foreign power, other than a United States person, who acts in the United States as an officer or employee of a foreign power or as a member of an international terrorist group. Current law limits court orders in these cases to 90 days, the same duration as for United States persons. Experience indicates, however, that after the initial period has confirmed probable cause that the foreign national meets the statutory standard, court orders are renewed repeatedly and the 90-day renewal becomes an unnecessary procedural for investigators taxed with far more pressing duties.

The administration proposed that the period of electronic surveillance be changed from 90 days to one year in these cases. This proposal did not ensure adequate review after the initial stage to ensure that the probable cause determination remained justified over time. Therefore, the bill changes the initial period of the surveillance 90 to 120 days and changes the period for extensions from 90 days to one year. The initial 120-day period provides for a review of the results of the surveillance or search directed at an individual before one-year extensions are requested. These changes do not affect surveillance of a United States person.

The bill also changes the period for execution of an order for physical search under FISA from 45 to 90 days. This change applies to United States persons as well as foreign nationals. Experience since physical search authority was added to FISA in 1994 indicates that 45 days is frequently not long enough to plan and carry out a covert physical search. There is no change in the restrictions which provide that United States persons may not be the targets of search or surveillance under FISA unless a judge finds probable cause to believe that they are agents of foreign powers who engage in specified international terrorist, sabotage, or clandestine intelligence activities that may involve a violation of the criminal statutes of the United States.

The bill, in section 208, seeks to ensure that the special court established

under FISA has sufficient judges to handle the workload. While changing the duration of orders and extensions will reduce the number of cases in some categories, the bill retains the court's role in pen register and trap and trace cases and expands the court's responsibility for issuing orders for records and other tangible items needed for counterintelligence and counterterrorism investigations. Upon reviewing the court's requirements, the administration requested an increase in the number of Federal district judges designated for the court from seven to 11 of whom no less than 3 shall reside within 20 miles of the District of Columbia. The latter provision ensures that more than one judge is available to handle cases on short notice and reduces the need to invoke the alternative of Attorney General approval under the emergency authorities in FISA.

Other changes in FISA and related national security laws are more controversial. In several areas, the bill reflects a serious effort to accommodate the requests for expanded surveillance authority with the need for safeguards against misuse, especially the gathering of intelligence about the lawful political or commercial activities of Americans. One of the most difficult issues was whether to eliminate the existing statutory "agent of a foreign power" standards for surveillance and investigative techniques that raise important privacy concerns, but not at the level that the Supreme Court has held to require a court order and a probable cause finding under the fourth amendment. These include pen register and trap and trace devices, access to business records and other tangible items held by third parties, and access to records that have statutory privacy protection. The latter include telephone, bank, and credit records.

The "agent of a foreign power" standard in existing law was designed to ensure that the FBI and other intelligence agencies do not use these surveillance and investigative methods to investigate the lawful activities of Americans in the name of an undefined authority to collect foreign intelligence or counterintelligence information. The law has required a showing of reasonable suspicion, less than probable cause, to believe that a United States person is an "agent of a foreign power" engaged in international terrorism or clandestine intelligence activities.

However, the "agent of a foreign power" standard is more stringent than the standard under comparable criminal law enforcement procedures which require only a showing of relevance to a criminal investigation. The FBI's experience under existing laws since they were enacted at various time over the past 15 years has been that, in practice, the requirement to show reasonable suspicion that a person is an "agent of a foreign power" has been almost as burdensome as the

requirement to show probable cause required by the fourth amendment for more intrusive techniques. The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations, as well as for criminal investigations.

The challenge, then, was to define those investigations. The alternative proposed by the administration was to cover any investigation to obtain foreign intelligence information. This was extremely broad, because the definition includes any information with respect to a foreign power that relates to, and if concerning a United States person is necessary to, the national defense or the security of the United States or the conduct of the foreign affairs of the United States. This goes far beyond FBI counterintelligence and counterterrorism requirements. Instead, the bill requires that use of the surveillance technique or access to the records be relevant to an investigation to protect against international terrorism or clandestine intelligence activities.

In addition, an investigation of a United States person may not be based solely on activities protected by the first amendment. This framework applies to pen registers and trap and trace under section 215, access to records and other items under section 215, and the national security authorities for access to telephone, bank, and credit records under section 506. Lawful political dissent and protest by American citizens against the government may not be the basis for FBI counterintelligence and counterterrorism investigations under these provisions.

A separate issue for pen registers and trap and trace under FISA is whether the court should have the discretion to make the decision on relevance. The administration has insisted on a certification process. I discussed this issue as it comes up in the criminal procedures for pen registers and trap and trace under title 18, and my concerns apply to the FISA procedures as well.

The most controversial change in FISA requested by the administration was the proposal to allow surveillance and search when "a purpose" is to obtain foreign intelligence information. Current law requires that the secret procedures and different probable cause standards under FISA be used only if a high-level executive official certifies that "the purpose" is to obtain foreign intelligence formation. The administration's aim was to allow FISA surveillance and search for law enforcement purposes, so long as there was at least some element of a foreign intelligence purpose. This proposal raised constitutional concerns, which were addressed in a legal opinion provided by the Justice Department, which I insert in the record at the end of my statement.

The Justice Department opinion did not defend the constitutionality of the original proposal. Instead, it addressed

a suggestion made by Senator FEINSTEIN to the Attorney General at the Judiciary Committee hearing to change "the purpose" to "a significant purpose." No matter what statutory change is made even the Department concedes that the court's may impose a constitutional requirement of "primary purpose" based on the appellate court decisions upholding FISA against constitutional challenges over the past 20 years.

Section 218 of the bill adopts "significant purpose," and it will be up to the courts to determine how far law enforcement agencies may use FISA for criminal investigation and prosecution beyond the scope of the statutory definition of "foreign intelligence information."

In addition, I proposed and the administration agreed to an additional provision in Section 505 that clarifies the boundaries for consultation and coordination between officials who conduct FISA search and surveillance and Federal law enforcement officials including prosecutors. Such consultation and coordination is authorized for the enforcement of laws that protect against international terrorism, clandestine intelligence activities of foreign agents, and other grave foreign threats to the nation. Protection against these foreign-based threats by any lawful means is within the scope of the definition of "foreign intelligence information," and the use of FISA to gather evidence for the enforcement of these laws was contemplated in the enactment of FISA. The Justice Department's opinion cites relevant legislative history from the Senate Intelligence Committee's report in 1978, and there is comparable language in the House report.

The administration initially proposed that the Attorney General be authorized to detain any alien indefinitely upon certification of suspicion to links to terrorist activities or organizations. Under close questioning by both Senator KENNEDY and Senator SPECTER at the Committee hearing on September 25, the Attorney General said that his proposal was intended only to allow the Government to hold an alien suspected of terrorist activity while deportation proceedings were ongoing. In response to a question by Sen. SPECTER, the Attorney General said: "Our intention is to be able to detain individuals who are the subject of deportation proceedings on other grounds, to detain them as if they were the subject of deportation proceedings on terrorism." The Justice Department however continued to insist on broader authority, including the power to detain even if the alien was found not to be deportable.

I remain concerned about the provision, in section 412, but I believe that it is has been improved from the original proposal offered by the administration. Specifically, the Justice Department must now charge an alien with an immigration or criminal violation within

seven days of taking custody, and the merits of the Attorney General's certification of an alien under this section is subject to judicial review. Moreover, the Attorney General can only delegate this power to the Commissioner of the INS, ensuring greater accountability and preventing the certification decision from being made by low-level officials. Nonetheless, I would have preferred that this provision not be included, and I would urge the Attorney General and his successors to employ great discretion in using this new power.

In addition, the administration initially proposed a sweeping definition of terrorist activity and new powers for the Secretary of State to certify an organization as a terrorist organization for purposes of immigration law. We were able to work with the administration to refine this definition to limit its application to individuals with innocent contacts to non-certified organizations. We also limited the retroactive effect of these new definitions. If an alien solicited funds or membership, or provided material support for an organization that was not certified at that time by the Secretary of State, the alien will have the opportunity to show that he did not know and should have known that his action would further the organizations terrorist activity. This is a substantially more protective than the administration's proposal, which by its terms, would have empowered INS to deport someone who raised money for the African National Congress. Throughout our negotiations on these issues, Senator KENNEDY provided steadfast help. Although neither of us are pleased with the final product, it is far better than it would have been without his leadership.

I was disappointed that the administration's initial proposal authorizing the President to impose unilateral food and medical sanctions would have undermined a law we passed last year with overwhelming bipartisan support.

Under that law, the President already has full authority to impose unilateral food and medicine sanctions during this crisis because of two exceptions built into the law that apply to our current situation. Nevertheless, the administration sought to undo this law and obtain virtually unlimited authority in the future to impose food and medicine embargoes, without making any effort for a multi-lateral approach in cooperation with other nations. Absent such a multi-lateral approach, other nations would be free to step in immediately and take over business from American firms and farmers that they are unilaterally barred from pursuing.

Over 30 farm and export groups, including the American Farm Bureau Federation, the Grocery Manufacturers of America, the National Farmers Union, and the U.S. Dairy Export Council, wrote to me and explained that the administration proposal would "not achieve its intended policy goal."

I worked with Senator ENZI, and other Senators, on substitute language to give the administration the tools it needs in this crisis. This substitute has been carefully crafted to avoid needlessly hurting American farmers in the future, yet it will assure that the United States can engage in effective multilateral sanctions.

This bipartisan agreement limits the authority in the bill to existing laws and executive orders, which give the President full authority regarding this conflict, and grants authority for the President to restrict exports of agricultural products, medicine or medical devices. I continue to agree with then-Senator Ashcroft, who argued in 1999 that unilateral U.S. food and medicine sanctions simply do not work when he introduced the "Food and Medicine for the World Act." As recently as October 2000, then-Senator Ashcroft pointed out how broad, unilateral embargoes of food or medicine are often counterproductive. Many Republican and Democratic Senators made it clear just last year that the U.S. should work with other countries on food and medical sanctions so that the sanctions will be effective in hurting our enemies, instead of just hurting the U.S. I am glad that with Senator ENZI's help, we were able to make changes in the trade sanctions provision to both protect our farmers and help the President during this crisis.

I have done my best under the circumstances to confine the amendment demands to those matters that are consensus legal improvements. I concede that my efforts have not been completely successful and there are a number of provisions on which the administration has insisted with which I disagree. Frankly, the agreement that was made September 30, 2001 would have led to a better balanced bill. I could not stop the administration from reneging on the agreement any more than I could have sped the process to reconstitute this bill in the aftermath of those breaches.

In these times we need to work together to face the challenges of international terrorism. I have sought to do so in good faith.

#### THE WHEELING, WEST VIRGINIA RENAISSANCE

Mr. BYRD. Madam President, there is a renaissance occurring in West Virginia's Northern Panhandle. In the city of Wheeling, through the Wheeling National Heritage Area initiative, local leaders are revitalizing areas of cultural and historic significance in order to create a brighter future for their community.

On August 15, I had the opportunity to attend the dedication of the latest milestone in these revitalization efforts—the Wheeling Heritage Port, which is nestled on a bank of the magnificent Ohio River. Wheeling, the Mountain State's first capital, is not only rich in natural resources, but also in history.

In its beginnings, Wheeling was a small outpost that represented the westernmost point of eastern settlement in a young country. Because of its location, Wheeling became the window of the West and a gateway to the unknown. Travelers flocked to this new epicenter of commerce and transportation in pursuit of fortune and adventure. After the Civil War, Wheeling, and much of the Northern Panhandle, experienced a postwar industrial expansion that brought to the area great prosperity that would last well into the 20th century. A booming economy, combined with a natural beauty and a genteel society, ushered in an era of Victorian splendor.

However, as market demands changed, Wheeling—along with most industrial regions throughout this nation and across West Virginia—repositioned itself, transitioning from an industrial base to a more diverse, high-tech economy. While it has focused on economic development, the city also has kept an eye on preserving its rich cultural and historic areas.

I have supported Wheeling's efforts to redevelop its historic downtown by winning congressional approval for legislation that established the Wheeling National Heritage Area. The mission of a heritage area is to preserve the lessons of history for future generations so that they can better lead tomorrow. The Wheeling Port is just one of the many components of the heritage area, which includes the Wheeling Visitors Center and the Artisan Center. I am very fortunate to have had the opportunity to assist the city of Wheeling in these initiatives, but the man who first exhibited the vision for renewal of this city was my friend, the late Harry Hamm.

It was Harry, more than anyone, who recognized that Wheeling, like other industrial regions in America, would need to transform its economy. In his own words, Harry said that Wheeling would have to "take the old, idle, and abandoned factories . . . and create in them . . . a public place where people can feel at home. . . ." In an effort to accomplish this task, Harry laid out a plan that would promote the city's heritage and, once again, establish it as a national center of commerce and trade. Harry envisioned Wheeling as a hub of high-technology and as a new port of entry to the heartland of our country.

For those of us who knew Harry, we know that he was not an unrealistic dreamer, but that he was a man who worked hard and tirelessly to propel Wheeling toward a brighter future. It was his foresight and leadership that brought about the establishment of the Wheeling National Heritage Area. Although Harry passed away several years ago, if you ever have the opportunity to travel to Wheeling, you will undoubtedly see the imprint that he left on this wonderful city.

Among Harry's ideas for revitalizing the downtown area of Wheeling was the resurrection of the vibrant heart of the

city—the waterfront. The port once served as a main destination point for steamboats traveling down the Ohio River. Now, with its restoration complete, the port will recreate the bustle of the steamboat port that it once was. It will serve as a civic "open space"—a community meeting place enlivened by festivals and concerts.

The port's restoration is another step to ensure that Wheeling's legacy to America is preserved for generations to come. The community's efforts to embrace its cultural and historic heritage, while also investing in its future, provide us with a glimpse into the ongoing restoration and redevelopment of our nation's industrial regions. The activities undertaken in Wheeling could serve as a blueprint for post-industrial America and the communities in pursuit of a revitalized economy. As the Wheeling of old served as a guidepost in America's westward expansion, the new Wheeling can serve as a model for a 21st century economy and a 21st century community that has not forgotten its past.

At the dedication of the port, Rabbi Ronald H. Bernstein-Goff of Temple Shalom and Dr. D.W. Cummings of Bethlehem Apostolic Temple, both of Wheeling, offered the invocation and the benediction, respectively. Madam President, I ask unanimous consent to have these prayers printed in the RECORD.

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

PRAYER BY RABBI RONALD H. BERNSTEIN-GOFF, D.D.

Master of the universe—Creator of Earth and sky, fire and water, and author of time, flowing like a great river, carrying us down the days and years of our lives.

We gather here today with gratitude for the rich history, the vitality, and prosperity, which those who came before us worked and labored to create, we were proud in the past, because we were prosperous; we had dignity, because we were successful; we had hope, because we seemed to be in control of our destinies.

It seems to us like yesterday, although the river has carried us very far from that past. We acknowledge that it has taken us too long to deal with the realities of decline and decay; too long to deal with our feelings of guilt and shame, as buildings were boarded up and the joyful noise of life faded into uneasy silence; too long to face our fear of change—our fear of the unknown. And just because we have had faith in you, does not mean we had faith in ourselves or in each other.

Yet, you have taught us that out of suffering and struggle, distress and despair, comes the capacity for renewal and self-transformation.

"Out of the depths have I called you, O God"—Psalm 130:1.

"Revive my spirit, lest I sleep the sleep of death."—Psalms: 134:16.

How can we thank You then, for giving us the wisdom and the courage to stand before You this day, as we dedicate ourselves to a new hopefulness and a new reality? How can we thank You for bringing us beyond nostalgia to a waking vision of the future; to a renewed sense of solidarity and purpose in our community—our hopeful city; how can



we thank You for the awareness that only by facing reality can we change it; for reminding us that You fashioned us beyond dust and ashes; that we can be little lower than the angels after all.

We thank You for the vision of our local leadership; of the Wheeling National Heritage Corporation, and Mayor Nick Sparachane.

We are grateful for the presence of Congressman Alan B. Mollohan who is with us this morning to help us dedicate heritage port.

We thank You for Senator Robert Byrd—his dedication, his devotion, and his love for the people of West Virginia. Because of his vision, drive and commitment, the people of Wheeling have a new place of beauty to imagine a brighter future.

Bless us all, and the work of our hands. With pride in our past, with hope for our future, with faith in You and faith in each other do we gather this day to dedicate this heritage port.

Amen.

THE BENEDICTION PRAYER, BY DR. D.W. CUMMINGS

Dear Father, O Father, Father of us all. Red, Yellow, Black and White, we are precious in your sight. Thank you for the dedication of Wheeling Heritage Port. Thank you for our local leadership. The may of Wheeling, the councilmen of Wheeling, the Wheeling Heritage Port Board, Representative Mollohan, Senator Robert C. Byrd and all who made this dream come true.

Thank you for the memory of Harry Ham. Thank you for the knowledge that one of the main reasons why Wheeling is not the Capital of the state of West Virginia is because of a clown.

Lord, we know that is not the end of a Hopeful City, and neither is it the beginning. But Lord, let it be the end of the beginning. Help us to move to the next level of making Wheeling and the Ohio Valley a more hopeful area, and a more hopeful city for all its residents.

Gracious Lord, help us to always remember that "Righteousness exalteth a nation, but sin is a reproach to any people." In Jesus name Amen.

FIREFIGHTERS MEMORIAL DAY

Mr. CAMPBELL. Madam President, today I would like to take a moment and recognize all those brave firefighters who died in the line of duty last year.

This past Sunday—October 7—was National Fallen Firefighters Memorial Day. The President and Mrs. Bush joined with thousands of family members and friends at the National Fallen Firefighters Memorial, located in Emmitsburg, MD, to honor those who have given the ultimate sacrifice. In 2000, 99 brave men and women in 38 States and Puerto Rico lost their lives trying to save the lives of others. I am saddened to say Mr. Robert W. Crump from the Denver Fire Department was one of the many honored this past weekend.

In 1999, over 1.8 million fires were attended to by a public fire department. That means fire departments across the country responded to a fire once every 17 seconds. In that same year, fire resulted in over \$10 billion of property damage, almost 22,000 civilian injuries, and almost 3,000 civilian deaths.

We currently have over a million firefighters in the United States. While there are thousands of career firefighters that serve us each day in cities across the country, there are over 785,000 volunteer firefighters. In fact, most communities with less than 25,000 people are served by these volunteer units.

As we saw on September 11th, firefighters are among the first on the scene. It is without a doubt that there would have been hundreds if not thousands of more victims without the help of those brave public servants. It is our job to make sure that these our firefighters have the right tools and training so that they may continue to work saving thousands of people each year.

We must also remember that these acts of bravery not only occur in our cities but also in our national forests. As a citizen of the American West, I have seen the devastating effect forest fires have on our country. An average of over 100,000 fires burn nearly 4 million acres each year. Federal forest firefighters based throughout the country work with local departments to protect the national forest system.

Since 1981 the names of 2,181 firefighters have been added to the plaques that surround the National Fallen Firefighters Memorial. As a Co-Chairman of the Congressional Fire Services Caucus, I will continue to work to insure that these firefighters will not be forgotten.

RECOGNITION OF TOM MORFORD

• Mr. HARKIN. Madam President, I rise today to say thank you and farewell to a trusted friend and a dedicated public servant, Tom Morford. For the past 5 years, Tom has served as the deputy administrator of the Health Resources and Services Administration, helping to bring health care to millions of underserved Americans. Without much fanfare or public recognition, he has quietly and dutifully served the American people in this post and in many others over the past three decades.

I do not know if Tom had planned for such a long career in public service when he came to Washington in 1971. Since he first began as a management intern at the then Department of Health, Education and Welfare, Tom has held numerous positions, authored 12 papers, and received more awards than time will allow me to recite.

For the past five years as deputy administrator at HRSA, Tom spent his days making hundreds of phone calls, reviewing budgets, and signing contracts. It isn't the kind of work that will make you famous, but it does make a tremendous difference.

Tom was responsible for some of America's most vital public health programs; the construction of health care facilities, the operation of health clinics in underserved areas, and the training of healthcare professionals. His leadership helped strengthen the na-

tion's community health centers, bringing primary health care services to nearly 12 million people this past year alone. Tom also helped pioneer the comprehensive telehealth network which provides first-class health care to the hardest to reach communities.

Yet Tom's accomplishments go much further than the systems he oversaw or the facilities he helped build. Tom's greatest skill has always been his desire to put aside egos and politics so he could concentrate on serving the American people. From the secretaries and grants officers at HRSA to Members of Congress, Tom listens, builds relationships and trust, then gets the job done. By his example alone, Tom reminds us why we entered public service—to make a difference.

Now, thirty years later, Tom has decided to move on. He leaves behind a tremendous legacy and our nation's health care system is better for his efforts. While he will be sorely missed, we thank him for what he has already anonymously done for millions of people.

It is said that "a hand never opens in vain." Tom Morford has spent the last 30 years opening his hands to a succession of presidents and secretaries, to legislators, and to health care providers and advocates. Most importantly, Tom Morford opened his hands to the millions of forgotten who are often left in the shadows of our society.

On behalf of my colleagues in the Congress and the millions of Americans who don't know Tom, but who benefit from his work, I say a simply thank you. Thank you, Tom, for opening your hands to lift those most in need. You will be missed.

Mr. SPECTER. Today I want to salute and thank Mr. Thomas G. Morford, as he retires from the Department of Health and Human Services (HHS), after almost 30 years of dedicated service to the American people. As the Ranking Member of the Labor, HHS, and Education Subcommittee on Appropriations, I want to express my gratitude to Tom for the assistance he has provided to our subcommittee over the years. His knowledge of appropriations law and the federal budgetary process, and his willingness to assist my staff has been an invaluable service to the subcommittee. Tom spent many long hours, working under tight deadlines, putting together the President's budget and, in turn, helping our subcommittee complete our appropriations bills. Vital programs like Healthy Start, the National Health Service Corps, Ryan White AIDS programs, and Health Professions—to name a few—have benefited from Tom's tireless efforts.

Tom has been a valued member of the staff at HHS, first in the Office of the Secretary, then with the Health Care Financing Administration, and finally with the Health Resources and Services Administration. My staff and I will miss his presence, guidance, patience, and good humor during the fiscal year



2002 appropriations season and beyond. But, more importantly, the American people are losing a valued and dedicated public servant. Tom is one of those unsung heroes throughout our government who has made it his life's work to help those in need. But today, as Tom leaves us, I want to sing his praises and let all who hear this know what a great loss his departure means to so many of us. I recognize, though, that Tom is embarking on another new and exciting chapter in his life, both personally and professionally. I know that one of Tom's goals is to spend more time with his wife, Gail, and their two daughters, which his retirement will allow him to do. I also know that Tom plans to continue to use his talents and gifts to help others in his new position with Johns Hopkins University. He deserves the very best in these future endeavors and, therefore, today I extend my heartfelt praise, thanks, and best wishes.●

CAPTAIN ROBERT E. DOLAN, U.S.  
NAVY

Mr. WARNER. Madam President, I rise today to honor and pay tribute to the life of one of our servicemen who perished at the Pentagon during the horrific events of 11 September, Navy Captain Robert E. Dolan. During one of my many recent visits to the site where so many tragically lost their lives, I met Captain Dolan's widow, Mrs. Lisa Dolan. As we stood together on the southwest lawn of the Pentagon, we spoke of her husband and of his devotion to his family and the Navy in which he was so proud to serve. Mrs. Dolan then handed me a copy of a letter of tribute to her husband which she had written. While this letter was written to specifically honor Mrs. Dolan's husband, it could easily apply to many of those who paid the ultimate price on that terrible morning.

Captain Bob Dolan, a 1981 graduate of the U.S. Naval Academy, was first and foremost, a loving husband and devoted father to his two children. He was also a model Naval officer, having spent nearly half of his 20 year career on sea duty. Captain Dolan served on a variety of surface ships, ranging from the amphibious helicopter carrier, U.S.S. *Inchon*, LPH-12, to the state-of-the-art Aegis cruiser, U.S.S. *Thomas S. Gates*, CG-51, and culminating in his superb command of the destroyer, U.S.S. *John Hancock*, DD-981, with its very appropriate motto, "First for Freedom". His shore tours included time on the staff of the Chairman of the Joints Chiefs of Staff and his exceptional service was recognized with multiple awards, including the Defense Meritorious Service Medal.

I ask unanimous consent that the letter of tribute which Mrs. Dolan wrote to the friends and family of her late husband be printed in the RECORD. I hope it will serve as a reminder to us all of the terrible losses inflicted on this Nation by an unseen and cowardly enemy.

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

My husband, Captain Robert E. Dolan, and the people who perished along with him at the Pentagon, died as he lived: a hero.

He saw himself as an American with a simple life.

He was a man who saw his duty clearly, and did it unselfishly.

He was a man who knew honor as a badge, and wore it proudly.

He was a man who viewed service as a privilege, and performed it to the best of his ability.

To him, that was a simple life. But Captain Robert E. Dolan was anything but simple. He was a leader of men. He influenced thousands of members of the military family as Commander of the USS *John Hancock*, which has a motto of "First for Freedom." He influenced many more as a fellow citizen, because Bob Dolan was every American. A quiet patriot. A good neighbor. A friend and fellow citizen. You see him every week coaching at Little League games and chaperoning at school dances. You sit next to him in churches and synagogues. You stand in line with him to vote.

And he was so much more than just a military leader to those who knew him best. He was:

A loving father to his daughter, Rebecca, and son, Beau,

A faithful and devoted husband,

A dutiful and respectful son,

A wonderful brother,

A good and true friend.

Bob Dolan was the best and the brightest this country had to offer to the altar of freedom. That very freedom is an ideal that the rest of the world can only wonder at, and strive to comprehend the magnitude and glory of.

The Americans—both civilian and military—killed and wounded in the past few days under this unwarranted attack, join the ranks of patriots fallen in other conflicts. They are Americans all, and our duty is to remember them as heroes. Let us record that as their tribute. Let history record that as their legacy.

Abraham Lincoln once said: "there is a divinity that shapes our ends." That divinity has now shaped Bob's destiny. Like Lincoln, "he belongs to the ages."

We pray that his rest is peaceful. Although ours cannot be, we rest easy in the memories of an American hero, and many more like him, so very much touched by the hand of God.

Sincerely,

LISA DOLAN

THE AMERICAN SMALL BUSINESS  
EMERGENCY RELIEF AND RE-  
COVERY ACT

Mr. ROCKEFELLER. Madam President, I am proud to have joined last week with the Chairman and Ranking Republican Member of the Senate Small Business and Entrepreneurship Committee, as well as a bipartisan group of my colleagues to cosponsor S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

It is no exaggeration to say that small businesses have always solidified the economic foundation of our country. While the Fortune 500 companies make the news, small businesses create most of the jobs and are responsible for

much of the economy's growth. When terrorists attacked our country on September 11, there were many unforeseen and unfortunate side-effects. Our economy, which was going through a tough period anyway, suffered a significant blow that day and in the days that followed, and we can only hope that the recovery is rapid and steady. Unfortunately, the adverse effects of the September 11 attacks on many of our Nation's 25 million small businesses may turn out to be even more profound than those sustained by the economy as a whole.

The bipartisan proposal that my colleagues and I have introduced will provide a measure of the critical financial relief necessary to help small businesses recover from the financial losses and other damages incurred in the days and weeks following the attacks.

Specifically, this emergency legislation will ensure greater stability in the industry by strengthening and expanding access to the Small Business Administration's loans and management counseling. By aiding small businesses in their efforts to meet payments on existing debts, to finance their businesses, and to maintain and create new jobs, this legislation helps entrepreneurs and their employees to remain productive and self-sufficient. This bill attempts to save valuable jobs and resources placed in jeopardy by addressing the decreasing availability of credit and venture capital afforded small businesses by traditional lenders and investors. In an effort to encourage new investment, this measure includes changes to two of SBA's main non-disaster lending programs put in place to facilitate borrowing and lending.

By providing incentives for loans and investment, this bill protects those small businesses directly affected because they are physically located in or near the buildings and areas attacked. Our hearts go out to the businesses and workers in this category, because on top of severe financial hardships, many in this category may have also suffered the loss of loved ones and co-workers.

The bill also targets small businesses directly or indirectly affected because they are suppliers, service providers, or complementary industries to any affected industry. This is the type of assistance that might help small businesses like the Galley Restaurant in the Benedum Airport in Bridgeport, WV. When the FAA shut down commercial aviation for several days in the wake of the attacks, business at the Galley just stopped. Likewise, the bill could help the Mountain State Travel Agency in Clarksburg, WV. In the days after the attacks, Mountain State has seen its business dry up to virtually nothing. It is my hope and belief that this legislation may help the Galley's owner, Beverly Bland, and Mountain State's owner, Maria Elena Oliverio, and the owners of thousands of small businesses in West Virginia and throughout the country, from having to close the doors of their small businesses.

Finally, the bill will provide assistance to small businesses in need of capital and investment financing, procurement assistance or management counseling. The incentives include physical and economic injury disaster loans, reductions in interest rates, and easier approval standards on Guaranteed Business Loans.

Small businesses across our Nation are in great need of economic assistance. The vitality of this sector is of crucial importance to our economy. This bill will allow thousands of working families the opportunity to maintain a reasonable standard of living, and give small business owners the boost they need to maintain and hopefully grow their businesses.

#### EXPRESSING GRATITUDE TO THE MEXICAN SENATE FOR ITS SUPPORT IN THE FIGHT AGAINST TERRORISM

Mr. DODD. Madam President, last week representatives of the Mexican Senate came to the U.S. Senate to meet with legislators and express their support for the U.S.-led effort against terrorism. Mexico has always been a close neighbor and friend to the United States, and the Senators traveled here to ensure us that, in this time of need, our friend and ally Mexico stands by us.

The delegation of Mexican Senators presented the Majority Leader, Mr. DASCHLE, with a letter from Diego Fernandez De Cevallos, the President of the Mexican Senate, which expresses the Mexican Senate's condolences in the aftermath of the tragic events of September 11th. That letter also contained a statement from the entire membership of the Mexican Senate commenting on the attacks and the unique relationship between Mexico and the United States. I think that my colleagues would benefit from seeing these comments in the RECORD.

At times like these every expression of support from our allies is important. However, given the special relationship between the United States and Mexico, it is even more important to see evidence that our allegiance is strong. These letters prove exactly that. I thank the Mexican Senate for their support.

I ask unanimous consent that the letter and statement from the Mexican Senators be printed in the RECORD.

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

MEXICO D.F.,  
October 2, 2001.

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

DEAR SENATOR DASCHLE: On the occasion of the visit of a delegation of Mexican Senators to the United States, and in the name of the Senate of the Republic of Mexico, allow me to express to the people and to the Government of the United States, our profound shock and most sincere condolences with respect to the acts of terrorism perpetrated on September 11, 2001 against humanity itself.

It is truly hard to find words adequate to convey the sadness and anguish that all Mexicans feel at the loss of so many innocent lives.

As legislators there are many things we can do together with the U.S. and other Congresses to confront the barbaric threat of terrorism of any kind, as well as the harm that is caused by various forms of fanaticism.

We declare ourselves once again unequivocally in favor of peace, justice, and international solidarity.

I have asked the delegation of Mexican Senators who are visiting your Congress this week to provide you with a copy of the statement which was made by the Mexican Senate on September 11 in response to that tragic act, which we also provided to his Excellency Ambassador Jeffrey Davidow so that it might be known to the American people and the Government of the United States.

Sincerely,

DIEGO FERNANDEZ DE CEVALLOS,  
President of the Mexican Senate.

#### STATEMENT OF THE MEXICAN SENATE

September 11, 2001.

"The Mexican Senate wishes to express to the Government of the United States of America as well as to all Nations, its most profound sympathy and deep indignation relative to the barbarous acts which today have offended the entire world.

"The Mexican Senate calls upon all men and women of good faith to prevent this tragedy from escalating into an interminable blood bath.

"Let us bring together the governments and peoples of the world to work together to guard against further harm; to scrupulously respect human rights throughout the world; and to build together a peaceful, dignified, and just world for all mankind."

#### THE U.S. ROLE IN OCEAN EXPLORATION

Mr. AKAKA. Madam President, as we contend with the threats of global terrorism and our national sorrow in the aftermath of September 11th, we must focus on the accomplishments, ideals, and spirit that make America great and look to the future with a renewed sense of resolve and hope. As we engaged in exploring the American continent in the 19th century, and the far reaches of space in the 20th century, we must welcome, in this new century, the challenge of exploring our oceans, the last uncharted frontier. Oceans make up 70 percent of the earth's surface, yet we have characterized less than ten percent of the United States' Exclusive Economic Zone. Within our EEZ, the United States has jurisdiction over more submerged lands than terrestrial lands. Newly charted research voyages and state-of-the-art underwater technology give us the tools we need to make new discoveries to aid us in better understanding this underwater world.

My focus on ocean exploration is timely because the National Oceanic and Atmospheric Administration celebrated the culmination of two voyages of discovery in Charleston, South Carolina, on October 1, 2001. The "Deep East Expedition" and "Islands in the Stream" projects represent two impor-

tant steps in revitalizing our exploration of the oceans. Through these journeys, NOAA scientists and their partners are uncovering the ocean's secrets.

The "Deep East Expedition" sailed from Maine to Georgia to investigate the diversity of deep-sea coral beds and gas hydrate communities that may contain new energy resources. On a simultaneous timetable, "Islands in the Stream" followed the Gulf Stream both from Belize to North Carolina. Scientists investigated ocean currents in the Gulf of Mexico, dove in submersibles examining coral reef and hard-bottom communities, and conducted acoustic surveys to characterize the ocean floor. NOAA partnered on these two projects with Woods Hole and Harbor Branch Oceanographic Institutes, the National Geographic Society, numerous universities and other federal agencies, such as NASA and the U.S. Geological Survey.

This summer, NOAA's flagship research vessel, the *Ronald H. Brown*, returned from an unparalleled journey of discovery in the undersea Astoria Canyon, beyond the mouth of the Columbia River in Oregon. This voyage was titled the "Lewis and Clark Legacy Expedition" and was intended to be an extension of that historic journey which ended at the mouth of the Columbia River almost two hundred years ago. The scientists discovered two new species of invertebrates and viewed deep-water communities never before seen, at depths of over one half mile. Using advanced sonar technology, scientists created three-dimensional views of the canyon's sea floor texture and discovered an ancient shoreline from the last ice age, over 17,000 years ago. These discoveries will help answer questions about how glaciers, earthquakes, and plate movement affect the earth's geological history and its future.

Just as Thomas Jefferson commissioned Lewis and Clark in 1803 to gather scientific facts of the uncharted Western lands, so too must we be visionary in commissioning our best scientists to map and discover unknown reaches of the oceans. We must duplicate Jefferson's "Corps of Discovery" for our ocean depths. This undiscovered domain is believed to contain many times the biomass of all the rainforests and terrestrial life forms combined.

Today's pioneers in ocean exploration have already embarked upon this journey. Just as explorers of the past mapped the mountain ranges and the riverways of our nation, these modern explorers have begun mapping the ranges and riverways beneath the surface of the ocean. Two weeks ago Congress heard many of these explorers, researchers and managers speak about the important role of the oceans in global climate change, weather patterns and carbon cycling, as we celebrated the first annual Congressional Oceans Day. Presenters highlighted the successes of ocean exploration and the challenges that lie ahead.

Recent developments in sonar and submersible vehicles promise to accelerate discoveries in ocean depths. Multibeam sonar, emitting a wide swath, gives the exact contour of the ocean bottom, rather than extrapolating from a single beam directed below a vessel. Advanced sonar can detect temperature fluctuations to fractions of a degree. The upper few hundred feet of the oceans hold 1000 times more heat than the atmosphere, but scientists do not yet know how this may affect changes in global climate. The private sector is improving the capabilities of remotely operated vehicles and autonomous underwater vehicles. These vehicles, armed with the newest in sonar equipment, will gain better knowledge of bathymetry, resources and navigation.

Two years ago, President Clinton convened an internationally renowned panel of oceanographers and charged them to develop a United States strategy for ocean exploration. In October of 2000, the Ocean Exploration Panel presented its recommendations. The panel challenged the federal government to embrace the discovery of the unknown, to dedicate a vessel for ocean exploration, and to establish an Ocean Exploration Program.

The National Oceanic and Atmospheric Administration provided leadership on this directive by establishing the Office of Ocean Exploration. The Bush Administration proposed \$14 million for NOAA to accomplish this significant endeavor for Fiscal Year 2002. The Senate Appropriations bill for the Departments of Commerce, Justice and State provided for this amount, and it is my hope that it will be retained in conference.

The panel further recommended designating a lead federal agency for ocean exploration. The National Oceanic and Atmospheric Administration in the U.S. Department of Commerce has the authority, the mission, the track record, the desire, and the capabilities to provide a leadership role. For these reasons, NOAA should be recognized as the federal leader for ocean exploration.

In the Senate of Hawaii, our cultural history is entwined in the history of the ocean. From fishermen to tourists, researchers to snorkelers, we integrate the oceans into our daily lives. Marine life embodies those very elements which define Hawaii. The Hawaiian Islands Humpback Whale National Marine Sanctuary, the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve, and many other federal and state marine protected areas illustrate the importance we as a community place on our marine resources. The commitment to nurture, protect, and educate people about the ocean represents the essence of *malama kai*, care for the sea, which is so important to the Hawaiian culture. Given the importance of the sea to our sustenance and livelihoods, it is essential that we learn about and share the responsibility to

protect our ocean and coastal resources.

The steep terrain of Hawaii's coastal underwater lands and its location in the Pacific Ocean make Hawaii a prime candidate from which to launch deep-sea exploration. The Hawaii Undersea Research Laboratory (HURL), established by NOAA under the National Undersea Research Program and the University of Hawaii, works through private, state and federal grants to study the processes of the deep ocean. HURL's Ocean Bottom Observatory has been studying the volcanic activity of the undersea volcano, Loihi, and its effects on the global carbon cycle and tsunamis. Studying this dramatic phenomenon is critical to understanding the creation of Pacific Islands and submerged land masses that provide essential habitat for marine life.

I applaud the efforts of those who continue down the unmarked path toward ocean exploration, constructing the framework for future discoveries. At this time of national resolve and sorrow, I call attention to the global challenges that we face to understand the inner space of our earth—the oceans. A true ocean odyssey under the leadership of NOAA should be developed in cooperation with the Navy, National Science Foundation, NASA, the USGS, universities and private not-for-profit organizations. Our oceans are crucial to our existence and national security; we must understand them.

#### AMERICA MUST OPPOSE HATE CRIME

Mr. VOINOVICH. Madam President, one of the guiding principles upon which the United States of America was founded is that of religious freedom. Indeed, it is guaranteed in the Constitution, and it is a right that we as Americans hold dear.

Our forefathers came to these shores from nations all over the world searching for the ability to worship as they pleased, and even now, men, women and children still come to the United States to do so. Today, virtually every branch of religion known to man is represented here in the United States. That fact should not only be expected in a Nation of immigrants, but our diversity of cultures and religions should be celebrated.

However, in the wake of the September 11 terrorist attacks, events have occurred across this Nation that fly in the face of our Constitutional guarantees. Acts of hatred have been perpetrated against Arab-Americans and Muslim-Americans as if they had carried out or even condoned the killing of thousands of innocents.

I am disturbed by the stories I have heard in the last few weeks; a Sikh gas station owner in Mesa, AZ, who was shot and killed in the weekend following the attack simply because he was wearing a turban; a Pakistani Muslim grocer in Texas, as well as an Egyptian Christian in California, both

killed in crimes of hate as a result of the attacks; two girls in Palos Hills, IL, beaten because they were Muslim; a mosque in Evansville, IN, damaged by a man who rammed his car through a wall. We have had incidences of intolerance in my own home state of Ohio, I'm sad to say, where large ball bearings have been tossed through the windows of Arab-American owned businesses in Hamilton, and an Islamic Center in Cincinnati continues to receive harassing and threatening phone calls.

These stories, which have resonated across the country, do not constitute the views of the majority of Americans. Indeed, most Americans are peaceful and tolerant. The individuals perpetrating these crimes may think these acts represent patriotism, but they are far from it. Instead, they are perpetuating a hatred similar to that which drove 19 terrorists to take so many lives on that fateful Tuesday, and it must stop.

There are 6.5 million Muslims living in the United States today. By September 27, the FBI was investigating over 90 hate crimes committed against Muslims, individuals of Middle Eastern descent, or in some cases, individuals who appear Muslim or Middle Eastern. While these cases are under investigation, the Council on American-Islamic Relations has received reports of more than 625 attacks against Arab-Americans. This type of bigotry cannot go on.

On September 11, the terrorists did not single out their victims based on what they looked like or how they worshipped. They killed American citizens and foreign nationals of dozens of other nations indiscriminately. They murdered men, women and children of different ethnic backgrounds and religions, many of whom were themselves Muslims.

Some of our citizens have lost loved ones and friends, yet the vast majority of us have lost only our innocence. Our Nation is hurting right now, and we will all grieve in our own fashion, but we must not redirect our anger and frustration against one another.

Even in the face of such hatred in our own Nation, the rays of hope and compassion still shine. The same Islamic Center in Cincinnati that has been the target of hate has raised \$6,000 for the American Red Cross, and will hold a blood drive soon to help in rescue efforts. Muslims from the tri-state area, Ohio, Kentucky and Indiana, have also helped in the relief efforts, calling on their community to donate blood, give money, and pray for the victims and their families.

As President George W. Bush stated in his September 20 speech to the Nation, "[Islam's] teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah." We must not only remember these words in the weeks to come, but we need to assure men and women of all backgrounds that the American

people understand that the terrorists who attacked the United States do not represent all Muslims, just like those who commit hate crimes against Americans of Muslim or Middle Eastern origin do not represent all Americans. The more that we understand one another, the greater the chance for peace.

#### THE FEDERAL WORKFORCE AS A CRITICAL INFRASTRUCTURE

Mr. AKAKA. Madam President, I rise today to call attention to the dedicated men and women in our Federal workforce and the invaluable contributions they make to our Nation.

The tragic events three weeks ago appropriately has focused our attention on new ways to protect our Nation's critical infrastructure. A number of activities have been identified including communication, emergency services, and transportation. All are essential to the running of our country. However, on September 11 we were all quickly reminded of another critical infrastructure—our Federal Government and its workforce. For every essential service these attacks disrupted, we expected our government to respond quickly and effectively—and those in government did. Our Nation's recovery will be aided because of the talents and professionalism of our Federal workforce.

Like us all, I was struck by the heroism of rescue workers in the moments following the events of September 11. Law enforcement officers, firefighters, and others raced into buildings to save lives. Teachers calmed children in schools and kept them safe from the surrounding horrors. Local officials executed response plans and coordinated resources. These are among the many examples we will long remember.

Representatives from the Federal Government worked side by side with those brave and selfless local and State heroes. Various federal agencies responded to immediate social and community needs by providing temporary food and shelter, emergency child care, and other support services. At ground-zero, the Federal Emergency Management Agency, the Army Corps of Engineers, and other Federal agencies worked with State and local rescue workers. They set up emergency and coordinated disaster responses, opened communications, and provided needed medical assistance. Federal transportation agencies worked with industry to put our air, rail, and road networks back into operation. Our Federal Law Enforcement Officers and intelligence specialists spent long hours in intense investigations to track down the terrorists and their networks. More than 2,100 federal employees were deployed in disaster response teams alone, not counting the thousands of others who responded to this national crisis as a part of their normal duties.

Despite the attacks, Americans were able to rely on their government. We received our mail. The Federal Govern-

ment ensured the stability of our financial markets and Americans were able to count on the reliability of their banks.

Our Federal workforce responded in other ways not as immediately obvious, but just as important to our country's needs. Federal employees ensured the availability of a clean blood supply and monitored the quality of our air and water. Aid was provided through the timely processing of claims for survivors of victims and financial assistance for those not covered by unemployment insurance. Special loans were made available to small businesses and residents displaced by the disaster.

Despite the events of September 11, our Nation is functioning and recovering. This is due in part to the efforts of our Federal workforce whose response was immediate and thorough. The Federal workforce is this nation's backbone. Our ability to be resolute in confronting a faceless enemy is partially attributable to the strength of our backbone. We can take comfort and pride in the resilience and fortitude of our government workers.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred May 25, 2001 in Honolulu, HI. Two teens were charged with attempted murder after allegedly dousing the tents of gay campers, while people were inside, with flammable liquid and setting one on fire in Polihale State Park. Police believe the crime is a hate crime based on "insinuations and remarks" made by the suspects at the time. Victims in the attack said the perpetrators threw rocks and shouted homosexual slurs at about 20 men prior to setting the tent on fire.

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

#### ADDITIONAL STATEMENTS

##### IN HONOR OF ALDERMAN JAMES BALCER

• Mr. DURBIN. Madam President, I rise today to honor a man who has served not only the City of Chicago with tireless dedication but who has served his county with selfless valor. Alderman James Balcer is a hero by any definition, and the Bronze Star re-

cently pinned to his chest is only a token symbol of a life marked by bravery and service.

The people of Chicago know Jim Balcer as Alderman Balcer, representing the 11th ward on the City Council. They know him as a strong advocate for the city's veterans and as an effective voice for his community. Few know more about military history or are more dedicated to understanding the challenges facing those who have fought for our country. During his four years on the city council, Alderman Balcer has worked tirelessly for his constituents and sung their praises without so much as a note from his own horn.

But long before he was Alderman Balcer, Jim was Pfc. Balcer in the U.S. Marine Corps. As an 18-year-old soldier more familiar with the streets of his home area of Bridgeport than the jungles of southeast Asia, Balcer was a member of the 9th Marine Regiment during the Vietnam War. In late February of 1969, Pfc. Balcer and his company were holding their position on a hilltop in the A Shau Valley in Laos. As a group of the soldiers descended into the valley below on a reconnaissance mission, enemy fire erupted from the dense foliage, trapping the group in a hail of bullets and shrapnel.

With dozens of young Marines killed and wounded at the bottom of the hill, it was Pfc. Jim Balcer who volunteered to lead the mission to rescue them. Through that long Laotian night, in the pouring rain and deep, treacherous mud, Balcer made trip after trip into the valley to reach his fallen comrades. Half-hour descents through the jungle were followed by nearly four hours of backbreaking climbs up steep and slippery embankments, under enemy fire and carrying makeshift stretchers made from ponchos.

Thanks to Pfc. Balcer and his fellow Marines, every member of the 9th Regiment who went into the valley that night in 1969 came out. The Bronze Star is given to soldiers who distinguish themselves "by heroic or meritorious achievement or service . . . while engaged in an action against an enemy of the United States or while engaged in military operations involving conflict with an opposing foreign force." Ordinary language to describe extraordinary courage, but hardly enough to describe the actions of someone who to this day still tells his own story without a hint of bravado.

The City of Chicago is fortunate to have someone so tenacious and selfless on its side. Alderman Jim Balcer is as dedicated to Chicago and its people now as he was to his fellow soldiers then. A man of integrity and honor, he is to be commended on receiving the Bronze Star. Wear it proudly, Jim, for we are proud of you.●

# TRIBUTE TO S. LANE FAISON, JR.

• Mr. JEFFORDS. Madam President, today I rise to recognize the contributions of S. Lane Faison, Jr., to American art education and museums, and to acknowledge with gratitude, his 20-year service as a trustee of the Bennington Museum in Bennington, Vermont.

Professor Faison's seventy year career as an art history teacher, curator, scholar, and administrator reflects his significant efforts in the advancement of art, and its importance to our cultural identity. His scholarly influence has been extensive, and he has created an extraordinary legacy that he has generously shared with his community.

Since 1981, Professor Faison has given his time and expertise as a highly valued and appreciated trustee of the Bennington Museum. It is very fitting that the Bennington Museum Board of Trustees has chosen to honor him through the establishment of a fund designated exclusively for enhancing exhibitions. It is my pleasure to acknowledge the "S. Lane Faison, Jr., Exhibition Endowment Fund" and to congratulate Professor Faison on the establishment of this fund in his honor. •

## 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 appropriate committees.

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

## MESSAGES FROM THE HOUSE

### ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 5, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 42. A joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 51. A joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolutions were signed by the President pro tempore (Mr. BYRD) on October 5, 2001.

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

H.R. 2883. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. ISTOOK, Mr. WOLF, Mrs. NORTHUP, Mr. SUNUNU, Mr. PETERSON of Pennsylvania, Mr. TIAHRT, Mr. SWEENEY, Mr. SHERWOOD, Mr. YOUNG of Florida, Mr. HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. VISCLOSKY, and Mr. OBEY.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

S. 1499. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2883. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4325. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Reno, NV" (Doc. No. 00-137) received on October 3, 2001; to the Com-

mittee on Commerce, Science, and Transportation.

EC-4326. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Corinth, Scotia and Hudson Falls, NY" (Doc. No. 01-94) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4327. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Spokane, WA" (Doc. No. 99-262) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4328. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Pittsburg, KS" (Doc. No. 01-127) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4329. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Albemarle and Indian Trail, NC" (Doc. No. 99-240) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4330. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States", Fishery Management Plan for Tilefish" (RIN0648-AF87) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4331. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4333. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Office of the Secretary, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4334. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Research and Special Programs Administration, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4335. A communication from the Attorney/Advisor, Department of Transportation,

transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Aviation and International Affairs, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4336. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Queets River, VA, to Cape Falcon, OR" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4337. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Conditional Closures in the Gulf of Maine" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4338. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Transportation Policy, received on October 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4339. A communication from the Chief of the Division of Management Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Import of Polar Bear Trophies from Canada: Change in the Finding for the M'Clintock Channel Population" (RIN1018-AH72) received on October 1, 2001; to the Committee on Environment and Public Works.

EC-4340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Tennessee Authorization Application"; to the Committee on Environment and Public Works.

EC-4341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring"; to the Committee on Environment and Public Works.

EC-4342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permit Program; Virginia" (FRL7073-6) received on October 2, 2001; to the Committee on Environment and Public Works.

EC-4343. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL7074-2) received on October 2, 2001; to the Committee on Environment and Public Works.

EC-4344. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District" (FRL7058-9) received on October 2, 2001; to the Committee on Environment and Public Works.

EC-4345. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Alaska" (FRL7059-3) received on October 2, 2001; to the Committee on Environment and Public Works.

EC-4346. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the monthly status report on the licensing activities and regulatory duties, July 2001; to the Committee on Environment and Public Works.

EC-4347. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Plans; Wisconsin; Post-1996 Rate of Progress Plan for the Milwaukee-Racine Ozone Nonattainment Area" (FRL7076-6) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4348. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL7066-9) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4349. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conditional Approval Implementation Plans; Ohio" (FRL7062-5) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4350. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL7075-7) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4351. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, El Dorado County Air Pollution Control District and Imperial County Air Pollution Control District" (FRL7075-8) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4352. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL7067) received on October 3, 2001; to the Committee on Environment and Public Works.

EC-4353. A communication from the President of the United States (received and referred on October 9, 2001), transmitting, consistent with the War Powers Act, a report relative to Afghanistan; to the Committee on Foreign Relations.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-187. A resolution adopted by the House of the Legislature of the state of

Michigan relative to China; to the committee on Foreign Relations.

#### HOUSE RESOLUTION NO. 105

Whereas, Falun Gong, which is also known as Falun Dafa, is a discipline of personal beliefs that incorporates exercise, meditation, and principles based on truthfulness, compassion, and forbearance. Its millions of practitioners work to attain inner peace, good health, and better skills to deal with stress and conflict in life; and

Whereas, Over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. The aggressive actions taken by the state reflect a systematic commitment to eliminate Falun Gong and those who pursue it; and

Whereas, The persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, Citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; Now, therefore, be it

*Resolved by the House of Representatives,* That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution against practitioners of Falun Gong; and be it further

*Resolved,* That copies of this resolution be transmitted to the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 19, 2001.

POM-188. A resolution adopted by the House of the Legislature of the State of Michigan relative to Latvia; to the Committee on Foreign Relations.

#### HOUSE RESOLUTION NO. 136

Whereas, Since its founding in the wake of World War II, NATO has been an important force in bringing peace, stability, and partnership to the member nations. In addition to its role to work for the security of an area of the world wracked by the horrors of wars, NATO has promoted the growth of democracy and accountability that are vital to the well-being not only of the individual countries, but also the future of Europe and much of the world; and

Whereas, Since the restoration of its independence in 1991, Latvia has been a leader among former Iron Curtain countries in developing democratic institutions and fostering a free-market economy. Latvia has already proven its commitment to the ideals of NATO through its work in a host of world and trade organizations; and

Whereas, Latvia has a long and distinguished record of leadership among the Baltic nations. Hundreds of years ago, it was a key member of the Hanseatic League, and Latvia has remained a strategic trading partner with its European neighbors throughout history. From the ruins of World War I, it developed a vibrant economy with democratic principles; and

Whereas, Latvia is strongly committed to NATO's defense priorities. Further, it has set



in place prudent monetary and social policies well in keeping with those of other eastern European nations that have recently become part of NATO. Opening the doors of welcome to Latvia will expand the breadth of this vitally important organization; Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the President and the Congress of the United States to work for the admission of Latvia into NATO; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 19, 2001.

POM-189. A joint resolution adopted by the Legislature of the State of Alaska relative to long-term care insurance; to the Committee on Finance.

#### LEGISLATIVE RESOLVE NO. 36

Whereas members of the baby boom generation are beginning to retire, which will put a strain on the financial resources of younger Americans if their taxes are increased to cover the resulting rise in total Social Security and Medicare payments to retirees; and

Whereas Medicaid was designed as a program for the poor but, in many states, Medicaid is being used to fund long-term care expenses for middle-income elderly people; and

Whereas, in the coming decade, people over 65 years of age will represent 20 percent or more of the population, and the proportion of the population composed of individuals who are over 85 years of age and are most likely to be in need of long-term care may double or triple; and

Whereas the costs of nursing home care can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for Medicaid; and

Whereas many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted; and

Whereas widespread use of private, long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on Medicaid as the baby boom generation ages; and

Whereas the federal government has endorsed the concept of private, long-term care insurance by establishing some federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996; be it

*Resolved,* That the Alaska State Legislature respectfully requests the President, the Congress, and the Governor to direct the appropriate governmental agencies to inform the public

(1) about the high cost of long-term care services and the need for families to plan for their long-term care needs;

(2) that Medicare will not cover most long-term care costs and the Medicaid will cover long-term care services only when the beneficiary has exhausted assets;

(3) that Americans should explore the availability of long-term care insurance through their employers, service organizations, professional groups, other entities, and private insurance companies; and be it further

*Resolved,* That the Alaska State Legislature respectfully requests the Congress to determine to what extent tax rules may dis-

criminate against the buyers of long-term care insurance policies and to look for ways to remove such barriers and implement new incentives for the purchase of long-term care insurance by individual Americans.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Tommy Thompson, United States Secretary of Health and Human Services; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; the Honorable Tony Knowles, Governor of Alaska; Bob Lohr, Director of the Division of Insurance, Department of Community and Economic Development; and to Jane P. Demmert, Executive Director of the Alaska Commission on Aging, Division of Senior Services, Department of Administration.

POM-190. A joint resolution adopted by the Legislature of the State of Alaska relative to the Federal Temporary Assistance to Needy Families Program; to the Committee on Finance.

#### LEGISLATIVE RESOLVE NO. 35

Whereas the Temporary Assistance to Needy Families (TANF) block grant program established in the 1996 federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), included modest supplemental grants for 17 relatively poor or rapidly growing states; and

Whereas the State of Alaska was awarded a supplemental grant because the state's population increased by more than 10 percent between April 1, 1990, and July 1, 1994; and

Whereas the supplemental grants included in PRWORA were authorized only through federal fiscal year 2001, while the remainder of the law was authorized through federal fiscal year 2002; and

Whereas, because the supplemental grants will expire, Alaska will face a reduction in its TANF funding in the amount of \$6,887,800, or 13 percent of its block grant, starting at the beginning of federal fiscal year 2002 on October 1, 2001; and

Whereas the elimination of the supplemental TANF grant could force Alaska to scale back its welfare reform efforts, which have been very successful in moving people off welfare, into work, and out of poverty; and

Whereas the TANF block grant provides a broad range of services to Alaskans through the Alaska temporary assistance program, including cash benefits, child care, case management, job development, job training and placement, program administration, transportation, and other supportive services; and

Whereas the TANF block grant provides other essential services to needy Alaskans not receiving welfare, including child care, child protection, victims of domestic violence, the Healthy Family program, pregnancy prevention, and teen parent services; and

Whereas the elimination of the supplemental TANF grant will also result in the loss of federal funding to some or all of these programs and services; be it

*Resolved,* That the Alaska State Legislature calls upon the United States Congress to continue the TANF supplemental block grants through federal fiscal year 2002, the end of the full TANF authorization period.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Tommy

Thompson, United States Secretary of Health and Human Services; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all the other members of the 107th United States Congress.

POM-191. A joint resolution adopted by the Legislature of the State of Alaska relative to the United States Coast Guard; to the Committee on Appropriations.

#### LEGISLATIVE RESOLVE NO. 19

Whereas the United States Coast Guard is a military multi-mission maritime service that has answered the call of the United States public continuously for more than 210 years; and

Whereas the United States Coast guard has provided critical services to the citizens of Alaska; and

Whereas, throughout its history, the United States Coast Guard's roles as lifesaver and guardian of the sea have remained constant, while its missions have evolved and expanded with the growth of the nation; and

Whereas the mission of the United States Coast Guard is to protect the nation's safety, security, environment, and economy; and

Whereas the United States Coast Guard's operating goals of safety, natural resource protection, mobility, maritime security, and national defense enable it to touch everyone in the nation; and

Whereas the United States Coast Guard pursues its goal of safety primarily through its search and rescue and marine safety operations; and

Whereas the United States Coast Guard is the only organization or government agency that has the extensive inventory of assets and expertise necessary to conduct search and rescue operations for both recreational boaters and commercial mariners on lakes, on rivers, in shore areas, and on the high seas; and

Whereas the United States Coast Guard provides the first line of defense in protecting the maritime environment through its marine safety program, which ensures the safe commercial transport of passengers and cargo, including oil, through the nation's waters, and which guards the nation's maritime borders from incursions by foreign fishing vessels; and

Whereas the United States Coast Guard serves as a global model of efficient military multi-mission maritime service for the emerging coast guard organizations of the world and helps friendly countries to become positive forces of peace and stability, which promotes democracy and the rule of law; and

Whereas United States Coast Guard personnel are a highly motivated group of people who are committed to providing essential and valuable services to the American public; and

Whereas the United States Coast Guard military structure, law enforcement authority, and humanitarian functions make it a unique arm of national security and enable it to support broad national goals; and

Whereas the United States Coast Guard is well known for being the first to reach the scene when maritime disaster strikes, and it continues to be given the task of protecting the nation's waters from pollution, the nation's borders from drug smuggling, and the nation's fisheries from being over harvested, and to be assigned additional duties that stretch thin its personnel and resources; be it

*Resolved,* That the Alaska State Legislature urges the United States Congress to fully fund the United States Coast Guard's

supplemental budget for its operational readiness and recapitalization requirements to ensure that this humanitarian arm of the nation's national security system remains "semper paratus" throughout the Twenty-First Century.

Copies of this resolution shall be sent to the Honorable Dick Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro-Tempore of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Norman Y. Mineta, Secretary of Transportation; Admiral James M. Loy, Commandant of the United States Coast Guard; Admiral Dennis C. Blair, Commander in Chief, U.S. Pacific Command; Vice Admiral Ernest R. Riutta, Commander, U.S. Coast Guard Pacific Area; Rear Admiral Thomas J. Barrett, Commander, Seventeenth Coast Guard District; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-192. A resolution adopted by the House of the Legislature of the State of Utah relative to the Red Mesa Health Center; to the Committee on Appropriations.

#### HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearances have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once it is designed and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical services, diagnosis and laboratory services, short stay nursing beds, dental, physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness of the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters be constructed at the same time as the health center in order for the clinic to open with adequate staffing; Now, therefore, be it

*Resolved*, That the House of Representatives of the state of Utah urges the United States Congress to appropriate \$48 million in

construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona; be it further *Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-193. A concurrent resolution adopted by the Legislature of the State of Utah relative to cricket and grasshopper infestation; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, \$22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional \$5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter to the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahns of the devastating economic impact of the state's cricket and grasshopper infestation; be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

POM-194. A concurrent resolution adopted by the Legislature of the State of Utah relative to Glen Canyon Dam, Flaming Gorge Dam, and Lake Powell; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-

renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell or Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam; be it further

*Resolved*, that the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam and Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir; be it further

*Resolved*, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir; be it further

*Resolved*, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

POM-195. A concurrent resolution adopted by the Legislature of the State of Utah relative to Cold War nuclear testing; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahans and many other citizens of the United States of America living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated; be it further

*Resolved*, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy; be it further

*Resolved*, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

POM-196. A joint resolution adopted the Legislature of the State of Utah relative to the tax relief plan; ordered to lie on the table.

#### HOUSE JOINT RESOLUTION NO. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime; Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40-50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expanding the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush; be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-197 A joint resolution adopted by the Legislature of the State of Utah relative to rescinding the call for constitutional convention; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION NO. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: Now, therefore, be it

*Resolved by the Legislature of the state of Utah*, That any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of

the Constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and canceled and rendered null and void to the same effect as if the applications had never been made; be it further

*Resolved*, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; be it further

*Resolved*, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-198. A joint resolution adopted by the Legislature of the State of Utah relative to the regulation of poll closing; to the Committee on Rules and Administration.

#### HOUSE JOINT RESOLUTION NO. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida has closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory: Now, therefore be it

*Resolved*, That the Legislature of the state of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

*Resolved*, That the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; be it further

*Resolved*, That a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-199. A joint resolution adopted by the Legislature of the State of Utah relative to Social Security; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 2

Whereas, Social Security is a federal program that requires almost unanimous par-

ticipation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first \$3,000 of a worker's income, up to a maximum of \$30 per year, to the present rate of 12.4% of the first \$80,400 of employee wages or self-employment income up to a maximum of \$830.80 per month or \$9,969.60 per year;

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of \$30,000 would yield an estimated monthly Social Security retirement tax cost of \$300 per month;

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately \$1,400 per month, and the average monthly retirement benefit currently at about \$845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach \$21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of

paying into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit ("widow(er)" benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private, individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned account grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned account can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term intergenerational wealth accumulation;

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain munici-

palities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option; be it further

*Resolved*, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients; be it further

*Resolved*, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account; be it further

*Resolved*, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Utah's congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1511: An original bill to combat international money laundering, thwart the financing of terrorism, and protect the United States financial system, and for other purposes.

## 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. SARBANES:

S. 1511. An original bill to combat international money laundering, thwart the financing of terrorism, and protect the United States financial system, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. INHOFE:

S. 1512. A bill to report on any air space restrictions put in place as a result of September 11, 2001, terrorist attacks that remain in place; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. MILLER, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, Mr. FITZGERALD, and Mr. ALLEN):

S. 1513. A bill to amend the Internal Revenue Code of 1986 to make marriage penalty relief effective immediately in the 15-percent bracket and the standard deduction; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1514. A bill to extend the temporary suspension of duty with respect to certain snowboard boots; to the Committee on Finance.

By Mr. KOHL:

S. 1515. A bill to provide for enhanced security with respect to aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 1516. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1517. A bill to amend titles 10 and 38, United States Code, to enhance the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOND (for himself, Mr. CONRAD, and Ms. SNOWE):

S. 1518. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. KERRY, Mr. CRAPO, Mr. MCCONNELL, Mr. HELMS, Mr. DAYTON, Mr. LEAHY, Mr. HUTCHINSON, Mr. MILLER, Mrs. LINCOLN, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, and Mr. NELSON of Nebraska):

S. 1519. A bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself, Mr. VOINOVICH, Mr. MILLER, Mrs. CARNAHAN, Mr. CARPER, Mr. NELSON of Nebraska, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. MIKULSKI, and Mr. BENNETT):

S. 1520. A bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1521. A bill to amend the FREEDOM Support Act to authorize the President to waive the restriction of assistance for Azerbaijan if the President determines that it is in the national security interest of the United States to do so; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. BAUCUS, Mr. BURNS, Mr. BYRD, Mr. STEVENS, Mr. INOUE, Mr. THURMOND, Mr. KENNEDY, Mr. HOLINGS, Mr. LEAHY, Mr. REID, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL,

Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 169. A resolution relative to the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana; considered and agreed to.

By Mr. WELLSTONE (for himself, Mr. DODD, and Mr. REID):

S. Res. 170. A resolution honoring the United States Capitol Police for their commitment to security at the United States Capitol, particularly on and since September 11, 2001; considered and agreed to.

By Mr. MCCONNELL:

S. Con. Res. 77. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners; to the Committee on Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 488

At the request of Mr. ALLEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 745

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 745, a bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

S. 829

At the request of Mr. BROWNBACK, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Louisiana (Ms. LANDRIEU) were added

as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1257

At the request of Mr. REID, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1284

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1284, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1286

At the request of Mrs. CARNAHAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH of Oregon) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Re-

sponsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1409, supra.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Colorado (Mr. ALLARD), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1447

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Oregon (Mr. SMITH of Oregon) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1474

At the request of Mr. HARKIN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1474, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes.

S. 1479

At the request of Mrs. CARNAHAN, her name was added as a cosponsor of S. 1479, a bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1486

At the request of Mr. JOHNSON, his name was added as a cosponsor of S.

1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1492

At the request of Mr. GRAMM, the names of the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1492, a bill to amend the Internal Revenue Code of 1986 to repeal the tax relief sunset and to reduce the maximum capital gains rates for individual taxpayers, and for other purposes.

S. 1493

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1503

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. 1504

At the request of Mr. DORGAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1504, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through June 30, 2002.

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

S. CON. RES. 73

At the request of Mr. NICKLES, the names of the Senator from New Jersey

(Mr. CORZINE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWNBAC, Mr. MILLER, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, Mr. FITZGERALD, and Mr. ALLEN):

S. 1513. A bill to amend the Internal Revenue Code of 1986 to make marriage penalty relief effective immediately in the 15-percent bracket and the standard deduction; to the Committee on Finance.

Mrs. HUTCHISON. Madam President, I rise today to introduce legislation that will build upon the historic Economic Growth and Tax Relief Reconciliation Act of 2001 by accelerating the marriage penalty tax relief in that bill and make it effective beginning next year. I am joined in my effort by Senators BROWNBAC, MILLER, SMITH of New Hampshire, HUTCHINSON, FITZGERALD, and ALLEN.

Earlier this year we delivered to the American people long overdue tax relief. Unfortunately, we did not have the ability to give married couples the relief from the marriage penalty as soon as we would have liked. My bill will complete this unfinished business by treating married couples fairly in the tax code beginning next year. Particularly now, as the President and Congress consider additional tax relief to bolster the economy in these difficult times, this legislation would be a smart option. At times like this, what better way to help our Nation than by strengthening the building blocks of society, our families, by adding to their budgets through marriage penalty relief.

Every year for the past four years I introduced a bill to eliminate the marriage penalty tax as I simply could not understand why two single people should be thrown into a higher tax bracket and pay more in taxes simply because they got married. Not because of a promotion, not because of a raise, but because they got married! This year, we finally told all Americans that they do not have to choose between love and money, that they should not be penalized for exchanging

wedding vows. I am proud to say that in this year's tax relief plan we corrected this quirk in the tax code. We returned to the commonsense principles that made this country great, and away from the concept that "no good deed goes unpunished."

The marriage penalty relief that was passed earlier this year will offer critical relief to our married couples, but unfortunately it will not take place immediately. I want to improve this timing because when the situation is as ridiculous as the marriage penalty, that is wrong. There are more than 20 million married couples in America today that pay a penalty just because they got married, a penalty that averages around \$1,400. That is a lot of money! Especially when you are just starting out, \$1,400 to a young couple could be part of the down payment on the new house or the new car for the expenses associated with having children. However, they choose to spend that money, or for whatever expenses they need it for, we want them to be able to make their own choices with the money they earn.

And we want them to have the ability to do so now, not several years from now. What the bill does that I am introducing today is that it takes the relief we finally offered in the tax plan and makes it effective immediately for the 15 percent bracket and the standard deduction.

Today, if you take the standard deduction when you do your taxes as an individual, you do not get the same amount of deduction if you get married. That is, the standard deduction does not simply double for couples. Whereas today the standard deduction for a single person is \$4,550, and for a married couple is \$7,600, our tax relief bill insisted that married couples receive a standard deduction that is exactly double that of the single person, or \$9,100. Under my bill today, this doubling of the standard deduction will occur immediately.

In addition, we addressed the fact that when most couples marry, the second income bumps them up to a higher tax bracket. Therefore, we decided to widen every tax bracket so that a married couple will not have to pay more in income taxes simply because they go into a higher bracket when they combined incomes.

In this way, a combined income will be taxed at the same rate as if it was a single person making two incomes. For example, if each individual in a relationship is in the 15-percent income tax bracket but they get married and their combined incomes now bump them into the 30-percent bracket, our tax relief means that they will effectively remain in the 15 percent bracket.

This is critically important, especially to those who are at the lower income rates and for whom jumping from the 15 percent bracket to the next one could make all the difference in their budget. Our earlier legislation widens



the 15-percent bracket by \$9,000 for married couples. My bill today will accelerate this relief by making this change now, thereby eliminating the marriage penalty for those couples who are in the 15 percent bracket.

Earlier this year a bipartisan majority agreed that it is very important that we relieve the pressure on the more than 20 million American couples who pay the marriage penalty tax. We all agreed then that this is wrong, and must be changed. Today, we have the chance to put our money where our mouth is and offer help to struggling couples now. I call upon my colleagues to join in this effort to provide this immediate assistance to the working families of America.

By Mr. KOHL:

S. 1515. A bill to provide for enhanced security with respect to aircraft; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Madam President, I rise this afternoon to introduce the "Safe Ground through Safe Skies Act of 2001." This legislation strengthens security measures for those aircraft that are currently not required to comply with an FAA approved security program. The events of September 11 have shown us a new reality, that our aircraft can be used as lethal weapons against innocent civilians on the ground.

I applaud the FAA, the Administration, and Congress for quickly moving to address this threat as it applies to commercial aircraft. With the new security measures put in place by S. 1447, I am certain we will not again see a commercial common carrier be hijacked and turned into a bomb. However, the proposals under consideration today do nothing to stop other aircraft, such as chartered planes, leased planes, and cargo planes, from being hijacked and crashed into buildings or landmarks.

I believe many of my colleagues would be surprised to learn that, for purposes of security, these aircraft are virtually unregulated. The protection of these aircraft, some as big or bigger than those used in the September 11 attack, is left to the private sector owners and operators, an approach we now reject for commercial common carriers.

As the Senate continues to work on legislation to enhance security measures for commercial common carriers, it is vital that we address the gaping hole in our security as it relates to currently unregulated aircraft. It would be criminally negligent to pass an Aviation Security Act that leaves thousands of aircraft still unprotected from those terrorists who would turn our own planes into weapons of mass destruction.

The Safe Ground through Safe Skies Act is an attempt to address this difficult problem. It is based on three goals:

First, the legislation seeks to maintain the FAA's flexibility to design dif-

ferent screening systems for all sorts of aircraft, used for all sorts of purposes and boarding and deplaning at airports with a wide variety of experience in security.

Second, the legislation recognizes the time consuming and difficult task of putting together a security program for smaller aircraft, many of which operate out of very small airports without any security in place currently.

And third, and perhaps most importantly, the legislation addresses the immediate threat of a near term repeat terrorist attack.

To achieve these goals, this legislation requires the FAA Administrator to issue a security screening program for all aircraft operations with an aircraft that weighs more than 12,500 pounds. That means every operator of an aircraft that takes-off in this country with more than approximately 15 seats will be subject to new security measures. To address the varying types of aircraft and aircraft operations, the Administrator will have the authority to waive this new requirement in cases reviewed and approved by the Administrator and Congress.

For those aircraft weighing less than 12,500 pounds, this legislation requires the Secretary of Transportation to report to Congress, within 6 months of enactment, recommendations on how to improve security for general aviation. Within one year of enactment, the Administrator must turn that report into an actual program.

Finally, effective immediately upon enactment, this legislation requires aliens and persons identified by the Secretary of Transportation to undergo a background check before buying, leasing, or chartering any aircraft. This provision would expire as the Administrator issues security rules for each class of aircraft.

Though this final step may seem extreme, it is a quick and simple way to immediately protect our entire aircraft fleet from capture and use as a weapon. The section is designed to mirror the requirements for background checks for aliens and others seeking flight school training already agreed to in S. 1447. If we need to protect ourselves from terrorists seeking flight school training in the future, we have an equal, if not greater need to protect our aircraft from terrorists who may have already received their flight training.

Current policy falls short of the level of protection that the American people require and deserve. Any comprehensive airline safety legislation must include all types of aircraft conducting operations in our sky. While not placing a heavy burden on the FAA or the general aviation industry, the Safe Ground through Safe Skies Act protects our airline passengers and those of us on the ground by reducing the likelihood of another attack from the skies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1515

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. ENHANCED SECURITY FOR AIRCRAFT.

## (a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

## (2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under paragraph (1) with respect to any aircraft or class of aircraft otherwise described by that paragraph if the Administrator determines that aircraft described in that paragraph can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

## (b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (3), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary

for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of paragraph (2).

(2) BACKGROUND INVESTIGATION.—A background investigation or an alien or individual under this subsection shall consist of the following:

(A) A determination whether or not there is a record of a criminal history for the alien or individual, as the case may be, and, if so, a review of the record.

(B) In the case of an alien, a determination of the status of the alien under the immigration laws of the United States.

(C) A determination whether the alien or individual, as the case may be, presents a risk to the national security of the United States.

(3) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(4) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

By Mr. SANTORUM:

S. 1516. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Madam President, I rise today to introduce the Good Samaritan Volunteer Firefighter Assistance Act of 2001. On September 11, the Nation witnessed the tragic loss of hundreds of heroic firefighters. Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments. The basic purpose of the bill is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from "negligence" to "gross negligence."

The legislation is modeled after legislation passed into law in Texas in 1997 which has resulted in an additional \$6 million of equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Representative CASTLE has introduced the Good Sa-

maritan Volunteer Firefighter Assistance Act, H.R. 1919, which has 63 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen's Association of the State of New York, and a former director of the Federal Emergency Management Agency, FEMA, James Lee Witt.

The Good Samaritan Volunteer Firefighter Assistance Act of 2001 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. The Texas program has already received more than \$6 million worth of equipment for volunteer fire departments. Arizona, Missouri, Indiana, and South Carolina have passed similar legislation at the State level. The legislation saves taxpayer dollars by encouraging donations thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

This bill does not cost taxpayer dollars nor does it create additional bureaucracies to inspect equipment. The bill gets rid of unnecessary inspection bureaucracies, whether they are State run or a manufacturer's technician. This is for three reasons. First, bureaucracies are not necessary for inspections because the fire chiefs make the inspections themselves. Second, some of the State bureaucracies control who gets the equipment. These donations are private property transactions, not a good that is donated to the State, allowing the State to pick who will get the equipment. Third, there is no desire to create the temptation for waste, fraud, and abuse in a State bureaucracy in charge of picking the winners and losers.

The bill reflects the purpose of the Texas state law. Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act, Public Law 104-210, named for the last Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997, Public Law 105-101, also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives as part of

H.R. 7, the Community Solutions Act, in July of 2001.

Volunteers comprise 74 percent of firefighters in the United States. Of the total estimated 1,082,500 volunteer and paid firefighters across the country, 804,200 are volunteer. Of the total 31,114 fire departments in the country, 22,636 are all volunteer; 4,848 are mostly volunteer; 1,602 are mostly career; and 2,028 are all career. In 1998, 54 of the 91 firefighters who died in the line of duty were volunteers.

This legislation provides a common-sense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in the other States. At this time when all of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City and in the Washington, D.C. area, I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great Nation.

By Mr. SPECTER:

S. 1517. A bill to amend titles 10 and 38, United States Code, to enhance the Montgomery GI bill, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Madam President, I have sought recognition to comment on legislation I am introducing today to put into effect several recommendations made by the United States Commission on National Security/21st century relative to Montgomery GI bill, MGIB, educational assistance benefits administered by the Department of Veterans Affairs, VA. The Commission, co-chaired by former Senators Gary Hart and Warren Rudman, was tasked with reexamining U.S. national security policies and processes, and making recommendations on how the United States could best ensure the safety of its citizenry against emerging national security threats. Sadly, one of the emerging threats anticipated by the Commission, the threat of state or group-sponsored terrorism, was realized on September 11, 2001.

Our Armed Forces, the best in the world, have now engaged the enemy, and we rely on these dedicated men and women in service to sacrifice their lives, if necessary, to defend liberty and secure justice. The Nation must reciprocate by assuring that the benefits provided to service members during, and after, their service measure up to the grave responsibilities entrusted to them. The Hart-Rudman Commission understood that, and, consistent with that understanding, the Commission recommended specific improvements in veterans' educational assistance benefits to assure that the armed forces are able to attract, and retain, highly qualified, dedicated service members.

The Commission made, in total, seven recommendations on how MGIB

benefits could be enhanced. It recommended that the MGIB monthly benefit be increased and indexed to the average education costs at four-year public colleges. It recommended, further, that the payment of benefits be accelerated to the beginning of a student's school term. The Commission recommended, in addition, that MGIB benefits be made available to students taking technical training courses. Further, it recommended the repeal of the requirement that service members make contributions totaling \$1200 in order to "buy" eligibility for MGIB benefits. It recommended, in addition, that potential beneficiaries be given 20 years after discharge from the service, not just 10 years, as is currently specified by law, to make use of their MGIB benefits. It also recommended that service members with 15 years of service or more be entitled to transfer their entitlement to MGIB benefits to their spouse or dependent children. Finally, the Commission recommended that MGIB benefits made available to Reservists called to serve in overseas contingency operations be increased on a sliding scale basis.

The Senate Committee on Veterans' Affairs, a Committee on which I serve as ranking minority member, has considered, and moved favorably on, the first three Commission recommendations listed above; legislation which would, in whole or in part, accomplish these recommendations will soon be before the Senate. The committee has not, however, acted on the final four recommendations of the Commission, mainly because those proposals were not before the committee. It is my hope that by introducing this legislation, I will assure that the committee continues its consideration of MGIB improvements in the months ahead.

To summarize the bill briefly, section 2 of my bill would eliminate the \$1,200 pay reduction currently required of service members during their first 12 months of active duty as a precondition to eligibility for MGIB benefits. The Hart-Rudman Commission is not alone in recommending the repeal of this requirement. In 1999, the Commission on Service Members and Veterans Transition Assistance, a commission headed by the current Secretary of Veterans Affairs, the Honorable Anthony J. Principi, made the same recommendation. It surely can be argued with considerable force that service members, who are asked to risk life and limb in service to the Nation, should not be asked, in addition, to contribute a portion of their pay, while in service, to "earn" eligibility for veterans' educational assistance benefits.

Section 3 of this legislation would allow service members with at least 15 years of active duty to transfer their entitlement to MGIB benefits to their spouses or dependent children. This past January, I met with some of our troops stationed in Bosnia who expressed considerable interest in this idea. Many of them mentioned that

they have families back home and that, rather than paying for their own education, they needed funds to pay for their children's education. At the very least, the idea needs to be further considered. I am aware that Senator CLELAND has been working on a concept which is similar, but not identical to, this provision. I would like to work with Senator CLELAND on this important issue.

Section 4 of my bill would allow former service members 20 years after discharge, rather than 10 years, as is specified in current law, to utilize their MGIB benefits. I understand that, historically, MGIB benefits are intended to assist in the transition to civilian status, so that economic opportunities lost due to temporary military service can be ameliorated upon transition back to civilian life. This concept may have been useful when most departing service members were single persons with no family or financial obligations preventing the use of education benefits very quickly after discharge. Many former service members, however, are married and have children and, with these obligations, often find it difficult to return to school immediately after separation from service. In addition, today's rapidly-changing economy demonstrates that the skills which employers demand today may change tomorrow. Extending the MGIB "delimiting date" would encourage "lifetime learning" and enable veterans to keep their skills current.

Finally, section 5 of my bill would enable members of the Selected Reserve who are called to active duty as part of a "contingency operation," such as the operations to which Reservists are now being called, to be eligible for increased MGIB benefits if they serve in such an operation for more than one year. Currently, those who enlist for a six year reserve commitment are eligible for \$251 per month in education benefits, whether or not they are called to active duty. It would seem to me that Reservists who are activated, especially during times of conflict or war, bear close resemblance to individuals who are serving an active duty enlistment, and so too should the educational benefits made available to such persons. Therefore, my legislation would provide that, in cases where a member of the Selected Reserves serves one year in a contingency operation, his or her education benefit would be adjusted to the half-way point between the benefit afforded to a Reserve Member under current law, now, \$251 per month, and that provided to service members who have served two years active duty, currently, \$528 per month. In cases involving members of the Selected Reserves who serve two years of active service in a contingency operation, the amount of educational assistance afforded to them would be the same as that which is provided to veterans who had served two years of active duty, currently, \$528 per month. And for those who have served three

years active duty in a contingency operation, their benefit amount would be the same, currently, \$650 per month, as that afforded to service members who have served a three year enlistment. In this national emergency, it is time to recognize the sacrifices made by reservists called to active duty by increasing their benefits commensurate with time served on active duty.

One of the Hart-Rudman Commission's recommendations, that an Office of Homeland Security be created to coordinate the Federal government's counterterrorism efforts, has already been embraced the President. Governor Tom Ridge of Pennsylvania, who was just sworn in yesterday, will, I am sure, serve with great distinction as head of that office. We need to address more of the Commission's recommendations, including those that would enhance national security by making the military a more competitive employer so it can attract and retain quality people. Beyond that, we need to let our fighting men and women know that we value their service by providing them with the tools to succeed upon completion of their military careers. This legislation would accomplish those purposes. I urge my colleagues to support this effort.

By Mr. BOND (for himself, Mr. CONRAD, and Ms. SNOWE):

S. 1518. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

Mr. BOND. Madam President, among the many things that makes our country great is the freedom we possess to move about the country and exit and return to our country as we desire. Being a great Nation that believes strongly in that freedom and that has paid a tremendous price in defending that freedom, we like it to be on display to the rest of the world and we continually and generously open our doors to others. We as a Nation benefit from foreign visitors coming to the United States and other countries benefit when their citizens visit this country, whether it be to study at our schools and universities, learn at our institutions, use our medical facilities, do business with our dynamic private sector or visit our great cities and parks.

However, on September 11, this great Nation endured a terrible tragedy, perpetrated by individuals who entered this country legally, as guests, on a visa. Nineteen people who were in this country on travel, work and student visas carried out the most deadly attack ever on our soil. Three of those people had stayed beyond the expiration of their visa. As the investigation of the Attorney General proceeds, many others have been detained. Initial reports indicated that a large number of these people were in this country on expired visas and I suspect we will find that a large number of those involved in the planning of the attack

were in the United States on expired visas.

At this time, the only system in place to track the entry and exit of visa holders is antiquated and completely inadequate. The government has little ability to track those who have entered the United States and to be notified if they violate the terms of their visa. As there are approximately 300 million immigrants and visitors that enter this country every year, getting a handle on this problem will not be simple. However, we must know if those who enter the United States to study arrive and attend school, if those who come here to work are at their jobs, if those who come here to do business do their business and return home and if those who we admit into the United States to vacation return home at the end of their time in the United States. We should strive to keep our borders open, to keep commerce flowing freely and not let the terrorist attack disrupt our relations with our good neighbors and other friends. But at the same time, we must have a better idea of who is entering this country, catch and screen out those who may pose a threat and know who has violated the terms of their visa and remained in the United States beyond the expiration date.

I would like to acknowledge and thank my colleagues KENT CONRAD and OLYMPIA SNOWE for their assistance and valuable input on this legislation.

Specifically, this bill calls for the improvement of the information received by the Department of State for checking the backgrounds of visa applicants. It calls on law enforcement and intelligence agencies to share regularly information that will be useful to the State Department in identifying those who pose any type of threat to the security or people of this country.

This bill calls for the improvement and implementation of the system to track foreign students. Including a requirement that universities notify the INS when foreign students do not show up for school, as Hani Hanjour failed to do before participating in the attack on the World Trade Center.

It is time to begin the roll of the Integrated Entry and Exit Tracking system called for in legislation passed five years ago to record the entry of visa holders, record their exit and notify the INS and law enforcement agencies of the identity of anyone overstaying their visa. This system should also utilize the latest technology, including biometrics, to ensure that visas cannot be tampered with or stolen. Finally, it is time for the members of the task force to be appointed, including the Director of Homeland Security, so that the issues surrounding this system can be settled.

The bill also calls for the tightening of the Visa Waiver Pilot program to ensure that passports for participating countries are not stolen or defaced by those trying to sneak into the country. It also calls for those employing work

visa holders to report to the INS if that person leaves or is terminated from their job.

These are all reasonable proposals that will not impact commerce, travel and relationships with friendly countries. It will also begin the process of having an accurate picture of who has entered the country and who has departed. It is one of many steps that needs to be taken to avoid further terrorist attacks. I look forward to working with my colleagues to implement this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1518

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Integrity and Security Act of 2001".

#### SEC. 2. SENSE OF THE CONGRESS REGARDING THE NEED TO EXPEDITE IMPLEMENTATION OF INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) SENSE OF CONGRESS.—In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that—

(1) the Attorney General should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-215), with all deliberate speed and as expeditiously as practicable; and

(2) the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should immediately begin establishing the Integrated Entry and Exit Data System Task Force, as described in section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-215).

#### SEC. 3. ENTRY-EXIT TRACKING SYSTEM.

(a) DEVELOPMENT OF THE SYSTEM.—In the development of the entry-exit tracking system, as described in the preceding section, the Attorney General shall particularly focus—

(1) on the utilization of biometric technology, including, but not limited to, electronic fingerprinting, face recognition, and retinal scan technology; and

(2) on developing a tamper-proof identification, readable at ports of entry as a part of any nonimmigrant visa issued by the Secretary of State.

(b) INTEGRATION WITH LAW ENFORCEMENT DATABASES.—The entry and exit data system described in this section shall be able to be integrated with law enforcement databases for use by State and Federal law enforcement to identify and detain individuals in the United States after the expiration of their visa.

#### SEC. 4. ACCESS BY THE DEPARTMENT OF STATE TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immi-

gration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the Department of State, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file. The Department of State shall merge the information obtained under this subsection with the information in the system currently accessed by consular officers to determine the criminal history records of aliens applying for visas."

(c) REGULAR REPORTING.—The Director of Central Intelligence, the Secretary of Defense, the Commissioner of Immigration and Naturalization, and the Director of the Federal Bureau of Investigation shall provide information to the Secretary of State on a regular basis as agreed by the Secretary and the head of each of these agencies that will assist the Secretary in determining if an applicant for a visa has a criminal background or poses a threat to the national security of the United States or is affiliated with a group that poses such a threat.

(d) REPORT ON SCREENING INFORMATION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit a report to Congress on the information that is needed from any United States agency to best screen visa applicants to identify those affiliated with terrorist organizations or those that pose any threat to the safety or security of the United States, including the type of information currently received by United States agencies and the regularity with which such information is transmitted to the Secretary.

#### SEC. 5. STUDENT TRACKING SYSTEM.

(a) INTEGRATION WITH PORT OF ENTRY INFORMATION.—For each alien with respect to whom information is collected under this section, the Attorney General shall include information on the date of entry, port of entry, and nonimmigrant classification.

(b) EXPANSION OF SYSTEM TO INCLUDE OTHER APPROVED EDUCATIONAL INSTITUTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372) is amended—

(1) in subsection (a)(1), subsection (c)(4)(A), and subsection (d)(1) (in the text above subparagraph (A)), by inserting "other approved educational institutions," after "higher education" each place it appears;

(2) in subsections (c)(1)(C), (c)(1)(D), and (d)(1)(A), by inserting "other approved educational institution," after "higher education" each place it appears;

(3) in subsections (d)(2), (e)(1), and (e)(2), by inserting "other approved educational institution," after "higher education" each place it appears; and

(4) in subsection (h), by adding at the end the following new paragraph:

"(3) OTHER APPROVED EDUCATIONAL INSTITUTION.—The term 'other approved educational institution' includes any air flight school, language training school, vocational school, or other school, approved by the Attorney

General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.”.

(c) EXPANSION OF SYSTEM TO INCLUDE ADDITIONAL INFORMATION.—Section 641(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372(b)), as amended by subsection (a), is further amended—

(1) by redesignating subparagraphs (B), (C), and (D) of paragraph (1) as subparagraphs (C), (D), and (E), respectively;

(2) by inserting after subparagraph (A) the following:

“(B) the name of any dependent spouse, child, or other family member accompanying the alien student to the United States;” and

(3) in paragraph (1)(D) (as so redesignated), by inserting after “maintaining status as a full-time student” the following: “and, if the alien is not maintaining such status, the date on which the alien has concluded the alien’s course of study and the reason therefor”; and

(4) by adding at the end the following new paragraph:

“(5) INFORMATION ON FAILURE TO COMMENCE STUDIES.—Each approved institution of higher education, other approved educational institution, or designated exchange visitor program shall inform the Attorney General within 30 days if an alien described in subsection (a)(1) who is scheduled to attend the institution or program fails to do so. The Attorney General shall ensure that information received under this paragraph is included in the National Crime Information Center’s Interstate Identification Index.”.

#### SEC. 6. STRENGTHENING VISA WAIVER PILOT PROGRAM.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended by adding at the end the following:

“(D) TAMPER PROOF PASSPORT.—The country employs a tamper-proof passport, has established a program to reduce the theft of passports, and has experienced during the preceding two-year period a low rate of theft of passports, as determined by the Secretary of State.”.

#### SEC. 7. REPORTING REQUIREMENT REGARDING H-1B NONIMMIGRANT ALIENS.

(a) REQUIREMENT.—Not later than 14 days after the employment of a nonimmigrant alien described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act is terminated by an employer, the employer shall so report to the Attorney General, together with the reasons for the termination.

(b) PENALTY.—Any employer who fails to make a report required under subsection (a) shall be ineligible to employ any nonimmigrant alien described in that subsection for a period of one year.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. KERRY, Mr. CRAPO, Mr. MCCONNELL, Mr. HELMS, Mr. DAYTON, Mr. LEAHY, Mr. HUTCHINSON, Mr. MILLER, Mrs. LINCOLN, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, and Mr. NELSON of Nebraska):

S. 1519. A bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, I am proud to be joined by Senators LUGAR, KERRY, CRAPO, MCCONNELL, HELMS, DAYTON, LEAHY, HUTCHINSON, MILLER, LINCOLN, BAUCUS, ROBERTS, CONRAD,

and NELSON today as we introduce legislation in support of those men and women who voluntarily leave their communities, leave their jobs, and leave their families to serve our country. In the past few weeks, thousands of men and women have been called to duty as reservists and members of the National Guard. Many of these people have volunteered to leave their farms to respond to the call. Some of these people borrow money from the USDA to sustain their farms. Because these reservists and members of the National Guard have been called up, they may find it difficult to continue to meet the terms of these loans. The bill offered today would alleviate some of the financial stress caused by the activation.

The bill directs the USDA to use its lending authority to minimize the financial impact of a reservist being activated. The Secretary of Agriculture is directed to take actions to help keep the farm of an activated reservist in operation, including deferring scheduled payments, reducing interest rates, reamortizing or consolidating loans, or taking other restructuring actions. The bill also provides the USDA new authority to provide emergency loan assistance to farms financially injured because of the activation of a reservist.

I thank Senator KERRY for this idea. He introduced legislation in 1999, of which I was a cosponsor, that provided similar relief to borrowers from the Small Business Administration who are called up. Just as small businesses can be greatly affected by the absence of one person, farms many times rely entirely on the labor and ingenuity of just one or two key people.

At this time, when these men and women are sacrificing so much, the least we can do is alleviate the financial strain at home caused by their willingness to serve. By enacting this modest measure, we can help lift worries about the farm at home from the minds of the individuals and families directly affected by activation.

Madam President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

#### “SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.

“(a) DEFINITIONS.—In this section:

“(1) ACTIVATED RESERVIST.—The term ‘activated reservist’ means—

“(A) a member of a reserve component of any of the Armed Forces of the United States who is serving on active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) pursuant to a call or order issued on or after September 11, 2001, under a provision of

law referred to in subparagraph (B) of that section; and

“(B) a member of the National Guard of a State not in Federal service who is ordered to duty under the laws of the State in support of any operation to protect persons or property from an act of terrorism or a threat of attack by a hostile force during the period of a national emergency declared by the President or Congress on or after September 11, 2001.

“(2) ELIGIBLE PERSON.—The term ‘eligible person’ means—

“(A) an activated reservist who owns or operates a farm or ranch;

“(B) an owner or operator of the farm or ranch who is a member of the family of the activated reservist; and

“(C) an owner or operator of a farm or ranch on which an activated reservist is employed.

“(b) PROGRAM.—The Secretary shall establish a program to provide assistance to any borrower of a farmer program loan who is an eligible person.

“(c) MODIFICATION OF LOAN TERMS.—The Secretary shall modify the terms and conditions of a farmer program loan (including a loan in which any participant in the loan is an eligible person) made to an eligible person for a farm or ranch under this title, or purchased under section 309B, to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

“(d) DEBT RESTRUCTURING.—The Secretary may modify farmer program loans, including delinquent loans, by deferring principal or interest scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled principal or interest payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

“(e) EMERGENCY LOANS.—

“(1) IN GENERAL.—The Secretary shall make an emergency loan under subtitle C to an eligible person for a farm or ranch that has suffered, or that is likely to suffer, substantial economic injury as the result of the activation of an activated reservist, as determined by the Secretary.

“(2) ADMINISTRATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an emergency loan made under this subsection shall be made under the terms and conditions of subtitle C.

“(B) EXCEPTIONS.—An emergency loan made under this subsection shall not be subject to—

“(i) the requirements of section 321(a) for a finding by the Secretary that the applicants’ farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President;

“(ii) section 321(b); or

“(iii) any other requirement of subtitle C that the Secretary waives to carry out this subsection.

“(3) PERIOD OF ELIGIBILITY.—To obtain an emergency loan under this subsection, an eligible person shall apply for the emergency loan during the period—

“(A) beginning on the date on which the activated reservist is activated; and

“(B) ending 180 days after the date on which the activated reservist is discharged or released from active duty.

“(f) NOTICE.—The Secretary shall develop a program to notify eligible persons of assistance that is available under this section.

“(g) SPOUSES OR RELATIVES.—

“(1) IN GENERAL.—The Secretary may provide for procedures under which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under this title.

“(2) REPRESENTATION.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under the procedures described in paragraph (1) if the Secretary—

“(A) determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

“(B) has no reason to believe that the representation of the spouse or close relative is not in accordance with the intent and interests of the activated reservist.”.

## SEC. 2. REGULATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendment made by section 1.

(b) PROCEDURE.—The promulgation of the regulations and administration of the amendment made by section 1 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. BROWNBACK:

S. 1521. A bill to amend the FREEDOM Support Act to authorize the President to waive the restriction of assistance for Azerbaijan if the President determines that it is in the national security interest of the United States to do so; to the Committee on Foreign Relations.

Mr. BROWNBACK. Madam President, in the coming weeks, we are going to be debating several very contentious bills. However, more than at any other point in my career we are considering these issues in an extremely congenial, collegial, thoughtful and deliberative way. Certainly, many of us disagree about the details of one issue or another, however, we have consistently put the interest of the nation ahead of the our own interests as political actors.

This is very encouraging to me. This should be very encouraging to the American people. This should be very encouraging to freedom loving people of the world. The tenor of the debates on this floor should signify to everyone that the United States Government is operating not simply as well as it did before September 11th, but better that

it did on September 11th. In the face of this attack, the American Government is operating just as it was always intended to operate.

Today, Madam President I rise to offer a bill that will ensure that our government continues to operate just as intended.

The administration is going about the business of fighting a war. That process relies greatly on our government's ability to strengthen ties with countries that agree to help us wage this war on terrorism. These countries, in many cases, will be taking on factions within their own borders in order to do what is right. For these efforts to prevail, we must use all our assets. One of the most important and appealing being trade and foreign assistance—particularly with regard to the nations of Central and South Asia.

In this spirit, I am introducing a bill which will grant the President the authority to waive the restriction on assistance to the country of Azerbaijan, if the President determines that our national security and interests will benefit from greater assistance and trade with this country—he should have the right to pursue that policy.

Section 907 of the Freedom Support Act places sanctions on Azerbaijan that prevent any support from the United States government for the young nation. This language ties the administration's hands as they attempt to work with this strategically important ally in the war against terrorism.

Unlike past efforts to repeal or waive section 907 sanctions on Azerbaijan, today our debate is about more than regional stability in Central Asia—our debate now centers on United States national security interests.

Section 907 stands in the way of training and assistance for Azerbaijani military hospitals that may have to deal with casualties in this campaign.

Section 907 stands in the way of airport and air traffic control upgrades that may need to happen to assist our airforce.

There are over 71 million people in the Central Asian region which includes Azerbaijan. Many of these emerging democracies are battling fundamentalist factions. If we do not assist those who want to move westward, we empower the factions coming in from countries which support terrorist activities.

With the horrific attack on our country, we have been painfully awakened to the global and complex network that terrorists have created and aimed at our country and its interests. Our foreign policy must help fight against the creation of new terrorist breeding grounds as we fight the existing terrorist plague.

Azerbaijan itself is a bulwark against Islamic fundamentalism in the region. Since its independence, Azerbaijan has endured Iranian pressure to adopt its style of government. Iran secretly funds hundreds of religious schools and

colleges in Azerbaijan. Iranian diplomats and secret service representatives have been expelled from Azerbaijan on grounds that they are fomenting disturbances.

Iran criticizes Azerbaijan for its pro-U.S. stance and is concerned about the Azeris increasing ties to the West—particularly with U.S. companies. Iran seeks to ensure that Azerbaijan fails with its free market and democratic reforms, because secular independence and democratic Azerbaijan is perceived as a threat for the fundamentalist regime in Iran.

Right now, we need the help and cooperation of the entire Central Asian region—we can not afford to tie the President's hands over a conflict between two countries. This is particularly important now since these restrictions are used as anti-American fodder by fundamentalist factions hoping to shape the development of the region.

To reiterate, this provides national waiver authority to the President to lift sanctions on Azerbaijan. Briefly, the United States has had for a series of years, now, sanctions against Azerbaijan. For people not familiar, Azerbaijan sits in the Caspian Sea region right above Iran.

It is part of the former Soviet Union. It is an oil- and gas-rich area. It is a small country. But it is a small Islamic country that is strongly supportive of the United States.

Their President, President Aliyev, has issued statements about the strong support for the United States in the face of our attack on terrorism and dealing with terrorism. They have provided the United States fly-over rights, landing rights, refueling rights, and intelligence information as well. This is in that key strategic part of the world, the south Caucasus, just leading into central Asia. It has the gateway city, Baku, going into Asia. Baku is an old, really European-style city—a gorgeous place. But more important, they are supportive of the United States, and yet as they support us, we are sanctioning them.

We are likely to use military bases in Azerbaijan as a staging area or as a refueling area or, potentially if we have casualties in the region, as a hospital area as well. Yet we are sanctioning them.

If we continue with these sanctions, the Azeris are not going to be able to effectively help us and use their territories. Because of the sanctions we have against Azerbaijan, we cannot train their personnel to help us in guarding the perimeter of military bases where our aircraft may be. Because of the sanctions we have against Azerbaijan, we cannot train their hospital personnel to be able to help treat any potential difficulties that we may have in that region. Because of the sanctions we have against Azerbaijan, we cannot train their personnel in counterintelligence to help us in the gathering of information as to what is



taking place, what is moving in the region, so we can be more effective in our fight against terrorism. This is against a country that has been strongly supportive of the United States.

There has been a long, ongoing battle between the Azeris and the Armenians in this region of the world, and this has gone on for a long period of time. The sanctions are somewhat associated with that. But the point being, we have a fight now against terrorism. The President needs to have national security waiver authority so, in those specific areas that would be beneficial to us, he can lift those sanctions against Azerbaijan. This will be a tough issue, but that authority is something we should provide the President if we are going to prosecute this effort successfully. I think it is very important that we put this forward, that we pass it.

This is not taking the sanctions off completely. It is providing the President with waiver authority, national security waiver authority. There has to be a national security interest. If it is not needed, if the reason to have it is not there, the President doesn't have the authority to exercise it. So we should provide him that authority.

I am introducing this bill tonight. I urge my colleagues to look very closely at this issue, and I hope they will sign onto the bill so we can move this forward and allow the President the tools he needs to prosecute this war on terrorism effectively.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 169—RELATIVE TO THE DEATH OF THE HONORABLE MIKE MANSFIELD, FORMERLY A SENATOR FROM THE STATE OF MONTANA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. BAUCUS, Mr. BURNS, Mr. BYRD, Mr. STEVENS, Mr. INOUE, Mr. THURMOND, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEAHY, Mr. REID, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MI-

KULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas Mike Mansfield, the son of Irish immigrants, was born in 1903 in New York City and raised in Great Falls, Montana;

Whereas Mike Mansfield was the youngest Montanan to serve in World War One, having enlisted in the United States Navy at the age of fourteen;

Whereas Mike Mansfield spent eight years working in the copper mines of Montana;

Whereas Mike Mansfield, at the urging of his wife Maureen, concentrated his efforts on education, obtaining both his high school diploma and B.A. degree in 1933, an M.A. in 1934, and became a professor of history at the University of Montana at Missoula, where he taught until 1952;

Whereas Mike Mansfield was elected to the House of Representatives in 1943 and served the State of Montana with distinction until his election to the United States Senate in 1952;

Whereas Mike Mansfield further served the State of Montana and his country in the Senate from 1952 to 1976, where he held the position of Majority Leader from 1961 to 1976, longer than any Leader before or since;

Whereas Mike Mansfield continued to serve his country under both Democratic and Republican administrations in the post of Ambassador Extraordinary and Plenipotentiary to Japan from 1977 to 1989; and

Whereas Mike Mansfield was a man of integrity, decency and honor who was loved and admired by this Nation: Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### SENATE RESOLUTION 170—HONORING THE UNITED STATES CAPITOL POLICE FOR THEIR COMMITMENT TO SECURITY AT THE UNITED STATES CAPITOL, PARTICULARLY ON AND SINCE SEPTEMBER 11, 2001

Mr. WELLSTONE (for himself, Mr. DODD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 170

Whereas the Capitol is an important symbol of freedom and democracy across the United States and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy;

Whereas millions of people visit the Capitol each year to observe and learn the workings of the democratic process;

Whereas the United States Capitol Police force was created by Congress in 1828 to provide security for the United States Capitol building;

Whereas, today the United States Capitol Police provide protection and support services throughout an array of congressional buildings, parks, and thoroughfares;

Whereas the United States Capitol police provide security for Members of Congress, their staffs, other government employees, and many others who live near, work on, and visit Capitol Hill;

Whereas the United States Capitol Police have successfully managed and coordinated major demonstrations, joint sessions of Congress, State of the Union Addresses, State funerals, and inaugurations;

Whereas the United States Capitol Police have bravely faced numerous emergencies, including three bombings and two shootings (the most recent of which in 1998 tragically took the lives of Private First Class Jacob 'J.J.' Chestnut and Detective John Michael Gibson);

Whereas the horrific events of September 11, 2001 have created a uniquely difficult environment, requiring heightened security, and prompting extra alertness and some strain among staff and visitors;

Whereas the U.S. Capitol Police force has responded to this challenge quickly and courageously, including by facilitating the evacuation of all of the buildings under their purview, as well as the perimeter thereof;

Whereas the United States Capitol Police Department has since instituted 12-hour, 6-day shifts, requiring that officers work 30 hours of overtime each week to ensure our continued protection;

Now, therefore, be it

*Resolved by the Senate, That—*

(1) the Senate hereby honors and thanks the United States Capitol Police for their outstanding work and dedication, during a period of heightened security needs on the day of September 11, 2001 and thereafter;

(2) when the Senate adjourns on this date they shall do so knowing that they are protected and secure, thanks to the commitment of the United States Capitol Police.

#### SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF THE CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED TO HONOR COAL MINERS

Mr. MCCONNELL submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 77

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they have performed to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas millions of workers have toiled in the Nation's coal mines over the last century, risking both life and limb to fuel the Nation's economic expansion;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines, and 3,500,000 coal miners have suffered non-fatal injuries;

Whereas 100,000 coal miners have contracted Black Lung disease as a direct result of their toil in the Nation's coal mines;

Whereas coal provides 50 percent of the Nation's electricity and is an essential fuel for industries such as steel, cement, chemicals, food, and paper;

Whereas the United States has a demonstrated coal reserve of more than

500,000,000,000 tons, with an estimated 275,000,000,000 tons of recoverable reserves which, at current production rates, represents about 275 years of recoverable coal reserves;

Whereas these coal reserves represent about 95 percent of all fossil fuel reserves in the United States, and about ¼ of the world's known coal reserves;

Whereas the recoverable coal reserves in the United States have the energy equivalent of about 1,000,000,000,000 barrels of oil, which is comparable to all of the world's known oil reserves;

Whereas since the energy crises of the 1970s, United States' dependence on foreign oil has grown substantially, with imported oil accounting for 39 percent of all oil consumed in 1973 and about 60 percent today;

Whereas energy security is an integral component of the Nation's economy and national security;

Whereas coal mining continues to be the economic engine for many communities, providing jobs to areas with little economic diversity;

Whereas coal mining provides economic benefit far beyond its direct revenue, including billions of dollars in economic output and household earnings and hundreds of thousands of jobs in other industries; and

Whereas issuing a postage stamp to honor the Nation's coal miners is fitting and proper: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the United States Postal Service should issue a stamp honoring the Nation's coal miners; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1847. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

SA 1848. Mr. BAYH (for himself, Mr. VOINOVICH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1850. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; which was ordered to lie on the table.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

SA 1852. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1853. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1847. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

Strike the section heading for section 14 and insert the following:

#### SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—On the date of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

#### SEC. 15. DEFINITIONS.

SA 1848. Mr. BAYH (for himself, Mr. VOINOVICH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 19, strike the section heading and insert the following:

#### SEC. 19. MUTUAL PASSENGER ASSURANCE.

(a) REQUIREMENT.—Chapter 417 of title 49, United States Code, is amended by adding at the end of subchapter I the following new section:

##### “§ 41722. Mutual passenger assurance

“(a) REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.—Each air carrier referred to in subsection (b) that provides scheduled air passenger service on an air passenger route shall, to the extent practicable, provide air transportation to passengers ticketed for air transportation on that route by an air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism, or insolvency or bankruptcy of the carrier.

“(b) APPLICABILITY.—This section applies to an air carrier that receives assistance under section 101 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 41721 the following new item:

“41722. Mutual passenger assurance.”.

#### SEC. 20. DEFINITIONS.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the section relating to air marshals, insert the following subsection:

( ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a

retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SA 1850. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1510, to deter and punish terrorists acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This section may be cited as the “Justice for Victims of Terrorism Act”.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking the period and inserting “; and”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking “(b)” through “entity—” and inserting the following:

“(b) An ‘agency or instrumentality of a foreign state’ means—

“(1) any entity—”; and

(D) by adding at the end the following:

“(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking “1603(b)” and inserting “1603(b)(1)”.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “(including any agency or instrumentality or such state)” and inserting “(including any agency or instrumentality of such state), except to the extent of any punitive damages awarded.”; and

(B) by adding at the end the following:

“(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution with respect to that judgment, in like manner and to the same extent as if the United States were a private person, except to the extent of any punitive damages awarded.”; and

(2) by striking paragraph (3) and adding the following:

“(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

“(B) A waiver under this paragraph shall not apply to—

“(i) if property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

“(ii) if any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

“(C) In this paragraph, the term ‘property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ and the term ‘asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

“(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(e) **PAYGO ADJUSTMENT.**—The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this section, or any amendment made by this section.

**SA 1851.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 17(b), strike “(from amounts made available for obligation under subsection (a))” and insert “(from amounts made available for obligation under subsection (a) or from amounts made available pursuant to an Act making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes (Public Law 107-38))”.

**SA. 1852.** Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMENDMENTS TO AIRCRAFT AND AIRMAN REGISTRY AUTHORITY.**

(a) **REGISTRATION AND RECORDATION SYSTEM.**—Section 44111 of title 49, United States Code, is amended—

(1) by striking subsection (a) and redesignating subsections (b), (c), and (d), as subsections (a), (b), and (c), respectively;

(2) in subsection (a)(2), as redesignated, by inserting before the semicolon “and related to combating acts of terrorism”;

(3) by inserting the following flush sentence at the end of subsection (a):

“For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States

or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnapping.”; and

(4) in the heading, by striking “NOT PROVIDING AIR TRANSPORTATION”.

(b) **AIRMAN CERTIFICATES.**—Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”;

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraph:

“(3) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

**SA. 1853.** Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”;

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraphs:

“(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnapping.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 9, 2001, at 2:30 p.m. on John Marburger to be Director of the Office of Science and Technology Policy, and Phillip Bond to be Under Secretary of Commerce for Technology.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be au-

thorized to meet during the session of the Senate on Tuesday, October 9 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 1480, a bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and other proposals related to energy infrastructure security.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 9, 2001 at 2:15 p.m. to hold a nomination hearing.

Nominees: Mr. Edward Fox, of Ohio, to be an Assistant Administrator (Legislative and Public Affairs) of the United States Agency for International Development;

Mr. Kent Hill, of Massachusetts, to be an Assistant Administrator (for Europe and Eurasia) of the United States Agency for International Development;

Mrs. Anne Peterson, of Virginia, to be an Assistant Administrator (Global Health) of the United States Agency for International Development; and

Mr. John Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Effective Responses to the Threat of Bioterrorism during the session of the Senate on Tuesday, October 9, 2001, at 10 a.m.

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

**PRIVILEGE OF THE FLOOR**

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Ray Ivie of my staff be granted the privilege of the floor today and throughout consideration of S. 1447.

The PRESIDING OFFICER. Without objection it is so ordered.

**HONORING MIKE MANSFIELD**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 169 submitted earlier today by the two leaders, and others.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 169) relative to the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Madam President, it is a great honor for me to join Senator DASCHLE in sponsoring a resolution memorializing our friend and the great Senator from Montana, our former majority leader in the Senate and Ambassador to Japan, Mike Mansfield.

I didn't get to know Senator Mansfield as well as many Senators who actually served with him. I was in the House during many of the years he was serving as the majority leader through 1976. I remember watching and liking the fact he would go on some of the talk shows and be interviewed. They would ask this convoluted, complicated, long question; he would answer with a one-syllable word. I loved that. Quite often that is all that is necessary: Yes; no. It makes it very difficult to drag out a long program.

As I watched him closer over the years, there was something about his demeanor that was very attractive. When I became majority leader, I read books on previous majority leaders. There had only been 15 before I had the opportunity to be majority leader. There were some in particular, and I went over the style of their leadership: Lyndon Johnson, Mike Mansfield, Howard Baker, and all of our majority leaders.

I particularly was attracted to Senator Mansfield's style. It was one of letting the Senate work its will. It was not threatening. By the way, the style was so different from Lyndon Johnson's. Lyndon Johnson was very effective but worked Senators late hours and weekends. Behind Lyndon Johnson came Mike Mansfield who took a completely different tack. Yet he got as much done. If you look at the substance of what was produced during the leadership period of Lyndon Johnson compared to the critical period that Mike Mansfield served, he got as much done.

While some will disagree that I did this, I decided in my own mind I would try to adopt more of the style of Mike Mansfield, and not necessarily keep the staff here when it was not necessary, and see if I couldn't get more done by not being in session late at night or threatening weekends. I think it had an effect. I found quite often if you don't try to punish Senators, you get more done than you do if you press them to the wall. He was a great leader from Montana. He served longer than any other majority leader in history. Of the now 17 majority leaders, only he served 15 years in that position.

He also had the exact personality that we needed to have for Ambassador to Japan. In a way, he was maybe even Japanese in his demeanor: Soft spoken, courteous, honorable, man of high integrity, man of few words. When he spoke, it was worth listening.

So we have lost a great leader in the Senate, a friend. He came back and spoke to our Leader's Lecture Series. I was totally enthralled with what he

had to say. He gave us the speech he was going to give on the Friday that John F. Kennedy was assassinated. He had not given that speech. It was a speech defending his style of leadership. It was quite interesting to get the juxtaposition of what we go through today and what he was going through, the historical nature of that speech. In fact, he delivered it to the Senate some 35 years later.

So we will miss Mike Mansfield. He stayed active until the very end. But somehow I felt when Mrs. Mansfield passed away not too long ago that he wouldn't be long because they were inseparable. He loved her so dearly. And, once again, I think they exhibited the type of couple we want in government but also in life.

As a Republican, but more importantly as a Senator of America, I came to admire Mike Mansfield. We owe him a great debt of gratitude. He has been a legend. He has made this institution a better place for his service. We shall miss him.

I yield the floor.

Mr. BROWNBACK. Madam President, I add my statement of support to what Senator LOTT has said about Mike Mansfield. I had the opportunity to meet him at the Senate prayer breakfast. He was a regular attendee, a gentleman from appearance, demeanor, and actions, deep spiritually as an individual. He spoke often by not speaking, just by the way he was. He spoke volumes, really, of the beauty of a person who leads a good life. He led a life that was really lived and a model for many of us to follow. He will be dearly missed.

Mr. REID. Madam President, I ask unanimous consent that I be added as a cosponsor of this resolution, and I further ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table en bloc with no intervening action or debate.

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

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

#### IN HONOR OF THE UNITED STATES CAPITOL POLICE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 170 submitted earlier today by Senator WELLSTONE.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 170) honoring the United States Capitol Police for their commitment to security at the United States Capitol, particularly on and since September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I express my appreciation to Senator WELLSTONE for moving forward on this resolution to recognize the commitment the Capitol Police have made to each one of us, and every staff member, and every person who visits the United States Capitol. They did that before September 11, and following September 11 that has been magnified. They do tremendous work. They are as well trained as any police officers in the world. And every day they honor the Government for whom they work.

Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

#### HONORING LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, EMERGENCY RESCUE PER- SONNEL AND HEALTH CARE PROFESSIONALS

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Con. Res. 76, and that the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) honoring law enforcement officers, firefighters, emergency personnel and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FEINGOLD. Madam President, I rise today in support of this resolution honoring the efforts and sacrifices of law enforcement officers, firefighters, emergency rescue personnel, and health care professionals in responding to the horrific attacks on the United States on September 11, 2001.

In New York and Washington, D.C., emergency calls went out on the morning of September 11 just after those attacks occurred. Those alarms were heard by first-responders throughout the country. Law enforcement, firefighters, emergency rescue personnel, and health care professionals answered the call with the same selfless courage and determination that has long distinguished our emergency response community. While the world looked on in

stunned disbelief, these workers, always prepared and ever vigilant, instinctively donned their uniforms and raced to the scene.

At ground zero, as many as 400 of these brave men and women sacrificed their very lives in service to their communities that morning. Since that time hundreds more have labored tirelessly in efforts to save and recover their fellow rescuers and other victims. Although we react with awe and commend them for working above and beyond the call of duty, these courageous souls expect no less from themselves and carry on despite the heavy emotional and physical burdens of their mission.

This instinct to respond has shown in the efforts of emergency response personnel nationwide. On seeing the events of September 11 unfold, volunteers from all parts of the country, including firefighters and other workers from the State of Wisconsin, travelled across the country to the impact zones to assist in whatever means necessary. From home, firefighters and other rescue workers have organized fund-raising and supply drives to support rescue and recovery efforts and the families of their fallen brethren. In Madison, WI, local firefighters have raised over \$200,000 for families of their New York counterparts who died at the World Trade Center. Other community fire departments throughout Wisconsin have responded in kind.

I am proud to recognize the contribution of our Wisconsin emergency response community. More than three-quarters of our fire and rescue workers in Wisconsin are volunteers, individuals who balance this substantial public service commitment while working full-time jobs throughout our communities. These workers know, like no other, the sacrifices that were made at the World Trade Center on September 11, and our prayers go out to them as they grieve for their comrades-in-arms.

As we prepare to respond to this vicious attack on our Nation, we must not forget the integral part that emergency response workers will play in this campaign. The threat of terrorism knows no boundaries, as we were so painfully reminded, and these first-responders will be on the front lines of our defense. These workers have been quietly preparing for years for this mission, but they will need our continued support to remain at-the-ready. It will be these workers who will ensure that America "gets back to work," because their efforts give us security in our streets, our public facilities, and our homes. I would like to say to all of our emergency response workers thank you for your service to our communities. Your work has never been so needed, never so appreciated.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be

printed in the RECORD with no intervening action.

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

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City and a third plane into the Pentagon in northern Virginia, and resulting in the crash of a fourth plane in Somerset County, Pennsylvania;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon;

Whereas thousands of innocent Americans and foreign nationals were killed or injured as a result of these attacks;

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events, acting heroically, and trying to help and to save as many of the lives of others as possible in the impact zones, in spite of the clear danger to their own lives;

Whereas some of these rescue workers, police officers, and firefighters have died or are missing at the site of the World Trade Center;

Whereas firefighters, rescue personnel, and police officers have been working above and beyond the call of duty, putting their lives at risk, working overtime, going without proper sleep, and spending time away from their families and loved ones;

Whereas the United States Capitol Police, United States Secret Service, the Police Department of Metropolitan Washington, D.C., the Arlington County Police Department, and other law enforcement agencies have put in extra hours to ensure the safety of all Americans, particularly the President, members of Congress, and other United States Government officials; and

Whereas since the morning of September 11, 2001, police officers and public safety officers throughout the United States have been called upon to put in extra time to ensure the safe and security of Americans: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress commends—*

(1) the firefighters, police officers, rescue personnel, and health care professionals who have selflessly dedicated themselves to the search, rescue, and recovery efforts in New York City, northern Virginia, and Pennsylvania; and

(2) the efforts of law enforcement and public safety personnel throughout the nation for their service at a time when their call to serve and protect their nation is even more essential than ever before.

#### NATIONAL MAMMOGRAPHY DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. Res. 164.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) designating October 19, 2001 as "National Mammography Day".

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 164

Whereas according to the American Cancer Society, in 2001, 192,200 women will be diagnosed with breast cancer and 40,600 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by up to 63 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 97 percent: Now, therefore, be it

*Resolved, That the Senate—*

(1) designates October 19, 2001, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

#### RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE YOUTH FOR LIFE: REMEMBERING WALTER PAYTON

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Con. Res. 63 and that the Senate proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 63) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 63

Whereas more than 76,000 men, women, and children currently await life-saving transplants;

Whereas every 14 minutes another name is added to the national transplant waiting list;

Whereas people of all ages and medical histories are potential organ, tissue, and blood donors;

Whereas more than 2,300 of those awaiting transplants are under the age of 18;

Whereas approximately 14,000 children and young adults under the age of 18 have donated organs or tissue since 1988;

Whereas science shows that acceptance rates increase when donors are matched to recipients by age;

Whereas organ donation is often a family decision, and sharing a decision to become a donor with family members can help to ensure a donation when an occasion arises;

Whereas nationwide there are up to 15,000 potential donors annually, but consent from family members to donation is received for less than 6,000;

Whereas educating young people about organ and tissue donation promotes family discussions over the desire of family members to become organ donors;

Whereas Youth For Life: Remembering Walter Payton is committed to educating young adults about organ donation and encouraging students to discuss this decision with their family and register to be organ donors;

Whereas the Youth For Life: Remembering Walter Payton program is dedicated to football legend Walter Payton, who broke the NFL career rushing record on October 7, 1984; and

Whereas Youth For Life: Remembering Walter Payton Day will be held on October 9, 2001; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the purposes and objectives of Youth For Life: Remembering Walter Payton; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

## ORDERS FOR WEDNESDAY, OCTOBER 10, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, October 10; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1447, the aviation security bill; and further, that all time during the adjournment be counted under rule XXII.

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

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment in accordance with S. Res. 169, as a further mark of respect to the late majority leader, Senator Mike Mansfield.

There being no objection, the Senate, at 7:08 p.m., adjourned until Wednesday, October 10, 2001, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 9, 2001:

### FEDERAL HOUSING FINANCE BOARD

JOHN THOMAS KORSMO, OF NORTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2009. (REAPPOINTMENT)

JOHN THOMAS KORSMO, OF NORTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2002, VICE LAWRENCE U. COSTIGLIO, TERM EXPIRED.

### DEPARTMENT OF STATE

CHARLES S. SHAPIRO, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

ERNEST L. JOHNSON, OF LOUISIANA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM J. HYBL, OF COLORADO, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NANCY CAIN MARCUS, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

### NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003, VICE JOHN C. TRUESDALE, RESIGNED.

### THE JUDICIARY

JULIA SMITH GIBBONS, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE GILBERT S. MERRITT, RETIRED.

WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EMMETT RIPLEY COX, RETIRED.

PHILIP R. MARTINEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

C. ASHLEY ROYAL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE DUROSS FITZPATRICK, RETIRED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

#### *To be rear admiral (lower half)*

CAPT. DALE G. GABEL, 0000  
CAPT. JEFFREY M. GARRETT, 0000  
CAPT. DAVID W. KUNKEL, 0000  
CAPT. DAVID B. PETERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be rear admiral*

REAR ADM. (LH) MARY P. O'DONNELL, 0000

#### *To be rear admiral (lower half)*

CAPT. DUNCAN C. SMITH III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be rear admiral (lower half)*

CAPT. STEPHEN W. ROCHON, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

#### *To be lieutenant general*

MAJ. GEN. GEORGE W. CASEY JR., 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

VICE ADM. CHARLES W. MOORE JR., 0000

### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

STEPHEN C. BURRITT, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

MICHAEL S. SPEICHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be commander*

GARY W. LATSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

ROBERT S. SULLIVAN, 0000