

civil liberties violated there, but I see some of them protected. I think of the civil liberties of those approximately 6,000 people who lost their lives, and potentially many others if we don't give law enforcement the tools they need to do the job. That is what this bill does.

I will have more to say, perhaps, on this later. I wanted to make these particular points. I am happy to retain the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. WELLSTONE. I ask unanimous consent that I may follow the Senator from North Dakota.

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

Mr. DORGAN. I understand we are under a time agreement and I am allotted 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, the legislation that is on the floor is legislation I will vote for and support. I think it advances our country's interests in dealing with the issue of terrorism. But I don't want to talk about what is in the bill; I want to talk about something that is not now in the bill and should be. I want to ask the question, Why?

I came to the floor an hour ago and was surprised to find out that something about which I care very much, something agreed to in the Senate, is now no longer in this legislation. Here is the issue. I held and chaired a hearing in my subcommittee on Appropriations a couple weeks ago. The Customs Service was there and Immigration was there. They said we have a system in this country called the advance passenger information system. It is a system under which international air carriers electronically transmit to the Customs Service passenger and cargo manifests, so that before they enter and are cleared for departure, we know who is on that plane and what is on that plane, so we can determine whether there are people who should not be allowed to enter this country. That is the advance passenger information system. It works, but it is voluntary and only 85 percent of the carriers are complying.

I asked at my hearing of Customs and Immigration: Should this be mandatory? They said: Absolutely, we need you to make this mandatory.

When we had the antiterrorism bill on the floor of the Senate, I had cleared an amendment in the managers' package that would make this mandatory. Let me tell you of the airlines that do not comply, for which we don't get advance passenger information: Saudi Arabia, Kuwait, Royal Jordanian, Pakistani International, to name a few airlines that do not comply under the voluntary standard and give us no advance passenger information.

Mr. HATCH. If the Senator will yield, I commend the Senator. I think he is absolutely right. We had it in the Sen-

ate bill. It was a worthwhile provision that I think we need to include later, since we can't do it on this bill at this point. I will support him in every way possible to get this done in the future. I commend the Senator for bringing this to the attention of this body because I have to say the House absolutely would not permit us to put that in the bill.

Mr. DORGAN. I inquire of the Senator from Utah, what possibly could be their motive to not want this in the antiterrorism bill?

Mr. HATCH. I think it came down to a jurisdictional argument. That is my opinion. We understand that around here, but we are trying to solve terrorism now. The Senator's point is a very good point. My main reason for interrupting him at this point is to commend him and tell him I will do everything in my power to get that passed. I think it is critical that the other 15 percent be made mandatory, that they have to comply, because most of the airlines comply on a voluntary basis.

I am sorry to interrupt the Senator. I reserve my time.

Mr. DORGAN. Madam President, I appreciate the comments of the Senator from Utah. It is not his fault. I understand he strongly supports this. I kind of felt blind-sided an hour ago when I was told this wasn't in the bill we are discussing because we had cleared it. Apparently, some folks from the other side of this Capitol have this notion of muscle flexing with respect to jurisdictional standards. Frankly, I don't understand that on an issue that is this important. We need advance passenger information clearing—not on a voluntary basis but on a mandatory basis. Somehow it got left out.

I thank the Senator from Utah for his cooperation because we are going to get this done. This needs to be done. If we have a few small-minded people in this Capitol simply protecting their turf and who don't seem to worry about combating terrorism, we will move beyond them and we are not going to pay much attention to their concerns.

If I might ask, how much time remains on my 10 minutes?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. DORGAN. I want to mention two other issues, and they don't relate directly to this bill. They are very important to me.

We are talking about antiterrorism activities. We have an organization down at the Treasury Department's Office of Foreign Asset Control. I happen to fund that area, as I am chairman of the Appropriations subcommittee that funds that. I want to say something I said before the terrorist attacks of September 11. OFAC, in my judgment, ought to be using its resources to track terrorists and track the trail left by terrorists with the movement of money around the globe.

But in August I pointed out that what OFAC was doing—at least with

some of its resources—and it appears that 10 percent of the resources of OFAC is devoted to chasing little old ladies in tennis shoes from Illinois who join a bicycle club from Canada and go bicycling in Cuba and 15 months later get a letter from the Treasury Department that they have a \$9,500 fine. That is one example of a retired teacher from Illinois. OFAC is chasing retired folks who go on a bicycling trip to Cuba with a Canadian bicycling Club, and she was fined \$9,500. I talked to her and others who have been fined.

There was a \$55,000 fine for someone who was with some friends in the Cayman Islands and they decided to go to Cuba for the weekend. This guy is wondering what on Earth has happened. He was not supposed to travel to Cuba, but he didn't know it. OFAC is supposed to be tracking terrorists, but they are chasing retired schoolteachers from Illinois for taking a bicycling trip in Cuba.

Let's stop this foolishness and track the trail of terrorists. It doesn't make sense to be doing what OFAC has been doing. First of all, it is embarrassing. I understand the restrictions on travel, which we should change and we will change, but should we be using 10 percent of the assets of OFAC to track these people down and levy civil fines at a time when terrorists are designing approaches to kill Americans? What on Earth is going on here?

I say to Treasury and OFAC, if they are listening: Get busy doing the right things. Get right about public policy initiatives that we are funding you to do.

Let me mention one additional item, if I may, and again it relates to antiterrorism, not necessarily just to this bill, and that is the issue of northern border security. We have a 4,000-mile border between the United States and Canada, with 128 ports of entry, and 100 of them are not staffed at night. At 10 o'clock at night, the security between the United States and Canada is an orange rubber cone, just a big old orange rubber cone. It cannot talk. It cannot walk. It cannot shoot. It cannot tell a terrorist from a tow truck. It is just a big fat dumb rubber cone sitting in the middle of the road.

Those who want to come in illegally at 11 or 12 o'clock at night and are polite about it will stop in front of the rubber cone, remove the rubber cone, drive through, and replace it. Those who do not care will shred it at 60 miles an hour. That is supposed to be security in this country.

We know a terrorist came across that northern border at Port Angeles. This particular Middle Eastern terrorist was going to create substantial bombing activities of public facilities at the turn of the millennium in Los Angeles. We know the terrorists know where it is easy to get through our border and where it is not.

Having said all that, that a rubber cone is no substitute for security, the Treasury Department has said to this

Congress that none of the \$20 billion we appropriated for security is going to go for increased resources at the northern border for Customs. The other side, Immigration and Border Patrol, are going to get increased resources, but the Treasury Department says: No, we do not need additional resources with the Customs Service.

Nothing could be further from the truth. I am just asking these people who are thinking through these issues to start thinking the right way. We do need additional resources. That is why we provided the \$20 billion. We do need additional security on the northern border. Yes, orange rubber cones are inexpensive. They are also ineffective. They are no substitute for security in this country. I know I am going a bit afield from this bill, but I wanted to make the other two points about OFAC and what it is doing and northern border security because that, too, relates to the issue of antiterrorism and this country's ability to deal with the terrorist threats.

I conclude by saying I came here to talk about the advance passenger information system. I, again, feel terrible it was left out of this bill because we had agreement in the Senate. I understand some folks in the House refused to move on this issue.

One way or another I am going to get this done in the next couple of weeks. I will find a bill, a vehicle. This is going to get done. I appreciate the willingness of the Senator from Vermont and the Senator from Utah to help me do that. That is a glaring omission from this bill, and if the House does not want to do it on this bill, we will force them to do it on another bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, on behalf of senator LEAHY, I yield 10 minutes to the Senator from Massachusetts, and I ask unanimous consent that his remarks follow—there is an order already in effect for Senator WELLSTONE to be heard now—the remarks of Senator WELLSTONE.

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

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Madam President, this is one of the most important pieces of legislation we will consider during this Congress. The horrific loss of life and destruction that occurred on September 11, the crime against humanity, changed us as a country. The Uniting and Strengthening America Act is an opportunity to help ensure that such terrorist attacks do not occur again. We need to improve all aspects of our domestic security, including by enhancing our intelligence capacities so that we can identify possible future attacks in their planning stages and prevent them from happening. We must be vigilant and willing to invest the resources and time required to gather the information that we need to protect ourselves and our way of life.

I appreciate the enormous amount of time and energy that my colleagues in both Chambers have put into this legislation. They have done their best to balance the risk of further terrorist attacks with possible risks to civil liberties. This comprehensive bill includes measures to enhance surveillance; improve the working relationship among Federal, State, and local agencies; strengthen border control; permit the detention of certain suspects who may be the subject of investigative efforts; help crime victims; respond to bioterrorism; and crack down on money laundering.

I am especially supportive of two new important provisions added in conference that will enhance domestic preparedness against future attacks, at the local level: the First Responders Assistance Act, and the Grant Program for State and Local Domestic Preparedness Support. These provisions authorize grants to State and local authorities to respond and prevent acts of terrorism, particularly for terrorism involving weapons of mass destruction and biological, nuclear, and chemical devices; and revises an existing grant program to provide 1, additional flexibility to purchase needed equipment; 2, training and technical assistance to State and local first responders; and 3, a more equitable allocation of funds to all States.

Last week I traveled to Moorhead, Mankato and Rochester, MN and talked with firefighters and first-responders about this very issue. They told me they desperately need training and equipment to address our new terrorism risks. These local grants are extremely important to address the needs our most important asset in the fight against terrorism: those law enforcement and emergency personnel on the front lines.

Although I still have some reservations about certain provisions of the bill as they might affect civil liberties, and wish that it were more tightly targeted to address only actions directly related to terrorism or suspected terrorism, I am pleased with the inclusion of several key civil liberty safeguards. The bill requires certain electronic reports to go to a judge when pen registers are used on the internet; includes provisions requiring notification to a court when grand jury information is disclosed; and contains a 4-year sunset with limited grandfathering for several of the electronic surveillance provisions.

The bill expands the Regional Information Sharing Systems Program to promote information sharing among Federal, State, and local law enforcement have a critical role to play in preventing and investigating terrorism, and this bill provides them benefits appropriate to such duty. The bill streamlines and expedites the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and other emergency personnel who are killed or suf-

fer a disabling injury in connection with a future terrorist attack. And it raises the total amount of the Public Safety Officers' Benefit Program payments from approximately \$150,000 to \$250,000.

This bill will also make an immediate difference in the lives of victims of terrorism and their families. It refines the Victims of Crime Act and by doing so improves the way in which its crime fund is managed and preserved. It replenishes the emergency reserve of the Crime Victims Fund with up to \$50 million and improves the mechanism to replenish the fund in future years. The USA Act also increases security on our northern border, including the border between Canada and my State of Minnesota. It triples the number of Border Patrol, Customs Service, and INS inspectors at the northern border and authorizes \$100 million to improve old equipment and provide new technology to INS and the Customs Service at that Border.

On the criminal justice side, the bill clarifies existing "cybercrime" law to cover computers outside the United States that affect communications in this country and changes sentencing guidelines in some of these cases. It provides prosecutor better tools to go after those involved in money laundering schemes that are linked to terrorism, and it adds certain terrorism-related crime as predicates for RICO and money-laundering. At the same time, the bill establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's antiterrorism authority. It strengthens our Federal laws relating to the threat of biological weapons and enhances the Government's ability to prosecute suspected terrorists in possession of biological agents. It will prohibit certain persons, particularly those from countries that support terrorism, from possessing biological agents. And it will prohibit any person from possessing a biological agent of a type of quantity that is not reasonably justified by a peaceful purpose.

I support these much-needed measures. And I especially support the four-year sunset provision for several of the electronic surveillance provisions. I do wish, however, that some provisions were might tightly targeted to address only actions directly related to terrorism or suspected terrorism. It is for this reason, I believe we will need to monitor the use of new authorities provided to law enforcement agents to conduct surveillance. The bill broadens the Foreign Intelligence Surveillance Act, FISA, by extending FISA surveillance authority to criminal investigations, even when the primary purpose is not intelligence gathering. The bill limits this ability by authorizing surveillance only if a significant purpose of it is to gather intelligence information. I hope this new FISA authority will be used for the purpose of investigating and preventing terrorism or