

The CAN-SPAM bill also includes enhanced enforcement authority for the FTC to close possible loopholes for spammers and to keep up with technological developments. Granting the Commission the ability to keep pace with the new techniques of spammers is essential because it has become clear in recent years that these criminals are growing increasingly sophisticated in their methods.

The passage of CAN-SPAM today will help to stem the tide of the toxic sea of spam. Clearly, consumers have been demanding control over their e-mail inboxes and the passage of CAN-SPAM today will give consumers a key victory in the battle against criminal spammers.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Maine.

Ms. COLLINS. Mr. President, let me first return the Thanksgiving greetings of my colleagues. I hope that they, too, are able to have a happy holiday with their families and friends.

#### INVESTIGATION INTO THE LACK OF COORDINATION BETWEEN FEDERAL AGENCIES

Ms. COLLINS. Mr. President, last week NBC News aired a report indicating that suspected terrorists had been granted American citizenship or permanent residency at the same time they were under investigation by the FBI for their involvement in terrorism. This well-researched piece reached the warranted and troubling conclusion that this occurred despite advance knowledge within the Department of Justice.

The NBC report revealed an alarming and dangerous lack of coordination between Federal agencies. The NBC piece parallels credible allegations that first came to my attention in January.

As the chairman of the Committee on Governmental Affairs, to followup on these allegations, I have made repeated requests of the Department of Justice for information that would allow my committee to assess this potentially serious threat to our national security.

We have a saying up in Maine: You can't get there from here. You may have heard it, Mr. President. But when it comes to travel in my home State, it is not really true. The roads may be winding, and the route may not be all that direct, but with persistence and patience, you can always get where you need to go.

However, when it comes to dealing with the Department of Justice on this very serious matter, it seems that you cannot get anywhere. I have been persistent, but my patience has pretty much run out.

The allegations that I received in January were these: In the course of investigating foreign-born individuals for terrorism-related offenses, the FBI learned that some of these individuals were in the process of applying for naturalization or permanent residency.

FBI agents requested permission to share that critical important informa-

tion with the INS. Their FBI supervisors, however, refused those requests. This information has been confirmed by NBC News's chief investigative reporter, Lisa Myers, in her thoroughly researched piece that aired last week.

My requests to the Department of Justice for information that would define the size of this alleged hole in national security and of this possible gap in interagency cooperation have been refused repeatedly.

I have modified my requests in order to accommodate the specific objections raised by the Department. My modified requests have also been refused due to new objections or, in some cases, old ones simply rephrased.

Here is a brief travelogue of my 10-month journey in the bureaucracy of the Department of Justice: On January 21, shortly after these allegations came to my attention, I wrote to the FBI Director, Robert Mueller, and asked that he provide the committee with the names, dates of birth, INS registration numbers, and start dates of investigations of all persons who have been the subjects of terrorism investigations from September 10, 1991, through September 10, 2001, in the 15 largest FBI field offices. I asked to have this information delivered to my office by February 4.

Well, I received no response at all until February 28, when I received a reply from the Department categorically denying my request. The primary reason cited was that the Department had a longstanding policy of not providing Congress with information about people who have been investigated but not prosecuted.

Among the other supporting reasons were the separation of powers and—I am not making this up, Mr. President—a concern that providing Congress with information that could help it understand and remedy a situation so potentially damaging to our Nation's security could, and I quote, "gravely damage the nation's security."

The Department did offer, at that point, to work with me to see if there was an alternative. I eagerly took the Department up on that offer, and I wanted to try to accommodate whatever legitimate concerns the Department might have.

Thus, my staff talked repeatedly with the Department during the next few months to craft a mutually agreeable alternative approach.

On May 21, I submitted another much narrower request proposing that the Department of Justice would conduct its own review, a review I would think that the Department would be very eager to conduct once this threat was brought to the Department's own attention. Moreover, the length of the review would be reduced from a decade to 5 years, and the scope would be reduced from 15 field offices to just 5.

Now, by this time, of course, the INS had been moved from the Department of Justice to the new Department of Homeland Security.

It had been renamed as the Bureau of Citizenship and Immigration Services. I suggested the FBI provide the results of its internal review to the BCIS so it could determine who had been granted citizenship or permanent residency while they were being investigated for terrorism. Again, I would think the Department would be very concerned about the serious breakdown and lapse in communication and would be eager to review its own files to quickly uncover the names of individuals who might have become citizens or permanent residents while they were under investigation for terrorism-related activities.

After months of negotiations between my staff and the Department's staff, I believed I had finally come up with a solution that addressed all of the Department's concerns.

On July 3—keep in mind how much more time has yet elapsed—I received a reply. Much to my astonishment, the answer once again was no.

Two new concerns were raised: First, when the FBI and the INS were part of the same overall Department of Justice, they could share information for this purpose legally; although, as we well know, they didn't. Now that they are in two different departments, the Justice Department claims the Privacy Act prevents the sharing of this critical information.

The second reason advanced was the FBI simply did not have the time or resources to review its own files. Again, keep in mind how important it is for the Department to know how many people were in this situation where they were under investigation for terrorism and yet received either American citizenship or permanent residency. I would think the FBI, on its own volition, would be eager to retrieve that information.

At this point some of my Senate colleagues may be asking themselves a few questions, if they have had some experience with congressional oversight. First, hasn't the Justice Department many times in the past provided Congress with information such as interview summaries and documentary evidence related to individuals who have been investigated but not prosecuted? Second, does this refute the Justice Department's argument about a supposedly sacrosanct longstanding policy? Would such a policy, if it existed and were adhered to as strictly as the Justice Department now asserts, exempt the Justice Department from effective congressional oversight? The answer to these questions is obvious.

Although the Justice Department would not review its own files to discover the extent of this problem and to document whether terrorists had been granted citizenship or permanent residency, its officials have indicated in writing to me that this likely occurred.

Let me expand on that point. The Justice Department is not refuting the basic premise. In a July 3 letter I received from the Department, from which I want to quote, it says:

We appreciate the Committee's interest in the question of whether individuals were naturalized or received permanent residence status while they were subjects of foreign counterintelligence investigations and, in fact, we have indicated in conversations with Committee staff our belief that this likely occurred prior to September 11, 2001. We do not have data to support this view, but based upon our knowledge of how Bureau and then-Immigration and Naturalization Services systems interfaced, we do not dispute the premise.

This is serious. In other words, suspected terrorists most likely received citizenship or permanent residency in the country they swore to destroy because the FBI and the INS did not talk to each other. This is extraordinary.

During my negotiations with the Department of Justice, I had suggested the Privacy Act concern the Department raised could be dealt with if the FBI passed the sealed findings of their review through my committee which then could, in turn, pass the findings along to the BCIS. That wouldn't work, Justice said, because it would violate—you got it—their longstanding policy against providing information to Congress about investigations that did not result in prosecution.

If you think we have been driving around in circles, you are right. The Justice Department refuses to provide my oversight committee with information because of a "longstanding policy." We suggest a way around that longstanding policy, and the Department cites the Privacy Act. We suggest a way to avoid the Privacy Act concerns, and we find ourselves back to the longstanding policy.

This is simply unacceptable. We know some terrorists and supporters of terrorism seek out the protective guise of American citizenship. We know a lack of coordination between the relevant agencies allowed this unacceptable situation to occur. What we don't know is how many times it has happened, how broad this problem is, how many people are involved and, most important of all, what has been done to stop it, to close that communications gap.

The Committee on Governmental Affairs will pursue this matter by continuing its investigation. I have again written to the FBI Director to request the records needed by the committee. I have now focused my request on those individuals who were named in the NBC report. It is not a burdensome request. It is not an onerous request. It is a request that is very specific, time limited, and narrow in scope. There is no reason for the Department of Justice not to promptly turn over these documents to the committee.

I want to acknowledge those courageous FBI agents who wanted to do the right thing, tried to do the sensible thing, who said: Let's share this critical information, when they discovered suspected terrorists were trying to become American citizens or permanent residents. It is deeply disturbing that in some cases their supervisors did not

listen to them. It is deeply disturbing that bureaucracy trumped national security and common sense.

I invite those agents to step forward again to make their concerns known by contacting my committee. We will listen, and we will act.

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

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

#### SENATE PAGES

Mr. DASCHLE. Mr. President, the other day the distinguished majority leader came to the floor to call attention to the special contribution made by a number of our pages who volunteered to stay beyond the time that was originally scheduled for their experience in the Senate. I wanted to join with him in expressing our heartfelt gratitude to each of those pages, not only those pages who stayed as volunteers but to those pages who have been with us this past session.

Pages play a very important role in the Senate. They are not only spectators to the democratic experiment, but they are real participants. Each of them becomes all the more adept at all of their responsibilities as the session unfolds and they become students of Government in a unique and special way.

I have always been an admirer of our pages because of the great job they do and the little attention they get. I hope they leave with an appreciation of Government.

When we have graduation for our pages, I oftentimes urge them to consider this the first installment of their public experience. I urge them to consider coming back, not only as members of the staff, but hopefully one day as elected Members themselves. I am absolutely confident at some point some will.

I will never forget Senator David Pryor, MARK PRYOR's father, telling the story that when he was a page he left a penny in the Capitol and promised himself he would come back and pick up that penny as an elected official. He did. I think it was a testament to the dreams, aspirations, and remarkable persistence that oftentimes our pages have.

As I noted, there are a number of pages who not only served the time that was expected of them but stayed on afterward to accommodate the elongated Senate schedule. Many others offered to stay, but because they had schedules that were in conflict were not able to. There are seven pages who stayed on until the last couple of days and in a couple of cases all the way up until today. Margaret Leddy, Melissa Meyer, Krista Warner, Yael Bortnick,

Emily Holmgren, Farrell Oxley, and Sarah Smith all went above and beyond the call of duty. They all have served the Senate in their capacity as pages superbly. I did not want this day or this session to end without publicly acknowledging their remarkable contribution, the quality with which they did their work and the gratitude we have for the job they did.

Yesterday was Melissa Meyer's birthday. I wish her a happy birthday besides, but to each of our pages—those who may still be here and those who have gone, those who served—again let me express on behalf of the entire Senate our heartfelt thanks, our best wishes for a happy holiday season, and, perhaps most importantly, our sincere wish that they come back again in some other capacity, because we need them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HELP AMERICA VOTE ACT

Mr. BOND. Mr. President, earlier today I spoke briefly about the need to get our appropriations bills, many of which are now included in the so-called omnibus appropriations measure—some of us think it is an "ominous" appropriations measure—passed prior to the end of calendar year 2003. Among the things I pointed out were some very important measures. This body passed something called the Help America Vote Act, which I think focused attention on two very important problems. My colleagues on the other side of the aisle wanted to make sure we had up-to-date voting machines to make sure everyone who was entitled to vote could vote to remove barriers to voting. We supported that.

We also got support for something I thought was very important as well, and that was to stop the rampant fraud that has come back as a result of post-card registration.

I have the honor of representing an area that has probably the dubious distinction of being one of the vote fraud centers perhaps in the universe. The city of St. Louis, as I have said many times before, is famous for voting rolls clogged with people registered one, two, three, even four times; vacant lots with small cities worth of registered voters; and even my favorite dog, Ritzly Meckler, a 13-year-old Springer Spaniel who was registered there.

We have had some great theological experiences. For the last general election, a very prominent and outstanding alderman of the city of St. Louis registered to vote on the 10th anniversary of his death. It is a wonderful theological statement. It does not do much