

I don't say this to criticize all defense attorneys. We accept that most of them try to do a good job. But in many cases where people do not have the economic resources to access the kind of talent necessary to defend them, they may be outgunned in a court of law. Even if they worked 24 hours a day, 7 days a week, they may just be overwhelmed by the resources they are fighting against.

Ineffective assistance of counsel is just one reason why innocent people find themselves on death row. Sometimes eyewitnesses make honest mistakes. Sometimes witnesses give false testimony to protect their own hide, such as jailhouse informants seeking reduced sentences. Sometimes prosecutors engage in misconduct by withholding evidence that could help the defendant's case and not following the rule of law, which is what we are all expected to do. Any of these factors can lead to a wrongful conviction. And now we have 100 examples of the circumstances that can provide for that reality.

A system that wrongly sends 100 people to death row can be called a lot of things, but "fair" and "equitable" and "just" are not among them. In fact, our criminal justice system is badly broken, in my view. Before we send any more innocent people to death row, we need to fix it. That was clearly the conclusion reached by the commission of distinguished experts appointed by Governor Ryan. The Ryan commission was in charge of examining how the death penalty system is working in Illinois. But its conclusions, no doubt, are applicable to the Nation as a whole.

The commissioners were unanimous in agreeing that the death penalty had been applied too often and that the system is in need of reform. I think there were 13 overturned death penalty convictions in Illinois out of the total of 25 before the commission went to work. Clearly, there were problems in Illinois and the Governor should be commended for recognizing that and moving forward.

Now we need to do that as a nation. That commission called for a broad range of specific changes. These include video taping the questioning of capital suspects in a police facility, barring capital punishment based exclusively on the testimony of single witnesses—particularly witnesses who are jailhouse convicts—eliminating the death penalty for people who are mentally retarded, and requiring trial judges to agree with the jury about the imposition of a death sentence.

I hope all of my colleagues will take a look at the Ryan commission's report and think hard about the need to reform our criminal justice system, to think about the fairness that is fundamental to what America is about. Make no mistake, it is an enormous injustice when the death penalty is imposed based on false information.

Innocent people have been sent to death row and there will be more if we

don't actually take up this charge of reviewing how we got to this conclusion. We have a moral obligation to do something about this.

I have joined with Senator FEINGOLD—and I am proud to do so—in cosponsoring legislation to establish a moratorium on all Federal executions until a commission, much similar to the Ryan commission, can be established to review the death penalty for our Nation and impose meaningful reforms that give the public a greater sense that we have a fair and just system being applied to all Americans.

This would not lead to the release of any convicted criminals or threaten public safety in any way. It would simply ensure innocent people are not put to death and that the principles we believe in—fairness and rule of law—apply.

I urge my colleagues to support this legislation. Again, I express my sincere appreciation for the leadership of Senator FEINGOLD in this critically important matter.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I commend my colleague from New Jersey and my colleague from Wisconsin for raising this very important issue. It deserves the attention of every American, not just those who serve in this body.

#### ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT

Mrs. CLINTON. Madam President, today I rise to address the importance of another critical issue, and that is the Enhanced Border Security and Visa Entry Reform Act of 2001. I believe this measure needs to be passed as soon as possible.

Why? Perhaps I speak from a somewhat parochial perspective, but representing New York, which is one of our border States, gives me a firsthand view and understanding of the challenges we face in trying to make our northern border as safe and secure as possible.

The nearly 4,000-mile-long U.S. border with Canada is about twice the length of the U.S. border with Mexico, but until very recently it has received but a fraction of the resources available for border security.

According to a July 2001 report from the Justice Department's Bureau of Justice Statistics, fewer than 4 percent of all the Border Patrol agents work along the northern border.

Of course, until recently, we did not have to worry too much about our northern border. It has historically been the longest, most peaceful border in the entire world. Certainly, New York has a great stake in having a peaceful border, one that goods and people can cross easily because there is so much traffic between our two countries that goes through our heavily trafficked crossings, places particu-

larly like Plattsburgh and Buffalo, but also other places—Niagara Falls, Messina—and all of the communities along New York's Canadian border are deeply concerned about how that border is protected and managed.

For too long, that has not been a concern, but now we know it is, and the Federal Government has to step up to provide permanent, long-term protection.

Homeland security begins with border security. That is why I strongly support this bill and am an original cosponsor. It is also why last October, after the terrible attacks of September 11, I wrote to Director Ridge asking that he create a position within the Office of Homeland Security devoted to our northern border and all the issues with Canada about which we are concerned to centralize those issues so there would be one person to whom we could go to deal with our various concerns. This legislation attempts to begin to address these concerns.

What does it do? First, it authorizes funding for this year and the next 4 years for an additional 200 INS inspectors and 200 INS investigators over the amount already authorized in the terrorism bill for the next 5 years. Increased funding is also authorized for training facilities and security-related technologies for INS agents.

Second, it enhances information sharing. It contains provisions that concern how we get information that is critical to law enforcement available to all the Federal agencies and State and local law enforcement personnel who need to know what should be done to protect us and apprehend any violators. The INS, the Border Patrol, the Customs agents, the FBI—all of us need to have better cooperation.

In October of last year, I also introduced a bill, along with my colleagues, Senators SCHUMER, LEAHY, and HATCH, that authorizes and encourages Federal intelligence agencies to share relevant information with State and local officials whenever appropriate. It is important, if something is known in one Federal agency that could affect residents of Niagara Falls, that information be shared in a timely manner.

This reform act directs Federal law enforcement and intelligence agencies to share information with the INS and the State Department about the admissibility and deportation of non-U.S. citizens.

It also calls upon the President to report regarding admission- and deportation-related law enforcement and intelligence information needed by the INS and the Department of State to develop a formal information sharing plan.

Third, it addresses the issue of what is called "interoperability" of the INS systems. That is a long word which describes that sometimes the right hand of INS does not know what the left hand or the left foot is doing. That is why we ended up with this absurd situation in which the INS issued a visa for Mohamed Atta months after he piloted

one of those planes into the World Trade Center Towers. It was a terrible mistake that never should have happened.

The problem is the databases and data systems do not talk to each other; they are not up to speed. They would not even pass muster in most businesses in America today. This bill calls upon the President to develop and implement an interoperable law enforcement and data system for visa admissibility and deportation determination purposes. The INS must integrate their systems. They have antiquated systems that do not do the job, that cannot even talk to each other.

It also requires the State Department, upon issuing a visa, to provide the INS with an electronic version of the alien's visa file before the alien enters the United States. In addition to addressing this issue of interoperability, the bill also requires relevant Federal agencies to work toward implementing an integrated entry and exit system and to move toward developing and using tamper-resistant, machine-readable documents containing biometric identifiers.

If we are able to put into the sky robot-controlled, predator aircraft to track down and take out enemy artillery installations, we ought to be able to figure out how to have a decent data system for the INS that can provide information to us and uses biometric identifiers right here on the ground to track down, deport, or arrest wherever necessary anyone who intends to do us harm.

Next, we have to have the assurance that citizens of countries that sponsor terrorism will not be allowed to enter this country unless the Secretary of State determines that the person seeking entry does not pose a security threat to the United States.

We have made it very easy for people to come back and forth. That is the American tradition. Unfortunately, what we learned on 9-11 is that some people in some countries take advantage of our hospitality and our welcome to the United States. We have to support this provision which starts from the premise that if you are coming from a state-sponsored terrorism base, even if you are totally innocent—you have nothing to do with the intelligence services, you have nothing to do with terrorism—the burden is on you. We need to shift that presumption to make sure we are not letting in people who are part of a terrorist network.

Finally, with respect to foreign student visas and exchange visitors, the bill requires the Justice Department to develop an electronic means of verifying and monitoring the Foreign Student and Exchange Visitor Information Program, including aspects of documentation and visa issuance, U.S. admission, institution notification, documentation transmittal, registration, and enrollment.

All educational institutions at which foreign students are registered must

notify the INS of the failure of such a student or an exchange visitor to enroll within 30 days of the registration deadline.

Education is a privilege, and we are very pleased that in our country we offer so many first-rate educational institutions to students from around the world, but again we have to be smart about this. We cannot let anyone take advantage of our openness. We have to have a system so if someone says he or she is coming to study at one of our universities, that is not the end; that is the beginning of the process to determine whether that actually is the fact or whether, as we unfortunately learned post-9-11, there are people who claim to be coming to this country to be students and that is not their intention whatsoever.

These are a few of the many provisions in this bill that I believe would make us a safer nation by securing our borders. There are probably no people in our country more committed to passing this legislation than the Families of September 11. I have heard from a number of the widows and parents of victims who have made it very clear this is their top priority. MaryEllen Salamone, whose husband John was killed by the terrorists on September 11 at the World Trade Center, was in Washington this past Friday representing Families of September 11 to urge us to act. She appeared before the Immigration Subcommittee of the Judiciary Committee and said that all of us need to heed the warnings we now know were flashing but no one could see them, read them, understand or apply them, so that we must now act to make sure nothing like this can happen again.

The legislation is long overdue. It is much needed, and I call upon all of our colleagues to support it as soon as possible.

#### RECESS

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

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of North Carolina, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative 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 ANWR AMENDMENT

Mr. REID. Mr. President, it is my understanding today is finally the day,

after 18 days, that we are going to have the great amendment on ANWR. After all this time and all the promises, I think it is finally coming up. We are looking with anticipation to this amendment and this debate because this is really what we have been waiting for on the bill. We have been told that if we focus on what the Republicans want on this bill, we will finally get the opportunity to debate it.

The reason I say that—and the Chair recognizes I am being a little facetious—is that I have been out here many different days asking, When? Today? If you don't offer it, we are going to offer it—and all of these different things we have tried to do to get something moving forward on this legislation. But I do say I am glad it is finally going to be offered. It is my understanding it will be offered momentarily.

I say that because even though the Alaska wilderness is far removed from the State of Nevada where I was born and raised, the two climates are much alike in the sense that they are both delicate. People think that Nevada deserts can be easily disturbed and that it doesn't matter. In the past, our beautiful deserts have been treated that way in many respects. Right near Searchlight where I was born and raised, during the Second World War when we had the South African campaign, the troops who were going overseas trained right below Searchlight. You can still see today the tank tracks through some parts of that country. Even though it is very arid, disturbance takes a long time to get rid of in the desert.

We have in the desert what was called Camp Ibis. In that whole area, there were about 2 million men training for the Second World War and for campaigns around the world. We had, of course, the gunnery range. It was called the Las Vegas Gunnery Range, which is now Nellis Air Force Base. We had Indian Springs Air Force Base, Stead Air Force Base, the Fallon Naval Training Center, and the Hawthorne Ammunition Depot. Then of course in the high desert in Nevada, we had the Nevada Test Site where, to this point, almost 1,000 nuclear devices have been set off above ground and underground.

People have come to recognize that the desert is not a place you can easily disturb without having a long-lasting impact.

Outside the home I have in Searchlight, there are old Joshua trees and yucca trees. We also have creosote bushes, or greasewood trees. They are especially beautiful when it rains because of the smell. The aroma that comes off those bushes is interesting. You have bushes of all sizes, and those that are high off the ground are more than 100 years old. Sometimes they are older than that. They grow little by little because there is no water in the desert.

My point in comparing the Alaska wilderness to what we have in Nevada