This type of legislating sets a horrible precedent for other businesses as well. It is not appropriate for this Congress to force American manufacturers to sell their products to consumers that they do not want to sell to under contract terms that the federal government approves. This type of requirement is unfair and lacks common sense. I predict it will raise serious constitutional questions as well and may interfere with the exercise of intellectual property rights. It is unfortunate that this language was included in this bill. I think this is a serious mistake.

It is somewhat similar to another mistake, in my opinion, included in this bill, which is title X, the continued dumping and subsidies offset. It is a brand new provision. It is a provision inserted in the Agriculture conference. It deals with subsidies and with dumping. Those are trade issues, trade sanctions, usually handled in the Ways and Means Committee in the House and the Finance Committee in the Senate. This didn't go through either. I will tell my colleagues this provision could not pass the Finance Committee. It could not pass the Ways and Means Committee.

This runs directly contrary, frankly, to free trade and the idea of trying to expand trade. This says if you have a dumping complaint, and if you happen to win, the benefits go back directly to that company, directly to the individuals involved. So there is a reward and incentive that if you file a dumping complaint and win, you will receive benefits. This encourages lawsuits on dumping because you can win the ''lottery.'' Here they come. It doesn't make sense. It is probably not WTO consistent. This says ''consistent with the rights under the World Trade Organization.'' I venture to say that it is not consistent with WTO rights in any way, shape, or form. It will probably be thrown out by the courts.

Why are we doing this? I am on the Finance Committee, and did we have a hearing on this? No, we did not. Did the Ways and Means Committee have a hearing on this? I don't believe so. But all of a sudden, it is inserted into a conference report which is not amendable. Some colleagues say they don't like this process. I don't like this process either. I think it is bad legislation. I think it can come back to haunt us, and we could be talking about hundreds and hundreds of millions of dollars from this provision alone.

Again, how many colleagues are even aware that this is in the bill? We have committees of jurisdiction, such as the Judiciary Committee, that should be dealing with contracts and they should have handled this contracting issue. My guess is that they would have scrubbed it and done a better job. The Finance Committee, which deals with trade, would totally reject this idea of rewarding people if they file successful dumping lawsuits.

Mr. President, it is with regret that I say there are other aspects of this Agriculture appropriations bill, which has grown substantially, that bother this Senator. We would end up passing a bill that increases budget authority over the President by 22 percent in outlays and 24 percent in budget authority. That bothers me. It bothers me when we see growth in the discretionary portion of this bill to that extent—to be growing at 24 percent I don't think is affordable or responsible. I could go on.

Also, there are expansions of entitlements. I remember earlier this year when we passed emergency assistance, and we busted that. We busted it big time. I understand there are a lot of problems. We had a drought as bad as anybody. Texas suffered from a drought and so did we. This is fiscally irresponsible, in my opinion. And because of the provision dealing with dumping and the abrogation of contracts, or the changing of contracts, and the total cost of this bill, regretfully, this Senator had to vote against the Agriculture conference report.

I see my colleague from Alabama is here. I am prepared to wrap up. How long does he wish to speak?

Mr. SESSIONS. Fifteen minutes.

Mr. NICKLES. I will give the Senator from Alabama the pleasure of closing the Senate then.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama is recognized.

## THANKING THE ASSISTANT MAJORITY LEADER

Mr. SESSIONS. Mr. President, the assistant majority leader is becoming the conscience of this Senate. It is a thankless task to say no on bills as popular as the Agriculture bill—something that was important for my State. I voted for it and I respect it. I think it is also important if we are going to have any respect for our ultimate budget requirements, the people in our leadership need to stand up and speak out, and I appreciate him doing so. He provides great leadership for us.

## CONGRESS' OVERSIGHT RESPONSIBILITIES

Mr. SESSIONS. Mr. President, I am concerned that we as a Congress have not been as effective in our oversight responsibility as we should. I want to share some remarks on that subject in a minute. The distinguished assistant majority leader made some remarks about our failure to identify, prosecute, and hold to account individuals who have committed terrorist acts against American service men and women and citizens. That is an important issue. In fact, we have not been effective at it.

I remember when the attack was made on the Sudan pharmacy, the pill factory there. I remember the attack made on the facility in Afghanistan not long after that. The committee on which I serve had a hearing where the Director of the FBI, Louis Freeh; former Director of the CIA under President Clinton, Mr. Woolsey; and Jean Kirkpatrick discussed that event.

Prior to that time, I had publicly stated that I did not believe President Clinton had utilized these attacks to distract attention from the domestic problems he was having at home. People were suggesting it was a ''wag the dog'' syndrome—an attack that may not have been justified but helped distract public attention from his own troubles. I said no about that. But I must admit after having heard at that hearing these distinguished Americans discuss how that attack was conducted that I was very troubled. I really did not believe it made a lot of sense to just lob missiles into a factory and hope that was justified factually; that it was a factory that may have had something to do with it; and, who would be injured. That kind of thing was very troubling, and certainly had no realistic impact or potential to hurt Bin Laden who may have been involved in that. In fact, he is under indictment now for terrorist acts.

Then in Afghanistan, we just shot off some missiles. We don't know whether or not anybody was hurt. That is all it was. So we retaliated. We had done something. We didn't really do anything. That is the fact. We really did not do anything. Nobody involved in that terrorist act that we know of to this day has been held to account because of it.

We have to be prepared to work hard to identify who was involved in those activities, and to do everything we can to arrest them and bring them into custody, and, if not and if they resist, to be able to take them out wherever they may be.

That is just the plain fact of it. Bin Laden, for example, has openly declared war on the United States. The attack on this vessel—the U.S.S. *Cole*—was more than just a terrorist attack. It was an act of war. We have every right, and we have a duty as any great nation does to defend itself and its ability to send its ships on the open seas, and to enter port in which it should be safe. We have every right, and we have a duty to respond to that. If we don't do so, who will be next? Who else will be hurt? I left the memorial service at Norfolk just today. It was a very moving ceremony with all of those sailors standing on the *Eisenhower*. When the Chief of Naval Operations for the Atlantic finished his speech, he said, ''Remember the *Cole*.'' When the ceremony was over, one of those sailors on that great aircraft carrier yelled ''Remember the *Cole*.'' It is our responsibility to remember those 17 who are no longer with us and the ones who are injured. We cannot allow this kind of activity time and time and time again, as Senator NICKLES said, to be carried out and nothing happen.

I am glad he talked about that. We need to do better.