erode the rights and benefits now accorded to these federal workers. Nor should personnel decisions related to the agency be done in secret. Congress, along with employee unions and management associations, must be a part of the creation of the new department and any changes to title 5.

The President's proposal for the homeland security department calls for enhanced management flexibilities in hiring, compensation, and workforce management. The challenges that such flexibilities would address are not new, and despite the belief that drastic personnel changes are needed, we should not forget that today's federal government faces many of the same workforce challenges as in the past. Real solutions for civil service reform require strong leadership from the top down and a commitment to the federal merit system and the employees it protects.

Some 25 years ago, the Civil Service Reform Act (CSRA) of 1978 responded to the same issues confronting our government today. Much like today, there were serious concerns that government red tape hindered managers from effectively recruiting, developing, retaining, and managing federal employees. Similar to current proposals, the CSRA focused on enhancing the accountability of the federal workforce, while it increased management flexibilities and streamlined hiring and firing procedures. The act made it easier for managers to address employee performance.

The act also established the principles of openness and procedural justice that define the civil service today. It created the Merit System Protection Board and the Office of Special Counsel to protect the rights of federal employees. The Federal Labor Relations Authority was created to oversee labor-management practices.

The act provided a statutory basis for the collective bargaining rights of federal workers. It prohibited reprisals against employees who expose government fraud, waste and abuse.

The Federal Government was strengthened as an employer as a result of the CSRA. Today, the federal civil service merit principles serve as a model for equal employment practices to both the private sector and foreign governments. With nearly half of the current Federal workforce eligible for retirement in the next 5 years, we must take care that we do not create an atmosphere where the Federal Government becomes the ''employer of last resort.''

Those in the Federal workforce demonstrate strong accountability and loyalty every day—not just to their employer—but to their country. On September 11, the Federal workforce responded with courage, dedication, and sacrifice, reminding us that we are all soldiers in the war against terrorism.

As chairman of the International Security, Proliferation, and Federal Services Subcommittee, I will work to ensure that the rights of federal employees are preserved and accountability is maintained. These rights do not pose a threat to our national security and should never be used as a litmus-test for the patriotism of the Federal workforce.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, during the debate on the Andean Trade Promotion Act, H.R. 3009, I missed the vote on Senator WELLSTONE's amendment, amendment No. 129, on May 23. The vote was on a motion by Senator BAUCUS to table the amendment and the motion failed. The amendment inserted a new paragraph in the legislation stating that the principal negotiation objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights. I would have voted against the motion to table. My vote was not necessary to defeat that motion.

TERRORISM RISK INSURANCE ACT OF 2002

Mrs. BOXER. Mr. President, I voted for S. 2600, the Terrorism Risk Insurance Act of 2002. But I did so with reservations.

I recognize the need for a Federal backstop for terrorism insurance, and although I believe the way this bill is designed is flawed, it is better than the status quo. Insurers are not making enough terrorism insurance available in key areas and rates are rising astronomically because insurers cannot count on a Federal backstop to possible losses in the event of another terrorist attack.

I would have preferred that we create a risk-sharing pool that would not have placed so heavily a burden on the taxpayer. In a risk-sharing pool, insurance companies would pay a percentage of their premiums into a pool. In the event of an attack, affected companies could pay claims out of the pool after each meets its individual responsibility for covering losses. If the pool were ever depleted, then the government would lend the pool the money to cover remaining claims. In that way, the taxpayer would eventually be made whole. The structure we are approving today will put the taxpayer on the line for losses as soon as a company's individual retention level is met. And the taxpayer will never be paid back.

In addition, I am also concerned about the lack of consumer protections in the bill. Not only does the bill fail to provide Federal protection from price gouging, it preempts States from protecting consumers through the prior approval process. The Foundation for Taxpayer and Consumer Rights in California and the Consumer Federation of America have raised concerns that long-standing State systems for protecting consumers will be thrown out the window.

I worked on an amendment to replace the State preemption language in the bill with language stating that terrorism insurance rates shall not be subject to a waiting period greater than 60 days under any State law. This would have allowed California and 21 other States to retain oversight for prior approval over increases in terrorism insurance rates while also making sure that the insurance is made available quickly.

In a colloquy on the issue, Senator DODD has committed to working with me as this bill goes to conference. As a result, I did not offer my amendment. But given the number of Americans involved, the taxpayer exposure to risk, and the leverage that insurers will have over consumers, I believe we must allow States to protect consumers.

Though I voted in favor of moving this process forward, I will remain vigilant throughout the rest of the process and hope to see improvements in the legislation made in the conference committee.

BROADBAND FOR RURAL AMERICA

Mr. JOHNSON. Mr. President, I wanted to take a few moments today to talk about a topic that is critical to the future of my home State of South Dakota and indeed, many other rural areas around the country. The topic is access to advanced telecommunications and information services or what is commonly referred to as ''broadband.''

Those who have been following the broadband debate the last few years have probably heard more than they want to hear about the subject. As is often the case in Washington, policy debates get caught up in the extreme rhetoric of various interests vying for some legislative or regulatory advantage. And, unfortunately, the Washington debate, and broadband is no exception, seems to drift far from the real issue that needs to be addressed.

For example, the debate over broadband services, at least the debate one sees in the radio and newspaper ads in this town, would lead one to believe that the broadband problem is a question as to whether or not cable companies or phone companies will dominate in their competitive struggle for urban customers. I think it is great that in some parts of the country, such as major cities like Washington, DC, many businesses and residential consumers have cable companies and phone companies vying for their business. This is good for those who live in areas where a choice for broadband service is available.

Where I come from, however, the luxury of a choice or any choice does not exist when it comes to access to broadband services. Access to broadband services in many rural areas, including parts of South Dakota, is a real challenge. From my perspective, the broadband debate so far has