

will be explaining my amendment. That is in answer to the question of the distinguished Senator.

At that time, if he wishes me to yield to ask questions about homeland security, that will be fine, but I intend to take some time this afternoon. At that time, the Senator can speak. As far as I am concerned, if Senators are going to speak on the Interior bill at this time, why, the Senator could get unanimous consent to speak out of order. I do not believe the Pastore rule has run its course yet. So the Senator could get consent to speak out of order for 10 minutes, 20 minutes, whatever he wants, and nobody is around here to object.

Mr. REID. Will the Senator from North Dakota yield for a question?

Mr. DORGAN. I am pleased to yield to the Senator from Nevada for a question.

Mr. REID. We have the two managers of the Interior bill here now. We have approximately an hour until we go to the homeland security bill. I have looked to staff, and we have no amendments to clear at this time. That is my understanding. So it would probably be to everyone's benefit, because the cloture motion has been filed on the pending amendment, that we go off this bill.

Mr. DORGAN. Yes.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that until 12 noon today, the Senate be in a period of morning business and at 12 noon we go to the homeland security bill and Senators be allowed to speak during morning business time for up to 10 minutes. Is that OK with the two managers?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for as much time as I consume.

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

#### HOMELAND SECURITY

Mr. DORGAN. Madam President, let me thank the chairman of the Appropriations Committee and the ranking member. We have a very short amount of time in which to do a great deal of business. I did not wish to interrupt their work on Interior if in fact there was an amendment that was to be acted upon. I appreciate their courtesy.

Let me make some comments about the broad question of homeland security and relate it to the discussion yesterday at the United Nations that was offered by President Bush.

Mr. BYRD. Madam President, will the distinguished Senator yield for a question?

Mr. DORGAN. I am pleased to yield for a question from the Senator from West Virginia.

Mr. BYRD. I wish I could be on the floor to hear what the Senator has to say. I have an appointment. I have to be down below this floor at 11 o'clock, which is 1 minute or 2 from now. I will read the remarks of the Senator. I know they will be good. If I can come back before he completes his remarks, I will do that.

Is it the understanding of the Senator that he will complete his remarks by 12 noon?

Mr. DORGAN. Yes.

Mr. BYRD. I thank the Senator.

Mr. DORGAN. Madam President, I have not been on the floor until now to speak about the homeland security bill and the issues surrounding that bill. I have been thinking a lot about it, as have many of my colleagues. We have had a good number of amendments, and I do not believe anyone here thinks the issue is whether we shall pass a piece of legislation dealing with homeland security. Of course we should enact a piece of legislation dealing with homeland security. We need to respond to the President's request. We will do that. The question isn't whether, the question is how.

There are many ideas about homeland security that come from all corners of this Chamber. We ought to take the best of all of those ideas and incorporate them into this legislation.

Yesterday the President spoke at the United Nations about the threat that comes from Saddam Hussein and Iraq. Because that also relates to the issue of homeland security, I wanted to make some comments of a general nature this morning.

In my desk, I have a couple of pieces of materials taken from weapons that were once targeted at the United States. I ask unanimous consent to be able to show them on the floor. I am doing this for a very important reason.

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

Mr. DORGAN. Mr. President, this piece of material is part of a wing strut from a Backfire bomber that the Soviets used to fly. This Backfire bomber doesn't exist anymore. It wasn't shot down. It wasn't part of combat with the United States. This was sawed off of an airplane. The wings were sawed off of a Backfire bomber that used to carry nuclear weapons—presumably that would threaten our country in the middle of the Cold War. It was dismantled, sawed apart, and destroyed. And in a sense, we purchased it. We paid for it under the Nunn-Lugar program, in which we decided through arms control agreements with the Soviet Union—and then with Russia—to reduce the number of nuclear warheads and reduce the delivery vehicles for nuclear warheads, because we believed that allowed us to step back from the dangers of nuclear war.

I hold in my hand part of a Soviet Backfire bomber that we didn't shoot down. We helped pay to saw the wings off this bomber.

This other material is ground up copper wire that used to be in a Soviet

submarine that carried nuclear missiles with warheads aimed at the United States of America. That submarine doesn't exist any longer. I am able to hold in my hand this ground up copper from that dismantled submarine because of an arms control agreement by which we negotiated with the Soviets to reduce the number of nuclear weapons and reduce the delivery vehicles for those nuclear weapons, and, therefore, have made this a safer world. A bomber and a submarine that used to carry nuclear weapons no longer exists. We have made progress.

But there are, of course, somewhere in the neighborhood of 30,000 nuclear weapons that continue to exist on the face of this Earth. And many in this world aspire to acquire nuclear weapons. Terrorist groups and other countries want to become part of the club that has nuclear weapons. Our children and their children are threatened by the proliferation of nuclear weapons.

It doesn't take 100 nuclear weapons or a thousand nuclear weapons to create chaos and hysteria and concern for the future of the world. It just takes one—just one nuclear weapon.

Today, if someone is notified that there is a nuclear weapon missing from the Russian arsenal and that has been stolen by terrorists and is put in the trunk of a rusty Yugo car on the dock at New York City, or in a container on a ship coming into the ports of Los Angeles—if just one nuclear weapon is thought to be entering this country's space, its ports, its docks, its cities—that is enough for the kind of nuclear blackmail that can cause chaos and hysteria and threaten a nuclear war.

The President gave a very forceful speech yesterday to the United Nations. He is—and we are—concerned about Iraq and Saddam Hussein having access to weapons of mass destruction. He is—and we are—concerned about the potential of a Saddam Hussein getting access and acquiring a nuclear weapon.

I don't diminish at all the concern about that. We ought to be concerned about that. We and the President are all concerned about that.

But let us understand that the broader issue of arms control and arms reduction ought to be front and center in this Chamber. This country needs to be a leader in the world to help reduce the number of nuclear weapons and help prevent the spread of nuclear weapons to other countries.

Regrettably, in recent years, some Members in this Chamber—and elsewhere in the Government of the United States—have expressed, if not a benign neglect, an open hostility to arms control and arms reductions.

Let me go through a few of the things that have happened. We had a vote in this Chamber on the issue of the Comprehensive Nuclear Test-Ban Treaty. We should have such a treaty. After all, we don't test anymore in this country. The first George Bush Presidency said we will no longer test nuclear weapons. But this Senate voted

against a Comprehensive Nuclear Test-Ban Treaty—despite the fact that we unilaterally decided not to test, and have not tested for a decade. This Senate turned that treaty down, sending a message to the rest of the world that this is not our priority.

There is nothing more important, in my judgment, to the children of America and to their children and their future than dealing with this question of a nuclear threat. The Soviet Union is gone. The Cold War is over.

The President's discussion about Saddam Hussein underscores the concern about one dictator in Iraq—an evil man in Iraq who is seeking to get nuclear weapons.

But I am just saying that there is much more at stake than that. The Iraq situation is at stake for us, and we need to respond to that. But there is much more at stake.

So many others want to acquire nuclear weapons. There are so many nuclear weapons around in this world. I indicated that there are somewhere between, perhaps, 25,000 and 30,000 nuclear weapons in existence. A fair number of them for a number of reasons are not very well controlled. So we need to talk in the broader context about what our responsibility is, and what our role is with respect to arms control and arms reduction in the future.

The Senate was asked to consider the nomination of a fellow named John Holum, who the President said he wanted as senior adviser for arms control. John Holum is a remarkable American, who has had incredible experience, and he was nominated for the position of Under Secretary of State for Arms Control and International Security Affairs. He is somebody who believes in his heart that we need to pursue negotiations and efforts to achieve treaties for nuclear arms reduction and to achieve progress in stopping the spread of nuclear weapons. But his nomination was blocked.

The President sent us instead John Bolton, who doesn't have experience in arms control, who has never served in an arms control position, who has expressed disdain for arms control and those who promote it, and who expressed disdain for the United Nations. He said:

... a building in New York has 38 stories. If it lost 10 it wouldn't make a bit of difference.

And his nomination was approved by the Senate.

So we have someone in this area who really isn't interested in pursuing the approach that we have used, which has been quite successful in beginning the process of reducing nuclear weapons and reducing the nuclear threat.

We also have had discussions in recent months about perhaps developing a new type of nuclear weapon. Perhaps a nuclear weapon can be developed that will be a cave buster—some nuclear-tipped bomb that will bust into caves and be more effective in dealing with the problem that we encountered in Af-

ghanistan where terrorists burrowed into caves.

The minute you start talking about designing nuclear weapons—especially a little nuclear weapon with a special nuclear tip that can be used against caves—once you start talking about the potential to use nuclear weapons, the genie is out of the bottle.

Our discussion in this country ought never to be a discussion about how to use a nuclear weapon. That is not what we ought to be discussing.

We ought to be discussing our obligation to assume a world leadership position to stop the spread of nuclear weapons and stop the proliferation of nuclear weapons. Do you want a future 10 years from now or 40 years from now in which 50, 75, or 100 countries, including terrorists and rogue nations, have nuclear weapons at their disposal? I don't think so.

We have had a 50-year effort in this country—50 years—to stigmatize nuclear weapons and brand them only as a weapon of last resort. We ought not do anything to undermine that basic approach to nuclear weapons.

We are talking about homeland security in these days. When you talk about nuclear weapons, you have to talk about homeland security against the ultimate weapon; that is, a nuclear weapon. But there are many other kinds of weapons.

We may spend \$7 to \$8 billion this year, in this Congress, on a national missile defense program, trying to build a missile that has the capability of hitting a bullet with a bullet. The purpose of that is a defensive mechanism by which if a rogue nation or terrorist or some other country were able to launch an intercontinental ballistic missile against the United States, we would be able to shoot it down and prevent a nuclear attack using an ICBM.

We will spend an enormous amount of money on that, believing that one of the threats is an intercontinental ballistic missile coming in at 14,000 miles an hour, with a nuclear warhead, sent by some rogue nation or terrorist state. It is one of the less likely threats; the Pentagon will tell you that. Rogue nations and terrorist states would have a very difficult time dealing with an ICBM, if they could acquire one in the first place.

A far more likely prospect would be a container, on a container ship, pulling up to a dock in New York City at 3 miles an hour, with a low-yield nuclear device in the middle of a container, in the middle of a container ship.

There are 5.7 million containers that come into this country every year to all of our ports and docks. These big ships pull up with containers stacked on top of their decks. Of the 5.7 million, 100,000 are inspected. So 5.6 million are not. I was at a dock in Seattle recently, and they had pulled off a ship container, and they were inspecting it at the Customs facility. I asked them: What is this? What is in the container?

They said: Frozen broccoli, from Poland.

I said: Well, do you know anything about it, the frozen broccoli from Poland?

They said: No, but we'll show you.

They opened up the container, pulled the bag out, and ripped it open, and, sure enough, there was broccoli from Poland.

I said: How do you know what's in the middle of this container? You just pulled the one bag out.

They said: Well, we don't. We just opened it to see that it was frozen broccoli from Poland.

So we have 5.6 million containers that come into this country, and they are largely uninspected. Does anyone here not believe that port security, the security of containers, is critically important?

Did you read the story about the fellow from the Middle East who decided to send himself to Canada, presumably with the thought of coming into the United States, and he put himself in a container? He had a cot, he had potable water, he had a telephone, he had a computer, he had a GPS system, he had a heater. And there he was living in a container, on a container ship, shipping himself to Toronto, Canada.

Well, they found this guy. They thought he was a terrorist. I don't know what the disposition of that was. But think of it, how easy it is, if 5.7 million containers come into this country, and we only take a look at 100,000 of them. What is in the other 5.6 million?

That is a big homeland security issue. What are we going to do about that?

We have heard discussions about the potential for a dirty bomb. The National Research Council gave a long listing the other day with respect to homeland security, about our shortcomings on preparedness to defend against nuclear and dirty bomb threats, and against biological warfare.

Here is what the report said. We have to develop vaccines for airborne pathogens—we are way behind in doing that—create better sensors and filters for dangerous chemicals; build a system to counter sabotage of the Nation's food supply; find better methods to fend off attacks on nuclear reactors, electrical power grids, and communications systems; and develop defense in depth for airport and other transportation security.

Much of what we are talking about in the current debate about homeland security is organizational. We say, let's take a look at an organizational chart and find the boxes and evaluate how we can put all these boxes together in a different way. And so you have, at the end, 170,000 people in a new agency.

Putting agencies together in a way in which they are better prepared to deal with homeland security makes good sense to me. But there is not a right or a wrong way to do it. There are a lot of different ideas on how it might or might not work, and we will not know, perhaps for a year or 2 or 3 or 4 years,

after the Congress finishes its work, and the President signs the bill, whether what we have done advances our interests or retards it.

It is reasonable to ask the question, if homeland security is going to be restructured, should we consider some change to the way we use the FBI and the CIA, and the way we gather and analyze intelligence? I know there is a portion of that in this bill, and I think this is a question we have to consider carefully.

Good intelligence is critical. I mentioned the issue of nuclear weapons. Russia, which is now the nuclear repository of the old Soviet Union, has thousands of excess nuclear weapons in storage facilities that fall far short of what we expect for decent security standards. We are told they have more than 1,000 metric tons of highly enriched uranium and at least 150 metric tons of weapons-grade plutonium, much of it in less than adequate storage facilities. That is enough for 80,000 nuclear weapons, by the way.

In addition, dangerous biological pathogens are kept at scores of poorly guarded sites around the former Soviet Union.

Tens of thousands of former Soviet Union scientists and engineers are living hand to mouth because of military downsizing and the collapse of the economy. These are people who know how to make these bombs, were involved in the development of the Soviet nuclear capability.

We know that individuals and groups have attempted to steal uranium or plutonium from sites in the former Soviet Union dozens of times in the past 10 years.

Former Senate Majority Leader James Baker and former White House Counsel Lloyd Cutler headed a panel last year that studied the threat to our country posed by nuclear weapons, materials, and know-how in the former Soviet Union. Here is what the panel said about a scenario where a terrorist would have access to some basic material and could get the engineers and scientists to put this together:

The national security benefits to the U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential nuclear weapons would constitute the highest return on investment in any current U.S. national security and defense program.

In a worst case scenario, a nuclear engineer graduate with a grapefruit-sized lump of highly enriched uranium or an orange-sized lump of plutonium, together with material otherwise readily available in commercial markets, could fashion a nuclear device that would fit in a van like the one terrorist Yosif parked in the World Trade Center in 1993. The explosive effects of such a device would destroy every building in [the] Wall Street financial area and would level lower Manhattan.

The Baker-Cutler panel recommends spending a substantial amount of money, \$30 billion over 10 years—three times what the administration is proposing—to secure weapons and fissile and biological material in Russia by

expanding cooperative threat reduction, which is an important part of the outgrowth of the Nunn-Lugar program, and a range of other efforts.

So Iraq is important, but there are broader issues to consider as well.

Incidentally, the President yesterday did the right thing by going to the United Nations and saying to the U.N.: Look, you have had resolution after resolution after resolution, and Iraq has defied you. They have failed to live up to their terms of surrender from the gulf war, and they simply thumb their nose at your resolutions.

What the President said to the United Nations yesterday was: You had better decide whether you are going to pass resolutions and enforce them or not. And the President said: We will take this to the National Security Council.

A lot of people were worried that he would not do that. I am glad he has. It is exactly the right step. The notion of saying we don't care what the Security Council does or what the U.N. says, that is not the way to do it. The President yesterday did the right thing. He said to the National Security Council and the United Nations: You need to begin enforcing what you are doing by resolution with respect to the country of Iraq.

I hope the United Nations will decide to do that. My hope is we can put together a coalition through the United Nations of coercive inspections that demand and achieve the inspections necessary to make sure we are not threatened by weapons of mass destruction in Iraq.

But let us agree that the problem is bigger than just Iraq, and let us decide to be a world leader in dealing with stopping the spread of nuclear weapons. Let's bring back the comprehensive nuclear test ban treaty. Let's pass it. Let's send a signal to the world that we care about the chemical weapons ban, because this country wants to lead in the right direction to stop the spread of weapons of mass destruction.

Now, let me say a few words about the proposed Department of Homeland Security. The President says to us he wants to put this agency together, and he wants to do it in a way that he has maximum flexibility with respect to all of these workers. Whatever we do, however we do it, we will give this President very substantial flexibility. But to suggest somehow that the basic protections that workers expect and have received for many years in this Government of ours should be discarded or disallowed makes no sense.

We propose to provide the same basic protections to workers in all of these agencies that you have for civilian workers at the U.S. Department of Defense. That makes good sense.

I get tired of people saying: Federal workers, they are not worth much. They are people who can't find a job elsewhere.

We have terrific people working for the Federal Government. We have

great people in public service—not just the Federal Government, but State and local government as well.

Among those people who filed out of the World Trade Center, we had firefighters and law enforcement officers climbing the stairs. Some of those firefighters were up on the 70th floor carrying 60-pound backpacks, climbing up as that fire was coursing through that building, knowing they were risking their lives. They were not asking about overtime or about how tough it might be, what the risk was. They were doing their jobs—wonderful, brave people. There are a lot of people like them all over this country in public service. This Government ought to say to them: We value your work. We honor your work.

I don't want anything in this homeland security bill to in any way denigrate the work of those public employees or pull the rug out from under them. They are going to be our first defenders, the first line of defense. They are the ones who will make this work.

We have a lot to do here. We have a government of checks and balances which requires cooperation, which requires that we work together. The President has some good ideas. I think our colleagues have good ideas. I think Senator BYRD does us a service by talking about how we put this together in the long term.

In politics, there are always a couple of sides. Each side too often wants the other to lose. We should get the best of both rather than the worst of each. That is especially true on homeland security.

It is up to us. The moment is now. The President is right to be talking about concern of weapons of mass destruction. But is it not just Iraq. This is a much bigger subject. We need those who now talk in the most aggressive ways about dealing with this issue to join us to develop new arms reduction strategies and to develop approaches by which the rest of the world joins us in stopping the spread of nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### ELDER JUSTICE ACT OF 2002

Mr. BREAU. Mr. President, I take a moment to speak to legislation that has been introduced by myself along with a number of bipartisan colleagues, which is entitled the Elder Justice Act of 2002.

The legislation has been introduced by me along with Senators HATCH, BAUCUS, COLLINS, CARNAHAN, SMITH of Oregon, LINCOLN, BOND, TORRICELLI, NELSON of Florida, and also Senator STABENOW.

I will take a minute to just describe the problem we have in this and outline the features of the legislation. I think there are probably few pressing national concerns of social issues that are as important and also ignored as