I yield the floor.

The PRESIDING OFFICER. The Chair, in her capacity as the Senator from Michigan, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRINTING OF SENATE DOCUMENT

Mr. REID. I ask unanimous consent that tributes to PAUL WELLSTONE, the late Senator from Minnesota, be printed as a Senate document.

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

Mr. REID. I also ask that Members have until 12 noon, Tuesday, December 3, to submit such tributes.

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

THE SAFETY OF THE TRANS-ALASKA OIL PIPELINE

Mr. MURKOWSKI. Madam President, I am not sure of what the remainder of the Senate schedule might be for this week, but my own tenure in this body is somewhat limited as a consequence of my election to the Governorship in the State of Alaska. So with the permission of the Presiding Officer—and I have checked with the Parliamentarian—we have the opportunity to address matters in our short remaining time.

I would like to share with my colleagues an earthquake that occurred in my State of Alaska just a little over a week ago. It registered 7.9 on the Richter Scale, which is a very high earthquake.

My wife and I happened to be at mass during the earthquake, and not only did the chandeliers move from side to side, but the crucifix, hanging by a brass chain, began to move very dramatically, and it was almost as if the sign of the cross was moving across the agenda.

It happened to be a Korean service in a Catholic Church in Anchorage, and I must say, the magnitude of the earthquake was matched by the magnitude of the Korean priest who did not break stride in his sermon. On the other hand, it was in Korean, and my Korean is a little rusty. But no one moved from the church. Heads went down. And I admired the priest.

My purpose in bringing this matter up is to share with you a recognition of concern that has been expressed in this body for some time; and that is the safety of the Trans-Alaska oil pipeline which covers some 800 miles from the North Slope of Prudhoe Bay to the city of Valdez where the oil is shipped in U.S. tankers and moved down the west coast.

The significance of this earthquake along this 800-mile pipeline was that no damage was done in spite of the 7.9 magnitude. Dealing with the potential for earthquakes in the design was a consideration some 30 years ago, that the line itself should be designed to withstand an 8.0 magnitude earthquake. I want my colleagues to know that the line held a 7.9 tremor quite nicely. As a matter of fact, immediately after the quake rocked interior Alaska, the pipeline from Prudhoe Bay to Valdez was shut down as a precaution and inspected.

The massive quake did do some damage. There were a few supports which were quickly repaired. The line slowly was refilled and put back into service. But the significance was that there were no breaks. In fact, the damage was minimal for the size of the quake which did destroy some roads, damage some bridges, other structures. But the best news is not one cup of oil was spilled, despite the magnitude of the quake—not one single cupful.

There are those who claim the line has been poorly maintained; those who say it is dangerously old, beyond its prime. I hope they will reconsider, recognizing what happened under a real test.

What can they say? The line performed as it was designed and engineered to perform. It is quite timely as this comes at a time when we have in the House and Senate conference the issue of opening up ANWR to oil exploration. It has been a significant issue among the environmentalists. It has pitted Republican against Democrat and Republican against Republican, Democrat against Democrat. As we contemplate action in Iraq, we should reflect on the realization that we have done a pretty good job of producing energy here at home and, given the opportunity, we can do much better if we are fortunate enough to get an energy bill and get ANWR included in that.

This comes at a time when Alaskans' dreams of opening the Arctic National Wildlife Refuge to oil exploration are being rekindled by huge Republican gains nationally in Tuesday's elections.

The GOP is in control of the House and the Senate, and Democrats who are beholden to environmentalists and have blocked ANWR will have a more difficult time turning their backs on U.S. energy independence and national security.

I hope as I leave this body in the next few days that my State of Alaska will get a fair hearing on the ANWR issue because people in my State for years have been saying oil exploration and development can be done and in an environmentally safe and responsible manner. Prudhoe Bay and other North Slope oilfields' records provide the best proof that the assertion is true that we can develop these resources safely here at home. I think Sunday's earthquake was further evidence.

HOMELAND SECURITY

Mr. SPECTER. The issue of homeland security, I believe, is one of great urgency. I believe that September 11, 2001, could have been prevented had we had all of the so-called dots on the board about warnings which had been received. I do not agree with CIA Director George Tenet that another September 11 is imminent. CIA Director Tenet made that statement about a month ago.

We had a lot of warning signals about 9/11. There was an FBI report in July of 2001 about a suspicious man taking flight training in Phoenix, that he had a big picture of Osama bin Laden in his apartment, which never got to headquarters. That warning was mired in FBI bureaucracy.

There was information that two al-Qaida members from Kuala Lumpur were planning to come to the United States; that it was known to the CIA but never told to the FBI or the INS, the Immigration and Naturalization Service. They came in unimpeded and were two of the pilots on the suicide missions on September 11.

Then there was the effort by the Minneapolis office of the FBI to secure a warrant under the Foreign Intelligence Surveillance Act for Zacarias Moussaoui which had the wrong standard. Had the FBI gotten into Moussaoui's computer, there was a treasure trove of information about potential attack.

Then there was the warning to the National Security Agency on September 10 about something to happen the next day. It was not translated until September 12, but it was too late. Then an al-Qaida man named Murak confessed in 1996 of plans by al-Qaida to fly a plane loaded with explosives into the CIA headquarters. We already had the attack on the Trade Center in 1993. Osama bin Laden was under indictment for killing Americans in Mogadishu in 1993, and under indictment for the Embassy bombings in Africa in 1998. Osama bin Laden was on record as declaring a worldwide jihad against the United States.

We had a lot of warnings, and had all of those dots been put on the board, I think there was a veritable blueprint and I said as much when FBI Director Mueller came to testify before the Judiciary Committee last June.

We had the homeland security bill on the floor for a full month. We started debating it on September 3. We did not finish until October 1, and it was never ever passed. When President Bush came to Pennsylvania back in late October, I urged the President to call a special session of Congress to pass homeland security. It seems to me that is our job.

The President is emphatic that the first thing he does every day is to review the intelligence briefings. There is grave concern that there could be another attack. I am glad that the President is insistent that Congress pass homeland security before we go

out of this lame duck session. While it is important to pass homeland security, it is important that it be enacted with the appropriate provisions. One provision that I have discussed at some length is to have the Secretary be able to direct the intelligence agencies which will all be under one umbrella. The idea to have the intelligence agencies under one umbrella, I think, has been generally agreed upon. This is not a new idea; it has been proposed for a long time.

I was chairman of the Senate Intelligence Committee in 1995 and 1996. I saw the turf wars between the CIA and the FBI, the NSA and Defense Intelligence, et cetera. Legislation was introduced by this Senator to bring everything under one umbrella of the Central Intelligence Agency, and that legislation has languished. Mine was not the only idea; it has been proposed by others over the years. The turf battles have precluded it. Now, with an Office of Homeland Security, we have a chance to get it under one umbrella.

It is vital the Secretary be able to direct these analytical departments to work together. Otherwise, the turf battles will go on. I am not saying the CIA Director should lose control over his agents around the world or the FBI Director should lose control over FBI agents in the United States or abroad, or any other Department should lose control over their agents. But when you pull the analysis and bring all the analysts under one umbrella, there is the point that there has to be direction so all the dots are placed on one screen.

The language is very simple. It is:

On behalf of the Secretary, subject to disapproval by the President, to direct the agencies described under subsection (f)(2) to provide intelligence information, analysis of intelligence information, and such other intelligence-regulated information, as the Assistant Secretary for Information Analysis determines necessary.

That is the operative language. The other parts of the bill contain an enumeration of all of the agencies which will be under one umbrella for analysis.

There has been considerable argument and disagreement over labor-management provisions. This has been discussed at some length by this Senator and others in colloquies. Part of the controversy arose because of initial confusion as to whether the two paragraphs added by the amendment by Senator NELSON of Nebraska—that is the other Senator NELSON, Mr. President; may the RECORD show that Senator BILL NELSON is presiding at the moment—whether they were in addition to or in place of. And if they were in place of, that would have eliminated the President's national security waiver which is indispensable and should not be eliminated.

In colloquy with Senator LIEBERMAN, it was agreed to that these provisions would be in addition to. So that asked that collective bargaining in current law would stand, which provides in subsection A:

(A) the agency or subdivision has a primary function intelligence, counterintelligence, investigative or national security work, and

(B) the provisions of this chapter cannot be applied to that agency or subdivision in a manner consistent with national security requirements and considerations.

Then the Nelson amendment would have added the language:

(1) the mission and responsibilities of the agency or subdivision materially change; and

(2) a majority of such employees within such agency or subdivision have—as their primary duty—intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

I believe that language would be satisfactory to all parties.

Then with respect to the flexibility which the President has sought as to the other five chapters, that format would be followed so that, in essence, where we have intelligence, counterintelligence, or investigative work, there would be the flexibility for a national security waiver as determined by the President.

Now I have just come from a meeting with Republican leadership with the President, and there has been work over the past weekend on this issue. As yet, we do not know precisely what provisions have been agreed to. It is my hope that the language which I had suggested in September and which has been before all of the Senators who were working on the final analysis, plus this language, will be incorporated in the final bill. I will be in touch with the officials in the administration yet this afternoon to try to see to it that these provisions which are agreeable to all sides—both labor and management, to solve the labor-management controversy—can be made part of the bill, and that the language which would give the Secretary the authority to direct the analysis sections will also be included in the bill.

I ask unanimous consent that the text of the language giving the Secretary of Homeland Defense authority to direct the analytical agencies be printed in the RECORD at the conclusion of my remarks along with the language both as to collective bargaining and the flexibility in the other five divisions of labor-management.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 24, strike line 4 and insert the following:

(19) On behalf of the Secretary, subject to disapproval by the President, to direct the agencies described under subsection (f)(2) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Assistant Secretary for Information Analysis determines necessary.

(20) To perform such other duties relating to

(A) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(B) the provision of this chapter [5 USCS §§7101 et. seq.] cannot be applied to that agency or subdivision in a matter of consistent with national security requirements and considerations.

In addition to the requirements of sub-sections (A) and (B) the President may issue an order excluding any agency or subdivision thereof from coverage under this chapter [5 USCS §§7101 et seq.] if the President determines that—

(1) the mission and responsibilities of the agency or subdivision materially change; and

(2) a majority of such employees within such agency or subdivision have—as their primary duty—intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

Notwithstanding any other provision, the authority of the President under Section 9701 on establishment of a human resources management system shall require that the President determines that:

(A) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(B) the provisions of chapter 43, 51, 53, 71, 75 or 77 cannot be applied to that agency or subdivision in a matter consistent with national security requirements and considerations.

In addition to the requirements of sub-sections (A) and (B) the President may issue an order providing for waiver of the provisions of chapters 43, 51, 53, 71, 75 or 77 if the President determines that—

(1) the mission and responsibilities of the agency or subdivision materially change; and

(2) a majority of such employees within such agency or subdivisions have—as their primary duty—intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

IN REMEMBRANCE OF BRIGADIER GENERAL VORLEY (MIKE) REXROAD

Mr. THURMOND. Madam President, I rise to pay tribute to Brigadier General Vorley (Mike) Rexroad, USAF (Retired), who died on October 12, 2002, after a life of distinguished service to the Military Health System, the Uniformed Services University of the Health Sciences (USUHS), and our Nation.

Vorley (Mike) Rexroad, a native West Virginian born on April 6, 1915, earned his Bachelor of Arts Degree from Glenville State College, Glenville, West Virginia in 1938 and his Masters in American Government at the University of New Mexico in 1948. Mike Rexroad joined the Army Air Corps on December 9, 1941, and began 61 years of service to his Nation and dedication to military medicine. In 1944, following both air flight and commando training, Lieutenant Rexroad was assigned to the British 14th Army Headquarters in Burma. At the conclusion of World War II in 1945, Captain Rexroad led the first American task force into the prisoner of war camp in Thailand. His task force included physicians and medical corpsmen; it was during this emotion-packed time when Mike Rexroad developed his sincere appreciation for military medicine.

After his release from active duty, Mike Rexroad accepted a faculty appointment at New York University, NY, however, in June of 1950, with the onset of the Korean War, Rexroad was called to active duty by the Air Force