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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 19, 2002, at 12 noon.

Senate

FRIDAY, NOVEMBER 15, 2002

The Senate met at 9:45 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, all power and authority belong to You. You hold the universe in Your hands and focus Your attention on the planet Earth. We humble ourselves before You. You alone are Lord of all nations and have called our Nation to be a leader of the family of nations. By Your providence You have brought to this Senate the men and women through whom You can rule wisely in soul-sized matters that affect the destiny of this Nation. With awe and wonder at Your trust in them, the Senators press on in consideration of the homeland security legislation.

Grip their minds with three assurances to sustain them today: You are Sovereign of this land and they are accountable to You; You are able to guide their thinking, speaking, and decisions if they will ask You; and You will bring them to unity so that they may lead our Nation in its strategies of

NOTICE

If the 107th Congress, 2d Session, adjourns sine die on or before November 22, 2002, a final issue of the Congressional Record for the 107th Congress, 2d Session, will be published on Monday, December 16, 2002, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 13. The final issue will be dated Monday, December 16, 2002, and will be delivered on Tuesday, December 17, 2002.

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By order of the Joint Committee on Printing.

MARK DAYTON, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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defense and the world in its shared obligation to confront and defeat the insidious forces of terrorism.

God of peace, hear our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, there is going to be a period of morning business until 10 a.m. this morning with the time to be equally divided between the two leaders. At 10 a.m., the majority leader or his designee is to be recognized, and at that time there will be an effort to move to the conference report on terrorism. A rollcall vote is expected on the motion as soon as possible. At 10:45, the Senate will vote on cloture on the substitute amendment to the Homeland Security Act.

There is much work to be done today, including completing the homeland security legislation. The chairman of the Banking Committee is here, and also the chairman of the Rules Committee, the Senator from Connecticut, Mr. DODD. They have worked long and hard on the terrorism insurance legislation. The House passed that last night, and that will be passed as soon as possible. We are not going to leave here until that legislation is passed—whether it takes the next 10 minutes or the next 10 days. Both leaders have indicated it will be passed. It is something the White House wants very badly.

Finally, we have things worked out. We now have a conference report. I don't know it if has been given to us yet. But, if not, it will be presented shortly.

I would indicate for all those who are listening that there are ways: For example, someone could call for a quorum. Of course, we could call for a live quorum immediately. That is going to happen.

We are not going to have games played with terrorism insurance any longer. This legislation is supported by the President of the United States and the two leaders. It passed the House, and the legislation is going to pass.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time to be equally divided between the two leaders or their designees.

The Senator from Connecticut.

HOMELAND SECURITY AND TERRORISM INSURANCE

Mr. DODD. Madam President, I am curious, if I could get the attention of the distinguished majority whip, what is the plan this morning, if I can inquire of how we are going to proceed?

Mr. REID. We, of course, in 55 minutes, are going to vote on cloture on homeland security. Prior to that time, it would be our desire to move to the very important antiterrorism legislation that has been here for more than a year. We are going to do that. We would like to do it by unanimous consent. As the chairman knows, it is a nondebatable motion to move to that matter. We are going to have a vote on that in the near future. We do not know exactly when.

We are going to try to get a unanimous consent agreement, perhaps, to only have one vote and get rid of the legislation. That would be preferable, rather than trying to mess around with a cloture motion on it because, if necessary, we will file cloture on it.

Mr. BYRD. Will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. BYRD. Is the Senator talking about a conference report when he says it is a nondebatable motion? Is he talking about a conference report?

Mr. REID. Yes. What I am talking about is, we have terrorism insurance legislation passed in the House last night.

Mr. BYRD. Is that a conference report?

Mr. REID. Yes, it is a conference report.

Mr. SARBANES. Will the Senator yield further for a question?

Mr. REID. Yes. I am happy to yield.

Mr. SARBANES. I am taken aback by the notion that we are not going to be able to go to this legislation by some unanimous consent, that we are going to have to invoke cloture, and all the rest of it. I do not quite understand where that opposition is coming from.

In fact, it passed the House on a voice vote without any opposition whatever expressed over on the House side. And this is something that has been laboriously worked over under the very effective leadership of my very distinguished and able colleague from Connecticut. I was operating under the assumption that we would be able to go to it in short order.

People will want to make some speeches and explanatory statements, I would assume, although I don't see any need for any lengthy debate or a long involvement of time in order to finally conclude this legislation.

Mr. REID. I respond to my friend, the chairman of the Banking Committee, logic, reason, common sense has not applied to this legislation. We have worked on this for more than a year, and just when it appears we are over the hill, some phantom objection comes and we are not able to do it.

We are now at this point, and I think that what should happen is there should be a couple of hours. This is some of the most important legislation that has passed this body. It is extremely important to all sectors of our economy. I think we should have a couple hours to explain the legislation and then have a vote on it and get it out of here and send it to the President's desk. I think that would be the preference of a vast majority of the people here.

But I want to make it very clear to everyone here, if we cannot do it in a logical, reasonable, orderly way, we are going to do whatever it takes to get this legislation out of here. If we have to work tomorrow, Sunday, Monday, this legislation will pass. And we are now in the procedural perspective where alternatives to slowing this down are very slim.

Mr. SARBANES. I thank the Senator.

Mr. BYRD. Will the Senator yield?

Mr. REID. I am happy to yield to the President pro tempore.

Mr. BYRD. I hope we are not going to work on Sunday. That is a religious holiday for this Senator. We do observe religious holidays around here. Furthermore, I think the distinguished Democratic whip's mention of reason and logic and common sense should be applied to the homeland security legislation as well.

I hope all Senators within the sound of my voice here in this Chamber and listening on the TV——

The ACTING PRESIDENT pro tempore. The time controlled by the majority leader has expired.

Mr. BYRD. Madam President, I ask unanimous consent to proceed for 1 minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I hope that all Senators within the sound of my voice will vote no on cloture today. Here is a 484-page bill that we have not seen until the wee hours of the morning on Wednesday, the day before yesterday. And the Senators are being asked to invoke cloture on this measure when we do not know everything about it. What is in it? We are entitled to have some time to study this bill. We owe it to our constituents.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BYRD. Yes, I yield, if I may have an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Madam President, could the Senator have an additional 10 minutes so we could discuss this?

Mr. BYRD. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I yield to the distinguished Senator from Maryland.

Mr. SARBANES. I just wondered, has the Senator noticed that the newspapers are filled now with stories about provisions that are in this legislation that have appeared, in a sense, out of nowhere? All of a sudden they have manifested themselves in this legislation, provisions that were not in this bill before, dealing with unrelated, extraneous matters.

Mr. BYRD. Yes, exactly, one of which happens to appear to target a facility for a district represented by a Member of the House from Texas. We do not know what that facility is, but it has been slipped into this measure.

Mr. SARBANES. I say to the distinguished Senator, I was not even aware of that one. That one has not yet risen to the level of being covered in these newspaper stories.

Mr. BYRD. I think that is where I got a glimmer of it, somewhere in a newspaper story.

Mr. SARBANES. I missed that. But that is just another example of what may well be stacked away—it is not as though this is simply or straightforwardly a revision or an alteration of provisions directly related to homeland security which we have been dealing with here, and so there have been some changes or modifications.

As I understand it, it is becoming increasingly evident that there are a number of provisions in here that have nothing to do with homeland security. Is that the Senator's understanding?

Mr. BYRD. Exactly. And I am very much alarmed by it. I spent 3 hours yesterday talking about some of these provisions. And, of course, there is a provision in here to reward the pharmaceutical companies. That is pork for pharmaceutical companies. That just came to light. That did not go through any committee. That had no hearings, no testimony of witnesses—just slipped into the bill in the wee hours of the morning of Wednesday. It is alarming.

Here we are about to pass this massive bill without our knowing its contents. It has never seen a day or an hour of hearings in any committee, and it is just put together by somebody in the shades of darkness. And then, here it is, dropped on our desks yesterday morning.

We are supposed to pass this. It provides for a massive shift of power to the executive branch, a massive shift, and Congress will be left out of the loop. I think we ought to at least have a few more days to study this bill, have our staffs able to study it, and advise us as to what is in it. That is all I am asking.

I do not doubt cloture will be invoked at some point, but it should not be invoked today. We ought to at least have until sometime next week to further study this before cloture clamps its beartrap on us.

Mr. SARBANES. I think the Senator raises a very important point. It would at least then give us the weekend to go through the provisions of this proposal.

Mr. BYRD. Yes. I thank the distinguished Senator from Maryland for his observations.

Mr. DORGAN. Madam President, I wonder if the Senator from West Virginia will yield further for a question.

Mr. BYRD. I will be glad to, if I may do so.

Mr. DORGAN. Madam President, if the Senator from West Virginia continues to have time——

The ACTING PRESIDENT pro tempore. Yes.

Mr. DORGAN. I would like to make an inquiry similar to the inquiry made by my colleague from Maryland.

There is an article in this morning's newspaper which contains some information which is very surprising to me, which was referenced briefly yesterday on the Senate floor, relative to the homeland security bill. This homeland security bill has a provision in it which says:

> Riding along on legislation to create a new federal Department of Homeland Security is a White House-backed provision that could head off dozens of potential lawsuits against . . . pharmaceutical [companies].

It goes on to further explain what this is. It says: Richard Diamond, a spokesperson for the retiring majority leader in the other body, RICHARD ARMEY:

> . . . said the provision was inserted because ''it was something the White House wanted. It wasn't [Armey's] idea.''

This is a circumstance where a homeland security bill contains a provision dealing with protection for pharmaceutical companies. The pharmaceutical companies, according to a Wall Street Journal article, spent $16 million.

Mr. BYRD. How much?

Mr. DORGAN. They spent $16 million in the recent election. Much of it went through organizations such as Seniors United and others set up to move this money out under the guise of an organization called Seniors United in order to defeat Democratic lawmakers and support Republican lawmakers.

The point is, this provision now is slipped into a homeland security bill. It has nothing to do with homeland security. Yet it is a provision that likely will be very beneficial to the pharmaceutical industry that spent $16 million in the last election.

Mr. BYRD. It is a blatant payoff to the pharmaceutical companies in return for their massive contributions to candidates during the election. That is a massive payoff.

Mr. DORGAN. If I may inquire further, has the Senator from West Virginia or have other Senators heard from the President or the White House by what justification would they insert—again, the White House apparently wanted it; that is what the majority leader of the House says—a special provision benefiting one industry in something called homeland security. Has anyone heard an explanation of that?

Mr. BYRD. That was very revealing what the majority leader's staff person from the other body had to say, pointing the finger at the White House. That was very revealing. I hope we have more time.

Mr. SARBANES. Will the Senator yield further?

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER (Mr. CARPER). There are 4 minutes remaining.

Mr. BYRD. I yield.

Mr. SARBANES. This morning the Baltimore Sun has an editorial—they entitled it ''Homeland Insecurity''—discussing this legislation.

Mr. BYRD. And rightfully so.

Mr. SARBANES. One paragraph follows right along with what the able Senator from North Dakota was bringing to our attention. I want to quote it:

> Most alarming is that the version of the legislation passed by the House on Wednesday—with the Senate apparently soon to follow—is a 500-page, 11th hour rewrite few lawmakers have read and perhaps none fully understands.

Mr. BYRD. Well stated.

Mr. SARBANES. Continuing:

> New snakes slither out daily, but doubtless many will remain hidden until long after the measure is enacted into law.

Mr. BYRD. Well stated. Well stated. I hope Senators will take notice of that editorial. I hope the Senator will put that in the RECORD.

Mr. SARBANES. Mr. President, I ask unanimous consent to print the editorial in the RECORD.

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

[From the Sun, Nov. 15, 2002]

HOMELAND INSECURITY

ONE LAMENTABLE result of this month's elections is that the stalemate has been broken over the creation of a monstrous Department of Homeland Security. This cosmetic

response to the myriad failures that made the nation vulnerable on Sept. 11, 2001, offers no assurance that Americans will be safer. Instead, it poses new dangers.

Most alarming is that the version of the legislation passed by the House on Wednesday—with the Senate apparently soon to follow—is a 500-page, 11th-hour rewrite few lawmakers have read and perhaps none fully understands. New snakes slither out daily, but doubtless many will remain hidden until long after the measure is enacted into law.

How can a bill that purports to protect the homeland be so scary? Let us count some ways:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000 employees into one super agency is a recipe for bureaucratic chaos that will distract workers from their security duties rather than sharpen their focus. New bosses, new locations, new personnel rules, new rivalries, new turf battles. These are the issues that will most concern workers in the years just ahead. How helpful is that?

The recent squabble between the FBI and the Bureau of Alcohol, Tobacco and Firearms, neither of which is to be included in the new department, demonstrates there is little chance that blending separate agencies to eliminate overlap and clarify control can be anything but a bloody task.

This proposal came originally from Democrats and was opposed by President Bush. But the pressure on Congress to take some action that promised Americans greater security was so great that Mr. Bush decided to board the train before it ran over him.

Second, the White House refused to accept a Senate provision that would have created an independent commission to investigate government failures that preceded the Sept. 11 attacks, squelching what looked like the best chance of authorizing such an inquiry. Unless another opportunity emerges soon, there may never be a detailed look at what went wrong and why.

Third, union rights and other worker protections will be stripped from the employees of the new department because the president says he needs new flexibility to hire, fire and move people around. No convincing national security rationale has been offered to justify this broad power grab.

Fourth, citizen access to information about risks or threats related to critical infrastructure is sharply curbed, and criminal penalties will be imposed on workers who violate these strictures. This is a sweeping and unjustified infringement on press freedoms.

Fifth, the Defense Department is working on a plan to collect financial and other personal information on all Americans in the name of homeland security. The new legislation doesn't permit this outrageous privacy violation—but it doesn't prohibit it, either.

There's more, but critics are cowed.

Mr. Bush snatched the homeland security issue from Senate Democrats, then clubbed them with it in a campaign that challenged their patriotism. A cynical play that matches this bill.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Michigan.

Mr. REID. I suggest the absence of a quorum.

Mr. BYRD. The Senator can't do that. I have the floor.

Mr. REID. Oh, you have the floor. Sorry about that.

Ms. STABENOW. Mr. President, I thank the Senator from West Virginia. As the distinguished Senator knows, we were on the floor last evening talking about this very subject related to the pharmaceutical industry and the fact that there is a provision in this bill that has been slipped in, more for the financial security of Eli Lilly and the pharmaceutical industry than homeland security. In fact, it jeopardizes the rights of families who are now in court as a result of an additive to a vaccine for infants that contains mercury, where the concern is that it may, in fact, lead to autism. That is yet to be determined, but there are serious issues of health.

What we now have in this homeland security bill is an effort to eliminate any responsibility from the Eli Lilly company for the possibility that a product of theirs may, in fact, lead to an extremely harmful health problem for children, autism. I find it outrageous that in the middle of trying to deal with homeland security and legitimate issues for the American people that we would find it is, in fact, the White House slipping into this bill an effort to protect people who were clearly one of their biggest backers in the last campaign. It is clear that when the pharmaceutical industry put up millions of dollars to support the efforts finished on election day, they already are receiving rewards as a result of what they did in the election.

The American people do not deserve this kind of approach. I appreciate the Senator bringing it to our attention again. I know there is an amendment to strike these items which I strongly support. I think it is absolutely outrageous that, while we are trying to do something serious for the American people, we would see this kind of help put into this bill for an industry that is already heavily subsidized by taxpayers.

Mr. BYRD. Absolutely.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. DORGAN. Mr. President, I ask unanimous consent the Senator have 10 additional minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request for 10 additional minutes for the Senator from West Virginia?

Mr. DASCHLE. Mr. President, I didn't hear the request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that the Senator from West Virginia be recognized for an additional 10 minutes?

Mr. DASCHLE. I have no objection.

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

Mr. NELSON of Florida. Will the Senator yield?

Mr. BYRD. Let me compliment the distinguished Senator from Michigan for her correct, characteristic, acute perception of what is in this bill. She spoke about this very item on yesterday. I wonder how many Senators were listening. She is speaking again today, quite appropriately, calling it to the attention of the Senate and the American people. I thank her.

I yield to the distinguished Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding to me. Isn't it interesting, in the eleventh hour, the closing hours of the session, when the country is at war and a bill that is perceived to be vital to the defense interests of this country——

Mr. BYRD. Hear, hear.

Mr. NELSON of Florida. That there would be suddenly inserted or deleted——

Mr. BYRD. Oh, yes.

Mr. NELSON of Florida. For example, the provision that was deleted that passed unanimously in the Senate that we would have a bipartisan commission to understand the ramifications of September 11? That was in our version of the bill. And because the White House objected to that, even though an overwhelming vote had taken place in the House of Representatives, it was deleted. And because there was such an outcry, the morning's news says they are going to try to resurrect some bipartisan commission.

But it shows the legislative sleight of hand in the rush to adjournment that would now delete a provision so important to the security of this country, such as a bipartisan commission to find out what went wrong in the intelligence apparatus that led to September 11 and at the same time would insert provisions into this bill that would create all kinds of havoc, as enumerated by the Senator from West Virginia and the Senator from Michigan.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida for his observations and for his contribution and for his service to his country, his service here in the Senate.

Liberty, freedom, justice, and right cry out today to be heard here on the Senate floor. I urge Senators not to vote later today for cloture. Let's see what else is in this bill. Let us have time to amend it, to correct the errors that may be in it, on behalf of the American people. I ask that we not vote for cloture today.

I suppose my pleadings, my importunings will fall upon deaf ears in many areas of the Senate Chamber, but please, let our constituents be heard on this bill which comes to us in the name of homeland security but within it has many injustices, many wrongs, I am sure, many things, many provisions the American people do not want.

I yield to the distinguished Senator from New Jersey.

Mr. CORZINE. Mr. President, the distinguished Senator from West Virginia has done a tremendous service to our Nation by pointing out, over the last several hours while we have been in session, some of the flaws in this 484-page bill, which many of us have been trying to study.

One of those flaws—and I would love to hear the Senator's comments—is with regard to freedom of information and the provision of that information

to the American people, and to the people in Congress who are responsible for oversight of this new Department. Is it not true that in this new Department there have been given broad waivers of opportunity for the administration—any administration—to pick outside advisory committees to come in and give advice, to make specific policy recommendations with regard to the direction of the country—not unlike what we saw with regard to our energy policy—and then not have any of that information made available to the public, where it can be challenged in situations where there is a serious concern about conflicts of interest and about how people might approach these issues.

I think, if I have read this right, there is an almost blanket ability for the administration—any agency, and not necessarily Republican or Democrat—to completely keep from Congress, keep from the State, keep from others the ability to understand what is taking place within the policy-making arrangements of this new Department.

Mr. BYRD. Mr. President, I thank the distinguished Senator for what he has just called to the attention of the Senate. What he has made reference to, I have every reason to believe, is section 871 dealing with advisory committees. Let me read it. I will have more to say about this. As a matter of fact, I will have an amendment to change this. It is section 871:

Advisory Committees.

(A) IN GENERAL.—The Secretary may establish, appoint members of, and use the service of, advisory committees, as the Secretary may deem necessary. An advisory committee established under this section may be exempted by the Secretary from Public Law 92–463, but the Secretary shall publish notice in the Federal Register announcing the establishment of such a committee and identifying its purpose and membership. Notwithstanding the preceding sentence, members of an advisory committee that is exempted by the Secretary under the preceding sentence who are special Government employees (as that term is defined in section 202 of title 18, United States Code) shall be eligible for certifications under subsection (b)(3) of section 208 of Title 18, United States Code, for official actions taken as a member of such advisory committee.

A separate reading of this language does not stir one's blood, but a clear understanding of the laws that are referenced begin to stir one's blood.

Under current law, advisory committees may be appointed and the President may exempt a committee on a case-by-case basis. The public has a right to know what these advisory committees are doing. The public has a right to know what is happening. They have a right to know what is going on in Government, in these advisory committees.

But here is a provision that will give the Secretary blank authority to keep from the public the knowledge of what these advisory committees are saying, as to what's going on, and so on.

Mr. CORZINE. Will the Senator yield for one more quick question?

Mr. BYRD. Yes.

Mr. CORZINE. Am I not correct this was neither in the original Lieberman proposal that came out of the Governmental Affairs Committee, nor was it in the compromise proposals that were on the floor before we went into recess? This is another one of these midnight strikes, additions, that is completely outside of any of the review process that we normally have, is that right?

Mr. BYRD. To the best of my knowledge, it is. My staff, upon a cursory examination of this bill, informs me this is something that is new. So the President and the Secretary will be given blanket authority. Whereas, at the present time, under the Advisory Committee Act—I believe that is what it is called, and it is referenced in this language—one has to see what is being said behind the lines here. But now the Secretary would have blanket authority to shut out the press. The press ought to be aware of what is in this bill, and the Senator from New Jersey is calling the attention of the Senate and the world—may we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 36 seconds.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I want to take advantage of these few seconds to thank the very able Senator from West Virginia for raising these extremely important questions about this legislation. This editorial I made reference to that was in the Baltimore Sun talked about all these other provisions that were coming in, and it went on to talk about the basic concept of this bill itself—something the Senator has been addressing for days on the floor of the Senate. Listen to this. They are talking about the homeland security bill:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from West Virginia is recognized.

Mr. BYRD. I yield to the Senator from Maryland.

Mr. SARBANES. I will quote this:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000 employees into one super agency is a recipe for bureaucratic chaos that will distract workers from their security duties, rather than sharpen their focus. New bosses, new locations, new personnel rules, new rivalries, new turf battles—these are the issues that will most concern workers in the years just ahead. How helpful is that? The recent squabble between the FBI and the Bureau of Alcohol, Tobacco, and Firearms, neither of which is to be included in the new Department, demonstrates there is little chance of blending separate agencies to eliminate overlapping, and clarifying control can be anything but a bloody task.

Then they go on to say:

Union rights and other worker protections will be stripped from the employees of the new Department because the President says he needs new flexibility to hire, fire, and move people around. No convincing national security rationale has been offered to justify this broad power grab.

The problems inherent in this legislation, I have come to the conclusion, will divert focus, energy, and attention from the substantive challenge of providing homeland security to this kind of a procedural fight.

They are going to have to get a new location, new organization. They are going to be spending all their time on getting the boxes on the chart instead of focusing on the substance of the job that confronts them.

Mr. BYRD. Yes.

Mr. SARBANES. That is one of the basic points the Senator has been making consistently, as I understand it.

Mr. BYRD. How telling, how telling, how revealing what the distinguished Senator from Maryland just said in this excellent editorial in the Baltimore Sun. I thank him for that.

Senators need to wake up. Senators need to wake up as to what is going on.

Mr. President, I do not intend to take more time than I have because I know the leaders want to speak. How much time do I have?

The PRESIDING OFFICER. Two minutes and ten seconds.

Mr. BYRD. Does the distinguished Senator from Maryland have anything further to say?

Mr. SARBANES. No. I thank the Senator for yielding.

Mr. LEVIN. Will the Senator yield me 30 seconds for a parliamentary inquiry?

Mr. BYRD. Yes, I yield for a parliamentary inquiry.

Mr. REID. Will the Senator yield for an inquiry? The majority leader is in the Chamber and will take just a few seconds to offer a unanimous consent request. Can that happen? Then this dialog can take place for a long time after that.

Mr. BYRD. Yes, I yield to the majority leader. I hope I retain my 2 minutes.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia retain the remainder of his time.

The PRESIDING OFFICER. The Senator from West Virginia retains the remainder of his time.

Mr. DASCHLE. Mr. President, after I have propounded this unanimous consent request.

UNANIMOUS CONSENT AGREEMENT—H.R. 3210

Mr. DASCHLE. Mr. President, I ask unanimous consent that immediately

upon passage of H.R. 5005, the homeland defense bill, the Senate proceed to the terrorism insurance conference report to accompany H.R. 3210; that the Senate then vote immediately on cloture on the conference report; that if cloture is invoked, the Senate then immediately, without any intervening action or debate, vote on passage of the conference report; that if cloture is not invoked, the conference report continue to be debatable.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not fully understand this request. I want to know what this does to homeland security.

Mr. DASCHLE. Mr. President, if I can respond to the distinguished Senator from West Virginia, this has no effect at all on the debate on homeland defense. All Senators are protected with regard to their rights under cloture, if cloture is invoked on homeland security. This only deals with the next issue, the terrorism insurance bill, to be taken up once homeland defense has been completed.

Mr. BYRD. Mr. President, further reserving my right to object, and I will be very brief, I am supportive of the measure the distinguished majority leader is seeking to advance in connection with this request. Does this in any way have a psychological effect with respect to the cloture we are going to vote on this morning?

I plead to Senators—further reserving my right to object—I plead with Senators not to invoke cloture today. I understand cloture will be invoked at some point. I just hope it will not be today. I hope we will have the weekend for our staffs to study this bill so that we will be better prepared after we have had more time to study it.

What I am concerned about is the desire to get to the bill about which the majority leader is speaking and which I fully support. I hope that desire will not have some psychological impact on Senators causing them to vote for cloture today.

I wonder if our two leaders would propose a unanimous consent request that would vitiate a cloture vote for today, push the cloture vote over until Monday. I know cloture is going to be invoked, but for God's sake, for Heaven's sake, for the sake of liberty and justice, and for the sake of Senators being able to understand what they are voting on in this 484-page bill that has been sprung on us—and we have only been able to see it at the beginning of Wednesday, the day before yesterday—would the leaders please consider at least vitiating that vote and putting it over until Monday so that we and our staffs will have some more time for study?

For Heaven's sake, would the majority leader and minority leader consider this request? That is all I am asking.

I know cloture is going to be invoked at some point, but for Heaven's sake, we have a right to know what is in this 484-page bill, and the people out there who are watching this debate through those electronic lenses have a right also to know. We have a duty to know what we are voting on. At this moment, as we get ready to invoke cloture, we do not know what is in this bill.

Mr. President, I remove my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. DASCHLE. I thank all of my colleagues. I thank in particular the distinguished Senator from West Virginia. I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DASCHLE. Mr. President, I ask for the regular order which, as I understand, acknowledges 2 minutes remaining for Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 30 seconds remaining, and Senator LOTT retains 4½ minutes.

Mr. BYRD. I yield 1 minute to Senator LEVIN.

STATUS OF AMENDMENTS

Mr. LEVIN. Mr. President, parliamentary inquiry: A large number of amendments have been filed which, on their face, appear to be relevant to this bill. If cloture is invoked, not only nongermane but even relevant amendments would be precluded from being offered.

My parliamentary inquiry is this: How many of the amendments which have been filed and reviewed by the Parliamentarian would fall as being nongermane?

Mr. BYRD. What bill is the Senator referencing?

Mr. LEVIN. Homeland security.

The PRESIDING OFFICER. The Chair will attempt to answer that question.

Mr. LEVIN. The list I have, they all appear, most appear to be relevant amendments, but because of the technical rules, many of these would not be allowed apparently; many would be not allowed if they are not strictly germane. How many of these amendments are nongermane in the eyes of the Parliamentarian?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane and roughly 30 are either germane or are clearly relevant.

Mr. BYRD. Will the Chair repeat the response?

Mr. LEVIN. Ten of these amendments could not be offered after the vote.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Would the Chair repeat——

The PRESIDING OFFICER. And that is homeland security.

Mr. BYRD. Would the Chair please repeat the response that was given to the Senator from Michigan so we can hear it? I did not hear the response.

The PRESIDING OFFICER. Of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane. Approximately 30 are either germane or are arguably germane.

Mr. LEVIN. That was not the question. The question is, Of the amendments reviewed, how many would not be strictly germane and therefore would fall?

The PRESIDING OFFICER. There are 10 amendments.

Mr. LEVIN. Pardon?

The PRESIDING OFFICER. Ten.

The time of the Senator from West Virginia has expired. The Republican leader has 4½ minutes. The Republican leader is recognized.

Mr. GRAMM. Will the Republican leader yield to me?

Mr. LOTT. Mr. President, I yield time off my leader's time. How much time does the Senator from Texas need?

Mr. GRAMM. We have 4½ minutes. Ten minutes.

Mr. LOTT. I yield 10 minutes of leader's time to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

HOMELAND SECURITY

Mr. GRAMM. Mr. President, we have drifted into a debate which I think we should be engaged in now, and that is a debate on whether we should vote for cloture on the pending amendment and, therefore, cloture to proceed with homeland security.

At this late hour, I do not think anybody is going to be convinced in terms of whether this is a good thing or a bad thing as it is written. I think people have pretty well reached that decision. I simply would like to make a couple of points that I think are important in making the decision.

I begin by saying I do not think anybody set out with a goal of homeland security becoming an issue that sort of divided us along party lines. I do not think anybody had that intention, but the net result is it happened. We now are at a point where we have one last opportunity to do this bill.

I make two arguments for doing it that I think are strong, and I make them not to the people who are for it—they are already convinced and I hope they will not listen because I do not want to change their mind. I want to make my argument to the people who are on the other side of the issue.

The first argument is that we have had an election. It is very easy in elections to read into them what you want

to read into them. Elections are sort of like the Bible in the sense that everybody finds something in them that they want to find and they neglect the things they do not want to see. I do think one of the themes of the election was a desperate desire of the American people to see a homeland security bill passed.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. Whether it was this one or another one, I think that is open to interpretation, but I think they wanted to see it passed.

I certainly will yield.

Mr. BYRD. Just one quick observation. I hope the Senator will delete from his remarks which will appear in the RECORD any reference to the Holy Bible in the context that he was speaking. I do not think that has any place in this argument. I say that lovingly and fondly.

Mr. GRAMM. Well, I appreciate that. Let me remove ''the Bible'' and put ''teaching'' or ''holy script.''

What we tend to do with revered documents—whether it is the Constitution, the Koran, or some other holy teaching—is we take from it what we like and we tend to leave out what we do not like, and that was the point I was making. I thank my colleague for making the point.

The point I want to make beyond that is, I do believe an objective reading of the election shows a desire, an almost desperation of the American people, to see action taken on a homeland security bill, though I am not claiming necessarily this bill.

The second argument I hope opponents of the bill will listen to is, this bill does represent a compromise. The President would have not been subject to much criticism if, after the election, he had said: Look, I have already compromised too much on this issue. Given the results of the election and the mandate, I am going to get exactly what I want, and so as a result I am going to stop negotiating. We are going to go home, come back in January, and do it exactly my way.

He could have done that, and I do not think people could have been critical of him. But the President did not do that. Even though he perceived, and many others perceived, that he got a mandate in the election on this issue, he came back and compromised again. He compromised again by not giving public employee labor unions the ability to veto a homeland security reorganization, but by strengthening their ability to have input into it. That represented an additional compromise.

The bill before us is not a bill that all of our colleagues support. I know our dear colleague from West Virginia is very sincere in his opposition, but I say this: The first major issue that the distinguished Senator from West Virginia raised, in opposition to the original bill, was that it interfered with Congress's power of the purse by giving the President power—and the Senator and others argued arbitrary power—to rewrite appropriation bills.

I argue to our colleagues that whether they support or oppose this bill, that concern was responded to, and the bill before us sets an amount that the President has flexibility in, but it gives him no power, without reprogramming—which means the approval of the chairman and the ranking member—to move money around.

I simply say to my colleagues this is a compromise, even though it may not be one that the Senator finds supportable. But I ask the following question: Does the Senator believe the bill that will be adopted in the new Congress will be closer to what he wants than this bill is? Does he have a guarantee that in the new Congress the concerns that were dealt with here will be dealt with?

I guess really what I am saying—and not doing a very effective job in saying it—is the following: I ask my colleagues who oppose the bill to look at it in its totality, to look at the compromises that are in it, protecting our right to the purse, giving public employees an opportunity to have an input but not a veto. We all know the bill is going to pass now or it is going to pass later, and so will the bill passed in the new Congress be more to the liking of my colleagues who would vote no today than this bill? The answer is probably no.

Finally, the one thing we all agree on is, in creating this new department—whether it is a good idea or a bad one—if we do not do it now and do it 3 months later, we have lost the 3 months. So the bill we would do in 3 months might very well be less to the liking of the people who oppose it and we will be doing it 3 months later.

I think if I were on the other side, what I would probably conclude is I am not for the bill and I am going to vote against it, but doing it in the new Congress with the makeup of the new Congress will probably produce a bill that I like less and that the victories that have been won in it—and there have been some; this is a compromise—would be lost, could be changed, and waiting 3 months to get a bill that might be worse from my point of view is not a good decision.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. The Senator is absolutely right in what he says with reference to the appropriations process. That was a major weakness of the original bill, and the Senator from Texas knows that. He had a lot to do with a compromise that developed with respect to the appropriations process—he and Senator STEVENS, above all, on that side of the aisle. That part has been vastly improved. So I have not had much to say in my expressions of opposition to the way we are proceeding. I have had little to say except to compliment Senator STEVENS, and I will compliment the distinguished Senator from Texas because he has privately told me upon occasion that that was almost an unassailable position I was taking with reference to that appropriations process within the constitutional system.

This measure has gone a long way. It has not gone all the way, but it has gone a long way. I have had very little to say about that.

Finally, let me say, would we have a better bill 3 months later?

Mr. GRAMM. Mr. President, I ask for an additional 4 minutes if the Senator is going to speak. I want to conclude with one remark.

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

Mr. BYRD. Mr. President, with reference to the question, will the bill be better 3 months from now? I say there is an excellent chance the bill would be better, that the failings of this compromise as brought to light by the press and by Members, through the help of their staffs, the things that they are complaining about in this bill, yes, we would have time to remove those after debate and we would come out with a better bill. I think always that more debate results in a better end product.

As far as I am concerned, the answer is, yes, 3 months from now we could have a better bill. We would have more time. Our staff would have more time. The press would have more time. I am just pleading for us not to invoke cloture today so we can have at least the weekend to look at this bill.

I thank the distinguished Senator.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. I would be happy to yield, but I do want to make sure I have 3 minutes at the end to sum up and we are 5 minutes from the vote.

I am happy to yield.

Mr. SARBANES. One of the things we could do if we had more time is get the special interest provisions out of this bill. As I understand it, and with appropriate respect to the Senator from Texas, those provisions were never in the alternatives being offered in the Senate as we considered homeland security.

In fact, I may or may not agree with your provisions on homeland security and think it should be done differently, but at least it was homeland security. Now we discover and are discovering every moment there are other special interest provisions that are in this legislation. I argue we should not invoke cloture, if for no other reason than in order to address those special interest provisions.

Mr. GRAMM. Mr. President, let me address that and get back to the Senator's point, which is the relevant point.

First of all, this bill results from three things: One is the old Gramm-Miller substitute with which we are all familiar and we debated for 6 weeks. It also includes compromises that were reached with three Democrat Members to try to increase input that public employees have in the process. I am first

to say it does not give them veto power, but it gives them a greater degree to be heard. The third thing it entails is a compromise with the House. We had to meet with Members of the House to try to bring the two bills together, given we are at the end of the session, so they could pass the bill in the House and we could pass it in the Senate.

Are there special interest provisions in the bill? There are. But does anyone believe we would go to conference in February or March and not have special interest provisions in the bill? I am proud that my colleague has noted I didn't have any in the substitute we offered.

I say the following in addressing the important point of the Senator from West Virginia, and then I will conclude. I believe this is a good amendment. I believe it is a result of 6 weeks of work. It is a compromise that has been made, and then an additional compromise has been made on top of that. I believe from my point of view we might get a better bill in February, but I don't believe from the point of view of the opponents of this bill they would get a better bill. And to the extent we got greater support, we would get a bill that is not as good.

Secondly, I remind my dear colleague from West Virginia that when Benjamin Franklin read the Constitution, he asked himself: Is this the best product that we are going to get? As he knows, better than I, there were things in it he was doubtful of. I am not comparing this 484 pages to what, in a secular sense, is a document that is pretty holy to me and the Senator from West Virginia, and that is the Constitution.

But the point is relevant. This is a compromise. Even the Senator said his biggest concern has been dealt with. I say to critics, the fact that is the case says something about the fact that there was a genuine effort to compromise. I am not asking my colleagues that have taken a hard position to vote yes. I know that will not happen. I know I will not convince the Senator from West Virginia, but I hope I will convince him of two things.

The first is the most important one, and that is this bill is not all bad and there are some good things in the bill and there has been some legitimate effort to compromise. Second, when we do get cloture, we are at a point where we need to go ahead and act and adopt the bill.

I thank my colleague for the debate. Probably the Senator from West Virginia has had more impact in changing this bill than anyone else because of the strength of his arguments. I simply say, it is a long way from what he would like. I have voted on many bills here in my 18 years in the Senate, and they were a long way from what I liked. But you ultimately come down to, especially in these circumstances, the following questions: Is it going to get any better? Might it get worse? Is it worth waiting 3 months to find out?

My conclusion, and it is one I feel very strongly about, is that I believe it is a good bill. I don't believe it would get better with time, especially from the point of view of people who are concerned about workers' rights. And finally, waiting 3 months does not serve anybody's interests.

Thomas Jefferson said good men with the same opinion are prone to disagree.

Mr. BYRD. I yield the floor.

How much time does the Senator have remaining?

The PRESIDING OFFICER. Two minutes and nineteen seconds.

Mr. BYRD. I hope he has 3 additional minutes.

Mr. MCCAIN. I object.

Mr. GRAMM. I give the 2 minutes to Senator BYRD.

Mr. BYRD. Mr. President, with reference to Benjamin Franklin, when the Constitutional Convention ended we are told a lady approached Benjamin Franklin with the question: Dr. Franklin, what have you given us?

His response: A republic, Madam, if you can keep it.

That is what is wrong with this bill. That is the problem. The third leg of the trilogy of reasons we have this compromise, which was related to us by the distinguished Senator from Texas, is that third leg, that compromise that he spoke of, which was entered into with the House so that the House could pass this measure over there virtually without debate, that is the leg I think we could improve with an additional 3 months. That is the leg which has the major flaw. That is the leg which has the dagger pointed to the heart of the Republic, which we all love. It is that leg which I think another month or 2 months or 3 months would vastly improve, I say with all due respect.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. I have the time.

Mr. SARBANES. I say to the Senator, I think it is clear, I understand his point on the homeland security provisions about now or next year. But it seems to me clear that next year you will not have these special interest provisions that are in this legislation. They were not in your legislation. They have been put in here by the House. Some of them are absolutely outrageous.

Mr. GRAMM. Let me say when Senator MILLER and I wrote the substitute, it is true we did not have any special interest provisions in it. It is true that there are a few special interest provisions in this bill. But I would have to say—without getting into an argument with anybody on what may be my last words in the Senate—that more often than not when you are negotiating between the two bodies, you end up with some provisions, (a) you don't like, and (b) that have are promoted by some special interest. I would have to say—and I am sure my colleagues will remember me going through bills at midnight looking at proposed amendments that were going to be accepted—seldom have I seen a bill that had none of those. I am not going to be here in future years, so I guess I will read about it in the paper. But if we do not invoke cloture, I would be willing to bet good money, and I hope to have it to bet at that time, that there will be more special interest provisions in it 4 months from now than there are right now.

Mr. REID. Mr. President, all time is expired on this; is that right?

The PRESIDING OFFICER. That is right.

Mr. REID. I advise all Senators, we heard a lot of debate this morning. There will be immediately an up-or-down vote on cloture on the Gramm-Miller substitute amendment to the Homeland Security Act. On our side this is opposed by Senator BYRD. It is my understanding that Senator LIEBERMAN will vote in favor of the cloture motion.

Mr. DORGAN. Mr. President, I wish to inquire of the Senator from Texas where this negotiation took place?

Mr. ROBERTS. Regular order.

The PRESIDING OFFICER. Under the previous order, the clerk will report.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from——

Mr. ROBERTS. I object.

Mr. BYRD. I know the Senator objects.

I suggest the absence of a quorum.

The PRESIDING OFFICER. 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 call of the quorum be terminated.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No, reserving the—I can't reserve the right to object. I object until we get a clear understanding that the Senator from North Dakota can have 1 minute.

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.

Mr. REID. I ask that the Senator from North Dakota be recognized for 1 minute and the Senator from Texas, Mr. GRAMM, be recognized for 1 minute.

Mr. GRAMM. And the vote occur immediately thereafter.

Mr. REID. The vote to occur immediately thereafter.

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

The Senator from North Dakota.

Mr. DORGAN. I merely wish to inquire of the Senator from Texas: He indicated in the process of completing legislation, sometimes at midnight there is a negotiation that goes on and things happen. I am wondering if the Senator from Texas can tell us where the negotiation occurred that put in the homeland security bill the special piece for the pharmaceutical industry

that shows up now, today, that says there will be special liability protections for the pharmaceutical industry. And the majority leader of the House, Mr. ARMEY, says: Well, I put it in, but it wasn't my idea; it was the White House.

I am asking, was there a negotiation someplace, sometime, between some people, of which I am unaware? Because I have heard of no such negotiation by which that provision should have ended up in this bill.

I inquire of the Senator from Texas where this negotiation occurred. Who was involved in it? Who made the decision that a special protection for the pharmaceutical industry that just spent $16 million in the last election ought to be stuck in this bill? Who was involved in it?

The PRESIDING OFFICER. The time has expired. The Senator from Texas has 1 minute.

Mr. GRAMM. I am glad the Senator picked one with which I am totally familiar.

In the Senate bill, we had a provision where the Federal Government indemnified those manufacturers that produced items to be used in the war on terrorism whereby the taxpayer would pay liability that arose from it.

I was never much for that provision, but I was desperately trying to get the votes to prevail, and so I took that provision.

The House had a provision that limited liability, similar to what we did in World War II and what we have done in most major conflicts. When you produce an item for defense purposes, there is a limited liability. It seemed to me that, rather than the taxpayer bearing the burden, forcing these cases into Federal court and limiting liability was a preferable choice.

That is where the negotiation came from. This was not a provision out of the clear blue sky. We had a provision, they had a provision, and we took less liability protection than they had. This is a good provision of the bill.

Mrs. LINCOLN. Mr. President, I rise in support of cloture on the Homeland Security bill because our country needs a unified effort to defend our shores. But I want my colleagues on the other side of the aisle to know that I am ashamed of the tactics that you have used. And this Senator will not forget what you and your patrons in the pharmaceutical industry have done to this bill and to the American people in the dark of the night. It appears that the $12 million PhRMA donated during the last election cycle can buy more than a handful of House and Senate seats. It can also buy a sneak attack on people—autistic children—who have been harmed by vaccines.

I say to my friends across the aisle and to my friends in the pharmaceutical industry: sneaking this unrelated provision into critical legislation like Homeland Security is not the way to make good public policy. It is un-American, and something to be ashamed of.

Why should the parents of autistic children—children who were injured by thimerosal in vaccines—lose some of their legal options in the name of Homeland Security? They too care about the security of our nation, but you cannot doubt their love and concern for their precious vulnerable children. The homeland security bill is not an appropriate vehicle to make this change to the vaccine injury compensation program on behalf of one interest group.

HOMELAND SECURITY ACT OF 2002

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

Lieberman/McCain Amendment No. 4902 (to Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.

Dodd Amendment No. 4951 (to Amendment No. 4902), to provide for workforce enhancement grants to fire departments.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4901 to H.R. 5005, the Homeland Security legislation.

John Breaux, Ben Nelson of Nebraska, Larry E. Craig, Jon Kyl, Mike DeWine, Don Nickles, Craig Thomas, Rick Santorum, Trent Lott, Fred Thompson, Phil Gramm, Pete Domenici, Richard G. Lugar, Olympia J. Snowe, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Thompson amendment, No. 4901, for H.R. 5005, an act to establish the Department of Homeland Security and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Mr. KENNEDY), the Senator from Maine (Mr. KERRY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 29, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—65

Allard	Edwards	Lugar
Allen	Ensign	McCain
Barkley	Enzi	McConnell
Bayh	Feinstein	Miller
Bennett	Fitzgerald	Murkowski
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Breaux	Gramm	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Cantwell	Hatch	Smith (NH)
Carnahan	Hollings	Smith (OR)
Chafee	Hutchinson	Snowe
Cleland	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Johnson	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lieberman	Voinovich
DeWine	Lincoln	Warner
Domenici	Lott	

NAYS—29

Akaka	Dodd	Murray
Baucus	Dorgan	Nelson (FL)
Biden	Durbin	Reed
Boxer	Feingold	Reid
Byrd	Harkin	Rockefeller
Carper	Jeffords	Sarbanes
Clinton	Kohl	Schumer
Conrad	Leahy	Stabenow
Corzine	Levin	Wyden
Dayton	Mikulski	

NOT VOTING—6

Campbell	Inouye	Kerry
Helms	Kennedy	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

AMENDMENT NO. 4902

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Lieberman amendment No. 4902 be in order.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. DASCHLE. Mr. President, I very regretfully make a point of order that amendment No. 4902 is not germane.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

AMENDMENT NO. 4911 TO AMENDMENT NO. 4901

Mr. DASCHLE. Mr. President, I call up amendment No. 4911.

Mr. BYRD. Mr. President, what is happening? What was the request? What has happened?

Mr. DASCHLE. Mr. President, I have called up amendment No. 4911. I would like it read.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. BYRD. Mr. President, parliamentary inquiry. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BYRD. Mr. President, what was the request agreed to; what happened? What was the decision of the Senate?

The PRESIDING OFFICER. A unanimous consent request that the pending first-degree amendment be in order was objected to. Objection was heard. A point of order was then made against the amendment on the grounds that it was not germane. The Chair sustained

the point of order, and that amendment fell.

Mr. BYRD. I thank the Chair. There was so much noise in the Chamber that many of us could not hear what was going on.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mr. LIEBERMAN, proposes an amendment numbered 4911 to amendment No. 4901.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that certain provisions of the Act shall not take effect, and for other purposes)

At the end, add the following:

TITLE XVIII—NONEFFECTIVE PROVISIONS

SEC. 1801. NONEFFECTIVE PROVISIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, (including any effective date provision of this Act) the following provisions of this Act shall not take effect:

(1) Section 308(b)(2)(B) (i) through (xiv).
(2) Section 311(i).
(3) Subtitle G of title VIII.
(4) Section 871.
(5) Section 890.
(6) Section 1707.
(7) Sections 1714, 1715, 1716, and 1717.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding paragraph (2) of subsection (b) of section 232, any advisory group described under that paragraph shall not be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(c) WAIVER.—Notwithstanding section 835(d), the Secretary shall waive subsection (a) of that section, only if the Secretary determines that the waiver is required in the interest of homeland security.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

Mr. DASCHLE. Mr. President, I retain the floor.

The PRESIDING OFFICER. Is there a sufficient second?

In the opinion of the Chair, there is not a sufficient second.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4953 TO AMENDMENT NO. 4911

Mr. DASCHLE. Mr. President, I call up amendment No. 4953.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

Mr. DASCHLE. Mr. President, I hold the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mr. LIEBERMAN, proposes an amendment No. 4953 to amendment No. 4911.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

The legislative clerk continued the reading of the amendment, as follows:

Strike all after the first word and insert the following:

TITLE XVIII—NONEFFECTIVE PROVISIONS

SEC. 1801. NONEFFECTIVE PROVISIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, (including any effective date provision of this Act) the following provisions of this Act shall not take effect:

(1) Section 308(b)(2)(B) (i) through (xiv).
(2) Section 311(i).
(3) Subtitle G of title VIII.
(4) Section 871.
(5) Section 890.
(6) Section 1707.
(7) Sections 1714, 1715, 1716, and 1717.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding paragraph (2) of subsection (b) of section 232, any advisory group described under that paragraph shall not be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(c) WAIVER.—Notwithstanding section 835(d), the Secretary shall waive subsection (a) of that section, only if the Secretary determines that the waiver is required in the interest of homeland security.

(d) The amendment made by subsection (a)(1) of this section shall be effective one day after enactment.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

Mr. REID. I ask unanimous consent that during the next 90 minutes—that is until 1:30 today—there be no action, other than debate, on the matter now before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I do not want to give a lengthy speech, but briefly I will talk about where we are and then talk about the amendment that is pending. We have now invoked cloture on the pending substitute, and so we are in a very tightly scripted 30-hour period. The Democrat majority leader put into place two amendments, and in the process no amendment now is in order. This produces a situation where at some point, at the end of 30 hours, there will be a vote on the pending Lieberman amendment.

The pending Lieberman amendment is the amendment I will discuss. It is clear these amendments will not be dealt with until the 30 hours expires. So we will have one vote on the Lieberman amendment and then we will move to vote on final passage. I want to address the Lieberman amendment because what tends to happen in these cases, where things are done at the last minute, is that it is sort of easy to confuse people as to what has been done. I want people to understand where the provisions came from and why they are important. One can agree with them or disagree with them, but I want my colleagues to basically know where they came from.

Over the weekend, we had a series of negotiations. I want to go back to the point that the President could have said, after the election, that he had a mandate, that this Congress could go home, that we would then have a new Congress and he would write the homeland security bill the way he wanted it written, or he would have Congress write it that way. I think it tells us a lot about our President that he decided not to do that.

In fact, after having gotten a strong electoral mandate, the President actually negotiated further and made additional changes in his bill.

The substitute that is before us is basically the Gramm-Miller amendment, which is well-known, which we debated for 6 weeks—few amendments have ever been debated that long in my 18-year career in the Senate—with two sets of changes. One, the agreements that the President reached with three Democrat Senators and an Independent Senator in negotiations over the weekend, whereby the following changes were made: Workers in the Federal sector and unions that represent them were given a greater voice in expressing their views about how the new Department is organized, and they were given more clearly defined due process. They were not given veto power, but they were given a guaranteed input under a specific time period. That is the significant change that was made. That represents a compromise from the original Gramm-Miller amendment.

The second change that was made was recognized that the House had passed its own bill. So realizing that we were coming to the end of the Senate, one of the things we did over the weekend is we met with the House to try to make changes in our substitute to assure that at the end of the session we would not have to do a conference once we had passed the bill. Quite frankly, the Democrats who have been supportive of this effort felt strongly that they did not want to negotiate with us and then end up negotiating with other Republicans in conference. That makes sense. When a deal is cut, one wants it to be a deal. So we brought in the House. As a result, we took 95 percent of our provisions, took about 5 percent of the House provisions, and that now is the bill before us. This bill has been adopted by the House, which has now left town. They will be here in pro forma session on Monday, but practically the House has adjourned.

I will address the generic issue about add-on provisions and then I want to talk about something else. I hope nobody is offended by this, but I have to

say I have probably been as strong in speaking out against add-on provisions as anybody. I remind my colleagues that many times at midnight or 2 in the morning we have had seemingly noncontroversial amendments that did all kinds of special projects that we were going to accept. In fact, earlier this Congress I sat in that very room and went through a list of amendments. One amendment would have the Federal Government absorb a billion dollars of liability for a project in one State. Now that is pretty targeted. I am not going to mention the State, and it does not matter.

Any time we negotiate with the House, with 435 Members focused on a very small congressional district, they are going to put in provisions that relate to their district. That has been the nature of the body from the very beginning. It started with the first Congress. It will end with the last Congress. It will never go away.

For the people who say there are extraneous matters in this bill, of all the major bills I have looked at that have been agreed to by the House and Senate, there are probably fewer extraneous matters in this bill than any major bill I have looked at in a very long time. I would like go down the list of amendments being discussed and explain where they came from and why they make sense.

The first one has to do with vaccines. We had a provision in our bill related to vaccines and related to the production of items to be used in the war on terrorism. In every war we have ever fought we have had some form of indemnification for people who produce things used in that war. The provision we had in the Senate bill was a taxpayer indemnification. I did not like that provision, but I had Republican colleagues who were for it. We were trying to get 51 votes. So I took it.

The House had a far better procedure. That was a limit on liability. We did not take all the limits on liability they had in the compromise because we were afraid that might offend powerful special interest groups. But what we did in three of the six items mentioned is we simply applied the principle that has been applied to every war this Nation has ever fought: if you are producing a new vaccine or new weapon or new system for use in that effort, there are some liability limits involved. That is where the item of vaccines came from and where the item of airport screening came from and the item on manufacturers came from.

To suggest this is some special interest sweetheart deal makes good political rhetoric, but the bottom line is it is not true. Not only do the provisions fit, not only are they part of the fabric of the bill, but we had a provision to have the taxpayer pay for the liability risk, and we picked a better, preferable approach, which is to limit liability when we introduce new technology like airport screening and new vaccines. We always had some limit on vaccines because they are risky, but the threat is now serious. It has never been relevant to a war effort before because we have not viewed smallpox as being a weapon. We do now.

In three areas our colleagues have singled out as being special interests—vaccines, airport screening, and manufacturing of items used in the war on terrorism—those items were in the Senate substitute, but they were in it in the form where the taxpayer would have paid. We put in simple limits that make sense and that have been part of every war we ever fought of any significance in American history.

The next item viewed as being extraneous is a change made to the Wellstone amendment. Senator Wellstone introduced an amendment adopted by a voice vote because it was clear it would pass and nobody wanted to vote on it. It said if any company has ever been domiciled in America, throughout American history, and that company is now domiciled somewhere else, that company cannot bid on contracts related to the war on terrorism.

The change made in the amendment is a good government change. It is not an extraneous special interest provision. It is simply a provision that says the President, for national security reasons, has a right to waive this requirement. Why would he do it? First, there might be only one supplier. Second, there might be no competitor if it is not waived, in which case you could end up paying an exorbitant price. Finally, it might actually be better from America's point of view if the company has substantial production in America, even though its home office is somewhere else, for us to buy from that company for national security reasons, for job reasons, and for economic reasons. That provision is hardly an add-on provision. It is, in fact, a good government provision.

Now, let me discuss transportation security rules. We know the provisions and deadlines we mandated for air travel security are so strenuous they cannot be met. Occasionally, we get into these situations where we are debating some deadline and we know the deadline cannot be met and will not be met, no matter what we write into law. What this bill does in a careful and reasoned way is set out a new deadline for meeting them, a deadline that can be met and that is reasonable. Instead of creating a farce in law where we say something will be done by December 31—and we know very well it cannot and will not be done and, as a result, you get no pressure to do it on time—we set a realistic deadline.

Next we have these advisory committees. If there is anything more useless than an advisory committee, I don't know what it is. I am not saying advisory committees cannot be valuable. I am not saying there are not some that are valuable. But we use them so often they become irrelevant. The striking or not striking of these advisory committees has no import, no significance to this bill. If, however, by striking the committee we change the bill and end up killing homeland security because the House has adjourned, then it becomes very significant.

Those are five of the six items that have been listed. The final item is the designation that a university be involved in the process. It is one item where there is an earmark. Seldom do we see a major piece of legislation that we do not have several dozen earmarks.

We are down to a simple question, and I will conclude on this. This is hardly an unknown amendment. We have debated it for several weeks. I know there are strong feelings on the issue, but we had an election, and if anybody got a mandate out of that election on any issue, the President got a mandate: Pass homeland security.

The House passed a bill. They negotiated with us in good faith. Was everyone involved in the negotiations? No. But I didn't help write the Lieberman amendment, either, because it was his amendment. We have bipartisan effort. We have a majority vote. We are down, now, to where an amendment has been proposed that would strike six provisions. I believe if the amendment is adopted, it will jeopardize the bill. The House passed the bill, they have gone home, and they are only going to be back in pro forma session. Five of the six provisions represent important elements in the bill.

To suggest trying to protect and encourage the production and distribution of smallpox vaccine is a special interest favor to a drug company is taking politics beyond the realm of reason.

On airport screening and manufacturer protection, this liability protection is something we have done in every war we fought. This is either a war or it is not a war. Should we start to buy from foreign companies over companies that are producing products in America but the headquarters was here in 1804 and it is now in London? I think we take this Buy America stuff too far. We should buy the best product at the lowest possible price that conforms with our national security. But to give the power to waive it when our national security interest is involved is hardly unreasonable.

Changing the deadline on airport security—every Member of the Senate knows we are not going to meet the deadline. Why not change it?

Finally, advisory committees—who cares? You could strip all of them out and I wouldn't care. But by stripping them out you are risking killing the bill.

So, in the end, this amendment really comes down to a threat to the passage of homeland security. Five of the six provisions are totally defensible. The sixth one is important only if appropriations occur and we are going to pass the appropriations later, so we are not committing to anything.

Contrary to the criticism that there are extraneous materials in this bill, there are fewer extraneous matters in

this bill than any major bill I have seen in many years. When you reach an agreement between the two Houses, you are always going to have extraneous material.

So, we will have a vote at 5 o'clock on Monday. First of all, I think it is bad policy to strike these six provisions. I think no legitimate case can be made against four of them. I think one of them is irrelevant—whether we have advisory committees or not. I think the other one is a small item in a big bill and I do not think it is worth risking this bill to make that change. Nor do I believe this issue would ever have been raised, that this amendment would ever have been offered, had this not been an extraordinarily controversial bill to begin with.

So I just have to say, in the big picture, I feel totally comfortable in defending the great majority of these six provisions. I think we need them. On substantive grounds, we should limit liability for new vaccines that may save American lives; for airport screening equipment that may keep our children, our spouses, or ourselves from being killed on airplanes; and from new manufactured items and new weapons we need in the war on terrorism. Those items should not be stricken.

I know special interest groups like the plaintiffs' attorneys are opposed to these provisions. But they are limited, they are narrow, they are reasonable, and the alternative, which we had in the Senate amendment, was to have the taxpayer pay all these damages. So this seems preferable to me.

I urge my colleagues when we vote on Monday to vote against this amendment and, in the process, let us pass this bill in the form it passed the House and, to the maximum extent possible, guarantee that we are successful in seeing this bill become law.

I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). The senior Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the pending Daschle-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's name is added as cosponsor.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is a very special moment on the floor of the Senate to hear my colleague from Texas defend special provisions being put in legislation—actually to hear him describe the negotiations at the end of the process that result in these special provisions. Because he has been a tireless opponent of provisions that are put in pieces of legislation that in most cases or many cases have nothing to do with the underlying bill. So it is a real treat today to hear my colleague from Texas justify and support and ask Members of the Senate to support these special provisions that were put in the homeland security bill which, in most cases, had nothing at all to do with homeland security.

I must say, with respect to the issues of childhood vaccines liability protection, manufacturer liability protection, transportation security—I would wonder whether these have had hearings. Because we so often hear our colleagues, especially my colleague from Texas, say: You know, someone has put a provision in the bill. There has been no hearing on the bill. I am wondering whether these provisions have had hearings and discussion, and if there were negotiations, as was represented earlier by my colleague, were the parents of autistic children part of the negotiations? Where were the negotiations? Was it late at night? Early in the morning? Was it at the White House, as Congressman ARMEY would have us believe? I don't know the answer to that. But my hope is our colleagues will vote to strip these provisions from the bill.

Homeland security, that is what this legislation is about. Frankly, the way this legislation has been created, it was not under normal circumstances, where you have committee exploration in some detail and some depth of all of these provisions. What has happened is at the eleventh hour a piece of legislation is written and it is placed on desks. It has a rubber band around it. It is four-hundred-and-some pages and I know of very few Members of the Senate who would have read all of it at this point.

But having heard my colleague from Texas, for whom I have great fondness, describe his support for special provisions, especially at the end of his career here in the Senate, I must say that this is a very unusual moment. We will, of course, miss him for a lot of reasons. Among other things, I will miss him because at the end of most bills, he will be the one counted on to stand up and say: I object to these special provisions.

But he seems to have hit a speed bump here at the end of the road, on special provisions. I hope my colleagues will decide they want to vote to strip these provisions out of this bill.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DORGAN. I will, of course, yield.

Mr. BYRD. I will only be a moment. The distinguished Senator from North Dakota, Mr. DORGAN, has referred to the distinguished Senator from Texas, Mr. GRAMM. May I interpose this observation.

Diogenes went about the streets of Athens with a lantern, saying that he was looking—in broad daylight—he was looking for a man, he was seeking a man.

Plato, upon going to Syracuse, was asked by Hieron the—I wouldn't say he was a beneficent dictator. But he was asked why he came to Syracuse.

He said: I came seeking an honest man.

I rarely make the observation as a premise to what I am about to say—I believe the Senator from Texas is not only a man, but is also an honest man. He is very frank and open. He doesn't have to come to the floor with written speeches as I often do. He speaks from the heart and from the head and is very up front. He has always been that way. He explains his reasons. He doesn't hide his reasons. And he will answer your questions and he will answer honestly.

So I pay tribute to the Senator from Texas in that regard. I am glad the distinguished Senator from North Dakota has given me the platform for a moment to say that. We may not agree with the distinguished Senator from Texas. I certainly don't agree with the request for some of the special interest provisions here in this bill. But I do say here is an honest man, as far as I am concerned. He is aboveboard. He will answer your questions. He doesn't need a written speech to do it.

So I say I wish we had more PHIL GRAMMS in the Senate. Excuse me for taking this time. I will say no more, except to thank him for the good relations.

Mr. GRAMM. Will the Senator yield for just 30 seconds? It is said, in the old Confederate Army, that they didn't give medals.

So the single honor was to be mentioned in Robert E. Lee's communiques to Richmond.

Having the distinguished Senator from West Virginia say something about me and to pronounce me a honest man I take in the same way that any private in Hood's brigade would have taken in the mention of their name in one of those communiques.

I love the Senator from West Virginia, as he knows. I think he serves a great purpose in the Senate. In my opinion, he is not always right, but right is not always easy to find. I think it is the give and take that ultimately produces it. Senator Wellstone, in my opinion, was not always right, he did speak honestly and with clarity. And he knew where he was coming from, and you could be for it or against it. I do think that is important to the Senate.

I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the comment that not always right but never in doubt may well apply to every Senator. I must say to my colleague from Texas that I intend for a few moments on Monday to say a word about the Senator from Texas, and my colleagues from South Carolina and North Carolina, and others who are leaving the Senate. I don't know if Senator BYRD indicated that he wished there were more such as the Senator from Texas, and he is, indeed, an extraordinarily bright and talented Senator. There are times at midnight when he is objecting to all kinds of provisions that I suspect the Senator from West Virginia and a few others would not wish that we had 25 more exactly in the same mood at midnight on important pieces of legislation. But he and so

many others contribute in very significant ways to this body.

This body produces for the American people best when it achieves the best ideas that everyone has to offer. There are times when we end up with the worst rather than the best. I have always thought that politics and our political system is not who is the worst; it is who is the best, who has the best ideas, and who can best manifest those ideas in public debate to achieve a result for this country.

Regrettably, too much of American politics—especially if you are coming off recent campaigns—is not at all about who is the best but rather who is the worst. That, in my judgment, becomes an anvil on the body politic. John F. Kennedy used to say with some beautiful prose that mother kind of hopes her child might grow up to be President, as long as they don't have to become active in politics. But, of course, politics is the way we make decisions in America.

I am enormously proud of this political system of the participation by Republicans, Democrats, Conservatives, Liberals, Independents, and moderates. I think all bring a great deal to the public debate and discussion, and strengthen our country.

Having said that, on Monday I will say a few words about our colleagues who will be leaving us—Senator CLELAND, Senator CARNAHAN, and others who have been mentioned on the Republican side. I believe that it is a great privilege to serve with each and every one of them, even though we from time to time have our differences. It is a remarkable privilege to be here and to serve with them.

I wish to make a point about homeland security that is not a part of this bill but I think a part of something that is very important. To underscore how important it is, I would note that we have been told by the head of the CIA that the threat of attack by al-Qaida and other terrorists now is as high as it was the day before September 11.

On October 25 of this year, a task force headed by former Senators Warren Rudman and Gary Hart issued a report on America's homeland security. That report was entitled ''America Still Unprepared, America Still In Danger.'' It was a bipartisan task force sponsored by the Council on Foreign Relations, which included former Secretaries of State, Warren Christopher, George Shultz, ADM William Crow, Retired, former Chairman of the Joint Chiefs of Staff.

They found that 1 year after the September 11 attacks America remains dangerously unprepared for another terrorist attack.

I specifically wish to talk about one of their concerns raised in this report that I read, which gave me great personal concern.

In the report, the task force concluded that the 650,000 local and State law enforcement officials around the country ''continue to operate in a virtual intelligence vacuum without access to the terrorist watch list provided by the U.S. Department of State to Immigration and consular officials.''

Our government has a watchlist to identify foreign nationals suspected of ties to terrorist organizations. That watch list is at the State Department. It is provided to the Immigration Department and to consular officials. It sets out the names of people whom we ought to watch because they are known terrorists. They are people who associate with terrorists; they are a terrorist threat to this country.

Guess what. That watch list is unavailable to state and local law enforcement officials around this country.

Thirty-six hours before the September 11 attack, one of the hijackers was pulled over by a Maryland State police trooper for driving 90 miles an hour on Interstate 95. The hijacker's name was Ziad Jarrah. He was a 26-year-old Lebanese national. He was one of the key organizers of the al-Qaida terrorist cell formed in Germany 3 years ago. He shared an apartment with Mohammed Atta. And he was at the controls of flight 93 when it crashed in a rural area of Pennsylvania.

When that hijacker—or at that point the potential hijacker—was pulled over by the Maryland trooper, he was driving a car rented under his own name.

There are a couple of things with respect to this issue that are interesting.

No. 1, his name was not on the watch list.

No. 2, had it been on the watch list, it wouldn't have mattered because a highway patrolman or a city police officer has no access to that watch list. The officer can run the name of an individual through the NCIC computer and find out if that individual has an outstanding warrant, or if there are law enforcement warnings about him but the officer has no way of knowing if the individual is on the State Department terrorism watch list.

The State Department watch list has the names of 80,000 terrorists or suspected terrorists on it. And 2,000 names are being added each and every month. The watch list is drawn from a good many area intelligence agencies. And as we speak, there is no way for law enforcement authorities to access the database.

Let me read in detail an excerpt from the Hart-Rudman report:

> 'With just fifty-six field offices around the nation, the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the Federal Bureau of Investigation. This burden could and should be shared with 650,000 local, county, and state law enforcement officers, but they clearly cannot lend a hand in a counterterrorism information void. When it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb, and blind. Terrorist watch lists provided by the U.S. Department of State to immigration and consular officials are still out of bounds for state and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attack.'

This comes from the report of former Senators Hart and Rudman, entitled ''America Still Unprepared, America Still In Danger.''

I asked my staff—after I read this in the Report—to contact the task force. The task force, through my staff, has told me that they are not aware of any administration initiative to fix the problem. This, despite the fact that this is a top recommendation of a blue-ribbon task force.

So I asked the Congressional Research Service to contact the White House Office of Homeland Security, the Department of State, and the Department of Justice. They have done this in recent days.

My understanding is that after I made these inquiries the White House convened a meeting with State and Justice officials, and they are now apparently looking into ways to integrate the State Department terrorist watch list—called the ''Tipoff'' database—with the National Crime Information Center, which is accessible by State and local law enforcement authorities.

This effort must be expedited. Let me quote from the article in the Washington Post of just yesterday:

> U.S. intelligence officials, increasingly confident that al Qaeda leader Osama bin Laden is the speaker on a new audiotape released this week, said yesterday that the message was part of a disturbing pattern indicating that terrorist groups may be planning a new wave of attacks on Western targets.
>
> Even before the purported bin Laden tape surfaced on the al-Jazeera satellite network on Tuesday, the CIA, FBI and National Security Agency had detected a significant spike in intelligence ''chatter'' over the previous 10 days that strongly indicated new assaults are being planned, officials in U.S. intelligence agencies said.

That is from the Washington Post.

They continue to say:

> The amount of alarming information was approaching the volume seen in the weeks before the Sept. 11, 2001, attacks in Washington and New York, and again in the middle of last month following a wave of attacks on overseas targets, some sources said.

The point is this: Homeland security and homeland protection rests, yes, with our intelligence-gathering agencies, yes, with the FBI, the CIA, and all of the officials who are working very hard, spending a lot of hours doing the best job they can to make it work. But beyond that, it also rests with cooperation with all of the local responders, especially local law enforcement officials across this country. There are 650,000 of them.

If, today, a terrorist drives through a rural county in North Dakota this afternoon, or a rural county in Vermont, or Kentucky, or in the middle of New York City, and is picked up for a traffic violation, and is a known terrorist on a watch list—guess what—

that highway patrolman, that city police officer is going to run that terrorist's name through the database at the NCIC, and they are going to get no warning that what they have on their hands is a terrorist in the car in front of them. There would be no warning at all because they cannot access the watch list.

If we have a watch list in which we have identified the names of terrorists and suspected terrorists, it makes no sense at all to withhold that information from law enforcement officers, who every single day climb out of bed and go protect this country on America's streets, on our highways. They are our eyes and ears. They are also watching out for the security of this country. They ought to have access to that watch list.

Again, let me say, this was the No. 1 recommendation in the report offered by former Senator Rudman and former Senator Hart. The report, which I would urge everyone to read, is entitled: ''America Still Unprepared—America Still in Danger.'' These are former Secretaries of State, former Senators, Republicans, Democrats, evaluating what needs to be done to protect this country for this country's security.

I want to go back to read just a portion of the report. The task force had this to say:

> With just fifty-six field offices around the nation, the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. The burden could and should be shared with 650,000 local, county, and state law enforcement officers, but they clearly cannot lend a hand in a counterterrorism information void.

Yesterday, I was on the phone with a community in North Dakota, and the county sheriff was there in the room, and we talked by conference phone. We talked about this issue. He is not too far from the Canadian border. If one of his deputies or that county's sheriff stops a car on a rural highway, and it turns out to be a terrorist driving a rented car, he is not going to know because he does not have access to the watch list, he does not have access to the information. The FBI will not know, the CIA will not know, no one will know that terrorist was driving a car on that rural road because the person who apprehended him—the county sheriff, the city police officer—had no access to the information the State Department has, the consular officials have, the CIA has. It is not that the information does not exist, it is that it is not shared with local law enforcement officers across this country for the purpose of securing this country's homeland.

So this was the task force's top recommendation. This was not No. 5 or No. 10, it was the top recommendation of this group, a group that included several former Secretaries of State under Republican and Democratic administrations, Republican and Democratic former Senators, and others.

So I implore the President and the folks who are apparently now working on this to do everything they can in this regard. When a trooper stops someone for speeding tomorrow, or the day after tomorrow, or the day after that, and the individual that was pulled over is a terrorist, I want that trooper to realize who he has in that car—for the trooper's protection, and for the protection of this country.

Let me talk briefly about one other piece of homeland security, and we addressed part of it yesterday.

I have told my colleagues previously, I was recently at a port in Seattle. I don't know much about ports because I come from a landlocked State. I don't come from a State near an ocean. So I went down to see how the ports worked. They showed me all these ships that come in with all these containers.

I asked: What is in all these containers? They said: We have all these bills of lading and invoices, so we know what is in them. I asked: Can I see? And they showed me some containers they were opening.

They showed me a container from Poland that had frozen broccoli in it in 100-pound bags. They pulled out a bag of frozen broccoli and cut it open. Sure enough, it was frozen broccoli. I asked: What is in the middle of the container? I know what is in this bag. And they said: Well, we just know what's on the invoice.

We are spending $7 to $8 billion to see if we can stop an incoming missile because we are very afraid a terrorist group might get hold of an ICBM. But it is more likely a terrorist group might put a weapon of mass destruction in a container on a container ship that comes in at 3 miles an hour pulling up to a dock in New York City or Los Angeles.

We have 5.7 million containers every year coming into our ports. So 5.7 million containers every single year; 100,000 are inspected, 5.6 million are not. Is that a matter of homeland security? You bet your life it is.

A fellow in the Middle East—many of you read about this fellow—decided he was going to ship himself to Toronto and then come into this country. He had a GPS, a computer, a toilet, fresh water, a cot, all in a container loaded on a container ship, shipping himself to Toronto, Canada, with the intention, apparently, of coming into this country.

Do we need to be concerned about these things? You better believe it. And many of these issues, even if we passed a homeland security bill, will not be resolved.

The first issue I mentioned today is not resolved, and will not be resolved with the passage Monday of this bill: The fact that 650,000 local law enforcement authorities have no ability to access a watch list to determine who is a terrorist and who isn't. And 5.6 million uninspected containers coming into our ports will not be inspected next Tuesday when the homeland security bill is passed.

So my point is, there is much left to be done for those of us—and I am sure that is all of us—who care deeply about homeland security in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York was on his feet. I know the Senator from Tennessee is waiting.

Mr. SCHUMER. If the Senator will yield, I was waiting behind the Senator from North Dakota, Mr. DORGAN. If we are going back and forth—I only want to speak for about 10 minutes.

Mr. FRIST. Mr. President, I sought recognition first.

The PRESIDING OFFICER. There is not a particular order. The custom is usually to go back and forth from side to side. I am wondering if we might recognize the Senator from Tennessee, to follow the normal custom.

Mr. FRIST. Normal procedure would be to turn to me?

The PRESIDING OFFICER. I am sorry. I heard the Senator from New York, but if the Senator from Tennessee says he sought recognition earlier, then I will apologize for not hearing him.

Mr. FRIST. Mr. President, I would be happy to yield, although I felt I was—

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. FRIST. Mr. President, I will yield 10 minutes to the Senator from New York. Is that enough time?

Mr. SCHUMER. I appreciate it. I don't want to break the protocol.

The PRESIDING OFFICER. I am prepared to recognize the Senator from Tennessee.

The Senator from New York.

Mr. SCHUMER. I thank the Senator from Tennessee.

The PRESIDING OFFICER. I thank both my colleagues for helping the Chair out of a difficult situation.

Mr. SCHUMER. Let us hope and pray that is the Chair's most difficult situation in the upcoming months.

I thank the Senator from Tennessee for allowing me to speak. I will try to be brief. I would like to talk about two related subjects in this bill: What is in the bill and what is not in the bill.

What is in the bill, aside from the original homeland security provisions which we have been debating for a very long time, are little pieces of legislation unrelated to homeland security, none of which could stand the scrutiny of individual debate. In other words, if any of these little provisions were put in separate legislation and brought to the floor of the Senate, my guess is they would be overwhelmingly defeated.

For those to be in homeland security right now, for those pieces of pork, for those rifleshot pieces of legislation that benefit one company to be in this bill, particularly after the President made such a fuss about keeping this bill the way he wanted it without any other provisions in it, is very wrong.

I hope we will support the Lieberman amendment. There are a few that are particularly galling to me. Probably the worst is a provision in this bill that was in the original bill that the House just took out that said, if you go overseas to avoid paying taxes, the original provision said, you can't bid on homeland security contracts. This takes it out. It says to companies that move overseas that they can benefit from the homeland security issues. I find that very troubling.

There is a provision that exempts one company, Eli Lilly, from any liability against a drug that is already subject to many lawsuits because of its mercury levels. That kind of provision would never pass standing on its own, and it was slipped in in the dark of night by the other body. We should not countenance it here.

There are provisions that redebate the tort law. We will have plenty of debates about tort law next year; I am sure of that. But to put them in this legislation with no debate would make the Founding Fathers gag.

We should stop doing these things, but particularly in a homeland security bill that was so subject, in the election, to a debate that the President wanted it his way or no way and led, at least if you believe some of the pundits, to some of our colleagues losing their elections because they wanted it a slightly different way. Now to put these sometimes pork, sometimes lard, sometimes extraneous provisions in this legislation is unfair, is wrong. We should support the Lieberman amendment.

I also would like to talk about what is not in the bill. This bill is a reorganization of agencies. All things being equal, it is better than not having it. But anyone who thinks, as my colleague from North Dakota has outlined, that this is going to make us safer, this is going to do the job, is sadly mistaken. I will support the legislation because it is a little bit better than the present situation. But I am worried that then we will think we have done all we can on homeland security.

This administration is letting our Nation down on domestic security—not by design but by effect—when they say that nothing can be added to homeland security that costs money. I don't get it. We are willing to spend $80 billion on a war in Iraq which I have supported, but we are not willing to spend $250 million to prevent nuclear weapons from being smuggled into our country. Where is the logic there?

Does anyone think that rearranging agencies is going to get the INS to have better computers or the Coast Guard to better defend our borders? No. And this administration is going to run up against a serious problem if it continues to have the view that we cannot spend a nickel on domestic security. The analogy, the comparison is stark. The military gets all the money it needs—it should—but our domestic agencies, both Federal and State and local, that deal with homeland security get virtually no dollars at all.

I was told that my provision, which had bipartisan support—Senator LIEBERMAN, Senator THOMPSON, Senator MCCAIN, Senator HOLLINGS—that would have enabled us to have nuclear detection devices attached to the cranes that load and unload containers and could detect a nuclear weapon that would be smuggled in, had to be out of the bill because it cost money. I find that to be sad. I find that to be troubling in the sense that we are letting our national guard down. If we were under such spending constraints when it came to the rest of the parts of the war on terrorism, I would say OK. But I don't understand why we can spend all the money we want overseas but when we come to the water's edge, even carefully thought out small amounts of money are not allowed.

This bill is problematic for what was just added in and what was not put in. It is a little bit better than nothing. It is a baby step in the direction of better homeland security because our agencies do have to be reorganized. But I hope and pray that not only we take out the extraneous provisions that should be debated another day, but that we don't make the mistake that this reorganization bill is doing what we need for homeland security.

With that, I yield the remainder of my time and once again thank my colleague from Tennessee for his graciousness in allowing me to speak. I will now exit for the shuttle to New York.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise to speak in opposition to the Lieberman amendment and will spend a little bit of time over the next probably 30 minutes going to the substance of what this amendment does, talking policy, but also talking to the impact that passing the Lieberman amendment would have on our homeland security.

The bottom line is that I believe striking the provisions, which is what the Lieberman amendment does—it pulls out certain provisions from the underlying bill—will put the people of our Nation at greater risk, when we are talking about homeland security and safety and protection of individuals, of families, of children. That is a broad statement. It is a bold statement for me to make. But over the next several minutes I want to give you the substance of it.

A lot of people have said these provisions having to do with vaccines and smallpox are one-company provisions. The second argument is that in some way these provisions cut off the rights of individuals to go to court. We have heard statements by the proponents that one agent, one preservative, causes autism and thus in some way the underlying bill will hurt families with children with autism.

As a scientist, as a physician, as someone who is very familiar with the provisions that were placed in the homeland security bill, I have a certain obligation to walk my colleagues and the American people who are listening through what the Lieberman provision would do by stripping out the smallpox provisions, by stripping out the vaccine provisions.

Let me begin by saying we are a nation at risk. We are at risk from nuclear weapons and from chemical weapons; we know. But when it really comes to what could potentially happen to our homeland—remember this is homeland defense that we are talking about—I would argue that the greatest risk for a weapon of mass destruction to be microorganisms, to be anthrax, which terrorized the Nation, when we don't even think, we don't know, we don't think it was used by a State, or the introduction of smallpox, which we know is a weapon of mass destruction, if introduced into a population that is unprepared, that has not been vaccinated. Vaccine is the front line for people at risk from anthrax. It is the front line for people at risk from smallpox. That means your children. That means your spouse. That means your grandparents. That means your family.

So we must not do anything and the LIEBERMAN amendment would do this—to increase the barrier for you to be protected.

Iraq has been mentioned. Most of my colleagues know that Iraq had one of the most robust biological weapons programs in the history of the world. It loaded anthrax, it loaded botulism toxin on missiles during the gulf war, inserted it into the warheads of these missiles. We don't know about smallpox. We didn't know that refrigerators had been found in Iraq that said ''smallpox'' across them, but we do know this robust biological weapons program is the foundation for a program of weapons of mass destruction.

The interesting thing about these microorganisms, these viruses, these bacteria, is that you don't have to have a big ship out there to send in a missile. We know that once you put smallpox in a society, it will travel through our schools, it will travel through our businesses and through our homes, and the only defense we have—the only defense, in terms of a medical treatment, is that vaccine. That is why, when we talk vaccines and when we talk smallpox, it is incumbent upon us to have those provisions in this bill.

I will begin with smallpox because it is the one that, a week from now, can be a problem. What about right now, or tomorrow morning, if we hear of three or four smallpox cases in the country? What actually happens at that standpoint? Smallpox is a disease that is one of the most deadly infectious diseases. There is a 30-percent chance, to anybody who gets it, that they are going to die. If three people are here, one of those three will die if they get smallpox.

What is the treatment? The only treatment—real treatment—is to get

that vaccine on your arm within 3 days. Some people say 4 days. I personally think it is 3. Some say 5 to 10, but if your child has smallpox, not from when the manifestations start appearing but from the time of actual contact, and that entails having a vaccine out there—say 300 million doses, because we know smallpox in an unprotected population, which we are, knows no barriers. Right now, if I had smallpox lesions within my mouth, people around these four or five desks probably would already be infected. The only protection is the vaccine itself. The only treatment for smallpox—and this isn't true with all biological agents, but the only treatment is the vaccine within 3 days.

The administration has a policy, that I agree with, that basically is, if there is an outbreak, or a case, you can inoculate people in that area. That is a great policy. We don't need to mass-vaccinate everybody. What about right now?

People listening, saying we are a nation at risk—Iraq has had biological weapons programs. We know Saddam Hussein is a mass killer, a serial killer, who kills his own people and other people. He hates the United States. We know the most powerful weapon of mass destruction is smallpox, and we know there is a refrigerator sitting there that has ''smallpox'' written on it.

What if I wanted to get the vaccine now, just in case? Right now, you cannot get it. I argue that you should be able to get it. But that is not yet the policy of the United States. I think with informed consent, knowing the side effects and knowing what the advantages could be—lifesaving—weighing the relative risk—what about if a case breaks out in the Northwest, say Oregon, tomorrow? If you wanted to get the vaccine and you live in Nashville, TN, you could not get it. We ought to change that. That is not what we are talking about today, but you see that vaccines are a front line for homeland security.

I don't know what is going to happen in Iraq; none of us knows. If we come back and deal with this 6 months from now, or a year from now, or 2 years from now, we are inadequately protecting the American people. I don't want to overstate it, but that is my belief.

If smallpox hits here, right now, we are inadequately protected. The Lieberman legislation would strip out a provision, within 2 days or 3 days or 4 days, that would make us more adequately protected as a nation.

The threat of liability—this is where the other vaccine provisions are important—should not become a barrier to the protection of the American people. I will repeat that. The threat of liability should not become a barrier to the protection of the American people.

Then you go back to the question, What is this threat of liability? I will boil it down and use smallpox as an example. Smallpox can hit here tomorrow or in 30 days or in 60 days from now or in 90 days or maybe never. We all pray it never hits. We have 300 million doses of vaccine. It is not all licensed yet, but it is good vaccine and I have utmost confidence in it. It is a risky vaccine. The childhood vaccines we use, which we are inoculated with—even the anthrax vaccine that potentially has certain side effects—if you look at these, I put smallpox among the most risky because we know the side effects are that about 1 in a million people would die. If you vaccinated 300 million people, about 300 would die. Ten times that number would have serious side effects—maybe encephalitis or many others that are life threatening. As a matter of fact, probably 30, 40 times that many would have a bad rash, many of which would cause hospitalization. So it is a vaccine, in medical terms, with more potential side effects than others.

What would you say if there were an outbreak tomorrow? You would call in nurses and public health officials, and pediatricians and other doctors, and you would say, as part of the American response to bioterrorism and the use of bioterrorist agents or microorganisms as weapons of mass destruction, you need to get this vaccine to as many people as you can within 3 days. It could be maybe 100 or maybe 1,000, or 10,000; and in a city such as New York, it could be a million easily within 3 days. Okay, you have the vaccine. You have willing health care providers. I think of myself as a physician. Everybody could be mobilized to do that. You are basically saying, as American policy: You need to give that vaccine. It has side effects, but we are not going to protect you in the event there is a side effect—death or encephalitis. We are not going to protect you in any shape or form, although you are fulfilling the mandate and the policy, the emergency response of the American people.

Why would they not do that? Because of the lack of protection from skyrocketing lawsuits. I have a great fear—and I don't want to say I know for sure, but I have a fear in talking to health care providers and to the nurses who recognize, given that vaccine is important to life saving, but at the same time is subjected to these unlimited lawsuits with punitive damages—they just might say: I cannot subject myself to giving a thousand of those doses, even looking at the statistics. That is the problem, that is why the smallpox provision has to be in there.

We have had so many people make all these statements, but nobody has been to the substance. The bill extends the Federal Tort Claims Act—the FTCA—protection to any person, such as a doctor, or a pediatrician, or a nurse, or somebody who is qualified to be giving that inoculation, lifesaving inoculation, in your arm. It provides them a protection of the Federal Tort Claims Act.

What is important there—people say if that is the case, you cannot sue. Well, that is simply not true. It basically says that the Federal Government is going to be on your side and will defend you in any lawsuit and the Federal Government will pay the damages. It does not deny adequate, just, fair compensation if there is a side effect, but what it does do is you are going to have somebody behind you; namely, the Federal Government, to pay you damages. It does say you go to Federal court. People say Federal courts cannot do this. In truth, we all know Federal courts can do that.

It is important to point out that in Federal court, the rules that are actually used are going to be applicable to that State or according to State law.

Thus, you can still sue, but the Federal Government pays. A lot of people say you should be able to punish anybody—punish that nurse who put that vaccine in your arm—so let's have punitive damages on top of compensation. The underlying bill says you get adequate, just, fair compensation. You are defended by the Federal Government and they will pay you, but there is no punitive damages component, which makes sense because, remember, that nurse is putting that inoculation on your arm to save your life under a plan put forward by our Government, probably in response to an emergency.

Over time, I think we need much more balance in terms of the overall provisions. It was not my idea, although I support these provisions strongly, to take these specific provisions out and to put them into the bill. So over time, we need to develop a more comprehensive policy to make sure we have both a full range of vaccines developed, that we have appropriate countermeasures, and if somebody is harmed by a vaccine, there is fair compensation.

We need to come back and visit this in a more comprehensive way as we go forward. I will add, though, there is some sense of urgency to this given the threats today.

The issue of what is front line is important because the use of germs, microorganisms, and bacteria is new to the American people as weapons of mass destruction. It is causing us to say we understand nuclear weapons, gas, but what about these organisms that can wind their way through a society? What is the front line?

That is why vaccines are absolutely important because they become the front line, and that is why we address vaccines in the homeland security bill, especially since we are at risk today. One cannot turn on a television or read a newspaper without learning of this enhanced risk, this higher risk.

Let me back out of this broader issue of vaccine. Smallpox is one case. It happens to be a virus. What about the plague which wiped out a third of Europe? What about anthrax? We have an old vaccine. The vaccine has to be administered over and over, so we need newer vaccine developed for anthrax.

What about Ebola? About 3 months ago, the National Institutes of Health said in their response to bioterrorism that one of its major priorities is going to be the development of a vaccine for the Ebola virus. That makes sense because we know that other states in their offensive biological weapons programs—and there are 12 offensive biological weapons programs outside the United States; people need to know that—there has been a linkage of smallpox with the Ebola virus. We know Ebola has a 90-percent mortality rate; smallpox has a 30-percent mortality rate. We should at least be thinking of a front line there which means a new vaccine. NIH said 4 months ago—and most people do not even know it—has as one of their major initiatives development of an Ebola vaccine. Why? Because intelligence tell us people have attempted to link viruses. Thus, we need to have an effective response system in terms of the development of vaccine.

Research is good. NIH is doing research. But unless we have manufacturers in the field manufacturing vaccines, we can have the greatest research in the world and know how to do it, but unless we can produce it and produce it quickly, the know-how does not do us any good because we are not going to be able to develop the vaccine to put on your arm and protect you from the Ebola virus.

There are provisions in this bill that provide smallpox as a microcosm, but in the macro sense, there are other vaccines. Every year—and the distinguished Presiding Officer knows this—we hear about these shortages of vaccines about every 6 months. People ask: Why are there these shortages? It is multifactorial, and we have to address that.

One of the issues we know is this unlimited liability. Think back to the smallpox vaccine. It is put on your arm, and you have a bad side effect. Somebody is going to sue for that side effect. There are no protections today. In the same sense, the manufacturers, the pharmaceutical companies, which is very popular for people to beat upon aggressively these days, the manufacturing companies, the pharmaceutical companies are the only ones that can make the smallpox vaccine, the front line for that weapon of mass destruction, for the Ebola virus.

We can, through NIH, promote the research, but only a manufacturing firm, a pharmaceutical firm can make the Ebola vaccine. There used to be in the eighties 12 pharmaceutical companies making vaccines. Then it dwindled to 10, then to 8, then to 7, then to 6, then to 5, and there are now only 4 vaccine manufacturers licensed to sell vaccines in the United States, and only two of these are American companies.

Why is that the case? Why would they stand out totally exposed for making a medicine that is lifesaving, yes, but one that with one lawsuit can wipe out their whole development process, their whole manufacturing process today?

That is an issue that has to be developed, and the urgency of it is the fact we are a nation at risk from biological agents, and there are 12 states that have offensive biological weapons programs, and we are today unprotected.

On the liability issue, people have said one preservative causes autism. They mentioned this on the floor. That is just wrong. The Institute of Medicine has made it very clear that there is no established causal relationship between that preservative and autism. I will and others need to go back and look at the data, but the Institute of Medicine has basically said that to date. We need more research.

I was one of the primary authors of the autism research bill. We need to look at it again. I want to assure families in the country that those statements made on the floor of the Senate are wrong. There is nothing in the underlying bill that slows down research for autism or just compensation, if there is an association between autism and a certain preservative.

It is interesting, with these vaccines being sort of inherently risky, with the risk of liability costs driven up so high because it is easy—it is not easy, but we can have lawyers coming in and starting these lawsuits.

In the 1980s, this body started the Vaccine Injury Compensation Program. They did this through the National Children's Vaccine Injury Act. It was passed in 1986, I believe. The whole purpose of this program is to provide injured patients compensation while attempting to control litigation, based on the recognition that vaccines will always be an easy target because they have inherent side effects and everybody gets vaccines—everybody in this body has been vaccinated. Everybody listening hopefully has been vaccinated. We all depend on those vaccines. That at the end of the day, since everybody gets it and there are certain side effects, that if you want to make a lot of money you can go out and start getting these people and start creating these lawsuits. That is why in the mid-1980s we said we have to put all of this together and look at it in a reasoned way, a way that is efficient, a way that is fair to people broadly. The vaccine injury compensation program is essentially a no-fault alternative to the traditional tort system in this whole area of vaccines. It has been a key component of stabilizing the vaccine market, of not driving even those last four companies—or the last two in this country—out of making vaccines. It has a streamlined process. It puts down a less adversarial alternative so not everybody is going to court and spending weeks, months, and in some cases years trying to have their cases actually looked at.

It encourages research and development of new and safer vaccines, and it provides the appropriate liability protection to that nurse who is putting that inoculation, that vaccine, in your arm, as well as the health care providers, the facilities, and the manufacturers.

What is in the underlying bill is a narrow set of provisions that were actually taken from a bill that I have studied for the last 3 years and that I introduced this Congress, that should eventually be passed in this comprehensive form, but the provisions have been taken out and included in the underlying bill I feel strongly about and I will continue to talk to my colleagues about them individually as they understand why those provisions were included.

I will say that the provisions that are in the bill are far narrower than what I think we actually need to do to have this balance in our liability system so we can continue to develop vaccines to protect our children, the current generation. In the event there is a bioterror attack a week from now, a month from now, a year from now, we will be adequately prepared.

The Lieberman proposal would strike these sections that are in the underlying bill. And all of them merely restate to some extent what was intended by Congress. This is a clarification, a restatement. In 1986, when it passed the bill, the underlying bill called the National Children's Vaccine Injury Act, what that act did was to create an administrative mechanism by which those children who have a serious side effect from a vaccine can receive compensation without ever having to prove in court a vaccine caused their particular injury. So you do not have to go to court. You can go to this new administrative body.

There are a handful of people who do not believe in vaccines. They just say all vaccines are bad. Most know that they are invaluable and have spared our children from many of the diseases that haunt us. Thus, when you have that which we all really fully understand today, that they are a protection for our children, plus this new threat of bioterror, that is why you link it to homeland security and that is why it is important in this bill. We know we must preserve that manufacturing base so with the research that is done, yes, by the pharmaceutical companies, but also maybe even more importantly by the NIH, we can actually manufacture those vaccines.

Section 171 clarifies that the components and ingredients of a vaccine listed in the vaccine's product license application and label are not contaminants or adulterants. Importantly, the advisory committee, from which all of this essentially was taken, is an advisory committee called the Advisory Commission on Childhood Vaccines. They unanimously concur with this particular provision.

The next section, section 1716, adds a definition of ''vaccine'' to the Public Health Service Act since that term was not defined at all in the initial legislation back in 1986. This section states

the obvious—that the term ''vaccine'' includes all components and ingredients listed in the vaccine's product license application and product label. Again, the Advisory Commission on Childhood Vaccines recommended the appropriate modification which is a part of the underlying homeland security bill, again, which the Lieberman amendment would strip out.

Sections 1715 and 1716 restate the original intent of the law that a vaccine is all the ingredients and components in the product which are approved by the FDA. This is an important one because there have been some allegations that all this was stuck in for a single company. The fact is that there are presently more than 150 of these lawsuits against the four vaccine manufacturers, as well as pediatricians, children's hospitals, state health departments and other healthcare providers. From my comments, one can see that it is not a single company. We are talking about a huge issue that reflects back to the protection of our families and our Nation.

Section 1714 clarifies that the term ''manufacturer,'' under the VICP, includes any corporation, organization, or institution that manufactures, imports, processes or distributes any vaccine on the vaccine injury table, including any component or ingredient of such vaccine. The Advisory Commission on Childhood Vaccines, again, an independent body making specific recommendations—it is composed, by the way, of trial lawyers, medical providers, and injured parties—unanimously supported this provision. This provision restates Congressional intent to ensure that any lawsuit alleging vaccine-related injury or death follow the same process and groundrules regardless of whether it is against the final manufacturer, a physician or hospital, or a component or ingredient manufacturer and addresses those lawsuits seeking to circumvent the Vaccine Injury Compensation Program.

I also want to point out that these provisions are supported by the American Academy of Pediatrics, and I will talk more about that in a minute.

I want to run through a couple of other specific ones, again because nobody has really talked to the substance underlying what this amendment would mean.

The congressional intent very much was to encompass the manufacturers of component materials of vaccines in the definition of ''vaccine manufacturer,'' and these provisions—what they do is clarify this intent. They restate the congressional intent as part of the Vaccine Injury Compensation Act. The courts are presently correctly ruling that these amendments—what they are doing is part of that congressional intent. The courts have correctly rejected the contention that a component or ingredient of an FDA-approved vaccine can also be considered substitute an adulterant or contaminant.

Among these decisions, the court charged with adjudicating the vaccine injury compensation program recently concluded that the language and legislative history of the National Children's Vaccine Injury Act demonstrated that claims relating to components of covered vaccines are plainly subject to the act. As to the misconceptions that have been presented on the floor, No. 1, these provisions do not prevent patients from suing in court. The statement has been made that it takes away rights. It does not. It does not prevent patients from suing in court. Instead it merely requires, as is required under current law, claimants must first go through the compensation program designed in the 1980s which has worked effectively but does need to be modified, as is being carried out in these provisions. They maintain their right to pursue a court case.

One can go through that program itself, the administrative program, in a timely way. If someone does not agree with the compensation that they put forward, they can go to court. I will say that without this clarification, litigation outside the program—and that is what is happening today—will continue and the supply of vaccines could well be jeopardized as we have these huge lawsuits.

One lawsuit today is $30 billion. That is what they are looking for in one lawsuit, $30 billion. The whole vaccine industry is only $5 billion. There are about 150 of these lawsuits out there today. Those who desire to bring litigation outside the compensation program will continue to sue the manufacturers of components of vaccines and ultimately that is going to result in the manufacturers of the products themselves simply walking away and not making vaccines and getting out of the vaccine business. Then who is going to make the vaccine for the Ebola virus, which our Federal Government, through intelligence, has identified as one of the six agents of which we are at risk, one of the six agents against which other nations have had offensive biological weapons programs.

If litigation continues against component manufacturers outside of the vaccine injury compensation program, those companies that make the components simply are going to be unnecessary to provide the vaccine or those people who make FDA-approved components and give them to the vaccine manufacturers will stop making those components. We saw that in the mid-1990s when raw material suppliers refused to sell the necessary components to the medical device manufacturers. People just stopped making materials there because of this fear of litigation. Ultimately there it took an act of Congress to protect those component manufacturers, the people making the pieces that go, for example, into a pacemaker or, in this case, it would be a component of the vaccine. It took an act of Congress to prevent a shortage back then of pacemakers and of other vital medical devices.

These provisions that are in the underlying bill have been unanimously supported by the Advisory Commission on Childhood Vaccines. As I mentioned, that includes injured patients, trial lawyers, and an expert group of patients as well. They have been endorsed by the American Academy of Pediatrics.

I ask unanimous consent to have a portion of letters from the Advisory Commission on Childhood Vaccines and the American Academy of Pediatrics printed in the RECORD.

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

ADVISORY COMMISSION
ON CHILDHOOD, VACCINES,
Alexandria, VA, June 19, 2002.

Hon. TOMMY G. THOMPSON,
Secretary of Health and Human Services, Washington, DC

DEAR SECRETARY THOMPSON: The Advisory Commission on Childhood Vaccines (ACCV) is authorized under Section 2119 of the Public Health Service Act to advise the Secretary of Health and Human Services (the Secretary) on the implementation of the National Vaccine Injury Compensation Program (VICP). At the June 6 meeting, the ACCV discussed in detail the need for urgent modifications of the VICP and the necessity to ensure the viability of the Vaccine Safety Datalink Project. Actions are needed to address a variety of concerns that directly impact the VICP.

BACKGROUND

As of May 2002, more than 50 individual and class action lawsuits with millions of plaintiffs alleging potential thimerosal-related injuries from childhood vaccines have been filed in state and federal courts. The plaintiffs in these lawsuits argue that their claims are not governed by the VICP because they allege that thimerosal is an ''adulterant'' to, and not a part of the vaccines. *These claims have been filed against vaccine companies and, in some instances, against health care providers. Thimerosal, as you know, is approved for use by the Food and Drug Administration and is part of the vaccine formulation when licensed; hence clarification is needed to direct these claims to the VICP before tort remedies can be pursued.*

Concurrently, some 500 incomplete cases have been filed as placeholders with the VICP alleging that thimerosal (mercury) has caused vaccine-related injuries. The medical records that the Act requires upon filing do not accompany many VICP petitions, including these cases. This causes problems because of the time constraints spelled out in the Act. The presiding special master must generally resolve a case within 240 days (this period excludes any period of suspension and any period during which a petition is being remanded). If the special master fails to issue a decision within such time, the petitioner may withdraw from the VICP and pursue outside litigation without affording respondent or the special master any meaningful opportunity to evaluate the VICP claim.

THE ACCV BELIEVES THIS DISTURBING NEW MEND IN CIVIL LITIGATION COULD CIRCUMVENT THE ACT

We submit the following recommendation for action:

RECOMMENDATION ON CERTIFICATION OF COMPLETENESS OF PETITIONS

The ACCV recommends that the Secretary propose legislation to amend the National Childhood Vaccine Injury Act of 1986, as amended, to require special masters to issue

a certificate of completeness once a determination is made that a petition is complete in accordance with section 2111. The time period described in sections 2112(g) and 2121(b) of the Public Health Service Act would begin from the date the special master issues a certification of completeness. This would allow for a period of 240 days excluding any period of suspension of any time the petition is on remand) for the parties to consider all of the evidence and for a decision to be reached. If the special master fails to issue a decision within this time period, calculated from the date the certificate of completeness is issued, the petitioner could withdraw from the VICP and pursue outside litigation.

SENATOR FRIST'S BILL

In addition to the previous request, we also ask that you consider our recommendations regarding legislation introduced by Sen. William Frist (R–IN), ''Improved Vaccine Affordability and Availability Act'' (S. 2053). The ACCV concentrated on Title II of the bill that has provisions to ensure that all claims for a vaccine-related injury or death are first filed with the VICP. The ACCV makes the following recommendations:

RECOMMENDATIONS ON THE ''IMPROVED VACCINE AFFORDABILITY AND AVAILABILITY ACT''

The ACCV unanimously concurs with the following sections of S. 2053 which are the same as or very similar to proposals made in the ''Vaccine Injury Compensation Program Amendments of 1999'' (the 1999 Amendments), which were developed from recommendations made by the ACCV and sent to Congress as legislative proposals by the former Secretary:

Section 206, ''Clarification of When Injury is Caused by Factor Unrelated to Administration of Vaccine'';

Section 208, ''Basis for Calculating Projected Lost Earnings'';

Section 209, ''Allowing Compensation for Family Counseling Expenses and Expenses of Establishing Guardianship'';

Section 211, ''Procedure for Paying Attorneys' Fees'';

Section 212, ''Extension of Statute of Limitations'';

Section 213, Advisory Commission on Childhood Vaccines''; and

Section 218, ''Conforming Amendment to Trust Fund Provision.''

The ACCV unanimously concurs with the following sections of S. 2053:

Section 204, ''Jurisdiction to Dismiss Actions Improperly Bought'';

Section 215, ''Clarification of Definition of Manufacturer'';

Section 216, ''Clarification of Definition of Vaccine-Related Injury or Death'';

Section 217, Clarification of Definition of Vaccine''; and

Section 220, ''Pending Actions''.

The ACCV does not concur with the following sections of S. 2053 and recomends:

Replacing Section 201, ''Administrative Revision of Vaccine Injury Table'', which changes the public comment period from 180 to 90 days with Section 2, ''Administrative Revision of Vaccine Injury Table'', of the 1999 Amendments which changes the public comment period from 180 to 60 days and shortens from 90 to 60 days the period that the ACCV has to review a proposed rule;

Modifying Section 202, ''Equitable Relief'', and Section 214, ''Clarification of Standards of Responsibility'' to add ''past or in front of present physical injury''. Some individuals may have sustained a vaccine-related injury in the past, but do not have a present physical injury. These individuals should not be prohibited from obtained relief in a civil action filed against a vaccine manufacturer or administrator;

Replacing Section 207, ''Increase in Award in the Case of a Vaccine-Related Death and for Pain and Suffering'' with the 2001 ACCV recommendation to increase the $250,000 benefit caps for both death and pain and suffering. These $250,000 benefit caps should be retroactively increased since 1988, and increased annually, thereafter, to account for inflation using the Consumer Price Index for All Urban Workers (CPI–U) as envisioned by Congress in the original National Childhood Vaccine Injury Act of 1986;

Replacing Section 210, ''Allowing Payment of Interim Costs'' which does not stipulate a timeframe for when the interim payment is to be made with Section 6, ''Allowing Payment of Interim Costs of the 1999 Amendments, which states that the interim payment can only be made after a determination has been made concerning whether or not the petitioner is entitled to compensation;

Modifying Section 219, ''Ongoing Review of Childhood Vaccine Data'' by deleting the phrase, ''together with recommendation for changes in the Vaccine Injury Table''; and

Replacing Section 221, ''Report'', which this language, ''The ACCV shall provide the Secretary of Health and Human Services with annual status reports on the Vaccine Injury Compensation Trust Fund (the Trust Fund), including recommendations on the allocation of funds from the Trust Fund.''

With regard to Section 203, ''Parent Petitions for Compensation'', the ACCV believes that the language in this section must be modified. The issue of compensating parents and third parties was raised when the original Act was drafted, but the focus remained on the need for an adequate compensation package that would cover the life of the injured child. Over the years, a few parent or third party petitions for compensation have been filed in state and federal courts. However, many of the class action suits contain parent petition, which prompted ACCV to revisit the issue. ACCV strongly believes that parent or third party petitions for compensation are more appropriately managed and adjudicated through the VICP rather than through outside litigation. Because of our concern for the well being of the child, the ACCV recommends that the award to the vaccine-injured child be separate from any award offered to the parent. At your request, the ACCV will develop options for such an award. In addition, this Section, as is currently drafted, raises serious constitutional concerns. The ACCV recognizes that the proposed provision, as drafted, may need to be supplemented to: (1) address potential constitutional concerns; and (2) assure that such parents or third parties claims may be properly administered by the VICP. Moreover, the ACCV believes that further consideration should be given to review of whether a third party's claim should be tied to the injured party's claim in civil actions.

Section 205, ''Application'', is a conforming charge to Section 203, and therefore, the ACCV does not concur with this Section until the language in Section 203 is sufficiently modified.

BACKGROUND ON THE VACCINE SAFETY DATALINK PROJECT

In order to enhance the understanding of rare adverse effects of vaccines, CDC developed the Vaccine Safety Datalink (VSD) project in 1990. This project is a collaborative effort, which utilizes the databases of eight large health maintenance organizations (HMOs). The database contains comprehensive medical and immunization histories of approximately 7.5 million children and adults. The VSD enables vaccine safety research studies comparing prevalence of health problems between unvaccinated and vaccinated people. Over the past decade, the VSD has been used to answer many vaccine-related questions, and has been used to support policy changes that have reduced adverse effects from vaccines.

Rep. Dan Burton, (R–IN), Chairman of the Committee on Government Reform, requested any and all records collected under the VSD and was prepared to subpoena the records if he was not given access. The CDC and HMOs, understandably, do not want to give this data to Rep. Burton because these records include confidential patient information. For now, Rep. Burton agreed to a compromise with CDC which would allow an independent researcher to replicate or conduct a modified analysis of a previous VSD study, while maintaining the confidential nature of the data, but Rep. Burton has not rescinded his threat of the subpoena. Therefore, the ACCV makes the following recommendation:

RECOMMENDATION ON THE VACCINE SAFETY DATALINK PROJECT

The Vaccine Safety Datalink Project (VSD) is a critical component of our vaccine safety infrastructure. Participation by health maintenance organizations in the VSD is predicated on confidentiality of patient identifiers. In order to assure the continued viability of the VSD, the privacy of individual patient data must be protected. Therefore, the ACCV recommends that the Secretary of Health and Human Services take all steps necessary to protect the privacy of patient data in order to ensure the continued support and viability of this important project.

In conclusion, Mr. Secretary, we believe that the VICP plays a critical role in our nation's childhood immunization program, and we urge your immediate attention to our concerns. The ACCV greatly appreciates your continued support, and looks forward to your timely reply.

Sincerely,

ELIZABETH J. NOYES,
Chair, ACCV.

Mr. FRIST. In part it says:

These claims have been filed against vaccine companies and, in some instances, against health care providers. Thimerosal, as you know, is approved for use by the Food and Drug Administration and is part of the vaccine formulation when licensed; hence clarification is needed to direct these claims to the VICP before tort remedies can be pursued.

That is what the underlying bill does. That is what the Lieberman amendment strips out.

The American Academy of Pediatrics also wrote in support of this. I'll quote a final sentence from this letter of June 19, 2002:

The AAP has reviewed S. 2053 and has the following comments beginning first and foremost with our strong support that all claims for vaccine-related injury or death first must be filed with the VICP.

In addition, we concur with the ACCV's most recent recommendations in support of sections 204, 215, 216, 217 and 220.

I ask unanimous consent to print the letter in the RECORD.

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

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, July 19, 2002.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: The American Academy of Pediatrics (AAP), and the 57,000 pediatricians we represent, greatly appreciates your leadership and support of the various

immunization provisions outlined in your bill, S. 2053, the Improved Vaccine Affordability and Availability Act. This legislation addresses several issues of critical importance to the Academy.

VACCINE INJURY COMPENSATION PROGRAM

Enacted in the late 1980's, with the support and guidance of the AAP, the National Vaccine Injury Compensation Program (VICP) has helped to stabilize what was then and appears to be again a fragile vaccine market. For the past 14 years, this program has been successful in its efforts to ensure an adequate supply of childhood vaccines, promote more research and development of even safer and better vaccines and most importantly to provide for a fair and just compensation program for those that suffer vaccine-related injuries. However, over time, as reflected in your legislative proposal, some modifications are necessary to ensure that the VICP is working at it full potential.

The AAP has reviewed S. 2053 and has the following comments beginning first and foremost with our strong support that all claims for vaccine-related injury or death first must be filed with the VICP.

The Academy concurs with several sections of the bill, some of which were previously proposed in 1999 by the Advisory Committee on Vaccine Compensation (ACCV) and you have incorporated in S. 2053. These include: Sections 206, 208, 209, 211, 212, 213 and 218. In addition, we concur with the ACCV's most recent recommendations in support of sections 204, 215, 216, 217, and 220. The AAP is particularly pleased that S. 2053 includes language that allows compensation for family counseling, ongoing review of childhood vaccine data and clarifies the definition of vaccines, manufacturers, and vaccine-related injury or death.

The AAP, however, does have specific concerns about Section 203, ''Parent Petitions for Compensation,'' as currently drafted. The AAP believes that petitions for compensation by parents or third parties must be adjudicated through the VICP and not through the judicial system. Moreover, in addition to potential constitutional issues that this provision may pose, we contend that such claims by parents should be separate and apart from awards to the vaccine-injured child. Although the issue of the compensation of parents and third parties was initially raised during the drafting of the VICP in the 1980's, it was rejected to maintain the focus of the Act on providing appropriate and just compensation that covers the life of the vaccine-injured child. We believed then, as well as now, that this approach is in the best interest of the child. The AAP would suggest that consideration could be given to providing, within the scope of the VICP, a provision for the loss of consorrum that would be separate from the award to the vaccine-injured child.

The AAP agrees with your identification in Section 207, of the need for an adjustment to the award for a vaccine-related death and for pain and suffering. However, we recommend a modification to this section as written. Use of the Consumer Price Index (CPI) to account for annual inflation in providing these benefit awards had been the original intent of Congress in drafting the VICP. The AAP encourages your adoption of this approach that was also recommended in 2001 by the ACCV. In 2002 dollars, such an award would be the equivalent of an award of over $300,000.

MENINGITIS AND INFLUENZA VACCINES

The AAP supports your recommendation in Section 103 to provide information to a variety of entities concerning bacterial meningitis. We are ready to work with you to implement these efforts.

This past June, the Advisory Committee of Immunization Practices (ACIP) made the decision to expand the Vaccine for Children (VFC) program coverage of the influenza vaccine to all healthy children aged 6 to 23 months. This will take effect March 1, 2003. As physicians, we are both aware that this age group has a high likelihood of hospitalization if they get the flu, therefore the availability of an adequate supply of the influenza vaccine is critical. In addition, this expanded recommendation means that adequate funding—both public and private—is essential. The estimated first-year costs of influenza vaccination of children, according to the Centers for Disease Control and Prevention, are $11.5 million in the VFC program, $2.6 million in Section 317 funds, and $1.42 million in state funds. This assumes vaccination of 20% of children aged 6 to 23 months (most requiring two doses), 15% of high-risk children aged 2 to 18 years, and 5% of children living with high-risk household contacts. These costs dramatically increase as we assume higher vaccination coverage rates for these populations of children. We applaud your support of increasing the supply of the influenza vaccine (Section 101) and encourage your proactive support to ensure sufficient public and private funding to meet the need and demand of the pediatric population. We should expect nothing less than, at a minimum, coverage by the Medicaid program for our youngest citizens as is received under Medicare for our senior citizens.

IMMUNIZATION RATES

The AAP appreciates the recognition of increasing immunization rates and data collection especially for adolescents as well as adults included in Section 102 of S. 2053. However, as pediatricians dedicated to the health, safety and well being of infants, children, adolescents and young adults we would be remiss if we also did not encourage the inclusion of *all* infants and children in the collection of data and in efforts to increase immunization rates. We have made remarkable progress. Presently, the rates of immunizations for children may well be at an all time high. But we still have significant disparities and pockets of need among rates of immunization for racial and ethnic groups. This is further exacerbated by the potential impact that vaccine shortages may have on the rates of immunizations. We cannot allow complacency or less vigilance of rates for infants and children at this critical time.

VACCINE SUPPLY

Although pediatricians over the years have encountered brief childhood vaccine shortages nothing compares to the most recent situation because of both the number of different vaccines involved and the scarcity of the available supply. For most of the first half of this year, the shortage of vaccines included eight of the 11 diseases preventable through routine vaccination of children. In many instances these shortages and delays by necessity resulted in temporary changes to immunization entry requirements for day care and school. Until just recently the longest-standing significant shortage was with the Td vaccine that began about a year ago and affected the ability to give teens the booster Td they need. Currently, the most serious shortage continues to be with the new 7-valent pneumococcal conjugate vaccine (PCV7, Prevnar). The AAP supports and appreciates the recognition in Section 104 of the need to maintain a sufficient vaccine supply. Moreover, we also support the discretionary authority of the Secretary of Health and Human Services to develop a national vaccine stockpile for a minimum of six months and as long as 12 months. This stockpile should include *all* of the routine recommended childhood vaccines and certain other vaccines that may be critical to the public's health such as Hepatitis A and meningococcal.

Thank you for your commitment to an immunization strategy that promotes the safety, efficacy as well as the adequacy of the supply of vaccines for the nation. We look forward to working with you as this legislation moves forward.

Sincerely,

LOUIS Z. COOPER,
President.

Mr. FRIST. I will read from a statement by Dr. Timothy Doran, testifying on behalf of AAP, to the Health, Education, Labor and Pensions Committee earlier this year on behalf of the American Academy of Pediatrics, relating to these provisions. He testified it was crucial:

> to preserve and strengthen the liability protections for consumers, manufacturers and physicians through the Vaccine Injury Compensation Program. The VICP has been an integral part of maintaining the vaccine market. Enacted in the last 1980's with the support and guidance of the American Academy of Pediatrics the VICP has helped to stabilize what was then and appears again to be a fragile vaccine market. We reiterate our strong support that all claims for vaccine-related injury or death must be filed first with the VICP. We appreciate the intent of the legislative proposal put forth by Sen. Frist and others to craft appropriate modifications as necessary to ensure that the VICP is working to its full potential.

Those are the provisions in the underlying bill. That is exactly what is in the homeland security legislation that would be stripped out by the Lieberman amendment.

The effect of these provisions in this bill is important because of the new era of bioterrorism, not knowing the direction the world is moving, recognizing we are unprotected today from smallpox. We now have a tremendous initiative by the administration, the private sector, and the public sector. We have better coordination and better public health infrastructure, better communication, better coordination. But at the end of the day, if smallpox is in your community and you know it, you know where to go, that is good, but unless you have a health care provider to put it on your arm, you are not protected. We do not know when it will hit again.

The fact the Advisory Commission on Childhood Vaccines endorses these provisions is important. The fact that the American Academy of Pediatrics endorses these provisions is also important. This shows they are not just pulled out or from a single company or they have not been thought through by both trial lawyers and patients and families and providers. We have heard the claims that these are not relevant to the underlying bill. But at the end of the day, in this world where we are at risk from bioterrorism, germs, viruses, I guarantee, based on everything I know and everything I have read, it is critical we increase our protection for these agents. That is what the underlying bill does.

The liability protections are important for health care providers. I argue,

also, for the facilities where they are administered and the manufacturers. If we allow out-of-control lawsuits to drive people out of the business of making these vaccines, no matter how good our research is, we will not be able to make vaccines which are critically important. We started with 12 companies and we are now down to 4 companies in the United States who make the vaccines. We have no guarantee they will stay in the business. They are unlikely to stay in the business if the huge lawsuits hit them in a way that simply is not favorably judged.

The provisions in the underlying bill only restate the original intent of Congress. They restate current law that individuals claiming injury for covered vaccines must first file for compensation under the vaccine injury compensation program, the VICP. These sections state what really should be obvious. A vaccine itself is the sum total of all of its parts as determined by our Food and Drug Administration, and that the manufacturers of vaccines include those who contribute to each of these various components. We have the vaccine, the components, the manufacturers who make the vaccine, and also the people who make the components.

Nothing in this language takes away one's right to sue. These provisions simply clarify and restate current law which requires all claims of injury related to a vaccine covered by the compensation program must first go through the compensation program before a lawsuit can be filed. There is much more that needs to be done, I believe in a more comprehensive way, but these provisions take the first step in a timely way, when time certainly matters.

In the long run, it is critical to expand the vaccine market for a whole range of microorganisms we are not protected from. We need to provide greater access to their vaccines. We need to be able to look the parents in the eye and say, when you take your child to the doctor or the public health center, those children, as well as all Americans, are not going to be in some way turned away by a barrier that we failed to address in the Senate. That is why a vaccine provision is necessary, is necessary now, is necessary in this homeland security bill.

I yield the floor.

Mr. REID. Mr. President, we have a consent in order for debate only until 1:30 p.m. There are numerous Senators who wish to speak. I ask unanimous consent that the order for debate only be extended until 3 o'clock today.

The PRESIDING OFFICER (Mrs. LINCOLN.) Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Madam President, I rise to discuss the amendment proposed by the Senator from Connecticut, Mr. LIEBERMAN. First, I commend the Senator from Connecticut, Mr. LIEBERMAN, not only for his amendment but also for his work on this very important legislation. He introduced this legislation months ago, even before the administration recognized the need for a homeland security bill. He has brought to the floor a very well-crafted, well-balanced, thoughtful piece of legislation, a product of deliberation over many months. It is disheartening at this moment to see a piece of legislation that has arisen in the last couple of days, almost 500 pages long, with greater omissions but also including what I argue in certain cases to be are extraneous provisions.

One of the provisions at issue is the of curtailing the ongoing discussion about the scope of the vaccine injury compensation program. We have a situation where vaccine manufacturers included a preservative, Thimerosal. This preservative has been alleged to have caused medical harm; it has not been scientifically proven. The Senator from Tennessee has indicated the Institute of Medicine has suggested there is no causal link between Thimerosal and autism or other childhood diseases. Yet there is ongoing litigation to determine if this, in fact, is a causal factor.

In a homeland security bill designed to focus our attention on the most urgent and dramatic threats to the United States, we find a very transparent attempt by at least one manufacturer to curtail potential liability because of their products. Frankly, there is no other rationale for putting this one provision in the legislation. It is inappropriate to be included in this legislation. It certainly does not raise the urgency of the issues the Senator from Tennessee discussed in terms of smallpox protection or potential for a mass casualty crisis because of the use of a biological agent.

In point of fact, Thimerosal was withdrawn from use in vaccines in 1999. So this is not a situation where we have to act today, in this very critical legislation, to ensure that manufacturers will continue to use this material. In fact, quite the contrary, this material, although no one has established a definitive link to any particular disease, has been voluntarily withdrawn from inclusion in vaccines.

So what we have is a situation where allegations have been made by parents of children that this preservative caused a disease in their child. And as the Senator from Tennessee rightly pointed out, in 1987 Congress enacted the Vaccine Injury Compensation Program as a no-fault alternative to the tort system for resolving these types of claims. The procedure for the compensation program is that you must first go through this system of evaluation of your claim and determination of award, if any, before you are allowed to pursue your claim in court.

What has occurred in this situation is that families have alleged that this particular element, Thimerosal, is not covered under the Vaccine Injury Compensation Program because, even though it is an ingredient listed on the label, was a contaminant or adulterant and, as a result, is not included in the scope of the VICP. That is a legal issue. That legal issue is being decided as we speak.

In fact, the VICP has requested that the Special Master of the U.S. Court of Federal Claims consider this question, and the Special Master is currently deliberating the issue, but has not yet ruled.

So here we are, at the 11th hour of this legislative session, trying to pass a homeland security bill. And what we find, mysteriously and surprisingly, is a provision in the bill that would short circuit the ongoing litigation, that would thrust our view on the courts. And, frankly, I suspect the Special Master has a much more attuned notion of what are the permutations, what are the consequences, what are the legal precedents of concluding whether or not Thimerosal is covered under the VICP, than we have on this floor.

Again, this is reduced quite easily, quite simply, quite transparently, to an attempt by an industry to insert, within a bill that is deemed to be absolutely necessary to pass, a provision that short circuits all of the legal discussion and potentially short circuits the rights of parents to recover the full compensatory and other damages that they deserve because of their child's illness.

None of this has been settled in terms of scientific cause and effect. But procedurally I think we have to, in short, allow the process to take place. It is not uncommon—in fact, it is quite common—that there are disputes about the interpretation of a particular statute, the coverage of a particular statute. But we seldom—unless of course there are very well connected and influential proponents—we seldom pick out these items for legislative relief prior to any type of judicial conclusion. So I suggest, particularly with regard to this matter—the striking of these specific provisions—is appropriate.

Indeed, one wonders why we are spending time debating this issue on a homeland security bill when in fact there are so many other needs that deserve our attention and deliberation. Many of my colleagues have suggested that, not just with regard to what is in this bill but, frankly, the need to support more vigorously those programs and policies that we already have in place might take precedence over simply recreating and reshuffling the deck in terms of the organization of the Federal Government with respect to homeland security.

I urge my colleagues to support Senator LIEBERMAN's efforts, at least to eliminate these items which are entirely extraneous to the homeland security bill, and in fact fall far from the urgency that is so apparent, appropriately, in the homeland security bill.

A final point I should say, and I think my colleague from Tennessee

said it so well, is that the issue of access to vaccines is a very critical issue that warrants our close attention. I was fortunate enough to chair a hearing of the Senate Health, Education, Labor and Pensions Committee in which the General Accounting Office testified about existing obstacles to a dependable and adequate supply of vaccines for children. The Senator from Tennessee, with his unique perspective as a physician, not only has been helpful but has taken a very prominent role, working with others and myself, in developing a comprehensive approach. That comprehensive approach might require an examination of the VICP program. It certainly might also require vaccine stockpiles, notification by manufacturers, if they chose not to produce a vaccine, so that our public health authorities know prior to the onset of a particular shortage that you will have one, two, three, or four manufacturers in the market to meet the demand.

So I would argue that a comprehensive approach to maintaining the supply of vaccine is important. The Senator from Tennessee has been working on it. I have been working on it. But that is not what we are talking about this afternoon. We are not talking about protecting the American public in a systematic, comprehensive way by ensuring that vaccines are available. What we are talking about today is a special interest provision that short circuits ongoing litigation involving a product that is no longer being used as a preservative. It is not about what we need to do today to protect ourselves from the very real threat of bioterrorism. Frankly, my assumption was, when we came to the floor to talk about the homeland security bill, we would be talking about what we need to do today to protect this country in the future.

So I urge my colleagues to support Senator LIEBERMAN, to recognize this bill would be much improved by adopting the provisions he has suggested.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, we have heard hours and weeks of debate on the Senate floor on this legislation. Among the principal arguments of some of the opponents of this bill is that President Bush and his administration cannot be trusted. I think the election last week proved that many Americans do believe our President can be trusted. He is a man of character. He is a man of integrity. He says what he means, and he means what he says.

I think an example of that was—if you recall, there were many people who were opposed to the passage of the Iraq resolution by the Senate. Many of the calls I got in opposition to it were from folks who believed the President, if the resolution passed, would peremptorily go into Iraq and take out Saddam Hussein.

I think all of us were quite impressed with his patience and the diplomacy of Secretary of State Powell that somehow was able to get through a very strong resolution in the Security Council that will finally enforce Iraq's compliance with those 16 previous resolutions of the United Nations.

I think we do have a President who can be trusted. I think that is the basis of this legislation. It is not perfect, but I am confident it will not be abused. It is not, as some say, an encroachment on legislative branch prerogatives, as I have heard some contend.

Madam President, I rise today to talk about an issue of critical importance to our Republic, and that is the urgent need for Federal civil service reform. I came to this floor earlier this fall to discuss how civil service reform can improve our ability to secure the homeland, and I rise again today because this issue remains at the crux of our renewed debate on the homeland security legislation.

As a member of the Governmental Affairs Committee and chairman and ranking member of the Oversight of Government Management subcommittee, I have worked to focus the spotlight on this issue since I came to the Senate 4 years ago. During the course of 12 hearings and numerous meetings with national leaders in management and public policy, it became crystal clear that we were in the midst of a human capital crisis in the U.S. Government. Moreover, it became clear that this crisis is growing and will only get worse unless this Congress acts decisively to address it.

Some people still ask what the human capital crisis is, how serious is it, and whether it really threatens the operations of the Federal Government. The human capital crisis is, simply stated, the inability of the Federal Government to properly manage its workforce. Robust personnel management includes the ability to recruit the best candidates, hire people in a timely manner, award performance bonuses and other motivational tools to provide training and professional development opportunities and the flexibilities to shape a balanced workforce. Good management includes the flexibility to act quickly and to compete as an employer of choice in this fast-paced 21st century knowledge economy.

Madam President, I believe that if a Federal agency or department is important enough to receive the hard-earned tax dollars of my constituents and yours, we have a moral responsibility to see to it that the people's money is spent wisely. Outdated personnel practices and lack of training not only put agencies at risk of not being able to fulfill their mission and providing needed services to the American people, they also represent wasteful spending. We simply must provide the flexibility agencies need and give them the right tools to do their work.

Within 2 years, more than 50 percent of the 1.8 million person Federal workforce will be eligible for early or regular retirement. It is virtually impossible to predict accurately the amount of experience and institutional knowledge that is literally going to walk out the door by the end of the decade. That is why it is not only right to focus attention on our human capital crisis, it is essential.

Unfortuantely, until recent months, very few Members of Congress have paid much attention to this growing set of challenges.

Now, as the Senate is considering legislation designed to reorganize the Federal Government in a way that will help secure our Nation against future terrorist attacks, civil service reform is front and center. This issue, which for years has not been substantively addressed, is of paramount importance in the consideration of the most significant government reorganization to take place in our Nation in half a century. It's about time.

Congress last enacted major civil service legislation for the entire Federal Government 24 years ago in 1978. To operate effectively, the Federal Government cannot afford to revise its personnel laws only every quarter century. So much has changed over the years, and changing times require new thinking and new laws—policies that allow flexibility in our Federal government's civil service system.

During the 107th Congress, I have worked with some of the Nation's premier experts on public management to determine what new flexibilities are necessary to create a world-class 21st century Federal workforce. These include: the Council for Excellence in Government, Partnership for Public Service, Private Sector Council, Brookings Institution, National Academy of Public Administration, and the Volcker Commission; Administration officials including OPM Director Kay James, and former OMB Deputy Director and current NASA Administrator, Sean O'Keefe; and representatives of federal employee groups like Bobby Harnage of the American Federation of Government Employees, Colleen Kelley of the National Treasury Employees Union, and Carol Bonosaro of the Senior Executives' Association. I am grateful for the respective and recommendations all of these groups provided and we drafted our legislation based on their insights.

Our bill, S. 2651, the Federal Workforce Improvement Act of 2002, which I introduced with Senators THOMPSON and COCHRAN, is designed to get the right people with the right skills in the right jobs at the right time. It is a consensus package of human capital reforms that I believe will have a positive impact on the Federal Government's personnel management.

Working closely with Senator AKAKA, I successfully amended key provisions of this bill to the homeland security legislation during its consideration by the Governmental Affairs Committee in July. I am grateful for the support that Senator AKAKA provided as we adopted those important government-

wide personnel flexibilities. I only wish we had put more of S. 2651 in the homeland security bill. We need to get it all done.

Next year, I intend to introduce these provisions again, as well as other human capital legislation that was not enacted this year. For example S. 1817, which would make Federal student loan forgiveness benefits tax-free; S. 1913, the Digital Tech Corps Act, which would establish a public-private exchange program for IT professionals, and S. 2765, the Federal Law Enforcement Pay Equity and Reform Act, which would create an employee exchange program between Federal agencies that perform law enforcement functions and state and local law enforcement agencies. These bills would strengthen the performance of our Federal workforce throughout the government.

In the 108th Congress, I also intend to take a closer look at compensation issues, especially for the Federal law enforcement community. Serious recruitment and retention challenges have been a problem at agencies such as the FBI and other law enforcement agencies for a long time and we simply have to address this issue.

The governmentwide human capital provisions we have already included in the homeland security legislation will have an impact not only on the new department, but on all Federal agencies. Our language will help the Federal Government begin to address its human capital challenges—challenges that extend far beyond the corridors of the proposed Department of Homeland Security.

The language does the following:

It creates Chief Human Capital Officers at the Federal Government's 24 largest departments and agencies—officials who will have responsibility for selecting, developing, training and managing a high-quality workforce;

And, it establishes an interagency Chief Human Capital Officers Council, chaired by the OPM Director, to advise and coordinate the personnel functions of each agency and meet with union representatives at least annually.

In other words, we are giving human capital a much higher priority in the Federal Government, just as it is given in most corporations that are successful.

It requires OPM to design a set of systems, including metrics, for assessing agencies' human capital management, something that has been largely ignored;

It reforms the competitive service hiring process, allowing agencies, consistent with merit principles (including veterans' preference), to use an alternative category ranking method for selecting new employees instead of the ''Rule of 3,'' making the process more efficient and fair—a practice that has been very successful at the Department of Agriculture for the past decade;

It provides government wide authority for offering voluntary separation incentive payments and voluntary early retirement (''buyouts'' and ''early outs'') for the purposes of workforce reshaping, not downsizing. This authority, which I was able to secure with legislation three years ago, is currently being used effectively on a limited basis at the Department of Defense;

It lifts the total annual compensation cap for senior executives, allowing performance bonuses to be paid in full in a single year;

And, it reduces restrictions on providing academic degree training to Federal employees, thereby emphasizing the importance of individual professional development.

All of these things I just talked about are not only going to impact the homeland security department, but they are governmentwide. All agencies will be able to take advantage of these provisions in the homeland security bill.

In light of the fact that there has not been government-wide civil service reform in a quarter century and, as the Hart-Rudman Commission noted just last year, personnel is the basis for maintaining national security, it is absolutely appropriate that this legislation be included in the bill to create the Department of Homeland Security. In fact, in testimony before the Subcommittee on Oversight of Government Management, former Defense Secretary and member of the Commission, James Schlesinger noted:

> . . . it is the Commission's view that fixing the personnel problem is a precondition for fixing virtually everything else that needs repair in the institutional edifice of U.S. national security policy.

If we do not fix the personnel problem, we are not going to be able to fix anything else that is wrong with the system.

I thank the leadership on both sides of the aisle for including these important provisions in the compromise language we are considering today.

The Homeland Security Department is not the first—and not the last—agency that needs to have greater flexibility. Flexibilities and reforms, similar to those proposed in the compromise language for the Department of Homeland Security, which I will describe in a moment, are needed throughout the executive branch.

I would like to take a few moments now to discuss the personnel provisions in the compromise language that apply specifically to the new department. As I said, I have worked with Republicans and Democrats on these provisions and I believe this language will provide the Department with the tools it needs to get the job done, and at the same time will respect the rights of those union workers being transferred into the new department.

First, the compromise language includes the House-passed language proposed by Representatives CONNIE MORELLA and CHRIS SHAYS with an additional provision that I have recommended. This language would, for the first time, limit the current authority of the President to exclude an agency or agency subdivision from participation in a collective bargaining unit.

Under current law, the President may exclude participation in a collective bargaining unit upon determining that the entity has as a primary function intelligence, counterintelligence, investigative or national security work and that permitting the entity to have collective bargaining rights would be inconsistent with national security requirements and considerations.

The compromise language would limit the President's current authority only with regard to the new department. It would prohibit the President from using the exclusionary authority unless the mission and responsibilities of a transferred agency materially change and a majority of the employees within such an agency have as their primary duty intelligence, counterintelligence, or investigative work directly related to terrorism. So in effect, we have limited the President's authority to exclude employees from union membership.

The language does provide, however, that the President could waive the above limitations on his authority if he determines in writing that their use would have a substantial adverse impact on the department's ability to protect homeland security. If he does this, I presume he will do it under this provision.

We have also added some language I have proposed requiring that if the President does not execute his authority under the Morella language, he must notify Congress at least 10 days prior to the issuance of his written order. This will bring the light of day into his decisionmaking process. I don't expect him to do it, but I think that is one way we can guarantee that such action will not be arbitrary and capricious.

The second compromise provision in this bill was proposed by Representatives JACK QUINN and ROB PORTMAN over in the House. I want everyone to understand this so they can see how much more limited this bill is than what the President originally sent us.

That initial proposal featured a personnel system that was similar to the one established last fall for the Transportation Security Administration, which waived most of title 5. Of course, the Homeland Security Department, the President realized Congress would flesh out his proposal, and that is what happened. This legislation we are considering would create a new agency under title 5, allowing modifications in only six areas.

The House-passed version is less flexible than what the administration wanted, but it is designed to deal with the personnel flexibility sought by the President, and to address the collective bargaining rights that many of our colleagues seek to protect, including me.

This language would preserve employee rights, including hiring and promotion based on merit and equal pay for equal work, and would protect employees from improper political influence and reprisal for whistleblowing. Employees would still be protected from prohibited personnel practices, such as illegal discrimination, politicized hiring or promotion processes, and violation of veterans' preference requirements.

Furthermore, employees would still have the right to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions that affect them.

The compromise language requires the new Department collaborate with unions and other employee organizations in creating its personnel system. The language also improves the arbitration process by ensuring both employees and management concerns are fully and publicly vetted.

If a collective bargaining unit disagrees with a management proposal related to one of the 6 areas subject to modification, the union representative would have 30 days to consult with agency management on rule changes and offer recommendations. If agreement is not reached, the Secretary of Homeland Security could declare an impasse and submit the dispute to the Federal Mediation and Conciliation Service, a process that could last an additional 30 days. At the conclusion of that period, the Secretary could proceed with the proposed changes, regardless of the mediator's recommendations.

Again, this is very much like the language I added requiring the President to make public his decision if he waives the Morella language. In this case, at the beginning of the 30-day arbitration period, the differences between collective bargaining unit employees and management would be established so everyone would know what the differences are. In other words, if there is a difference of opinion, it is aired publicly. It is not going to be hidden somewhere. We are all going to know about it. The American people will know about it, and Congress will know about it.

After the 30-day period, the differences would be resolved. At the end of the total of 60 days, it is over.

I would have been open to more robust participation of the Federal Mediation and Conciliation Service or another third-party mediator in resolving disagreements over title 5 modifications. However, the system established by this legislation is a compromise, and I support it.

The real test of this language is going to be how the administration handles work rule changes, whether or not disputes are handled openly, and the unions' concerns treated fairly. It will be imperative for the administration to demonstrate its commitment to an open and fair process in a spirit of cooperation rather than confrontation with the unions.

If we do not resolve some of the differences between the administration and the unions, the chances of this new agency being successful are remote. And I have encouraged the President to meet with Bobby Harnage and with Colleen Kelley.

As a mayor and Governor, I went through reorganizations, and I learned that you cannot get it done unless you have built trust with your labor union members.

I would like to make one final observation on this bill before us today. We should not sacrifice the good for the perfect. I recognize Members on both sides of the aisle have some concerns about certain provisions. So do I. For example, I disagree with the language that will transfer the first responder program from its current location in FEMA to the new Department's Border Security Directorate rather than the Emergency Preparedness and Response Directorate. That does not make sense to me. Nevertheless, the legislation before us to create a new Department of Homeland Security, I think, overall, is a good bill, and I intend to vote for it.

I have been one of the leaders on civil service reform during the last two sessions of Congress. I believe I have probably dedicated more time than any other Senator to addressing the Federal Government's personnel needs. I have tried to raise the profile of this issue, and then to work in good faith with all interested parties to develop solutions.

Based on my work, I want my colleagues to know I feel that the personnel provisions in the compromise language can go a long way towards putting personnel management in the executive branch back on track.

I urge the passage of this very important bill. We have to get on with it. It is going to take time to establish this new department. We have to secure the homeland. We need to get going.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I compliment the Senator from Ohio for his very thoughtful and important comments in which he reached to a deeper level, which I was going to do, but now I do not feel the need to because he spoke of the importance for good working relations between management and those who work with management, particularly in a field as important as homeland security.

I rise today to lend my support to the Homeland Security Act. I thank Senator LIEBERMAN for taking really the lead, before anybody else did, on this issue and for his tireless work to bring the new Department to the point it is today. I think it is a remarkable feat on his part.

I also would be remiss in not thanking my senior colleague from West Virginia, with whom I disagree on this important issue, but who has, nevertheless, led the opposition with clarity, with conviction, and passion.

In the end, I am glad it now appears we will be able to answer the President's call to pass this legislation, and to do so before we adjourn this session.

The tragedies of September 11, and the continuing terrorist threat to our Nation, demand powerful and decisive action from us and from the President.

He has asked this Congress, after the leadership of Senator LIEBERMAN, to support him by creating a new Department of Homeland Security. I think we should do that. The President believes this massive reorganization of government, combining our currently fragmented homeland security functions into a single Cabinet-level agency, makes sense.

Anybody who thinks we are prepared, no matter what reports you read—including the most recent ones—that we are prepared to handle attacks of any sort, is just greatly wrong. In each of our individual States, as you look at hospitals and police departments, and all the rest, we know that is the case.

So I think a single Cabinet-level agency is crucial in providing this Nation and its citizens with the protection they deserve.

I agree this historic reorganization is a bold and necessary step that we, as lawmakers, must take, quite frankly, in order to be faithful to our first and foremost duty as lawmakers—I do not think this is generally understood by the American people—because our first and foremost duty as lawmakers is the guaranteeing of the safety of people we represent in our individual States, and also throughout the country.

I hope all who are present will recognize this is but a first step. This is going to be an extraordinarily complicated evolution.

When the Aviation Security Act was passed not very long after September 11, it became the assumption of the American people that all airport security would be in place, ready to go, with all of the equipment and people trained, within a matter of months. I said from the very beginning it was probably a matter of 3 to 4 to 5 years before we would arrive at a point where we had the kind of aviation security, the training, personnel, and the equipment that we needed.

People have to understand all of this is going to take time, but you can't start the clock running unless you pass a bill to get homeland security going.

I don't think anybody should be under the illusion that this new Department will solve all of our security problems at home. I hope we will remember the lessons of the Goldwater-Nichols Act of 1986, which basically made the largest previous reorganization of Government—that is, the creation of the Department of Defense in 1947—a working reality. I strongly believe this new Department of Homeland Security will be a work in progress; that the public has to understand it is a work in progress; that you cannot take 170,000 people, meld them together, create a whole new series of

layers of intelligence agencies, and expect them all to work very crisply together, when they don't work crisply together now. Nevertheless, there needs to be a central point. I believe in that firmly.

So with the understanding it is a work in progress, we will, therefore, have to shepherd its ongoing development, and we will.

Although the homeland security act should not be mistaken for the definitive answer for all of our security woes, I believe it is a strong piece of legislation with a lot of potential to serve its purpose and all of us and the people we represent well.

The Department we are creating is strikingly similar to the original proposals both the White House and Senate introduced last summer. It has been some time since then.

The new Department will combine the functions of 22 Federal agencies and subagencies. Again, this will be complicated. There will be all kinds of problems. We have to assume that. That is not a bad thing. That is the evolution of anything that large that takes place, whether it is in business or in government; change, reorganization of that sort, does not happen quickly.

By placing these agencies and all of their people in one new Department, we should foster much better communication—it will take time—eliminate internal redundancies—that will take time—and greatly improve our ability to detect, respond to, and recover from future actions from terrorism.

The new Department is intended to be a cooperative environment in which intelligence from all sources is brought together, analyzed, and then used more efficiently than in the past, guiding the customers, as the term is used, which is the President and his National Security Council, allowing us a much clearer view of all threats from whatever source against America.

The Department is charged with carefully coordinating with State and local governments, none of which is prepared at this point to handle what could very well and probably will be confronting them. As well, I might say, private industry faces this same challenge. Some have responded, most have not, partly because they don't know what to do. Secondly, the economy is not strong, and they don't feel they can do that now. But their condition will be much worse if they don't. So to them we have to collect and pass along threat information. They have to respond. This whole system has to begin to function in a rational way.

This is the most serious subject we could be discussing in the Halls of this Congress. Border security should be greatly improved under the new agency. Our ability to prevent chemical and biological and radiological and nuclear threats may be stronger than ever before. We have to make sure that is the case.

In the event the horrors of terrorism, in fact, visit our shores again, as I think they will, the new Department should be better equipped to respond with disaster relief.

However, we must not forget that many of the assets that we will need to respond to disaster or terrorism will continue to reside in agencies which are outside of the homeland security bill. The one that comes to my mind is, of course, the Veterans' Administration, which is the largest health care system in this country. That whole system is going to have to be not incorporated in the bill but incorporated into the process which I hope this bill will engender of its own force and momentum.

I have confidence in this act. I nevertheless would like to go on record as saying that clearly it does not do everything that I and many of my colleagues, including the Chair, to whom I am particularly grateful, wanted. I regret that we were unable to work effectively to create a new Department where dedicated employees are guaranteed the civil service protection to which they are entitled. However, having said that, I think that, as the Senator from Ohio said in his very powerful and deep speech, I have to believe our President will act wisely, partly because of the light that will be on him, partly because of the situation, partly because of the need for workers to be happy and to be doing their work well, assuming the flexibility that we give him only when he really needs that, and that he will be wise in that respect.

So with this act, Congress and the White House have cooperated to make a powerful statement to our citizens as well as to our enemies. We will work together to ensure that the American people are as free as possible from terror and as free as possible from the fear of terrorism.

I am very thankful to have been able to play a role in the creation of the Department. I look forward to playing a continuing role, as I indicated, in watching this development in sort of a congressional oversight mode.

I ask my colleagues to join with their support of this homeland security act.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I take to the floor to talk about where we are in the homeland security bill, and to call attention to some special interest provisions added to this bill in the hope that the American people will take a look at what is happening to their country.

As Senator VOINOVICH has stated, Osama bin Laden is still alive. While we cannot be positive of that, it appears that he is still alive. Certainly, al-Qaida is alive and certainly al-Qaida is working full time to hurt us—meaning the American people. That we know. The world is a terribly dangerous place.

Taking care of America is crucial. That is why I was so stunned and upset when the President refused to spend $5.1 billion that this Congress gave him for homeland security to ensure that our ports are more secure, to ensure that our nuclear power plants are safe, to ensure that our chemical plants are safe, to ensure that our airports are safer, and to speed up development of necessary vaccines. I was stunned when the President did what he did.

I was also stunned when he opposed the idea of making the Homeland Security Department a Cabinet position. Stunned. Only after Senator LIEBERMAN and his committee had voted out a bill—at least the Committee Democrats did—did the President decided he wanted to support this concept.

We know one thing about September 11th. We know that the CIA and the FBI were not speaking to each other. We know that they were not communicating with each other. And yet there is not one thing in this homeland security bill that addresses that issue.

The homeland security bill tinkers around the edges with creating new ways for the intelligence community to let the Homeland Security Director know what is happening. But we do not get to the heart of that cultural problem that exists between these agencies. That is amazing to me, since we know one thing—that there was a breakdown in communication between these two agencies.

I also happen to believe that massive reorganization is generally an invitation to chaos and more bureaucracy. I began my political career a long time ago in a small county of about 200,000 people. We found that when you combine agencies in the name of trying to be efficient, oftentimes you have less accountability. That is what is happening here—combining all of these agencies, with some 170,000 people, creating all kinds of subheads, and so on and so forth.

So I am very worried. I hope to be proven wrong because this bill will pass, but I am worried that there will be less accountability rather than more. That is why I supported the Byrd amendment, way back when we started this debate, which would create a Cabinet level Homeland Security Director and a streamlined Homeland Security Department, with people who would be held accountable, and with a way for the Congress to continue to play a role as we develop this very important agency. I thought that would have been the way to go. I was proud to stand with ROBERT BYRD on his amendment.

I happen to believe in my heart of hearts that the President's change of heart about the need for a homeland security department had a lot to do with the fact that he is very interested in stripping away worker protections. I have to believe that deep in my heart. Why do I say that? Because of his actions. Of the 170,000 people in the new Department, only 40,000 of them have worker protection, that is all. There are people at the bottom of the barrel,

in terms of pay; the secretaries, the janitors, the file clerks. I don't understand—and I have said this before on the floor of the Senate—why a President who calls himself ''compassionate'' would want to take away the most minimum of rights from such people, endanger their level of health care. I don't understand why this President would have held up this bill all this time for that.

Now there is a compromise. I am glad a few more protections are added. That is good. But I don't know how a person who says he is compassionate could go after people who have the most minimal job protections. They don't have the right to strike. No Federal employee has the right to strike. They can scarcely collectively bargain given the provisions of this bill. That, to me, is a sour note in this debate and continues to weigh on my heart—that maybe this President changed his mind, in part, because of this ''opportunity'' to take after these workers. It is really a sad thing to me.

If we look at the economy today—and I know my colleague from West Virginia gets this because he talks to me about it all the time—it is a tough economy we have. The fact is, in the last couple of years, as the President came into power, we have seen a tremendous loss of private sector jobs. More jobs have been lost than at any time in 50 years. We know what is happening to people's retirement security because of the stock market, with the worst performance in more than 50 years. People are frightened. So why do you go after 40,000 workers and give them insecurity?

We heard yesterday that the President is going to move more than 800,000 jobs into the private sector from the Federal Government—more than 800,000 jobs. At a time when people are feeling insecurity, he is going to throw them out into the marketplace where they will have very little security. There is something missing here that is upsetting to me.

So here we are. In my opinion, we have a bad choice to make when we finally vote on homeland security. I will make what I consider to be the best of that bad choice—a choice between no homeland security bill and one that I believe was thrown together in a way that is going to make it less accountable and is going to hit a lot of bumps in the road. Taking FEMA and putting it in there—what will happen when we have an earthquake in California? What is going to happen with the Coast Guard when they have to do search and rescue? These are troubling questions to me.

We will have that choice to make. That is life. We often don't have great choices here, and we will make that decision. But one thing I know I am going to vote for with great pride on Monday is the Daschle-Lieberman amendment.

I see a couple of colleagues on the floor who care about these issues, and I want to recognize my friend from Michigan, who called us together today to explore the ramifications of a particular rider that was added in the dead of night. I will explain it, and I hope she will engage me in a bit of a colloquy.

In the dead of night, with no one watching, after we thought we had made the compromise on these workers, a few things were snuck into this bill. A big campaign contributor of the Republican Party was rewarded phenomenally. A provision was added to the homeland security bill that protected that big contributor but it has nothing to do with homeland security or protecting the American people. In fact, I say that this provision which was added will create insecurity in our homeland by sending a message to thousands of families that their children's health takes a distant second to the interests of large, wealthy, powerful corporate America.

Let me explain. In my State of California, autism—a very haunting and mysterious brain disorder—has increased an astonishing 273 percent over the last decade and a half. Dr. Neil Halsey, a respected pediatrician and an expert in vaccination, for years said there was no connection between vaccines and autism. I am quoting from an article that appeared in Sunday's New York Times. There is ''some real risk to children,'' he said, ''from vaccines that contain mercury. It is used as a preservative in some of these vaccines.''

So what provisions did the Republicans put into the bill? A provision that holds harmless the company that produces Thimerosal, a mercury-based preservatives for vaccines.

What does that have to do with homeland security? Absolutely nothing. Childhood vaccines have nothing to do at all with homeland security. What does it mean if this stands and we don't have the guts to strip it out? What does it mean to real people who are fighting this disease? Many of the families have filed class action lawsuits because—if you have ever seen an autistic child, although their symptoms range from mild to severe, in severe cases you are talking about essentially 24-hour care for that child. What will these families have to do? They will have to go to a taxpayer fund—a compensation fund that taxpayers pay for—which has very little money left in it, which is capped at an amount that will never pay for the cost of raising a child with this terrible disease.

We heard testimony on the House side that some families trying to collect from this compensation fund have had to fight for 10 years to receive their awards.

All the while, if this special interest rider passes, the companies that cause the problems will continue about their business. There is a lot about this rider which is upsetting and disturbing.

First of all, how would you feel if you were a parent of a young child and all of a sudden, without any science, you have a liability waiver for this mercury compound? They are going to think: My goodness, if the Republicans—the Bush administration—is protecting their biggest contributors, maybe they know something we do not know; that this is really a problem because why would they bother doing it if they were not worried?

This has nothing to do with homeland security. If it did, they would have said smallpox vaccines; they would have cited the vaccines.

There are moments when I wonder why we are here if we are not willing to stand up and fight for the American people. The special interests, the powerful interests have so much behind them. They can so easily hire the lawyers they need, the representatives they need to come here to lobby. But the average family that gets struck with this type of a tragedy, all they have is the love in their family to get them through. What are we doing here? We have to help these people, not have a special interest provision that is put in in the dead of night that says to them: We do not care about you; we do not care about your kids; and if you have to suffer through, too bad, because we are going to protect the people who write the large contributions.

(Mr. ROCKEFELLER assumed the chair.)

Ms. STABENOW. Will my friend from California yield?

Mrs. BOXER. I will be happy to yield to my friend.

Ms. STABENOW. On that point, we actually have counted the number of pharmaceutical lobbyists in the Senate. There are six lobbyists for every Member of the Senate: Six for me, six for the Senator from California, six for the Senator from New Jersey. Six lobbyists are being paid full time to lobby and bring in these kinds of provisions and also to kill other provisions.

We passed legislation to lower prescription drug prices for everyone, to increase competition of generic drugs, and open the border to Canada. There is a bill that has been languishing in the House for months that has been stopped by the same group that could take the time at the last minute to put this outrageous provision into the homeland security bill.

I thank the Senator from California for her eloquence and for standing up for families, because as a mother—and I know she is as well—it is outrageous to think that parents who are concerned about their children will not have an opportunity to have their day in court over something that potentially is extremely damaging and hurtful to them.

Mrs. BOXER. I thank my friend for her leadership. I point out to my colleagues who are here that four desks down from me sat Paul Wellstone for 12 years. If Paul was here now, he would be stepping outside that desk and telling us: Now is the time to stand up for people, for children, for people without a voice.

Autistic kids sometimes cannot talk. We have to stand up and be counted on Monday when this vote takes place and take the consequences if somebody gets mad at us here or there because there is no reason to be here if we do not protect the people of this country.

Mr. President, I am not going to take the Senate's time anymore. I have expressed myself. I look forward to casting a vote on the Daschle-Lieberman amendment to strike this rider and the other riders that were attached at the last minute, which I think is just a blatant attempt to give out special favors to the detriment of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I thank the Chair.

Mr. President, before I begin, I commend the Senator from California on raising not only the issue regarding childhood vaccines but the whole issue of adding riders about which I am going to speak in a moment on a whole series of issues. It makes a complicated and troubling piece of legislation even more difficult to weigh and balance as to whether it is truly one that gets us to a more secure future for America. All of us want to protect our freedoms and protect the lives of citizens across this country, but one has to think about it in the context of what is the give and take and whether it actually works.

My first comment is not dissimilar to what I heard from a number of Members who are supportive and not supportive of the direction we are taking. It is hard to conceive of how we can put 170,000 or 175,000 people together who had trouble in the organization that was in place before when it was smaller and more manageable and come up with a sense of security that we are actually going to make things better by pushing them together.

At least in my experience in my private life, sometimes mergers do not always amount to what is intended, and value is not always created. It certainly leads to a question of whether we have the flexibility and responsiveness in an organizational structure.

I am certainly troubled by the idea of creating a larger organization made up of parts that apparently have not been working so well historically. Clearly, we need to take positive steps. It may very well be we are doing that with the proposal with regard to homeland security, but at least as one individual, I am troubled with the overall size of the operation and whether it will bring about the responsiveness to the need, which I think all of us feel quite clearly needs to be addressed, of protecting the American people.

I also am equally concerned about a number of these provisions that were added in a closed manner.

I have to second my colleague's comments with regard to liability protection for pharmaceutical companies on vaccines. That should be an issue that is debated openly and understood. It should be fully vetted. It is an open question about whether this is a serious problem, but I do not think adding it as a rider that is particularly attractive to a particular segment is germane to the context of homeland security. It attacks the fundamental premise about which we are talking.

I wish to relate that to something about which I will talk which is really the heart of my comments today—chemical plant security—which I think is missing from the homeland security debate.

It is also troubling and hard to understand why pieces of the Wellstone amendment which prohibited contracting with corporate expatriates is pulled out of the bill. We have some adds and we have some drops. I am not sure why we are doing that. This was unanimously accepted by the Senate. I find it very difficult to understand why we are resourcing, promoting, or allowing those companies which choose not to be supportive of America with their tax dollars to have equal access and participate in contracting with the Federal Government with regard to homeland security issues.

It is hard for me to understand why this particular amendment was dropped. There are a whole series of these. There are special earmarks for a given university. There are liability protection issues that really get at tort reform debates which we ought to have on the Senate floor—no question about that—with regard to airport screening, negligent manufacturing of homeland security devices. All of those issues should be the subject of fair debates. So why are they added as a so-called element of compromise, on the floor of the Senate, without a debate? It is unclear to me, other than we are more interested in rewarding special interests than the general interests, which is what I think is the basic theme of both the administration and certainly Senator LIEBERMAN's initial proposal coming out of the Governmental Affairs Committee with regard to homeland security. There is a need. We all embrace that concept and think we should move forward.

For the life of me, I do not understand why we are putting down new barriers to the Transportation Security Agency with respect to rules for rail transportation in this country—it is one of those areas of vulnerability assessments that almost anyone would talk about—other than we are responsive to special interests and that it is going to cost too much.

As I earlier entered into a colloquy with the senior Senator from West Virginia on the freedom of information activities, I continue to be troubled as to why we are writing a blank check to cover up the kind of advisory meetings that could be held with private industry, hand-picked advisers, with regard to setting policy within an administration.

There may be things that should be carved out from public view, but when private sector individuals can have a perspective of conflict of interest in the advice, it seems perfectly clear that ought to be made available to the American public, and I am very troubled by the blank check mentality we are taking with regard to secret activity, particularly when it involves the private sector.

We have had that debate with regard to our energy policies, and I think we are now making that a normal course of events.

So for all of those reasons—and those are mostly adds, except for maybe the drop with regard to the Wellstone initiative—I am troubled.

Finally, this National Commission on September 11 and the review, to me, is incomprehensible. Hopefully we will find another way to bring this back, but in my 30 years in the world of management I have never seen a situation where you have a failure, a breakdown, a problem that people do not stand back and say, what went wrong and what could we have done differently to make sure we are secure going forward, without an independent review that people can have confidence that all of the facts are laid upon the table, including, by the way, observing whether congressional oversight is operated with its most effective provision.

I find it difficult to understand why we are investing so much with so great certainty about the direction we should be taking with regard to homeland security.

As I said, this is going to be a tough weekend for me because I have trouble with the conceptual issue of putting so many people together. Now that the senior Senator from West Virginia is present, we could argue that the Constitution he is carrying in his pocket would also raise serious questions about some of the authorities there. These special additions and drops at the end are particularly concerning to me.

So for all of those reasons, this is going to be a very difficult weekend for weighing and balancing these various elements because, like everyone else, and particularly for the people of New Jersey who lost 691 lives on September 11, there is an expectation that we have a responsibility to protect our homeland. It is obvious. It is self-evident. But it is not obvious and self-evident that we are, in my view, improving dramatically that effort.

I certainly believe there are risks in the transition from where we are today to the full implementation of this measure and that we may very well be operating under the analogy that people talk about of running a marathon while you are performing open heart surgery. Whether we are going to be more secure while that process is going on in the midst of a war is an open question. It has not been proven to me that we are actually developing greater certainty.

Now, there is another issue which has not been discussed on which I have worked very hard through most of this year and feel deeply about because it deeply impacts my State. Actually, it impacts almost every State in the Union.

I see the ranking member from the Committee on Environment and Public Works, the Senator from New Hampshire, who has heard much of this discussion in the committee, which I think is something that is missing from this bill, and that is the need to protect Americans from attacks on our Nation's privately owned chemical facilities.

I realize this is also one of those things that is futile in the context of the cloture debate, but it is absolutely essential that America be aware of an issue that needs to be focused on and needs to be moved forward. I would be remiss in not having brought this farther in the process, and hopefully this discussion and the efforts that have gone on before will keep it in the debate, in the committees, and in this new Department which is most certainly going to come to pass.

I will discuss it in the context that there are literally thousands of chemical facilities in the United States where a chemical release could expose tens of thousands of Americans to highly toxic gases. That is why these facilities are potentially so attractive to terrorists. As a matter of fact, if one goes to a chemical facility in Israel, they will see it protected by a security infrastructure that is not unlike what one would see at a nuclear powerplant in the United States.

As I will relate, if someone visits some of these facilities in the United States, they will see an entirely different standard by which we are securing them. In fact, there are currently no Federal security standards for chemical facilities—none—so that the private sector is left to do whatever it desires or believes it can afford. It is a completely voluntary situation.

Many facilities simply have not fulfilled their responsibilities, in my view. Many are certainly vulnerable to attack. As the statistics and studies show, literally millions of Americans are at risk. They are at risk in New Jersey. If one flies into Newark Airport and looks at the chemical plant storage facilities, the refining facilities that are right in the path of the landing strips, they will get a sense of the kind of exposure we have.

Also, if one looks at how easy it is to access, which I will speak more clearly to in a minute, they get an even greater sense of the insecurity with regard to this area of our infrastructure.

According to the EPA, there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals. One of these plants in New Jersey has exposure to 7½ million people inside the metropolitan region of New York. A lot of chemical plants are located in our urban communities, not scattered out into the hinterland but right smack dab in the middle of where we have high concentrations of populations. There are about 750 facilities in 39 States where chemical release could expose more than 100,000 people to toxic chemicals. There are nearly 3,000 facilities spread across 49 States where a chemical release could expose more than 10,000 people to highly toxic chemicals.

I think the numbers speak for themselves, and they are staggering. There is a large exposure in a broad context in our Nation.

A single attack on a facility could unleash highly toxic chemicals such as chlorine, ammonia, and hydrogen fluoride that cause widespread injuries and death. Considering the literally thousands of potentially deadly facilities across the country, we cannot escape the conclusion that it represents a major vulnerability, a major homeland security problem.

It is not just my opinion. In fact, the Justice Department issued a report on this matter a year and a half before September 11. I will read a brief excerpt from a summary of the report issued April 18, 2000.

> We have concluded the risk of terrorists attempting in the foreseeable future causing industrial, chemical release is both real and credible . . . Increasingly, terrorists engineer their attacks to cause mass casualities to the populace and/or more large-scale damage to property. Terrorists or other criminals are likely to view the potential of chemical release from an industrial facility as a relatively attractive means of achieving these goals.

That report was issued before September 11. Its conclusions have been echoed by several other Government agencies and individuals since.

For example, Governor Ridge said the following in recent testimony before EPW:

> The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them. We know that there have been reports validated about security deficiencies at dozens and dozens of those.

Let me talk about the reports Governor Ridge may have been referring to. Earlier this year, the Pittsburgh Tribune-Review conducted a major investigation of western Pennsylvania. Here is what they found:

> A Pittsburgh Tribune-Review investigation has shown that intruder has unfettered access to 30 of the region's deadliest stockpiles of toxins and explosives, despite repeated warnings from the Federal intelligence agencies to safeguard large chemical tanks.

This Tribune-Review went on to say:

> Security was so lax at the 30 sites that in broad daylight a Trib reporter—wearing a press pass and carrying a camera—could walk or drive right up to tanks, pipes and control rooms considered key targets for terrorists.

After this initial story, the Tribune-Review expanded the scope of investigation. They went to Houston, Baltimore, and Chicago to see if what they found in western Pennsylvania was a fluke. They looked at 30 or more facilities in 3 other States and the findings were equally disturbing.

I point out in metropolitan New York the local television station has done similar sorts of walk-ons to chemical plant facilities, including the one that has the 7.5 million people exposure in metropolitan New York.

This is troubling, to say the least. There is a pattern. Perhaps that is why the chemical industry got low marks for post-September 11 terrorism response.

On September 10 of this year, the Washington Post graded critical infrastructure sectors, giving the chemical industry a D. Newsweek, which is owned by the same people, did a similar piece. They were even tougher. Newsweek gave the chemical industry an F. I have seen this repeatedly in a number of surveys of America's infrastructure.

While some companies may be doing everything they can, and I know there are some that are working very hard, they are concerned about it for security reasons and protecting their people and maybe themselves. But the fact is we need to do a lot more. We need to be a lot more certain the breadth of the industry is being attended to.

That is why in October 2001 I introduced the Chemical Security Act. That is why I worked with Senators on both sides of the aisle to move the bill through the EPW Committee. This is the hard part. Ultimately, the committee approved the legislation on a vote of 19-to-0. Not a single Senator voted no. I note Senator INHOFE did, in fairness, express concerns about the bill at markup and I agreed to continue to work with him on those issues afterwards, particularly so we could potentially add it as an amendment to homeland security.

In fact, as I suggested, I talked with other Members and we tried to keep the concerns of the bill, deal with them, and while I will not go through the post-markup negotiations, there were substantial revisions so it could get added to the bill. Unfortunately, we have not been able to get to conclusion in that process even though it was a 19-to-0 vote in committee for it. Sometimes I wonder whether special interests sometimes trump the people's interests.

I will not be offering my amendment; it is not germane. But I think we need to come back and go to work on this issue as soon, as forcefully, as possible. It is absolutely relevant to homeland security and protecting the American people. I know that is the case in New Jersey.

I will not go through it in detail, but the first thing we have to do is be very specific about identifying high priority chemical facilities. That can be done relatively straightforwardly. It will take cooperation between EPA and the new Homeland Security Department. There is some debate about that. We

need a list. It does not have to be published on the front page of the New York Times, but we need to understand what the exposures are and get about protecting the American people.

Second, we need to have audits of what that process is so there is a reality to what has been talked about. There is not a moral hazard saying we have done something and nothing really has occurred.

In a nutshell, that is what this is about. It is a little more complicated than that in detail, but I suggest this is something that really should be a priority when we return. I hope we do not face the stonewalling that has come up from some elements in the industry. The need to act is urgent. This is, by the way, consistent with some of the things other people who have looked at homeland security on a broader basis have talked about.

I will quote from a recent op-ed piece by Warren Rudman and Gary Hart, who have been following homeland security as effectively as any two Americans studying this. They have an op-ed page written in October of this year:

> America's corporate leaders must accept their new responsibilities to protect the privately owned critical infrastructure and cease the behind-the-scenes lobbying against measures requiring them to do so. If necessary, the President must deliver this message bluntly and directly.

Some of those things that were added in the middle of the night, the kind of experience that I have experienced with regard to trying to deal with chemical plant security, is indicative that that process of resisting, protecting the American people, is not fully embraced in the private sector.

I could not agree more. We need to work together as a Congress, with the administration, and deal with this issue.

Homeland security in general, time is of the essence, as someone said around here. It is not neutral. So I hope we can move very quickly on this. I am sorry we have not been able to deal with this. There are some good voluntary efforts with regard to chemical security. But I don't think we have gone far enough. Voluntary efforts alone are not going to be sufficient. We need to work in Congress to make it happen.

Finally, I am proud to be an author, a promoter, a sponsor of this legislation with regard to chemical plants. I am also proud to be a cosponsor of the Daschle amendment that will deal with some of these other special interests. I think the two relate in the sense that we are not all on the same page pushing forward to protect the American people on homeland security. We need to get there. With both the private sector and the public sector.

I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

Mr. REID. I ask unanimous consent that there be debate only on the matter now before the Senate until 3:30 today.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. BYRD. Mr. President, if the Chair will bear with me momentarily.

Mr. President, over recent weeks as the President crisscrossed the Nation on campaign stops—campaign stop after campaign stop—he used a number of gimmicks, including this legislation, to rally support for his chosen candidates. He painted this bill as a panacea for the terrorist threats that plague us and challenged this Congress to pass this bill quickly.

On each occasion, as I followed the newspaper accounts of the President's stops during the campaign, the President left the impression among the public that this bill is urgently needed, and that it will make life safer for American families. But there was much he didn't say. Here is what the people can expect after the Congress approves this legislation to transfer 28 agencies and offices to a new Homeland Security Department.

Next February, the President will submit a plan—his plan—to the Congress about how he intends to transfer 28 agencies and offices into a massive new Department over the period of just 12 months. We don't know what is in the President's plan today, and we will not know what is in the President's plan when and if Congress passes this bill and it goes to the Chief Executive for his signature.

We will not know what is in the President's plan. After we have passed this bill and it becomes law, the President will then inform the Congress about how he intends to reorganize, consolidate, and streamline these 28 agencies as they are moved into the new Department. He will not seek approval of the Congress—the elected representatives of the people. He will not seek our approval. He will not need to because—according to the provisions of this bill on which we are being hurried and stampeded to act, according to the provisions of this bill—he will simply drop the plan in the laps of the committees so they can be informed about what he intends to do. He will not be asking for their approval. We will have already given our approval when we pass this bill.

I hope Senators understand that. When we pass this bill, we, the Congress, are out of it. The President will in due time submit his plan. In due time he will inform the Congress as to what he intends to do. He won't have to ask us if we approve of what he is going to do. We will have already said to him: Here it is. You submit your plan. According to the provisions of this bill, your plan will go into effect in due time. And we will not have any more to say about it.

He will simply drop the plan. It will not fall like manna from heaven, because it won't come from heaven. This is what we are authorizing the President to do when we adopt this bill that is before the Senate.

Here it is. Those who are watching this floor through the electronic lenses before us, here is the bill. It is made up of 484 pages. These pages are not like reading ''Robinson Crusoe'' or Milton's ''Paradise Lost.'' They are very difficult pages to understand. On only a single page there may be many references to various and sundry laws that are already on the statute books, so that in order to understand what may be on a single page, we have to go back, look at the references, and go back to those statutes that have been on the books—some of them—for many years or decades. We have to go back and see what those laws contain before we understand what is on a single written page. It is not like reading a novel. In some senses, it is made to sound like a fairy tale. But it is indeed not a fairy tale.

This is a bill that affects you—a bill that affects those two members of the staff back here who are talking. This is a bill that affects you. This is a bill that will affect you, each of you—you, you, you, you, each Senator. Each of those persons out there who are watching this debate—it is really not a debate. There is only one Senator talking here and one Senator listening and one Senator in the chair. So there are not too many Senators here. Hopefully, they are watching from their offices, as we all do.

This is the bill. Let me say it again: 484 pages of complicated material.

How long have we had it? A little over 48 hours. It came to us early in the morning on the day before yesterday. Today is Friday—early in the morning of Wednesday. There it is. There is the whole thing—the whole thing. I don't know what is in it. I know about some of the things that are in it. But no Senator in here knows everything that is in this bill. I daresay that. I would be happy for any Senator to stand on his feet and challenge me on that and say: Hold up here a minute; I know everything that is in it.

We are authorizing the President to submit this plan. He can do it without our subsequent approval. This legislation authorizes the President to reorganize, consolidate, or streamline these 28 agencies and offices any way he chooses—any way he, that one man, the President of the United States—as these various agencies are moved into the new Department.

All this legislation asks of the President of the United States is that he let us know what he has decided. That is not asking a lot from the Chief Executive of this country. That is all he needs to be concerned about. All he needs to be concerned about is to explain what he plans to do. Too late. I am sorry to say to any of you Senators that you can't do anything about this. You have already given him the approval. When you vote aye on this 484-page bill, you will have given the President the approval that he needs. You can be sorry for what you have done. You can crab about it and be cranky and wish you had not done it. But it is too late now.

You remember that old song: ''It is too late now.'' Well, it will be too late for any of us—too late.

We can weep and gnash our teeth—if we have any teeth left. And I happen to have my full set after 85 years. I have a full—I can't say quite a full set. But I have lost about I think four teeth in my lifetime of 85 years. These are real teeth. I can't take them out at night and scrub them, wash them, and put them in a big glass of water. I can't do that. They are real. They are real teeth. And they can bite, thank God. We didn't have all of this fancy medicine and all of these fancy health programs that the young people and children have today, with which mothers and fathers are blessed. We didn't have anything like that in those days.

So all I have is what the good Lord gave me through my mother's and father's genes. Well, that is all I have.

So here we are. I can gnash my teeth. They are real teeth. I can gnash those teeth. I seldom show them around here, but they are there. I can gnash my teeth, and complain all I want, and say I wish I had known—I wish I had known. Well, it is too late now. That will be the way it is.

He can move these agencies any way he chooses. All this legislation asks the President to do is: You please just tell us what your plan is. Will you do that? Please, just tell us what your plan is.

There are 1.8 million people in West Virginia whom I represent, and who are represented by my colleague, Senator ROCKEFELLER.

My people, my 1.8 million, would love to know what those plans are. But bless his name, the President does not have to tell us today. And we don't ask him. But we will get on our knees and fold our hands and say: Mr. President, will you just please tell us, when you are ready, what you plan to do? You can do it now. Here is the bill. We are passing it today, but just please tell us what you are going to do.

All this legislation asks is that the President let us know what he—he, the President of the United States. He will be with us 2 more years, maybe 6. Who knows. But anyhow, this man down here in the White House, one man out of 280 million, he will tell us what he plans to do.

A few months after we receive the President's proposal—after he is so generous to come up here and tell us what he plans to do—a few months after we receive his proposal, we will begin reading articles in newspapers and magazines. I am going to come back to the floor—the Lord willing, if He lets me live—I am going to come back on the floor and remind my colleagues; I am going to remind all these staff people around here: This is what I told you. I told you.

After we start reading all these articles in newspapers and magazines about special advisory committees—this is exactly what that Senator who is sitting in the Chair right now, the Senator from New Jersey, Mr. CORZINE, talked about this morning. He told us about it. He told us about these special advisory committees. And they will have been established, by the new Homeland Security Secretary, to make recommendations about certain homeland security-related issues.

Now, look at that. I hope Senators will go back and read today's RECORD or that of the first of the week about what Senator CORZINE had to say about this, yes, about certain homeland security-related issues.

Possibly, we will hear about an advisory committee being established—maybe we will see it in the Federal Registry, that an advisory committee has been established—to make recommendations about how the new Directorate of Information Analysis can look at our e-mail accounts. This will not be a laughing matter. I will tell you, this will not be a laughing matter.

Now, let me say that again. Possibly, we will hear about an advisory committee that has been established to make recommendations about how the new Directorate of Information Analysis can look at our e-mail accounts, can look at our banking transactions, can look at our telephone conversations, or can even look at our credit card transactions.

I don't have any credit cards. Let them look at mine. They can't look at my credit card transactions. I grew up the old-fashioned way. I pay for it as I get it. No credit card for ROBERT C. BYRD, or the Mrs. But to those who have credit cards, he can look at your credit card transactions to trace everything you purchase from butter to bullets. Welcome, Big Brother. How do you like that?

The American people will want to know, and will deserve to know, what recommendations are being made to the Homeland Security Secretary. The press will try to provide the public with answers. But under this bill, you can be sure that the press will not be allowed to access the minutes of those committee meetings. That is what we are making possible by the passage of this legislation. We are making it possible for the American public not to know what these special committees are considering. And the public will not be able to find out because this bill—this bill—here it is; 484 pages, new, never been in a committee, never seen the light of day in a committee meeting. There is no analysis of this bill that I know of from any departments here. There have been no witnesses appearing before Senate committees supporting this bill. Nobody had any committee markup that I know about. This bill just suddenly emerged out of the darkness on the morning of Wednesday, the evening of Tuesday night. There it was.

But that bill—that bill—will allow the new Secretary to exempt such advisory committees from the public disclosure laws that are on the books now that enable the press—the fourth estate—and the American public to find out what these advisory committees are doing.

This bill will allow the Secretary to drop a veil, to bring the curtain of secrecy down, to drop a veil of secrecy over these advisory committees and hide their work from the press—from the all-seeing eyes of the press—and from the public.

Do you want to vote for that? Is that what you Senators want to vote for? Is that what your constituents want you to vote for, Senators? I hope, if you are not hearing me now, that your staffs are listening. I hope, if you don't hear me, that somebody will show it to you in the RECORD on Monday morning what Senator CORZINE, the distinguished able Senator from New Jersey, who presides over this Senate at this moment, I hope they will read what he said and what I am saying here about these advisory committees and about what we are about to let happen. And here is the bill that will allow it to happen.

I hope you Senators who vote on this matter—probably one day next week—will have to answer to your constituents for that. I have been in this Congress 50 years, and I have cast many votes. I have cast more votes, than any Senator who ever lived, in the Senate of this Republic. And I just have to say, I have cast some votes that were critical votes, but I think that what we are doing in this bill, more than anything else I have voted on in my 50 years in Congress, is shifting power to an administration, shifting power to a President.

I would say this: God, so help me—and God could drop me in my tracks right here in this moment if I were not saying what I believe—I would say the same thing about this bill if it were a Democratic President in the White House.

I have no ax to grind. I am not on the payroll of any pharmaceutical company or any other company in this country. I am on the people's payroll right here in this Senate. That is it. So I have no ax to grind. I am just saying that if it were a Democratic President in the White House, I would be standing here today saying the very same thing. It isn't because the current President of the United States is a Republican. That is not it. But there is something about this Republican administration that is far different from

what I have seen in former Republican administrations. And I served under Republican administrations, beginning with the Eisenhower administration.

This is a different kind of administration. This is a bill that I will vote against regardless of who might be in the office of the President. This bill will allow the Secretary to drop a veil of secrecy over these advisory committees and hide their works from the press and the public.

So what we are doing when we vote next week on this bill, if we vote next week, what we are doing is putting our hands over our eyes, and we are saying the public has no right to know. We are taking away the public's right to know.

That is what we are about to do to you out there in the land, across the land, across the plateaus, the Plains, the mountains, the valleys. That is what we are saying to you. You may not catch us at it, but that is what we are doing to you. That is exactly what we are doing to your right to know.

Later in the year, the people may begin to read in the newspapers about start-up problems in this vast new Department. The papers will possibly report about a failure by the new Immigration Service to deny entry to a known terrorist because the relevant immigration officials were too preoccupied with moving their offices, reconnecting their computers, reinstalling their phones, or even changing the heading on their stationery to handle their primary responsibility; namely, protecting our borders.

This would bring about a clamoring of public disgust as agency officials are found to be too busy organizing their offices to properly handle their duties. Editorials will appear around the country remarking about the failures of the new Department, and the public very well may have reason to lose trust in that Department.

These kinds of high-profile debacles could carry over to the Transportation Security Administration, the Customs Service, FEMA, the Coast Guard, or any of the 28 agencies and offices and 170,000 employees being transferred to the new Department. Senators may well read a few months from now about Federal workforces in their home States and the jobs of Federal employees being privatized under the labor rules included in this bill.

Don't say that you were not warned, I say to my colleagues. Don't say that you were not warned.

The Washington Post reported today that the administration plans to open as many as 850,000 Federal jobs to private contractors. Have you read it? If you haven't, go to today's Washington Post. Look for that story. It is there. Read it with your own eyes, and you will believe it. What a nice plum that is for the big business friends of the administration. How about that? What a shortsighted, ill-conceived political gimmick it is. What a hoax it is to play on the taxpayers.

Privatization has nothing whatsoever to do with improving security. Look at the private security firms that were in charge at some of our Nation's largest airports on September 11. Remember reading about these in the newspaper? Go back and look at some of those old newspapers. Is more of that what this administration really wants? I ask, is more of that what this administration really wants?

The Wall Street Journal editorialized today about the fallacy of pushing this bill through at such a late date.

Now, imagine that. The Wall Street Journal. Hear me now. Paul Revere awakened Concord. I would like to be able to awaken this Senate and the other body. Do you suppose I could do that? Paul Revere did that. He was able to awaken Concord. Get out of your beds; the redcoats are coming.

Let me say that again. The Wall Street Journal editorialized today about the fallacy of pushing this bill through at such a late date.

How many of our Senators today voted for cloture? If Senators had read the Wall Street Journal, the editorial today about the fallacy of pushing this bill through at such a late date, would the Senators who voted yes—and I implored and I importuned and I urged, which I seldom do, I urged Senators right there in front of that desk, that table in the well of the Senate. There were several Senators I urged: Please don't vote for cloture today. You can vote for it next week perhaps, but don't vote today. Let's take a little more time and study this bill.

The answer I got: Well, you have the weekend. You have 30 hours. You have 30 hours; isn't that enough?

Do we have? No. We have already been told by the minority: You won't be able to offer any more amendments.

The only amendment that is going to be offered is the amendment that has been offered by the majority leader, Mr. DASCHLE, that amendment on behalf of Senator LIEBERMAN, and I added my name to it afterwards, when I saw what was going on. So there it is, the Daschle-Lieberman-Byrd amendment.

But we are told by the current minority—soon to be the majority—that you can't offer any more amendments. That is the only amendment we are going to let you offer.

So how about that cloture now? I was told by some of my colleagues on this side of the aisle: Well, you have the whole weekend. You can study.

Who saw this thing coming? Who saw the situation coming in which we would offer one amendment and we are told by our Republican friends, that is it, no more; that is the only amendment that will be offered?

So what about it now, my colleagues who reminded me that we have this weekend? Even under cloture, we have this weekend.

I said to one of the Senators who said that to me: I wasn't born yesterday. I am not a new kid on the street here. I have been in this Congress 50 years. I know a little something. I have learned a little something about the rules of the Senate, and so forth.

But here we are, one amendment. That is all.

We are not going to be allowed to have any other votes on amendments, except that one. ''You have 30 hours,'' I was told by Senators down in the well there. ''Well, you have 30 hours; you have the weekend, and your staff has the weekend. You have 30 hours.''

I have several amendments I would like to offer, but I cannot do it. The tree is filled. Remember the tree at the Garden of Eden? It is the first thing you read about in the Bible. The greatest scientific treatise ever written is that first chapter of Genesis. That will tell you more about science than many scientists today can tell you. It tells you the order of things in which they were created. The scientists of today will tell you that is the correct chronological order. Go back and read that first chapter of Genesis and you will read the chronological order of creation, and that was written thousands of years ago. What a piece of science that is.

I have three grandsons, two of whom are physicists. I have a son-in-law who is a physicist. I have a grandson who married a physicist. So we have lots of physicists, lots of scientists in my family. But before all those scientists came into being, the greatest scientific treatise ever written had been written right there in the Book of Genesis. We have no reason to stay dumb about how creation went forward. It is right there.

Anyhow, there it is for us. So here the Wall Street Journal editorialized today about the fallacy of pushing this bill through at such a late date. Here were these great Senators who stood up there in my face and two or three of them told me, ''Well, you have this weekend, you have 30 hours,'' as though I didn't know that. How many Senators would like to tell me that? One or two of them did. I did say to one that this is not a new kid on the block. I know about that 30 hours.

Now look at what we have. I cannot offer an amendment, even though we have 30 hours. The tree is filled. But it is not that tree in the Garden of Eden. That is the tree of knowledge and we all can continue to learn. But I cannot offer an amendment. Our Republican friends would say you can go this far but no farther. You have an amendment pending, but that's all. That is the only amendment you are going to have to vote on before that 30 hours is up.

How do you like being given that kind of medicine? That is what we have to deal with here. Here is what the Wall Street Journal said. Get this:

> There's little or nothing that this rump session can accomplish that couldn't be done better starting anew in January.

That reminds me of the distinguished Senator from Texas. I love him in many ways, and I agree with him on

occasion. He stood right here today and said, ''This bill is the best you will get. How many in here are willing to believe that by putting this over another 3 months they can get a better bill?'' I said, ''I do.'' But that was his position, that this is the best bill you are likely to get. Do I think we will get a better bill after 3 months in a new Congress? Yes, I do. But that was his question.

I don't need to answer that. Let the Wall Street Journal answer that question. Do you think you can get a better bill if you wait 3 months? That is the question.

The first question that was ever asked was asked by God as He went into the Garden of Eden and started looking for Adam—Adam and Eve in that garden. God was walking in the cool of the day and he was looking for Adam in that paradise setting. How lovely that must have been. Here is old Adam over here somewhere under a tree, or back in the bushes, with some figleaves hiding from God. God said: ''Adam, where art thou?'' That was the first question ever asked.

The people are going to say to us: Senator, where were you? Those Senators who voted for cloture, God love them—and I love them and I respect their viewpoints. They have a right to cast the votes they want to cast them. I don't like to tell them how to vote. But let my constituents say: Robert, where were you? Where were you when you cast that vote?

So here is what the Wall Street Journal would say:

> There's little or nothing that this rump session can accomplish that couldn't be done better starting anew in January.

Hallelujah. Thank God for the Wall Street Journal. They answer the question well—better than I.

> There's little or nothing that this rump session can accomplish that couldn't be done better starting anew in January. That includes President Bush's priority of a new Department of Homeland Security . . . the proposal is mostly about rearranging the bureaucratic furniture . . . And as with any bill whipped through this quickly, we can expect to learn later about many bad ideas that deserved more scrutiny.

Mr. President, at a later moment, I will ask unanimous consent that the entire editorial be printed in the RECORD but not at this point. I suspect it won't be long before we begin to hear about the bad ideas that deserved more scrutiny.

Some Senators may find comfort in the fact that this bill has been touted as a compromise. It won't compare with the great compromise of July 16, 1787, which created this Senate. If it had not been for that compromise, you would not be here today, Mr. President. You would not be presiding over a Senate of equals, regardless of the size of your State, or the size of its population; you would not be in a Senate in which two Senators from the smallest State would have the same strength, as to their vote, as two Senators from the largest State in the Union. I would not be here. The Senator from New Hampshire would not be here. The Senator who is the minority leader from Mississippi would not be here. The Senator who is the majority leader, the Senator from South Dakota, would not be here. All of these pages, they would not be here. No, this would not be the Senate. But it is that Constitution—here it is; I hold it in my hand. Senators should, above all people, become more acquainted with this Constitution.

Some Senators may find comfort in the fact that this bill has been touted as a compromise. I don't know who this bill was a compromise between, other than the White House and the congressional Republicans, who already supported some version of the President's original plan.

Call me old-fashioned. Yes, there he is, there is that old-fashioned guy. I am married to an old-fashioned sweetheart. Thank God for her. She has been my sweetheart now for 65 years and going on quickly to the 66th. Thank God for that kind of an old-fashioned sweetheart. I hope she thinks the same thing about her old-fashioned husband—ha, ha, ha, that old-fashioned guy. That is the man. He has been around 85 years—an old-fashioned guy.

I remember a time, Mr. President, when compromises were crafted by individuals who had differing views on an issue. This kind of compromise, this 484 pages—let me make sure I am right. Yes, it is 484 difficult, complicated, hard-to-read, harder-to-understand pages. There it is. This kind of compromise is like legislative shadow boxing.

Have you ever tried boxing? I tried it, and I got knocked on my anterior. That was the end of my boxing. I found I was not so good at boxing. This kind of compromise here is like some kind of shadow boxing. It would be laughable if it were not so serious. This kind of compromise is like legislative shadow boxing—punching and jabbing and sparring with absent opponents. The opponents are not there.

This ephemeral compromise makes no concessions with regard to the President's efforts to exempt this new Department from public disclosure law, such as the Federal Advisory Committee Act. You will not find that spelled out, but you will find reference is made to it. You have to go beyond the plain print in section 871. You have to go beyond the plain print. It is referenced there, but you have to go back to the statute books to see what they are talking about.

This ephemeral compromise makes no concessions with regard to the President's efforts to exempt the new Department from public disclosure laws, such as the Federal Advisory Committee Act. It includes no concessions with regard to the President's reorganizing the 28 agencies and offices being transferred to this new Department without congressional approval.

I have never seen anything like it. In 50 years in Congress, I have never seen anything like it—never. All this without congressional approval. It includes only token concessions to those who have substantive, genuine reservations about this bill with regard to the civil service and collective bargaining issues. How can we pretend that this amendment is a serious attempt at a compromise when it is only an agreement between the President and the few supporters of the President's bill?

Oh, there are compromises in this. Yes, there are compromises in this amendment. It compromises the rights of Federal workers. It compromises the civil liberties of the American people out there. It compromises your daddies' and mothers' civil liberties, the parents of these nice pages we have here.

They are just the most wonderful people. They come here seeking to understand the legislative process. What are they getting? They are not getting the legislative process in this monstrosity. They are not getting the legislative process. These—I said kids; these are young people. They are all juniors in high school. They are at that tender age where they learn quickly. They have come here wanting to learn the legislative process. They are being cheated. I say to you young fine pages here, I love you.

From time to time, I meet out in the corridor with the pages, Republicans and Democrats. I tell them good stories, I mean wholesome stories. That is right. They are wholesome stories. I tell them stories in which there is a moral lesson. I tell them the story of the house with the golden windows. I tell them the story written by that great Russian, Tolstoy, ''How Much Land Does A Man Need?'' I tell them the story about ''Acres of Diamonds'' that was told, I understand, 5,000 times by that great Chautauqua speaker, Russell Conwell.

I tell these pages good stories, wholesome stories. I talk about the Bible. I talk about Milton. I talk about the Constitution. I talk about history. I talk about Nathan Hale to these young people here. Bless their hearts. I always am inspired when I talk to these young people. These are the cream of the crop. Mind you, there are millions across this country just like these. But they are being fooled. We are fooling these young people.

They come here to learn the legislative process. What do they get from this bill? This is not the legislative process. They do not learn in this amendment. They will go back one day and they will say: I heard Senator BYRD say that was not how our laws are made. No. We short circuited that process on this amendment, this 484-page bill. Here it is, 484 pages. What is in it? Don't ask me. I know a few things that are in it, and I have heard other Senators talk about a few things that were left out of it in the darkness of the night.

We talk about compromise. This 484-page monstrosity compromises the civil liberties of the American public.

It compromises the constitutional doctrines of the separation of powers and checks and balances that we find in the Constitution, which I hold in my hand.

This bill compromises the notion that the Senate should debate and amend legislation and act as the greatest deliberative body in the world before passing massive—massive—reorganizations of the Federal Government.

Mr. President, we have allowed ourselves to be stampeded, and I could be as King Canute. A lot of King Canute's followers thought he could do anything. He thought he would disabuse his followers of that fallacy, that belief that King Canute could do anything. So he went down to the sands of the oceanside, and he commanded the waves to be still. The waves were not still. They did not go still, so the people finally understood that King Canute could speak to the ocean and it would not necessarily heed him.

I say that to say this, Mr. President: I might as well speak to the ocean. I might as well be like King Canute as to speak to some of my colleagues here. My speech would fall upon deaf ears, and they would say: There he goes again, that old-fashioned guy who believes that we ought to take the time; there he goes again.

We have allowed ourselves to be stampeded into passing this bill. Afraid to be on the wrong side of this issue, we hear cries from both sides of the aisle that we must support our President. We hear cries of, ''My President,'' ''My party,'' ''My Commander in Chief.'' When will we hear, Mr. President, ''My country''? When will we hear, ''My country''?

Senators are obviously upset about the miscellaneous provisions that were included in this bill at the last minute. The Washington Post this morning outlined a number of these provisions ranging from language that would help the FBI obtain customer information from Internet service providers to language incorporated in the bill by the House Republican leadership that gives Texas A&M—I do not believe it mentioned Texas A&M—that gives Texas A&M the inside track in hosting the first university center on homeland security to be established within 1 year.

It will not say that in the bill. Senators will not find that in the bill.

But the language in the bill is so targeted only that one—at least that one institution would be most favored over others.

Probably the most egregious provision inserted is a White House-backed provision designed to head off dozens of potential lawsuits against Eli Lilly and Company and other pharmaceutical giants that are being sued by parents who have linked their children's autism to those companies' childhood vaccines.

How about that? I ask the distinguished Members of the other body. How do they feel about having passed this bill with that kind of language in it? Hear me over there at the other end of the Capitol. Yes, explain your vote, explain your vote to your constituents. You, back there in the other—we are not supposed to refer to the other body in our speeches, but the other body passed this bill in a hurry.

Those in the other body who voted for this, go back and look at what you voted for.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SARBANES. Will the Senator yield to me on my time for a few questions?

Mr. BYRD. Yes, I will be glad to yield.

Mr. SARBANES. May I have this counted against my time under cloture?

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

Mr. SARBANES. I ask the distinguished Senator from West Virginia: In July, the Brookings Institution issued a report concerning this reorganization, and they said the following, and I am quoting from them now:

> Any fundamental reorganization represents a huge managerial undertaking, one that becomes ever more daunting as the number of agencies to be included increases. The danger is that top managers will be preoccupied for months, if not years, with getting the reorganization right, thus giving insufficient attention to their real job, taking concrete action to counter the terrorist threat at home.

This Brookings report advocated some consolidation of agencies, but it proposed a much smaller, more streamlined consolidation, and the report went on to say: ''Reorganization is not a panacea. In fact, there is a risk that reorganization could interfere with, rather than enhance, homeland security tasks.'' Certainly, changes should be made only when there is a compelling case that consolidation offers clear benefits.

I supported a proposal—and this leads up to my question—that the Senator from West Virginia offered earlier in the consideration of this issue, which would have undertaken to do a reorganization, but would have phased it and would have brought it back at periodic times for further scrutiny, examination, and implementation by the Congress. Was that the approach which the Senator had taken?

Mr. BYRD. Yes, it was. Mr. President, if I may respond to the distinguished Senator. The amendment I offered to the legislation that was being proposed by Mr. LIEBERMAN in his committee, the language I offered with several cosponsors and supporters, such as the distinguished Senator from Maryland, Mr. SARBANES, would have provided for the recommendations of the administration to come back to the Congress periodically—every 4 months, for the next 12 months—which recommendations would have to do with the phasing in of the various and sundry agencies, a few at a time, three times, every 120 days. Some of the agencies would be phased in.

Those recommendations would come back to the Congress and would go to the appropriate committees having jurisdiction—in this case it would be Mr. LIEBERMAN's committee and his committee's counterpart in the House of Representatives—and expedited procedures would require that committee to act to bring out a bill implementing those recommendations, or amending them or changing them. Then the Senate, under expedited procedures, would proceed to call up that bill and pass it. That would be done three times.

So the amendment which the distinguished Senator from Maryland refers to would provide for a phased-in approach over the same period of time that is going to be utilized by the President and the Secretary under this bill—namely, 12 months—and over that same period of time a phased-in approach with Congress still in the mix. Congress would still have a say at each of these three junctures.

Mr. SARBANES. It seems to me that this is a far more sensible way to proceed. First, I think it maintains a better balance with respect to the roles of the executive and the legislative branches of our Government. I think the Senator has been absolutely right to underscore the fact that what is at stake here is a tremendous grant of authority to the executive branch.

Mr. BYRD. Tremendous.

Mr. SARBANES. It is sweeping in its dimension.

Mr. BYRD. Sweeping.

Mr. SARBANES. Secondly, I think that review process is more likely, far more likely, to produce beneficial results, because as the Senator said earlier today, the more scrutiny and discussion you have, the higher the likelihood—not a guarantee, but the higher the likelihood—that you will have a better result.

As I have listened to the Senator over these weeks of the debate, I have increasingly come to have very deep concerns about what we are doing with this legislation. I feel for the Senator when he says people are not—even now, as we near the last hour, focusing fully on the implications and the consequences of what we are discussing.

Back in September, the Baltimore Sun published an editorial, and I want to read a couple of paragraphs from it. This is from September 23 of this year:

> Months of debate have made clear that this bureaucratic boondoggle offers no promise of making the homeland more secure. Worse, it takes the focus off the need for tighter oversight of the Nation's security systems. President Bush offered the most sweeping government reorganization in a half a century, largely as a political and public relations tactic. He was trying to counter Senate Democrats who were advancing similar legislation of their own. He timed the unveiling of his plan to drown out the testimony of FBI Agent Coleen Rowley, who was blowing the whistle on the security failures of her hidebound agency that blinded it to the clues of the September 11 attacks. Shifting 22 Federal agencies and 170,000 workers into a new department will cost billions but will do nothing to solve the problems agent Rowley

addressed. What is needed is greater sharing, coordination and synthesis of the security information collected by the myriad agencies. But this new department will not even include the FBI and the CIA which are the two premier intelligence gatherers. Nor is there any guarantee that greater sharing would take place between them if they were together.

I think this is right on point and parallels much of what the Senator, as I understand it, has been arguing.

Mr. BYRD. Mr. President, before I respond to the distinguished Senator from Maryland, I understand that the able Senator from Hawaii, Mr. AKAKA, has a unanimous consent request he would like to make. Will the Senator from Maryland yield for that request since this is on his time?

Mr. SARBANES. Certainly.

Mr. AKAKA. I thank the Senator from West Virginia and the Senator from Maryland for yielding to me.

Mr. President, I ask unanimous consent that my hour under cloture be yielded to Senator BYRD.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Hawaii, Mr. AKAKA, who is about to take the chair. He wanted to make the request before he took the chair.

Mr. REID. Mr. President, I ask unanimous consent that the order now in effect, that there be debate only until 3:30, be extended until 5 o'clock today.

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

Mr. BYRD. On the time of the distinguished Senator, let me be just a little bit loquacious in my response. I have served in this Senate for 44 years and in the Congress for 50 years. In my time in the Senate and in the House, the Senator from Maryland—I don't have to say this; I don't owe the distinguished Senator from Maryland the tribute I am about to say, except it is honest and he is entitled to it.

We often pass around our warm words of praise because we are Senators and this is a happy family here. I admire this son of ancient Greece. He is a son of Athens. He is American. He grew up in this country. His parents came to this country. He knows what being an immigrants means. He is a Rhodes scholar. I can't say that about ROBERT BYRD. But this man from Maryland is a Rhodes scholar. He is a true son of Athens, a son of the people whom Socrates, Sophocles, and Plato were a part. He is one of the most thoughtful Senators I have ever seen.

When I was majority leader and when I was minority leader—thank Heavens, thank Heavens that experience is in the background now; it is long past—but when I was the leader duly elected by my colleagues, I always had meetings in which I tried to get from the most brilliant, most thoughtful Senators on my side of the aisle, their thoughts, their opinion, their advice as to this or that issue, whatever issue might be before the Senate or about to come before the Senate. PAUL SARBANES was one who was always there. He was never out of the room. Not because he was the ''yes'' American. He wasn't, by any means. But I knew I would get the real stuff from PAUL SARBANES.

Here is a man who is head and shoulders above some Senators with whom I have served, and I have served with a great many Senators. This man is a true thinker. We have seen the picture of The Thinker. This is the thinker, PAUL SARBANES.

A little while ago he said something which brought to my mind the words of William Wordsworth who said: No matter how high you may be in your department, you are still responsible for the actions of the lowliest clerk in your department.

I forget now what the Senator said, but it brought that thought to mind. We are talking about 28 agencies. Who is going to be responsible for the lowliest clerk's actions in this conglomeration, the epitome of chaos that will occur?

I thank the distinguished Senator from Maryland. Please, if he has something further I will sit down at any moment. If he has anything further of me, I will be glad to respond.

(Mr. AKAKA assumed the Chair.)

Mr. SARBANES. First, Mr. President, I appreciate the generous and gracious remarks of the distinguished Senator from West Virginia. I must say that with all of my schooling he mentioned, I have learned more from him than at any other point along the way. I am extremely appreciative to him for that.

I did want to cite this quote that the Senator has used in the course of this debate, which is so appropriate to our situation, from the Roman poet and the adviser to Nero, Gaius Petronious Arbiter. It is another instant in which the Senator has enlightened this institution through his use of Roman history. The quote could not be more on point. It is written as though it were written for the current situation. It is as follows:

> We trained hard, but it seemed that every time we were beginning to form into teams, we would be reorganized.
>
> I was to learn later in life that we tend to meet any new situation by reorganizing, and the wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralization.

We could not have a more appropriate quote to the situation that we are confronting today.

If the Senator would indulge me for just a couple of minutes, I tie in with the demoralization, confusion, and inefficiency what this legislation is doing to loyal, dedicated, hard-working, committed Federal employees. I am very frank to say taking from our employees rights that they now have, which this legislation will do on the grounds of flexibility to enhance homeland security, will do just the contrary. It will deal a blow to homeland security. We are talking about dedicated employees who are serving our country. They have been involved in protecting homeland security. They are loyal and committed workers. We want them to go on providing our high level of service, yet this legislation does not protect longstanding rights to bargain collectively about issues of importance, nor does it retain important civil service protections which have been worked out over a very long period of time.

The Federal employees in this new Department, all of whom are already working to protect our national security, ought to have the same rights and protections they heretofore have had. Taking these rights away, cutting them down, will undercut the morale of these employees. We will get lesser performance, although I think these are very dedicated people. In contrast, if we protect our workforce, our workforce will protect us.

Let me turn it around the other way. Our federal employees have been protecting us. Why should we withdraw from them important employee protections? Many of these protections came into being in order to protect whistleblowers who are trying to do a better job, to eliminate cronyism or favoritism or unfair labor practices. Some say that membership in unions by employees in the Homeland Department will impede efforts to protect our national security. I find this difficult to understand. There are currently 200,000 union employees—employees who have a union affiliation—at the Department of Defense. Many of those employees have high-level security clearances. This never seemed to impair our national security during the cold war. Many of the first responders on September 11 were union members. Their membership in unions in no way hindered their remarkable displays of bravery. They were thinking only of their duty to their country.

Many agencies that already protect homeland security have union members amongst their ranks: The Border Patrol, the Customs Service, the Federal Emergency Management Agency, to name just a few. These employees are already doing their job well. Are they to be rewarded by stripping them of these union protections, of these civil service rights?

We have spent a long part of our history working out these employee rights, and they are important to the success of the Government and to the attraction and retention of the best possible Federal employees. We ought not to be diminishing these rights and protections, as this legislation does.

I think that stripping the employees of these protections will harm national security rather than help it. That is a subissue within the larger issue on which the Senator from West Virginia has been focusing, about the dislocation that is going to be created by this sweeping proposal, the one that brings us back, of course, to this wonderful quote from Gaius Petronius Arbiter.

I urge my colleagues to reexamine this closely. I know this issue has now

been politicized. No one is against homeland security. No one is against enhancing the security that our people feel, and protecting it. The question then becomes, what is the best way to do it?

We have had studies on this point. The Brookings Institute made a very careful evaluation. They said they thought some consolidation was in order, but they thought it should be limited, it should be done carefully, it should be done thoughtfully, it should be done with prudence. They pointed out, of course, that it is a huge managerial undertaking; that it becomes more daunting as the number of agencies to be included increases. And then last summer they said in their report:

> The danger is top managers will be preoccupied for months if not years with getting the reorganization right, thus giving insufficient attention to their real job, taking concrete action to counter the terrorist threat at home.

I think that is absolutely on point and it is a point which the able Senator from West Virginia has made repeatedly, of course, during this debate. It really tracks what Gaius Petronius Arbiter said, when he said:

> I was to learn later in life that we tend to meet any new situation by reorganizing, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralization.

Mr. BYRD. Hear, hear, hear.

Mr. SARBANES. And that is exactly what we are confronted with here.

Mr. President, I thank the Senator for yielding, and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his contribution today, and for his references to the ancient Roman, Gaius Petronius Arbiter, whom the Senator from Maryland more than once has quoted on this floor. I thank the Senator for his defense of the patriotic Federal employees who work day and night to protect us.

Mr. President, we will not have one whit more protection with the passage of this 484 pages, not one whit protection more than we have now. The same people who will protect us at the borders, at the ports, at the airports and throughout the land at the ports of entry, the same people who will protect us then are out there now. They are there day and night protecting us.

So I thank the distinguished Senator from Maryland.

Mr. President, continuing my statement, and I will not be overly long, probably the most egregious provision inserted is a White House-backed provision designed to head off dozens of potential lawsuits against Eli Lilly and Company and other pharmaceutical giants that are being sued by parents who have linked their children's autism to those companies' childhood vaccines. The language would keep the lawsuits out of State courts, ruling out huge judgments and lengthy litigation and, instead, channel complaints to a Federal program set up to provide liability protection for vaccine manufacturers. The program, funded through a surcharge on vaccines, compensates persons injured by such vaccines to a maximum of $250,000.

A number of Senators, including the very distinguished Senator from Michigan, Ms. STABENOW, strongly criticized these provisions yesterday. And yet at the same time, some Senators who have made these statements—not the Senator whose name I have expressed just now—but some Senators at the same time have pledged to vote in favor of this bill, regardless of whether these provisions are included or removed. How about that. We are acting as though this is a conference report that cannot be amended, as though its passage is a fait accompli. We still have the opportunity to amend this bill, except for the fact that our Republican friends on the other side of the aisle have said: This far and no further. We have got an amendment pending in the tree and that is all you will get. You will get a vote on that amendment—up or down on or in relation to it, I suppose, at the end of the 30 hours—but no more amendments. That is it. That is the only amendment.

Well, we will see about that.

We still have the opportunity to amend the bill, at least the basic bill, H.R. 5005, even postcloture. So this amendment introduced by Senator DASCHLE will strike language in this bill which the Senate has not previously considered, the language that would allow the Homeland Security Secretary to establish advisory committees within the Homeland Security Department and to exempt these committees from the Federal Advisory Committee Act.

When I saw that in the amendment that the leader was introducing on behalf of Mr. LIEBERMAN—I saw that in the amendment, and I immediately wanted my name attached because I have been complaining, I have been criticizing that, complaining about that language in the bill.

This statute which has been on the books, the Federal Advisory Committee Act, which has been on the books for 30 years, ensures that the ad hoc committees used to craft policy in the executive branch provide objective advice that is accessible to the public. These public disclosure rules allow Congress and the media and groups outside of Government to know how the executive branch is making important policy decisions.

Section 871 of this new substitute we have just been given, less than 60 hours ago, provides the Secretary of Homeland Security blanket authority to exempt all advisory committees in the Department from existing public disclosure rules. This provision was not included in Senator LIEBERMAN's substitute, but it has been slipped into this new bill, which was made available to us, as I say, less than 60 hours ago, with the hope that Senators will not have enough time to scrutinize this dramatic change to existing statute.

Many of the advisory committees in this new Homeland Security Department will be dealing with issues of national security that should not be subjected to public disclosure rules. But the Federal Advisory Committee Act already allows the President to exempt these public disclosure rules for advisory committee for national security reasons. This is authority that the President has used for 30 years, and authority he will be able to use for advisory committees in the Homeland Security Department.

But instead of relying on the President's current authority to exempt committees on a case-by-case basis, the new language in this bill allows the Secretary to exempt ANY advisory committee from public disclosure rules, regardless of whether national security is pertinent or not.

This new blanket authority is not necessary. As a matter of fact, we ought not have it. It shouldn't be that way because it interferes with the people's right to know, and it is a danger to our liberty. It is a danger to our constitutional system.

The provisions in this bill allow the Secretary to use ad hoc advisory committees to craft policy in secret, without making specific findings that such secrecy is necessary in any particular instance.

The press, I hope, will read this bill and understand this bill. I hope the press is fully aware of how this presents a danger and a threat to the media's efforts to probe, to ask questions, and to scrutinize and to protect the public's right to know.

This unnecessary new blanket authority will give the President carte blanche to respond and expand the culture of secrecy that now permeates this White House—this administration.

Let me say that again.

This unnecessary new blanket authority can be used to give the President carte blanche to expand the culture of secrecy that now permeates this White House—this administration.

The public disclosure exemptions in this bill are a license for abuse. They are a danger. They are un-American. They should not become law.

I hope that Senators, before they cast their vote on the passage of this bill, will think about this. I hope they will be prepared to answer the public—their constituents—in the next election, whatever election down the road awaits them. I hope they will be prepared. There are going to be stories in the press as time goes on, I would wager, about this particular authority that the Senate will extend with passage of this bill to this administration and to this new Department—to the Secretary of this new Department.

We see on the front page of the Washington Times today—I have already mentioned the Wall Street Journal, and I mentioned the Washington Post. Now I call attention to the front page of the Washington Times this morning. There is a headline which reads

''Homeland Bill a Supersnoop's Dream.''

There are many dreams to which we can allude—Jacob's dream—the dreams.

''Homeland Bill a Supersnoop's Dream.''

In yesterday's New York Times, William Safire warned that if this homeland security legislation is passed as it is currently written, the Federal Government may be planning to use its new intelligence authority to compile computerized dossiers on every American citizen, including ''every piece of information that government has about you . . . ''

—every piece of information that the Government has about you, each of you, about you, about you, about you—

. . . including ''every piece of information that government has about you—passport applications, driver's license, bridge toll records, judicial and divorce records, complaints from nosy neighbors to the FBI, your lifetime paper trail . . . ''

That is a long trail.

. . . ''your lifetime paper trail plus the latest hidden camera surveillance.''

No one knows about those hidden cameras and where they are.

They may be looking at you. Who knows. They may be in your office looking at you.

Do we need to add to all of this by providing even more authority for the Federal Government to hide decisions behind locked doors—decisions which affect the safety of every man, woman, and child in this Nation?

Exampting these committees from the Federal Advisory Committee Act also removes requirements that the advice of these committees be objective and that the membership of the committees represent balanced viewpoints on the issues. With this new authority, the Secretary will not have to make any effort whatsoever to ensure the integrity and objectivity of these committees.

The language in this bill—here it is—484 pages. It wasn't around a week ago today. Nobody saw one page a week ago today. This bill didn't exist a week ago today.

The language in this bill even exempts individual members of advisory committees from financial conflict-of-interest rules. We should not allow our homeland security policies to be crafted by corporate advisors with a financial interest in those policies. This bill should not become a vehicle for lining the pockets of corporate fat cats.

Section 232 of the new bill also exempts advisory committees within the Office of Science and Technology in the Justice Department. This means that this new office, which will serve as the focal point for developing law enforcement technology, may rely on advisory committees whose members have a personal stake in the policy recommendations adopted by the committees. I am worried that exempting this new Science and Technology Office will allow the administration to provide special treatment for corporate campaign contributions who are pushing new anti-terrorism technologies.

It worries me that issues as important as homeland security and the safety of the American people may be decided in secret by ad hoc committees that are exempt from traditional good government laws. Under this language, the Secretary will be able to exempt not only new advisory committees, but also existing committees that are transferred into the Department along with these 28 agencies and offices.

This amendment, which I have cosponsored, will strike this exemption authority from the bill.

This dangerous new authority should not be slipped under the cover of darkness, as it were, into legislation that Senators have had little time to study or amend. If the Secretary of the new Department of Homeland Security needs this blanket authority, let him come to Congress and make his case. Congress must not hand over blanket authority to this administration which would allow it to cloak decisions in secrecy.

Now, Senators, this is what we are about to vote on, this bill. Now, if the amendment fails, Senators should not then go ahead and vote for this bill. If this amendment to strike these provisions fails to be adopted, Senators have no right then to go home and say: Well, I voted for the amendment. I was for that, but it failed and I, therefore, went ahead and voted for this bill.

What a crappy bill. Don't hide behind your vote when you vote on this amendment or you vote in relation to it or whatever the vote is when it comes. Don't hide behind that. If that amendment fails, don't hide behind that and say: Well, I voted for the amendment, and so I tried to get it in there, but the Senate voted it down, so I went ahead and voted for the bill. Shame on you. And your constituents should say so: Shame on you. Now, you say you voted for the amendment, and that the Senate didn't adopt it. Your convictions were not very strong, so you went ahead and voted for the bill, then, after that amendment failed. Shame on you.

Mr. President, I don't know of any measure that has ever come before the Senate in connection with which I have spoken more passionately, with greater conviction, than I have in regard to this bill. I have no special ax to grind. No, I have no special ax to grind. I am on nobody's payroll except the people's.

I am concerned about this. I am more concerned about this bill than I believe any bill I have ever voted on or will ever have voted on. And I have cast more votes than any Senator in the history of this Republic.

I have no special ax to grind. You say: Well, he's 85. He won't be running again. Don't bet on it. Don't bet on it. That is a matter for the Good Lord to determine and the people of the State of West Virginia. So don't count me out. There are those who may say: Don't count me in. I believe there is a song to that effect: ''Don't Count Me In.'' But don't count me out.

That is my belief.

This dramatic reduction of transparency should not be clandestinely slipped into this eleventh-hour legislation, and the Senate should not allow such a dangerous provision to be rushed through this Chamber during the final minutes of this Congress.

So shame on you if you vote for this amendment, and then, if it fails, you turn around and vote for this 484-page bill. Don't use that as an excuse when you go back to your constituents.

Every Senator has the right to do what he thinks best, but, believe you me, your constituents, if you vote for this bill—if that amendment fails, and you still vote for this bill, I hope you won't try to hide behind your vote for the amendment that is before the Senate: Oh, I voted for that amendment, but the Senate rejected it, so I then felt that I had done my best, and I went ahead and voted for the bill. Shame on you.

This administration has worked hard to keep the Congress out of the loop. The President has sought to isolate himself from the American public and their Representatives in Congress. He has asked for the Congress to provide him with broad statutory powers to further block congressional involvement.

That is what this bill will do. Pass this bill, and you will say to the President: Well, I don't know what your plan is—you have not told us what your plan is—but we have approved it. Here it is. Here is the bill. So you have the next 12 months in which to determine your plan, and all you need to do—we hope you will tell us about it. The language here provides for the President ''informing'' the Congress about the plan.

Well, in some cases, Senators have supported the President on these issues, either to show unity with the leader of their party or because they fear political attacks if they do not. Less and less, it seems to me, do we think about these grants of power that will affect the constitutional checks and balances and separation of powers that protect the constitutional freedoms of our country.

I must say this, that the shelf life of appreciation one might expect from this administration, in having supported it—those of us, may I say, on this side of the aisle, in particular—the shelf life of appreciation from this administration for your efforts to curry favor with the administration, if that is what it is, is very short indeed.

We saw that in the case of the distinguished Senator from Georgia, Mr. CLELAND. We saw that in the case of the distinguished Senator from Missouri, Mrs. CARNAHAN. We have seen it in the cases of other Senators who supported the administration. They did

what they thought was right. But in any event, their votes were in support of the administration on various issues—the tax cut, the Iraq war resolution, whatever it might have been—and yet, the President, himself, went into those very States and campaigned against those Senators. So this administration's thanks don't go very far, may I say to Senators.

So the best thing to do, as always, is to do your best, vote your convictions, and stand by your people who send you here, and stand by the Constitution.

Henry Clay, as a Senator from Kentucky in 1833, in building the case for the censure of President Andrew Jackson, asked the Senate:

> How often have we, Senators, felt that the check of the Senate, instead of being, as the Constitution intended, a salutary control, was an idle ceremony . . . We have established a system, in which power has been most carefully separated and distributed between three separate and independent departments. We have been told a thousand times, and all experience assures us, that such a division is indispensable to the existence and preservation of freedom. . . .

This is Henry Clay talking:

> The president, it is true, presides over the whole . . . but has he power to come into Congress, and to say such laws only shall pass . . . to arrest their lawful progress, because they have dared to act contrary to his pleasure? No, sir; no, sir.

Well, Henry Clay was an opponent of the Presidential veto. He thought that was a despicable thing, the President's veto.

So he spoke, as I have just read. He spoke of the President and he said: It is true, he presides over the whole:

> . . . but has he power to come into Congress, and to say such laws only shall pass . . . to arrest their lawful progress, because they have dared to act contrary to his pleasure? No, sir; no, sir.

The Senate must not blindly follow in the name of party unity. I don't blindly follow in the name of the Democratic Party unity. I don't do that. I won't do that. That will not be my guiding star. In storm or in tempest or in fair weather, that will not be my guiding star.

The Senate must not blindly follow, in the name of party unity or under the yoke of political pressure, a short-sighted path that ultimately undermines our sworn duty to support and defend the Constitution.

I will vote against this homeland security bill because even the amendment that is before the Senate is not enough. I have some amendments that I would like to offer. If this amendment fails, I would like to offer my amendments. It is very questionable as to whether I will get to do that, very questionable as to whether or not those amendments will pass the Senate. I doubt that they will.

So I intend to vote against this homeland security bill. I will raise my voice as long as I have a voice, and I will raise my hand as long as I can raise that hand to attempt to derail this blatant power grab and giveaway of the people's liberties.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BARKLEY). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be able to reclaim 5 minutes of my time that I yielded to Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by Senator DASCHLE, Senator LIEBERMAN, and Senator BYRD to the pending legislation concerning homeland security.

I voted earlier against invoking cloture on this legislation because in part I disagreed with many of the amendments which were added at the last moment by the House to this bill. The amendment offered by Senator DASCHLE and Senator LIEBERMAN would correct many problems in this House bill, although not all. There is much about the underlying bill which still needs to be corrected. I laid out earlier my concerns. Today however, I want to address the House's legislative ''add-ons'' that should be stripped from this bill. I think it is clear what the house has done in the midnight hour of this Congress.

The House leadership has taken a moving train—legislation for a Department of Homeland Security—and attached gilded carriages for their special friends to travel on this legislative express.

What has been added does not enhance the security of the American people. It enriches a select few companies and special individuals, and very special people. One provision is clearly meant to earmark a new university-based homeland security research center program for Texas A&M University, avoiding an open and competitive award process. All of us have universities, distinguished centers of higher learning in our states, all of which would welcome the opportunity to make their case for this funding. but under this bill, they will not get that chance. However, if the Daschle amendment passes, other colleges and universities would be permitted to demonstrate their competence to be a center for homeland security research, including Texas A&M.

Another provision in this legislation would limit liability to companies producing homeland security technologies. The main intent of this provision is to eliminate the ability of Americans to obtain compensation should they be harmed by any of these technologies. The provision is open-ended. It does not define how anti-terrorism technologies will be identified. Under the liability provision sections, the Secretary has the discretion to designate which technologies will benefit from this additional protection from liability. This section is not about stimulating the development of new technologies to protect us. It is about finding new ways to protect companies from legal liability. Indeed one section of this bill is labeled ''Litigation Management.'' That says it all.

The subparagraphs, almost too small to be noticed, undermine the Federal Advisory Committee Act, or FACA, and the public's right to know the make-up, meeting schedules, and findings of federal commissions, committees, councils, and task forces. These groups are chartered by the President, Congress, and agency heads to give independent advice and recommendations on substantial policy issues and technological problems.

Congress enacted FACA in 1972 to address concerns of committees being redundant, having inadequate oversight, using secretive operations, and not representing public interest. FACA requires that the advice provided by such committees be objective and responsive to public concerns. Committee meetings are required to be open and properly noticed, with specific exceptions. The House bill would give the Secretary of Homeland Security a blanket exemption from FACA requirements once the Secretary notices the creation of a committee and its intent. One wonders why the House Leadership wants to overturn sunshine rules. What do they want to hide?

This is a very serious matter. What sort of oversight will these committees have? Who will serve on them? Will all interests be represented? How will we confirm that the public interests have been met? To allow the Secretary of Homeland Security to set up advisory committees that are free from the balanced regulations of FACA is to retreat back to a time when special interests groups ran roughshod over the public's interest and recommended one sided-views without appropriate oversight.

The original Lieberman substitute, and the original Gramm-Miller amendment, were based upon provisions that were debated and discussed within the Governmental Affairs Committee through hearings and business meetings. The bill before us today has several provisions that have not had that treatment and will directly benefit the airline and rail companies and other special interests.

The Governmental Affairs Committee spent weeks and months studying, debating, and drafting legislation on homeland security. In contrast, this bill was not written in committee and some parts of the bill before us today have had only special interest input. That is not the best way to ensure public safety and national security.

I yield my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 4628, the intelligence authorization; that the conference report be considered and agreed to; the motion to reconsider be laid on the table; and that any statements relating to the conference report be printed in the RECORD, without intervening action or debate.

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

The conference report was agreed to.

(The conference report is printed in the House proceedings of the RECORD of November 14, 2002.)

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 6:12 p.m., recessed subject to the call of the Chair and reassembled at 8:11 p.m., when called to order by the Presiding Officer (Mr. BARKLEY).

ORDER OF BUSINESS

Mr. REID. Mr. President, I appreciate very much, first of all, the patience of the Presiding Officer. We are sorry that in your first few hours in the Senate you have had to spend so much time here when we have not been doing a lot, but it is necessary that you are here, and we appreciate very much your patience, as I have indicated.

Mr. President, it is my understanding that we are not in morning business. Is that right?

The PRESIDING OFFICER. That is correct.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TRIBUTE TO SENATOR JEAN CARNAHAN

Mr. CONRAD. Mr. President, I rise today to pay tribute to my distinguished colleague from Missouri, Senator JEAN CARNAHAN. After losing her husband and eldest son in a tragic plane accident, Missouri called upon Mrs. CARNAHAN to fill the remainder of her husband's Term. Senator CARNAHAN answered the call of duty and did it with a fair, courageous hand.

Senator CARNAHAN was Missouri's first member of the Armed Services Committee in over 25 years. She also served on the Small Business Committee, the Governmental Affairs Committee, the Commerce Committee, and the Special Committee on Aging.

Senator CARNAHAN made a strong economy her top priority. Her ability to secure defense projects for Missouri and safeguard funding for family farmers hurt by flooding and drought clearly shows Senator CARNAHAN's desire to bolster Missouri's economy, provide good jobs for Missouri workers, and support our Nation's effort in the war against terrorism.

Senator CARNAHAN also knew that a highly skilled workforce required equal educational opportunities. Her Quality Classrooms Amendment allowed local schools greater flexibility in deciding how to utilize Federal dollars. She also worked to secure over $1.3 million for programs boosting postsecondary education assistance to low-income students. These initiatives illustrate Senator CARNAHAN's deep commitment to a better education and a brighter future for all Missouri students.

Filling the seat of her late husband, Senator CARNAHAN led with dignity and courage as Missouri's first female Senator. She took office at a time of personal loss and hardship, yet prevailed and proved to be a strong leader for Missouri. I would like to join my colleagues in wishing Senator CARNAHAN and her family the very best in the future.

TRIBUTE TO SENATOR PHIL GRAMM

Mr. BUNNING. Mr. President, I rise today to pay tribute to my good friend and colleague, Senator PHIL GRAMM.

Without Senator GRAMM, none of us would ever know who Dicky Flatt is. We would not know nearly as much as we know about Texas A&M as we do. And we would probably still be trying to repeal Glass-Steagall.

I met Senator GRAMM on a number of occasions when I was a Member of the House of Representatives, but I did not really get to know him until I joined that Banking Committee in January 1999, when he was the chairman.

Senator GRAMM's first order of business was to finally pass a repeal of the Glass-Steagall banking law. I had worked on this same repeal during my first term in the House, 12 years earlier, and I know many others had been working on this effort for much longer than that. But it was Senator GRAMM's dogged determination that finally pushed the ball over the goal line and brought our banking laws into the 21st Century.

I won't bore everyone by going into a long list of Senator GRAMM's other legislative accomplishments; they are too numerous to mention, but I would put him right up there with a small group of other senators who have had the greatest impact on the Senate in the past century.

Outside of our working relationship, I have also gotten to know Senator GRAMM, and his lovely life Wendy, very well over as friends.

I would also like to tell a little story about how Senator GRAMM's unselfishness greatly assisted me when I was in a tight spot. Everyone in this body remembers the anthrax attacks of last year. As a resident of the Hart Building, I was one of those who was forced to find other space when the Hart building was closed. The Architect of the Capitol, the Senate Superintendent and the Rules Committee did a great job, under very trying circumstances, of finding space for everyone. But there were about fifty offices that were relocated so space was tight. My staff and I were sitting on top of each other down in EF–100 underneath the back steps of the Capitol.

We were glad to have the space. But it wasn't much more than a glorified broom closet.

Well, Senator GRAMM heard about my predicament and very graciously let me use his Capitol hideaway office until the Hart building was reopened. He only asked that I did not ''trash the place and leave empty whiskey bottles on the floor.'' I can assure the Members of the Senate and the people of the Commonwealth of Kentucky that I followed his instructions.

I am also fairly confident that as much as I appreciated the kind gesture, my staff appreciated the fact I had somewhere else to go even more. It is not just Members who will miss Senator GRAMM, but staff as well.

We will miss his leadership, but I think we will miss his courage even more. Senator GRAMM is wiling to take unpopular stands. He is willing to lose a vote 99–1. He is willing to keep the Senate in all night to fight for what he believes in, no matter how unpopular that stand may be.

One example that stands out clearly in my mind was at the beginning of the debate on the Clinton health care bill. Many don't remember now, but when we first started working on that issue in Congress, President Clinton had a lot of momentum and it looked like only a foregone conclusion that he would get some sort of bill passed. Those of us who didn't the President's proposal really felt like we were swimming upstream.

Then PHILL GRAMM took the Senate floor, and laid out a withering assessment of the bill and why it would do so much harm to the country if passed. He wrapped up his remarks by saying that ''the Clinton health bill would pass the Senate over my cold, dead political body.'' That served as a rallying cry for the rest of the Congress and signaled a real turning point in the debate. But, at the time, it wasn't popular and most people on Capitol Hill thought it wasn't very smart. But it was right. That's PHIL GRAMM for you.

I have heard him say on more than one occasion. ''I've never taken a hostage I wasn't willing to shoot.'' Everyone knows Senator PHIL GRAMM will kill a bill if he thinks it's bad for America or if fellow Texans are being treated unfairly. And he has shot some legislative hostages.

But more often than not, he was able, through negotiation, to work out a better product.

I think the Senate will miss his homespun eloquence. I don't think there is anyone better at simplifying a complicated bill for his colleagues and the American people. Whether he uses the ''Dicky Flatt test'' or the wisdom his mama passed down to him, Senator GRAMM has the unique ability to make the complicated simple. On this side of the aisle, that eloquence will be missed, he always did a great job of articulating our position.

Mr. President, Senator GRAMM will be missed not just by me, but this entire body, the people of Texans and all Americans. I will miss him as a Senator and a friend.

TRIBUTE TO SENATOR FRED THOMPSON

Mr. BUNNING. Mr. President, I rise today to pay tribute to my good friend and colleague, Senator FRED THOMPSON.

Since his arrival in the Senate in 1994, Senator THOMPSON has been one of the most respected Members on both sides of the aisle. His constituents clearly have great admiration and respect for him. In 1996, Senator THOMPSON received more votes than any other candidate in the history of Tennessee and won his reelection by more than twenty points!

Throughout his tenure in the Senate, Senator THOMPSON has been a tremendous supporter of conservative ideals and principles. As a member of the Senate Finance Committee, he has fought to reduce taxes for his fellow Tennesseans and all Americans, and helped to stabilize Medicare and Social Security for future generations.

As a member of the Senate Government Affairs Committee, I have had the privilege of working with Senator THOMPSON on various projects when he served as chairman, and later as the ranking Republican member. The Senator should be congratulated for his hard work on the President's priority to create the Homeland Security Department.

In a recent interview, Senator THOMPSON said he has ''always looked at public service as more an interruption to a career than a career itself.'' It is now time for Senator THOMPSON to begin his new career as the District Attorney on the hit television show ''Law and Order.'' I wish my good friend Senator THOMPSON well in his new job, and I leave him with this little piece of advice: don't let Hollywood turn you into a liberal!

Senator THOMPSON will be missed not just by me, but this entire body, the people of Tennessee and all Americans. I will miss him as a Senator, but look forward to watching my friend on Wednesday nights as he begins his new career on ''Law and Order.''

TRIBUTE TO SENATOR TIM HUTCHINSON

Mr. BUNNING. Mr. President, it is with great pride that I rise today to pay tribute to Senator TIM HUTCHINSON of Arkansas

Since 1985, when he first began his career in public service as a member of the Arkansas State House of Representatives, TIM HUTCHINSON has fought for the people of Arkansas and the citizens of the United States of America. Throughout his 12 years in public office at the State and Federal level, TIM has worked hard to push his conservative agenda and ideals. He has been a strong proponent of a balanced budget, tax relief and reform of our Nation's education system.

As a Member of the House of Representatives from 1992 to 1998, TIM authored the much needed $500-per-child tax credit, which allows parents to place as much as $2,000 per year, per child, in a designated savings account. He was also one of the main actors in the pursuit to reform this nation's struggling and inefficient welfare system. Besides his many accomplishments in the areas of tax relief, education and welfare reform, TIM has been a major advocate of issues affecting our nation's veterans. He has worked tirelessly over the years to open additional outpatient clinics for veterans across Arkansas.

As a Member of the U.S. Senate, TIM HUTCHINSON served on the Armed Service Committee, Health, Education, Labor and Pensions Committee, Agriculture Committee, Veterans Affairs Committee and the Special Committee on Aging. As a member of the Education Working Group, Senator HUTCHINSON led the charge to pass the ''Education Savings Accounts'' Legislation. I am also very proud to have worked with Senator HUTCHINSON on trying to pass legislation which bans human cloning.

I have had the honor of serving with TIM HUTCHINSON in both the House and Senate. I have served with him on the Senate Armed Service Committee and know first hand how hard this individual has worked to make this Nation a safer and better place for all to live. With his background as a teacher and businessman, TIM was able to bring both expertise and leadership to the Republican party. We need more public servants like TIM HUTCHINSON who champion empowerment over dependency. It was a pleasure and honor to serve with him in this body.

THE PROTECT ACT

Mr. LEAHY. Mr. President, last night the Senate passed, by unanimous consent, the Hatch-Leahy PROTECT Act providing important new tools to fight child pornography. I want to take a moment to speak about the passage of this important bill and the effort that it took to get to this point. Although they have recessed subject to the recall of the Speaker of the House, I also want to implore the Republican leadership in the House of Representatives not to miss this important opportunity to pass such important bipartisan legislation as this.

In April, I came to the Senate floor and joined Senator HATCH in introducing S. 2520, the PROTECT Act, after the Supreme Court's decision in Ashcroft v. Free Speech Coalition (''Free Speech''). Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed—and still believe—that unlike the Administration proposal, it was a good faith effort to work within the First Amendment.

Everyone in the Senate agrees that we should do all we can to protect our children from being victimized by child pornography. That would be an easy debate and vote. The more difficult thing is to write a law that will both do that and will stick. In 1996, when we passed the Child Pornography Prevention Act, ''CPPA'', many warned us that certain provisions of that Act violated the First Amendment. The Supreme Court's recent decision in Free Speech has proven them correct.

We should not sit by and do nothing. It is important that we respond to the Supreme Court decision. It is just as important, however, that we avoid repeating our past mistakes. Unlike the 1996 CPPA, this time we should respond with a law that passes constitutional muster. Our children deserve more than a press conference on this issue. They deserve a law that will last.

It is important that we do all we can to end the victimization of real children by child pornographers, but it is also important that we pass a law that will withstand First Amendment scrutiny. We need a law with real teeth, not one with false teeth.

After joining Senator HATCH in introducing the PROTECT Act, I convened a Judiciary Committee hearing on the legislation. We heard from the Administration, from the National Center for Missing and Exploited Children, NCMEC, and from experts who came and told us that our bill, as introduced, would pass constitutional muster, but the House-passed bill would not.

I then placed S. 2520 on the Judiciary Committee's calendar for the October 8, 2002, business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Senator HATCH circulated a Hatch-Leahy proposed Judiciary Committee substitute that improved the bill before our October 8 business meeting. Unfortunately the Judiciary Committee was unable to consider it because of procedural maneuvering by my colleagues that had nothing to do with this important legislation, including the refusal of Committee members on the other side of the aisle to consider any pending legislation on the Committee's agenda.

I still wanted to get this bill done. That is why, for a full week in October, I worked to clear and have the full Senate pass a substitute to S. 2520 that tracked the Hatch-Leahy proposed committee substitute in nearly every area. Indeed, the substitute I offered even adopted parts of the House bill which would help the NCMEC work with local and state law enforcement on these cases. Twice, I spoke on the Senate floor imploring that we approve such legislation. As I stated then, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure—so similar to the joint Hatch-Leahy substitute—so that we could swiftly enact a law that would pass constitutional muster. Unfortunately, instead of working to clear that bipartisan, constitutional measure, colleagues on the other side of the aisle opted to use this issue to play politics before the election.

They redrafted the bill, changed crucial definitions, and offered a new version. Facing the recess before the mid-term elections, we were stymied again.

Even after the election, however, during our lame duck session, I have continued to work with Senator HATCH to pass this legislation through the Senate. As I had stated I would do prior to the election, I called a meeting of the Judiciary Committee yesterday. In the last meeting of the Judiciary Committee under my Chairmanship in the 107th Congress, I placed S. 2520, the Hatch-Leahy PROTECT Act, on the agenda again. At that meeting the Judiciary Committee approved this legislation, as amended. We agreed on a substitute and to improvements in the victim shield provision that I authored. Although I did not agree with two of Senator HATCH's amendments because I thought that they risked having the bill declared unconstitutional, I nevertheless both called for the Committee to approve the bill and voted for the bill in its amended form.

I then sought, that same day, to gain the unanimous consent of the full Senate to pass S. 2520 as reported by the Judiciary Committee, and I worked with Senator HATCH to clear the bill on both sides of the aisle. I am please that late last night that the Senate passed S. 2520 by unanimous consent. I want to thank Senator HATCH for his help clearing the bill for passage last night.

I am glad to have been able to work hand in hand with Senator HATCH on S. 2520, the PROTECT Act, a bill that gives prosecutors and investigators the tools they need to combat child pornography. The Hatch-Leahy PROTECT Act strives to be a serious response to a serious problem.

The provisions of the Hatch-Leahy bill, S. 2520, as we introduced it are bipartisan and good faith efforts to protect both our children and to honor the Constitution. At our hearing last month, Constitutional and criminal law scholars—one of whom was the same person who warned us last time that the CPPA would be struck down—stated that the PROTECT Act could withstand Constitutional scrutiny, although there were parts that were very close to the line.

Unfortunately these experts could not say the same about the administration's bill, which seems to challenge the Supreme Court's decision, rather than accommodate the restraints spelled out by the Supreme Court. I have also received letters from other Constitutional scholars and practitioners expressing the same conclusion, which I will place in the RECORD with unanimous consent. The Administration's proposal and House bill simply ignore the Supreme Court's decision and reflect an ideological response instead of a carefully drawn bill that will stand up to scrutiny.

The PROTECT Act is a good faith effort, but it is not perfect and I would have liked to have seen some additional changes to the bill. Unfortunately, I could not obtain agreement to make the following modifications:

First, regarding the tip line, I would have liked to clarify that law enforcement agents cannot ''tickle the tip line'' to avoid the key protections of the Electronic Communications Privacy Act.

Second, regarding the affirmative defense, I would have liked to ensure that there is an affirmative defense for the new category of child pornography and for all cases where a defendant can prove in court that a specific, non-obscene image was made using not any child but only actual, identifiable adults.

Nevertheless, we were able to reach agreement in Committee on modifying the bill with my amendment to the victims' shield law by giving federal judges and prosecutors the discretion to override the new victim shield law when there is good cause, such as cases where the shield law is actually used as a sword by the defendant to help assert a defense.

As a general matter, I would have thought it far simpler to take the approach of outlawing ''obscene'' child pornography of all types, which we do in one new provision that I suggested. That approach would produce a law beyond any possible challenge. This approach is also supported by the National Center for Missing and Exploited Children, which we all respect as the true expert in this field.

Following is an excerpt from the Center's answer to written questions submitted after our hearing, which I will place in the RECORD in its entirety:

> Our view is that the vast majority (99–100%) of all child pornography would be found to be obscene by most judges and juries, even under a standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene. . . .
>
> In the post Free Speech decision legal climate the prosecution of child pornography under an obscenity approach is a reasonable strategy and sound policy.

Thus, according to the National Center for Missing and Exploited Children, the approach that is least likely to raise constitutional questions—using established obscenity law—is also an effective one.

Because that is not the approach we decided to use, I recognize that S. 2520 contains provisions about which some may have legitimate Constitutional questions. These provisions include:

A new ''pandering'' provision with a very wide scope;

a new definition of 'obscenity' that contains some, but not all, of the elements of the Supreme Court's test;

a new affirmative defense for pornography made not using any minors that does not apply to one new category of child pornography.

These provisions raise legitimate concerns, but in the interest of making progress I am pleased, as Chairman of the Judiciary Committee, to have tried to balance all the competing interests to produce a bill with the best chance of withstanding a constitutional challenge.

That is not everyone's view. Others evidently think it is more important to make an ideological statement than to write a law. A media report just this week on this legislation noted the wide consensus that S. 2520 is more likely than the House bill to withstand scrutiny, but quoted a Republican House member as stating: ''Even if it comes back to Congress three times we will have created better legislation.''

To me, that makes no sense. Why not create the ''better legislation'' right now for today's children, instead of inviting more years of litigation and putting at risk any convictions obtained in the interim period before the Supreme Court again reviews the constitutionality of Congress' effort to address this serious problem? That is what S. 2520 seeks to accomplish as drafted.

I want to commend Senator HATCH for working with me to include many other important provisions in the Hatch-Leahy bill that we developed together and are not as controversial. These include:

A tough new private right of action for victims of child pornography with punitive damages;

a victims' shield law to keep child victim's identity out of court and prevent them from suffering a second time in the criminal process;

a new notice provision designed to stop ''surprise defenses;''

sentencing enhancements for recidivists and a directive to correct the disparity in the current sentencing guidelines that provides a lighter sentence for offenders who cross state lines to actually molest a child than for offenders who possess child pornography that has crossed State lines.

These provisions are important, practical tools to put child pornographers out of business for good and in jail where they belong.

I support S. 2520 as a good faith effort to protect our children and honor the Constitution, and the Committee substitute, which improved upon the original bill.

There were two amendments adopted in Committee to which I objected. I felt that they needlessly risked a serious constitutional challenge to a bill that already provided prosecutors the tools they needed to do their jobs. Let me discuss my opposition to two amendments offered by my good friend Senator HATCH that were adopted by voice vote by the Judiciary Committee.

Although I worked with Senator HATCH to write the new pandering provision in S. 2520, I do not support Senator HATCH's amendment, which criminalizes speech even when there is no underlying material at all—whether obscene or non-obscene, virtual or real, child or adult.

The pandering provision is an important tool for prosecutors to punish true child pornographers who for some technical reason are beyond the reach of the normal child porn distribution or production statutes. It is not meant to federally criminalize talking dirty over the internet or the telephone when the person never possesses any material at all. That is speech, and that goes too far.

The current pandering provision in S. 2520 is quite broad, and some have argued that it presents constitutional problems as written, but I thought that prosecutors needed a strong tool, so I supported Senator HATCH on the current provision.

I was heartened that Professor Schauer of Harvard, a noted First Amendment expert, testified at our hearing that he thought that the provision was Constitutional, barely.

Unfortunately, Professor Schauer has since written to me stating that this new amendment ''would push well over the constitutional edge a provision that is now up against the edge, but probably barely on the constitutional side of it.'' I will place that letter and other materials in the RECORD with unanimous consent of the Senate.

Because this amendment endangers the entire pandering provision, because it is unwise, and because that section is already strong enough to prosecute those who peddle child pornography, I oppose this amendment. Nevertheless, in light of the broader support for this amendment on the Committee, it was adopted over my objection.

Senator HATCH and I agree that legislation in this area is important. But regardless of our personal views, any law must be within constitutional limits or it does no good at all. Even though it is close to the line, I support S. 2520 as Senator HATCH and I introduced it in the Senate. Senator HATCH's amendment which would include all ''virtual child pornography'' in the definition of child pornography, in my view, crosses the constitutional line, however, and needlessly risks protracted litigation that could assist child pornographers in escaping punishment.

Although I joined Senator HATCH in introducing S. 2520, even when it was introduced I expressed concern over certain provisions. One such provision was the new definition of ''identifiable minor.'' When the bill was introduced, I noted that this provision might ''both confuse the statute unnecessarily and endanger the already upheld 'morphing' section of the CPPA.'' I said I was concerned that it ''could present both overbreadth and vagueness problems in a later constitutional challenge.''

The Supreme Court made it clear that we can only outlaw child pornography in two situations: No. 1, it is obscene, or No. 2, it involves real kids. That is the law as stated by the Supreme Court, whether or not we agree with it.

The ''identifiable minor'' provision in S. 2520 may be used without any link to obscenity doctrine. Therefore, what saves it is that it applies to child porn made with real ''persons.'' The provision is designed to cover all sorts of images of real kids that are morphed or altered, but not something entirely made by computer, with no child involved. That is the provision as Senator HATCH and I introduced this bill.

The Hatch amendment adopted in Committee that redefined ''identifiable minor'' by creating a new category of pornography for any ''computer generated image that is virtually indistinguishable from an actual minor'' dislodged, in my view, that sole constitutional anchor. The new provision could be read to include images that never involved real children at all but were 100 percent computer generated.

That was never the goal of this provision and that was the reason it was constitutional. There are other provisions in the bill that deal with obscene virtual child pornography that I support. This provision was intended to ease the prosecutor's burden in cases where images of real children were cleverly altered to avoid prosecution.

I support the definition of 'identifiable minor' as we originally wrote and introduced it. Because Senator HATCH's amendment seriously weakened the constitutional argument supporting this entire provision, I opposed it. Nevertheless, given the broader support for this amendment on the Judiciary Committee it was been adopted, over my objection and I still sought passage of the bill, which we achieved last night.

Even though S. 2520 is not perfect, I was glad that I was able to work with Senator HATCH to secure its approval last night. I had hoped that the House of Representatives would adopt the bill before they recessed for the end of the year. That way, we could have sent a bill to the President for his signature right now. Instead, the House of Representatives' Republican leadership decided to adjourn without either taking up the Hatch-Leahy bill or working with us to resolve any differences. I hope that the House leadership will reconsider this decision and consider this measure, rather than start all over again in the next Congress. It is certainly unfortunate that the House Republican leadership would rather adjourn for a recess than take the opportunity to pass a bipartisan bill which passed the Senate unanimously.

As I have explained, I believe that this issue is so important that I have been willing to compromise and to support a measure even though I do not agree with each and every provision that it contains. That is how legislation is normally passed. Again, however, I fear that some in the Administration and the House have decided to play politics with this issue that is so important to our nation's children. I urge them to reconsider their ''take it or leave it approach'' and consider the Hatch-Leahy PROTECT Act—or at least come back to discuss our differences.

I ask unanimous consent that the letters and materials to which I referred be printed in the RECORD.

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

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW,
Charlottesville, VA.

Senator PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: On October 2, 2002, I testified before the Senate Judiciary Committee concerning S. 2520 and H.R. 4623. Each of these bills was drafted in response to Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389 (2002), in which the Supreme Court threw out key provisions of the federal child pornography laws. As I stated in my testimony, the new sections contained in S. 2520 have been carefully tailored with an eye towards satisfying the precise concerns identified by the Supreme Court. Recently, Senator Hatch offered an amendment in the nature of a substitute to S. 2520 (hereinafter ''the Hatch Substitute''). I have examined the Hatch Substitute, and I believe that it contains a definition of child pornography that is nearly identical to the definition rejected by Free Speech Coalition. Therefore, the Hatch substitute is unlikely to survive constitutional challenge in the federal courts, and the Committee should decline to adopt it.

As you know, each of these bills contains some complicated provisions, including especially their definition sections. As you also

know, this complexity is unavoidable, for the Congress aims to intervene in and eliminate some of the complex law enforcement problems created by the phenomenon of virtual pornography. In the following comments, I will try to state my concerns about the Hatch Substitute as concisely as possible, while identifying the statutory nuances that are likely to generate significant constitutional questions in the event that the Hatch Substitute is enacted.

In Free Speech Coalition, the Supreme Court scrutinized provisions of the Child Pornography Prevention Act of 1996 (''CPPA'') that were designed to eliminate obstacles to law enforcement created by virtual child pornography. The proliferation of virtual pornography has enabled child pornographers to escape conviction by arguing that it is so difficult to distinguish the virtual child from the real one that (1) the government cannot carry its burden of proving that the pornography was made using real children and/or (2) the government cannot carry its burden of providing scineter because the defendants believed that the images in their possession depicted virtual children, rather than real ones. In order to foreclose these arguments, the CPPA defined ''child pornography'' broadly so that it extended not only to a sexually-explicit image that had been produce using a real minor, but also to an image that ''appears to be of a minor'' engaging in sexually-explicit conduct. Free Speech Coalition rejected this definition of First Amendment grounds. The Court reaffirmed the holding of New York v. Ferber, 458 U.S. 747 (1982), under which the government is free to regulate sexually-explicit materials produced using real minors without regard to the value of those materials. However, the Court refused to extend the Ferber analysis to sexually-explicit materials that only appear to depict minors. The court noticed that many mainstream movies, as well as works of great artistic, literary, and scientific significance, explore the sexuality of adolescents and children. Such works, including ones that are sexually explicit, are valuable in the eyes of the community, and, as long as their production involves no real children, such works are protected by the First Amendment against governmental regulation.

In Free Speech Coalition, the Supreme court expressly considered and rejected a number of arguments made by the Solicitor General on behalf of the CPPA definition. One of these arguments was that the ''speech prohibited by the CPPA is virtually indistinguishable from child pornography, which may be banned without regard to whether it depicts works of value.'' In his opinion for the Court, Justice Kennedy explained that this argument fundamentally misconceived the nature of the First Amendment inquiry. Materials that satisfy the Ferber definition are regulable not because they are necessarily without value; to the contrary, Ferber itself recognized that some child pornography might have significant value. Indeed, the Court there reasoned that the ban on the use of actual children was permissible in part because virtual images—by definition, images ''virtually indistinguishable'' from child pornography—were an available and lawful alternative. Hence, as Justice Kennedy put it: ''Ferber, then, not only referred to the distinction between actual and virtual child pornography, it relied on [the distinction] as a reason supporting its holding. Ferber provides no support for a statute that eliminate the distinction and makes the alternative mode criminal as well.''

S. 2520 aims to reform the CPPA in ways that are sensitive to these First Amendment value judgments. By contrast, the Hatch Substitute proposes that the Congress should reenact a definition that is almost identical to the one that the Supreme Court just rejected. In the Hatch Substitute, the definition of child pornography would cover, among other things, sexually-explicit materials whose production involved the use of an ''identifiable minor.'' The Hatch Substitute defines ''identifiable minor'' as including a ''computer or computer generated image that is virtually indistinguishable from an actual minor.'' As I explained above, the Solicitor General suggested in Free Speech Coalition that the First Amendment would be satisfied if the Supreme Court limited the CPPA to depictions that are ''virtually indistinguishable'' from child pornography, and the Court rejected that interpretation. To put it mildly, it is hard to imagine that the Supreme Court would be inclined to view the Hatch Substitute as a good faith legislative responses to Free Speech Coalition when all it does is reenact a definition that the Court there expressly considered and disapproved. You will notice that I here am paraphrasing the definition provisions in the Hatch Substitute and omitting some of their complexity. In particular, the Hatch Substitute provides a further definition of the phrase ''virtually indistinguishable,'' requiring that the quality of the depiction be determined from the viewpoint of an ''ordinary person'' and providing an exception for ''drawings, cartoons, sculptures, or paintings.'' But neither the definition of ''identifiable minor'' nor these refinements of ''virtually indistinguishable'' are calculated to satisfy the concerns raised in Free Speech Coalition. As Justice Kennedy explained for the Court, an absolute ban on pornography made with real children is compatible with First Amendment rights precisely because computer-generated images are an available alternative, and, yet, the Hatch Substitute proposed to forbid the computer-generated alternative as well. Likewise, an exception for cartoons and so forth is insensitive to the Supreme Court's commitment to protect realistic portrayals of child sexuality, a commitment that is clearly expressed in the Court's recognition of the value of (among other things) mainstream movies such as Traffic and American Beauty.

In this regard, you will notice that the Hatch Substitute closely resembles some of the defective provisions of H.R. 4623, which would prohibit virtual child porn that is ''indistinguishable'' from porn produced with real minors. Unlike S. 2520, both H.R. 4623 and the Hatch Substitute seem to embody a decision merely to endorse the unconstitutional portions of the CPPA all over again. The Committee should refuse to engage in such a futile and disrespectful exercise. The law enforcement problems posed by virtual pornography are not symbolic but real, and the Congress should make a real effort to solve them. In my judgment, S. 2520 is a real effort to solve them, and the Committee should use S. 2520 as the basis for correcting the CPPA.

The Hatch Substitute contains additional innovations that the Committee should study carefully. Because this letter already is too long, I will allude to only one of them here. The ''pandering'' provision set forth in the Hatch Substitute contains some language that strikes me as being both vague and unnecessarily broad, and the provision therefore is likely to attract unfavorable attention in the federal courts. The Hatch pandering provision would punish anyone who ''advertises, promotes, presents, distributes, or solicits . . . any material or purported material in a manner that conveys the impression that the material or purported material'' is child pornography. To be completely candid, I am not sure that I understand what problems would be solved by defining the items that may not be pandered so that they include not only actual ''material,'' but also ''purported material.'' I suppose that there might be cases where a person offers to sell pornographic materials that do not actually exist and that the person might make the offer in a manner that violates the pandering prohibition. If that is the problem that the drafters of the Hatch Substitute have in mind, it seems that they might solve that problem more cleanly by adding the word ''offers'' to the list of forbidden conduct and deleting the references to ''purported material.'' (In other words, the provision would punish anyone who ''advertises, offers, promotes, presents, distributes, or solicits through the mails . . . any material in a manner that conveys the impression that the material'' is child pornography.) If that is not the problem that the Hatch Substitute has in mind, I would suggest that the drafters identify the problem precisely and develop language that is clearer and narrower than the phrase ''purported material,'' for that ambiguous term is likely to generate First Amendment concerns that otherwise could and should be avoided.

Respectfully yours,

ANNE M. COUGHLIN,
Class of 1948 Research Professor of Law.

THE COMMUNITARIAN NETWORK,
Washington, DC, October 11, 2002.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: I want to thank you for your efforts to protect American children by filling the gap left by the Supreme Court's decision to strike down the Child Pornography Prevention Act. Ashcroft v. Free Speech Coalition dealt a blow to those who appreciate the important role the federal government must play in protecting young people from those who would exploit them. Your efforts to craft a bill, the PROTECT Act, that will withstand Constitutional scrutiny deserves the public's applause.

I would like to draw your attention to a similar, but separate, matter that also reflects on the health and security of our children in regards to pornography. Like the Child Pornography Prevention Act, the Child Internet Protection Act (CIPA), which was passed by the 106th Congress, has been struck down by the federal judiciary. In American Library Association, et al. v. United States of America, et al, a District Court in Pennsylvania threw CIPA out, arguing that its efforts to prevent children from exposure to harmful material on school and library computers amounted to a violation of the First Amendment. The Justice Department has appealed that case to the Supreme Court, where the lower court's decision will very likely be upheld. Unfortunately, as Harvard Law School professor Frederick Schauer testified at the hearing you recently held on CPPA, ''constitutionally suspect legislation under existing Supreme Court interpretation of the First Amendment, whatever we may think of the wisdom and accuracy of those interpretations, puts the process of [prosecution] . . . on hold while the . . . courts proceed at their own slow pace.''

I think we ought not wait for what will likely be a disappointing conclusion. Rather, I hope you will lead an effort to craft new legislation which (1) passes Constitutional muster, and (2) better enables schools and libraries to protect children from harmful images and websites. Let me take a moment to delimit how exactly a new, improved Children's Internet Protection Act would differ from the bill passed by the 106th Congress.

First, a new bill should distinguish clearly between measures affecting adults and minors. Though the title of the legislation is

the Children's Internet Protection Act, it requires technology protection measures on all computers with Internet access, regardless of the age of the patron using each computer. If the aim is to protect minors, it is unnecessary to put filters on every computer in a library. This, of course, was one of the District Court's primary concerns. I hope you will draft legislation requiring separate computers for adults and minors. All those under 18 should be required to use filtered computers, unless accompanied by a parent or teacher. Those over 18 should have access to un-filtered computers in a separate area. In smaller facilities, where only one computer is available, special adult hours could be set during which the filter is disabled and only adults may use the computer. The rest of the time a filter would be in place.

Second, I would encourage you to incorporate language that distinguishes children 12 and under from teenagers 13–18. Teenagers have greater capacities to process information than children, as well as different needs for information. In recognition of this, I would hope that your new bill would require different policies for children and teenagers, such as providing different filter settings.

Third, I hope you will consider expanding the scope of your bill to include provisions that protect minors from violent images as well as sexual ones. I realize that limiting the access of children to violent content poses a potentially more difficult constitutional question, but based on the weight of social science evidence showing the harm caused to children by violence in the media, I believe that violence must be included in any definition of content that is ''harmful to children.''

To further explain the reasoning behind these recommendations, I am enclosing a law review article, ''On Protecting Children from Speech,'' which will be published next fall in the Chicago-Kent Law Review. I would welcome the opportunity to discuss our position with you further. In the meantime, please feel free to contact Marc Dunkelman, Assistant Director of the Communitarian Network, with any questions. Thank you for your consideration.

Sincerely,

AMITAI ETZIONI.

May 13, 2002.

Chairman PATRICK J. LEAHY,
U.S. Senate Judiciary Committee
Washington, D.C.

DEAR CHAIRMAN LEAHY: We write to express our grave concern with the legislation recently proposed by the Department of Justice in response to the Supreme Court's decision in Ashcroft, et al. v. The Free Speech Coalition, et al., No. 00–795 (Apr. 16, 2002). In particular, the proposed legislation purports to ban speech that is neither obscene nor unprotected child pornography (indeed, the bill expressly targets images that do not involve real human being at all). Accordingly, in our view, it suffers from the same infirmities that led the Court to invalidate the statute at issue in Ashcroft.

We emphasize that we share the revulsion all Americans feel toward those who harm children, and fully support legitimate efforts to eradicate child pornography. As the Court in Ashcroft emphasized, however, in doing so Congress must act within the limits of the First Amendment. In our view, the bill proposed by the Department of Justice fails to do so.

Respectfully submitted,

Jodie L. Kelley, Partner, Jenner & Block, LLC; Washington, DC.

Erwin Chemerinsky, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California, Law School; Los Angeles, CA.

Paul Hoffman, Partner, Schonbrun, DeSimone, Seplow, Harris & Hoffman, LLP; Venice, CA.

Adjunct Professor, University of Southern California Law School; Los Angeles, CA.

Gregory P. Magarian, Assistant Professor of Law, Villanova University School of Law; Villanova, PA.

Jamin Raskin, Professor of Law, American University, Washington College of Law; Washington, DC.

Donald B. Verrilli, Jr., Partner, Jenner & Block, LLC; Washington, DC.

HARVARD UNIVERSITY,
Cambridge, MA, October 3, 2002.

Re S. 2520.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: Following up on my written statement and on my oral testimony before the Committee on Wednesday, October 2, 2002, the staff of the Committee has asked me to comment on the constitutional implications of changing the current version of S. 2520 to change the word ''material'' in section 2 of the bill (page 2, lines 17 and 19) to ''purported material.''

In my opinion the change would push well over the constitutional edge a provision that is now right up against that edge, but probably barely on the constitutional side of it.

As I explained in my statement and orally, the Supreme Court has from the Ginzburg decision in 1966 to the Hamling decision in 1973 to the Free Speech Coalition decision in 2002 consistently refused to accept that ''pandering'' may be an independent offense, as opposed to being evidence of the offense of obscenity (and, by implication, child pornography). The basic premise of the pandering prohibition in S. 2520 is thus in some tension with more than thirty-five years of Supreme Court doctrine. What may save the provision, however, is the fact that pandering may also be seen as commercial advertisement, and the commercial advertisement of an unlawful product or service is not protected by the Supreme Court's commercial speech doctrine, as the Court made clear in both Virginia Pharmacy and also in Pittsburgh Press v. Human Relations Commission 413 U.S. 376 (1973). It is important to recognize, however, that this feature of commercial speech doctrine does not apply to noncommercial speech, where the description or advocacy of illegal acts is fully protected unless under the narrow circumstances, not applicable here, of immediate incitement.

The implication of this is that moving away from communication that could be described as an actual commercial advertisement decreases the availability of this approach to defending Section 2 of S. 2520. Although it may appear as if advertising ''material'' that does not exist at all (''purported material'') makes little difference, there is a substantial risk that the change moves the entire section away from the straight commercial speech category into more general description, conversation, and perhaps even advocacy. Because the existing arguments for the constitutionality of this provision are already difficult ones after Free Speech Coalition, anything that makes this provision less like a straight offer to engage in a commercial transaction increases the degree of constitutional jeopardy. By including ''purported'' in the relevant section, the pandering looks less commercial, and thus less like commercial speech, and thus less open to the constitutional defense I outlined in my written statement and oral testimony.

I hope that this is helpful.

Yours sincerely,

Frederick Schauer,
Frank Stanton Professor of the First Amendment.

THE MEDIA COALITION INC.,
New York, NY, September 23, 2002.

Re S. 2520 and H.R. 4623.

Sentor PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Washington, DC

Sen. ORRIN G. HATCH,
Ranking Republican Member, Committee on the Judiciary, Washington, DC

DEAR SENATORS LEAHY AND HATCH: I am General Counsel of The Media Coalition, a trade association whose members represent most of the publishers, booksellers, librarians, periodical wholesalers and distributors, movie, recording and video game manufacturers, and recording and video retailers in the United States. While Media Coalition and its members unanimously deplore child pornography and support prosecution of offenders, they are also concerned that the dictates of the First Amendment remain inviolate, even as to material that one finds to be offensive.

The Media Coalition and its members believe that the various attempts to respond to the decision in *Ashcroft v. Free Speech Coalition*, 122 S.Ct. 1389 (2002), are unconstitutional and problematic in a number of respects, as described below.

S. 2520

1. As to proposed §2252A(a)(3)(B)—the ''pandering'' provision—it seems to criminalize commercial fraud as child pornography. *Ginzburg v. U.S.*, 383 U.S. 463 (1966), held only that pandering could convert borderline non-obscene material into obscenity. (''Where the purveyor's sole emphasis is on the sexually provocative aspects of his publications, that fact may be decisive in the determination of obscenity.'') This goes must further. It applies without regard to the nature or quality of the material ''pandered''.

2. Proposed §2252A(c) adds an affirmative defense that, for computer-generated images, each pictured person was an adult and, for virtual child pornography, it was not produced using any actual minor. With respect to non-virtual child pornography, this results in a reversal of the usual burden of proof. IN a prosecution for traditional child pornography (e.g., as defined in §2256(8)(A)), one of the elements of the crime that the government must prove is that the production of the material involved the use of a minor. Further, under *United States v. X-Citement Video, Inc.*, 513U.S. 64 (1994), in the case of a librarian, retailer or distributor, the government must prove that he or she knew that the material was of an actual minor. This proposal impermissibly and unconstitutionally shifts this burden.

With respect to virtual child pornography, there are similar constitutional problems. The Supreme Court in *Free Speech Coalition* found that the evil in child pornography, and the basis for excluding it from First Amendment protection, is the unlawful conduct vis-a-vis an actual child. Thus, the Court held that, unless an actual child is used and thus abused in the creation of the material, there can be no crime as to otherwise First Amendment-protected material. The government must provide this necessary factual predicate. To shift the burden of proof as to this necessary element of the crime to the defendant is unconstitutional, even putting aside the often impossible task of proving the negative—that no child was used.

3. S. 2520 also amends the record-keeping provisions, which themselves have had a checkered constitutional history, having

been held unconstitutional (*ALA v. Thornburgh,* 713 F. Supp. 469 (D.D.C. 1989)), revised in 1990, again held unconstitutional by the District Court (*ALA v. Barr*, 794 F. Supp. 412 (D.D.C. 1992)), held constitutional, although certain regulations were invalidated (*ALA v. Reno*. 33 F. 3d 78 (D.C. Cir. 1994)), and subsequently the Tenth Circuit has held a regulation more central to the regulatory scheme unconstitional (*Sundance Assocs. Inc. v. Reno*, 139 F. 3d 804 (10th Cir. 1998)). Throughout, however, the records kept have been barred from use in prosecutions other than for the failure to keep the records.

S. 2520 would permit the use of the record-keeping records in a child pornography prosecution. However, requiring producers to maintain records at the risk of criminal liability for not doing so, which records can be used against them in a child pornography prosecution, violates the constitutional prohibition against mandatory self-incrimination.

4. Finally, there is a provision in Section 9 creating a new §2252A(f), which is particularly pernicious. It permits a person aggrieved by reason of child pornography to commence a civil action for injunction relief and compensatory and punitive damages. First, it is vague, since both the grievance and the person aggrieved are apparently in unlimited, undefined categories; and the potential civil defendant is in another unlimited, undefined category. Moreover, apparently a defendant is liable whether or not he or she knows of the minority of the child. And, since it applies to both the pandering and ''appears to be'' prongs of the statute, there may be civil liability even when no child is involved.

Most important, it opens a Pandora's Box. Under state law, a person using a minor to create child pornography is not only criminally liable, but is also liable to the child whom he or she has used. But to open the protected class to parents, spouses, etc. and the defendant class to distributors, retailers, etc. is inappropriate and ultimately harmful to legitimate First Amendment interests. It raises the specter of the Pornography Victims Compensation Act, which raised such an outcry that it failed to pass Congress.

H.R. 4623

A. Section 3(a) of the Bill criminalizes as child pornography computer images as long as they are, or are indistinguishable from, actual child pornography. The majority in *Free Speech Coalition* clearly held that unless material either meets the *Ferber* test, which protects children exploited in the production process, or is obscene under, *Miller v. California,* it is protected by the First Amendment. Like the material covered by the unconstitutional CPPA, the material described in the ''indistinguishable from'' portion of section 3(a) does not involve or harm any children in the production process. Thus, section 3(a) is unconstitutional under *Free Speech Coalition*.

B. Section 3(c) of the Bill provides an affirmative defense to a child pornography prosecution that no actual child was involved in the creation of the material. Thus, despite section 3(a) discussed above, the Bill actually permits computer-generated sexually explicit depictions of minors (other than pre-pubescent minors and computer morphing which appears as an identifiable minor), *if* the defendant meets the burden of proving the affirmative defense. (Curiously, the provision limiting the defense excludes material defined in §2256(8)(A), i.e., that which used an actual minor in its production. Read plainly, that suggests that in a non-computer child pornography case, one cannot escape liability by proving that only adults were photographed. It is unlikely that this is what was intended.)

As Justice Kennedy, writing for the Court, says in Free Speech Coalition (122 S.Ct. at 1404), shifting the burden of proof on an element of the crime raises serious constitutional issues. In fact, in the First Amendment context, we believe that shift is unconstitutional; among other things, it violates Smith v. California, 361 U.S. 147, 153 (1959) in that it eliminates the requirement that the government prove knowledge of minority by shifting the burden of proof to the defendant. Thus, defendant must prove a negative—that no children were used—a difficult chore, particularly if the computer programmer-designer is not available or known to the defendant. Finally, under United States vs. X-Citement Video, Inc., 513 U.S. 64 (1994), in the case of a librarian, retailer or distributor, the government must prove that he or she knew that the material was of an actual minor This proposal impermissibly and unconstitutionally shifts this burden.

C. Section 4 creates a crime of pandering child pornography, defined as the sale or offer of material intending to cause the purchaser or offeree to believe that the material is child pornography, whether it is or not. Similarly, one who accepts or attempts to receive or purchase material, believing it to be child pornography (whether or not it is such), is also guilty of this new crime. This, in effect, transforms consumer fraud into a felony. Once could be selling copies of Mary Poppins or the Bible, but if one intends to cause the buyer to believe that the book contains a visual depiction of a minor engaging in sexual conduct, it is a felony. In fact, the Bill goes one step further and provides that the crime can be committed even though no person actually provides, sells, receives, purchases, possesses or produces any visual depiction (e.g., selling an empty box). In effect, it criminalizes the intent to market or to procure child pornography if some action is taken to effectuate that desire, even if the material actually is not child pornography. As discussed above, this seems to go significantly further than Ginzburg v. U.S. permits and is therefore likely unconstitutional.

D. The first portion of section 5 of the Bill (new 18 USC §1466A) provides that computer images of persons indistinguishable from pre-pubescent children in sexually explicit conduct are punishable as child pornography. (A pre-pubescent child is defined as a child whose ''physical development indicates'' the child is 12 or younger, or who ''does not exhibit significant pubescent physical or sexual maturation.'' ''Indistinguishable'' is defined as ''virtually indistinguishable, in that . . . an ordinary person . . . would conclude that the depiction is of an actual minor'' engaging in sexual acts. Drawings, cartoons, sculptures and paintings are excluded.) This is based on Justice O'Connor's distinction between virtual youthful-adult and virtual-child pornography. However, there appears to be no requirement under 1466A that minors were involved in the creation of the depiction. Thus, it falls under Free Speech Coalition.

E. The second part of §5 of the Bill is new §1466B, which appears to be similar to §1466A except it does not have the ''indistinguishable'' concept and it does apply to drawings, cartoons, sculptures and paintings. Thus it seems directly contrary to the Free Speech Coalition holding, differing only in its limited application only to depictions of younger children (i.e., 12 and under). Further, it appears that material covered by §1466A is a subset of that covered by §1466B, and would be covered by both.

Media Coalition and its members urge you and the other members of the Judiciary Committee not to approve either of these bills. Not only are they clearly unconstitutional, but passage of either bill would result in constitutional challenges that could be exploited by person charged with possession of actual child pornography.

Sincerely yours,

MICHAEL A. BAMBERGER,
General Counsel.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 11, 2002, in New York, NY. A gay man, Eric D. Miller, 26, was shot in the chest on a Harlem street by a man who shouted anti-gay remarks at him, according to police. Miller and his partner were walking down a street when they were confronted by two men who became enraged at the sight of the couple. The assailants yelled, ''Black men shouldn't be gay,'' and threw rocks and bottles at the victims. During an ensuing scuffle, one of the assailants shot Miller in the chest. Miller was treated at a local hospital and released.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

IN HONOR OF THE NATION'S VETERANS

Mr. SANTORUM. Mr. President, I rise today in celebration of National Veterans Awareness Week, a time to commemorate and appreciate all the men and women who have served in America's Armed Forces. The week of November 10, 2002, is for honoring the soldiers, sailors, airmen, and marines—some now gone, and some still alive—who have fought to protect our freedoms and liberties.

The Nation's veterans have often stood as the last barrier between our country and the terrors of fascism, communism, and anarchy. They have waged war, kept peace, and deterred the threat of the unknown. The work of those in uniform is dangerous and difficult; it requires a personal commitment and sacrifice, as well as the patience and support of their families. Members of the armed services have a brave, admirable responsibility and a privileged perspective of history. It is with deepest respect that I thank them for their courage and their continued dedication to our Nation's security.

Pennsylvania is the proud home of more than a million veterans, all of

whom have demonstrated their love of country in defending our borders and our way of life. But in remembering and applauding their service, we must also recognize America's next veteran generation: the men and women in uniform today. Our duty as lawmakers is to ensure that our service members' commitment to the Nation is matched by the Government's diligence in preparing them to face our current and future threats. Also important is the quality of life that these service members and their families deserve. It should, therefore, be a priority to improve the salaries, benefits, and facilities that our military men and women, and their families, rely upon.

America's troops on the ground, on the sea, and in the air make up the most capable military force in all the world, and their equipment and support systems should be nothing less than first rate. The current war on terrorism and the changing threats of the 21st century demand a new level of readiness from our military that can only be met with better funding and more effective programs. The Nation's Armed Forces need to be prepared for the realities of a new security paradigm and a new kind of combat. Last year's terrorist attacks have changed our understanding of modern warfare and the need to protect our cities and our citizens. And in response to this realization, the Senate has passed legislation to increase spending so that our military can be equipped and trained to counter the world's growing, nontraditional threats.

We owe much to our veterans: respect and admiration, in addition to appropriate retirement and healthcare benefits. We can most greatly honor these men and women, however, by focusing on the needs of the current service members who will one day be veterans themselves. We must support their mission today so that we can celebrate their accomplishments tomorrow. I encourage my colleagues and my fellow Americans to join me in paying tribute to the veterans, past, present and future, who are an indispensable part of what makes our country the greatest in the world.

NOMINATION OF JAMES L. JONES TO BE SUPREME ALLIED COMMANDER, EUROPE, SACEUR

Mr. LEAHY. Mr. President, I rise today to speak about the nomination of Gen. James Jones to be Supreme Allied Commander in Europe. General Jones has served in the Marine Corps with tremendous skill and dedication, and I know he will make an equally effective U.S. and NATO commander in Europe.

I first met General Jones when he served as a Corps liaison here in the U.S. Senate in the mid-1980s. Like other Marines, then Major Jones was quiet about his war record but I learned he served gallantly in Vietnam. In some of the worldwide travel that the Corps supported and he helped arrange, I quickly realized that the service had itself a man of exceptional intellect, skill, and determination. In other words, the Corps possessed a leader in every sense of the word.

Despite his fluent French and obvious sense of diplomacy, General Jones is foremost a warrior and his career is dominated by such critical assignments as commanding the 24th Marine Expeditionary Unit. I visited this prestigious unit when it participated in Operation Provide Comfort after the Gulf War. One of the most impressive sights I have ever seen was then Colonel Jones giving crisp orders to his Marines only miles outside of the Iraqi town of Zaku while Air Force A–10 Thunderbolts provided aerial cover. He brought his typical professionalism to other combat-related assignments.

As the 32d Commandant of the Marine Corps, General Jones has served exceptionally. Under his leadership, the Marine Corps has developed new capabilities that will help America's 9–1–1 force to operate effectively at greater distances. In response to September 11 attacks, General Jones ordered the creation of a new unit to protect the country domestically, in addition to inspiring Marines to serve in truly outstanding action in Afghanistan and across the turbulent Middle East.

It is a testament to his achievements and character that the President selected General Jones to become the Supreme Allied Commander, Europe. General Jones will be the first Marine to take on this most prestigious military command. He faces a number of challenges, including navigating the expansion of the Atlantic Alliance along with the prosecuting the war on terrorism. He will command an enormous Area of Responsibility, including much of Africa where the AIDS/HIV epidemic promises to create untold security instabilities. If anyone is up to leading allied forces to protect our interests and promote our values it is Jim Jones.

Marcelle and I wish General Jones and his wife Diane all the best as they move to Mons, Belgium. Based on our friendship and contact over the years, I know he will make us proud. I congratulate him, and, as an American, I am thankful our country has his services.

ANTON'S LAW, H.R. 5504

Mr. FITZGERALD. Mr. President, I rise today to applaud the passage of Anton's Law, H.R. 5504, by the House of Representatives.

I introduced the Senate version of Anton's Law, S. 980, in May 2001. S. 980 is named in memory of Anton Skeen, a four-year-old who was killed in a car crash in Washington State. Anton's mother Autumn—a national passenger safety advocate—believes that Anton's life could have been saved had he been riding in a booster seat. Designed specifically to help standard adult seat belts fit better, booster seats are used to protect children who have outgrown their car seats but are still too small to fit properly in an adult-sized safety belt. On average, children in this group range from 4 to 8 years of age, weigh 40 to 80 pounds, and are less than 4 feet 9 inches tall. It has been reported that only about 5 to 6 percent of these 19.5 million U.S. children are using booster seats. In 2000, 721 children aged five to nine were killed and 103,000 were injured in car accidents.

The Senate Committee on Commerce, Science and Transportation approved Anton's Law in August 2001, and the Senate passed the measure by unanimous consent on February 25 of this year. Last month, in order to help ensure that this important measure is placed on the President's desk for signature before the end of the year, the Senate Commerce Committee accepted my amendment to insert Anton's Law in the Senate version of the National Transportation Safety Board Reauthorization bill, S. 2950, which the Committee then approved by unanimous consent. I would like to thank all of my colleagues for their continued support of this bipartisan legislation that will help to improve the safety and effectiveness of child restraints in automobiles and protect our Nation's young people.

Like the bill that I introduced in this body, the bill that was passed yesterday by the House of Representatives will improve the safety of children from 4 to 16 years old by requiring the Secretary of Transportation to initiate a rulemaking regarding establishing performance standards for child restraints, especially for booster seats, for children weighing more than 50 pounds. This measure will also lead to the development of a 10-year-old dummy that can be used to test child restraint devices. It also requires automobile manufacturers to install three-point lap and shoulder belts in all rear seating positions of passenger vehicles.

Since February, I have been working to have this measure passed by the House, and I commend them for the work that they have done on this important issue. While I am happy that Anton's Law will finally be presented to the President, this bill represents only part of what the Senate sought to accomplish when we passed Anton's Law in February. The Senate's version of Anton's Law, unlike the House bill, contained provisions that would extend for 2 years a Federal grant program for States to promote child passenger safety and education, and that would encourage State action by providing States with financial incentives to adopt mandatory booster seat laws by 2004. Absent this incentive grant program, States will have little impetus to promulgate the laws needed to adequately protect this group of children. As I have already mentioned, the version of Anton's Law passed by the Senate this year has been incorporated in the Senate's version of the National Transportation Safety Board Reauthorization bill. I urge the conferees

from both the House and the Senate to retain these grant provisions in the conference report of this bill.

I thank Congressman SHIMKUS and Chairman TAUZIN for their work in securing passage of Anton's Law by the House of Representatives, and urge President Bush to sign this necessary child safety bill into law as soon as possible.

2001 FEDERAL BUREAU OF INVESTIGATION UNIFORM CRIME REPORT

Mr. LEVIN. Mr. President, according to the Federal Bureau of Investigation's Annual Uniform Crime Report for 2001, 15,980 people were murdered last year; 8,719 of the 15,980 deaths were caused by a firearm, and of those murders, 6,790 were caused by a handgun. Six hundred and seventy-two murders occurred in my home State of Michigan. These numbers are staggering. There are several commonsense bills in the Senate that would reduce gun violence and gun crime, and I am disappointed that it appears that the 107th Congress will come to a close without the enactment of meaningful gun safety legislation.

On April 24, 2001, Senator REED introduced the Gun Show Background Check Act. This bill would close a loophole in the law which allows unlicensed private gun dealers to sell guns without performing a National Instant Criminal Background System check. I cosponsored that bill because I believe it would be an important tool to prevent guns from getting into the hands of criminals and other people prohibited from owning a firearm.

I am also a cosponsor of Senator DURBIN's Children's Access Prevention Act. Under this bill, adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition would be held liable if the weapon is taken by a child and used to kill or injure themselves or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to a bill President Bush signed into law during his tenure as the Governor of Texas.

More recently, I cosponsored Senator KOHL's Ballistics, Law Assistance, and Safety Technology Act, or BLAST Act, which would require licensed firearms manufacturers to test fire firearms, and prepare ballistics images of the fired bullets and casings of new firearms. Expanding the National Integrated Ballistics Information Network to include these ballistics images would increase the crime gun tracing capabilities of the Bureau of Alcohol, Tobacco, and Firearms. ATF agents could quickly identify firearms by using the ballistics images of cartridge casings and bullets recovered at crime scenes, even when criminals obliterate the serial number.

In recent months, we have seen snipers with an assault rifle kill people around the country and a student at the University of Arizona go to his school and kill three of his teachers and himself. These events represent only a few of the thousands of murders that have already occurred this year. These brutal killing sprees were given national media attention, and hopefully will generate legislative action. While there is little time left in the 107th Congress to address these issues, it is critical that we press for consideration of these issues early in 108th Congress.

THE CONFIRMATION OF 98 JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, yesterday the Senate confirmed the 98th judicial nominee of President George W. Bush.

These past 16 months, since the reorganization of the Senate Judiciary Committee following the change in majority last year, have been an historic and impressive period in which we have fairly considered hundreds of the President's executive and judicial branch nominees. Despite partisan rhetoric to the contrary, the Senate has done a good job.

If this Senate had a ''lousy'' record on judicial confirmations, then the Republican leadership, which controlled the pace on confirmations from 1995 through the first part of 2001, must have been far, far worse than ''lousy''. Under Republican control judicial vacancies on the Courts of Appeals more than doubled, from 16 to 33, and overall vacancies rose from 65 to 110. We have heard no criticism from the White House of that period, in which Senate Republicans blocked President Clinton's nominees. We have heard no apologies from the Republican leadership that engineered those efforts.

Just last night, in one night, the Democratic-led Senate confirmed more judges, 18, including more circuit judges, than the Republican-led Senate allowed to be confirmed in the entire 1996 session more in one day than Republicans were willing to proceed on for an entire year. Seventeen of those judges were the nominations we were able to get reported from the Committee on October 8 with some significant effort and in spite of Republican efforts to divert the Committee into other matters.

This week the Committee met, again, as I had said it would. We considered the nominations of Dennis Shedd and Michael McConnell and voted on them as the 101st and 102nd judicial nominations voted on by the Committee during the last 16 months and reported them to the Senate. One hundred judicial nominations have now been reported favorably to the Senate by the Judiciary Committee during the past 16 months; two were rejected. One indication of the fairness with which we have conducted ourselves is that as chairman I have proceeded to consider nominations that I do not support and the Committee has reported nominations that I do not support to the Senate. As I said during this week's Committee consideration of the Shedd nomination, for example, having examined his record as a District Court Judge, I intend to vote against his nomination to the Court of Appeals for the Fourth Circuit.

With the Senate's actions last night, we have confirmed 98 of this President's judicial nominees in only 16 months. This compares most favorably to the 38 judicial confirmations averaged per year during the six and one-half years when the Republican majority was in control of the Senate. Last night, the Senate confirmed another 18 judicial nominees. In the entire 1996 session over the course of an entire year, the Republican majority allowed only 17 district court judges to be confirmed all year and would not confirm a single circuit court nominee—not one. Last night, the Democratic-led Senate confirmed all 17 district court nominees reported to the Senate by the Judiciary Committee after our October 8 business session as well as a 6th Circuit nominee from Kentucky. The Democratic-led Senate exceeded in one day what it took the Republican majority of the Senate an entire year to accomplish. That should put our historic demonstration of bipartisanship toward this President's judicial nominees in perspective.

The 17 district court nominees confirmed last night were on the Senate calendar because, on October 8, the Senate Judiciary Committee was able to report those nominations despite unparalleled personal attacks by Republicans on me as chairman. The circuit court nominee confirmed last night, Professor John Rogers, is the second of this President's judicial nominees confirmed to the Sixth Circuit this year. They are the first confirmations to the 6th Circuit since 1997, when Republicans for four years shut down consideration of President Clinton's nominees to that circuit. Three of President Clinton's nominees to that court were never allowed a hearing by the Republican majority; the Democratic majority has, in contrast, proceeded to confirm two new judges to that same circuit court.

The hard, thankless, but steady work of the Democratic members of the Judiciary Committee has reduced judicial vacancies substantially during these last 16 months. We inherited 110 vacancies and an additional 49 have arisen since July 10, 2002. Today, after 98 confirmations, district and circuit court vacancies combined number only 60—not the more than 150 vacancies that would exist had we shut down the process or the 111 vacancies that would exist if we had followed the Republican pace of confirmation during the Clinton administration. The President has failed to send nominations for almost half of the 60 current vacancies on the

district and circuit courts and only 11 of his remaining nominees have both home-State consent and ABA ratings. Despite false attacks on our record, the Senate has acted with bipartisanship, fairness and expedition on this President's judicial nominees, confirming 98 in just 16 months. We have reduced judicial vacancies from the 110 we inherited to fewer than the 65 vacancies the Republicans began with when they took over the Senate in 1995. Unlike the Republican majority that allowed judicial vacancies grow, we have outpaced attrition and reduced the overall level of vacancies, including the vacancies on the circuit courts.

IN MEMORY OF LIVES LOST IN THE BERING SEA ON OCTOBER 20, 2002

Mrs. MURRAY. Mr. President, I rise today to express my condolences to the families and friends of men who lost their lives recently because of an accident aboard the *Galaxy*, which was fishing for cod in the Bering Sea.

Aboard the *Galaxy* were First Mate Jerry L. Stephens of Edmonds, Washington; Crewman Jose R. Rodas of Pasco, Washington; and Cook George Karn of Anchorage, Alaska. From the *Clipper Express:* Crewman Daniel Schmiedt of Arlington, Washington.

On October 20, 2002, an explosion occurred aboard the *Galaxy*, a 180-foot vessel fishing for cod off of Alaska's remote Pribilof Islands. Preliminary reports indicate that crew members were battling a small fire below deck when a hatch was opened to allow smoke to escape. This triggered an explosion which ignited multiple fires that quickly superheated its iron hull. With little time to act, the crew scrambled to don survival suits and release lifeboats as they tried to rescue shipmates who had been thrown overboard by the blast.

Captain Dave Shoemaker of Carnation, Washington, sustained burns and broken ribs as he struggled through the fire to make the crucial Mayday call alerting the Coast Guard and other fishing vessels to come to the *Galaxy*'s assistance. The heroic efforts of Deck Boss Ryan Newhall of San Antonio, Texas, saved the life of National Marine Fisheries Service biologist Ann Weckback, who was thrown into the icy water without a survival suit. One of the fishing boats which responded to the Mayday call, the *Clipper Express*, was drawn into the tragedy when 24 year old crew member Daniel Schmiedt was swept overboard during the rescue operation.

It may be months until we know what caused the fatal explosion on the *Galaxy*. However, the immediate response of the *Clipper Express* and the other ships that came to the rescue of the *Galaxy*'s crew is a testament to the industry. My heart goes out to the families and friends of the four men who died on October 20, 2002. I extend my deep appreciation to all those in the fishing industry and the Coast Guard who responded quickly to prevent even greater loss of life from this accident.

IDENTITY THEFT VICTIMS ASSISTANCE ACT OF 2002

Ms. CANTWELL. Mr. President, the Senate, last night, took a great step toward helping the victims of identity theft, and those law enforcement officers investigating identity theft, by passing S. 1742, the Identity Theft Victims Assistance Act of 2002.

This legislation provides a consistent national remedy for victims of identity theft to restore their credit and their good name. This bill is a critical step in helping victims of identity theft restore their good credit.

Identity theft can be extraordinarily destructive to people's lives. People are denied credit, spend enormous time, effort, and money correcting the problems caused by identity theft, and suffer profound frustration and distress in dealing with the problems that result from identity theft.

These problems often arise when they have the potential to wreak the greatest havoc: when buying a new home or a car, or getting a loan to put a child through college. It can be devastating to make a major life change, only to find out that your creditworthiness has been destroyed by fraud, and it is going to take months of excruciating effort by you to clear your name.

These crimes rarely meet the threshold for prosecution because each crime involves a small amount of money. Meanwhile victims must independently contact numerous federal, state and local law enforcement agencies, consumer credit reporting agencies and creditors over a period of years, as each new event of fraud arises.

One of the most significant problems victims face is gathering the evidence of the fraudulent use of their identity. In order to prove fraud, the victim needs copies of creditors' business records, such as applications, invoices or other information related to the fraudulent transactions. These records are often difficult to obtain because the victim's personally identifying information does not match the fraudulent information on file with the business. Ironically, in the interest of protecting consumer privacy, a business will refuse to provide the information to the victim, believing the victim to be an unauthorized third party.

This bill establishes a nationwide process for all victims of identity theft to obtain business records that are evidence of identity theft to enable a victim to reclaim his or her identity and assist law enforcement in finding the thieves.

This legislation also requires consumer credit agencies to block reporting of bad credit that arises from identity theft, so the harm caused to the victim is stopped dead in its tracks.

The bill also extends the statute of limitation from 2 years to 4 years, giving victims a reasonable time period to decide whether they need to sue a business under the Fair Credit Reporting Act.

Finally, the bill amends the Internet False Identification Prevention Act of 2000 to expand the jurisdiction and membership of the Coordinating Committee currently studying enforcement of Federal identity theft law. This will allow the Coordinating Committee to examine State and local identity theft law enforcement and identify ways the federal government can better assist state and local law enforcement in addressing identity theft and related crimes.

The bill is based on a Washington state law enacted in 2001. Other States, including California and Idaho, have enacted similar laws. But identity theft is a national problem growing at an exponential rate. Identity information may be stolen in Washington state and used to perpetrate a fraud in Wisconsin, New Jersey, or Alabama. That is why it is critical that we have passed this bill to help all victims move more quickly and easily through the process of restoring their good name at the least emotional and financial cost as possible.

I thank my colleagues who have worked hard with me to bring this legislation to the floor. Particularly, my thanks goes to Senators ENZI, GRASSLEY and LEAHY, and Banking Committee Chairman SARBANES.

I also want to mention the broad support that this legislation has received. The bill is supported by the National Center for the Victims of Crime, the Fraternal Order of Police, Consumers Union, Identity Theft Resource Center, U.S. Public Interest Group, Police Executive Forum, Privacy Rights Clearinghouse, and Amazon.com, and the Committee has received a letter of support signed by 22 Attorneys General.

The passage yesterday of this legislation is a win for consumers and a win for businesses because identity theft leaves both as victims in its wake. It should be among the highest priorities in the waning days of this Congress that we work together to get the bill enacted into law. The sooner we give victims of identity theft these tools, the more victims we will help and the fewer businesses that will be defrauded by identity theft in the future.

LOAN FORGIVENESS FOR SOCIAL WORKERS AND ATTORNEYS CAN IMPROVE CHILD WELFARE SERVICES

Mr. ROCKEFELLER. Mr. President, I am very proud to join my friend and colleague, Senator DEWINE, as an original cosponsor of two important bills, S. 3165 and S. 3166, to offer loan forgiveness to social workers and attorneys willing to work in the child welfare field. Senator DEWINE has been an inspiring leader on child welfare issues for many years, and I am delighted to work closely with him to continue to

seek ways to improve the administrative agencies and legal courts that serve such vulnerable children.

The bills are designed to encourage students graduating with social work degrees and law degrees to spend several years working in the child welfare system. Eligible students would receive loan forgiveness for working in child welfare agencies and courts for abused and neglected children. The amount of loan forgiveness would increase over time to reward experience, and to retain social workers and attorneys in the system.

Every day, approximately 500,000 children are in the foster care system. Services to such children need to be improved so that every child's health and safety is paramount, and every child secures a permanent home. These priorities were established in the 1997 Adoption and Safe Families Act, thanks to the leadership of Senator DEWINE and a bipartisan coalition. To achieve such bold goals, we must have trained, committed social workers and skilled attorneys serving such children and their families.

There is a compelling need to invest in social workers. The turnover rate for child welfare agencies has doubled in the past decade. Making decisions about a child's health and safety is a serious challenge, and we need more experienced and trained social workers to serve children and their families.

Many social workers are burdened with a staggering caseload. The number of social workers per children in the child welfare system varies widely from state to state, and not all states even report their child protective services workforce data. Still, we know there is a compelling need in many places. The Child Maltreatment 2000 Report published by the Department of Health and Human Services indicates that the national average is 130 children per investigative workers, and several states acknowledge that workers have over 200 children to monitor and assess. Obviously, we need to recruit and retain qualified social workers to serve children and families at risk.

Experienced attorneys are also needed to help manage the individual cases and to help ensure that the bold, new time frames established by the Adoption and Safe Families Act are met. Under this new law, courts face stricter requirements to monitor and make decisions about a child's safety, health, and placement in a permanent home. This means qualified attorneys need to work with the courts, the agencies, and the families.

In West Virginia, and across our country, children and families in the child welfare system need and deserve qualified social workers and attorneys. Senator DEWINE's bill to offer student loan forgiveness would provide the right incentive to recruit and retain new professionals in the system. It would be a meaningful addition to the Higher Education Act reauthorization.

SOWING THE SEEDS FOR DEMOCRACY IN CROATIA

Mr. SMITH of Oregon. Mr. President, I rise today to bring to my colleagues' attention the Civitas International Civic Education Exchange Program—a program that is helping to promote democratic principles in emerging and established democracies throughout the world.

The Civitas Exchange Program, administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act, engages educators from around the world in the development of effective civic education initiatives that can be implemented in their own countries. The program provides international leaders in civic education the opportunity to learn from one another and to assist each other in improving education for democracy in their nations.

The Civitas Exchange Program makes use of the experience, expertise, and programmatic offerings of U.S.-based State and national civic education centers by linking them in partnerships with public and private sector entities in emerging and advanced democracies. The partnerships serve to institutionalize civic education in these nations, creating working relationships that lead to tangible results for both American and international students and teachers. Today the Civitas Exchange Program is operating in 30 countries linked with 22 American States.

One of those partnerships involves my home State of Oregon, and the States of Delaware and Maryland, linked with the country of Croatia. Marilyn Cover, the executive director of the Classroom Law Project in Portland, OR, manages the partnership. Ms. Cover recently brought a delegation of American teachers and Croatian educators to Capitol Hill to observe our system of government first hand. I am pleased to recognize the two Oregonian teachers participating in the exchange, Bert Key from Sandy Union High School in Sandy, OR and Maggie McSwiggen, from Vocational Village in Portland, OR. I would also like to recognize the Croatian teachers in the delegation, Jadranka Kostanjsak from Zagreb, Jasminka Zagorac from Zagreb, and Natalija Palcic from Split.

These teachers, and others from Delaware and Maryland, are currently working with teachers from Croatia to develop a series of lessons comparing the Constitutions of the United States and Croatia, examining political parties within each country, and exploring ideas of personal and civic responsibility for use in their respective classes. Begun during a summer writing program, the teachers continue to refine their lessons through team teaching in classrooms in both the United States and Croatia. It is an excellent example of the reciprocal nature of the exchange, which provides benefits to American students and international students alike.

The ideas exchanged in Oregon's partnership have led to at least two significant developments with the support of the Croatian Ministry of Education and Sport: first, as part of the exchange, an American civics curriculum, Foundations of Democracy program on justice, has been translated and is now a requirement in Croatian preschools and primary schools; second, We the People . . . Project Citizen, an American civic education program which engages young people in learning how to monitor and influence public policy, has become a requirement in grades 7 and 8 for secondary schools in Croatia.

The Civitas Exchange Program is an excellent example of how programs supported by the federal government can help achieve U.S. foreign policy objectives by helping emerging democracies develop a political culture supportive of democratic values, principles, and institutions. I wish to thank the Center for Civic Education for their successful administration of the Civitas program and applaud Oregonian Marilyn Cover for her excellent work in the project.

RETIREMENT OF SENATOR FRED THOMPSON

Mr. CONRAD. Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague who will be retiring at the end of this term. Senator FRED THOMPSON has represented Tennessee in the Senate for 8 years. During his tenure, he has been an important advocate for a wide range of legislative reform activities.

Throughout his Senate career, Senator THOMPSON has fought for protecting our national security, making government more efficient, and improving programs that are important to America's families, such as Social Security and Medicare. Senator THOMPSON has also been nationally recognized for his expertise in international affairs as was evidenced by his recent nomination to the prestigious Council on Foreign Relations.

As the ranking member of the Committee on Governmental Affairs, FRED THOMPSON held more than a dozen hearings on important national security issues, including missile defense technology and the proliferation of weapons of mass destruction. As a result of his efforts, Senator THOMPSON played a key role in bringing the issue of weapons proliferation to the forefront of the national agenda.

In addition, FRED THOMPSON has been the leader in many efforts to reform and improve government. He has strongly supported proposals to streamline the regulatory process and to ensure the cost-effectiveness and benefit of regulatory programs. As the primary author of the Government Information Security Act, he also championed efforts to enhance the security of government computer systems and to strengthen privacy protection on Federal Web sites.

Finally, as his colleague on the Finance Committee, I had the opportunity to work with FRED to address the challenges facing Social Security and Medicare. Among the efforts we jointly supported, a primary concern we have shared is improving the long-term solvency of these important social programs. As a Finance Committee member, as well as in the other roles he has served, Senator THOMPSON's work has been thoughtful, and our Nation is a better place because of his efforts.

Most of all, I will miss Senator THOMPSON's unfailing good humor. We shared many laughs as we bantered back and forth about his future in film and television. I will really miss his sense of humor and basic decency.

Mr. President, for these and many other reasons, I have been honored to serve with FRED THOMPSON. I would like to join my colleagues in wishing the Senator and his family the best in the future and in paying tribute to his contributions to the Senate and our Nation. I wish him well.

ADDITIONAL STATEMENTS

TRIBUTE TO VASHON HIGH SCHOOL

• Mr. BOND. Mr. President, I rise to pay tribute to the 75th anniversary of Vashon High School. In the early quarter of the 20th century, the high school that most African-American students attended in St. Louis was overcrowded and quite a distance from their homes. Consequently, in 1922, a citizens group called the Central School Patron Association led by Reverend George Stevens and other community alliances began formulating plans for a second high school designated for African-American students. On September 6, 1927, Vashon High School opened and has been educating and changing the lives of students since. Over time, Vashon High School has established itself as a premier educational institute, known for its athletics as well as academics.

There are several outstanding individuals who have contributed to the founding and success of Vashon High School. The school was named for a family with a long tradition of struggle and sacrifice dedicated to the importance of education while battling to secure civil and human rights for African-Americans. Specifically, the school was named for George B. Vashon, 1824–1878, the first African-American graduate of Oberlin College, OH in 1844, and his son John B. Vashon, 1859–1924, an outstanding educator in the city of St. Louis for 34 years, James W. Meyers served as the first principal of Vashon from 1927–1932 and Otto Bohanan, a member of the faculty, composed the school song, ''Vashon We Love''. Many students honed their talents, skills, and abilities to become future educators and community leaders from the positive influence and support of these and other influential faculty members.

Over the past 75 years, Vashon High School has undergone changes and relocated to several different locations, but irrespective of physical location, the spirit of Vashon High School continues to inspire students to pursue their dreams and achieve their goals. Congratulations to the students, faculty, and alumni of Vashon High School.•

NEAL GONZALES

• Mr. BINGAMAN. Mr. President, I rise today to say a few words about Neal Gonzales, a prominent new Mexico labor leader who died in late October.

In the early 1970's when I became acquainted with the working of the new Mexico Legislature, I also became acquainted with Neal Gonzales, a powerful presence in the halls of power in our state. He was the representative of labor and as such his influence was felt in most of the important legislative battles that were waged.

Neal was a true professional at his job. Liked and respected by all, he was a formidable adversary as those who found themselves opposing him soon learned.

I learned much from watching Neal Gonzales work as the advocate for the working people of New Mexico. He kept his focus on the impact of legislation on the lives of those he represented. He did his homework and, more often than not, he prevailed.

With his death, many of us in New Mexico have lost not only a valued friend, but the working families of our State have lost a tireless champion.•

TRIBUTE TO DR. LURA POWELL

• Ms. CANTWELL. Mr. President, I rise today to say thank you to one of the true leaders in the Washington state science community, who has recently announced that she will be stepping down from her position at the end of the year. I am speaking of Dr. Lura Powell, vice president of Battelle and Director of the Department of Energy's Pacific Northwest National Laboratory, PNNL, in Richland, WA.

During the past 2 years, Dr. Powell has developed a bold strategy to ensure that the Pacific Northwest National Laboratory will play a significant role in carrying out the missions of the Department of Energy as we move forward into the 21st century. The recent installation of two major pieces of equipment will position the laboratory to be a leader in molecular research—research that reaches across many disciplines, including environmental cleanup, national security, and the life sciences. The new 9.2 teraflops supercomputer and the 900-megahertz nuclear magnetic resonance spectrometer, both of which are part of PNNL's Environmental Molecular Sciences Laboratory, will attract academia, industry, and other Government researchers to the lab in an atmosphere of collaboration and discovery. I had the opportunity to attend the dedication of the NMR spectrometer on March 28, 2002. This equipment is poised to play a central role in the fast-approaching revolution in systems biology, the seeds for which were sown by the amazing success of the Human Genome Project.

Dr. Powell has set out to establish a systems biology program for PNNL that will position the laboratory to play a significant role in the Department of Energy's Genomes to Life initiative and to participate in the National Institutes of Health biomedical mission. Congress has consistently supported increased funding for scientific research in the biomedical sciences at NIH, and there is an equally important role for the Department of Energy to play in this field. Genomics research holds great promise for unraveling many previously intractable scientific problems, and will one day lead to the development of technologies that will help address some of our nation's most pressing challenges: carbon sequestration and climate change, the national security risks posed by bioterrorism, even clean and sustainable energy production. The Genomes to Life program will indeed enhance the Department of Energy's ability to fulfill its many diverse missions, and PNNL—thanks in large part to Dr. Powell—is poised to be a prime contributor to this initiative.

In her term as Director of the Pacific Northwest National Laboratory, Dr. Powell has reached out to create new partnerships within Washington State to support this agenda. They include the University of Washington, Washington State University, the Fred Hutchinson Cancer Research Center, and the Institute of Systems Biology. Meanwhile, conversations are ongoing with still other institutions in the Pacific Northwest that will further expand PNNL's collaborations. These efforts will bring a strong bioscience presence to the State of Washington, provide economic sustainability to the Tri-Cities area and lead to scientific discoveries that will ultimately benefit this Nation as a whole. I want to recognize Dr. Powell for her vision and commitment to public service and wish her much success in her future endeavors.•

TRIBUTE TO DR. VINCENT ZECCHINO

• Mr. CHAFEE. Mr. President, it is with great honor that I recognize Dr. Vincent Zecchino and his wife, Julia, for the numerous contributions they have made to the field of medicine in Rhode Island and throughout the world. I am pleased to say that after a lifetime of achievement, Rhode Island Hospital dedicated their newest facility as the Julia and Vincent Zecchino Pavilion on October 18, 2002.

After graduating from the University of Bologna Medical School in 1936 and completing his internship at the Long Island College Hospital in 1938, Dr.

Zecchino served his orthopedic and fracture residency at Rhode Island Hospital, which he completed in 1940. Subsequently, Dr. Zecchino continued his medical training as a fellow at Harvard Medical School and as a resident at Boston's Children Hospital and Mass General until entering the United States Army in 1942, Dr. Zecchino served the United States in the China Burma-India Theatre as Chief of Orthopedic Surgery until his discharge as Lieutenant Colonel in 1946.

Upon completion of his military service, Dr. Zecchino returned to Rhode Island where he joined the orthopedic staff at Rhode Island Hospital and Miriam Hospital and the faculty of Brown Medical School. During his illustrious career, Dr. Zecchino also served as Chief of Orthopedics at the Veterans Hospital, worked and taught at Project Hope medical schools in Columbia, Tunisia and Sri Lanka, and was a member of the Tufts Medical School faculty.

Dr. Zecchino has authored and co-authored numerous articles in medical journals and textbooks. He was critically important in the development of knee prosthesis and its instrumentation, and invented the double-edged bone cutting ''Z'' blade bone say. After such a long and distinguished career, it is especially noteworthy that Dr. Zecchino founded an orthopedic clinic for people in need after his retirement in 1982.

Throughout his medical career, Dr. Zecchino has benefited from the love, compassion and commitment of his wife, Julia, who was in a nurse-training program when they met. Together, Dr. and Mrs. Zecchino have improved the lives of thousands of people and with the dedication of the Julia and Vincent Zecchino Pavilion; future generations will continue to benefit from the Zecchino's goodwill, dedication and tireless effort to improve the world around them.●

IN RECOGNITION OF HARTFORD MEMORIAL BAPTIST CHURCH ON THE OCCASION OF THEIR 85TH ANNIVERSARY

● Mr. LEVIN. Mr. President, I am pleased to recognize the members of the Hartford Memorial Baptist Church for 85 years of dedication and service to the Detroit community.

Since 1917, Hartford Memorial Baptist Church has established an environment of strength within the parish walls as well as throughout the surrounding community. Through commitment to social change, they welcomed the nonconformist insights of W.E.B. DuBois and Paul Robeson during the Civil Rights Movement and continue to make significant contributions to social development through extensive community outreach programs.

The establishment of the Hartford Agape House is one of their current initiatives dedicated toward an urban mission that provides needed social services to the local community. Widely respected among the Michigan faith-based organizations, their exemplary programs take on the issues of poverty through hunger initiatives and free clothing; medical necessities through a public health consortium, Alcoholics Anonymous, and AIDS awareness; as well as educational assistance that provides both college preparation and scholarship programs.

I take great pride in recognizing the efforts of the Hartford Memorial Baptist Church throughout their 85-year history in the Detroit community. Their ministry attends to the entire person: mind, body and soul. I know my Senate colleagues will join me in saluting their contributions to society and wish them continued success in the future.●

SPINA BIFIDA AWARENESS MONTH

● Mrs. HUTCHISON. I rise today to let my colleagues know that October is National Spina Bifida Awareness Month and to pay tribute to the more than 70,000 Americans—and their family members—who are currently affected by spina bifida—the Nation's most common, permanently disabling birth defect. The Spina Bifida Association of America—SBAA—an organization that has helped people with spina bifida and their families for nearly 30 years, works every day—not just in the month of October—to prevent and reduce suffering from this devastating birth defect.

The SBAA was founded in 1973 to address the needs of the individuals and families affected by and is currently the only national organization solely dedicated to advocating on behalf of the spina bifida community. As part of its service through 60 chapters in more than 100 communities across the country, the SBAA puts expecting parents in touch with families who have a child with spina bifida. These families answer questions and concerns and help guide expecting parents. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Together the SBAA and the Spina Bifida Association of Texas work tirelessly to help families meet the challenges and enjoy the rewards of raising their child. I would like to acknowledge and thank SBAA and the Spina Bifida Association of Texas for all that they have done for the families affected by this birth defect, especially those living in my State.

Spina bifida is a neural tube defect that occurs when the central nervous system does not properly close during the early stages of pregnancy. Spina bifida affects more than 4,000 pregnancies each year, with more than half ending tragically in abortion. There are three different forms of spina bifida with the most severe being myelomeningocele spina bifida, which causes nerve damage and severe disabilities. This severe form of spina bifida is diagnosed in 96 percent of children born with this condition. Between 70 to 90 percent of the children born with spina bifida are at risk of mental retardation when spinal fluid collects around the brain.

We must do more to ensure a high quality of life for people with spina bifida so more families choose the blessing and joy of having a child with this condition. Fortunately, spina bifida is no longer the death sentence it once was and now people born with spina bifida will likely have a normal or near normal life expectancy. The challenge now is to ensure that these individuals have the highest quality of life possible.

Today, approximately 90 percent of all babies diagnosed with this birth defect live into adulthood, approximately 80 percent have normal IQs, and approximately 75 percent participate in sports and other recreational activities. With proper medical care, people who suffer from spina bifida can lead full and productive lives. However, they must learn how to move around using braces, crutches, or wheelchairs, and how to function independently. They also must be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

The Spina Bifida Association of Texas has four chapters in San Antonio, Austin, Dallas, and Houston. These chapters serve the individuals and their families with spina bifida in the great state of Texas through a number of programs and services including providing emergency assistance; running a summer camp for children and a weekend retreat for adults; scholarships; and medical seminars. In addition, the Texas Scottish Rite Hospital is the largest single-site interdisciplinary center for the treatment of spina bifida in the United States and provides ongoing treatment for more than 13,000 children annually, without charge.

During the month of October, the SBAA and its chapters make a special push to increase public awareness about spina bifida and teach prospective parents about prevention. Simply by taking a daily dose of the B vitamin, folic acid, found in most multivitamins, women of child-bearing age have the power to reduce the incidence of spina bifida by up to 75 percent. That such a simple change in habit can have such a profound effect should leave no question as to the importance of awareness and the impact of prevention.

As a member of the Senate Appropriations Committee, I am pleased that we provided $2 million in much-needed funding to establish a National Spina Bifida Program at the National Center for Birth Defects and Developmental Disabilities—NCBDDD—at the Centers for Disease Control and Prevention—CDC—to ensure that those individuals living with spina bifida can live active, productive, and meaningful lives. In

addition, I am proud that we in the Senate recently passed by unanimous consent the Birth Defects and Developmental Disabilities Prevention Act of 2002, which takes many critical steps that will work to prevent spina bifida and to improve quality of life for individuals and families affected by this terrible birth defect. I am hopeful that the House will act shortly to pass the measure so it can be sent to the President for his signature.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering from this birth defect and for their commitment to improve the lives of those 70,000 individuals living with spina bifida throughout our Nation. I wish the Spina Bifida Association of America the best of luck in its future endeavors.●

MESSAGES FROM THE HOUSE

At 10:34 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, each without amendment:

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina.

S. 1226. An act to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1843. An act to extend certain hydroelectric licenses in the State of Alaska.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

S. 2239. An act to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2712. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 3044. An act to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

S. 3156. An act to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila.

S.J. Res. 53. A joint resolution relative to the convening of the first session of the One Hundred Eighth Congress.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 628. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 629. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''.

H.R. 2458. An act to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

H.R. 3429. An act to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

H.R. 3747. An act to direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System.

H.R. 3775. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

H.R. 3955. An act to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes.

H.R. 4750. An act to designate certain lands in the State of California as components of the National Wilderness Preservation System, and for other purposes.

H.R. 5097. An act to adjust the boundaries of the Salt River Bay National Park and Ecological Preserve located in St. Croix, Virgin Islands.

H.R. 5280. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 5334. An act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

H.R. 5436. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon.

H.R. 5495. An act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 5499. An act to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

H.R. 5504. An act to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

H.R. 5512. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 5513. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership and a land exchange in the State of Colorado to acquire a private inholding in the San Isabel National Forest, and for other purposes.

H.R. 5586. An act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office Building''.

H.R. 5604. An act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

H.R. 5609. An act to designate the facility of the United States Postal Service located at 600 East 1st Street in Rome, Georgia, as the ''Martha Berry Post Office''.

H.R. 5611. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''.

H.R. 5716. An act to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year.

H.R. 5728. An act to amend the Internal Revenue Code of 1986 to provide fairness in tax collection procedures and improved administrative efficiency and confidentiality and to reform its penalty and interest provisions.

H.R. 5738. An act to amend the Public Health Service Act with respect to special diabetes programs for Type I diabetes and Indians.

H.J. Res. 117. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 466. Concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

H. Con. Res. 499. Concurrent resolution honoring George Rogers Clark.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, with an amendment.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has passed the following bill, with amendments:

S. 990. An act to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment:

S. 2017. An act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

The message also announced that the House passed the following bill, with amendments:

S. 2237. An act to amend title 38, United States Code, to modify and improve authorities relating to compensation and pension benefits, education, benefits, housing benefits, and other benefits for veterans, to improve the administration of benefits for veterans, and for other purposes.

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1070. An act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment

contamination in areas of concern in the Great Lakes, and for other purposes.

H.R. 2546. An act to amend title 49, United States Code, to prohibit States from requiring a license or fee on account on the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

H.R. 3340. An act to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

H.R. 3394. An act to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

H.R. 4878. An act to provide for estimates and reports of improper payments by Federal agencies.

H.R. 5349. An act to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

At 11:26 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4883. An act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9537. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Fiscal Year 2000 relative to Low Income Home Energy Assistance Program (LIHEAP); to the Committee on Health, Education, Labor, and Pensions.

EC–9538. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1412—Peanut Buyout Program'' (RIN0560–AG71) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9539. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Security and Rural Investment Act of 2002 Sugar Program and Farm Facility Storage Loan Program'' (RIN0560–AG73) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9540. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apple Market Loss Assistance Program II'' (RIN0560–AG63) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9541. A communication from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Nectarines Grown in California; Decreased Assessment Rate'' (Doc. No. FV02–916–2) received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9542. A communication from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements'' (Doc. No. FV02–955–1) received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9543. A communication from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit'' (Doc.No . FV02–905–5) received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9544. A communication from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulation'' (Doc. No. FV02–996–1) received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9545. A communication from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Pork Promotion, Research and Consumer Information Order: Rules and Regulations—Decrease in Assessment Rate and Decrease of Importer Assessments'' (Doc. No. LS–02–09) received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9546. A communication from the Administrator, Foreign Agriculture Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Technical Assistance for Specialty Crops Program'' (RIN0551–AA63) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9547. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irradiation Phytosanitary Treatment of Imported Fruits and Vegetables'' (Doc. No. 98–030–4) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9548. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Clementines from Spain'' (Doc. No. 02–023–4) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9549. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Codification of Poultry Substitution and Modification of Commodity Inventory Controls for Recipient Agencies'' (RIN0584–AD08) received on October 21, 2002.

EC–9550. A communication from the Administrator, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Farm Labor Housing Technical Assistance'' (RIN0575–AC25) received on October 28, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9551. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Milled Rice'' received on October 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9552. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 50,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–9553. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Aliens Ineligible to Transit Without Visas (TWOV), As Amended'' (RIN1400–AA48); to the Committee on Foreign Relations.

EC–9554. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an amended rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulate'' (22 CFR Part 22) received on October 28, 2002; to the Committee on Foreign Relations.

EC–9555. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more to United Arab Emirates; to the Committee on Foreign Relations.

EC–9556. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–9557. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9558. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9559. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9560. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9561. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license involving the manufacture of Significant Military Equipment to the United Kingdom; to the Committee on Foreign Relations.

EC–9562. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to Kuwait; to the Committee on Foreign Relations.

EC–9563. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC–9564. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to the Israel; to the Committee on Foreign Relations.

EC–9565. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–9566. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9567. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Operations Export Financing and Related Programs Appropriations Act, 2002, a notification that the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–9568. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license agreement involving the manufacture abroad of significant military equipment to Spain; to the Committee on Foreign Relations.

EC–9569. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license agreement involving the manufacture abroad of significant military equipment to Japan; to the Committee on Foreign Relations.

EC–9570. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license agreement involving the manufacture abroad of significant military equipment to The United Kingdom, Chile, and Germany; to the Committee on Foreign Relations.

EC–9571. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license agreement involving the manufacture abroad of significant military equipment to Italy; to the Committee on Foreign Relations.

EC–9572. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles and services sold commercially under contract in the amount of $14,000,000 or more to Austria; to the Committee on Foreign Relations.

EC–9573. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to Global Project Authorization and Arms Export Control Act, the report of a certification of a export license involving technical data and defense services to Australia; to the Committee on Foreign Relations.

EC–9574. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9575. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9576. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9577. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of 100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9578. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–9579. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report relative to the operation of the premerger notification program; to the Committee on the Judiciary.

EC–9580. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Office of Police Corps and Law Enforcement Education for calendar year 2000; to the Committee on the Judiciary.

EC–9581. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Passenger Data Elements for the Visa Waiver Program'' received on October 15, 2002; to the Committee on the Judiciary.

EC–9582. A communication from the Acting Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9583. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled ''Defense Environmental Quality Program Annual Report'' for fiscal year 2001; to the Committee on Armed Services.

EC–9584. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report relative to the renovation of the Pentagon; to the Committee on Armed Services.

EC–9585. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report for Department purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

EC–9586. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to the material protection, control, and accounting of fissile materials in Russia; to the Committee on Armed Services.

EC–9587. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures'' (DFARS Case 2000–D306) received on October 28, 2002; to the Committee on Armed Services.

EC–9588. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Caribbean Basin Country—Honduras'' (DFARS Case 2002–DO28) received on October 28, 2002; to the Committee on Armed Services.

EC–9589. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contracting Officer—Qualifications'' (DFARS Case 2002–DO21) received on October 28, 2002; to the Committee on Armed Services.

EC–9590. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competition Requirements for Purchase of Services Under Multiple Award Contracts'' received on October 28, 2002; to the Committee on Armed Services.

EC–9591. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Performance of Secretary Functions'' received on October 9, 2002; to the Committee on Armed Services.

EC–9592. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Partnership Agreement Between Department of Defense and the Small Business Administration'' received on October 9, 2002; to the Committee on Armed Services.

EC–9593. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Department of Defense Pilot Mentor—Protege Program'' received on October 9, 2002; to the Committee on Armed Services.

EC–9594. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Preference for Local 8(a) Contractors—Base Closure or Realignment'' received on October 9, 2002; to the Committee on Armed Services.

EC–9595. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competition Requirements for Purchases from a Required Source'' received on October 9, 2002; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1284: A bill to prohibit employment discrimination on the basis of sexual orientation. (Rept. No. 107–341).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1602: A bill to help protect the public against the threat of chemical attack. (Rept. No. 107–342).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs:

Report to accompany S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes. (Rept. No. 107–343).

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Foreign Relations pursuant to the order of November 15, 2002:

DEPARTMENT OF STATE

Mary Carlin Yates, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 3170. A bill to authorize Chief Judge Richard T. Haik, of the western district of Louisiana, to participate in the retirement program provided for judicial officials under section 376 of title 28, United States Code; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3171. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. KERRY, Mr. DOMENICI, Mr. CONRAD, Mr. BURNS, Ms. LANDRIEU, Ms. SNOWE, and Mr. HARKIN):

S. 3172. A bill to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 358. A resolution congratulating the people of Mozambique on their successful efforts to establish, build, and maintain peace in their country for the past ten years, and for other purposes; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. SMITH of Oregon):

S. Con. Res. 158. A concurrent resolution urging the Government of Egypt and other Arab governments not to allow their government-controlled television stations to broadcast any program that lends legitimacy to the Protocols of the Elders of Zion, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 847

At the request of Mr. DAYTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2573

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2573, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 2626

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2626, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2945

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2945, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 2991

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2991, a bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sandos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh.

S. 3114

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3114, a bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

S.J. RES. 35

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 325

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 325, resolution designating the month of September 2002 as ''National Prostate Cancer Awareness Month''.

AMENDMENT NO. 4911

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 4911 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4911

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 4911 proposed to H.R. 5005, supra.

AMENDMENT NO. 4911

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 4911 proposed to H.R. 5005, supra.

AMENDMENT NO. 4953

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 4953 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4953

At the request of Mrs. MURRAY, her name and the name of the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 4953 proposed to H.R. 5005, supra.

AMENDMENT NO. 4953

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 4953 proposed to H.R. 5005, supra.

AMENDMENT NO. 4960

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 4960 proposed to H.R. 3529, a bill to provide tax incentives for economic recovery and assistance to displaced workers.

AMENDMENT NO. 4960

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4960 proposed to H.R. 3529, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 3171. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, today I am introducing a bill to make the Impact Aid Program a Federal entitlement.

Over the past few years, the need for a change in the delivery of Impact Aid payments to eligible school districts has become increasingly clear. Impact Aid was originally designed to compensate a local school district for financial losses caused by a Federal presence in that district, whether due to a military base or to other designated Federal land in the community. Congress met its obligation and fully funded the program for the first twenty years of its existence. When the funding was cut in 1971, appropriations for Impact Aid were allocated for school districts according to a need-based formula. In subsequent years, multiple changes in the law have revised and further complicated both the formula and the additional factors that determine funding for each district. The result of these numerous revisions has been large payment disparities for the same types of students in different districts, as well as inherent flaws in reimbursements due to how school districts are defined in different states.

I have consistently defended increased appropriations for Impact Aid not only because it is a vital source of revenue for many local school districts, but also because it constitutes a clear-cut Federal responsibility. When the Federal Government's presence in a community detracts from the local tax base, which often comprises nearly 90 percent of local schools' funding, we must compensate for the lost funds. When we do not do so, the children suffer the consequences.

Despite increases in the past few years, Impact Aid remains substantially under-funded. We can no longer ignore the inequity this causes in educating our students. It is for this reason that I have introduced this bill today. When this legislation becomes law, Congress will be required to meet its obligation to the children and the schools that have been negatively impacted for so long. I urge my colleagues to join me in supporting our local schools by permanently fully funding the Impact Aid program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 358—CONGRATULATING THE PEOPLE OF MOZAMBIQUE ON THEIR SUCCESSFUL EFFORTS TO ESTABLISH, BUILD, AND MAINTAIN PEACE IN THEIR COUNTRY FOR THE PAST TEN YEARS, AND FOR OTHER PURPOSES

Mr. BIDEN submitted the following resolution; which was considered and agreed to:

Whereas, on October 4, 1992, having overcome the hardships of a colonial struggle, decolonization, and armed regional and national conflict, the people of Mozambique, the parties to the civil war in Mozambique, and the leadership of Mozambique reached a peaceful settlement to the devastating 16-year civil war;

Whereas this peace was facilitated by the good offices of the Comunita di Sant' Egidio in Rome and supported by regional friends and the international community;

Whereas in 1994 and 1999 Mozambique held multi-party elections deemed free and fair by the international community;

Whereas this peace has been consolidated and strengthened by Mozambique civil society, helping to keep the Government of Mozambique on a course of political and economic reforms despite the challenges currently presented by HIV/AIDS, floods, droughts, and regional instability;

Whereas the Government of Mozambique has initiated sound economic reforms, including the privatization of state-run enterprises, the reduction and simplification of import tariffs, and the liberalization of agricultural markets, resulting in extraordinary economic growth;

Whereas the resources that have become available by Mozambique's participation in the Highly Indebted Poor Countries Initiative have been responsibly channeled by the Government of Mozambique into anti-poverty programs;

Whereas, despite the progress that Mozambique has made, more than one-half of the people of Mozambique over 15 years of age are illiterate, twenty-eight percent of the children under five are malnourished, infant mortality stands at more than 12 percent, and life expectancy is only 42 years;

Whereas the United States values democratic principles, the rule of law, peace, and stability in all nations that comprise the community of states; and

Whereas Mozambique has been transformed from a war-torn country to one where political disputes are settled through peaceful means: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Mozambique on ten years of continued peace and growing democracy and commends the Government of Mozambique for continued economic and political reforms;

(2) salutes the Comunita di Sant' Egidio for using its good offices to facilitate and mediate the peace process that led to the October 4, 1992, agreement;

(3) recognizes the indispensable role that civil society in Mozambique has played in both achieving peace and deepening democratic reforms; and

(4) stands ready to assist the Government of Mozambique on a variety of programs, including humanitarian and development assistance, HIV/AIDS prevention, and technical assistance to fight corruption.

SENATE CONCURRENT RESOLUTION 158—URGING THE GOVERNMENT OF EGYPT AND OTHER ARAB GOVERNMENTS NOT TO ALLOW THEIR GOVERNMENT-CONTROLLED TELEVISION STATIONS TO BROADCAST ANY PROGRAM THAT LENDS LEGITIMACY TO THE PROTOCOLS OF THE ELDERS OF ZION, AND FOR OTHER PURPOSES

Mr. NELSON of Florida (for himself and Mr. SMITH of Oregon) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 158

Whereas in November 2002, a number of government-controlled television stations in Egypt began broadcasting a multi-part series, ''Horseman Without a Horse'', based on the Protocols of the Elders of Zion and conspiracy myths about Jewish global domination;

Whereas the Protocols of the Elders of Zion are a notorious forgery, written by Russian anti-Semites in the early 20th century, which purport to reveal a plot for Jewish domination of the world;

Whereas the Protocols of the Elders of Zion have been a staple of anti-Semitic and anti-Israel propaganda for decades and have long since been discredited by all reputable scholars;

Whereas the broadcast of this series takes place in the context of a sustained pattern of vitriolic anti-Semitic commentary and depictions in the Egyptian government-sponsored press, which has gone unanswered by the Government of Egypt; and

Whereas the Department of State has urged Egypt and other Arab states not to broadcast this program, saying ''We don't think government TV stations should be broadcasting programs that we consider racist and untrue'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns any publication or program that lends legitimacy to the Protocols of the Elders of Zion;

(2) believes the use of such heinous propaganda, especially in the Arab world, serves to incite popular sentiment against Jewish people and the State of Israel rather than promoting religious tolerance and preparing Arab populations for the prospect of peace with Israel;

(3) commends the Department of State for its denunciation of the ''Horseman Without a Horse'' television series and its efforts to discourage Arab states from broadcasting it; and

(4) urges the Government of Egypt and other Arab governments—

(A) not to allow their government-controlled television stations to broadcast this program or any other racist and untrue material; and

(B) to speak out against such incitement by vigorously and publicly condemning anti-Semitism as a form of bigotry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4962. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4902 proposed by Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. NELSON of Nebraska) to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY, and Mr. VOINOVICH)) to the bill

H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY, and Mr. VOINOVICH)) to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4964. Mr. NELSON, of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4962. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4902 proposed by Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. NELSON of Nebraska) to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4902 and insert in lieu thereof the following:

Notwithstanding any other provision of this Act, section 1314 of the Thompson amendment is null and void, and shall have no effect.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4940 and insert in lieu thereof the following:

Notwithstanding any other provision of the Thompson amendment is null and void, and shall have no effect.

SA 4964. Mr. NELSON of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EMERGENCY AGRICULTURAL ASSISTANCE.

(a) CROP DISASTER ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(3) CROP INSURANCE.—In carrying out this subsection, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(2) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this section; and

(2) transfer to section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), an amount equal to the amount of funds under section 32 of that Act that were made available before the date of enactment of this Act to provide disaster assistance to crop and livestock producers for losses suffered during 2001 and 2002, to remain available until expended.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(e) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The entire amount made available under this section shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(2) DESIGNATION.—The entire amount made available under this subsection is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

(f) BUDGETARY TREATMENT.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following calendar numbers: No. 1177 and No. 1179; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and any statements be printed in the RECORD.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

NOMINATION OF MICHAEL W. MCCONNELL

Mr. HATCH. Mr. President, it is my high honor and privilege to speak on the confirmation of Professor Michael McConnell to the Tenth Circuit Court of Appeals. Professor McConnell is a Utahn, a scholar of the highest talent, and a man of profound integrity and judicial temperament.

Professor McConnell holds the prestigious Presidential Professorship at the University of Utah College of Law in Salt Lake City. He began his legal career at the University of Chicago Law School, where he was Comment Editor of the Law Review and graduated Order of the Coif. Thereafter he served as a law clerk for two of the leading liberal jurists of the 20th century: Supreme Court Justice William J. Brennan, Jr. and D.C. Court of Appeals Judge J. Skelly Wright.

After completing those clerkships, Mike became Assistant General Counsel of the Office of Management and Budget and then served as Assistant to the Solicitor General. He then joined

the faculty of the University of Chicago Law School, where he was awarded tenure and later the William B. Graham Professorship.

In addition to his academic credentials, Professor McConnell is an able and experienced appellate lawyer. He has argued eleven cases before the United States Supreme Court—and won nine of them. In fact, the Los Angeles Daily Journal named one of his presentations to the Supreme Court ''best oral argument'' of the year. His clients include a wide range of entities: Fortune 500 companies such as NBC and Ameritech; organizations such as the United States Catholic Conference; municipal authorities including the New York Metropolitan Transit Authority; and many individuals.

This combination of intelligence and experience was very likely the reason that the American Bar Association rated Professor McConnell unanimously ''well qualified''—its highest possible rating.

Now, Mr. President, I imagine you have heard some of the attacks waged against these fine nominees by the usual suspects—that group of Washington-based special interest lobbyists who make their living trying to thwart President Bush's judges. Those groups are trying to make believe that Professor McConnell is out of the mainstream of American politics.

Well, let me set the record strait. I'll mention just a few of the positions Professor McConnell has taken that prove he is an independent-minded thinker who calls things as he sees them, and does not follow anyone else's political prescription. Professor McConnell represented, without charge, three former Democratic Attorneys General in opposition to an order of the first President Bush; publicly opposed impeachment of President Clinton; urged the confirmation of several of President Clinton's judicial nominations; testified against a school prayer amendment; worked, without charge, on a lawsuit representing both People for the American Way and Americans United for the Separation of Church and State; has been described by Supreme Court Justice Antonin Scalia as ''the most prominent scholarly critic'' of Scalia's approach to the free exercise clause; and has served as co-chair—together with a former ACLU president and a former American Bar Association president—of an organization whose purpose is to oppose MY proposed constitutional amendment to protect the American flag from desecration.

So you see, Mr. President, the idea that McConnell is in lock-step with the Republican party is absolutely untrue. Rather than credit all of the unsupported attacks with responses, I instead would like to tell you a couple of things the ARE true about Professor McConnell.

First, Professor McConnell is widely regarded as modern America's most persuasive advocate for the idea that our government should ensure every citizen's right to worship—or not worship—in his or her preferred manner. Through his scholarship and advocacy in court, he has stood up for the rights of all religious people—including members of some politically out-of-favor faiths—to worship free of government restriction or intrusion.

Many Americans believe that the freedom to exercise their own religion is the most profound and important idea on which this country was founded. Before Professor McConnell began his prodigious scholarship in the area of the First Amendment's religion clauses, the idea was taking root that the government must disfavor religion in its policies. That is, judges and scholars believed that all groups must be treated equally except religions, which must be excluded entirely from any government program or policy.

Professor McConnell's scholarship served as a dramatic wake-up call. He researched the Founders' writing and presented with illuminating clarity that the point of free exercise is for government to remain neutral as between religions, and must accommodate religious activity where feasible. He demonstrated there was no basis in the founding for the view that our government must be anti-religion. The persuasiveness of his writing reawakened American legal scholars and judges to the Founders' view that the First Amendment's purpose is to protect religion from government, not the other way around. His work has helped reinvigorate the healthy and dynamic pluralism of religion that has allowed all faiths to flourish in this promised land, the most religiously tolerant nation in human history.

McConnell's views defy political pigeonholing. Although he has generally sided with the so-called liberal wing of the Court on questions of Free Exercise of Religion, McConnell's view of Establishment of Religion is that religious perspectives should be given equal but not favored treatment in the public sphere—a view that has led him to testify against a school prayer amendment, while supporting the rights of religious citizens and groups to receive access to public resources on an equal basis.

Few people in modern America have contributed more to their area of expertise than Professor McConnell. He has written over 50 articles in professional journals and books. He has delivered hundreds of lectures and penned many op-ed pieces. He has contributed an immeasurable amount to the discourse of legal ideas. As Professor Laurence Tribe wrote to the Judiciary Committee, ''McConnell is among the nation's most distinguished constitutional scholars and a fine teacher.'' Tribe further explained that he and McConnell ''share a commitment to principled legal interpretation and to a broadly civil libertarian constitutional framework.''

The significance of McConnell's contributions to the legal profession in part explains why 304 professors—ranging from conservative to liberal to very liberal—have signed a single letter urging us to confirm McConnell's nomination.

Mr. President, When was the last time that 304 professors agreed on anything? Professor McConnell's peers consider him one of the nation's foremost constitutional scholars and appellate advocates and as a person with a reputation for open-minded fairness.

Because of his outstanding reputation for scholarship, the attacks on Professor McConnell have not focused so much on his judicial abilities, but on his personal beliefs. I think this is wrong. All Americans have the right to think their own thoughts and believe their own beliefs. That right should apply as much to the Americans who don robes in service of the Federal Judiciary as to any other citizen.

One of the Senate's most important roles in exercising advice and consent on judicial nominees is to make sure that they are free from any bias—whether political, religious, personal or otherwise—that would endanger their ability to follow the law as written by the legislature and interpreted by higher courts. No one wants a judge who plays legislator from the bench. We want and expect judges who know their limited role and will uphold the law regardless of their personal views. And as long as a judge is willing to do that, any other litmus test on their personal views is contrary to our constitutional responsibility, and an invasion into the freedom of conscience.

I am concerned that some who are involved in the judicial confirmation process are pursuing a course that endangers the freedom of conscience for the Americans who serve on our courts. This is not only a personal offense against nominees who are dragged through the mud or even rejected for their private, personal opinions, it is also an offense against the citizens of this great country, who rely on our federal judges to enforce our many rights and liberties. The diversity of backgrounds and points of view are often the stitches holding together the fabric of our freedoms.

If I may be blunt about this, an impression has been created this year that there are some in the Senate who are attempting to impose a litmus test on the issue of abortion. No one should stand for this—not even people who are pro-choice as a matter of public policy. In fact, people who are pro-choice should be especially reluctant to establish a precedent that would allow the Senate to select judges according to their personal views rather than their willingness to follow and enforce established legal precedents. Pro-choice activists have as much to gain from the triumph of precedent over person view as anyone else.

The fact that most people who are pro-choice hold their position as a matter of political viewpoint or ideology. They do so in good conscience no

doubt, and I respect that. But the great majority of people who are pro-life come to their positions as a result of their personal religious convictions. It is one thing to ensure that judicial nominees pledge to follow the law—we must do that—but quite another to require nominees to have a particular private view. Enforcing such a test would not only destroy the freedom of conscience, but also would exclude from our judiciary a large number of people of religious conviction who are prepared to follow the law.

Now, Professor McConnell has written about abortion, and it is very important for us not to violate his freedom of conscience while exploring his views. The most important thing he has written on this topic, for the Senate's purposes, is that U.S. Supreme Court precedent setting forth the basic abortion right is settled and secure. Indeed, he believes that lower court judges have a clear duty to follow and apply that case law, and he will do just that if confirmed.

Beyond that, Professor McConnell's scholarship on the subject defies standard stereotypes. His writings have focused on two questions. First is the methodology or legitimacy of the Court's reasoning in *Roe v. Wade*. Like many constitutional scholars—including prominent supporters of abortion rights such as Justice Ruth Bader Ginsberg—Professor McConnell has written that the Court in *Roe* overstepped the bounds of proper judicial decision making and has argued that, when facing other issues of deep moral disagreement—for example, assisted suicide—the courts should not constitute their judgment for that of the legislatures, particularly where there is a broad consensus among the states regarding the proper role for regulation.

The second area he has addressed is the possibility of middle-ground approaches to abortion that would find support even from many pro-choice advocates—dealing with such problems as inadequate counseling and support for troubled pregnant women. He has been critical of the extremes on both sides of the questions surrounding abortion, and has argued that one result of the constitutionalization of abortion law has been that is has prevented political leaders from exploring middle-ground approaches.

Professor McConnell has also written in defense of the free-speech rights of abortion protestors.

The fact is that, despite some attempts to confuse this issue, there is nothing in Professor McConnell's writings that should cause any doubt that Professor McConnell is committed to the ideas of stare decisis and controlling legal precedent. To look beyond that belief, to probe his personal views based on religious conviction, is not only to miss the point of our job but also to jeopardize the freedom of conscience of those who serve our country as members of the judiciary.

Many people across the political spectrum know that Professor McConnell will obey precedent even when it is at odds with his own views. That explains why Professor McConnell's nomination has been praised by a number of people who disagree with some of his opinions, including former Clinton administration officials Acting Solicitor General Walter Dellinger, Deputy White House Counsel William Marshall, Domestic Policy Advisors Bill Galston and Elena Kagan, and Associate Attorney General John Schmidt.

Listen to part of a letter I received from the Legal Director of the ACLU chapter in Utah. He wrote—in his personal capacity—to endorse Professor McConnell ''enthusiastically and without qualification,'' saying that ''there can be no doubt that [lawyers who appear before him] will receive a fair and impartial hearing, thoughtful scrutiny and careful consideration toward a decision that will be based solely on the merits and not on any predetermined ideological or political agenda.''

Professor McConnell is immune to any political litmus test because he has a solid bipartisan reputation for integrity and fairness. He is committed to the rule of law and to the ideal of nonpartisan judging. He is known for his principled defense of a limited and restrained role for the judiciary in our constitutional system. He has argued for constitutional interpretation based on constitutional text, original understanding, historical experience, and precedent. He has criticized scholars and judges of both the right and the left for advocating interpretation based on the judge's own political or moral views. He has advocated a major role for Congress in defining and protecting civil rights and has criticized the Supreme Court's decisions limiting such measures to mere enforcement of the Supreme Court's own interpretations. Civil rights groups should take special note of his defense of broad congressional power under Section Five of the Fourteenth Amendment.

In conclusion, Mr. President, Professor McConnell is one of the very best people ever nominated to be a judge. I am very pleased that the Senate confirmed him today. He will be a great judge.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER. Mr. President, tonight, the Senate will consider the nomination of Michael McConnell to a lifetime appointment to the Tenth Circuit Court of Appeals. I oppose this nomination.

Professor McConnell's record as a scholar, an advocate and an activist show him to be far outside the American mainstream on a number of critical constitutional, civil rights, and other legal issues. His views are so clear and consistent that I believe no litigant on areas such as reproductive rights or the separation of church and state could reasonably expect to receive a fair and impartial hearing in Judge McConnell's court room.

Let me tell you why I believe that. Professor McConnell has called the right to choose an ''evil'' and one of the greatest injustices of our day. He would not simply overturn *Roe* v. *Wade*—a disastrous outcome for American women—he has gone so far as to suggest that the courts should declare embryos persons under the Fourteenth Amendment. He has called *Roe* v. *Wade* ''illegitimate,'' and has called for a constitutional amendment banning the right to choose and granting constitutional rights to embryos.

Professor McConnell has also written and spoken against the Freedom of Access to Clinic Entrances Act (FACE). He believes—in contrast to every Federal appellate court that has considered the question—that it is unconstitutional. In a recent article, he expressed admiration for a district court judge who refused to apply FACE because the defendants did not act with ''bad purpose.'' Mr. President, that is not in the statute Congress passed. McConnell's statements of admiration for the ''judicial nullification'' of a Federal statute that he does not agree with speaks volumes about his inability to fairly and impartially apply a range of civil rights statutes that my conflict with his views.

And it makes it clear that as a judge, he would be a judicial activist.

McConnell has even criticized the Supreme Court's 8–1 decision in the Bob Jones case from 1983. In that decision, the Court ruled that the IRS may deny tax-exempt status to a school that discriminates against minorities. In a 1989 article, McConnell wrote that the ''racial doctrines of a Bob Jones University'' should have been ''tolerated'' because they were ''church teachings.''

Mr. President, I realize that this is not a Supreme Court nomination. But, the reality is that Circuit Courts make new law in many areas where the Supreme Court has not spoken. The Supreme Court hears fewer than 100 cases per year, while the Courts of Appeal decide close to 30,000. The truth is, the appellate court are very often the courts of last resort. As Justice Scalia recently wrote, ''the judges of inferior courts often make law, since the precedent of the highest court does not cover every situation, and not every case is reviewed.''

Already, Mr. President, increasingly conservative Federal courts are upholding greater and greater restrictions on the right to choose, chipping away at the protections of *Roe* vs. *Wade*. In the area of reproductive rights, the Circuit Courts routinely make new law, as anti-choice advocates test the constitutional limits with new and creative restrictions on the right to safe and legal abortion. The importance of each Federal judge in protecting the right to choose is underscored by the fact that many recent abortion cases have involved reversals and dissents, demonstrating that judges often disagree on the correct application of law. I believe that Professor McConnell's extensive anti-

choice record shows that he will use every opening the law permits to further restrict a woman's right to choose.

Unfortunately, Professor McConnell does not stand apart from other Bush nominees for his extreme ideology. I believe he was chosen because of it.

Remaking the Federal courts has been a long-term goal of the right-wing base of the Republican party. They have pursued this goal with dogged determination and persistence for more than two decades, and they are succeeding. More and more restrictions on a woman's right to choose are being upheld as constitutional by the increasingly conservative Federal courts, while portions of anti-discrimination law and Violence Against Women Act—a law that Senator Biden wrote and that I was proud to sponsor when I was in the House—are struck down. This is not the right direction for the federal courts.

Now Bush Administration is poised to tip the scales of justice even further to support an extreme anti-choice agenda, and the right to choose may well disappear for more and more American women—especially for poor women. Don't take my word for it. After last week's elections, former Reagan Administration attorney Bruce Fein said that there will be a philosophical revolution in the courts and that Bush nominees will impose a variety of new restrictions on a women's right to choose. The impact, he said, will be almost as great as if Robert Bork had been confirmed.

Mr. President, during the Clinton Administration, I was repeatedly told by the Republican leadership in the Senate that I should only recommend moderate judges to fill judicial vacancies on the Federal courts in the state of California. Otherwise, I was told, Republicans would not let them be confirmed.

President Bush should be held to the same standard. In fact, President Bush said he wanted to govern from the middle. And he fulfilled that commitment on the district court level in California when he agreed to a bipartisan committee selection process. That process has worked well, producing well-qualified mainstream nominees for eight open district court seats in California.

However, Professor McConnell's nomination does not meet the test. He does not fulfill President Bush's commitment to govern from the middle. He does not meet the requirement established by the Senate Republican leadership during the Clinton Administration that nominees be moderate. No, Mr. President, Professor McConnell is far outside the mainstream.

I again call on President Bush—as have so many in the Senate—to reach out across the aisle and to work with all of us to find and nominate the moderate, consensus judges that Americans deserve.

NOMINATION DISCHARGED

NOMINATION OF MARY CARLIN YATES TO BE AMBASSADOR TO THE REPUBLIC OF GHANA

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nomination of Mary Carlin Yates to be the Ambassador to the Republic of Ghana; that the Senate proceed to the immediate consideration of the nomination; that the nomination be confirmed, the motion to reconsider be laid on the table; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Mary Carlin Yates, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF DENNIS SHEDD

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that at 12 noon on Monday, November 18, the Senate proceed to executive session to consider Executive Calendar No. 1178, the nomination of Dennis Shedd to be United States Circuit Judge; that there be a time limitation of 6 hours for debate equally divided between Senators Leahy and Hatch or their designees; that at the conclusion or yielding back of the time, but not before 5:15 p.m., the Senate vote on cloture on the nomination; that if cloture is invoked, the Senate then vote immediately on the confirmation of the nomination; that if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session; that if cloture is not invoked, the nomination be returned to the calendar and the Senate return to legislative session; and that the preceding all occur with no intervening action or debate; further, that the granting of this consent fulfill the cloture filing requirement under rule XXII.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that no other amendments be in order to H.R. 5005 prior to the disposition of the Thompson amendment; that when the Senate concludes its business today, it next resume consideration of this bill on Monday, November 18, upon disposition of Executive Calendar No. 1178; that the 30 hours under cloture conclude at 10:30 a.m. on Tuesday, November 19; that the 90 minutes prior to that time on Tuesday be divided as follows: 30 minutes for each of the two leaders or their designees, and 30 minutes for Senator BYRD, with the Republican leader controlling the time from 10 to 10:15 a.m. and the Democrat leader controlling the time from 10:15 to 10:30 a.m.; that at 10:30 a.m. the Senate vote on the Daschle-Lieberman-Byrd amendment, No. 4953; that upon disposition of that amendment, the Senate then vote immediately on amendment No. 4911, as amended, if amended; that upon the disposition of that amendment, the Senate vote on or in relation to the Thompson amendment, No. 4901, as amended, if amended; that upon the disposition of Senator THOMPSON's amendment, the Senate then vote on cloture on H.R. 5005, with the preceding all occurring without intervening action or debate, provided further that no points of order be waived by this agreement.

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

Mr. REID. Mr. President, point of clarification: On Monday night after the Shedd matter is disposed of, will Senators be allowed to discuss the homeland security matter?

The PRESIDING OFFICER. That would be the order.

SUBSIDY RATE FOR SMALL BUSINESS LOANS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3172 introduced earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3172) to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I ask my colleagues to support the small business subsidy rate improvement bill before the Senate today. It is not perfect, but it takes us a step in the right direction. It takes us a step in the right direction by reversing a current 60-percent cut in loan dollars available to small businesses through the Small Business Administration's flagship 7(a) loan program, and it includes a budget change mid-year with OMB's blessing, which is unprecedented. However, it does not go far enough in correcting the way the government calculates the

cost and fees of the SBA's small business loans. Specifically, the Administration would not also support our proposal to correct the errors in the subsidy rate used for the 504 development company loan program—errors that result in severe overcharging of thousands of dollars to 504 borrowers and lenders.

As so many of us in the Senate, House and White House have heard for moths, the small business community supported the Senate's plan to enact a recommendation by the General Accounting Office as part of one of the continuing resolutions. However, that provision was blocked time and again by a few Republican Congressmen on behalf of the Administration. We are now faced with leaving small businesses strapped for financing until next year or enacting this bill that would put in place something called an econometric model to calculate the subsidy rate for the 7(a) program immediately, but for one year only.

Our goal—that of Senator BOND, Senator CONRAD, Senator DOMENICI, Senator HOLLINGS, Senator BYRD, and myself—was to right years of wrong in which the government has played budget games with the two largest loan programs at the Small Business Administration. Our goal was to end a double-standard in which the government cooks the books but small businesses get penalized if a comma is missing on their financial statements. Our goal was to put transparency, accuracy, and fairness into a system that has overcharged small business borrowers and private-sector lenders more than $2 billion fees, fees that are tantamount to a tax on small businesses.

Specifically, our goal, in technical talk, was to put in place budget systems in this fiscal year that would more accurately calculate the cost of providing loans through the SBA's 7(a) and 504 lending programs, thereby maximizing appropriations to leverage an additional $6 billion in small business loans and assessing fees that are more in line with the true cost of providing the loans. In the end, it would stimulate lending by creating a greater incentive for lenders to loan in these uncertain economic times, it would leave more money in the pockets of small businesses, and it would allow almost 190,000 jobs to be created or retained.

There is a lot of concern among small business trade groups, bankers, and members of Congress about adopting an econometric model at this stage because the administration has not been forthcoming with supporting documentation and the estimated subsidy rates over the testing period have varied greatly. Without that information, it is unreasonable to expect the small business community to trust the government. They have been fighting this problem for too long to settle for mere promises, when promises have been broken time and again. In the coming months I look forward to working with the Administration to get this information and give all of us confidence that this model is more predictive and accurate.

On the plus side, as I mentioned earlier, passing this legislation would reverse the 60-percent cut in the 7(a) loan program by patching together $6 billion in lending dollars. That restoration of loan dollars is significant on a micro and macro level. In my home state of Massachusetts, small businesses stand to lose $121 million in loan dollars and almost 3,700 jobs if this bill isn't passed. Nationwide, a loss of $6.2 billion in loans would translate into 189,000 jobs either lost or not created. In this economy, we can not afford to lose any more jobs or block job creation.

To my many colleagues who have courageously fought for small businesses on this issue—from Senator BOND and Senator CONRAD to Congressman MANZULLO and Congresswoman VELAZQUEZ—I thank them. To the small business groups—from 7(a)'s NAGGL and 504's NADCO to the small business coalition lead by the U.S. Chamber of Commerce, which included among many others, the National Black Chamber of Commerce, National Small Business United, and the American Bankers Association—I am proud to work with them. Because of your grassroots efforts, probably every member of Congress knows what a subsidy rate is and how it hurts the small business community when it is left uncorrected year after year. Last, I thank the Office of Management and Budget for reaching this agreement with our Committee, the Committee on Small Business & Entrepreneurship, the Committee on Budget, and the Committee on Appropriations. I know they are strongly opposed, in general, to changes to their subsidy rates, and, in particular, to any adjustment to the budget mid-year. But, small businesses do not care about technicalities and budget intricacies; they care about access to capital. This bill accomplishes that.

Mr. President, I ask unanimous consent that the following be printed in the RECORD: a letter from the small business coalition; a letter to OMB from our Committee with the Committee on budget regarding this issue; and a letter from OMB Director Mitch Daniels regarding the FY2003 subsidy rate for the 7(a) loan program.

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

SMALL BUSINESS ACCESS TO CAPITAL COALITION,
September 18, 2002.

Hon. JOHN KERRY,
Chairman, Committee on Small Business & Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY: On behalf of the hundreds of thousands of small businesses represented by the undersigned organizations, we are writing you to ask your support for legislation that would limit the use of outdated default rate data in calculating the subsidy rate for the Small Business Administration (SBA) 7(a) an 504 programs.

The undersigned associations believe government policies that foster and encourage robust entrepreneurial activity and small business ownership provide the basis for economic prosperity important to the long term vitality and success of our nation. Many of our small business members indicate that one major obstacle to entry or expansion of a small business is the availability and access to capital for small enterprises.

One source of funding, the SBA 7(a) and 504 guaranteed loan programs, play an important role in providing an alternative means of accessing capital for some small business owners where funding has not been available through conventional lending methods. However, in a recent Government Accounting Office (GAO) report, it was determined that the use of overly conservative default rate data by the SBA resulted in overestimated defaults for 1992 through 2000 by over $2 billion for the 7(a) program alone when compared to actual loan performance.

Indeed, overly conservative default rates used in calculating the subsidy rate, according to the GAO report, has during the same period, resulted in the overestimation of the cost of the 7(a) program by nearly $1 billion. Furthermore, consistent yearly program reestimates of this magnitude serve to undermine the intent of Congress during the appropriations process.

Even so, overly conservative default rate assumptions are still being used to calculate FY 2003 subsidy rates, resulting in diminished numbers or sizes the loans capable of being made given current program funding levels. Taken into account historic levels of demand, we can anticipate program shortages that may needlessly shutout some small businesses to sorely needed funds to start or grow their businesses, thus limiting their contribution to the fragile economic recovery.

The consistent use of overly conservative default rate date, resulting in the overestimation of the subsidy rate for the 7(a) and 504 programs by SBA is not only contrary to the spirit and intent of the Credit Reform Act, but an affront on Congresses role in determining program funding levels in the appropriations process. As a result, we encourage Congress to take legislative action to assure the FY 2003's subsidy rate calculation and future calculations will be limited to the use of recent default rate data that reflect the use of revised program credit standards and thus preserve the integrity of the appropriations process.

AeA, Air Conditioning Contractors of America, American Bankers Association, American Hotel & Lodging Association, American Nursey & Landscape Association, Association of Small Business Developmemt Centers, Asian American Hotel Owners Association, Hotel Brokers International, Independent Community Bankers Association, International Franchise Association.

National Association of Development Companies, National Association of Government Guaranteed Lenders, National Association of Small Disadvantaged Businesses, National Association of Women Business Owners, National Black Chamber of Commerce, National Restaurant Association, National Small Business United, National Tooling & Machining Association, Tire Industry Association, U.S. Chamber of Commerce, United Motorcoach Association, Women Impacting Public Policy, Yellow Pages Integrated Media Association.

U.S. SENATE,
Washington, DC, April 22, 2002.

Hon. MITCHELL DANIELS,
Director, Office of Management and Budget, Eisenhower Executive Office Building, 17th and Pennsylvania Ave., NW, Washington, DC.

DEAR MR. DANIELS: We are writing to express our concern about what appears to be the continued and routine over-estimation by OMB of the cost of the Small Business Administration's 504 and 7(a) loan programs to the government under the requirements of the Federal Credit Reform Act (Credit Reform). The Senate has repeatedly raised this issue with the OMB, most recently in the FY 2002 appropriations cycle, at a Roundtable held by the Senate Committee on Small Business and Entrepreneurship last fall, and in meetings between Senate Budget Committee staff and OMB staff.

Last fall, the SBA Administrator publicly stated, and your senior OMB staff indicated to our staff, that the subsidy rate for the 7(a) program would be cut at least in half, all else being equal. Unfortunately, the 2003 budget request reflects that only half of that goal has been accomplished. Given the systematic mis-estimates in these programs, this progress, while in the right direction, has been too slow and does not do much to engender confidence in the Administration's approach in light of SBA or OMB mistakes in budget documents over the years.

In our view, failure to solve the problem will continue the unfair practice of forcing small business borrowers and lenders, year after year, to pay fees that are substantially higher than necessary to participate in and cover the government's cost of these programs.

The nexus of the problem appears to be the use of overly conservative loan default rates as part of each program's cost calculation under Credit Reform and the failure to adequately weight historical data to reflect more accurately the program changes, both statutory and regulatory, that have resulted in reduced default rates and improved program performance.

The FY 2003 credit subsidy rate for the 504 program assumes an 8.3 percent loan default rate. But program statistics from the Bank of New York suggest the rate is in the 4 percent range instead. Use of the higher default rate results in the average 504 borrower unnecessarily paying approximately $10,000 in excess fees to participate in this program. We should emphasize that this program receives no federal appropriations and is totally funded through fees. Yet, since 1997 the program has paid nearly $400 million in excess fees to the U.S. Treasury as a result of OMB reestimates. Since 1995, the use of overly conservative default rate assumptions in the 7(a) program has resulted in total downward re-estimates of $1.429 billion, including interest.

The SBA testified earlier this year that it is developing an econometric model to estimate more accurately the default rate for each program. But, although we have already been told for at least a year how ''econometric'' modeling promises to be the solution, there is little to show for this new approach—at least, we have not seen anything yet. Because of the slow progress in the past and the experience of unfulfilled expectations, we remain skeptical that the emerging modeling approach will offer a significant improvement over previous approaches or that it will be ready with satisfactory results in time for the 2004 budget. Therefore, we request that OMB keep all of us up to date of the progress of the modeling through periodic briefings with our staff so we have an opportunity to ask questions.

Continued use of overly conservative assumptions in the credit reform model for both of these programs and the resulting continuation of downward re-estimates could undermine support for Credit Reform, which we do not want to see happen. The bias in the estimates for these two programs is simply unacceptable. We do not expect perfect subsidy rate estimates year-in and year-out, yet we do expect that over time the re-estimate will be randomly distributed around zero. One year the estimates may be high and the next year they may be low, but over time they should balance out. Unfortunately, that is not true today, and we are not optimistic that change will occur, absent your active intervention, any time soon.

Repeated opportunities to address this problem have not been realized. We believe the problem has dragged on too long. At a minimum, we expect the Administration to submit and support a budget amendment for 2003 for sufficient subsidy appropriations that will make possible $11 billion of 7(a) loan volume given the too-high subsidy rate OMB is currently using. Alternatively, if you expect that a review of the 2003 submission will reveal mistakes in the subsidy rates that would allow OMB to execute the 2003 budget using rates other than those published in the submission, as has occurred in other years, please submit that review. We would appreciate receiving your response to our letter, including the requests for an amendment and periodic meetings, by June 1, 2002. If legislative changes are necessary, we welcome your suggestions.

Sincerely,

PETE V. DOMENICI,
KENT CONRAD,
JOHN F. KERRY,
CHRISTOPHER S. BOND.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 14, 2002.

Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of November 12, regarding the subsidy rate for small business loans.

As you know, the Administration is committed to improving the Small Business Administration's (SBA) ability to more accurately estimate the cost of subsidizing small business loans. This will enable the agency to allocate its resources more effectively, determine program risk more precisely, and increase its ability to target loan programs to the most deserving recipients.

In accordance with the commitment that the Administration made one year ago, the Office of Management and Budget has just approved SBA's 7(a) econometric subsidy model to calculate its fiscal year 2004 resource requirements. Further, in light of the fact that this improved subsidy calculation procedure is now available, the Administration would support legislation that allows us to implement the econometric model for fiscal year 2003 as well. Applying the econometric model would produce a subsidy rate of 1.04 percent rather than the 1.76 percent submitted in the FY 2003 budget.

Please let us know if you need any more information.

Sincerely,

MITCHEL E. DANIELS, JR.,
Director.

Mr. KERRY. Last, I want to remember Senator Wellstone, a true advocate for small business who faithfully attended our committee hearings and markups and worked hard to help the 7(a) and 504 programs not just on this issue, but every single time. His contributions were great, and I wish he were here to see this agreement pass.

Mr. BOND. Mr. President, I rise today in support of legislation that has just been introduced to permit the Office of Management and Budget (OMB) to use a recently-completed econometric model to calculate the credit subsidy rate for the 7(a) small business loan guarantee program, the flagship loan program at the Small Business Administration. This bill, once signed into law by President Bush, will allow the 7(a) loan program to meet the borrowing demands of our Nation's small businesses, which is approximately $10 billion for Fiscal Year 2003. Without this bill, the program would limit 7(a) loans to less than $5 billion for FY 2003. In addition, the bill will permit unobligated, no-year funds previously appropriated for the STAR terrorist disaster recovery loans to be used for the 7(a) loan program.

The ''econometric model'' is a significant reform in the way the SBA and OMB calculates the credit subsidy rate for the 7(a) loan program. The bill provides that the OMB and SBA will adopt the new econometric model effective retroactively to October 1, 2002. Developed by the SBA and OMB, the econometric model will use far more comprehensive data about individual borrowers and loans when forecasting anticipated defaults and establishing loan reserves to cover them.

Under the Credit Reform Act of 1990, the annual appropriation for the SBA must, in advance, provide sufficient funds to cover the cost of a Federal loan guarantee, after taking into consideration the fees paid by small business borrowers and lenders under the 7(a) program. This amount, referred to as the credit subsidy rate, is determined by the OMB prior to the submission of the President's annual Budget Request to the Congress.

Critics of the credit subsidy rate for the 7(a) program have cited the use of historical loan-performance data that pre-dates the enactment of the Federal Credit Reform Act as a major cause of a credit subsidy rate that greatly exceeds actual loan performance. The consequence is the use of the most conservative loan-default rates, year-in and year-out, and the failure by the OMB and the SBA to adjust historical loan performance data to reflect 7(a) program changes, both statutory and regulatory, that have led to real reductions in the default rates and improved program performance. According to an in-depth analysis undertaken by the General Accounting Office (GAO), the excessively high credit subsidy rates have resulted in nearly $1 billion in unnecessary fees being paid by small business borrowers and lenders to the U.S. Treasury.

It is very unrealistic to believe that a 100% accurate credit subsidy rate estimate can be derived for the 7(a) loan program, or for any other Federal credit program. The econometric model, designed to calculate the 7(a) credit subsidy rate, is a major improvement over the ''old'' model. Originally, the

Administration stated that the econometric model would not be available until FY 2004. After exhaustive negotiations with the senior White House staff, I was able to secure an agreement to accelerate their use of the model retroactive to October 1, 2002, the beginning of FY 2003. The bill before us today is designed to waive a key provision of the Federal Credit Reform Act that prohibits the Congress from changing a credit subsidy rate estimate once it has been transmitted to the Congress as part of the President's annual budget submission. This may be the first time this provision has been waived since implementation of the Act in FY 1992.

We would not be where we are today resolving this important matter without the tireless efforts of my colleagues in the Senate and the House of Representatives. Mr. MANZULLO, Chairman of the House Committee on Small Business, fought for this change every step of the way. The Ranking Member, Ms. VELAZQUEZ, was especially vigilant in her efforts. In the Senate, my colleague from Massachusetts and Chairman of the Committee on Small Business and Entrepreneurship, JOHN KERRY, has kept the Committee focused on resolving this issue for the past year and has insisted that we resolve the credit subsidy rate controversy for FY 2003.

Resolving the 7(a) credit subsidy rate issue is good for small businesses. It will mean more jobs and economic fuel to grow start-up and growing small businesses. I urge each of my colleagues to vote a resounding ''Aye'' for this important bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid on the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 3172) was read three times and passed, as follows:

S. 3172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSIDY RATE FOR SMALL BUSINESS LOANS.

Notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 and section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget, in calculating the Federal cost for guaranteeing loans during fiscal year 2003 under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may use the most recently approved subsidy cost model and methodology in conjunction with the program and economic assumptions, and historical data which were included in the fiscal year 2003 budget. After written notification to Congress, the Small Business Administration shall implement the validated, OMB-approved subsidy rate for fiscal year 2003, using this model and methodology. Such rate shall be deemed to have been effective on October 1, 2002.

SEC. 2. USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

Chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 is amended by striking ''For emergency expenses'' after ''BUSINESS LOANS PROGRAM ACCOUNT'' and inserting the following: ''For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses''.

CONGRATULATING THE PEOPLE OF MOZAMBIQUE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 358 submitted earlier today by Senator BIDEN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 358) congratulating the people of Mozambique on their successful efforts to establish, build, and maintain peace in their country for the past ten years, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements in relation to this matter be printed in the RECORD.

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

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 358

Whereas, on October 4, 1992, having overcome the hardships of a colonial struggle, decolonization, and armed regional and national conflict, the people of Mozambique, the parties to the civil war in Mozambique, and the leadership of Mozambique reached a peaceful settlement to the devastating 16-year civil war;

Whereas this peace was facilitated by the good offices of the Comunita di Sant' Egidio in Rome and supported by regional friends and the international community;

Whereas in 1994 and 1999 Mozambique held multi-party elections deemed free and fair by the international community;

Whereas this peace has been consolidated and strengthened by Mozambique civil society, helping to keep the Government of Mozambique on a course of political and economic reforms despite the challenges currently presented by HIV/AIDS, floods, droughts, and regional instability;

Whereas the Government of Mozambique has initiated sound economic reforms, including the privatization of state-run enterprises, the reduction and simplification of import tariffs, and the liberalization of agricultural markets, resulting in extraordinary economic growth;

Whereas the resources that have become available by Mozambique's participation in the Highly Indebted Poor Countries Initiative have been responsibly channeled by the Government of Mozambique into anti-poverty programs;

Whereas, despite the progress that Mozambique has made, more than one-half of the people of Mozambique over 15 years of age are illiterate, twenty-eight percent of the children under five are malnourished, infant mortality stands at more than 12 percent, and life expectancy is only 42 years;

Whereas the United States values democratic principles, the rule of law, peace, and stability in all nations that comprise the community of states; and

Whereas Mozambique has been transformed from a war-torn country to one where political disputes are settled through peaceful means: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Mozambique on ten years of continued peace and growing democracy and commends the Government of Mozambique for continued economic and political reforms;

(2) salutes the Comunita di Sant' Egidio for using its good offices to facilitate and mediate the peace process that led to the October 4, 1992, agreement;

(3) recognizes the indispensable role that civil society in Mozambique has played in both achieving peace and deepening democratic reforms; and

(4) stands ready to assist the Government of Mozambique on a variety of programs, including humanitarian and development assistance, HIV/AIDS prevention, and technical assistance to fight corruption.

MENTAL HEALTH EQUITABLE TREATMENT ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 5716, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5716) to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements in relation thereto be printed in the RECORD.

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

The bill (H.R. 5716) was read the third time and passed.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, we have passed tonight a bill to extend for one year the current provisions of the 1986 Mental Health Equitable Treatment Act which provides limited parity for insurance coverage of mental illness.

But today is not a day to celebrate. Instead, it is a call to arms—a call to pass the full and meaningful mental health parity bill that Paul Wellstone and PETE DOMENICI have fought for so tirelessly. It is a day to sound the battle cry for finally ensuring that no American is discriminated against because they suffer from a mental illness.

Mental illness is a pervasive problem in our society, and too often it is a problem that is swept under the rug

with an immense human cost. One out of five Americans will suffer from some form of mental illness this year—but only one-third of them will receive treatment.

The fight against discrimination is not new—it is as old as the Republic and as fresh as today's headlines. All Americans deserve equality of opportunity and fundamental fairness.

Next year this fight begins anew. All of us are saddened that Paul Wellstone is no longer with us to carry on this fight. But we intend to honor his memory and continue to fight for the cause for which he worked so hard. We will not rest until we enact legislation that ends the cruel discrimination that burdens so many Americans suffering from mental illness.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107–21

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2002, by the President of the United States:

Convention on Supplementary Compensation for Nuclear Damage, Treaty Document No. 107–21; I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, with a declaration, the Convention on Supplementary Compensation for Nuclear Damage done at Vienna on September 12, 1997. This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) and was opened for signature at Vienna on September 29, 1997, during the IAEA General Conference. Then-Secretary of Energy Federico Pẽna signed the Convention for the United States on that date, subject to ratification. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

The Convention establishes a legal framework for defining, adjudicating, and compensating civil liability for nuclear damage that results from an incident in the territory of a Party, or in certain circumstances in international waters, and creates a contingent international supplementary compensation fund. This fund would be activated in the event of an incident with damage so extensive that it exhausts the compensation funds that the Party where the incident occurs is obligated under the Convention to make available.

The international supplementary fund would be made up largely of contributions from Parties that operate nuclear power plants. The improved legal certainty and uniformity provided under the Convention combined with the availability of additional resources provided by the international supplementary fund create a balanced package appealing both to countries that operate nuclear power plants and those that do not. The Convention thus creates for the first time the potential for a nuclear civil liability convention with global application.

Prompt U.S. ratification of the Convention is important for two reasons. First, U.S. suppliers of nuclear technology now face potentially unlimited third-party civil liability arising from their activities in foreign markets because the United States is not currently party to any international nuclear civil liability convention. In addition to limiting commercial opportunities, lack of liability protection afforded by treaty obligations has limited the scope of participation by major U.S. companies in the provision of safety assistance to Soviet-designed nuclear power plants, increasing the risk of future accidents in these plants. Once widely applied, the Convention will create for suppliers of U.S. nuclear equipment and technology substantially the same legal environment in foreign markets that they now experience domestically under the Price-Anderson Act. It will level the playing field on which they meet foreign competitors and eliminate the liability concerns that have inhibited them from providing the fullest range of safety assistance.

Second, under existing nuclear liability conventions many potential victims outside the United States generally have no assurance that they will be adequately or promptly compensated in the event they are harmed by a civil nuclear incident, especially if that incident occurs outside their borders or damages their environment. The Convention, once widely accepted, will provide that assurance.

United States leadership is essential in order to bring the Convention into force soon. With the United States as an initial Party, other countries will find the Convention attractive and the number of Parties is likely to grow quickly. Without U.S. leadership, the Convention could take many years to enter into force. The creation of a global civil liability regime will play a critical role in allowing nuclear power to achieve its full potential in the diverse and environmentally responsible world energy structure we need to build in the coming decades.

The Convention is consistent with the primary existing U.S. statute governing nuclear civil liability, the Price-Anderson Act of 1957. Adoption of the Convention would require virtually no substantive changes in that Act. Moreover, under legislation that is being submitted separately to implement the Convention, the U.S. contingent liability to contribute to the international supplementary fund would be completely covered, either by funds generated under the Price-Anderson Act in the event of an accident covered by both that Act and the Convention, or by funds contributed to a retrospective pool by U.S. suppliers of nuclear equipment and technology in the event of an accident covered by the Convention but falling outside the Price-Anderson system. In either case, U.S. taxpayers would not have to bear the burden of the U.S. contribution to the international supplementary fund.

The Convention allows nations that are party to existing nuclear liability conventions to join the new global regime easily, without giving up their participation in those conventions. It also permits nations that do not belong to an existing convention to join the new regime easily and rapidly. The United States in particular benefits from a grandfather clause that allows it to join the Convention without being required to change certain aspects of the Price-Anderson system that would otherwise be inconsistent with its requirements.

The Convention, without relying on taxpayer funds, will increase the compensation available to potential victims of a civil nuclear incident, strengthen the position of U.S. exporters of nuclear equipment and technology, and permit us to provide safety assistance to the world's least-safe reactors more effectively.

I urge the Senate to act expeditiously in giving its advice and consent to ratification of the Convention on Supplementary Compensation for Nuclear Damage, with a declaration as set forth in the accompanying report of the Department of State.

TO REDUCE PREEXISTING PAYGO BALANCES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5708, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5708) to reduce preexisting PAYGO balances, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 5708) was read the third time and passed.

GILA RIVER INDIAN COMMUNITY JUDGMENT FUND DISTRIBUTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 635, S. 2799.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2799) to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill which has been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''Gila River Indian Community Judgment Fund Distribution Act of 2002''.

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Findings.
[Sec. 3. Definitions.

[TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

[Sec. 101. Distribution of judgment funds.
[Sec. 102. Responsibility of Secretary; applicable law.

[TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

[Sec. 201. Plan for use and distribution of judgment funds awarded in Docket No. 228.
[Sec. 202. Plan for use and distribution of judgment funds awarded in Docket No. 236–N.

[TITLE III—EXPERT ASSISTANCE LOANS

[Sec. 301. Waiver of repayment of expert assistance loans to certain Indian tribes.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in Gila River Pima-Maricopa Indian Community v. United States, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

[(2) except for Docket Nos. 236–C and 236–D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

[(3) in Gila River Pima-Maricopa Indian Community v. United States, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–C;

[(4) in Gila River Pima-Maricopa Indian Community v. United States, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–D;

[(5) with the approval of the Community under Community Resolution GR–98–98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236–C and 236–D for an aggregate total of $7,000,000;

[(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236–C and 236–D for $7,000,000 in favor of the Community and against the United States;

[(7)(A) on October 6, 1999, the Department of the Treasury certified the payment of $7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

[(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

[(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) ADULT.—The term ''adult'' means an individual who—

[(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

[(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

[(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community.

[(3) COMMUNITY-OWNED FUNDS.—The term ''Community-owned funds'' means—

[(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

[(B) revenues held by the Community that are derived from Community-owned enterprises.

[(4) IIM ACCOUNT.—The term ''IIM account'' means an individual Indian money account.

[(5) JUDGMENT FUNDS.—The term ''judgment funds'' means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236–C and 236–D.

[(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term ''legally incompetent individual'' means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

[(7) MINOR.—The term ''minor'' means an individual who is not an adult.

[(8) PAYMENT ROLL.—The term ''payment roll'' means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

[(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

[SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

[(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236–C and 236–D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

[(b) PREPARATION OF PAYMENT ROLL.—

[(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

[(2) CRITERIA.—

[(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

[(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236–N (including any individual who was inadvertently omitted from that roll).

[(ii) All enrolled Community members who are living on the date of enactment of this Act.

[(iii) All enrolled Community members who died—

[(I) after the effective date of the payment plan for Docket No. 236–N; but

[(II) on or before the date of enactment of this Act.

[(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

[(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

[(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

[(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

[(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

[(I) awarded to another community, Indian tribe, or tribal entity; and

[(II) appropriated on or before the date of enactment of this Act.

[(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

[(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

[(1) the number of shares that are attributable to eligible living adult Community members; and

[(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

[(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

[(1) estate accounts for deceased individuals described in subsection (c)(2); and

[(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

[(e) DISBURSEMENT OF FUNDS.—

[(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares

that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

[(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsibility for administration and distribution of the funds.

[(f) SHARES OF DECEASED INDIVIDUALS.—

[(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

[(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

[(A) revert to the Community; and

[(B) be deposited into the general fund of the Community.

[(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

[(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

[(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

[(h) SHARES OF MINORS.—

[(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

[(2) ADMINISTRATION.—

[(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

[(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

[(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

[(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

[(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

[(A) the Community makes the per capita distribution under subsection (a); and

[(B) all appropriate IIM accounts are established under subsections (g) and (h).

[(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

[(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

[(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

[(B) shall invest those funds in accordance with applicable law.

[(j) USE OF RESIDUAL FUNDS.—On request by the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

[(k) NONAPPLICABILITY OF CERTAIN LAW.—Notwithstanding any other provision of law, the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply to Community-owned funds used by the Community to make payments under subsection (i).

[SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

[(a) RESPONSIBILITY FOR FUNDS—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

[(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

[(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

[TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

[SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

[(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99–493 (100 Stat. 1241).

[(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

[(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

[(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

[(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

[(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

[SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236–N.

[(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236–N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

[(b) CONDITIONS.—

[(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading ''Per Capita Aspect'' in the plan to read as follows: ''Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.''.

[(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

[(A) modify the third sentence of the first paragraph under the heading ''General Provisions'' of the plan to strike the word ''minors''; and

[(B) insert between the first and second paragraphs under that heading the following:

[''Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2002, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.''.

[TITLE III—EXPERT ASSISTANCE LOANS

[SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO CERTAIN INDIAN TRIBES.

[(a) GILA RIVER INDIAN COMMUNITY.—Notwithstanding any other provision of law—

[(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88–168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

[(2) the Secretary shall take such action as is necessary—

[(A) to document the cancellation of loans under paragraph (1); and

[(B) to release the Community from any liability associated with those loans.

[(b) OGLALA SIOUX TRIBE.—Notwithstanding any other provision of law—

[(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301) and relating to Oglala Sioux Tribe v. United States (United States Court of Federal Claims Docket No. 117 and associated subdockets) are canceled; and

[(2) the Secretary shall take such action as is necessary—

[(A) to document the cancellation of loans under paragraph (1); and

[(B) to release the Oglala Sioux Tribe from any liability associated with those loans.

[(c) SEMINOLE NATION OF OKLAHOMA.—Notwithstanding any other provision of law—

[(1) the balances of all outstanding expert assistance loans made to the Seminole Nation of Oklahoma under Public Law 88–168 (77 Stat. 301) and relating to Seminole Nation v. United States (United States Court of Federal Claims Docket No. 247) are canceled; and

[(2) the Secretary shall take such action as is necessary—

[(A) to document the cancellation of loans under paragraph (1); and

[(B) to release the Seminole Nation of Oklahoma from any liability associated with those loans.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gila River Indian Community Judgment Fund Distribution Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

Sec. 101. Distribution of judgment funds.
Sec. 102. Responsibility of Secretary; applicable law.

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

Sec. 201. Plan for use and distribution of judgment funds awarded in Docket No. 228.
Sec. 202. Plan for use and distribution of judgment funds awarded in Docket No. 236–N.

TITLE III—EXPERT ASSISTANCE LOANS

Sec. 301. Waiver of repayment of expert assistance loans to Gila River Indian Community.

SEC. 2. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in Gila River Pima-Maricopa Indian Community v. United States, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236–C and 236–D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in Gila River Pima-Maricopa Indian Community v. United States, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–C;

(4) in Gila River Pima-Maricopa Indian Community v. United States, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–D;

(5) with the approval of the Community under Community Resolution GR–98–98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236–C and 236–D for an aggregate total of $7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236–C and 236–D for $7,000,000 in favor of the Community and against the United States;

(7)(A) on October 6, 1999, the Department of the Treasury certified the payment of $7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADULT.—The term ''adult'' means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term ''Community-owned funds'' means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

(B) revenues held by the Community that—

(i) are derived from trust resources; and

(ii) qualify for an exemption under section 7 or 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

(4) IIM ACCOUNT.—The term ''IIM account'' means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term ''judgment funds'' means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236–C and 236–D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term ''legally incompetent individual'' means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term ''minor'' means an individual who is not an adult.

(8) PAYMENT ROLL.—The term ''payment roll'' means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236–C and 236–D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236–N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236–N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsibility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the governing body of the Community to the Secretary, and after passage by the governing body of the Community of a tribal council resolution affirming the intention of the governing body to have judgment funds disbursed to, and deposited in the general fund of, the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) REVERSION OF PER-CAPITA SHARES TO TRIBAL OWNERSHIP.—

(1) IN GENERAL.—In accordance with the first section of Public Law 87–283 (25 U.S.C. 164), the share for an individual eligible to receive a per-capita share under subsection (a) that is held in trust by the Secretary, and any interest earned on that share, shall be restored to Community ownership if, for any reason—

(A) subject to subsection (i), the share cannot be paid to the individual entitled to receive the share; and

(B) the share remains unclaimed for the 6-year period beginning on the date on which the individual became eligible to receive the share.

(2) REQUEST BY COMMUNITY.—In accordance with subsection (j), the Community may request that unclaimed funds described in paragraph (1)(B) be disbursed to, and deposited in the general fund of, the Community.

SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS.—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99–493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236–N.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236–N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading ''Per Capita Aspect'' in the plan to read as follows: ''Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.''.

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading ''General Provisions'' of the plan to strike the word ''minors''; and

(B) insert between the first and second paragraphs under that heading the following: ''Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2002, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.''.

TITLE III—EXPERT ASSISTANCE LOANS

SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO GILA RIVER INDIAN COMMUNITY.

Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88–168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute, as reported, be agreed to; that the bill, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

The bill (S. 2799), as amended, was read the third time and passed.

ENHANCING THE MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES AND PROCESSES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2458, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2458) to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. LIEBERMAN. Mr. President, I rise to applaud passage by the House and Senate today of the E-Government Act of 2002. The E-Government Act is strong, bipartisan legislation that will help bring the Federal Government into the electronic age by improving the access of all citizens to the government services and information they rely on every day in their work and personal lives.

The bill that we are passing today, H.R. 2458, represents a consensus between Democrats and Republicans in the Senate and the House, and with the administration. It is the product of more than a year of negotiations and cooperation between Senators FRED THOMPSON, CONRAD BURNS and me, and

Congressmen TOM DAVIS, JIM TURNER, DAN BURTON, and HENRY WAXMAN. It is also the result of important input from a range of constituencies who support electronic government. This bill has won the support of the IT industry, of the public access community, of privacy advocates, and of non-profit groups interested in good government. There are many others who have contributed to the legislation, too many to name here. The bill demonstrates what can happen when we put aside partisan interests and work together to improve the performance of our Government.

I introduced the E-Government Act, S. 803, on May 1, 2001, with Senator BURNS as chief co-cosponsor, and many original co-sponsors from both parties. This March after months of negotiations with the White House and with the help of my friend Senator THOMPSON, an amended version of the bill was reported out of the Governmental Affairs Committee. The committee filed Report No. 107–174 with the bill; this report provides important explanations and background on key concepts and terms in the legislation and should be referred to as relevant legislative history. The E-Government Act first passed the Senate on June 27 of this year. This fall, the House Government Reform Committee took up H.R. 2458, companion legislation to S. 803 that had been introduced by Rep. JIM TURNER on July 11, 2001. The House Government Reform Committee incorporated virtually all of the amended S. 803. It also expanded upon several provisions and added new ones, some of them initiatives that had been worked on for some time by Congressman DAVIS, TURNER, BURTON and WAXMAN. The revised E-government legislation was passed by the House by unanimous consent early this morning.

In less than a decade the tremendous growth of the Internet has transformed the way industry and the public conduct their business and gain access to needed information. This, in turn, has spawned a growing public expectation that government will make use of new information technologies, and a growing support for electronic government. Information technology, and the Internet in particular, provide a unique opportunity to re-package government information and services, so they are offered to the public according to the needs of individual customers. They can also facilitate interagency cooperation without requiring a major reorganization of government agencies. Ultimately, e-government can transform the way government operates, essentially effecting a ''virtual'' re-engineering of government. This paradigm shift requires systems based on function and the needs of the citizen rather than agency jurisdiction. If the government integrates processes across agency boundaries, the public will experience government as a seamless web of offerings. Federal services and information on the Internet can even be consolidated with those of state and local governments.

The ''E-Government Act of 2002'' will facilitate this transformation to a government organized more appropriately according to the needs of the public. The bill requires agencies to link their e-government initiatives to key customer segments, and to work collectively in doing so. The E-Government Fund provides necessary funding for inter-agency projects, overcoming the difficulty in securing appropriations for cooperative endeavors. The Federal Internet Portal provides ''one-stop shopping'' for citizens, businesses, and other governments: information and services will be integrated according to the needs of all users, all of it accessible from a single point on the Internet. The Administrator of the Office of Electronic Government will oversee and promote this vital transformation.

Among its many provisions, the E-Government Act would: establish an Office of Electronic Government, headed by a Presidentially-appointed Administrator within the Office of Management and Budget; authorize $345 million over four years for an E-Government Fund to support interagency e-government projects; improve upon the centralized Federal Government online portal that now exists so that it is more user friendly and establish an online directory of Federal web sites, organized by subject matter; require Federal courts to post opinions and other information online, and regulatory agencies to conduct rule-making over the Internet; improve recruitment and training of information technology professionals in Federal agencies; and encourage electronic interoperability so that different agencies can communicate with one another more efficiently.

We have taken care to include significant privacy protections and we extend and improve successful information security provisions due to expire this month. The Thompson-Lieberman Government Information Security Reform Act, which was enacted at the end of the last Congress, has provided a sturdy management framework for protecting the security of government computers. Congressman DAVIS has authored a new version of the legislation, updating it and improving it.

As we are also in the process of debating homeland security legislation, it is worth noting that the E-Government Act is directly relevant to the goal of ensuring improved homeland security. The E-Government Act will give the Federal Government the tools and structure to transform its IT systems, one of the greatest vulnerabilities of agencies now tasked with homeland security missions. As we've seen through dozens of depressing revelations over the last year, we have desperate need for more effective information systems at agencies like the FBI, CIA, Department of State, the INS, and state and local authorities. The E-Government Act will help the Federal Government get that job done, by establishing more effective IT management, establishing mandates for action, and authorizing funding.

The bill will also substantially enhance the ability of the Federal Government to quickly provide information and services to citizens to help them prepare for, and respond to, terrorism, natural disasters, and other homeland threats. In the hours and days after the terrorist attacks of September 11, Americans flooded government websites in record numbers, seeking information more targeted than what the media was providing: what was happening; how they should respond to protect themselves from possible future attacks; how they could help victims; and how people who were victims themselves could seek assistance. The E-Government Act will substantially enhance the ability of the Federal Government to quickly provide information and services to citizens to help them prepare for, and respond to, terrorism, natural disasters, and other homeland threats.

Mr. President, Congress's passage of this legislation will result in a better Government and a stronger America.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2458) was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 124

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, with the concurrence of the Republican leader, may at any time proceed to the consideration of Calendar No. 762, H.J. Res. 124, the continuing resolution.

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

UNANIMOUS CONSENT AGREEMENT—AUTHORIZATION TO FILE

Mr. REID. Mr. President, I ask unanimous consent that following the sine die adjournment of the 107th Congress, the Select Committee on Intelligence be authorized to file, and the Secretary of the Senate be authorized to receive, a report in either classified or unclassified form, or both, solely on the committee's investigation into the intelligence community's activities before and after the September 11, 2001, terrorist attacks on the United States, on one of the following days: Friday, December 20, 2002, or Thursday, January 2, 2003, from 10 a.m. to 12 noon.

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

ORDERS FOR MONDAY, NOVEMBER 18, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business tonight, it stand in adjournment until 11 a.m., Monday, November 18; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each regarding retiring Members; and at 12 noon the Senate proceed to executive session under the previous order.

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

ADJOURNMENT UNTIL MONDAY, NOVEMBER 18, 2002, AT 11 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Monday, November 18, 2002, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 15, 2002:

DEPARTMENT OF STATE

MARY CARLIN YATES, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

THE JUDICIARY

MICHAEL W. MCCONNELL, OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

DEPARTMENT OF JUSTICE

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO CONGRESSMAN SONNY CALLAHAN

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. EVERETT. Mr. Speaker, after nine terms and 18 years in this chamber, Congressman SONNY CALLAHAN of Alabama's First District is saying goodbye to this institution and will retire to life along the Dog River on the beautiful Alabama Gulf Coast.

SONNY certainly deserves a chance to enjoy life with his family, but I don't mind telling you that I will miss him. When I came to Washington ten years ago, I looked to SONNY for guidance as I sought to run my office and seek committee assignments. I leaned on him pretty heavy in my early days up here and I will be forever grateful for his sound advice.

SONNY's reputation of fairness to all is respected and admired on both sides of the aisle and his garnered him plenty of friends of all political stripes. A good example of this was the close friendship he had with the late Rep. Joe Moakley. Politically, they were a world apart, but you could not find two better friends and I personally enjoyed their company at dinner on many an evening after we concluded legislative business.

For those of us in the Alabama delegation, SONNY has been an invaluable ally in obtaining vital federal project funding for our districts. His chairmanship of the House Appropriations Energy and Water Subcommittee has been beneficial to our state.

I personally owe him a debt of gratitude for his help in securing Army Corps funds to rebuild a life-saving levee residents in the flood-prone town Elba in my congressional district. SONNY was always there for us, no matter our personal politics and he never failed to put the needs of Alabama first.

SONNY's impact was not only felt in Alabama, but also in the Oval Office, where he was continually leaned upon for support of foreign operations funding. As past chairman of House Appropriations Foreign Operations subcommittee, SONNY helped to shape America's foreign aid budget and to some degree our foreign policy. For that reason, it was not uncommon to find as many dignitaries in his office as constituents from Mobile.

For many up here, such power and responsibility would go to their heads. But not SONNY's. He was a cardinal, but foremost he was and is a gentleman, a statesman, and a very good friend.

I want to thank SONNY for his exemplary service to this House, to Alabama and to America. We're going to miss him.

THANKING MY STAFF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. GEKAS. Mr. Speaker, as I leave the Congress for the last time, I want to especially thank the many staff who have worked so hard for me over these last 20 years that I have been privileged to serve the people of the 17th District of Pennsylvania.

But I want to especially thank my chief of staff, Allan Cagnoli. Allan has worked his entire career for the people of central Pennsylvania. Low pay, long hours, incredible stress and responsibilities are the hallmark burdens of all legislative staff. But Allan Cagnoli was and is one of the best of the best. He kept my Washington, DC, and district staff and offices running smoothly and efficiently, even under the most difficult of times. Whether it was serving in the minority party in the 1980s, dealing with the Clinton Impeachment in which I was a House Manager, or spending the last 5 years working for passage of my bankruptcy reform legislation or any of the several hundred other measures I introduced or projects I undertook, Allan was there. He was there through thick and thin. And we all know how thin it can get around here.

For the past 25 years I and the people of central Pennsylvania and the Nation have been lucky to have a trusted, competent, and intelligent aide like Allan Cagnoli. Regardless of what he does in the future, be it to remain here in Washington, DC, to further the cause of good government and a better America, or return to his home in Hershey, PA, to help where it is needed, I will always treasure and thank him and all my staff, both current and past, for their service to me and to our great country.

TRIBUTE TO ROBERT MICHAEL HERNANDEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MCINNIS. Mr. Speaker, it is a great honor to pay tribute today to a man who has embodied the spirit of the state of Colorado through his life-long dedication to serving his state. A member of the Colorado State Legislature, the hard work and dedication of Robert Michael Hernandez, known as Rob, is a testament to the Western pride and character of my state and its citizens. Rob is now leaving the Colorado State Legislature after selflessly serving since 1991, and I can think of no better way to celebrate Rob's retirement than to honor his many achievements before this body of Congress and this nation.

Born in Pueblo, Colorado, and educated in Denver, Rob not only experienced the best the state has to offer but also has been inspired to give back to the state and its people. He has served in both the House and the Senate as both an appointee and an elected official. During his time in the State legislature he served on countless committees and dedicated countless hours to improving the lives of Coloradans. Most notably he has served as chair of the Health Committee, a member of the Appropriations, Judiciary, and the Children and Family and Environmental Committees. He has passionately approached the issues of juvenile crime prevention and intervention, senior citizens issues, housing, and education.

Rob's dedication and hard work is appreciated by his colleagues and he will surely be missed in his absence. Robert Michael Hernandez has given his time and his energy to bettering the State of Colorado and it is this dedication and hard work that I wish to bring to the attention of this body of Congress. His service as a civil servant serves as a true example for the people of Colorado and indeed the entire nation. Thank you Rob for all that you have done and good luck in your future endeavors.

HONORING THE LIFE OF JAMES (JIM) C. BENFIELD

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KOLBE. Mr. Speaker, it is with great sorrow that I rise today to offer my condolences to the family and friends of James (Jim) C. Benfield, who passed away on November 2, 2002. I would ask for unanimous consent that his obituary appearing in the Washington Post on November 3 be included in the RECORD.

For over 12 years, I have worked closely with Jim on an issue that I have spearheaded, and I have been consistently impressed with his selfless and tireless advocacy. His ability to organize diverse grassroots coalitions and deal honestly with me and my colleagues impressed me beyond words. His efforts and ethics will be remembered and we will long recognize the trails he blazed on behalf of his clients, his community, and the underprivileged that he served in his spare time.

I have had a picture that Jim took hanging in my office for many years. It is a photo of the Statute of Freedom being lifted from the Capitol dome as that she could be refurbished. What an appropriate subject. Jim loved and appreciated the institution she oversees. He strived to see issues and seek solutions from an elevated viewpoint like she does. Moreover, he embraced everyone like she symbolically does.

I will miss my friend Jim. Please join me in expressing the condolences of the House to his family.

[From the Washington Post, Nov. 3, 2002]

JAMES C. BENFIELD, 59; ORGANIZER, ACTIVIST

(By Richard Pearson)

James C. Benfield, 59, a lobbyist since about 1980 who was chief financial officer and a partner at Bracy Tucker Brown, the Washington government and public affairs consulting concern, died of a brain tumor Nov. 2 at his home in Takoma Park.

Mr. Benfield, an authority on grass-roots organizing and advocacy, had corporate clients and was often involved in consumer issues, as well as causes including coinage, daylight savings time reform and help for the poor.

He had done work for such clients as the Continental Group, the Clorox Co. and McDonald's. But he made headlines locally for his advocacy efforts, often as a volunteer, managing the Daylight Savings Time Coalition, which he founded, and directing the Coin Coalition and the Campaign for Home Energy Assistance.

Mr. Benfield, who joined what became Bracy Tucker in 1980, was a master at organizing coalitions. In his successful efforts to extend daylight savings time in April, he trumpeted the belief that daylight savings, with its longer hours of afternoon daylight, extended hours of outdoor activity. This helped him secure the support of associations representing amateur softball, barbecue makers, convenience stores, service station dealers, chain restaurants and sporting goods.

His efforts to reform coinage featured drives to replace the dollar bill with a dollar coin, which he pointed out would save the government more than $450 million annually because coins last longer than bills. It helped lead to the Sacagawea dollar coin. Groups that came on board for that campaign included vending businesses and mass transit and amusement park associations.

Another of his great efforts was the Home Energy Assistance Campaign he started in 1993. It now helps 4.3 million households and has secured annual congressional appropriations of $2 billion. His partners in this effort included the American Red Cross and the Salvation Army.

Over the years, Mr. Benfield explained his views on these issues on ABC's ''Good Morning America,'' CNN's ''Larry King Live'' and on National Public Radio. He wrote for The Washington Post, Chicago Tribune and Des Moines Register. He also lectured at Harvard University and conducted workshops for the Energy Department.

Mr. Benfield, who was born in Philadelphia, was a 1965 economics graduate of Drake University in Iowa. He was an Army photographer in South Korea in 1967 and 1968. He came to the Washington area in the 1970s. Before becoming a professional lobbyist, he held a variety of jobs.

In fact, the collection of jobs he held led to a 1977 profile in The Post. The jobs included public relations director of the National Symphony Orchestra, freelance photographer, and apartment manager and part-time janitor. He also had managed a local chamber music group, had played classical guitar at restaurants and had given guitar lessons.

He assisted the homeless, both with contributions and helping to obtain government aid and secure medical care. He worked with area churches to raise corporate aid for the homeless. The Post wrote about his efforts to raise funds for a sick street musician and after the musician's death, to place a plaque on the wall where he most often performed.

His neighbors remembered him as the guy who hosted community Fourth of July picnics that included the firing of a Civil War canon and pruning trees along railroad rights of way. He also improved a muddy shortcut that commuters took to the local Metro by laying a bed of garbage can lid-size stones. He also was known for always giving a hand, forever taking people into his home who had suffered a tragedy.

His first marriage ended in divorce.

Survivors include his wife of 17 years, Susan Storing Benfield, and two children, Anna Corinne Benfield and Michael Storing Benfield, all of Takoma Park; his mother, Corinne Benfield of Lombard, Ill.; and a sister.

CONVERSION BAN IN INDIA SHOWS IT IS NOT A DEMOCRACY

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. MCKINNEY. Mr. Speaker, the party that controls the national government in India, the BJP, has enacted a ban on religious conversions in Tamil Nadu, a state which it controls. The law prohibits anyone from converting to any religion except Hinduism. Anyone who converts to a religion other than Hinduism can be imprisoned and can face a heavy fine. It officially targets conversions ''by force, allurement, or fraudulent means,'' but aren't all conversions by ''allurement,'' that ism, by persuasion presented by another person?

Effectively, the new law prevents all conversions, except conversions to Hinduism. This is part of the fundamentalist Hindu nationalists' drive for Hindutva—a totally Hindu-dominated culture. ''Even if one converts of one's own free will, those involved in the conversion can be punished on the grounds that it's a forced conversion,'' said former Tamil Nadu Chief Minister M. Karunanidhi. Yet the BJP and other groups under the umbrella of its parent organization, the RSS, have been forcibly reconverting people to Hinduism after they have converted to other religions of their own free will.

According to the Washington Times of November 11, a Dalit group, the Dalit Panthers of India, is planning to have 25,000 of its members convert to Christianity. Another group of 10,000 Dalits in Chennai plan to convert to Buddhism on December 6 if this unjustified law is not repealed by then. Dalits, or ''Untouchables,'' are the lowest caste in Hinduism and their continuing oppression is essential to the preservation of the repressive Hindu social order.

It is clear once again that there is no religious freedom in India. India's claims to be democratic are a lie if people cannot freely choose something as basic as their religion.

This is more evidence that India is not the democracy it claims to be. America must speak up for the rights of all people in South Asia by cutting off our aid and trade to India, by imposing the sanctions the law mandates for violators of religious freedom, and by declaring openly our support for self-determination. Why can't the country that proudly claims to be the world's largest democracy settle its minority issues through a free and fair vote? That is the way that democratic countries do it, and it is the way world powers do it. As long as India refuses to do it, it will not be a member of either category.

Mr. Speaker, I would like to place the article I referred to before into the RECORD at this time for additional information about the conversion ban.

[From the Washington Times, Nov. 11, 2002]

A SAWDUST TRAIL FOR LOW-CASTE HINDUS?

(By Shaikh Azizur Rahman)

NEW DELHI.—Low-caste Hindus in the southern Indian state of Tamil Nadu are threatening to embrace Christianity, Buddhism, or Islam to protest a new law that outlaws religious conversion.

A bill passed into law by the state legislature last month penalizes those who convert to a religion other than Hinduism with imprisonment and a hefty fine.

While religious minorities in Tamil Nadu plan to challenge the law in court, many Hindus from so-called ''untouchable castes,'' known as Dalits, are threatening to publicly defy the new law.

One group of Dalit Hindus in the state capital, Chennai, said that a group of 10,000 will convert to Buddhism on Dec. 6 if the law is not revoked.

Another group, known as the Dalit Panthers of India [DPI], pledged that 25,000 of its members would become Christians to protest what they called an ''unjustified'' decree. ''The upper class has been torturing the Dalits for centuries, and now, by passing the bill, the government has decided to shackle us in a society where we are denied even our basic democratic rights,'' said one Dalit activist, who identified himself by the Christian name Emmanuel. On Oct. 31, Tamil Nadu became the first—but probably not the last—Indian state to outlaw religious conversions. Though the law targets conversions ''by force, allurement or fraudulent means,'' opponents say the language offers the means to challenge all conversions to faiths other than Hinduism.

''Even if one changes one's religion of one's own free will, those involved in the conversion can be punished on the ground that it's a case of forced conversion,'' said M. Karunanidhi a former chief minister of Tamil Nadu. The new law was welcomed by Hindu fundamentalists, who govern the nation in a coalition led by the Hindu nationalist Bharatiya Janata Party (BJP).

''The BJP is strongly of the view that this law is most necessary for the whole country. Lots of money is coming into the country from Islamic organizations to aid conversions,'' said BJP President M. Venkaiah Naidu. Ashok Singhal, leader of the World Hindu Council (VHP), hailed the law as a ''timely and bold step'' and he urged other states to pass similar laws.

The issue of religious conversion has long been a source of strife in India. While federal law allows Indians to change their faith, the ruling BJP makes no secret of its dislike of the practice, while its ruling partner—the VHP party—views conversions as betrayal.

Opponents of the new law warn it will only trigger an even larger exodus of Hindus to other faiths.

The Global Council of Indian Christians said it was ''alarmed by the hurriedly promulgated ordinance,'' and called it ''the most heinous violation of religious freedom aimed at targeting Christian missionaries engaged in poverty alleviation and spreading the light of education.'' The All-India Christian People's Forum said that it went against the core of the Constitution. ''This ordinance is uncalled for, unwarranted and smacks of a pro-Hindu ideological bias of the government''.

''The bill runs foul of Article 25 [25] of the Indian Constitution, which grants freedom of conscience and free profession, practice and propagation of religion to every Indian citizen,'' the group said.

Dominic Emmanuel, director of New Delhi Catholic Archdiocese, called the measure,

''an assault as much on civil rights as on human dignity.''

John Daya, secretary-general of the Christian Council in New Delhi, said: ''In fact, the only inducements by fraud and fear are those being carried out by [Hindu organizations] in the tribal belt, where innocent tribals are being forced to become Hindus.''

Muslims, too, are concerned. ''How can conversions be prevented if an individual is attracted to another religion because of his or her faith in it? Force is never used to convert one to Islam because it is against the basic tenets of [Islam],'' said Maolana Siddikullah Chowdhury, general secretary of the Jamiat-e-Ulema party in Calcutta.

He added that low-caste Hindus converted to Islam simply to ''escape discrimination and ill treatment'' and not under any coercion.

A TRIBUTE TO JOHN LAFALCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FRANK. Mr. Speaker, for the past several years, I have had the privilege of working under the leadership of our colleague from New York (Mr. LAFALCE) in his role as Senior Democrat on the Committee on Financial Services (as it is now officially called, after our Republican colleagues gave a hint of their policy preferences by excising from the Committee's title any reference to cities, urban affairs or housing).

In his leadership of the minority on this important committee, Mr. LAFALCE has been a committed, creative, forceful advocate of policies that combined support for a strong free market with concern for fairness for consumers and social justice for people with low incomes. No opposition was strong enough to deter him from fighting for an America that was both prosperous and fair, and he helped people understand that these goals are mutually supportive, not exclusive.

Personally, I have been the beneficiary of his ability to lead in a cooperative spirit, and to perform both his partisan and bipartisan roles with great skill. That is, when possible, he worked constructively with the majority party to improve legislation, when necessary he led the minority in an effective and cohesive way.

The financial community, the House, and I personally will miss him. As an indication of this, I ask that the well-merited tribute contained in a recent editorial from the official publication of America's Community Bankers be printed here. And, I thank America's Community Bankers for this gracious—and entirely accurate—summation of JOHN LAFALCE's work.

THE LAFALCE LEGACY: THREE DECADES OF LEADERSHIP FOR BANKS

Congressman John J. LaFalce (D–N.Y.), who represented western New York's 29th Congressional District since he was elected to Congress in 1974, will retire at the end of the current Congress. His departure represents the end of an era.

Congressman LaFalce has been a good friend of the banking industry. In his years of service, from the U.S. Army Adjutant General Corps, to the New York State Senate and State Assembly, to the House of Representatives, John LaFalce personified the best in public service.

He listened to those on all sides of an issue, staking out his position and, as a pragmatist, using his skills as a politician to craft compromises on both sides of the aisle to move needed legislation.

In his leadership role as the ranking Democrat on the House Financial Services Committee, John LaFalce exercised extraordinary influence over the outcome of financial services and housing legislation. He contributed greatly to the historic Gramm-Leach-Bliley Act by first introducing his own bipartisan bill and then by helping to craft the final product. In his long career, Rep. LaFalce was involved in all of the major legislative initiatives on banking and financial services.

John LaFalce is a consumer and community advocate, and a staunch defender of the Community Reinvestment Act and financial privacy. And yet bankers also found him to be a champion of balance.

As chairman of the House Small Business Committee, John LaFalce paid special attention to the needs of women who are small business leaders and entrepreneurs. He wrote the Women's Business Ownership Act, which improves access to credit for women.

Rep. LaFalce's public service career was aptly summarized in a citation by Niagara University when it awarded him the honorary degree of Doctor of Laws. It read, in part, ''Three qualities emerge as best describing the man: honesty, energy and conviction.''

These qualities, along with his integrity, leadership, and good humor, will be missed in the halls of Congress. John LaFalce leaves behind a legacy of outstanding achievement. America's Community Bankers extends its best wishes for the future.

POLICE AGAIN ENTER GOLDEN TEMPLE COMPLEX

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BURTON of Indiana. Mr. Speaker, in June 1984, Indian forces invaded the Golden Temple, the most sacred Sikh shrine, and other Sikh Gurdwaras around Punjab, killing 20,000 people. As Sant Jarnail Singh Bhindranwale said, this helped lay the foundation of Khalistan, the Sikh homeland that declared its independence in 1987. Now the police have again invaded the Golden Temple complex on the pretext of searching the three buildings in the complex in connection with the upcoming elections for the Shiromani Gurdwara Prabandhak Committee (SGPC), which oversees all the Gurdwaras in India.

The police were accompanied by Indian political officials, including the Chemicals and Fertilizers Minister, Sukhdev Singh Dhindsa.

People of all religions and from all over the world have been welcomed to worship at the Golden Temple. Now even members of the SGPC may well be blocked from entering it. Some SGPC workers had a verbal altercation with two of the invading police officials, according to the Tribune newspaper out of Chandigarh. The article reports that SGPC members have already had to sneak into the Golden Temple complex.

Mr. Speaker, this is further proof that there is no religious freedom in ''the world's largest democracy.'' India has already been added to our government's list of countries that violate religious freedom. Now sanctions should be implemented to help ensure real religious liberty in India.

This is just the latest chapter in a long history of repression of Sikhs by India. Over a quarter of a million Sikhs have been murdered since 1984. More than 52,000 are being held as political prisoners, according to a report by the Movement Against State Repression. Another 50,000 have simply been made to ''disappear.'' The police picked up 50,000 Sikh youth, tortured them, murdered them, declared their bodies ''unidentified'' and secretly cremated them, and refused to hand the remains over to the families. Christians, Muslims, Dalits, and other minorities have seen similar atrocities committed against them, yet the world treats India as a respectable, democratic country.

Mr. Speaker, we must stop our aid to India now. We must declare our support for self-determination for the Sikhs of Khalistan, for predominantly Christian Nagaland, for Kashmir, and for everyone in South Asia. The cornerstone of democracy is the right to self-determination.

I would like to place the Tribune article on the police invasion of the Golden Temple complex into the RECORD at this time. I think my colleagues will find it very informative.

[From the Tribune (Chandigarh), Nov. 11, 2002]

POLICE ENTERS GOLDEN TEMPLE COMPLEX

(By Prabhjot Singh)

CHANDIGARH, Nov. 10.—Less than 24 hours before a five-member NDA team, led by union minister Sahib Singh Verma, could fly into the Holy City of Amritsar to oversee the conduct of next Tuesday's annual election to the SGPC executive committee, Punjab policemen in plain clothes entered the Golden Temple complex on the pretext of searching all three serais (inns) there.

Accompanying the team would be not only Union Chemicals and Fertilisers Minister, Sukhdev Singh Dhindsa, who is also a SAD General Secretary, but also 100-odd SGPC members owing allegiance to SAD chief Parkash Singh Badal.

Though preventive arrests continued throughout the state and Golden Temple complex was put under police siege with the deployment of hundreds of anti-riot policemen in anti-combat gear, some of the Akali leaders, including former Finance Minister Kanwaljit Singh managed to sneak into the sanctum sanctorum.

Talking to The Tribune over the telephone, Mr Sukhdev Singh Dhindsa said the names of four NDA observers—Mr Sahib Singh Verma, Mr Thomas (MP, Samata), Mrs D'Souza (MP, Samata), and Mrs Anita Arya (MP, BJP)—have already been cleared, the Union Civil Aviation Minister, Mr Shah Nawaz, is also expected to be a part of the special NDA team to oversee the SGPC elections. The observers and the SGPC members would take a chartered flight from New Delhi to Amritsar tomorrow afternoon.

Mr Dhindsa further said that on the basis of the complaint lodged by the Shiromani Akali Dal with the Union Home Minister yesterday, the Union Home Secretary today called Punjab Chief Secretary Y.S. Ratra on the telephone and expressed his ''strong displeasure'' over ''politicalisation of the bureaucracy''.

The Chief Secretary reportedly assured the Union Home Secretary that no SGPC member would be stopped from reaching the Golden Temple complex for attending the election meeting. Efforts would be made to facilitate those lodged in jails in one case or the other to attend and vote in the elections.

Meanwhile, reports indicate that so far the Punjab police has taken 1,222 Akali workers into custody. Of these 934 belong to Shiromani Akali Dal, 234 to Sarb Hind Shiromani Akali Dal, 50 to Shiromani Akali Dal (Amritsar) and one owes allegiance to Mr Ravi Inder Singh. The remaining three belong to the Mehta faction of the AISSF.

Of these, the maximum arrests of the Badal men were made in Sangrur (73), followed by Majitha (64), Tarn Taran (60) and Patiala (62). Rashmi Talwar and Ashok Sethi in their reports from Amritsar said the police in a pre-dawn swoop entered the Golden Temple complex on the pretext of searching all three serais—Guru Nanak Niwas, Guru Hargodbind Niwas and Mata Ganga Niwas.

When the police arrived to get the three serais vacated to ensure implementation of the orders, among those evicted were 50 schoolchildren in the age group of six to eight years from Lucknow. The police parties which were headed by Mr Jagdish Khera and Mr R.S. Ghuman, both DSPs, had a verbal altercation with the SGPC workers who resisted the attempts of the raiding party to get the serais vacated. Mr Harbant Singh and Mr Ajaib Singh, Secretary of the SGPC, and personal assistant to the SGPC chief, respectively, refused to budge holding that the orders were not specific to the SGPC and ''devotees'' could not be evicted from a religious complex.

The SGPC Chief, Prof Kirpal Singh Badungar, who had to rush to Amritsar from Bathinda, after the police entry into the complex, assailed the government action maintaining that it was a direct attack on the most sacred Sikh shrine and the Congress Government was bent upon disturbing communal peace and harmony.

The police officials managed to get computer printouts of the names and addresses of 2,000 devotees staying in the serais.

Hundreds of policemen in top anti-combat gear laid a siege to the Golden Temple complex. The mounted police has also been deployed around the complex.

Talking to The Tribune over the cellphone, Capt Kanwaljit Singh said that that action of the police in the morning and again in the evening of searching serais and evicting yatris was a serious ''violation of the sanctity of the Golden Temple complex.'' The action of the government amounts to gross interference in the religious affairs of the Sikhs and could lead to serious complications besides disturbing communal harmony and peace in the state.''

He said a number of SGPC members and dal workers had already managed to sneak into the complex.

Professor Badungar told newsmen that in case the police entered Teja Singh Samundari Hall on the day of the election meeting, the repercussions would be ''drastic''.

He said the government was gripped by a ''fear psychosis'' and its nervousness was evident from the desperate steps it was taking. He maintained that the national and international media would be permitted to cover the executive committee elections as he disapproved on any NDA observers to oversee the elections. No other SGPC employee would be allowed inside the meeting hall.

The SGPC chief said that non-bailable warrants issued against former SGPC chief Jagir Kaur by a Kapurthala court was an indication of the desperation of the state government.

Meanwhile, Mr. Sukhdev Singh Bhaur, General Secretary, SHSAD supported the orders issued by the District Magistrate but held that these orders should be applicable in case of ''bad elements'' and not the devotees.

The SHSAD was ready for a truce with Mr. Parkash Singh Badal provided he agreed to apologize at Akal Takht and accepted Bhai Ranjit Singh as Jathedar of Akal Takht. He claimed that 50 SGPC members were strongly behind the SHSAD.

Senior Akali leader and close aide of Mr. Parkash Singh Badal, Capt Kanwaljit Singh claimed that the SAD has formulated its secret strategy to bring all 120 SGPC members to Teja Singh Samundri Hall on November 12 to elect the President and the executive committee. Talking to newsmen this evening at Bhai Gurdas Hall after managing to enter the city in disguise. He said the reign of terror unleashed by the Amarinder Singh government on Akali leaders and workers were trampling upon their democratic rights.

Capt Kanwaljit Singh said Mr. Badal, along with all 120 members, would land at Rajasansi Airport tomorrow for the SGPC general house election meeting. Party leaders and workers would ensure that all SGPC members manage to enter the Golden Temple complex on that day.

He claimed that the ex-parte disqualification of SGPC members by the SGJC was likely to be set aside by the Punjab and Haryana High Court tomorrow.

Discounting the rumors of a patch-up between Mr. Badal and Mr. Tohra, Capt Kanwaljit Singh said there was no scope for any compromise. The Badal candidate would win hands down, he asserted.

The arrival of the Jathedar of Akal Takht, Giani Joginder Singh Vedanti, here this evening has raised speculation about an appeal being made by him for a patch-up between the two Akali stalwarts to avoid a confrontation even as the Congress Government has queered the pitch with heavy deployment of the police around the complex.

SELECTIVE SERVICE VOLUNTEERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate Mr. George C. Everett of Fort Collins, Colorado; Mr. Ralph L. Spellman of Yuma, Colorado; and Mr. Dale H. Shoemaker Sr. of La Junta, Colorado on their appointments to Selective Service Local Boards 006 and 024 in Greeley, Colorado, and 026 in Pueblo, Colorado respectively.

Local board members have the distinction of receiving an appointment by the Director of Selective Service in the name of President George W. Bush, and on the recommendation of Governor Bill Owens. Patriotic Americans, these board members serve their country by volunteering their time to assist the government in selecting men suitable for military service in the event of a draft. If a draft commences, these citizens would decide who would receive deferments, postponements, or exemption from military service based on the individual registrant's circumstances and beliefs.

The Selective Service System is America's defense manpower ''insurance policy'' in a still dangerous and uncertain world. The service performed by a Selective Service Board Member provides a vital link between the community and today's military. His hard work helps guarantee claims filed by young men for deferments and exemptions will receive fair and equitable consideration if a future crisis requires reinstatement of a draft.

Congratulations to these dedicated volunteers on their appointments. I urge the House to join me in extending its thanks to the three men for their commitment to their country.

THE LAND OF THE PLENTY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MORELLA. Mr. Speaker, those of you who were with us last evening recall that I mentioned that this month is the two-year anniversary of the report that came out called ''The Land of Plenty.'' This was a report of the Congressional Commission on Advancement of Women, Minorities, and Persons with Disabilities in Science Engineering and Technology Development. It is legislation that I introduced a number of years ago, and like so much of what we know, you have to be tenacious and diligent and patient and persevere. The legislation established a commission that looked comprehensively at the challenge of under-representation in America's science and engineering workforce and the educational pathway that feeds into it. The commission called for the establishment of a public/private partnership to take America into acting to redress the stunning imbalance in America's technical talent pool. In their report to Congress, BEST presented their findings on September 26, 2002 at 8:15 a.m. in the Cannon Caucus Room, 345 Cannon House Office Building, Washington, D.C., Representatives CONNIE MORELLA and EDDIE BERNICE JOHNSON, BEST National Leadership Council Co-Chairs, presiding. (Following are edited comments. The full testimony is available at www.bestworkforce.org.)

BUILDING ENGINEERING AND SCIENCE TALENT

BLUE RIBBON PANELS, INTERIM PROGRESS REPORT: TO CONGRESS

September 26, 2002

Present: CONSTANCE A. MORELLA, (R–MD) National Leadership Council Co-Chair; EDDIE BERNICE JOHNSON, (D–TX) National Leadership Council Co-Chair, Allan Alson, superintendent, Evanston Township High School; Dan Arvizu, senior vice president, CH2M Hill; Earnestine R. Baker, Meyerhoff Program UMBC; Alfred Berkeley, vice chair, NASDAQ Stock Market, Inc.; Rita Colwell, director, National Science Foundation; Cinda-Sue Davis, director, WISE, University of Michigan; Marye Anne Fox, chancellor, North Carolina State University; Eugene Garcia, professor, Arizona State University; Shirley Malcom, head, Education Directorate, American Association for the Advancement of Science; Willie Pearson, Jr., professor, Georgia Institute of Technology; Anne Petersen, senior program director, W.K. Kellogg Foundation; Paula Rayman, professor, University of Massachusetts; Claibourne Smith, president, Delaware Foundation for Science and Math Education; Richard Tapia, professor, Rice University, Deborah Wince-Smith, president, Council on Competitiveness; also present, John Yochelson, BEST, testimony into RECORD: Shirley Ann Jackson, president, Rensselaer Polytechnic Institute.

PROCEEDINGS

MORELLA: Women, African-Americans, Hispanics, Native Americans, persons with disabilities make up two-thirds of our workforce but they hold only one-fourth of the jobs in science, engineering, and technology. We perceive this really as a vulnerability that threatens the living standards of all

Americans. BEST is the partnership recommended by the congressional commission. Since incorporating one year ago, BEST has assembled an extraordinary array of talent, talent to assess what's working across the whole continuum of workforce development, pre K–12, higher education in the workforce. These panels will report their findings and recommendations next spring. The benchmarks they identify and the insights they develop into what works, why it works, under what conditions it works, is going to be of very great interest to Congress and to the nation. BEST's national assessment will provide a foundation for action both at the national level as well as in communities across the country. Now the purpose of todays progress report is to let policymakers know how the work of BEST is going; and first, we're going to get a perspective on the framing of a national action agenda to meet the challenge of under-representations, and then we're going to hear from leaders involved in BEST's assessments of the workplace, higher education and pre K–12. The progress report will wrap up with a discussion of BEST's plans to spur action in the field through community engagement. I have the honor of chairing this segment and EDDIE BERNICE JOHNSON will lead the workforce discussion and then I'll return to moderate the other segments.

TESTIMONY OF SHIRLEY ANN JACKSON, PRESIDENT, RENSSELAER POLYTECHNIC INSTITUTE AS READ IN HER ABSENCE BY ANNE PETERSEN, SENIOR VICE PRESIDENT, THE KELLOGG FOUNDATION

PETERSEN: Thank you. It's a great privilege this morning to be stepping in for Dr. Shirley Ann Jackson. When Dr. Jackson was chair of the U.S. Nuclear Regulatory Commission, she instituted policies for that agency that were based on the assessment of risk to the nation's nuclear power plants and vulnerability to that risk. The process is termed probabilistic risk assessment. Looking squarely at the vulnerability to risk determines clearly what action must be taken to reduce the risk of a particular threat. This is what BEST is doing. The work that BEST has done this past year has revealed that the United States faces serious risk of losing its economic preeminence, security, and its well-being as a nation without peer. That risk is embedded in the fact that while there is a growing need for scientists, engineers and other technologically skilled workers, the United States is simply not producing enough of them. That leaves the United States reliant upon scientists and engineers from other nations, a situation that bears its own inherent risk and curtailments as we know. Most of the numbers are included in the BEST paper, ''The Quiet Crisis'' which we present to you today, and I understand you have the series of charts as well * * *

TESTIMONY OF RITA COLWELL, DIRECTOR, NATIONAL SCIENCE FOUNDATION

COLWELL: Thank you. It is an honor to be part of todays panel on building the U.S. science, engineering and technology workforce by fully developing the nation's diverse human resources. The United States has become increasingly diverse in recent decades and will move steadily in the direction of greater diversity in the future. The Bureau of Labor Statistics projects, for the decade 1998—2008, that the general labor force growth rates of minorities will more than triple the overall growth rate. But, we're not making comparable progress in changing the composition of the science and engineering workforce. It looks the same as it has for generations. We need the talent of every worker in order to keep our nation competitive and prosperous now and in the future. And in the post-9/11 world, we need to also focus more of our talent on homeland security. We live in a unique time in which every citizen must ''count'' for opportunities and must be ''counted'' for contributions to our society's well being. The well being of individuals and of the nation will depend on knowledge and skills in science, engineering& and technology. How well we prepare our human resource in these areas will determine how well we are prepared as a nation in this new century * * *

TESTIMONY OF ALFRED BERKELEY, VICE-CHAIRMAN, NASDAQ STOCK MARKET, INC.

Mr. BERKELEY: Thank you, Chair MORELLA. I thank you for your persistence. I think persistence is a valuable, valuable attribute. We will not win this problem without staying focused and persistent. You might ask what does the stock market have to do with the education business? I will tell you: a constant theme of my conversations with the chief executive officers of the largest technology companies in the county) both in information technology and biotech, is where are they going to get enough technically trained workers and that handful of brilliant scientists that make the difference in breakthroughs? I think that this audience should know that the technology community has been shaken to its foundation by the loss of U.S. supremacy in supercomputing. Japan now has supercomputers 30 times more powerful than ours having followed a technology path that we abandoned about ten years ago * * * My goal this morning was to affirm to you that the business community is firmly interested in this endeavor and that we can bring substantial resources to bear on research-based solutions that are working and are proven to work * * *

TESTIMONY OF WILLIE PEARSON, JR., GEORGIA INSTITUTE OF TECHNOLOGY

PEARSON: Now I will briefly discuss the objectives of the higher education panel. First, we wanted to have a comprehensive examination of the challenge of increasing both the quantity and quality of university graduates from under-represented groups in science, engineering and technology. Our second goal was to identify and critically analyze exemplars whose design principles merit adaptation and replication across the country. The third was to further develop policy recommendations discussed in ''The Quiet Crisis'' paper. Because higher education provides a strategic bridge between pre K–12 and the workplace, the panel has focused on measurable outcomes reinforced by the earlier discussions. As you can see, at each segment beyond the high school level the science and engineering talent gets smaller and smaller for the whole population in particular but especially for African Americans, Hispanics, and Native Americans * * *

TESTIMONY OF MARYE ANNE FOX, CHANCELLOR, NORTH CAROLINA STATE UNIVERSITY

FOX: You know it's been over 50 years in which there's been an explicit compact between the research universities and the government of the United States that research universities would provide leadership in developing a workforce that is appropriate for the economic growth of this nation. That is research universities have pledge to create knowledge, to provide innovative leaders for developing the frontiers of science, for leading economic recovery and for providing a workforce that can sustain and create jobs and wealth for the United States. But over those 50 years, we've not had full participation as we've heard in the earlier discussions. If we go to K–12 to look at the roots for this difference in participation level, we're well aware of the digital divide which is a challenge. But to think of the digital divide as something that is related only to computer availability minimizes the real problem * * *

TESTIMONY OF RICHARD TAPIA, PROFESSOR, RICE UNIVERSITY

TAPIA: Thank you. My topic is university program leadership, producing women and under-represented minorities in science and engineering programs at research universities. I'll start with point one, everything i.e. success or failure depends on leadership, strong, forceful, respected, effective leadership. The second point, administration from top to bottom must support the activity. This is absolutely necessary to promote buy-in at the faculty level. If the administration doesn't support, then the faculty has a way out, extremely important to have the administration support but they don't do the activity, they support it. Success in promoting underrepresented minorities and women in science, engineering and mathematics, requires a champion. The champion must be a respected member of the faculty. The champion will serve as an advocate. We can't continue to have a two-tier or fragment our system. Minority-serving institutions do good jobs. Ph.D. producing at minority-serving institutions will not produce the scientific leaders of the community or the professional organizations. The outreach activity is not rewarded at research universities. Often this activity will jeopardize the university career of a young faculty member * * *

TESTIMONY OF CINDA-SUE DAVIS, DIRECTOR, WOMEN IN SCIENCE AND ENGINEERING, UNIVERSITY OF MICHIGAN

DAVIS: Good morning. The University of Michigan Women in Science and Engineering Residence Program, called the WISE–RP, is a living-learning community for 120 first year women and 33 sophomore or junior level women interested in science, mathematics, and engineering. The primary purpose of the WISE–RP is to provide academic and personal support to undergraduate women, including historically underrepresented minority women, by providing an academically and socially supportive community. WISE–RP provides contiguous living arrangements in a mid-size coed residence hall of 500 students * * *

TESTIMONY OF EARNESTINE BAKER, MEYERHOFF SCHOLARSHIP PROGRAM, UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS

BAKER: The Meyerhoff Scholarship Program is designed to address the particular needs of African American students in science, mathematics, and engineering. Key components of the Program include: an in-depth screening process that seeks students genuinely committed to a postgraduate research-based degree and career; a comprehensive four-year scholarship package; a mandatory academic Summer Bridge program for incoming freshmen; study groups; community living and regular ''Meyerhoff Family'' Meetings; personalized advising and counseling; tutoring summer research internships with companies, federal agencies, and other research universities; mentoring; faculty involvement; administrative involvement; family involvement; community service; and extensive program evaluation. Eighty-eight percent of participants are pursuing post-graduate degrees primarily doctorates in science, mathematics, and engineering or medical/ doctorate degrees, at institutions ranging from Harvard, Stanford, Berkeley, Yale, Duke, Johns Hopkins and Oxford * * *

TESTIMONY OF DAN ARVIZU, SENIOR VICE PRESIDENT, CH2M HILL

ARVIZU: It is established we have a serious problem. The questions before us are, what

can be done about it? and, who should do it? Our Panel's work addresses these questions from the perspective of the workplace. Let me start by stating the two core objectives of the Panel. Number one, we are to identify and distill the success factors and best practices that create a more inclusive workplace spanning the private sector, including industry and academe, as well as, government. This distillation will form the foundational asset base that can be accessed by BEST's proposed test-bed community programs as they get underway. Number two, we are to develop an action agenda that moves the country forward toward the adoption of these best practices. Although the work of the panel is not yet complete, I can report on some of our initial findings on success factors and provide some of our early thinking as we move into the recommendations phase of our work. First, and perhaps most important, is what we will call ''transformational'' leadership. Leaders who believe in and value diversity as a business imperative invest time and effort to change the future of their organizations. They drive this change deep into the culture and management of the organization and do not simple espouse it only in the top layer of management. Second, a commitment to skills development that translates diversity into enhanced performance is also an important success factor. Third, the development of enabling programs and policies to encourage and support a diverse workplace is extremely important * * *

TESTIMONY OF PAULA RAYMAN, PROFESSOR, UNIVERSITY OF MASSACHUSETTS

RAYMAN: To build upon the rationale for diversity presented by my honored colleagues Dan Arvizu, and Dr. Shirley Jackson I will address the crisis we are facing in our nation's science and technology workplaces. We face a work world in the midst of an enormous change. Nothing is the same as it was 50 years ago or even 20 years ago. And more dramatic changes are anticipated over the coming decades. We face a crisis on three dimensions: Where will the new science jobs be? Who will fill the jobs? How the work will get done or, what is the changing nature of work? It is important to note that while we compete for science and technology workers within the context of a global economy, the diversity of our own nation's labor force provides a comparative advantage. Diversity is a key building block of economic competitiveness and scientific discovery and innovation. In addition to the change in skill sets, and demographics, the nature of work itself is undergoing significant transformation brought about by the changing business climate and technological advances. These changes include: companies organized so labor is a variable, not a fixed cost; a workforce built on the premise of teams that can be easily assembled and disassembled; a nimble workforce whereby workers hopscotch from job to job, even career to career, carrying their set of skills and abilities on their backs and desperately needing new policies in portability in health insurance, pension plans and other benefits * * *

TESTIMONY OF CLAIBOURNE SMITH, PRESIDENT, DELAWARE FOUNDATION FOR SCIENCE AND MATH EDUCATION

SMITH: I believe business/industry/government and the great educational institutions of this country must take the lead in defining the strategies necessary to maintain our leadership position in the world. From the intense discussions of our workforce panel, we are entertaining a two-pronged agenda to: Drive change within organizations and to drive change externally among industry, academe, and government as employers to promote a diverse workforce. Let's look at an example that comes to mind which illustrates an approach utilized by my former colleagues at duPont. We established a set of principles that are still effective in increasing our company's diversity internally. These principles are: (1) Leadership must come from the top echelons of the organization. Managers must ''walk the talk.'' An institution must have highly visible, fully involved, visionary leaders in order to make valuing diversity efforts a success. (2) Accountability for personal and organizational behavior must exist. A system must be in place to motivate behavior change and that means diversity performance must be linked to compensation and advancement. (3) Valuing diversity must be perceived as a critical part to the success of the organization i.e., a business imperative. (4) Education around this issue must not only raise awareness, but more importantly, develop skills needed to work in and manage a multicultural organization. (5) Finally, effective mentoring programs for women and underrepresented minorities must be developed and implemented * * *

TESTIMONY OF SHIRLEY MALCOM, HEAD, EDUCATION DIRECTORATE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

MALCOM: When President Bush and the nation's governors met in Charlottesville in 1989, they established ambitious national education goals. These goals were affirmed and expanded upon by the Congress of the United States. The goals included that we would raise achievement levels in all academic fields and, even more ambitiously, that we would be first in the world in mathematics and science achievement by the year 2000. When in 1995, the results were announced from the Third International Mathematics and Science Study (TLMSS), there was good news and bad news about science and mathematics achievement of U.S. students when compared with the performance of students from other countries in the world. The results of TIMSS showed U.S. fourth grade students comparing quite favorably in their performance on tests of science, both scoring far above average and among the top tier of countries. Performance by fourth graders in mathematics was about at the average compared with other countries involved in TIMSS. When fourth grade students were tested in eighth grade in 1999, performance had fallen to the average levels in science and slipped in mathematics as well. The performance of 12th graders in science and mathematics was near the bottom. This underperformance by U.S. students was true even for our brightest and best performing students, such as those taking advanced placement courses in physics. The current structures provide neither equal chances nor a level playing field, and it is these circumstances that we must remedy if we are to maximally utilize the talents of all of our young people. These must include: Vigorous support for systemic reform efforts to improve the quality of the curriculum, teaching and support within our schools, with assurance that opportunities for study of science and mathematics will be extended to all students; specific interventions that allow students to explore STEM fields, such as through summer camps, research apprenticeships, after school science clubs, museum activities and media-reinforced learning opportunities; outreach to parents and communities to help them organize activities at home and in the community to support science, technology, engineering, and mathematics aspirations, to build demand for school reform, and to increase community-based opportunities for learning beyond school * * *

TESTIMONY OF EUGENE GARCIA, PROFESSOR, ARIZONA STATE UNIVERSITY

GARCIA: Clearly, in this endeavor, we know the pathway to science and technology of the future begins in the Pre K–12 sector, if not earlier. So our efforts at BEST are to look very carefully at the beginning pathway or the beginning steps into science, technology and mathematics. Our students depend heavily on the public school system and other alternatives to move forward to those futures that we believe should be available to all children in this country. BEST has a particular way in which we are striving to open the doors to the world of science, technology and mathematics for all children. First, the membership of BEST feels that we need to understand what is now working for students in this arena—particularly with our target populations in mind. BEST is attending to the strict notion that we need to understand empirically ''what works''. We need to have good research-based information, solid evidence, and clear knowledge about which program make a difference for whom, how they make a difference, and what are the actual results. The reason we are so attached to this notion of having solid evidence for what works is that if anyone needs to move forward and invest resources, whether they be in the public or in the private sector, we must be able to inform them as to whether their investments will pay off. It is only fair to those individuals who implement programs or systemic efforts to change systems in response to this need, to assure them that all children will be served by their interventions and/or changes. Thus, we need the absolute superior evidence. Therefore, BEST, in lending the text to the context that Shirley has presented, needs to understand in this area of urgency, what BEST programs, and what BEST systemic changes really do work * * *

TESTIMONY OF ALLAN ALSON, SUPERINTENDENT, EVANSTON TOWNSHIP HIGH SCHOOL

ALSON: I am in my eleventh year as superintendent of Evanston Township High School in Evanston, Illinois. This large comprehensive high school with a national reputation for excellence has 3200 students and is quite diverse—racially, socioeconomically and linguistically. Student achievement, despite impressive gains, continues to reveal racial and class achievement disparities. Yet, we have made significant strides, for example, in boosting female and minority enrollment in Calculus and Advanced Placement Science courses. A little over three years ago I founded an organization known as the Minority Student Achievement Network. We are 15 urban-suburban districts devoted to discovering, developing and implementing strategies to eliminate the racial achievement gap. Our strategies include conferences where we learn directly from students and teachers, and research where teachers are directly engaged in studies with university professors. My professional experience has revealed the extensive gap in education between research and practice. Quite frankly, it is the rare exception when districts or schools are able to successfully bridge that gap. Practitioners generally receive very little training in the interpretation or use of research findings. In fact, research methodology that meets the highest standards of reliability and validity are quite often written in language that is unfamiliar to the teacher or administrator. Our worlds usually do not overlap sufficiently for us to make timely use of significant findings. Simply put, while it would be far preferable to examine our practice from the vantage of current research, the barriers of time, language and politics often interfere * * *

TESTIMONY OF ANNE PETERSEN, SENIOR VICE PRESIDENT, KELLOG FOUNDATION

PETERSEN: Thank you for this opportunity to speak with you on a topic about which I am most passionate—not only because I am a scientist but also because I have seen individuals, families and communities transformed by opportunity that for some, has been unavailable. The opportunity to gain an education and pursue a career in engineering or the sciences is still precious in our society. Today, more than ever, we must support the interests in science and technology for all with talent and energy, and especially those who have been underrepresented. I'm here today as a scientist who is senior vice president for programs of the W.K Kellogg Foundation. In this role I've witnessed the kind of creative and energetic work that can open doors of opportunity for all—girls and boys, African Americans, Hispanics, and Native Americans, and those who are physically challenged. Engagement—real engagement—in which institutions of higher education and communities form lasting relationships that influence, shape, and promote success in both spheres is rare. More often we see evidence of unilateral outreach from colleges and universities rather than partnerships based on true mutual benefit mutual respect, and mutual accountability * * *

TESTIMONY OF DEBORAH WINCE-SMITH, PRESIDENT, COUNCIL ON COMPETITIVENESS

WINCE-SMITH: In 1986 the United States was facing one of its most dire economic challenges since the end of World War II: the country slid from being the world's largest creditor to its largest debtor; its position as a global leader in technology and innovation was declining and American industries were losing market share to international competitors. We know that long-term U.S. productivity growth and a subsequent rising standard of living depends on our ability to increase U.S. innovative capacity. This top tier policy issue was the focus of two national innovation summits hosted by Council that convened the nation's top business, government, academic and labor leaders. A key impediment to increasing innovation is our workforce, which comes as no surprise to anyone in this room. Yet, even as demand for science and engineering talent grows, the number of science and technology degrees at the undergraduate and graduate degrees has remained flat or declined in every field outside the life sciences. Boosting the national talent pool in science and engineering requires that the S&E workforce mirror the population at large; we must be able to engage more women and minorities in math and science to sustain our innovation economy. The Council has acted on its commitment to raise the standard of living by initiating programs that encourage excellence in math and science and diversity in the science and technology pipelines—namely getsmarter.org and BEST * * *

PAT SCOTT RECEIVES MISSOURI COMMUNITY BETTERMENT PROGRAM LEADERSHIP AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that Lexington, MO, native Pat Scott received an Adult Leadership award at the Missouri Community Betterment (MCB) Conference awards banquet September 28, 2002. Adult Leadership awards are presented to 10 outstanding leaders committed to community improvement.

Since 1964, Missourians who have dedicated their lives to community improvement have received acclaim through the MCB Program. This initiative, which is meant to spur economic growth and improve quality of life, has worked to empower communities with strengths that often go unnoticed.

Pat Scott, through her tireless community efforts, continues to make her friends, family and state very proud. I am certain that my colleagues will join me in wishing Pat all the best.

HONORING CONGRESSMAN BOB CLEMENT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TANNER. Mr. Speaker, I would like to take this opportunity to honor our colleague, an outstanding statesman and my friend, Congressman BOB CLEMENT. I have known BOB for more than 30 years, having gone to school with him at the University of Tennessee.

He served his country with distinction in the United States Army and the Tennessee Air National Guard. He previously held positions as president of Cumberland University and TVA board director before being elected to represent Tennesseans as a member of the United States Congress.

BOB is a man of energy, intelligence and vision. I am certain that as he prepares to leave the House of Representatives, BOB will continue to serve his state and nation in a constructive capacity.

THE LEGACY OF MARLA BENNETT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FILNER. Mr. Speaker, in a region that has been racked with violence and acts of terror, the vicious bombing that took place on July 31, 2002 at Hebrew University stands out as a particularly heinous crime. This is a university that prides itself on its diversity, especially its ability to integrate students and faculty regardless of their ethnic or religious background. It is the oldest university in Israel and has established itself as one of the outstanding universities in the world, one that has gained renown for the quality of its students, teachers and researchers.

I feel compelled to comment on this attack for many reasons, not the least of which is that it hit my community, my Congressional district and my friends so personally. The bomb that was detonated in Hebrew University's Frank Sinatra International Student Center cafeteria killed nine young people, including five Americans. Over eighty were injured.

Marla Bennett, of San Diego, California, was one of the Americans killed in this senseless assault. Marla was only 24 when her life was taken. She had graduated in 2000 at the top of her class with a B.A. in Political Science from the University of California at Berkeley. At the time of her death, she was studying for her M.A. in Jewish Education at Hebrew University's Rothberg International School's Division of Graduate Studies. She was also jointly enrolled at the Pardes Institute for Jewish Studies. Her ambition was to be a teacher.

Marla was not new to Israel, nor even to the Hebrew University. She spent her junior year in college attending the Rothberg International School's One Year Program.

She had lived in Israel for a year, during which time she sent home frequent letters brimming with idealism, especially in her ardent belief in Israeli-Palestinian peace. Last May, she wrote that ''At least if I am here I can take an active role in attempting to put back together all that has broken. I can volunteer in the homes of Israelis affected by terrorism, I can put food in collection baskets for Palestinian families.''

Bennett, whose exams were over, had a flight back to San Diego that was scheduled to leave only hours after the time of the attack.

Marla Bennett symbolized the goals and objectives of the university she grew to love. She symbolized the striving for academic excellence as well as the search for cooperation and peace that has typified this university since it opened its doors in the mid-1920's.

The University's President, Menachem Magidor, summarized this when he wrote in a letter to the New York Times that this was ''an attack on understanding, tolerance and the quest for peace. [It] is a crime not only against Israel or the Jewish people, it is a crime against the free and enlightened world.''

In the wake of this tragedy, President Magidor asked ''whether it still makes sense to strive for a peaceful society based on reason and understanding.'' He concluded that ''the answer came to me clearly, and it is summarized by the Hebrew word 'davka'—'despite everything.' We must not let them kill our drive of peace.''

In this spirit, it is important to stress that Hebrew University is continuing its fine academic traditions. Its researchers and scientists are continuing their cutting edge work on projects that are designed to benefit all peoples. It is not surprising that Hebrew University's scientists apply for and receive so many grants from American government agencies including USAID, NIST, NIH and DARPA. Many of these projects are done in cooperation with American universities and research centers.

Other Members of Congress have complimented the high quality of research done at Hebrew University and I join in their commendations.

Rather than go through a long litany of all of these projects, especially those that have an Israeli, Palestinian and American component, it might be useful to mention just one as typical of the ethos of this special university.

The Kuvin Center for the Study of Infectious and Tropical Diseases functions within the University's Medical School, which is a world class institution established over 75 years ago. The Kuvin Center has been a leader in infectious disease and parasitological research for over 30 years. Its researchers and physicians have published extensively in the professional literature and it has trained many active scientists in the field.

For a number of years, the Kuvin Center has collaborated with Al-Quds University Medical School on a variety of scientific and medical projects. Al-Quds, the pre-eminent university in the West Bank, is located in Abudies,

which is near Jerusalem and close to Palestinian hospitals, clinics and laboratories.

The two institutions are now proposing a joint project for ''Regional Cooperation on Infectious Diseases'' that will cover the study and control of diarrheal and respiratory diseases, brucellosis, tuberculosis, viral hepatitis, HIV infections and zoonotic diseases such as leishmaniasis, and rabies. Preventing and treating these diseases are of enormous importance to the welfare of the region as a whole.

The Congress fully recognizes and supports these types of cooperative Israeli-Palestinian health initiatives.

The Foreign Operations bill for Fiscal Year 2003, which has passed through the Appropriations Committee, includes language on the Kuvin Center/Al Quds cooperation. I am pleased that the Committee included the following paragraph in the report accompanying this bill:

The Committee acknowledges that one of the primary objectives of the West Bank and Gaza program is to create viable infrastructure in Palestinian Authority-controlled areas to ensure the health and welfare of the Palestinian people. Al Quds University, in cooperation with the Kuvin Center for Infectious Diseases of the Hebrew University of Jerusalem, has proposed the establishment of a regional health and disease program, which would work to build an effective infrastructure to deal with serious health and disease problems among the Palestinian people. The Committee understands that cooperative programs of this nature are rare in the current environment, and urges AID to work, though the West Bank and Gaza program, to help Al Quds and the Kuvin Center begin this initiative.

This project is designed to enable the United States to provide $15 million over five years to this cooperative effort to deal with infectious diseases.

This program does not require any additional appropriations. The proposed expenditure of these funds is an indication of Congressional intent on just how American money that has already been allocated can best be used in a productive capacity for Israel, the West Bank and Gaza. Thus, the Kuvin Center-Hebrew University/Al Quds University cooperative effort will serve as a model of how the United States, Israel and the Palestinians can work together on projects that will benefit the entire region.

While Marla Bennett and the four other Americans who were killed, together with four Israelis, cannot ever come back to life, it is important to preserve their memory by continuing with projects such as this one. It is the very least we can do for them, for their ideals and for their dreams. Even more important, it will serve as a step toward a better future for the entire region.

RABBI SILVER'S 2002 VETERANS DAY ADDRESS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MALONEY. Mr. Speaker, on behalf of Rabbi Eric A. Silver, it is my honor to share the text of his 2002 Veterans Day address with the Members of the House. Rabbi Silver is a retired naval officer who earned the Bronze Star Medal and Purple Heart Medal for wounds he received in combat. Rabbi Silver is a man most deserving of our praise and respect. His address reads as follows:

I am a veteran. This means that I wore the uniform of my country, and I served, together with millions of American men and women, defending America in various ways for the past two hundred and twenty-six years. I am proud to be a veteran, proud to stand before you this morning, at this solemn moment, which commemorates the moment the guns went silent in 1918, for what many earnestly hoped would be the last time. Alas, that dream was not to be.

But this day speaks about more than that—it speaks about every man and woman who served, and this morning I would like to speak to you about a man who is, in my judgment, the quintessential veteran—a man who embodies every ideal, every virtue of, and citizenship that every veteran aspires to emulate.

Nearly two hundred and three years ago, George Washington died, and in his eulogy, his friend Henry Lee dedicated his words: ''To the memory of the Man, first in war, first in peace, and first in the hearts of his countrymen.'' It wasn't merely that Washington had become the first president of the United States, or that he was the victorious commanding general of the Revolution. Of course, by the time he was chosen to be President, the mythology which had grown up around this man was so large that it was difficult to separate between the man and the legend, but it was, in truth, his qualities as a veteran that set the pace for every American Armed Services who would wear the uniform—in his own time—and for all time to come. He set the pace for the kind of military we would have, and for the way it would function within the American system. And it is Washington, the veteran that I should like to speak about, because every one of us strove to emulate him.

Washington was not a philosopher—at least not in the sense that he was well-read in the classical works. In fact to some this made him somewhat less than he might have been in their eyes had he been able to quote from the works of the great thinkers. He was, however, a practical philosopher. He had an uncanny knack for learning on the job, and by his actions, establishing a paradigm that others might follow.

He was brave, to be sure. He was beyond brave. As a young officer serving with General Braddock, it was noted that Washington's uniform had several bullet holes in it. But he understood that his men would never face fire if he were unwilling to do so. That spirit would guide his actions throughout the long and dark days of the Revolution, when Washington was faced with troops who were frightened, who melted away at the first sign of the enemy, and it was his courage, his cool, calm demeanor that inspired his troops, and rallied them.

It was no accident that he was picked to lead the army of this nascent Republic. He was, after all, a veteran, someone who had already established himself by years of military service. But there were others who were considered for the post. John Hancock felt that he should have gotten the job, for he would have led his troops directly against the British and taught them a good lesson. And his army would quickly have been obliterated, and the Revolution would have died in its infancy. Charles Lee was highly regarded, and thought by many to have the qualities needed, but he was sometimes too cautious, and might have been willing to accept setbacks as defeats. But neither man had the one quality which Washington had which made him the best choice for an American commander, and this was Washington's understanding of the military's role in respect to the civilian authority, for this would determine the kind of America that would exist after the Revolution.

America has never had a military takeover. More to the point, America has never faced the threat of a military takeover. The various political factions which have guided this nation's destiny for two and a quarter centuries never once relied upon the strength of our military to place or keep them in power. If we had any indoctrination at all, it was this: that in America, every one of us who wore the uniform understood that we served under the authority of the civilian arm. We didn't always agree with them, we sometimes laughed at them, and we were sometimes angry with them, but it never once crossed our minds that we should use the power at our disposal to change things within this nation and make them right.

The inspiration for this ideal was General George Washington who, at various times, had to remind his senior officers that he—and they—were always under the control of the Continental Congress. When we tell stories today about how the military clashes with Congress, but how Congress always has the upper hand, we need to keep in mind that it was Washington who established that paradigm. He could have done something quite different. In fact, when it was all over, and it was realized that he was the general who had defeated the world's mightiest military force, there were more than mild suggestions that he should assume the royal purple himself. After all, historically this is what all conquering generals had done. The idea of a republic that would govern such a large stretch of territory was unheard of in history. The pattern was monarchy. Everyone understood this clearly, and who better to be the sovereign than the man who had so richly earned it. And we would go from one King George to another.

And so it seemed strange to many that, once the peace treaty was signed and America's independence assured, Washington made plain his intention to leave public life and become Citizen Washington. It was quite a shock to many. In fact, King George, when he learned of this said: ''If he really intends to do this, then he is certainly the greatest man alive.'' And he was. Just a few years later, when Napoleon was defeated, he was asked why he had not—at the peak of his powers—having assured the safety of France, retired then to a well-earned and comfortable private life filled with honor, rather than assuming the crown for himself. He commented: ''Everyone expected me to be Washington, and what they didn't understand is only Washington was Washington.''

Well, he was wrong about that, because every one of us who has worn the uniform of America has a bit of Washington in us. That was drummed into us from the outset—career military or not, we are all citizen warriors. We wear the uniform, we do our job, and then when that job is done, we become once more the citizen. The dream of military conquest of our own nation has never occurred to any one of us. And so it is that those who have the weapons are the strongest protectors of the American way of life, rather than its most threatening force.

And today, America is at war once again. We need to understand that this time we face a threat to our existence more powerful than any we have encountered to date. This will truly be the Second War of American Independence, for upon the success of this endeavor will depend the survival not only of our nation, but of western civilization itself. It will be a long war, it will be a conflict

that will be bitterly fought—not only on battlefields that will become increasingly more difficult to define, but in the halls of deliberative bodies around the world by those whose love of freedom and whose grasp of the reality of the situation is not yet equal to the task. And this war will produce veterans—men and women who will serve their country and who will bring us the victory that this nation and civilization demands—and who, once victory is assured, will—in the time honored tradition set forth by our first leader, return to private life as citizens.

And today, America honors its veterans, not alway's understanding what it is that they have accomplished, and not always comprehending how they think. But we know, and that is enough for us. So today—Veterans! Stand proud! For you have served, and today your country honors you. And for those of you who are not veterans, know what it is that these men and women have done. And give them honor, for they have eamed it—not merely for their bravery, but for their willingness—indeed their eagerness that once having had power, they wanted only to return to their lives in their offices, their farms, their shops—for they are the quintessential veterans. They are Americans.

Mr. Speaker, on behalf of the 5th District of Connecticut and the United States House of Representatives, I commend Rabbi Eric A. Silver for his honorable years of military service, and thank him for his remarks this Veteran's Day.

SELECTIVE SERVICE VOLUNTEERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate Mr. Dean E. Schick of Cheyenne Wells, Colorado; Mr. Leslie M. Rittgers of Eads, Colorado; and Mr. C.P. Bryant, Jr. of Las Animas, Colorado on their appointments to the Selective Service Local Board 025 in Pueblo, Colorado.

Local board members have the distinction of receiving an appointment by the Director of Selective Service in the name of President George W. Bush, and on the recommendation of Governor Bill Owens. Patriotic Americans, these board members serve their country by volunteering their time to assist the government in selecting men suitable for military service in the event of a draft. If a draft commences, these gentlemen would decide who would receive deferments, postponements, or exemption from military service based on the individual registrant's circumstances and beliefs.

The Selective Service System is America's defense manpower ''insurance policy'' in a still dangerous and uncertain world. The service performed by a Selective Service Board Member provides a vital link between the community and today's military. His hard work helps guarantee claims filed by young men for deferments and exemptions will receive fair and equitable consideration if a future crisis requires reinstatement of a draft.

Congratulations to these dedicated volunteers on their appointments. I ask the House to join me in thanking these three men for their commitment to their country.

HONORING ASHLAND POLICE CHIEF FREDERIC PLEASANTS, JR. FOR HIS ROLE IN THE SNIPER ATTACKS

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor Ashland Police Chief Frederic Pleasants, Jr. for his role during the sniper attacks that shook Virginia, Maryland, and the District of Columbia.

After the Ashland, Virginia shooting of October 19th, Chief Pleasants was on the scene in a matter of minutes and helped lead the quick and efficient response that ensued. It is known that Chief Pleasants can always be found hard at work behind the scenes, a characteristic that will certainly benefit the prosecution during the trial of the suspects. In fact, throughout the ordeal, Chief Pleasants and his dedicated staff logged 16-plus-hour days.

Chief Pleasants is an exceptional law enforcement officer who has served the Commonwealth of Virginia with distinction for over 32 years. His humility, professionalism, commitment to his team and community are truly deserving of special recognition. We are fortunate that he serves in our community.

Mr. Speaker, please join me in honoring Chief Pleasants.

SEPTEMBER 11, 2001

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MORELLA. Mr. Speaker, a year ago, on September 11th, 2001, Americans were faced with the horrible reality of that day's heinous attacks.

As we gather here today, in the building that served as our Nation's first Capitol and witnessed the inauguration of our first president, our blessed Nation stands firm and it stands strong.

Over the past year, Americans have shown those who wished to tear our country apart that their cowardly actions only brought our nation closer together. Here in the place where our democracy was born, we say to the world that these states of America remain united. We are united by our values, our communities, and our freedoms. Just as we will never forget what makes this nation great, we will never forget the hardships we have endured. We will always remember September 11th.

Even though America has had a year to mourn our losses, we still weep for the victims of that day. We continue to offer our prayers, our comfort, and our resolve to those who lost loved ones on that day.

Without question, the attacks of September 11th were a strike against all nations that value freedom and democracy. It was an act of war, but we were not to be intimidated. As a Congress, we remain steadfast with our nation in the fight against terrorism. American history has always been defined by the resiliency of our people and I stand here today to repeat our solemn pledge to defend freedom and liberty and show that we will rernain resilient no matter the threat. The freedoms and values our forefathers gathered in this hall to protect are simply too sacrosanct to ever be compromised.

REGARDING THE RETIREMENT OF GEORGE O. WITHERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SKELTON. Mr. Speaker, this is the time of year that we say farewell to some old friends. That's never easy. But it is even harder when the friend in question spent considerable time and energy helping make us all look good.

George Withers, who is leaving the Armed Services Committee staff at the end of this year, came to Capitol Hill in 1978. He had served his country in the Navy during Vietnam. But he has spent twenty-four years proving that national service doesn't end when you take off the uniform. As legislative director on a personal staff, then press secretary and a professional staff member of the committee, George has made America better every day.

A lot of young go-getters come to work on the Hill, Mr. Speaker. But George proved that you don't have to be obnoxious to get things done. His real sense of decency and values have provided a reference and example for not only the Armed Services Committee staff, but all of us who worked with him.

George has been the conscience of the committee staff. He is a devoted advocate for those Americans who most need and deserve Congress's protection. Discussions of national security can get pretty esoteric, but George makes sure that we keep our focus on people, both those in uniform and those our military exists to protect, As a former enlisted man and NCO, he never lets the former officers on the staff forget who the real troops are.

Mr. Speaker, while our staff works in a nonpartisan way, George is a determined, thoroughgoing, old-school Democrat. But look at the pictures on his office walls. Yes, he has photos of himself with our former colleagues Ron Dellums and Silvio Conte. But there's John Kasich, too, and President Bush. All of which speaks to the fairness and openmindedness with which George approached his job. He lets his political beliefs inform his work, but never get in the way of doing what was right for the country.

To my way of thinking, George has only one flaw. The B–2 bomber is the pride of Whiteman Air Force Base, in my district. George led the fight at the staff level against the B–2, and succeeded for quite some time. In gratitude for George's exemplary service, I promise not to have one named for him.

In recent years, George's primary duties have concerned the military construction budget. Every member of this body whose district has received military construction funds—and that's most of us—has George Withers to thank.

But he was also our committee's driving force on policies concerning Latin America. Whether the question was the naval bombing on Vieques or the United States' role in Colombia, George fought for a sensible, humble foreign policy.

George's decency doesn't stop at the Capitol door, either. When he isn't here—during the few hours each year we let the staff out—George actively supports charities. He loves riding his bike, and he loves it even more when he's getting contributions for every mile he rides.

While he will tell you that he loves his work here, just ask him about his children, Sam and Lizzie. You'll see what love really means by the sparkle in his eyes. And we were all thrilled when George married Donna earlier this year. His departure from our little world means that he will have even more opportunities to love and care for them, and even his cat, Tom. But I warn you, George, cats don't always love you back.

I will miss George Withers cheerful counsel personally. The Congress will be poorer for his departure. But the real accolade is that people around the world who will never know his name have better lives today because George Withers was part of this House.

I yield back the balance of my time, noting that the House should be honored that George O. Withers yielded so much of his time to us.

AMENDING TITLE VI OF PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. UDALL of New Mexico. Mr. Speaker, today, I introduce legislation that amends title VI of the Public Utility Regulatory Policies Act of 1978 to establish Federal renewable energy portfolio standard for certain retail electric utilities.

As we in Congress have attempted to develop a national energy policy, some say that a long-term sustainable energy plan is impossible. They say that renewable energy and energy efficiency are pipe dreams, and they say the U.S. will never be able to break its reliance on traditional energy sources like oil and coal. I disagree.

Now, in the post-September 11th world, the renewed conflict in the Middle East shows us that we cannot continue to rely on imported oil from that region. When my father, Stewart Udall, was Secretary of the Interior, the U.S. imported 20% of its oil. My father argued that we shouldn't import more than 20% of our oil on national security grounds. Today, we import 53% of our oil, 47% of which comes from OPEC countries; by 2020, the United States will import 62% of its oil.

Even more frightening, world production is expected to peak some time in the next few decades, possibly as early as 2007. That means that as energy demand increases more and more rapidly, the world's oil supply will be proportionally diminished.

While energy production has brought tremendous prosperity and allowed us to grow our economy at unprecedented rates, nonrenewable forms of energy are responsible for many of the greatest environmental threats to America's well-being.

Consider this, less than 2% of this nation's electricity is generated by non-traditional sources of power such as wind, solar, and geothermal energy. During the period from 1973–1991, smart investments were made to develop new technologies that made our energy use more efficient without affecting economic output. These investments curbed the projected growth rates of energy use in the United States by 18% from what they would have been without the investments.

Unfortunately, the U.S. spends only one-half of 1% of its energy bill on research and development. Sixty percent of that money is wasted on the country's failed experiment in nuclear energy. Less than one-third of the nation's tiny research and development budget is spent on renewable energy and energy efficiency technologies.

Mr. Speaker, I am particularly interested in Renewable Portfolio Standards (RPS), which I believe paves the road for the development and investment in clean energy technologies and local economic development. RPS, in my mind, clearly serves as model for tomorrow's small and medium businesses to draw a profit from their own environmental responsibility.

In the Senate version of H.R. 4 there is a provision, which proposes that retail electricity suppliers (except for municipal and cooperative utilities) be required to obtain a minimum percentage of their power production from a portfolio of new renewable energy resources. The minimum energy target or ''standard'' would start at 1% in 2005, rise at a rate of about 1.2% every two years, and peak at 10% in 2019.

I applaud the Senate for including an RPS provision in the Energy bill, which the House failed to include in our energy package. However, I believe that we are capable of going further than the 10% peak in 2020 and believe we should set the standard higher to around 20%. As I mentioned earlier, less than 2% of this nation's electricity is generated by non-traditional sources of power such as wind, solar, geothermal, etc.

My legislation would add an additional 10% on top of the 10% set to peak in 2020, and would achieve this goal within 5 years. Consequently, 20% of retail electricity supplier's power production would be from a portfolio of new renewable energy sources in 2025.

Consider the following:

Wind farms in the Pacific Northwest are producing energy at a price of 3 cents per kilowatt-hour. This is less than the current price of power from natural gas. With a little encouragement, wind energy could become economically viable around the country, and this means a tremendous level of energy self-sufficiency for the U.S. Using wind as an energy source, twelve Midwest states alone could generate three times the total U.S. electricity consumption.

Solar power, one of the most well known forms of renewable energy, also has potential for the future. The cost of solar energy has dropped by 90% since the early 1970s, and scientists and industry groups predict the price will drop another 66% by 2020. Solar energy, if properly developed, could go a long way towards freeing the U.S. from its dependence on coal. Just 10,000 square miles of solar panels would supply all of the nation's electricity needs.

And just a few weeks ago, the Public Service Company of New Mexico and FPL Energy LLC, based in Florida, signed an agreement to build in my congressional district one of the nation's largest wind generation fields near Fort Sumner in eastern New Mexico. Harnessed by 136 twirling turbines, wind will be used to create electricity in the first large-scale renewable energy operation in the state.

Wind will make up less than 4 percent of the power generated by PNM, and this project has the hope of becoming the first of many wind farms in the state and an example of using and developing new technologies for renewable energy use.

A RPS makes good economic sense to help states diversify their energy market, increase their work force, and help revitalize communities who have little to no economic development.

Currently, the New Mexico Public Regulation Commission is working on passing a Renewable Portfolio Standard for New Mexico that would require electric utilities to generate 10% of their electricity from renewable energy sources by 2007.

Mr. Speaker, our dependence on coal, oil and other traditional energy sources is unsustainable. To protect our environment and our economy, we must turn off the dead end street that our energy non-policy has been leading us down, and start down a path of energy productivity and sustainable, environmentally sound production.

ROCKY MOUNTAIN HIGHLIGHTER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate the students and staff members involved with Rocky Mountain High School's student newspaper, Highlighter, for winning the 2002 Colorado High School Press Association Newspaper Sweepstakes for the second consecutive year on October 3, 2002.

Under the guidance of Rocky Mountain Highlighter newspaper advisor and language arts teacher Stephen Wahlfeldt, these dedicated and resourceful students worked tirelessly through the school year to create an informative and professional newspaper. The Lobos ultimately achieved victory over 63 other participating schools in the Sweepstakes, and kept the title of ''Colorado's best high school newspaper'' in Fort Collins for at least another year, through six first-place and three second-place awards.

Crucial wins in the individual categories came from Erin Ortmeier for Critical review writing; Leigh Pogue, Baker Machado, and Ortmeier for Sports Feature story; Joy Bloser and Brett Burnett for Feature Photograph; Kristen Frank and Burnett for Sports Photograph; and Jenny Ackerson, Carolyn Whitten and Burnett for Front Page Layout. The Rocky Mountain Highlighter also proved its superiority in the esteemed General Excellence category. Additionally, Jack Meiter, Kendall Miller and Burnett won second-place for Personal Opinion Column, as did Brent Barentine for Graphic Illustration. The entire staff collaborated to place second the Headlines category.

These journalists involved in Highlighter are commended for their achievements and praised for their pursuit of excellence. These young men and women are primary examples of the vast potential of future generations. Go Lobos!

HONORING HANOVER COUNTY SHERIFF V. STUART COOK FOR HIS LEADERSHIP DURING THE SNIPER ATTACKS

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor Hanover County Sheriff V. Stuart Cook for his outstanding leadership during the sniper attacks that shook Virginia, Maryland, and the District of Columbia.

After the Ashland, Virginia shooting of October 19th, Sheriff Cook was instrumental in leading a quick and efficient response. In addition, he and his team performed a thorough investigation after the shooting that certainly aided in the capture of the suspects on October 24th and will prove vital to the incrimination of the suspects during trial. Furthermore, Sheriff Cook served as a strong voice of reason to many in the area who were terrified and anxious because of the attacks.

Sheriff Cook is an outstanding law enforcement officer who has served Hanover County, Richmond, and the Commonwealth of Virginia with distinction for over 37 years. His professionalism, commitment to his team, and dedication to duty are truly deserving of special recognition. He is a highly dedicated man who has faithfully contributed to his community and the Commonwealth of Virginia. We are fortunate that he serves in our community.

Mr. Speaker, please join me in honoring Sheriff Cook.

CONCURRENT RECEIPT: TOO LITTLE, TOO LATE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FILNER. Mr. Speaker and colleagues, I rise today to protest the ''compromise'' provision included in the Defense Authorization Act regarding the issue known as concurrent receipt.

As we all know, current law requires an offset between military retired pay and VA disability compensation. In effect, our disabled military retirees are paying for their own disability!

Both the House and the Senate, in their versions of the Defense Authorization Act, passed significant and appropriate provisions to address this inequity. The Senate bill provided concurrent receipt for all veterans who were qualified to receive both military retired pay and VA disability compensation. The House bill provided. it for those veterans with a disability rating of 60 percent or more.

Now, we come to the so-called ''compromise'' before us. A compromise, to me, means that you meet somewhere in the middle. This compromise does no such thing. It would set up an alternative ''special pay'' for only military retirees who have combat-related disabilities. These are military retirees with 20 years of service who also:

1. Have a Purple Heart and a disability rating of 10 percent or more for the condition for which they received the Purple Heart, or

2. Have another ''qualifying combat-related disability'' rated at least 60 percent.

I have heard that this ''compromise'' is being sold as a good first step. It is not a good first step. It is hardly a step at all.

During my ten years in Congress, I cannot recall more than one or two other issues besides concurrent receipt on which I have received so many letters, e-mails, and calls. The expectations of our military retirees have been raised by the House and Senate versions of this bill. It is a disservice to give so little to so few at the last minute. While these veterans with combat-related disabilities are absolutely deserving of recognition, so are the others whom we have been fighting for!

I understand that it is expensive to pass concurrent receipt. But disabled veterans did not hesitate when called to serve. They returned home with disabilities they have had to live with ever since. How can we even doubt the need to keep our promises and give them what they deserve? They earned their military retired pay. They deserve their VA disability compensation. The ''compromise'' that is before us today is a disgrace.

KUNTU REPERTORY THEATRE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to an important cultural resource in Pittsburgh, Pennsylvania.

The Kuntu Repertory Theatre of the University of Pittsburgh's Department of Africana Studies has been presenting the works of African, African-American, and Caribbean playwrights and poets since 1974. The Theatre was founded that year by Vernell A. Lillie to showcase the works of Rob Penny, the school's playwright in residence, as well as those of other authors whose works explore the Black experience. It plays an important role in Pittsburgh by providing an important voice in the region's cultural mix. In addition, the Kuntu Repertory Theatre is the only ongoing African American theater group in Pittsburgh; consequently, it provides African American actors, writers and technicians with opportunities that might not be available elsewhere.

Over the last 28 years, the KRT has produced more than 80 plays under the direction of Dr. Lillie, who has been a faculty member in the University of Pittsburgh's Department of Africana Studies since 1972. This year marks both Dr. Lillie's 70th birthday and her 30th anniversary at the University of Pittsburgh.

Mr. Speaker, on behalf of the people of Pennsylvania's 14th Congressional District, I want to commend Professor Lillie and the members of the Kuntu Repertory Theatre for their important cultural contributions and congratulate them as they begin their 28th season of high-quality, thought-provoking plays.

RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF VINCE O'BRIEN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TANNER. Mr. Speaker, I rise today to honor a World War II veteran, a successful businessman and family man, a true civic leader and my friend, Mr. Vincent O'Brien of Dyersburg, Tennessee.

Vince's life has always been marked by a desire to change the world he lives in for the better. That dedication is still proven by his continued work for the city of Dyersburg.

He has served for 30 years as a member of the Dyersburg Planning Commission and has chaired the commission for 20 years. During that time, the city of Dyersburg has experienced tremendous growth, including the development of many new businesses and a shopping mall that have become vital to the economy of West Tennessee.

Vince served in the Army Air Corps during World War II and received the distinguished Flying Cross.

A few months after the war, Vince married Virginia Marr of Dyersburg, and they eventually moved to Dyersburg and established Marr Cleaners, which operated successfully for more than half a century. Virginia passed away 10 years ago. Vince still enjoys spending time with their daughters and their families, eight grandchildren and six great-grandchildren.

Now, at 86 years old, Vince shows no signs of slowing down. While still continuing his work for Dyersburg, he splits his time between Dyersburg and Caruthersville, Missouri, home to his wife Dorothy.

Vince O'Brien is an example for us all. He has always lived a life of compassion, involvement and service. His accomplished leadership has been vital to our community, and I am proud to call Vince O'Brien my friend.

TRIBUTE IN HONOR OF OHIO SENATOR RICHARD H. FINAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. PORTMAN. Mr. Speaker, I rise today in recognition of Senator Dick Finan, a dear friend and leader in my home state of Ohio. Because of term limits, Dick will be completing his final term in the Ohio Senate this year.

Dick is a Cincinnati native. He graduated from the University of Dayton with a B.S. in Business Administration in 1954, and he earned his law degree from the University of Cincinnati College of Law in 1959. From 1954 to 1956, Dick served our country in the U.S. Army. Last year, he was appointed as Ohio's Civilian Aide to the Secretary of the Army.

Dick has been an outstanding public servant to the Cincinnati community and the people of Ohio. He was first elected as a Councilman of the Village of Evendale in 1963, and went on to serve as Mayor of Evendale from 1969 to 1973. He served in the Ohio House of Representatives from 1973 to 1978, and, since

1978, has served in the Ohio Senate. For the past 6 years Dick has been President of the Senate.

During his 29 years in the Ohio General Assembly, Dick has been an outstanding leader. He has been involved with some very difficult issues that have faced Ohio, which include workers compensation, school funding, and crafting legislation to rescue Ohio's state-chartered savings and loan institutions. He also is primarily responsible for the renovation of Ohio's historic Statehouse, which restored the Capitol to its 1861 magnificence.

Throughout his service, Dick has always stood firm on his principles, and he's earned the respect of Ohioans everywhere. His retirement from the Ohio Senate is a great loss to our state and the Cincinnati area, but I know he will continue to serve our local community, the State of Ohio and our country. I look forward to continuing to work with him.

Although he will greatly miss his public service in the Ohio Senate, Dick is looking forward to having more time with his family. He and his wife, Joan, have been married for over 40 years and have 4 children and 10 grandchildren.

Mr. Speaker, I hope my colleagues will join me in recognizing Dick's outstanding service. All of us in Southwestern Ohio are grateful for his many contributions to our community, and we wish him the very best as he steps down from the Ohio Senate.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. UDALL of New Mexico. Mr. Speaker, for the past year, Congress has debated legislation to establish a Department of Homeland Security. This has been an extremely important debate considering that any legislation we pass in this regard will result in the largest federal government reorganization since World War II. Yet, despite this fact, we are not only on the verge of passing flawed legislation, but in what seems to have become the norm for any vitally important legislation before us in the House, we are on the verge of passing it with little opportunity for deliberation, and no opportunity to amend it.

Several of my colleagues have come to the floor to highlight provisions that have been inserted into this legislation at the last minute. I share many of their concerns. It is unfortunate that we are not allowed an opportunity to offer amendments to a piece of legislation with such far-reaching implications for government reorganization, and more importantly, for the safety of our country.

In addition to the process, however, I have several concerns regarding the substance of the legislation. While I firmly support the President in the war against terror, I strongly believe that it must be achieved by striking a proper balance between cracking down on terrorists while simultaneously preserving many of the liberties and freedoms that we enjoy as citizens of the United States.

In securing our borders and preserving our way of life, it is imperative that we protect civil liberties, oppose efforts to gratuitously protect irresponsible corporations including those that incorporate offshore to avoid paying their fair share of the war on terrorism and those who knowingly make faulty products, and ensure that the new department will have the best possible workforce, while maintaining civil service protections. The majority has also slipped into this bill a provision to protect the pharmaceutical industry, The majority also has extended the deadline for our airports to have their security standards at the highest levels.

In these and many other areas, H.R. 5417 falls short. As a result, I will reluctantly vote against this bill. I still believe we can and must create an effective Department of Homeland Security that simultaneously protects us at home, protects workers, and protects our basic freedoms and civil liberties.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, which contains an important provision I offered for the expansion of Civil Support Teams nationwide.

Civil Support Teams are National Guard units designed to provide support to civil authorities in response to Weapons of Mass Destruction (WMD) threats or attacks. The teams are expertly trained to provide a variety of services including coordination of rescue and recovery efforts, securing communications, and providing medical supplies. The teams are outfitted with the proper protective equipment for entering a contaminated site. These highly-skilled units, made up of 22 full-time National Guard members, are a critical part of the Department of Defense's (DODs) mix of local, state and federal resources for the Homeland Security plan.

Yet, currently a number of states, including Connecticut, do not have a Civil Support Team. At present, there are only two teams assigned to the entire Tri-State/Southern New England area. Those two teams are located in Natick, Massachusetts and Scotia, New York, which leaves Connecticut, Rhode Island, and New Jersey without teams.

The National Defense Authorization for FY 2003 rectifies this by authorizing 23 additional teams, one for each state and territory in the United States. This initiative has been a concern of mine since well before the tragic events of September 11, 2001. On January 10, 2000, I sent a letter to the Honorable Louis Caldera, Secretary of the Army, urging that a team be deployed in Connecticut. I followed up that letter with a series of actions in support of expanding Civil Support Teams nationwide. I worked with the Connecticut Air/Army National Guard, the National Guard Bureau and the National Guard Association of the United States to address this issue of homeland security. On October 4, 2001, I sent a letter to the Honorable Donald Rumsfeld, Secretary of the Department of Defense, to ask his support for establishing additional Weapons of Mass Destruction Civil Support Teams.

The language in the bill before us is derived from legislation I introduced (H.R. 3154) on October 17, 2001, which attracted 49 cosponsors. On November 14, 2001, in response to these efforts Ellen Embry, Deputy Assistant Secretary of Defense for Military Assistance to Civilian Authorities briefed a small number of fellow Democratic Committee members of the House Armed Services Committee. At that meeting I reiterated my view that there should be at least one WMD–CST in every state and U.S. territory. On February 6, 2002, I again raised this issue with Secretary Rumsfeld when he testified before the House Armed Services Committee.

During the House Armed Services Committee's consideration of the FY 2003 Defense Authorization measure (H.R. 4546), my colleague, Congressman TAYLOR of Mississippi, and I successfully offered the amendment, based on my legislation (H.R. 3154), to include the provision for the additional Civil Support Teams.

Currently there are thirty-two Civil Support Teams across the country, authorized by Congress over the last three years. While 32 teams was a good start, it doesn't go far enough. H.R. 4546 will increase (from 32 to 55) the total number of Weapons of Mass Destruction Civil Support Teams (CSTs)—including a team for Connecticut.

My legislation (H.R. 3154) requires the Department of Defense to establish at least one team per state and territory. Federal emergency resources need to be properly and fully integrated with state and local emergency response operations. To do that, we need a team in each state. Establishing a team in every state ensures a quick response to a Weapons of Mass Destruction attack, and allows the Civil Support Teams to run practice scenarios with local and state authorities that would be involved in the event of a real attack. This will ensure high-quality coordination among all those involved.

A Connecticut-based Civil Support Team is vital to residents of Connecticut and the Northeast Corridor. The terrorist attacks of September 11th in New York City made this point clear, and necessitate addressing this regional national security concern as soon as possible. The Civil Support Team in New York helped assess the initial terrorist incident at the World Trade Center, and undertook chemical, biological and radiological sampling at Ground Zero. The team also provided a full range of communications support as well as air monitoring services. The attack in New York was a critical test for this Civil Support Team, and it proved to provide significant assistance to local and state authorities. Connecticut deserves to be equally well protected and prepared. I am delighted that my legislation to advance that goal has been incorporated in the National Defense Authorization for Fiscal Year 2003.

Mr. Speaker, for these reasons, and for the other strong national defense provisions authorized within, I strongly urge the House to vote in support of H.R. 4546, the Bob Stump National Defense Authorization for Fiscal Year 2003.

THE HONORABLE DAN NOBLE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to memorialize the Honorable Dan Noble of Norwood, Colorado, who passed away on November 12, 2002. Dan Noble was an exceptional man who spent his life serving his community and his nation.

Dan was an Army veteran and served as a staff sergeant in a motor battalion in Korea from 1950 to 1952. When he returned from the military he married his wife, Donna, and attended the University of Colorado School of Banking from 1960 to 1962. He became the President and the Director of the San Miguel Basin State Bank in Norwood.

In 1970, Dan was appointed to fill a one-year vacancy in the Colorado State Senate. He continued to faithfully serve his constituents for a total of 17 years. He served seven of these years as the Majority Leader. Senator Noble was respected by all of his peers and his commitment to the people of Colorado is a great example for all who serve in the Colorado General Assembly.

Dan died of cancer at the age of 73, leaving behind his five children: Douglas Noble, Danette Christiansen, Darin Noble, DruAnn Nemecek, and Darcy Crotteau.

Dan Noble was truly a great man. It is with sadness that I inform the House of the loss of such an exceptional American. I ask the House to join me in extending its sincere sympathy to the family and friends of Mr. Noble.

TRIBUTE TO GENERAL JOHN N. ABRAMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. General John N. Abrams' 36 years of service to the nation has been marked by meritorious service in increasingly demanding command and staff positions, culminating as Commanding General, United States Army Training and Doctrine Command (TRADOC), Fort Monroe, Virginia. Throughout, General Abrams demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Army.

General Abrams was commissioned through Officer Candidate School at Fort Knox, Kentucky, on February 3, 1967, after enlisting in the United States Army on February 17, 1966. He is a graduate of Bowling Green State University in Ohio with a Bachelor of Science in Business Administration and Shippensburg State University of Pennsylvania with a Masters of Science in Public Administration. He is also a 1986 graduate of the Army War College.

General Abrams has served in command and staff positions over the last thirty-five years. He is a combat veteran of Vietnam from August 1967 to July 1969 where he served as an armored cavalry platoon leader and armored cavalry troop commander with the 2d Squadron, 1st Cavalry, which deployed from the 2d Armored Division, Fort Hood, Texas. He commanded the 11th Armored Cavalry Regiment in Fulda, Germany, from 1988 to 1990; the 2d Infantry Division, Uijongbu, Korea, from 1993 to 1995; and V Corps, Heidelberg, Germany, from 1995 to 1997. Prior to assuming command of TRADOC, he was the TRADOC Deputy Commanding General from August 1997 to September 1998.

His service includes staff assignments as Chief of Staff of the 3rd Armored Division in Germany; Military Science Instructor at the United States Military Academy at West Point; Army Staff Officer in War Plans and Deputy Director of Operations Directorate in the Office of the Deputy Chief of Staff of Operations and Plans.

His awards and decorations include the Distinguished Service Medal, Silver Star with oak leaf cluster, Legion of Merit with two oak leaf clusters, Bronze Star with three oak leaf clusters and Valor device, and the Purple Heart. He has also received the Knight Commander's Cross of the Order of Merit of the Federal Republic of Germany.

Throughout his career, General Abrams has made significant contributions at every level assigned. In his final assignment, he brought to bear the accumulated experience and dedication of a career spent serving the nation and our soldiers. He has provided continuity for the Profession of Arms—integrity, loyalty, dedication, mentorship, vision, and the willingness to take and stand behind the risks associated with implementing change in the Army. General Abrams' distinguished performance of duty will have far-reaching impacts on the future of the Army. I am certain that my colleagues will join me in wishing General Abrams all the best.

H.R. 1070: THE GREAT LAKES LEGACY ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KIRK. Mr. Speaker, the magnitude of the Great Lakes water system is difficult to appreciate, even for those who live within the basin. As the world's largest body of fresh water, the Great Lakes are sensitive to the effects of a wide range of pollutants. The sources of pollution include runoff from farm chemicals, waste from cities, and discharges from industrial areas and waste disposal sites. The large surface area of the lakes makes them vulnerable to direct atmospheric pollutants of all kinds, such as mercury.

H.R. 1070 amends the Clean Water Act to authorize $50 million a year for fiscal years 2004 through 2008 for the Environmental Protection Agency (EPA) to carry out remediation projects in Areas of Concern (AOCs) surrounding the Great Lakes to monitor or evaluate contaminated sediment, remediate contaminated sediment, or prevent further or renewed contamination of sediment.

Contamination of the Great Lakes is an issue that directly affects my district. The city of Waukegan in my district was home to what many have called the worst PCB (polychlorinated biphenyls) contaminated site in the U.S. Waukegan lies fifty miles north of Chicago directly on the shore of Lake Michigan. Waukegan Harbor was designated in the 1980's an Area of Concern (AOC) by the International Joint Commission on the Great Lakes, the United States EPA and the Illinois EPA.

The contamination of Waukegan Harbor took place over a 13-year period from 1959 to 1973. The U.S. EPA approximated that during that time 300,000 pounds of PCBs were discharged directly into the water of Lake Michigan and an additional 700,000 were discharged on the property by the Outboard Marine Corporation. An average 9–10 pounds of PCBs were discharged into Lake Michigan daily.

The cleanup of Waukegan Harbor has been successful thus far removing approximately 500 tons of PCB contaminated sediment from Waukegan Harbor. However, more corrective action is necessary before the harbor can be de-listed as an AOC. Passage of H.R. 1070 will go a long way in continuing the movement to de-list Waukegan Harbor and clean the remaining Great Lake AOCs.

I applaud the Congress for taking this important step addressing contaminated sediments in the Great Lakes basin. The time has come to protect the Great Lakes from the other dangers, such as mercury pollution and invasive species. Earlier this session I introduced H.R. 5261, the Great Lakes Mercury Reduction Act, which will prohibit the issuance of new permits under the Clean Air Act that would result in the deposition of any additional mercury into the Great Lakes.

Congress must also adopt a comprehensive plan to stop the introduction of alien species into the region. H.R. 5396 and 5397 seek to reauthorize the National Aquatic Invasive Species Act to address existing loopholes in our laws and authorize much needed funding to upgrade the fight against aquatic invasive species, along with expanding the Aquatic Nuisance Species Dispersal Barrier on the Chicago Ship and Sanitary Canal.

Mr. Speaker, I would like to take a moment and thank Mr. EHLERS for his tireless work on H.R. 1070. His work on this legislation, and other Great Lakes issues, has been remarkable. I would also like to thank the groups involved in the Waukegan Harbor cleanup effort, including the U.S. EPA, the Illinois EPA, and the Waukegan Harbor Citizens Advisory Group. Hopefully, the passage of H.R. 1070 will enable our community to celebrate the delisting of Waukegan Harbor.

AFRO-AMERICAN MUSIC INSTITUTE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. COYNE. Mr. Speaker, I rise today to call my colleagues' attention to a milestone that was recently observed in Pittsburgh, Pennsylvania. On September 21, the Afro-American Music Institute celebrated its 20th anniversary.

The Afro-American Music Institute was established in 1982 by ethnomusicologist Dr.

James T. Johnson, Jr. and his wife Pamela Johnson. Dr. Johnson has been the director of the AAMI since its founding, and Mrs. Johnson serves as manager of this non-profit organization. They have worked tirelessly over the last 20 years to expand and improve the programs offered by the AAMI.

For the past 20 years, the AAMI has trained musicians of all ages and backgrounds in jazz, gospel, and blues for voice and instruments. Over that period of time, the Afro-American Music Institute has trained thousands of students. In addition to vocal and instrumental instruction, the AAMI curriculum includes such subjects as directing, improvisation, song writing and arrangement, and music theory, as well as the technical and managerial aspects of musical performance. The AAMI sponsors several musical ensembles, including a youth jazz group, a sacred music choir, a boys' choir, and a faculty ensemble.

The Institute was originally located in St. James AME Church in Pittsburgh's East Liberty neighborhood, but in 1992, it incorporated and moved to its current location at 7227 Tioga Street. The AAMI has plans to relocate to a new building on Hamilton Avenue early next year.

Mr. Speaker, on behalf of the people of Pennsylvania's 14th Congressional District, I want to commend Dr. and Mrs. Johnson and the faculty and students of the Afro-American Music Institute for their educational and cultural contributions to our community and wish them continued success in the future.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MORELLA. Mr. Speaker, on rollcall No. 477, final passage of H.R. 5710, The Homeland Security Act of 2002, I was detained in traffic from an event honoring federal employees. Had I been present, I would have voted ''yes.''

IN HONOR OF REPRESENTATIVE CARRIE MEEK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SHAW. Mr. Speaker, I rise on behalf of my dear colleague, Carrie Meek, whom I have had the privilege of working with from the great state of Florida.

A freshman from the class of 1992, Carrie represents Florida's 17th district, encompassing large portions of my hometown, Miami.

In her very first term, we were all impressed by her ability to win a seat on the Appropriations Committee, the only freshman Democrat to do so. She has also served admirably on the Treasury Postal Service and VA/HUD Committees, consistently advocating on behalf of African Americans, fighting for job creation and business development through Federal programs.

Always fighting for the underdog, Carrie has served with an iron fist in a velvet glove. Although we sit on opposite sides of the aisle, I have always respected her work and welcome the arrival of her son, Kendrick, to the Congress. My office and the entire Florida Delegation look forward to working with him. We are certain he will carry on Carrie's fine family tradition of lawmaking.

Mr. Speaker, the residents of Florida's 17th Congressional District have been better served for Carrie's service in Congress. This body exists so that the people of our country have a voice in their government. The votes Floridians cast to send her to Washington brought this House reasoned judgment, energetic lawmaking and strong conviction, Today we honor her service to her country and wish her well.

IN RECOGNITION OF THE SERVICE AND CONTRIBUTIONS OF THE HONORABLE CHARLES ROSSOTTI

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the service to our country that has been performed by our outgoing Internal Revenue Service Commissioner, Charles Rossotti.

Commissioner Rossotti was one of the longest serving Commissioners in the history of the Internal Revenue Service and the first to have a five-year term as recommended in the landmark IRS Restructuring and Reform Act of 1988. During his tenure, Commissioner Rossotti provided the IRS with the leadership it needed as it went through the most dramatic change in its history. The structural and cultural reforms he implemented will have a positive impact on both the IRS and taxpayers for many years to come.

Under Commissioner Rossotti's leadership, the IRS was reorganized into four divisions, each of which is responsible for a specific segment of taxpayers. This model allows taxpayers to receive expert and personalized service and permits the IRS to more efficiently use its resources. Another significant accomplishment under Commissioner Rossotti's watch is the expanded ability to exchange data electronically. During the last tax season, nearly one in three Form 1040s was filed electronically, and the IRS Web site has become one of the most popular sites on the Internet. Charles has managed the implementation of many taxpayer rights contained in the IRS restructuring law, such as the innocent spouse and collection due process protections, and has strengthened the role of the National Taxpayer Advocate.

Commissioner Rossotti's accomplishments have set the IRS on the right track to providing top-quality service and fairness to all taxpayers. He is to be commended for his efforts to transform the IRS into a performance-based organization, and dispel the belief that customer service and enforcement are mutually exclusive. Perhaps the broadest indicator of Commissioner Rossotti's impact on the IRS has been the steady rise in the public perception of the IRS in the last four years.

Mr. Speaker, Charles accomplished all of this at a time in his life when he was ready to leave full-time employment and enjoy a slower paced life. He and his wife, Barbara, put their personal plans on hold for the past five years while he served our country nobly and well. He is a true citizen servant in the great tradition of the Roman hero Cincinnatus. Our country owes him a debt of gratitude for his outstanding public service. We wish Charles and Barbara the very best.

FAMILY FRIENDLY ATMOSPHERE IN CONGRESS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROEMER. Mr. Speaker, I rise today to reflect on my last 12 years here in United States Congress. I have enjoyed this experience and consider it to be one of the most gratifying opportunities of my life. I am grateful for the people of the Third District of Indiana who allowed me to serve with such intelligent, honorable and talented people. It is my hope that we have made some strides in making the lives of Americans better and more prosperous for the future. As I leave this body, one of my regrets will be that this institution did not set more of a priority on scheduling, which is essential to a balanced, family and professional life. With a quote, I would like to point to the following example of our colleagues across the Atlantic who have set a family-friendly precedent as part of their agenda.

Winston Churchill once said, ''There is no doubt that it is around the family and the home that all the greatest virtues, the most dominating virtues of human society, are created, strengthened and maintained.''

According to an article in the New York Times, Members of the British Parliament recently reaffirmed their commitment to this principle. The House of Commons voted to end a centuries old tradition of late-night sessions, moving the start of business up to 11:30 a.m. from 2:30 p.m., and declaring that the latest a session can go is 7:30 p.m. This is three hours earlier than the usual closing time. This vote apparently came after a nine-hour debate that ended at midnight.

This schedule is all too familiar to us here in the United States Congress. We have had more than our fair share of late nights. Some of these nights have been essential, especially when we are considering measures on how to combat the war on terrorism or balance the budget. Oftentimes, these sessions are indeed vital. However, more often than not, there was no compelling reason to be in session so late.

Mr. Speaker, I applaud the hard work of my colleagues during this 107th Congress and past Congresses. I am, however, concerned about the impact of inefficient scheduling on our spouses and children. This ritual has become a norm in this governing. We have struggled through many late nights only to accomplish very little at times and only to disappoint our families when we cannot get on a plane to get home or make it back in time to tuck our children into bed.

As Co-chairs of the Members and Family Committee, my friend, the gentleman from Mississippi, Mr. PICKERING, and I have worked with the Committee to make it possible to mesh family time with Congressional business. We have hosted dinners and movie nights and brought in speakers to make this body a more

family-friendly atmosphere. The events have been a success but they are a far cry from the goal of having a family-friendly atmosphere in ''The People's House.''

A broader level of this concern in this body should be the importance of having representatives in the people's house who have family interests in mind. It is imperative to this body for all interests of the American people to be represented, particularly the issues that affect the family. We cannot allow those interests to be forgotten as we continue to set an agenda for the American people.

Mr. Speaker, as I leave Congress in the coming weeks, I hope that this body will work to improve the schedule so that members can meet their priorities in life: our families. Thomas Jefferson once said, ''The happiest moments of my life have been the few which I have passed at home in the bosom of my family.''

IN CELEBRATION OF NATIONAL BIBLE WEEK

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ETHERIDGE. Mr. Speaker, I am honored and pleased to serve as Congressional Co-Chair for National Bible Week, November 24–December 1, 2002. National Bible Week has been an annual observance in this country since 1941. When the nation turned to the Holy Bible for strength, comfort, and guidance. On September 11, 2001, when terrorists destroyed the World Trade Center Towers in New York and attacked the Pentagon, another ''day of infamy'' took place in our nation's history. President Bush immediately called Americans to prayer, saying, ''Our purpose as a nation is firm, yet our wounds as a people are recent and unhealed and lead us to pray. . . . We ask almighty God to watch over our nation.'' I strongly believe that one contribution every American can make in these troubling times is to pray for our nation, its leaders, and its people.

National Bible Week is celebrated every year from Sunday to Sunday during the week of Thanksgiving. It is a time of prayer, a time to confirm our values and a time to strengthen national resolve. As we gather at our dinner tables in remembrance, let us be thankful to be living in a country where our Constitution guarantees freedom of worship. I commend the National Bible Association for its leadership in promoting this worthy endeavor.

HONORING DOUGLAS McCLURG

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of my good friend Douglas McClurg, who will be remembered in the Tampa Bay community as a prominent and highly esteemed bankruptcy attorney, a Vietnam War hero and a man who was deeply devoted to his faith, family and community.

Since 1992, Doug worked as a bankruptcy lawyer for Hill, Ward & Henderson, and he was the founding director and former president and chairman of the Tampa Bay Bankruptcy Bar Association. Doug handled several high profile bankruptcy cases in the Tampa Bay area and was highly respected by his colleagues for the quality of his work and character.

But what was most impressive about Doug was his ability to successfully balance a demanding career with his responsibilities to his family and his community. Doug was very active in the lives of his children and committed to helping young people. He sat on the executive board of the Gulf Ridge Council of the Boy Scouts and was chairman of the board for Young Life, a Christian outreach program for middle and high school students. Doug also served as a trustee for the Tampa Museum of Art, past president of the Tampa Club and trustee of the University of Florida Law Center Association.

As a member of the U.S. Special Forces, Doug served a combat tour during the Vietnam War and earned a Purple Heart, Bronze star, Combat Infantry Badge and Air Medal.

On behalf of the Tampa Bay community, I would like to extend my heartfelt sympathies to Doug's family. Doug led a very full life in too short of a period of time, and we will never forget him, his contributions to many and the example he set for all of us to aspire to reach.

CORRECTION ON H.R. 4689

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FRANK. Mr. Speaker, I signed the ''Dissenting Views'' to the Committee Report on H.R. 4689, the ''Fairness in Sentencing Act of 2002,'' which included these two inaccurate statements:

> If enacted, the bill would prevent individuals who perform low-level drug trafficking functions from qualifying for a mitigating role adjustment under the United States Sentencing Guidelines.

and

> The bill prevents low-level, first-offense drug offenders from receiving a mitigating role adjustment under the sentencing guidelines.

H.R. Rep. No. 107–769 at 307–08 (Oct. 31, 2002) (''Dissenting Views''). The Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, Rep. LAMAR SMITH, has brought to my attention that these two statements are inaccurate because the bill does not in fact do this. I acknowledge and regret the error.

CHINA'S BALLISTIC MISSILE THREAT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, as we prepare to invade Iraq and ponder North Korea's secret nuclear weapons program, America must not overlook the greater threat posed by China and the transformation of the People's Liberation Army into a modern technological force capable of lightning attacks.

Similar to how Germany used blitzkrieg or lightning warfare in World War II to demoralize its opponents, the People's Liberation Army (PLA) is ready to unleash a new form of warfare using advances in accurate ballistic missiles, high-energy lasers, and information warfare.

This transformation of the PLA has more than the capture of Taiwan in view. In December 1999 China's Defense Minister, General Chi Haotian, declared war between China and the United States ''is inevitable.'' He noted, ''The issue is that the Chinese armed forces must control the initiative in this war.''

To control the initiative, the PLA plans to mount a surprise attack, counting on the weight of its initial blow to stun an opponent into submission. Ballistic missile strikes, high energy lasers used against satellites, and information warfare provide the means by which the PLA can launch a surprise attack with little or no warning.

Do we need to remind ourselves of the congressionally funded U.S.-China Security Review Commission that declared in August 2002, ''Despite overwhelming U.S. military and technological superiority, China can still defeat the United States by transforming its weakness into strength and exploiting U.S. vulnerabilities through asymmetric warfare . . . deception, surprise and preemptive strikes''.

China's mild reaction to our plans to invade Iraq may indicate deception, laying the groundwork for a surprise attack. Even as we engage China in diplomacy to call a halt to North Korea's nuclear weapons program, we deceive ourselves as to the role China played in the proliferation of nuclear weapons and ballistic missile technology to North Korea, where Pakistan served as an intermediary by assisting North Korea in its nuclear weapons program in exchange for North Korean assistance with its ballistic missile program.

Even our efforts to seek China's assistance in the war on terrorism contain an element of self-deception. We overlook how China supported the Taliban, signing a memorandum of understanding with Taliban leadership on September 11, 2001. Do we note how PLA military doctrine described in Unrestricted Warfare extolled Osama bin Laden as a new type of warrior to emulate?

We deceive ourselves if we believe the PLA is not capable of mounting a powerful blow at our armed forces. Our satellites are vulnerable to laser attacks and information warfare—a fact carefully noted by Donald Rumsfeld before he became Secretary of Defense while serving as Chairman of the Space Commission. Our forces and military bases are vulnerable to ballistic missile strikes—we have no defense against ballistic missiles except for the short-range Patriot.

TAIWAN

A picture of our vulnerability may be seen in Taiwan. For example, a Taiwanese defense ministry report concluded a PLA attack using ballistic missiles and cruise missiles supplemented by long-range artillery and other weapons aimed at nearly one hundred key targets such as airports, harbors, important highways, bridges and military command centers, missile bases and barracks would be successful within a very short time. Several dozen ballistic missiles could destroy over half its navy concentrated at the naval base of Tsuoying.

In 2002 computerized war simulations in Taiwan's Han Kuang Number 18 military exercise showed it could lose much of its air force in the first wave of ballistic missile strikes. The launch of hundreds of ballistic missiles aimed at major air bases around Taiwan would damage 75 percent of its air force fighters on the ground.

Furthermore, China has obtained technical information on the improved Patriot-2, enabling it to devise tactics for overwhelming the two hundred Patriot missiles guarding Taipei and its environs.

TRANSFORMATION

Transformation is a result of new strategy and new weapons that can convey a sense of overwhelming defeat, enabling conventional military forces to conduct mopping-up operations against a demoralized enemy. In other words, while the bulk of PLA forces are not as technologically sophisticated as U.S. forces, if PLA laser and ballistic missile forces can create a sense of overwhelming defeat, the once vaunted technological superiority of U.S. forces would be swept aside.

Similar to Taiwan, China's intermediate and long-range ballistic missiles could be used in a preemptive strike against U.S. air and naval forces, particularly in the Pacific. Indeed, China's intermediate-range ballistic missiles were developed for attacking U.S. forces in the Pacific and Indian Oceans. The effect would be the same as an attack on Taiwan. U.S. air and naval strength would be devastated.

The PLA is aware of the vulnerability of U.S. forces to ballistic missiles. The inability of U.S. forces to defend themselves against ballistic missiles can create a condition for intense psychological defeat, a feeling of utter helplessness against a foe that can strike at will. This is called asymmetric warfare—attacking an opponent's weakness.

We will find our weapons, doctrine, and leadership outdated. For example, we have no weapons to counter a high-energy laser used to attack our DSP early warning satellites, which could otherwise warn of a PLA ballistic missile strike. Other key military satellites, upon which depends our Revolution in Military Affairs, are at risk.

Our generals do not practice for war against an opponent that uses accurate ballistic missiles in a preemptive strike. China has developed accurate ballistic missiles. Its short-range M–11, which uses GPS guidance, is accurate to about 5 meters. Its DF–21 (CSS–5) intermediate-range ballistic missile is equipped with terminal, precision guidance and possibly GPS. China has the option of using ballistic missiles armed with non-nuclear warheads in a precision, long-distance strike.

Our navy has no defense against a DF–31 ICBM that could be fired at a naval battle group shortly after leaving Pearl Harbor. The PLA large-scale exercise called Liberation 2 simulated landing on Taiwan and attacking U.S. aircraft carriers, including strikes by DF–31 nuclear-capable ICBMS.

Our nuclear missiles are no defense against a preemptive ballistic-missile strike. The threat of retaliation under the doctrine of Mutual Assured Destruction is empty. Even though we possess a larger number of ICBMS, we have no defense against the PLA holding American cities hostage using a small number of missiles.

Unlike the Cold War where Soviet ballistic missile forces were targeted at U.S. ballistic missile forces as well as other defense installations and military bases, China has targeted U.S. conventional forces and bases, trusting that a small arsenal of ICBMs pointed at American cities could deter a U.S. nuclear retaliation.

Not only are U.S. forces undefended from ballistic missile attack, the use of air power in retaliation or suppression would be slower in comparison to another ballistic missile strike. Air power alone is not decisive in the age of missiles.

EVIDENCE

Evidence of the PLA's transformation may be seen in the double-digit increases to its announced defense spending for over a decade; its purchase of advanced Russian arms such as Sovremenny destroyers, Kilo submarines, S–300 air defense missiles, supersonic cruise missiles, Su–27 and Su–30 aircraft; and, its buildup of ballistic missiles and new doctrine.

Once an army of peasants, the PLA has become an army of the technologically equipped with advanced degrees in science and engineering. To foster its acquisition of new weapons, the PLA has shrunk in numbers from approximately 3.5 million to 2.5 million while defense spending has increased. It has the world's second largest defense budget, amplified by the relatively low wages it pays.

U.S. FORCE DISPOSITION

The concentration of U.S. forces in the Middle East and Persian Gulf is creating a condition for strategic attack and maneuver by the PLA. After a surprise attack using lasers, ballistic missiles, and information warfare directed at U.S. satellites and air and naval forces, a PLA force as small as 50,000 well equipped troops could create havoc. U.S. forces rely heavily on air power.

Following a surprise attack there would be little to stop the PLA from invading other countries, including Taiwan and the island nations of the Pacific. PLA invasion forces against these tiny Pacific nations would not need to be large. The fractured nature of Indonesia could lead the PLA to extend its initiative to larger nations, perhaps focusing on oil and gas reserves. Guam and Hawaii would be at risk.

While the Navy should be commended for basing three attack submarines on Guam, have we considered the defense of that island from the PLA, which has extended its grasp into the Spratly Islands and South China Sea?

Guam is a strategic position for reinforcing U.S. defense commitments to Taiwan, Japan, Philippines, Australia, New Zealand, and the other island nations of the Pacific. Its use against the PLA as a base for the projection of air and naval power would call for a concentration of military strength.

This concentration of military strength on Guam should include theater missile defenses that can intercept intermediate-range ballistic missiles. Unfortunately, we have no theater missile defenses to deploy, although THAAD achieved successful interceptions several years ago. Yet Guam's strategic value would call for reinforcement, even with land forces presumably armed with tanks and mobile artillery such as the cancelled Crusader. The use of artillery has been proven in hundreds of years of warfare and should not be neglected against a heavily armed opponent such as the PLA.

Hawaii, the crossroads of the Pacific, has been a key U.S. military base for nearly a century. Considering how China plans to engulf the Pacific in island chains that would extend to the Aleutians and Hawaiian Islands, Hawaii's defense and use as a base for projecting air and naval power should be considered essential. What steps have we taken to reinforce that key position, including the deployment of ballistic missile defenses capable of intercepting ICBMS?

Preparation is key to a strong defense. Just as the PLA has engaged in an extensive and far-reaching military buildup for nearly fifteen years, we need to prepare and reinforce our defenses, especially against the PLA's weapon of choice, the ballistic missile. Without preparation in advance, the transportation of reinforcements may suffer, as well as the construction of defenses.

The buildup of forces in the Persian Gulf should not blind us to the need for defensive preparations against the PLA. Such preparations may include a buildup of naval forces to counterbalance China's acquisition of Russian Kilo submarines, Sovremenny destroyers, and cruise missiles in addition to its buildup of ballistic missiles. Ballistic missile defenses would play a key role, especially space-based and naval defenses that can provide widespread, flexible coverage over the Pacific. Our preparations may include new weapons and defenses against to offset the PLA's acquisition of supersonic cruise missiles, Shkval rocket torpedoes, and wake homing torpedoes.

CENTRAL AMERICA

In preparing defenses to counter the PLA, the southern approach to the continental United States from Central America, Mexico, Cuba, or other Caribbean nations deserves our attention. To be of military significance, our planning should include the deployment of U.S. ground forces in the event of a PLA intrusion through our southern border or through ports such as Houston or Mobile.

However unlikely it may seem to be, the southern approach is vulnerable, especially given the extensive nature of Chinese shipping interests. Commercial shipping could be used for the transport of military forces in the form of a Trojan horse. The PLA has conducted military exercises using freighters armed with artillery, similar to the German Q-ships used in World War II. While a small PLA invasion force would hardly be expected to conquer the United States, neither should we overlook the disruption and consternation that even a small PLA invasion force could cause.

With its commercial influence at the ports of San Cristobal and Colon in Panama and friendship with the Marxist learning President of Venezuela, Hugo Chavez, China's reach could well include our southern approach. Yet an opportunity could arise to renew our relationship with Panama, including the stationing of military forces along the Panama Canal, as a number of Panamanians would like to see the Yankees return.

This planning would need to include a sentry line and reserves. These reserves would need to be stationed within the United States, not the Middle East or Persian Gulf Reserves are for reserves. It is unreasonable to use Reserves and National Guard units in place of the regular armed forces, whether in scattered peacekeeping missions or the buildup for Iraq.

SUMMARY

The PLA has developed similar attack capabilities to Germany's lightning warfare, using surprise as the key for a sudden and powerful launch. The tools the PLA will use in the

spearhead of its attack—ballistic missiles, high-energy lasers, and information warfare—are tools against which the United States have virtually no defense. For these reasons I wish to note for the record that we are woefully unprepared for a more serious and eminent war. I cannot stress enough the issues relating to the PLA's war threat. We must come to recognize the significant role our current actions in the Middle East play into China's aggressive military intentions. To further illustrate my points, I will offer subsequent remarks detailing the present danger China poses elsewhere in the RECORD.

A STANDING OVATION FOR RICHARD AND ELIZABETH HAYMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor two very special friends, Richard and Elizabeth Hayman of Oscoda, Michigan, as they celebrate forty-five years of marriage and a loving commitment to each other and their family, including my Communications Director, Rik Hayman, and his sister, Deborah Westa. It is not often that a family and a community have the good fortune of having two such outstanding individuals as Dick and Betty Hayman to count on to willingly and generously give their time and talents to the commonweal.

Dick and Betty met while he was serving our nation in the U.S. Coast Guard and she was working at her father's grocery store in South Portland, Maine. They married in 1957 and were later blessed with two children. Betty graduated from Gorham State Teacher's College and also holds a master's degree from Central Michigan University. Dick has a bachelor's degree from Emerson College in Boston and a master's degree from Central Michigan University.

For many years, Dick and Betty were teachers in the Oscoda Area Schools until they both retired to pursue other interests. Former colleagues and students will recall Betty for her compassion and her uncompromising demand for excellence to the best of one's ability. A strong disciplinarian who often was referred to as the ''Mother Superior,'' Betty has a well-deserved reputation for wielding both a kind heart and firm hand. She also has had the wisdom to know when to apply the former and when to rely on the latter. Dick will always be remembered as the director who gave so many students their first and perhaps only experience in the theater. In fact, if Dick were to meet a former student today, he would be far more likely to recall the role they played than their name.

Theater enthusiasts in the Oscoda area have many fond memories of Dick and Betty in the roles they've played on stage and of the performances they've directed and produced as leaders of the Shoreline Players. Betty also has done exemplary work on the Oscoda Area Schools Board of Education, serving as its Vice President, while Dick used his retirement to write a novel. Of course, the Haymans never lost sight of their family responsibilities and they have provided untold joy to each of their grandchildren: Ryan; Christopher; Katie; Kassie; Kevin; Meaghan; Brenna; and, Bridget.

Finally, Mr. Speaker, I ask my colleagues to join me in expressing the gratitude of the United States Congress to Richard and Elizabeth Hayman for their work in educating our youth and for their strong commitment to the arts. I am confident the spotlight will continue to shine on their work for many years to come.

HONORING EVERETT H. SHAPIRO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Everett H. Shapiro of Santa Rosa, CA, on the occasion of a tribute to his role as Trustee Emeritus of Social Advocates for Youth (SAY). SAY has focused services on children and their families since 1971, and Mr. Shapiro has been a trustee for 13 years.

SAY operates 25 programs in Sonoma County that assist 10,000 families per year in becoming caring, productive, and responsible members of the community. Mr. Shapiro's life embodies a spirit of dedication to children that makes him a perfect match for SAY's mission. In addition to his support of children's causes, he is well-known to thousands of young locals as the man who has handed out an estimated 250,000 Tootsie Rolls to them over 50 years.

As a fan of Don Quixote, Snoopy, and the Marx brothers, Mr. Shapiro's focus has always been on doing good deeds with a sense of humor as strong as his sense of caring. To many who have received his phone calls, he will always be known as ''God'' or ''Robert Redford.''

Mr. Shapiro is proud of having lived his entire life in Santa Rosa, the son of Russian Jewish emigrants. He and his wife Phyllis raised their two sons, Tad and David, in the community. After graduating from UC Berkeley and serving two years in the army, he joined the family wool buying business. He learned to value the diverse agriculture of Sonoma County and appreciate the ranching life style, but when Tad began kindergarten, Mr. Shapiro began law school. He graduated in 1967 just before his fortieth birthday and began practicing business, probate, and personal injury law. He has served in numerous professional organizations such as California Trial Lawyers Association, Sonoma County Bar Association, and American Arbitration Association. Tad and David, are now lawyers as well.

Always devoted to Santa Rosa and the community at large, some of his other community activities have included The Boy Scouts of America, Sonoma County Junior Achievement, B'nai Brith, Special Olympics, Red Cross, Kid's Street Theatre, Santa Rosa Human Rights Commission, Canine Companions, Rotary Club, Gray Foundation, and the Schulz Museum. He has received numerous awards including the Spirit of Santa Rosa Award from the Santa Rosa Chamber of Commerce and is recognized as a Paul Harris Fellow by the Rotary Foundation.

Mr. Speaker, Everett Shapiro's record of caring and leadership embodies the term he often uses to describe the folks in his home town—he's a ''quality human being'' whose life shows us how much this means to the community of Santa Rosa and Sonoma County.

HONORING BOB CLEMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LIPINSKI. Mr. Speaker, I rise today to honor my good friend and colleague BOB CLEMENT, who is leaving Congress this month after 15 years of serving the people of the Fifth Congressional District of Tennessee in the House of Representatives.

Mr. CLEMENT served with me on the Transportation and Infrastructure Committee, where he has consistently supported improvements in mass and public transit, fought for funding for Amtrak, and helped establish federal highway funding for bike paths and greenways as alternative forms of transportation. He initiated funding for the first ever mass transit hub in Tennessee, and worked to change an antiquated gasoline tax formula to provide increased transportation dollars for the state of Tennessee.

Mr. CLEMENT is a veteran of the U.S. Army and a retired colonel in the Tennessee Army National Guard. Throughout his career he has consistently fought for veterans' health care, military, and national defense issues. Additionally, he has served as the co-chair of the House Education Caucus, indicative of his commitment to education policy issues such as early childhood education, K–12 education, literacy programs, and financial aid for higher education.

Mr. CLEMENT's dedication and energy are well known to the people of Tennessee whom he has served for the past three decades. It was an honor and a privilege to have served with BOB for his fifteen years in the U.S. House of Representatives and I extend my best wishes and sincerest gratitude for our years of friendship and cooperation.

HONORING W. IRVING OSBORNE, JR.

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KIRK. Mr. Speaker, I rise today to pay tribute to a gentleman who lived a life of tremendous achievement in the world of business but for whom the first priority was always family and friends. W. Irving Osborne, Jr. passed away on November 1st at his home in Lake Forest, Illinois at the age of 97. In an area where many captains of industry reside, Mr. Osborne was seen as an elder statesman of business.

After his graduation from Yale University in 1926, Mr. Osborne soon embarked on a career with his family's business, Cornell Paperboard Products. He rose to serve as president and CEO of the company which was acquired by St. Regis Paper in 1957. His leadership and business acumen drew the attention of his peers, and in 1961, Mr. Osborne was named president of the legendary Pullman Car Company, becoming chairman of the board in 1966.

He believed in a consistent approach to business and proven management techniques that could be applied to very diverse companies. His expertise earned Mr. Osborne appointment to an advisory board of the National

War Production Board which worked to maximize industrial output during World War II. During the course of his career, Mr. Osborne served on the board of directors of numerous major corporations such as Baxter International, the pharmaceutical and medical device producer, Pabst Brewing, one of the legendary Wisconsin breweries, Boulevard Bank of Chicago, the First National Bank of Lake Forest, and Belden Corporation, an international manufacturer of electronic equipment.

Following his tremendously successful career, Mr. Osborne chose to retire in 1974. He was free to pursue his love of golf and was an avid bridge and gin rummy player. But his greatest joy by far was his role as patriarch of a large and loving family. Over the years he proudly saw his family grow, first with his three daughters, Gwendolyn Lincoln, Adrienne Ives and Karen McGovern, then eight grandchildren and, ultimately fourteen great-grandchildren. And while he reveled in hosting his family at this home at holidays well into his 90's, his family had the blessing of learning from his wisdom and wealth of experience.

For 53 years, Mr. Osborne shared his life with his wife, Elsa Armour Osborne who passed away in 1985.

Our community has lost one of its true leaders; a role model for future generations of business leaders, and a respected man active in civic affairs. Most importantly, a proud and loving family has lost its patriarch. I join with his many friends in expressing my condolences to the Osborne family upon the passing of this remarkable man.

HOUSE RESOLUTION FOR 2002 PROFESSORS OF THE YEAR

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROEMER. Mr. Speaker, I rise today to honor four distinguished people who deserve to be recognized and applauded for their unfailing contribution to higher learning.

These four outstanding professors are being honored by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education.

Mr. Speaker, one of these distinguished individuals hails from my home district in Indiana. Professor Dennis Jacobs has received the award for Outstanding Research and Doctoral University Professor of the Year.

As a professor of chemistry at the University of Notre Dame in South Bend, Indiana, he has won several teaching awards and the Presidential Award for dedicated service to the university. One prestigious award he received was from the Carnegie Foundation for the Advancement of Teaching. The foundation named him a Carnegie Scholar in 1999 largely for completely redesigning an important introductory chemistry class. The redesign led to greater student success and engagement of the students, and the course is considered a leading example of the trend toward peer-led curricula.

Professor Jacobs has also combined the fields of chemistry and service learning. He created a course in which students and community partners evaluate lead contamination in area homes. He is a fellow with the Center for Social Concerns where he focuses on other methods of integrating community service into the curriculum. One of his colleagues has described him as ''the kind of teacher who never stops growing, thinking, and changing.'' When community service has become essential to America's fabric, it is encouraging to know there are still important contributors from such a prestigious university contributing to this effort.

Another outstanding educator to receive this award is Alicia Juarrero who is being awarded the Outstanding Community College Professor of the Year award. She has been a professor of philosophy since 1975 at Prince George's Community College in Largo, Maryland. She has created an honors colloquium called ''Minds, Brains, and Machines'' at the college. She teaches a philosophy module in the National Endowment for The Humanities that uses a college-level humanities course to bring the poor out of poverty and into their communities.

The third distinguished professor from my home state of Indiana is James Adams for Outstanding Baccalaureate College Professor of the Year. He has served Manchester College in North Manchester, Indiana for forty-two years. He has been an exchange professor to Germany and Spain, and was instrumental in creating study-abroad programs on his campus.

Finally, another renowned professor being honored is Francisco Jimenez for Outstanding Master's University and College Professor of the Year. He is the Faye Boyle Professor in the Department of Modem Languages and Literatures at Santa Clara University and is the director of the university's Ethnic Studies Program. He has taught at Santa Clara University since 1973 where he has garnered teaching awards as well as honors for publication and special service to the campus and community.

He has also created an outreach program with a local high school called the Eastside Future Teachers Project to encourage historically under-represented students to become teachers.

Mr. Speaker, I commend these four professors for their incredible contribution to the world's most important profession: teaching. They have set an example which all educators should be proud to follow.

TRIBUTE TO DEDICATED MEMBERS OF THE WEST BOYLSTON FIRE DEPARTMENT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to Chief Ron Goodale, Deputy Chief Alvin Barakian, Deputy Chief Thomas J. Welsh, Chief Duncan Gillies, Firefighter, Paul Henault, and Chief Aaron Goodale, III from the town of West Boylston, Massachusetts who have retired after many years of dedicated service with the West Boylston Fire Department.

These men put their lives on the line every day to protect the citizens of West Boylston. Because of their efforts through the years, many lives and a great deal of property have been saved. Countless times these brave men have entered burning buildings or responded as Emergency Medical Technicians in order to save lives.

The town of West Boylston is very fortunate to have an outstanding fire department. As we all know—and as the tragedies of September 11th reminded us—the job of a firefighter is not an easy one. It takes a special person to perform the duties required of firefighters. That duty involves one risking one's life every day. Through the years, these men and their colleagues have performed admirably. Their community is grateful for their work, and so am I.

Mr. Speaker, it is a pleasure to recognize these outstanding men, and I know the entire U.S House of Representatives joins me in extending our best wishes to them and their families for a happy and healthy retirement.

PAYING TRIBUTE TO DEPARTING FLORIDA CONGRESSMEN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. ROS-LEHTINEN Mr. Speaker, it is with a mixture of sadness and enthusiasm that I bid farewell to friends and colleagues, CARRIE MEEK, DAN MILLER, and KAREN THURMAN as they prepare to end their service in the United States Congress.

I am sad because I have worked with these extraordinary individuals in Congress since 1992 when they were first elected to the House, but I am also excited for them as they embark on a new journey.

I have had the distinct pleasure of not only serving with Congressmen Meek and Thurman here in the House, but also in the Florida legislature. Dan Miller then made the Florida Congressional delegation even stronger when he joined the House in 1992.

I believe that throughout their tenure in the House these Members have dutifully served their districts, the state of Florida, and indeed the nation by working on the myriad of issues that have faced us during these last ten years. CARRIE MEEK and DAN MILLER were an important boost to Florida with their service on the Appropriations Committee and KAREN THURMAN made her mark by being the sixth woman to serve on the Ways and Means Committee.

I am certain their leadership will be missed by the constituents of Florida's 5th, 13th , and 17th Congressional districts. For myself, I can certainly say that their friendship and accomplishments in the House will be sorely missed and I know that they will continue to succeed in their chosen paths after their distinguished service in the House.

I am proud to have known and worked with Congressmen CARRIE MEEK, DAN MILLER, and KAREN THURMAN, and I ask my Congressional colleagues to join me in paying tribute and saying goodbye to these dear friends. Godspeed to them.

FIX FLAWED MEDICARE PHYSICIAN REIMBURSEMENT RATE

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TIAHRT. Mr. Speaker, I rise today to encourage my fellow Members of Congress to act to fix the flawed Medicare physician reimbursement rate that is developing into a crisis for our nation's physicians and seniors. Last January, Medicare's flawed formula dictated a 5.4 percent cut in already inadequate reimbursement rates for physicians. Unless we do something today, a second cut of 4.4 percent will go into effect on January 1st. Many physicians around the country have already been forced to refuse new Medicare patients or face bankruptcy. In my state of Kansas—a rural state already medically underserved—physicians have lost money, but of more concern is that one survey of physicians in Kansas showed that 24 percent of them were not taking new Medicare patients. It bothers me to think of how high that number will rise if we do not act.

This problem is due to bureaucratic miscalculations when creating the payment formula. The formula needs to be fixed. and we should grant CMS the ability to do so before the second cut goes into effect.

355 of us, on both sides of the aisle, cosponsored Rep. MICHAEL BILIRAKIS' bill to fix this problem. The White House supports fixing the formula. CMS Director Scully has stated that fixing the formula is a top priority. We have strong support and a ready solution to fix this problem.

This is no ''Chicken Little'' story. Without Congressional action, the sky will fall in, doctors will be unable to participate in Medicare and our seniors will be left without care. I urge you not to close the 107th session of Congress without addressing this critical issue.

CHINA WILL ATTACK AMERICA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHAFFER. Mr. Speaker, I previously submitted remarks concerning America's defense against China, North Korea and Iraq. Given the eminent military action against Iraq by the United States and its allies, along with our outlook on North Korea's nuclear missile capabilities, we must also recognize China's capabilities to attack the U.S. and its national interests.

As mentioned in my previous remarks, in December 1999 China's Defense Minister, General Chi Haotian, declared war ''is inevitable'' between China and the United States. He noted, ''The issue is that the Chinese armed forces must control the initiative in this war.'' Outlined in my remarks were considerations for the United States in recognizing China's threat and our ability to control initiative during battle. Yet there are several other matters of equal importance that must be considered by U.S. leaders and officials influencing policy regarding China and its oppressive People's Liberation Army (PLA).

OIL BELT STORM

Planning for PLA aggression as well as planning for an invasion of Iraq must consider the flow and supply of oil. From China's perspective, the flow of oil from Indonesia, the Middle East, and potentially Russia must be assured to support its continued economic growth, which is needed to maintain the legitimacy of its communist government. Without oil, China's economic growth may be compromised.

In this regard, U.S. diplomacy with Sudan may be cast in a new light. We may seek to supplant Chinese oil interests. While other considerations need to be factored into our diplomacy such as its civil war, it may be asked if a more humane treatment of the inhabitants of the south could be given to respect private property rights if a U.S.-led initiative were established. It is noteworthy how the Sudanese government did proffer cooperation for the capture of Al Qaeda terrorists, but its offer was turned down by the Clinton administration.

We should ask ourselves about our ability to defend the supply of oil from the Middle East and Persian Gulf, and the development of new supplies of oil, perhaps from equatorial Africa to develop alternatives to the problematic Middle East. In this light, our relationships with African countries, and Latin American neighbors and Mexico may be given a new impetus. In fact, I just returned yesterday from the Republic of Cote d'Ivoire where I held meetings with President Laurent Gbagbo, his Prime Minister and Members of Parliament. The recent discovery of significant off-shore oil fields there have the potential to dramatically reshape the economic strength of the region.

The question of foreign oil supplies should affect our planning for naval strength, especially escort vessels that could protect oil tankers and convoys in time of war. This planning may embrace domestic policy on oil and gas production and exploration, and the development of alternative energy sources as well as the efficient use of coal.

BALLISTIC MISSILE DEFENSE

One of the lessons of the 1991 Persian Gulf War was the need for more effective ballistic missile defenses. The success of the improved Patriot-2 was incomplete. Its range was limited. It was a single-layer defense. It could not intercept Scuds during their boost phase.

More than a decade has passed since the Gulf War ended. Since that time we have begun to field a new version of the Patriot, the Patriot-3, for use against short-range ballistic missiles. But we have yet to deploy a defense against intermediate or long-range ballistic missiles, or a defense capable of intercepting ballistic missiles in their boost phase.

While, for example, on October 14, 2002 we completed the fifth successful interception test of a ground-based interceptor against an ICBM target and decoys, we have yet to deploy a defense that can intercept ICBMs.

Instead, we have canceled several effective ballistic missile defense programs since the 1991 Persian Gulf War. In 1993 the Clinton administration canceled Brilliant Pebbles, a program for building space-based interceptors that could intercept theater and long-range ballistic missiles. In 2001 the younger Bush administration canceled Navy Area Wide, which would provide coverage similar to Patriot-3 but based on Aegis ships. In 2002 we all but canceled the Space-Based Laser, ending its existence as an active program when it could provide a very effective boost-phase defense with global coverage in contrast to the limited coverage of the Air Borne Laser.

For over a decade we have cut effective ballistic missile defense programs, especially restricting space-based defenses. This regressive policy continues today. The proposed ground-based interceptor for a national missile defense, while absorbing billions of dollars, will afford only a modest capability. It will, for example, be less capable and more expensive than Brilliant Pebbles, and be susceptible to decoys and countermeasures directed at its ground-based radar and centralized command and control center.

The deployment of Patriot-3, a very modest accomplishment for ten years of development, does not compensate for the proliferation of ballistic missiles that has occurred since the 1991 Persian Gulf War. Since 1991 North Korea has built and tested the long-range Taepo Dong ballistic missile that can reach the United States. Iran has developed the intermediate-range Shahab-3, and is developing the Shahab-4 with even longer range. China has engaged in a ballistic missile buildup of all types with improved accuracy. The proliferation of ballistic missiles has extended to India and Pakistan, creating conditions for a nuclear exchange. With the exception of the draw down of the former Soviet arsenal, the ballistic missile threat has increased, and Russia's missiles are still capable of massive destruction.

NEW WEAPONS

As the PLA began its transformation in the late 1980's, recognizing the technological impetus of President Reagan's Strategic Defense Initiative and the importance of technology in the 1991 Persian Gulf War, we began a procurement holiday, living off our forces from the Gulf War.

We reduced the acquisition of new weapons. We cut, for example, the number of B–2 bombers from 132 to 22. In ballistic missile defense, we denigrated Brilliant Pebbles from approval for acquisition in 1991 to a follow-on technology, leading to its termination in 1993. In 1995 or earlier, when we could have engaged major aerospace contractors to build a Space-Based Laser defense, we funded it at a nominal amount, leaving it as a future technological option instead of recognizing how the future was in our hands.

Today, as the Bush administration considers cutting the acquisition of F–22 stealth fighters and F–35 Joint Strike Fighters, China's surface-to-air missile (SAM) technology is advancing based on Russian SAMS, which are reportedly capable of intercepting stealth aircraft, and pose a difficult defense for F–15 and F–16 fighters.

We have yet to develop hypersonic aerospace vehicles even though they have been proposed since the 1960's. No small part of our failure to build aerospace vehicles—military space planes—may be attributed to a reluctance to embrace the Space Age, including its applications for ballistic missile defense and long-range strike vehicles.

TECHNOLOGY

Research and development has lagged for years, especially in physics, engineering, and aerospace. Our development and application of high-energy laser technology has been hindered by a lack of willingness to use this technology, whether for ballistic-missile defense or

anti-satellite operations, although the Air Borne Laser program would be an exception—the Air Force sponsored its development for tactical air superiority as well as missile defense.

Our use of lasers—directed energy weapons—could be quickened. For example, instead of consigning the high-energy gas-chemical Alpha laser used in the Space-Based Laser program to a museum or trash bin, as is perhaps contemplated by the Missile Defense Agency, we should build such a defense. We should use advanced technology, not throw it away.

The use of medium-power lasers in aircraft, equipping them with another countermeasure against SAMs or air-to-air missiles could be hastened. Realizing the potential of lasers to irradiate the heat-seeking element of a SAM or air-to-air missile, Russia is planning to equip jet fighters with laser pods. China's use of laser technology for anti-satellite or air-defense applications should not be discounted. In July, 2002, a Department of Defense report on the PLA noted how it excels in lasers.

Other technological developments could be highlighted, including our reluctance to build military space vehicles with rapid launch access. Both NASA and the Air Force declined to finish development of the X–33, leaving behind another half-finished reusable rocket program like the DC–X/Delta Clipper. An emphasis on space technology and reusable launch vehicles is needed to counter the PLA, which recognizes the importance of establishing superiority in space.

SUMMARY

In World War 11, Germany defeated France using blitzkrieg warfare. The French Army was demoralized by its lightning attacks while the British escaped at Dunkirk. The PLA has developed a similar but modem capability for lightning attacks, planning to seize and retain the initiative. Surprise is key to its planning to launch a sudden, powerful blow.

The tools the PLA will use in the spearhead of its attack—ballistic missiles, high-energy lasers, and information warfare—are tools against which we have virtually no defense, with information warfare being a possible exception. A preemptive ballistic-missile strike, aimed at our air and naval forces would cause widespread devastation, as would the use of high-energy lasers against our satellites.

Should China launch an attack—and the only plausible situation where we would engage China—the resulting depth of warfare would be the same magnitude as found in World War 11. Not a minor skirmish as in Special Forces deployed in Afghanistan, or a replay of the 1991 Persian Gulf War, war with China would involve an all-out commitment to victory and the re-allocation of federal resources to achieve that victory.

For these reasons I wish to note for the record that we are woefully unprepared for the more serious and eminent war. As detestable as Saddam Hussein is, Iraq lacks the tools for a long-distance, preemptive strike as are possessed by the PLA.

TRIBUTE TO STATE SENATOR RICHARD H. FINAN

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Ohio State Senate President Richard H. Finan, who is retiring after 30 years of distinguished service to the people of the State of Ohio.

Whether it was managing the state's $45 billion two-year budget or restoring the Statehouse to its original grandeur, Dick Finan has always seen the big picture and been guided by his unwavering principles and love of his home state and its people.

Dick Finan was a key figure in passing landmark ethics reforms and was a tremendous help to me on health care reforms I was sponsoring in the Committee on Health, Human Services and the Aging. Dick also will be long remembered for his tireless work in the restoration of the Ohio Statehouse and its annex, and in creating a unified organization to preserve and maintain all the facilities on Capitol Square.

The Statehouse restoration had been discussed for years, but for one reason or another, the plans were always shelved. When Dick was put in charge of the project, he did what needed to be done to save the building for future generations while being a good steward of taxpayer money. Dick made sure that the project was done in the interest of historical accuracy, and not to create a palace for the comfort of state legislators.

In Columbus, Dick Finan has been guided by faith and family and never chosen the trappings of office over the importance of being at home with his family. Dick is a true gentleman and leader, and I am proud to call him my friend.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with members of the Ohio delegation to honor the efforts and the many outstanding achievements of State Senator Richard H. Finan. His many contributions as a member of the Ohio State Legislature and leadership will be remembered.

IN RECOGNITION OF RON PACKARD AS THE RECIPIENT OF THE FIRST ANNUAL GLORIA McCLELLAN PUBLIC SERVICE AWARD

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ISSA. Mr. Speaker, I rise to share some news about our former colleague Ron Packard. On October 30, President Bush signed into law H.R. 4794, which designated the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the Ronald C. Packard Post Office Building. I believe that naming this post office in honor of Mr. Packard's service and leadership is a fitting tribute to a dedicated public servant.

The San Diego Association of Governments (SANDAG) has joined the President and Congress in recognizing Ron's career by awarding Mr. Packard the first annual Gloria McClellan Public Service Award. The award, which will be presented annually, honors the local elected leader that best exemplifies Gloria McClellan's commitment and dedication to service. As the Mayor of my hometown, I can personally attest to the contributions Gloria McClellan has made to the community and the San Diego region.

The San Diego Association of Governments serves as a forum for decisionmaking on transportation, land use, the economy, environment, and criminal justice. Earlier this year the SANDAG Board of Directors, composed of mayors, council members, and supervisors from each of the San Diego region's 19 local governments, established an award to honor the 29-year public service legacy of Vista Mayor Gloria McClellan.

With over 30 years of public service, Mr. Packard was the perfect candidate to receive the Gloria McClellan Public Service Award. Ron Packard has been active in local civic and business affairs and his leadership brought him to the forefront of regional issues. Ron Packard's legacy as a public servant is characterized by hard work, honesty, leadership and patriotism.

Representative Packard began his public service in the United States Navy, which he entered upon graduation from dental school in 1957. Ron was elected to his first public post in 1962 and held various local government positions until he was elected to Congress on November 2, 1982. During Ron's 18 years on Capitol Hill he always made it a priority to support local projects that were important to his constituents.

Mr. Speaker, I commend SANDAG for establishing this award to honor Mayor Gloria McClellan's public service. I also join SANDAG in congratulating my friend, Ron Packard, for his faithful public service to the people of California and on winning this prestigious award.

''YOU ARE A SUSPECT''

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. PAUL. Mr. Speaker, I urge my colleagues to read ''You are a Suspect'' by William Safire in today's New York Times. Mr. Safire, who has been one of the media's most consistent defenders of personal privacy, details the Defense Department's plan to establish a system of ''Total Information Awareness.'' According to Mr. Safire, once this system is implemented, no American will be able to use the internet to fill a prescription, subscribe to a magazine, buy a book, send or receive e-mail, or visit a web site free from the prying eyes of government bureaucrats. Furthermore, individual internet transactions will be recorded in ''a virtual centralized grand database.'' Implementation of this project would shred the Fourth Amendment's requirement that the government establish probable cause and obtain a search warrant before snooping into the private affairs of its citizens. I hope my colleagues read Mr. Safire's article and support efforts to prevent the implementation of this program, including repealing any legislation weakening privacy protections that

Congress may inadvertently have passed in the rush to complete legislative business this year.

[New York Times, Nov. 14, 2002]

YOU ARE A SUSPECT

(By William Safire)

Washington—If the Homeland Security Act is not amended before passage, here is what will happen to you: Every purchase you make with a credit card, every magazine subscription you buy and medical prescription you fill, every Web site you visit and e-mail you send or receive, every academic grade you receive, every bank deposit you make, every trip you book and every event you attend—all these transactions and communications will go into what the Defense Department describes as ''a virtual, centralized grand database.''

To this computerized dossier on your private life from commercial sources, add every piece of information that government has about you—passport application, driver's license and bridge toll records, judicial and divorce records, complaints from nosy neighbors to the F.B.I., your lifetime paper trail plus the latest hidden camera surveillance—and you have the supersnoop's dream: a ''Total Information Awareness'' about every U.S. citizen.

This is not some far-out Orwellian scenario. It is what will happen to your personal freedom in the next few weeks if John Poindexter gets the unprecedented power he seeks.

Remember Poindexter? Brilliant man, first in his class at the Naval Academy, later earned a doctorate in physics, rose to national security adviser under President Ronald Reagan. He had this brilliant idea of secretly selling missiles to Iran to pay ransom for hostages, and with the illicit proceeds to illegally support contras in Nicaragua.

A jury convicted Poindexter in 1990 on five felony counts of misleading Congress and making false statements, but an appeals court overturned the verdict because Congress had given him immunity for his testimony. He famously asserted, ''The buck stops here,'' arguing that the White House staff, and not the president, was responsible for fateful decisions that might prove embarrassing.

This ring-knocking master of deceit is back again with a plan even more scandalous than Iran-contra. He heads the ''Information Awareness Office'' in the otherwise excellent Defense Advanced Research Projects Agency, which spawned the Internet and stealth aircraft technology. Poindexter is now realizing his 20-year dream: getting the ''data-mining'' power to snoop on every public and private act of every American.

Even the hastily passed U.S.A. Patriot Act, which widened the scope of the Foreign Intelligence Surveillance Act and weakened 15 privacy laws, raised requirements for the government to report secret eavesdropping to Congress and the courts. But Poindexter's assault on individual privacy rides roughshod over such oversight.

He is determined to break down the wall between commercial snooping and secret government intrusion. The disgraced admiral dismisses such necessary differentiation as bureaucratic ''stovepiping.'' And he has been given a $200 million budget to create computer dossiers on 300 million Americans.

When George W. Bush was running for president, he stood foursquare in defense of each person's medical, financial and communications privacy. But Poindexter, whose contempt for the restraints of oversight drew the Reagan administration into its most serious blunder, is still operating on the presumption that on such a sweeping theft of privacy rights, the buck ends with him and not with the president.

This time, however, he has been seizing power in the open. In the past week John Markoff of The Times, followed by Robert O'Harrow of The Washington Post have revealed the extent of Poindexter's operation, but editorialists have not grasped its undermining of the Freedom of Information Act.

Political awareness can overcome ''Total Information Awareness,'' the combined force of commercial and government snooping. In a similar overreach, Attorney General Ashcroft tried his Terrorism Information and Prevention System (TIPS), but public outrage at the use of gossips and postal workers as snoops caused the House to shoot it down. The Senate should now do the same to this other exploitation of fear.

The Latin motto over Poindexter's new Pentagon office reads ''Scientia Est Potentia'' ''knowledge is power.'' Exactly: the government's infinite knowledge about you is its power over you. ''We're just as concerned as the next person with protecting privacy,'' this brilliant mind blandly assured The Post. A jury found he spoke falsely before.

TRIBUTE TO JOHN D. GRAHAM

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to John D. Graham, a great business leader in St. Louis, and a pioneer in the communications industry. Over the years, I have been proud to see what was once a small St. Louis public relations firm grow to become what is now a widely respected international powerhouse—Fleishman-Hillard. One of the key reasons that this company has become a worldwide leader in the communications industry is the leadership provided by John Graham, its Chairman and CEO.

Recently, that leadership earned John some well-deserved recognition. John received one of my state's greatest honors, the Missouri Honor Medal for Distinguished Service in Journalism. He joins an impressive list of past recipients, which includes Winston Churchill, Walter Cronkite, Gordon Parks, George Gallup, and Tom Brokaw.

In presenting the award, it was noted that John has not only built Fleishman-Hillard into one of the largest agencies in the world, but that he has consistently sought to improve the ethics, integrity, and quality in the practice of his profession. John has always understood the responsibility that comes with communicating with the public, and his emphasis on professional, honest representation has made his company the gold standard for public relations firms.

There is no one more deserving of the Missouri Honor Medal for Distinguished Service in Journalism than John Graham. He will continue to do great things for both Fleishman-Hillard and the St. Louis community. I am proud to call him a friend, and salute his efforts.

TAIWAN RELATIONS ACT SHOULD BE CORNERSTONE OF OUR RELATIONSHIP WITH TAIWAN

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. CHABOT. Mr. Speaker, I rise today to call attention to our ''One China'' policy and its inability to deal with the current situation in the Taiwan Strait. Since the adoption of the 1972 Shanghai Communique, the United States acknowledges that ''all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China.''

This ''One China'' policy, however, does not reflect the reality of Taiwan's maturation into a vibrant democracy. As the distinguished Majority Whip stated in March 2000 in an address to a Center for Strategic and International Studies forum, * * * We must discard old policies that no longer have credibility because they are no longer true * * * whatever utility the ''One China'' policy diplomatic fiction might have had twenty five years ago has been erased by the new reality. Currently there are two states: one being the free, democratic, and peace-loving state of Taiwan. The other is the authoritarian communist regime of the People's Republic of China.''

The PRC, established in 1949, has not for a single day exercised sovereignty over Taiwan. And, in 1991, Taiwan's Kuomintang Party relinquished all claims to being the sole, legitimate government of China. Subsequently, former President Lee Teng Hui, in 1999, referred to cross-strait relations as a ''state to state relationship.'' While this exemplifies a distinction of two separate governments, the U.S. position on this matter remains an influential factor in the peaceful resolution between both sides.

For the past twenty-five years, the U.S. has exercised a delicate diplomacy in which it fails to send consistent messages toward the East Asia region. Little progress has been achieved in our relations with both China and Taiwan because of the various interpretations regarding the ''One China'' policy.

The United States cannot under any circumstances allow the People's Republic of China to impose a communist future on Taiwan. The ''One China'' policy undermines our actions and commitments; rather than clinging to old relics of the cold war era, let us reaffirm our dedication to democratic ideals in the new millennium.

We must redirect our attention toward fulfilling our obligations to Taiwan, as spelled out in the 1979 Taiwan Relations Act. In the Taiwan Relations Act, the United States pledges a full commitment to the defense and security of Taiwan in the event of Chinese aggression. Clearly, the Taiwan Relations Act should be the cornerstone of our relationship with Taiwan—not the obsolete ''One China'' policy.

ACHIEVEMENT OF THE NATIONAL RENEWABLE ENERGY LABORATORY GOLDEN, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise to call attention to another achievement of the National Renewable Energy Laboratory, based in Golden, Colorado. It is appropriate that on its 25th anniversary, the National Renewable Energy Laboratory (NREL) has garnered yet another award recognizing its contributions to the development of clean energy technologies.

In its December issue, Scientific American magazine has named NREL one of the Scientific American 50—the magazine's first list recognizing annual contributions to science and technology that provide a vision of a better future.

NREL, along with Spectrolab Inc., was selected by the magazine for its work in increasing the efficiency of photovoltaic solar cells. NREL's research into multi-junction solar cells for more than a decade has led the way to ever more efficient cells, offering the potential of cheaper electricity from the sun.

The magazine noted that all the recipients of the Scientific American 50 have ''demonstrated clear, progressive views of what our technological future could be, as well as the leadership, knowledge and expertise essential to realizing those visions.''

I continue to be proud of the tremendous contributions that the National Renewable Energy Laboratory had made—to Colorado, our country, and our world. Congratulations to all at NREL on this important award.

IN HONOR OF REPRESENTATIVE DAN MILLER

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SHAW. Mr. Speaker, I rise on behalf of my dear friend and colleague, DAN MILLER, whom I have had the privilege of working with from the great state of Florida.

A member of the freshman class of 1992, DAN represents the Thirteenth Congressional District of Florida along the Gulf Coast areas of Sarasota and Bradenton. DAN never held public office before his election to Congress, but once here, fought for legislation critical to the future of our state. A man of his word, DAN took office with a pledge to term limit himself and has kept that promise, much to our personal dismay.

Looking back on his career, DAN has served his district and his country honorably in his roles on the Appropriations, Government Reform and Census committees. DAN has stood as a staunch fiscal conservative who is committed to reducing wasteful government spending. These beliefs have manifested themselves most notably through his efforts to curtail the government sugar program. DAN also did great things in his role as an appropriator. He was one of the original cheerleaders of doubling the National Institutes of Health budget, sensing its growing importance to the U.S. and the world health communities.

Beyond all of these accomplishments, DAN and his wife, Glenda are my neighbors here in Washington and dear friends. I will miss DAN's presence in this House as my wife, Emilie, and I will miss their presence in our home. Although the MILLERS leave Washington, I look forward to many years of continued friendship.

Mr. Speaker, all Floridians and all Americans have been better served for having DAN MILLER in Congress. This body exists so that the people of our country have a voice in their government. The votes Floridians cast to send him to Washington brought this House reasoned judgement, energetic lawmaking and strong conviction. Today we honor his service to his country and wish him well. God Bless DAN and GLENDA MILLER.

FIGHTING FOR DISABLED MILITARY RETIREES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BILIRAKIS. Mr. Speaker, for more than 17 years, I have introduced legislation to repeal a 100 year old law that unfairly penalizes disabled military retirees. Some military retirees—individuals who are eligible for military retirement benefits as a result of a fall service career are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. This issue is commonly referred to as ''concurrent receipt.'' Congress enacted this unjust law in 1891.

My legislation to completely eliminate the offset between military retired pay and VA disability compensation has received strong bipartisan support in both houses of Congress. In fact, more than 90 percent of Members of the House of Representatives and more than 80 percent of the Senate have cosponsored legislation to repeal the current offset.

The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. These provisions were expanded to include retirees with ratings of 60 percent.

For years, I have been told that I had to get the money included in the budget resolution before action would be taken on my legislation. So earlier this year, I worked very hard with Chairman NUSSLE and other members of the Budget Committee, like Representative CHARLIE BASS, to secure funding for a partial repeal of the offset in its Fiscal Year 2003 budget resolution. While the money in the budget resolution fell short of the funding needed to completely eliminate the current offset, it would have provided for a substantial concurrent receipt benefit.

For that reason, I was particularly pleased that the House Armed Services Committee incorporated the budget resolution proposal into its authorization bill. As initially approved by the House, H.R. 4546 included a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by Fiscal Year 2007. During its consideration of the authorization bill, the Senate approved an amendment to authorize full concurrent receipt immediately.

Given the overwhelming support that repeal of the current offset has received in both bodies of Congress and the fact that the money was included in the Fiscal Year 2003 budget resolution, I am extremely disappointed that the conference report for the Bob Stump National Defense Authorization Act does not contain at least the House-passed concurrent receipt language. While I appreciate the efforts of Chairman DUNCAN HUNTER and others to include a benefit for some disabled retirees in the final bill, I am frustrated that we have once again failed to address this issue for the majority of retirees who have been forced to fund their own retirement for years. I have already started to hear from disabled retirees who are angry that we did not do more on this issue in the defense bill.

At a time when our nation is calling upon our Armed Forces to defend democracy and freedom, I am afraid we are sending the wrong message to our men and women in uniform. I want to remind my colleagues of a quote by our first Commander-in-Chief George Washington: ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation.''

I will continue my efforts to eliminate the unjust offset that penalizes disabled military retirees in the 108th Congress. I hope my colleagues will join me in the fight to restore military retired pay to the men and women who earn it by serving in our Nation's Armed Forces.

OUR FLORIDA COLLEAGUES: CARRIE MEEK AND KAREN THURMAN AND DAN MILLER

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FOLEY. Mr. Speaker, I want to join my colleagues in recognizing the contributions that three of our Florida colleagues—CARRIE MEEK and KAREN THURMAN and DAN MILLER—have made. Each brought invaluable gifts to this institution, and each are leaving with a legacy that any one of us would be proud to have.

I have known KAREN THURMAN since we both were elected state officials in the Florida Legislature. And both then and since, she worked hard and long for constituents in need. She has been a particularly strong champion of veterans' and senior citizen causes and of Florida's agricultural community. Both of us have served on the Agriculture Committee here and since then on the Ways and Means Committee. And while KAREN and I have found ourselves divided many times by partisan political issues, I have never known her once not to fight for what she believes deeply in. She's a fighter and a wonderful person, and while politics ultimately determines our fate here, there is no question KAREN will continue a

strong role in making both Florida and this nation better.

The same can be said of CARRIE MEEK. CARRIE has dedicated her professional and personal life to the people of Florida, as a public servant, college administrator and educator. CARRIE has been a true champion to her constituents. She has been a person that would reach out to the neediest and be their strongest advocate. I will always admire her commitment and loyalty to her convictions. Surely, CARRIE's contributions to the lives of all Floridians will continue to pay dividends for generations to come.

With the retirement of DAN MILLER, I am not only losing a colleague but a longtime good neighbor of mine in Washington.

DAN's dedication to public service and his commitment to the idea of less government, of conservative government, has been unwavering and will be greatly missed. Even my own sigh of relief at losing a staunch opponent of the sugar program—a program vitally needed by many of my constituents—is a testament to DAN's doggedness when he is pursuing what he deeply believes is the right course.

The years of service by all three of these Florida members—KAREN THURMAN, CARRIE MEEK and DAN MILLER—are years of contributions. And I want to join all my colleagues in thanking them for that.

TRIBUTE TO THE HONORABLE JUSTICE WILLIAM COUSINS, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. RUSH. Mr. Speaker, I rise to pay special tribute to the distinguished life and career of the Honorable William Cousins, Jr., Justice of the Illinois Appellate Court. A scholar, patriot, and gentleman, Justice Cousins has never rested in the ivory tower that his distinguished academic and professional achievements could afford him. Instead, he has chosen at every stage of his life, to use his tremendous gifts to engage and serve his country, city, and community in the pursuit of social justice. He is truly a source of inspiration not only for the residents of the 1st Illinois Congressional District, but for all Americans everywhere.

Born on October 6, 1927 in Swifton, Mississippi, Justice Cousins moved to Chicago where he graduated from DuSable High School in 1945. After graduating from the University of Illinois in 1945 with honors in Political Science, and Harvard Law School in 1951, Justice Cousins answered the patriotic call to duty and served in the United States Army from 1951 through 1948 as a combat Infantry 2d and 1st Lieutenant during the Korean conflict. He would continue on in his military service until 1975, when he retired from the United States Army Reserve Corps as a Lieutenant Colonel.

While serving his country in the military, Justice Cousins began to build an impressive, multifaceted legal career as an attorney with Chicago Title & Trust Company. He then went on to serve as an Assistant State Attorney of Cook County, Illinois before going into private practice. Justice Cousin was then elected Alderman for Chicago's 8th Ward. He served as a Circuit Court Judge of Cook County, Illinois from 1976 until his election in 1992 to the Illinois Appellate Court. His tenure on the Illinois Appellate Court includes service as Chairman of the Executive Committee, First Appellate District, Presiding Justice of the First District, 3d Division and 2d Division, and Chair for the Illinois Appellate Judges Annual Meeting. He was appointed by the Illinois Supreme Court as a member of the Executive Committee of the Illinois Judicial Conference since 1983 and was appointed Chairman of the Illinois Judicial Conference from 1989 to 1990. Justice Cousins is also a member of the Special Supreme Court Committee on Capital Cases.

Aside from his distinguished legal career, Justice Cousins has lent his immense talents to several civic organizations by serving as a board member of the Citizens' School Committee, Parkway House as well as the Chicago Area Planned Parenthood Association. He was also president of Chatham-Avalon Park Community Council, and is a founding member and former Board Member of PUSH. Justice Cousin is a Deacon at Lincoln Memorial Congregational United Church of Christ, and was an Assistant Moderator and former member of the Executive Council of the United Church of Christ. He is a member of Kappa Alpha Psi Fraternity and Sigma Pi Phi Fraternity.

Justice Cousins' status as a pillar of civic and professional responsibility has not gone unrecognized, as he has been honored by well over one dozen organizations. It is only fitting that Justice Cousins be recognized and honored by the United States Congress.

IN HONOR OF DR. SOPHIE C. WONG WHO WILL BE RETIRING AFTER 12 YEARS OF SERVICE AS AN ELECTED BOARD MEMBER OF THE ALHAMBRA SCHOOL DISTRICT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Sophie C. Wong.

Dr. Sophie C. Wong was the first Asian American to serve on the Alhambra School Board. Elected in 1990, Dr. Wong has held to her commitment to preserve and advance the quality of education for all students. Among her many achievements as a Board Member, Dr. Wong was the founder of the Alhambra School District Educational Foundation, co-founder of the Human Relations Advisory Committee, and founder of the Asian American Association of the Alhambra School District.

Immigrating to the United States in 1956, Dr. Wong has been a resident and homeowner in Monterey Park since 1961. Dr. Wong is married to Mr. Norman J. Wong and is the mother of two daughters, Cheryl and Debbi. Dr. Wong also has one granddaughter, Blythe.

Since 1996, Dr. Wong has been the President and Chief Executive Officer of Chinese for Christ Calvin Chao Theological Seminary in Alhambra, California. The seminary is a professional graduate school for Christian leaders, pastors and missionaries. On August 7, 1985, the Seminary received authorization from the State of California to grant M.A., M.Div., D.Min., and Ph.D. degrees, making it the first Chinese seminary to be authorized by the State to grant a Ph.D. degree.

In addition to being an active and important member of her community, Dr. Wong is a successful entrepreneur. She is the president of Sophie C. Wong & Associates, a business development, management, real estate, marketing and public relations firm, which matches people with business opportunities, She is also the co-founder, director, chief financial officer and past chairman of Golden Security Bank since 1982. Dr. Wong was named one of ''ten Important Power Brokers and Emerging Leaders in the San Gabriel Valley of Southern California'' in the December 1997 issue of the Los Angeles Business Journal. In 1986 and again in 1996, Dr. Wong was elected to the White House Conference on Small Businesses.

It is with pleasure that I ask all Members to join with me in congratulating the Honorable Sophie C. Wong for her accomplishments on behalf of the students and staff of the Alhambra School District as well as her leadership in numerous activities in the community.

CENTENNIAL ANNIVERSARY OF JAY, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to congratulate the residents of Jay, Florida.

On the 30th of November, Jay will celebrate its centennial anniversary. Named after its first postmaster, Mr. J.T. Nowling, this small, Northwest Florida town near the Florida/Alabama border was established one hundred years ago primarily as a farming community. Even today, many residents of this Santa Rosa County community follow in their ancestors' agrarian footsteps.

In 1940, a small group of farmers embarked on a venture to create a livestock market in the area. Sales brought revenues of up to $1 million by 1950 and the industry continues to thrive today. Jay boasts about their peanut buying and warehouse facility as well as Florida's only two cotton gins, making this one of Florida's finest and most progressive agricultural towns.

In the early 1970's, the discovery of oil changed the life of this small community. The Jay oil field has approximately 67 oil wells that have provided profits of more than $400 million. The revenues generated from Jay's entrepreneurial spirit have funded a new city hall, fire department and recreation complex.

In spite of its brisk development, Jay remains steadfast in its roots, distinctive in its identity, and carries on all that America cherishes about its small towns. Much like my nearby hometown of Chumuckla, these 700 residents live in a place where life centers on church, work and family. It is a place where the people are loving, friendly and neighbors help neighbors in times of need.

On behalf of the United States Congress, I would like to congratulate the people of Jay, Florida on their centennial and wish them the best as they continue to move and prosper through the 21st century.

TRIBUTE TO GREG LAURIE PASTOR AND FOUNDER OF HARVEST CHRISTIAN FELLOWSHIP EVANGELIST AND FOUNDER OF HARVEST CRUSADES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the spiritual well-being of Southern California, the nation and the world is exceptional. Southern California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Greg Laurie is one of these individuals. The week of November 24th will mark 30 years of dedicated service and Greg's work will be celebrated by his family, friends, colleagues, church members, and all those whose lives he has touched through his work.

Greg Laurie is a native of Southern California, born in Long Beach on December 10, 1952. His interest in the ministry began with a girl he followed into Bible study. At 19 he committed his life to Jesus Christ and grew a Bible study of 30 people into a church of more than 15,000 people. Greg is senior pastor of Harvest Christian Fellowship in Riverside, California, the eighth largest church in America. As a pastor, Greg has sought to meet the challenges and opportunities of religion in the 21st century. In his 30 years of faithful service to the Harvest Christian Fellowship he has provided unwavering spiritual support and guidance.

In addition to his work in the church, Greg sought out a way to present the gospel of Jesus Christ to Southern Californians in a non-traditional, non-church environment. With the help of a fellow colleague, Greg began the Harvest Crusades, a multi-night event of upbeat music, genuine worship, and a clear presentation of biblical messages. The first Harvest Crusades saw more than 90,000 people attend. Since that time, crowds totaling over 2.8 million people have attended Harvest Crusades in California, Oregon, Washington, Arizona, New Mexico, Hawaii, Colorado, New York, Pennsylvania, Florida and North Carolina. In May of 2000, Harvest Crusades ventured outside the U.S. for the first time to present Harvest 2000 in Wollongong, Australia. Tens of thousands more people have participated in the Harvest Crusades via the Internet.

Besides conducting evangelistic crusades, Harvest Ministries sponsors *A New Beginning*, an international daily radio program with messages by Greg Laurie, as well as a weekly television program, *Harvest: Greg Laurie*. Greg also serves as a board member of the Billy Graham Evangelistic Association and Samaritan's Purse. At the Billy Graham Atlanta Crusade in 1994, Dr. Graham stated ''The media have been writing Greg Laurie up as the man who is going to be the evangelist of the future-and he is.''

In recognition of Greg's exemplary work as a minister and evangelist, his 30th anniversary as pastor will be a week long celebration of programs, activities and ceremonies. Greg's tireless work has contributed unmeasurably to the spiritual well-being and betterment Southern California and the world. His outstanding involvement in the community makes me proud to call him a fellow community member, American and friend.

HONORING REPRESENTATIVE STEVE HORN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DREIER. Mr. Speaker, I am grateful for this opportunity to speak about a good friend and respected colleague, Congressman STEVE HORN, who is retiring from this body after 10 years of unwavering integrity in service. And though we wish our friend nothing but the absolute best as he leaves Washington, we will miss Steve immensely, and are sad to see the parting of this true Californian.

Congressman HORN has served with diligence on the Transportation and Infrastructure Committee on behalf of his constituents in Southern California. His Congressional District benefitted greatly from his leadership, especially in the areas of environmental stewardship and infrastructure investment. He consistently championed projects critical to the Ports of Los Angeles and Long Beach, preserving local wetlands, and supported the need for new technologies to advance ocean water desalination.

Congressman HORN has been an unsung hero on federal government accountability for which I thank and commend him. Chairing the Government Reform Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Congressman HORN dedicated his committee's jurisdiction to making federal agencies more accountable to the taxpayer, ensuring that our government was open and accessible to the public, and demanding that red-tape and other bureaucratic excesses were eliminated.

Many of us can only look with awe at Congressman HORN's distinguished and vast public service career. He served in the Eisenhower Administration under Labor Secretary James P. Mitchell, and then got his legislative feet wet while working for California Senator Thomas Kuchel on historic legislation including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In addition, Congressman HORN dedicated 18 years to the California State University, Long Beach, where he was recognized as one of the most effective college presidents in the country.

There is no doubt that Congressman HORN has accomplished a great deal. However, I believe his greatest accomplishment lies in not just what he has been able to do, but in the person that he is. He is a man of character who never allowed partisan politics to triumph over personal integrity, who sought real answers to real problems for the benefit of strangers, and whose watchful gaze held us all to the same higher standard he set for himself.

I will miss seeing him in the halls of the Capitol, but will look forward to seeing him and his lovely wife, Nini, at home in California.

COMMITTEE REPORT TO H.R. 4689, THE ''FAIRNESS IN SENTENCING ACT''

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCOTT. Mr. Speaker, as the Ranking Member of the Crime Subcommittee of the Judiciary Committee, I wish to address an aspect of H. Rep. 107–769, the Committee Report accompanying H.R. 4689. In that report, the Majority unjustifiably impugns the integrity of James M. Rosenbaum, a distinguished federal judge and former prosecutor who testified before our subcommittee on May 14, 2002.

Judge Rosenbaum serves as the Chief Judge of the United States District Court for the District of Minnesota. Prior to his appointment to the bench by President Reagan, he served as the United States Attorney for the District of Minnesota. Judge Rosenbaum did not seek to testify before Congress. Rather, he was invited to participate in the May 14 hearing by Chairman SENSENBRENNER at my request.

At the hearing, Judge Rosenbaum expressed support for an amendment to the federal sentencing guidelines that had been transmitted to Congress by a unanimous vote of the United States Sentencing Commission, and expressed opposition to H.R. 4689, a bill to block that guideline amendment. Judge Rosenbaum's position in favor of the amendment is shared by, among others, the three Republican members of the Sentencing Commission and the Judicial Conference of the United States. Moreover, Judge Rosenbaum's position is largely embodied in legislation (section 202 of S. 1874) introduced last year by Senators JEFF SESSIONS (R–AL) and ORRIN HATCH (R–UT).

The amendment in question would cap the base offense level established by the sentencing guidelines for low-level drug defendants who are classified as ''minimal'' or ''minor'' participants in the offense, as those terms are defined in the guidelines manual. In support of that policy, Judge Rosenbaum testified using fact patterns taken from actual cases in the District of Minnesota. He never testified about the actual sentences imposed; he simply demonstrated the differences between the presumptive sentencing range under the existing sentencing guidelines, and the presumptive sentencing range calculated under the proposed guideline amendment. His analysis was primarily based on pre-sentence reports, which describe in detail the roles of low-level defendants in actual rather than hypothetical cases.

The Committee's 22 page critique of Judge Rosenbaum's testimony is highly repetitious, but contains four major charges:

First, the Committee complains that Judge Rosenbaum did not cooperate in the Committee staffs attempts to learn more about the examples cited by Judge Rosenbaum.

This criticism is groundless. Judge Rosenbaum responded promptly to the Committee's requests and made the resources of his courthouse available to committee staff. This was true despite the vexatious nature of the Committee's inquiries. Chairman SMITH sent four letters to Judge Rosenbaum over the three month period following the hearing. The first

letter, worded in the manner of litigation interrogatories, enumerated eleven separate categories of information sought by the Committee. One follow-up letter, four pages in length and densely footnoted in the form of an adversarial brief, posed six separate questions about a single case. The practice of propounding follow-up questions to congressional witnesses is common, but the intensity with which this subcommittee pursued Judge Rosenbaum is unprecedented.

Second, the Committee claims that Judge Rosenbaum ''misstated'' facts by not explaining that several defendants he described were awarded downward departures from the guideline range.

This criticism misunderstands the point of Judge Rosenbaum's testimony. In supporting the Sentencing Commission's proposed amendment, Judge Rosenbaum faulted the current sentencing guidelines that result in unjust sentencing ranges. The fact that judges possess statutory authority to ''depart'' from the guidelines in unusual cases is an insufficient objection to the proposed guideline amendment, because the guidelines themselves should result in a just sentencing range for a class of defendants. The fact that at least a half dozen drug defendants in a single federal district in a short period of time qualified for downward departures demonstrates a flaw in the guidelines. Moreover, a departure is subject to appeal while a sentence within the guidelines is not.

In any event, Judge Rosenbaum did not ''misstate'' facts as the report alleges. He made amply clear that he was presenting the sentence each defendant was ''subject to'' under the existing guidelines—guidelines which he, the seven members of the Sentencing Commission, Senator SESSIONS and Senator HATCH all believe should be amended.

Third, the Committee alleges that Judge Rosenbaum testified ''falsely'' when he stated that low-level drug defendants are sentenced ''the same way'' as more culpable defendants.

This is an absurd criticism. Judge Rosenbaum's basic point was that the current sentencing guidelines are flawed in that they utilize drug quantity to determine the base offense level for all drug trafficking defendants, even those who, although legally responsible for an amount of drugs, played no role in setting the quantity or sharing in the profits. In his prepared statement, Judge Rosenbaum described this problem clearly: ''it is the quantity of drugs in the whole scheme that drives the sentence. The judge only looks at the defendant, after all the scheme's drugs have been accounted for.'' He did not contend that minor and major participants receive identical sentences; rather he stated that all drug defendants are sentenced ''the same way,'' *i.e.*, using the same quantity-driven mechanism.

The Committee chooses to interpret the judge's words ''the same way'' to mean the same sentence. A full reading of his written and oral testimony makes clear that is not what Judge Rosenbaum meant. But the Committee then uses this misunderstanding to accuse Judge Rosenbaum of providing ''unquestionably false,'' ''inaccurate'' and ''utterly false'' testimony to Congress. On this innocuous record it is inconceivable that any witness, least of all a federal judge, could be accused of testifying falsely.

Fourth, the Committee accuses Judge Rosenbaum of improper motives in closing a sentencing hearing and suggests that he may have acted ''unlawfully.''

There is no reasonable basis for this grave accusation. The Committee says Judge Rosenbaum may have ''unlawfully'' sealed the transcript of a sentencing hearing ''to conceal from the public and from the Subcommittee'' his actions. By definition, the facts involved in a sealed proceeding may not be revealed publicly, and the Committee's speculation is irresponsible. But if either the sentence itself or the decision to seal the proceeding were illegal, the United States could appeal. It has not done so.

CONCLUSION

By voting in favor of H.R. 4689, a majority of the House Judiciary Committee expressed its disagreement with the views of Judge Rosenbaum, all seven members of the Sentencing Commission, and Senators SESSIONS and HATCH. That is the Committee's prerogative. It is also the Committee's prerogative to rebut the arguments of any witness. However, the Committee exceeded the bounds of decency and fairness when it published a 22 page diatribe against a distinguished, respected federal judge and former United States Attorney.

RECOGNIZING AGENT DAVID F. CORRIGAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SOLIS. Mr. Speaker, I rise to recognize the numerous contributions of Agent David F. Corrigan, one of Monterey Park's finest police officers. Agent Corrigan is retiring from active duty after 28 years of outstanding and selfless service.

Agent Corrigan graduated from the Los Angeles County Sheriff's Department Academy and joined the Monterey Park Police Department on September 9, 1974, as part of the Patrol Bureau. During his career, Agent Corrigan was assigned to the Patrol and Detective Bureaus and periodically to the Administration Bureau as a Background Investigator.

Agent Corrigan has received countless commendations from the Monterey Park Police Department. He was highly recognized for his role during the evacuation of a hospital emergency room that was held hostage in June of 1995 and for apprehending the gunman. Furthermore, he frequently received letters of appreciation from residents and other law enforcement agencies for his work as an investigator and a patrol officer.

In November 1998, Agent Corrigan was recognized as the Police Department Employee of the Month and in 1999, he was awarded the department's third highest honor, the Distinguished Service Medal, for outstanding performance throughout his career as an officer, detective, field training officer and field supervisor. Agent Corrigan is an integral member of the community and his church. He is a role model for the youth of Monterey Park and continues to participate in the Police Department's D.A.R.E. Camp and In-School Scouting programs.

Throughout his career, Agent Corrigan was known for his honesty, compassion and professionalism. He will be greatly missed by his co-workers and the community he greatly impacted. Mr. Speaker, I ask you to join me in expressing my gratitude to Agent Corrigan for his selfless dedication to our community.

TRIBUTE TO CONG. TIM ROEMER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HINOJOSA. Mr. Speaker, as the 107th Congress comes to a close, I wanted to take this opportunity to recognize my friend and colleague on the Education and Workforce Committee, Congressman TIM ROEMER. TIM has decided to leave Congress to pursue other avenues of service, but I want to thank him for his dedication to the education of America's children.

TIM was born and raised in Indiana and since 1990 he has ably represented the Third District. His constituents have recognized his outstanding service and in 1998 he was reelected with the highest winning percentage for any Third District candidate in a quarter century.

While in Congress, TIM has been a strong supporter of students, teachers and school officials. He exercised great leadership during the development of the landmark legislation, ''No Child Left Behind Act,'' our most recent reauthorization of the Elementary and Secondary Education Act. His contribution will be felt by thousands of children throughout our country.

As a Co-Chair of the New Democrat Coalition, of which I am a member, he has advocated for a fiscally responsible government that still compassionately meets the needs of individuals and institutions that require federal assistance.

I regret that TIM will not be with us as we work next year to reauthorize the Higher Education Act and Head Start. His thoughtful insights and his commitment to educational opportunities for every child will be sorely missed. I am confident that he will continue to serve the interests of our country in whatever future endeavors he may pursue. My colleagues and I are losing a very articulate champion for the issues promoted by our Democratic Party, but we all wish the very best for him and his family.

Indiana has been proud of her Native Son and we hope that the Great State of Indiana will send us another Democrat as gifted and committed as TIM ROEMER.

TRIBUTE TO JUDGE SID STEWART

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, family man, friend, and all around great Kentuckian, Judge Sid Stewart. After 17 years of tirelessly serving as County Judge/Executive of Morgan County, Kentucky, he is retiring from public office. I want to express my deepest gratitude for his many contributions.

A native of Eastern Kentucky, Judge Stewart grew up on a hillside farm in Knott County. As a youth, he labored alongside his father in the log woods and lumber industry. Never one to shy away from hard work, he used his knowledge of the lumber industry to pay his way through college. After graduating from Morehead State University, he went on to lead a successful professional career that has included working as a Juvenile Probation Officer, Assistant Director of the Northeast Kentucky Area Development Council, Executive Director of Gateway Community Services, and President of a construction company. He also served as a member of a number of civic and professional boards and was a member of the Morgan County School Board for four years.

Sworn into office on January 6, 1986, Sid Stewart has worked tirelessly to improve the lives of the people in Morgan County. As a lifelong resident of Eastern Kentucky, he has a personal interest in the well being and prosperity of the region and understands the challenges and needs facing the residents of the area. During his time in office, Judge Stewart has focused his efforts on lifting up the people of his community. He has worked with local, state and federal officials on a variety of initiatives aiming to boost the local economy, create new jobs and enhance public services. Without the determination and vision of Judge Stewart, these initiatives would not be possible.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank my friend Judge Stewart for the time and effort he has put into the lives of others. Although his time in public office is drawing to a close, I know the people of Morgan County will continue to benefit from his contributions for many years to come.

THE WAR IN CHECHNYA AND MOSCOW

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SMITH of New Jersey. Mr. Speaker, next week following the NATO conference in Prague, President Bush is scheduled to meet with President Putin in St. Petersburg, Russia. It is expected that the two leaders will discuss such vital issues as the war against terrorism, the policies in Iraq, safeguards against weapons of mass destruction, and expanded energy cooperation between the United States and Russia. I would urge Mr. Bush to include on the agenda the continuing conflict in Chechnya.

At this time, the Russian Government and its people are still recovering from the horrific events of last month, when a group of armed Chechen terrorists seized approximately 700 hostages in a Moscow theater and threatened them with execution if the Putin Administration did not withdraw its forces from Chechnya. After three days of terror, Russian special forces captured the theater, apparently killing all the terrorists. In the preliminary gas attack to neutralize the terrorists, over one hundred hostages lost their lives. This terrorist attack was appropriately condemned by the Bush Administration, and we all sympathize with the innocent victims of this attack.

But, Mr. Speaker, this does not mean that we should not step back and seriously examine the circumstances that have driven some elements of the Chechen resistance to such suicidal extremes.

Perhaps it is because the Russian military, in its drive to suppress Chechen separatism, has employed means which virtually guaranteed to drive a despairing civilian population into the arms of a radicalized resistance. In the three and a half years since the war reignited when Chechen militants invaded neighboring Dagestan, the Russian military has embarked on a campaign of carnage, destruction, and looting against the civilian population. There are credible and ongoing reports of atrocities committed by members of the Russian military—indiscriminate shelling and bombing, murder, assault, rape, torture, arrests ''disappearances,'' kidnaping and holding civilians for ransom. It is imperative that military personnel who commit such egregious human rights violations face criminal charges but the Russian military and judicial system has yet to demonstrate its commitment to bring such criminal actions to account.

Nor should we have any illusions about some elements among the Chechen fighters, who have murdered hostages, kidnapped civilians for ransom and used them as shields during combat operations, and embarked on a campaign of assassination against fellow Chechens who work for the Russian civil government in Chechnya. And, as Deputy Assistant Secretary of State Steve Pifer testified before the Helsinki Commission, ''We have seen evidence of individuals or certain factions in Chechnya who are linked to international terrorist elements including Al Qaeda.'' Without a doubt, war criminals and terrorists should be brought to justice, wherever they are and whomever they serve.

In the wake of the attack on the theater in Moscow, President Putin has hardened an already uncompromising position against the Chechen fighters. But, it should be clear that the Russian scorched-earth policy against Chechnya and the Chechen people is not bringing peace to the region. Rather, such policies are sowing the dragon's teeth of hatred and conflict for generations to come.

The distinguished Newsweek commentator Fareed Zakaria recently wrote: Terrorism is bad, but those fighting terror can be very nasty, too. And the manner in which they fight can make things much, much worse. It is a lesson we had better learn fast because from Egypt to Pakistan to Indonesia, governments around the world are heightening their repression and then selling it to Washington as part of the war on terror. Russian officials called the Chechen fighters ''rebels'' or ''bandits'' until recently. Now they are all ''international Islamic terrorists.''

Secretary of State Colin Powell continues to call for the observation of human rights and a political settlement in Chechnya, while consistently and properly supporting Russia's territorial integrity. But as the Danish Foreign Minister, Anders Fogh Rasmussen, recently summed up the issue, ''We, of course, support Russia in the fight against terrorism ... but it is not a long-term solution to the Chechnya problem to launch a military action and bomb the country to pieces.''

In addition, the war in Chechnya has affected thousands of refugees, who have fled the constant carnage. In September of this year, I and 10 other colleagues from both the House and Senate wrote President Putin regarding the plight of the internally displaced persons escaping Chechnya to the neighboring province of Ingushetia. We urged the president to resist the forcible return of internally displaced persons seeking refuge in Ingushetia, elsewhere in the Russian Federation, or to any location where the security situation is unstable and proper housing unavailable. However, I have recently learned of 300 Chechen families who are currently facing expulsion from Ingushetia and are seeking refugee status in Kazakhstan. I hope the Russian Government will not expel these individuals, but instead will take all possible actions to alleviate the situation for the many innocent victims of the brutal violence.

Mr. Speaker, I strongly urge President Bush to include these important issues in his talks with President Putin when they meet in St. Petersburg.

HONORING JOHN JORDAN ''BUCK'' O'NEIL ON HIS 91ST BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor Mr. John Jordan ''Buck'' O'Neil, a man some call ''Mr. Kansas City.'' ''Buck'' is a man who has come to embody the ideals we share as a nation. As he celebrates his 91st birthday on November 13, 2002, I am proud and honored to celebrate his lifetime of achievement as our hometown hero.

John Jordan ''Buck'' O'Neil was born November 13, 1911 in Carrabelle, Florida. He developed a love of baseball at an early age and his father nicknamed him ''Buck'' after the co-owner of the Miami Giants, Buck O'Neal. Though a segregated America denied Buck the opportunity to grace the diamonds of the Major Leagues as a player, he was able to showcase his unmatched talent with the Kansas City Monarchs of the Negro Leagues. He joined the Monarchs in 1938, and played for them until 1943, at which time he went to serve his country in World War II. Recognizing his patriotic responsibility to our country, he entered the United States Navy and was stationed in the Philippines from 1943 until his discharge in 1946. Buck was named player/manager for the Monarchs in 1948 and continued his association with the team through the end of the 1955 season.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African American to coach in the Majors. Buck is credited with signing Hall of Fame baseball greats Ernie Banks and Lou Brock to their first professional contracts, and is acknowledged to have sent more Negro League athletes to the all white major leagues than any other man in baseball history.

Today he serves as the Board Chairman for the Negro Leagues Baseball Museum in Kansas City and spends his time promoting the

achievements of African American baseball players who played for the love of the game, despite the color barriers at that time that kept them out of the Majors. He is also actively involved in utilizing the Museum to assist in the education of youth in the community through programs such as ''Reading Around the Bases'' where elementary school students learn from community readers about the pioneers of the Negro Leagues. I was honored to be asked to read from ''second base'' to a group of students as part of celebrating Buck's 88th birthday party. Buck participates in the Negro Leagues Museum's ''Night of the Harvest Moon'' program on Halloween night. It provides area children a safe alternative from the traditional to door-to-door trick or treating. More than 16,000 children have participated in the event over the past five years.

Our ''Hometown Hero'' is very active in various charitable causes within the community. He lends his name and energy to sponsor the Buck O'Neil Golf Classic, a fundraiser for the Negro Leagues Baseball Museum and the Leukemia & Lymphoma Society. In the past four years, the event has raised nearly $400,000 for the organizations. For the past seven years, the Kansas City Securities Association, Inc. Educational Endowment Fund has given four-year scholarships to graduating high school students in honor of Negro Leagues players, one each year in honor of Buck O'Neil. And Buck still keeps on giving. This entire birthday week is dedicated to giving. Buck wants to fill the Negro Leagues Baseball Museum for his birthday, so the museum is trying to get 9,100 people to the museum in honor of Buck's 91st year. Yesterday, Buck's actual birthday, tickets to the museum were only a dollar all day, and the 91st person to walk through the door won an assortment of prizes. On Friday, November 15, Buck will get together with friends for ''Givin' Buck the Blues'', a star-studded celebrity roast in his honor and donate all of the nights proceeds to the Negro Leagues Baseball Museum, And there is no indication that Buck will ever slow down. He started his birthday on the radio, left to read to children, spoke at a news conference, and headlined a Project S.O.S. dinner to help kids get school supplies and clothes. The amazing thing about all of this is that he still finds time to give hugs, give autographs, speak to church groups, and throw baseballs to the small children who frequently walk up to him. Buck has risen to national prominence with his moving narration of the Negro Leagues as part of Ken Burns' PBS baseball documentary. He has been the source of countless national interviews including appearances on ''Late Night with David Letterman,'' and ''Late, Late Show with Tom Snyder,'' and being interviewed numerous times on the Jim Rome Show, a nationally syndicated sports radio program. Mr. Rome has talked to Buck so often because Buck had such rich experiences to share about various baseball players, and baseball in general. He states that Buck was one of the most interesting interviews he had ever had on his show.

On his 90th birthday, the City of Kansas City, Missouri named a street in his honor one block north of 18th and Vine, the area that houses the Negro Leagues Museum as well as the American Jazz Museum. The street's new name is John ''Buck'' O'Neil Way. I look forward to the day in the near future when the Baseball Hall of Fame Veterans Committee recognizes our hometown hero for his accomplishments on and off the baseball field and approve his induction into the Baseball Hall of Fame.

In addition to his work in Cooperstown and at the museum in Kansas City, Buck has found new and exciting ways to enjoy life and spread his infectious charm and warm spirit. He is a local hero whose recognition for service is recognized at home and nationally. Buck and the Negro Leagues are to be honored with an award from the ''100 Black Men'' in New York on November 14, 2002. He was given the Trumpet Award in 1999 by the Turner Broadcasting System saluting him for achievements to African Americans. The Rotary Foundation of Rotary International conferred on Buck its ''Paul Harris Fellow'' in appreciation of his ''... furthering better understanding and friendly relations among peoples of the world.'' Kansas State University bestowed upon him the ''Lifetime Leadership Award'' in ''recognition for leadership, community involvement, commitment to diversity, and life long record of contribution to the public.'' Buck has received numerous awards in recognition of his work in the community and assistance to various organizations. Some of these awards are: the United States Army Award for Outstanding Support of Army recruiting in Kansas City, the Kansas City Chamber of Commerce Centurion Leadership Award, the State Historical Society of Missouri Distinguished Service Award, and the 2001 Jewish Community Center Ewing Kauffman Outstanding Achievement Award. As an award winning baseball player, esteemed baseball manager and scout, decorated veteran, and humanitarian Buck exemplifies excellence in public service and his career serves as a beacon for generations to come. He symbolizes the spirit of American patriotism and is a role model for us all. With all that Buck has done and all that he continues to do for Kansas City and the nation, one might wonder what Kansas City will give Buck for his birthday. Buck simply says, ''If I could just see that museum overflowing, it would make my heart sing. That's all I want for my birthday.'' Mr. Speaker, I am sure that the many lives Buck has touched will return the favor on this birthday and many more to come.

Mr. Speaker, please join me in saluting John Jordan ''Buck'' O'Neil. It is an honor and a privilege to join in the 91st birthday celebration of an American hero, a national treasure, a symbol of African American pride, and one of Kansas City's favorite sons. Buck's favorite song is ''The Greatest Thing In All My Life, is Loving You.'' Buck, I love you, salute you and your heroic accomplishments, and am delighted and privileged to know such a patriot and to call you my friend. Thank you, Buck.

COMMENDING PRESIDENT BUSH'S LEADERSHIP

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend President Bush's courageous leadership in securing bipartisan Congressional and unanimous U.N. support to disarm Iraq. The threat of nuclear, biological, and chemical weapons being transferred from Saddam Hussein to group like al Qaeda is a real threat to America and our allies.

I also want to praise President Bush's initiatives in strengthening our important relationship with India. Over the past 10 years, bilateral trade between the U.S. and India more than tripled from 6 billion to 19 billion per year. We have continued to engage in joint military exercises, and we share common goals and concerns.

One major goal is to dramatically increase bilateral trade. We have made significant advances in this area, but more remains to be done. We share the common threat of international terrorism from al Qaeda, and we must continue to share intelligence and coordinate counterterrorism strategies through our joint task force on terrorism.

U.S.-India security cooperation is helping to foster greater stability in Asia and to make for a safer world. U.S.-India joint military exercises were held in Alaska from September 29 to October 11, involving troops from the U.S. Army 1st Battalion 501st Para Infantry Regiment and from India's 50 (I) Para Brigade. These exercises followed a joint airborne military exercise between the two countries held at Agra, India, in May of this year. As reported in the Washington Times on October 9, India's Ambassador to the United States, Mr. Lalit Mansingh, traveled to Alaska to observe the exercises. The Ambassador was welcomed by Brigadier General John M. Brown 111, Commander of the U.S. Army Alaska at Fort Richardson, who expressed his appreciation for the professionalism, discipline and adaptability of the Indian armed forces.

Also last month, a major joint U.S.-India naval exercise, named ''Malabar IV,'' was successfully completed in the Indian Ocean. The U.S. and Indian Navies have agreed to jointly patrol the Strait of Malacca to ensure the uninterrupted flow of vital oil supplies. The U.S.-India Defense Planning Group has been established to help coordinate ongoing joint activities, while the Executive Steering Groups of all the three defense services are scheduled to meet again later this year to plan future joint exercises, training and other areas of cooperation for the next year.

Earlier this fall, India once again demonstrated that it is indeed a democracy, where power is transferred by means of free and fair elections, with the conclusion on October 7th of a four-stage election for the Assembly in India's State of Jammu and Kashmir. Despite the ongoing threat of violence by terrorist elements—most of which come from outside of India's borders—to intimidate voters and candidates alike, the elections went—forward successfully, as judged by the United States and other independent observers. Turnout was approximately 45 percent, and the result was a defeat for the ruling party—itself an indication that the elections were truly democratic.

As the Washington Times reported on October 14 (''Embassy Row'' column by James Morris), ''The United States is praising the bravery of voters in Kashmir who defied threats from Islamic militants to vote in large numbers this month.'' The article quotes the U.S. Ambassador to India, Robert Blackwill, who said, ''It was a successful election. The election commission did a very fine job. It was a credible election carried out by democratic means.''

Other top U.S. officials have echoed these sentiments. The Assistant Secretary of State

for South Asia, Christina Rocca, in a speech last month at the American Enterprise Institute, said that 'Indian Prime Minister Atal Bihari Vajpayee's ''personal commitment to making them [the elections] transparent and open'' was a critical factor in moving the democratic process forward.''

Ambassador Blackwill did not mince words when it came to describing the guerrillas that used violence in an effort to disrupt the elections, calling them ''terrorists.'' ''Terrorists can call themselves many different things at different, places,'' our Ambassador said. ''Sometimes they are called freedom fighters. Any person who kills civilians is a terrorist.''

Mr. Speaker, America knows how it feels to be a democracy targeted by terrorists. India has for many years endured the same experience. In fact, the terrorist elements targeting India in Kashmir have links to the same Al Qaeda terrorist network that attacked America on 9/11 and was apparently responsible for the bombing in Indonesia last month. I have spoken out on several occasions this year about the terrorist attacks against Kashmiri civilians, and I have urged the leaders of Pakistan to stop allowing their country to be used as a base for terrorist training camps and extremist religious clerics who foment hate against both India and America.

Unfortunately, the opposite may be happening. On November 12, the Orlando Sentinel, and other publications, reported that, ''U.S. intelligence says most of al-Qaeda's surviving leaders have relocated to Pakistan.'' The newspaper noted that U.S. forces cannot operate in Pakistan as they have in Afghanistan, due to concerns that an American military presence would anger Pakistan. Therefore, we must press President Musharraf to take control of this situation.

Assistant Secretary Rocca stated in her speech that the U.S. and India are allies in the struggle against terrorism, saying, ''Counterterrorism cooperation is maturing rapidly, including intelligence sharing, training, finance and antimoney laundering cooperation, improving border security, fighting cyber-terrorism and increasing mutual legal assistance.'' In fact, a Treaty on Mutual Legal Assistance in Criminal Matters between the U.S. and India is awaiting approval by the full Senate, having been approved by the Foreign Relations Committee in the Other Body.

In closing, Mr. Speaker, I would like to quote from President Bush in his remarks welcoming Prime Minister Vajpayee to Washington on November 9, 2001. ''My Administration is committed to developing a fundamentally different relationship with India, one based upon trust, one based upon mutual values. After all, the Prime Minister leads a nation that is the largest democratic nation in the world.'' I appreciate the commitment of our President, and I look forward to working with the Administration as the United States continues to improve and expand our relationship with India to the benefit of the people of both of our great nations.

I look forward to working with the Republican leadership and President George W. Bush to shape a new relationship between the U.S. and India in the 108th Congress.

HONORING THOMAS J. SCHILTGEN

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. NAPOLITANO. Mr. Speaker, I am extremely proud to rise today to honor Mr. Thomas J. Schiltgen, District Director of the U.S. Immigration & Naturalization Service Office in Los Angeles, who will be retiring in December 2002 after 27 years of service to America's immigrant community.

Mr. Schiltgen is a very special individual, and my district is indebted to his unwavering passion and dedication for the immigrant community endeavoring to become U.S. citizens. The 605 Citizenship Project, a video series designed to help educate immigrants to become U.S. citizens, would not have been so successful if it were not for his willingness to personally work in our communities and go beyond the call of duty to provide comfort and patience to families often intimidated by the intricacies of the naturalization process. His willingness to educate and reach out to underserved communities puts him in a league of his own. He has responded to last minute calls of assistance to matters vital to my community's well being, and each time he has cooperated and provided much needed help.

In addition to his community involvement, Mr. Schiltgen has exercised outstanding management skills in the Los Angeles district I.N.S. office. He has achieved a dramatic reduction in the huge backlog of pending applications for naturalization. Today, citizenship cases in Los Angeles are processed in six to eight months, compared to an average of 24 months prior to his arrival. His energy and vision have made him one of the agency's most respected and valued leaders.

Mr. Speaker, I invite my colleagues to join me in saluting Mr. Thomas J. Schiltgen for his understanding leadership and devotion to his work. His devoted commitment to others has earned him praise from the immigrant community, I.N.S. employees, community leaders and advocates who have benefited from his commitment to public service. On the occasion of his retirement, we heartedly congratulate him on his extremely successful career, wish him much success on his future endeavors and thank him greatly for his outstanding efforts to make a difference in the lives and futures of many America's new citizens.

CELEBRATING ALBERT BURSTEIN'S 80TH BIRTHDAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to an extraordinary man and a great friend of mine—Albert Burstein, who turns 80 years-old on November 22.

Whether it is through his work as partner of his own law firm, his efforts throughout his 10 years as a member of the New Jersey General Assembly to improve our education system and our quality of life as a whole, his many roles in special posts and appointments throughout New Jersey aimed at raising our levels of education and making our society more just, or in his role as the loving husband of Ruth and father of three terrific children, Jeffrey, Diane, and Laura, Al Burstein is a man of great principle. He represents the best of New Jersey and deserves our highest level of praise.

I have had the wonderful opportunity to get to know Al Burstein very well. I first met him after graduating from law school and serving as the campaign coordinator in his race for the New Jersey General Assembly. In between stuffing envelopes, running phone banks, and helping with general campaign tasks, I got to see a man of the highest integrity in action working to make New Jersey a better place. In 1978, Al Burstein ran for the Ninth Congressional District of New Jersey, the seat which I now hold. Although he was not elected, Al Burstein always took the high road in the campaign and never lost focus of his goal of improving the lives of New Jersey residents.

I have great and abiding affection and respect for Al Burstein and I wish him the very best as he celebrates his 80th birthday later this month. I know that I join with his family and his many friends and coworkers in wishing him a year filled with happiness, good health, joyful moments, and time for reflection on all of his life's great accomplishments.

INTRODUCTION OF LEGISLATION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WU. Mr. Speaker, today I am introducing legislation that would allow states with waivers under the Temporary Assistance for Needy Families (TANF) program, that are set to expire in the next calendar year, to voluntarily extend the length of those waivers for an additional year.

As my colleagues know, the TANF program has been very successful in helping millions of Americans get through difficult times. It is important that Congress build on the success of TANF and reauthorize this program with important changes.

However, as my colleagues know, we have reached the close of the 107th Congress, and we have yet to complete action on a TANF reauthorization bill. TANF expired on September 30 of this year and has thus far been funded under continuing resolutions.

I seek not to criticize one party or another or one chamber of Congress or the other for this delay. The issues at heart in this debate are important and decisions should not be made in haste. However, inaction on TANF reauthorization this year has created the potential that several states will be unfairly penalized and my constituents, and those of many other Members, will pay a steep price.

Prior to 1996, welfare policy in the United States was administered through the Aid to Families with Dependent Children (AFDC) program. Under this program the Secretary of Health and Human Services had the authority to grant waivers to states to allow them to create innovative welfare programs that met the goals of welfare but not the specific requirements of AFDC.

In the early 1990's, as it became clear that AFDC was failing to meet its goal of helping

to move impoverished Americans to self-sufficiency, the Clinton Administration greatly expanded the number and scope of these waivers and many states took advantage. Many provisions of the innovative state waiver programs were later incorporated into the legislation that created the TANF program.

My state of Oregon took advantage of a welfare waiver and over the past six years has created a highly successful program that has seen welfare caseload reduction above the national average. Oregon's waiver and the waivers of eight other states have expired, or will expire, between September 2002 and September 2003. Once they expire, the states will have to spend scarce resources reconfiguring their programs to meet the federal TANF standards.

This comes at a particularly inopportune time. With the fall off in the American economy, states around the nation are experiencing some of the largest budget deficits in history. Furthermore, rising unemployment rates have forced many out of work and back on to the welfare rolls. Scare resources should not be spent on programmatic changes to effective programs, particularly when it comes at the expense of our most needy constituents.

With work on TANF reauthorization uncompleted, states with expiring welfare waivers will not be able to adequately plan their welfare programs for the future. It makes little sense for them to begin transitioning to the current program with the knowledge that Congress intends to make substantive changes to TANF during the 108th Congress. But, under current law, this is exactly what they will have to do.

Mr. Speaker, it is irresponsible for Congress to force states to transition their programs twice and waste scarce resources on unnecessary programmatic changes, particularly in hard economic times.

Congress should correct this unintended consequence of its inaction by extending existing state waivers.

DAWSON FAMILY TRAGEDY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. CUMMINGS. Mr. Speaker, I rise to pay homage to our fallen ''Front Line Soldiers''. The soldiers that I speak of did not die thousands of miles away from our shores in a foreign land; they were executed in their own home as they slept. These soldiers were not trained in military combat or armed with the latest weapons technology can devise; they fought a life and death battle armed only with a strong voice and a determination that they would not surrender. If the City of Baltimore were to erect a monument to all the innocent lives lost because of the proliferation of drug violence in our community, tragically the most recent names to be added would be Carnell and Angela Dawson, along with their children; Keith and Kevin Dawson (9 year old twins); Carnell Dawson Jr., 10; Juan Ortiz, 12 and LaWanda Ortiz, 14.

On October 16th, while this family slept, a cold-blooded killer entered their home, spread gasoline throughout, and ignited a blaze that swept through the house in a few short minutes. Reportedly, this was done in retribution for the repeated efforts of Mrs. Dawson to stop these dealers from selling drugs in front of her home, in plain view of her young children. That night, Mrs. Dawson and five of her six children lost their lives. Mr. Dawson battled hard but perished a week later from the bums covering 80 percent of his body. We can not, and we will not walk away from the horrific acts of such cold-blooded killers.

Mr. Speaker, this Congress must take action to give the people of Baltimore and people around this country the tools they need to combat the proliferation of drug related violence in our communities.

As the Ranking Member on the House Criminal Justice, Drug Policy and Human Resources Subcommittee I am especially wounded that such a barbaric act could occur within a city in my own district. I will do everything in my power to ensure that the effort to fight terrorism does not drain the fight against drug terror at home. Baltimore City Mayor Martin O'Malley and Police Chief Ed Norris have used their limited resources to make a positive effect on reducing drug-related crimes in the city of Baltimore. With the help of citizens, the mayor and the police chief have achieved a 23 percent reduction in violent crime in just a few short years. Federal agencies also report that Baltimore City has achieved the largest reduction in drug-related emergency room admissions of any major city in America. However, the plague of drug abuse is not a local problem or a problem limited to people of color; it is a national problem that demands a federal response.

National statistics shows that this problem is not limited to Baltimore City. The Bureau of Justice Statistics reports that in 1998 an estimated 61,000 convicted jail inmates said they had committed their offenses to get money for drugs. The cost-effects of these statistics on Baltimore City and other communities throughout this nation are incalculable. That is why I am encouraged by the swift and decisive actions taken by Director John P. Walters of the Office of National Drug Control Policy (ONDCP) to arm our domestic front line soldiers with the tools they need to combat the bane of our communities.

I joined Director Walters on Oct. 23 of this year, as he announced the federal government response to this tragedy. Effective immediately, ONDCP will redirect existing funding resources within the Washington-Baltimore High Intensity Drug Trafficking Area Program (HIDTA) to better protect specified high-crime neighborhoods in Baltimore City. The federal funds will help to pay the cost of additional foot patrols, police overtime pay, surveillance cameras and improved street lighting. This is only a down payment on the debt owed to the Dawson family and the many other families around this nation who are the domestic front line soldiers in what some residents of Baltimore call ''a killing ground.''

More will be done; more must be done to protect families living in communities of fear. Drug gangs cannot be allowed to rule our court system through intimidation. Children should not fear stray bullets as they sit in front of their homes. Families await a day when they can sleep soundly knowing that the drug gangs are no longer lurking within their community. Baltimore City's fight against these drug gangs is not a war America can afford to ignore; and retreat is not an option.

SPECIAL JOINT SESSION OF CONGRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. RANGEL. Mr. Speaker, for the benefit of my colleagues I rise to introduce the remarks that I delivered in connection with the Special Joint Session of Congress convened in New York City on September 6, 2002. Along with my remarks, I would like to introduce the remarks of Mrs. Susan Magazine, Assistant Commissioner of the Family Assistance Unit of the Fire Department of New York City, Senate Majority Leader TOM DASCHLE, and Speaker of the House DENNIS HASTERT.

I believe that the nature and occasion of the event necessitates that these remarks be entered into the RECORD, so that along with the events at the Special Joint Session, they can be recorded for posterity.

RANGEL. You people look beautiful. (Laughter.)

Thank you, Mr. Mayor and Governor.

On behalf of our New York delegation, and especially Ben Gilman, who has been my friend for over 30 years, who leave us—where are you, Ben? (Applause.)

... and our entire delegation, which I hope would rise at this time, the supporters of our resolution . . . (Laughter.)

... I want to thank the leadership in the House and the Senate for supporting this resolution, our mayor and governor for giving it its political support, Ms. Annenberg for giving us our financial support, and most importantly all of you who took time from your busy schedules, and indeed our legislative schedules, to come to our great city to give us an opportunity to say thank you. History is a strange thing when you're making it. You're just not aware of the courage you may have or the shortcomings that you may have. And as the mayor, in telling you about the attributes of New York, it could be perceived that most of us from New York City have a little more self-esteem than we really need to get by. (Laughter.)

RANGEL. But when we were hit, we were afraid, we were scared. We didn't know whether we were going to be hit again. And Jerry Nadler, who's district was hit, was one of the first to get there.

And as the mayor said and the governor said, people came from all over. Not just our heroic policemen and firemen and emergency workers, but kids came, flags were there, foods were there, doctors were there. Everyone wanted to help.

Most of the New York congressional delegation in the city, we were there because it was a primary day. And so when we got back to Washington, we didn't know what to expect. We went by car. We went by bus. We went by train. And when we saw our colleagues there, singing ''God Bless America,'' we recognized that we were not just New Yorkers; that we were Americans. It wasn't just . . . (Applause.)

It wasn't just our great city that was hit, it was our great country that was attacked. And we did come together, not as Republicans and Democrats and liberals and conservatives, but we came together in support of our president and our legislative leaders to let all of our foes know that we were united in our resolve to make certain that we would do all that we could to see that this does not happen again.

And even now as we gather to praise those that fought so hard for our country, that became our heroes, we send a message to our

enemies that it is our resolve to say once again: ''Don't tread on the United States of America; that we are prepared to do whatever is necessary to seek out and to destroy those who seek to destroy our way of life.''

RANGEL. And we come back to where the Congress has met over 200 years ago, and I cannot but be emotionally involved in believing how proud our forefathers should be of us, to come back after 200 years, and to see what we have done with their Constitution, how much we treasured it, how much we expanded it, and how much today as we meet are we prepared to protect it. How little did they know that those who picked cotton during those days, those that would come into our country to build our roads and our railroads, those that would come from foreign countries seeking religious and economic freedom, would be coming here as a part of the United States Congress 200 years later. (Applause.)

U.S. history is strange because not only are we living it, but to give New Yorkers an opportunity to say thank you to our colleagues in the House means that we're saying thank you to America. We are basically saying, as New Yorkers, ''God bless this great country, that gives us an opportunity to have our diversity, and to continue to believe that a part of the legacy that we are going to leave to those to follow us, is that we're not going to allow terrorism to instill terror in our heart; that our basic commitment has to be that while we would not allow an enemy to intimidate us, we're not going to allow terror to take away our basic freedoms; that we're not going to strike any unknown country without knowing where the enemy actually is; and that the opportunities that we have been given as a people, of education, of Social Security, of health care, of opportunity that we're going to make certain that, as we protect this country, we protect those civil liberties that have been passed on to us so that when the next Congress meets, no matter where they meet, they will be saying that we protected the Constitution that was given to us over 200 years ago.'' (Applause.)

RANGEL. My mother, your mother, everyone always said that during times of pain, that you'd have to seek and you can find some good in it. But the truth of the matter is that when we were struck, it was hard to believe that we could find some good.

But there was good that we found out; that America gave us an opportunity to say thank you to each other. America gave us an opportunity to see how blessed we were; that we could look at each other without seeing color, without seeing party label, without seeing where we came from, and recognize that we had an obligation to protect what we have.

Mr. Governor, Mr. Mayor, thank you for giving us the support of bringing us together. And now we can say that we really owe a lot to each other, because we need each other. We hope this never happens again, but thank you, Congress, for helping us when you needed us, and not withstanding our attitude, we deeply appreciate the opportunity. (Applause.)

BLOOMBERG. More than 2,800 people lost their lives at the World Trade Center, but the toll could have been far, far worse if it were not for the valor and professionalism of our local and regional firefighters, police officers and emergency service personnel. (Applause.)

BLOOMBERG. Showing tremendous courage, they effected the rescue of more than 25,000 people from the World Trade Center, the largest and most successful emergency evacuation in modem history. Their heroism inspired the nation.

Three hundred and forty-three members of the Fire Department of New York City gave their lives for freedom on 9/11. We will never forget their bravery and their sacrifice.

It is now my privilege to introduce Susan Magazine. She is the assistant commissioner in charge of the fire department's Family Assistance Unit. She is also a woman who lost her husband Jay, who worked at the World Trade Center.

Susan? (Applause.)

MAGAZINE. Thank you, Mayor Bloomberg.

Mayor, Governor Pataki, distinguished members of Congress, honored guests, I am honored to have been asked to come here this afternoon to speak with you. I came here because I think it's very important that you, our nation's leaders, hear directly from someone who lost a loved one, a family member last September 11.

As the mayor said, my husband Jay was one of the more than 2,800 people who perished at the World Trade Center on that day. Jay and I spent our entire adult lives together. On October 17th of next month, we would have celebrated our 20th wedding anniversary.

We have two children. Melissa is 14 and Andrew is 11. Melissa starts high school next week, and Andrew starts middle school.

Jay was the catering sales manager at Windows on the World, the spectacular restaurant at the top of the north tower. One of our favorite shared family memories was all of us—Jay, me, Melissa and Andrew—going up to the restaurant all wearing hard hats during the construction work to reopen Windows on the World.

MAGAZINE. What a beautiful restaurant it was. When you were up there you felt like you were on top of the world.

And Jay loved it. He loved working at Windows. He loved working in the Trade Center. He loved the vibrancy of downtown Manhattan.

I recently attended a dinner for a hunger relief organization that Jay was involved with to present the first annual Jay Magazine Award of Excellence. The recipient of the award was Jay's friend, Michael Lomonaco, who was the chef at Windows.

When Michael accepted the award he told a story about how he and Jay would meet almost every morning in the Windows cafeteria for coffee. And every morning as they were leaving, Jay would turn to Michael and say, ''You know, we're the luckiest guys in the world to be working here.''

When our kids went to visit Jay, which was often, they would look out of his office window. You felt like you could see all of New York City from there. And he would tell them that if they looked really, really hard uptown that they could see our apartment. It was so magical up there. Now, like thousands of other families, Melissa, Andrew and I are trying to figure out how to move on and how to live our lives. That doesn't mean that we will ever forget. It doesn't mean that we're trying to get back to normal. Normal does not exist anymore for any one of the families that lost someone that they loved on that day.

It means that each one of us has to find a new normal. We have no choice. And my family is doing that. We're surrounded by incredible family, wonderful friends and support of communities. And we're doing it with the assistance of our neighbors, of our communities and you, our policy-makers. And we are extremely thankful for all of the support that we have received from people everywhere.

Let me illustrate with a personal story. Our family held a memorial service for Jay at the end of September. Jay had always been in the catering and restaurant businesses and had many friends, colleagues and clients all over the country.

At that service blank cards were distributed with envelopes addressed to our children. People were asked to write down their memories of Jay, to tell us stories about the Jay that they knew. The response was unbelievable. Hundreds and hundreds of cards have come back from people who knew Jay. And then, we got cards and letters from people who didn't know Jay, but had heard about him and had heard about our family, and wanted to somehow try to connect and try and give some comfort to an individual family.

Experiences like that continue to be repeated every day for the families who have been affected by September 11th. As our nation's leaders, you should know that at the Family Assistance Unit of the fire department, we spent hours each day responding to letters and gifts from all over the country: from your states, and your districts. And we respond to each one of them. We received cartons of letters from schools, camps, houses of worships, individual people from all over the country, teddy bears, quilts, pictures, books, offers of weekends away for family members, paintings, scholarships for children, songs, poems, prayers. Whatever it is that people have to give, they want to reach out to individual family members and somehow try and make a difference to each family.

And these are the people that you represent. Please tell the men and the women and the families in your home districts and your states how much it means to us that so many Americans have offered us their generosity and their kindness.

The events of September 11th were an attack on our nation and they were attacks on individuals and individual families. Every one of the people who perished on that day was a husband, a father, a son, a wife, a mother, a daughter, a brother, a sister, a neighbor, a friend. Over 2,800 individual people were lost on that day.

And it's been remarkable to me how many Americans truly understand that each of us were real people, were real families who have experienced this enormous tragedy in very individual, very personal and very immediate ways.

Every day the people who work for the city of New York go to enormous lengths to do whatever they can for us, for the families. The city, the state and the entire nation have given us their support. Thank you.

And when you go home, thank your constituents for their kindness, for their generosity and for never, ever letting anyone forget. Thank you. (Applause.)

BLOOMBERG. Susan, thank you.

And to you and to all the families, all we can really say is, ''Those we lost are in our prayers and God bless.''

For the terrorists, the attack on the World Trade Center, as devastating as it was, was a failure. It did not accomplish what they hoped it would. It did not weaken us. Instead, it united us. It brought us together as a nation determined to defend our freedoms and to punish those responsible for this despicable act.

Ordinary Americans showed the goodness in their hearts. They responded to 9/11 as if their own home communities had been attacked. An unprecedented outpouring of support flooded into New York from across the nation.

The following video you're about to see is our way of saying, ''Thank you, America.''

(Videotape presentation).

BLOOMBERG. I want to thank the Interpublic Sports and Entertainment Group chairman, Mark Dowley, for producing that video and donating their services. (Applause.)

The power, majesty and proud heritage of the United States are expressed in our national symbol, the American bald eagle. On

behalf of the people of New York City, I am pleased to memorialize this historic joint session of Congress in our city by presenting a commemorative Steuben glass eagle to the House of Representatives.

Minority Leader Gephardt? (Applause.)

Thank you on behalf of all New Yorkers.

GEPHARDT. Thank you so much. I accept this on behalf of all of our members. And, Charlie, I don't think you have an attitude at all. (Laughter.)

Thank you. (Applause.)

BLOOMBERG. The city is also proud to present a commemorative eagle to the Senate. Minority Leader Lott, would you come up to the podium, please? (Applause.)

BLOOMBERG. On behalf of all New Yorkers, thank you, sir.

LOTT. Thank you very much, Mr. Mayor. On behalf of the United States Senate, we express to you our appreciation for all you've done, and for this. Senator Daschle and I will find a special place for this great eagle. Thank you. (Applause.)

BLOOMBERG. Thank you.

Speaker? (Applause.)

And Tom Daschle. (Applause.)

HASTERT. On behalf of the U.S. Congress, we have a unique gift: a token of that day, and a token of the strength of this nation.

Over the Capitol of the United States flew the flag of the United States of America. And on September 11th, we took that flag down. We kept it. We weren't sure exactly how we were going to use that flag. But we think it's very appropriate today to give it to the city of New York as a memento of what this Congress believes in: the ability and strength of the people of New York, the spirit of the people of New York is truly the spirit of America. Thank you. (Applause.)

DASCHLE. On September 11th, when the people of South Dakota saw what happened, they dropped everything. One ranch couple, themselves struggling right now, sold 100 head of cattle, and donated the proceeds to the victims and their families. A class of second graders collected pennies, thinking that they might be able to collect or raise a couple of hundred dollars. They raised $1,776.05.

I'm sure you could find similar stories from Speaker Hastert's constituents in Illinois, Senator Lott's in Mississippi, Congressman Gephardt's in Missouri.

But in reaching out to help the people of New York, we realized it was the people of New York who were helping us. Your courage helped steady a wounded nation.

So today, I join Speaker Hastert, on behalf of all of those you inspired, to present you this flag. We hope it'll find a home in the memorial you build to the victims of September 11th, to let all New Yorkers know that they didn't just inspire a city, they inspired a nation. (Applause.)

BLOOMBERG. Dick, would you come up? And, Trent, and if you could come up here as well. (Applause.)

BLOOMBERG. Thank you.

Earlier, I proudly, perhaps boastfully but accurately, referred to New York City as the nation's cultural capital. I will now demonstrate that this was not an idol boast.

It is my great pleasure to introduce a great composer, arranger, conductor, musician, and in my book most importantly an educator. The winner of the Pulitzer Prize for music, and the artistic director of jazz, at Lincoln Center, Winton Marsalis. (Applause)

(Musical presentation.) (Applause.)

BLOOMBERG. As to my boast about culture, I will rest my case. (Laughter.)

Thank you.

Well, thank you for joining us for this historic event. The members of Congress will now exit, en masse to visit ground zero and to pay their personal respects to the more than 2,800 people who died for freedom. Governor Pataki and I will go with them.

But to facilitate their orderly departure, I would ask that all other guests please remain seated until the members have left for the ballroom.

Thank you for your cooperation. And thank you for showing your support for the greatest city on Earth.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PAUL D. WELLSTONE, SENATOR FROM THE STATE OF MINNESOTA

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November, 12 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the resolution honoring Senator Paul Wellstone and to express my deep sadness at his unexpected death, and that of his wife Sheila, their daughter Marcia, members of his campaign staff, and the two pilots of the plane.

Senator Paul Wellstone was a man of conviction and passion who worked tirelessly on behalf of America's families. He was dedicated to making the American dream a reality for all—including the most marginalized among us. Senator Wellstone always stood firmly by his principles, consistently representing the people of Minnesota with honor and courage.

I had the privilege of knowing Senator Wellstone and working with him and his wife Sheila on the issue of domestic abuse. Senator Wellstone was a vigorous champion for reform. He was a driving force behind enactment of the Violence Against Women Act—the most important domestic violence law in our nation's history. He also authored and helped pass legislation that provides services and support to children who grow up in violent homes and fought for legislation that helps health care providers do more to stop domestic violence.

During the past three Congresses, I was honored to partner with Senator Wellstone in introducing legislation that helps provide employment stability and security to victims of domestic violence. And most recently, to have partnered with him to secure $5 million dollars for the Department of Defense to fund confidential victim advocates to address the problem of domestic violence among our military personnel.

Senator Wellstone will be remembered as one of this nation's most dedicated and nationally recognized advocates on domestic abuse. All of us who partnered with him to put an end to this horrific crime know that this movement has lost an irreplaceable leader. His lifelong efforts to make our communities safer and more just will serve as a model for all of us who will continue to fight against the cycle of violence that plagues so many American families.

Mr. Speaker, Senator Wellstone will be sorely missed by all of us here in Congress, and fondly remembered as the Senator from Minnesota who brought a message of social justice and equality to the people of this great Nation. My sincere condolences go out to the Wellstone family, families of all those aboard the plane and to all the residents of Minnesota.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. JONES of Ohio. Mr. Speaker, I support the recently enacted steel tariffs and urge support for the domestic steel industry, however, I ask that my name be removed from H. Con. Res. 507, a bill urging the President to request the United States International Trade Commission to conduct an expedited review of the temporary safeguards on imports of certain steel products.

CONGRATULATING THE ANAHEIM ANGELS 2002 WORLD SERIES CHAMPIONS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROYCE. Mr. Speaker, I wish to congratulate the Anaheim Angels on their tremendous achievement. I am pleased to join my fellow colleagues from Orange County as we congratulate the Anaheim Angels on their miraculous World Series win.

For those of us who grew-up in Orange County, this is a tremendous moment. Gene Autry formed the team in 1961. Now, after more than 40 years, the Angels have won their first World Series Championship.

The Angels' victory was far from predicted. They were the underdog all the way. After all, the previous season, the Angels finished 41 games out of first place.

Anaheim was the wild card team—most gave them little chance of knocking off the perennial favorite New York Yankees for the American League Division Series. The Angels then went on to defeat the Minnesota Twins to win the American League pennant. And then finally, defeated the San Francisco Giants in the World Series in seven hard-fought games.

The atmosphere in the stadium was electrifying. Fans across Orange County came equipped with their rally monkeys and thunder sticks to cheer our team to victory.

The Angels' victory over the Giants was truly amazing. The Angels had never won a playoff series before beating the Yankees. Anaheim is the first team since 1912 to win the World Series without having any player who had ever played for a World Series winner previously.

The victory is a testament to the teamwork and abilities of the Anaheim players.

They were led by manager Mike Scioscia; Tim ''the Kingfish'' Salmon, who has played his entire career for the Angels; Pitcher John Lackey—who was the first rookie to win a Game 7 in 93 years; and I think it is fitting that third baseman Troy Glaus—a native of Orange County—was named most valuable player of the World Series.

Mr. Speaker, I congratulate the Angels' players, coaches, staff, and the fans, who were instrumental in bringing the World Series Championship to Anaheim.

HONORING ROHM AND HAAS LONE STAR PLANT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Rohm and Haas Lone Star Plant as they are saluted by the Deer Park Chamber of Commerce as the 2002 Industry of the Year. The Rohm and Haas Lone Star Plant is being recognized for providing critical industrial services, while continuing to make a positive impact in the Deer Park community.

Located on a thirteen acre site in Deer Park, construction of the Lone Star Plant began in 1995, with its first batch created in June of 1996 and its first shipment dispatched soon after. One of the plant's main activities is the production of polymeric emulsions, which are used in various other product applications. In addition, the Rohm and Haas Lone Star Plant manufactures approximately twenty substances that are used in the production of water-based paints, traffic paint, adhesives, caulk, as well as other household and industrial commodities.

Although the Rohm and Haas Lone Star Plant has excelled in its industrial production and processes, its presence in the community has been invaluable. The Lone Star Plant is an active member of the Deer Park Community Advisory Council, the Deer Park Local Emergency Planning Committee, and the Channel Industrial Mutual Aid Organization. Two of its management team members serve in prominent community leadership positions as Director of the Deer Park Chamber of Commerce and Deer Park Educational Foundation. Additionally, many of its employees are active in the PALS mentoring program at San Jacinto Elementary School, as well as the promotion of youth sports and education in the Deer Park area.

Mr. Speaker, I applaud the Rohm and Haas Lone Star Plant for its many contributions made in both industry and community. I also commend the Deer Park Chamber of Commerce for their continued efforts to recognize such businesses that use their strengths and successes to better their communities.

HONORING REPRESENTATIVE STEPHEN HORN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to join my colleagues in paying tribute to one of our retiring members, STEVE HORN. STEVE HORN's departure from this House is a significant loss. Many of us on the Democratic side looked to STEVE as an honest and effective advocate who worked across party lines to advance the best interests of the Los Angeles region, our state of California, and the United States.

STEVE's loss to the House perhaps is overshadowed only by the loss we will feel within the Los Angeles County delegation. Republicans and Democrats alike have come to rely on STEVE's expertise and help as a member of both the Transportation and Government Reform Committees. He is always there to help us meet the common interests of the citizens of the Los Angeles area.

STEVE and I were classmates, elected in 1992, and we have worked together on a variety of important issues during our five terms in the House. Together, we advocated to both Democratic and Republican Administrations to ensure an effective health care safety net for Los Angeles County. We worked on transportation and economic development projects affecting the Ports of Los Angeles and Long Beach, the largest port complex in the nation. Just this year, we worked successfully for environmental funding to solve a wastewater runoff problem affecting two of our municipalities. We haven't always been successful, but our successes have far outnumbered our defeats. Southern California and Los Angeles County have benefited greatly from STEVE's willingness to work as part of a bipartisan team for the good of our constituents.

STEVE's hard work and commitment to his district have been made very evident, as I have worked this year to introduce myself to my new constituents. Everywhere I've gone I've heard nothing but praise for STEVE's representation. I have heard constantly how respected STEVE is, and how people appreciate his commitment to his district. I owe STEVE a personal debt because of the enormous assistance he has been to my staff and me as I inherit part of his congressional district, the cities of Downey and Bellflower. STEVE has explained the many issues he has worked on during his tenure in Congress. He has introduced me to local officials, business people and key community groups. He has gone the extra mile to make sure that my staff and I understand his district. STEVE didn't have to do that, and I am very grateful for his willingness to work with me.

In short, STEVE HORN's service in the House of Representatives has been distinguished and effective. I have enjoyed working with him on issues of importance of the Los Angeles area, and my respect for his work and personal integrity continues to grow as I learn more about him and the wonderful people I now have the privilege of representing.

STEVE is a class act, and he will be a hard act to follow. But I will do my best to continue the high level of representation that he has achieved and the legacy of good government that I now inherit from him. We will miss STEVE in the Los Angeles delegation, and we will miss him in the House.

Based on my experience in Downey and Bellflower, STEVE retires with the greatest reward that can be presented to him—the adulation of the constituents he has represented so ably for 10 years.

I thank STEVE HORN and commend him for his service to his district and to our nation. Ed and I wish him and Nini well in their next undertaking.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. W.J. "BILLY" TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. TAUZIN. Mr. Speaker, I rise in support of H.R. 5710, which embodies the President's ambitious and historic proposal to create a new Department of Homeland Security. At the outset, I want to thank the Majority Leader and the Chairman of the Select Committee on Homeland Security—the gentleman from Texas, Mr. ARMEY—for taking the President's bold framework and creating a much stronger bill in close consultation with the committees of jurisdiction, including the committee I chair, the Energy and Commerce Committee, which has and will continue to have jurisdiction over many aspects of this new department and the difficult challenges it will face.

I also want to praise Governor Ridge and the White House for their flexibility and consideration of our concerns, and I think we all owe the Governor and the President a large debt of gratitude for the protection that they have given our country since 9/11.

Ever since the anthrax attacks of last year, the threat of bioterrorism has become much more of a reality, and the importance of biomedical research activities at the Department of Health and Human Services and NIH and the CDC has never been greater. This bill builds upon those great research agencies. Rather than destroying their work and taking it over and redoing it, the bill makes it clear that NIH and CDC will retain primary responsibility over human health-related research, and that the new Department itself will not engage in such R&D efforts. Rather, it will collaborate and coordinate with these two agencies in setting priorities for research on terrorist agents.

The Committee on Energy and Commerce recommended this approach because the terrorism-related research currently being performed at NIH and at the CDC is really dual-purpose in nature. It serves the priority and needs of both counterterrorism and the traditional public health system. So I want to thank the gentleman from Texas and the administration for working with us on this important change.

We also want to make clear that the bill adopts recommendations that our Committee made with respect to the public health emergency and bioterrorism grant programs run by CDC and HHS for state and local governments, leaving them where they are now so that this important work of upgrading our public health infrastructure is not interrupted.

The bill also will improve the efforts by our country's top scientists at national laboratories to develop new methods of detecting and preventing terrorist attacks, such as improved sensors to detect radiological devices and new scanners to screen luggage and cargo, a critical need as we move forward. Our current ability to screen for radiological and nuclear materials entering our ports is woefully inadequate. We are going to do something about it with this bill.

A key provision in the bill that our Committee recommended will establish a central technology clearinghouse that will assist Federal agencies, State and local governments and, even more importantly, the private sector in evaluating, implementing, and disseminating information about key homeland security technologies such as radiation and bio-weapon detectors.

Finally, the provisions in this bill dealing with the protection of our nation's critical infrastructures—most of which fall within our Committee's jurisdiction and are under the control of the private sector—are vitally important to ensure that progress in this area continues to be

made. There will be a strong, cooperative program between the new Department and state and local governments and the private sector to enhance such protection, without micromanagement of security from Washington, D.C., or new regulatory mandates that will serve only to foster distrust and delay.

Mr. Speaker, I urge my colleagues to support this bill, and once again thank the President, Governor Ridge, and Majority Leader ARMEY for their tremendous efforts in bringing this matter to a favorable resolution for the American people.

IN MEMORY OF JUSTIN ULRICH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KING. Mr. Speaker, I rise today to honor the life of Justin Ulrich who passed away suddenly on November 10th. Justin, a twenty-three year-old senior at New York University's Tisch School of the Arts, embodied the spirit of young people who participate in the political arena while serving causes greater than their own. This past summer, Justin completed an internship in my congressional office in Washington, DC where I was able to see first-hand the energy, dedication, and initiative he possessed.

Justin carried a passionate appetite for politics as chair of the External Affairs Committee of the University Committee on Student Life and as a senator on the Tisch Undergraduate Student Council. Most recently, he worked for congressional candidate Jim Farrin's campaign and attended volunteer events promoting political candidates in Washington, DC. In addition, Justin was an active member of the College Republicans at NYU and served as its publicity director.

Mr. Speaker, no one will forget Justin's passion and cheerful smile. I join with his friends and schoolmates in offering my condolences to his family.

HONORING REPRESENTATIVE STEVE HORN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DREIER. Mr. Speaker, I am grateful for this opportunity to speak about a good friend and respected colleague, Congressman STEVE HORN, who is retiring from this body after 10 years of unwavering integrity in service. And though we wish our friend nothing but the absolute best as he leaves Washington, we will miss STEVE immensely, and are sad to see the parting of this true Californian.

Congressman HORN has served with diligence on the Transportation and Infrastructure Committee on behalf of his constituents in Southern California. His Congressional District benefitted greatly from his leadership, especially in the areas of environmental stewardship and infrastructure investment. He consistently championed projects critical to the Ports of Los Angeles and Long Beach, preserving local wetlands, and supported the need for new technologies to advance ocean water desalination.

Congressman HORN has been an unsung hero on federal government accountability for which I thank and commend him. Chairing the Government Reform Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Congressman HORN dedicated his committee's jurisdiction to making federal agencies more accountable to the taxpayer, ensuring that our government was open and accessible to the public, and demanding that red-tape and other bureaucratic excesses were eliminated.

Many of us can only look with awe at Congressman HORN's distinguished and vast public service career. He served in the Eisenhower Administration under Labor Secretary James P. Mitchell, and then got his legislative feet wet while working for California Senator Thomas Kuchel on historic legislation including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In addition, Congressman HORN dedicated 18 years to the California State University, Long Beach, where he was recognized as one of the most effective college presidents in the country.

There is no doubt that Congressman HORN has accomplished a great deal. However, I believe his greatest accomplishment lies in not just what he has been able to do, but in the person that he is. He is a man of character who never allowed partisan politics to triumph over personal integrity, who sought real answers to real problems for the benefit of strangers, and whose watchful gaze held us all to the same higher standard he set for himself.

I will miss seeing him in the halls of the Capitol, but will look forward to seeing him and his lovely wife, Nini, at home in California.

MARTHA THOMAS: A POINT-OF-LIGHT FOR ALL AMERICANS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. OWENS. Mr. Speaker, recently Dr. John C. LaRosa, President of SUNY Downstate Medical Center announced the appointment of noted community leader and writer, Martha Thomas as Assistant Vice President for Community and Government Relations.

It is no secret in Brooklyn that Martha is a very skilled professional who, in her previous positions at SUNY Downstate Medical Center served as the Director of Community Relations in the Office of Institutional Advancement as well as Director of Media Relations. Since joining the staff in 1977, Martha has been instrumental in educating elected officials about the needs of the medical community as well as serving as a liaison to the community and its leadership.

I have known Martha for a number of years, and I know personally the level of her commitment to insuring that all people have access to quality health care. In her new position, she will continue to serve as the government relations manager in addition to advising the institution on legislative issues ranging from health care to education.

Prior to joining SUNY Downstate, Ms. Thomas was a Michelle Clarke Fellow at Columbia University and a television reporter at Two Florida stations: WCTV in Tallahassee and WJXT in Jacksonville. She is also a playwright whose work has been produced on Manhattan's Theater Row and in Brooklyn, Harlem, Phoenix, Arizona and Fort Campbell, Kentucky.

Martha is the mother of two. Her son Eric is a teacher in Trenton, New Jersey, and her daughter, Dr. Cheryl Thomas is a graduate of Downstate's College of Medicine who practices in New Jersey.

Mr. Speaker, I am honored to recognize Central Brooklyn's Martha Thomas as a Point-of-Light for all Americans.

CORRECTION TO DISSENTING VIEWS TO COMMITTEE REPORT TO H.R. 4689

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SCOTT. Mr. Speaker, I signed the ''Dissenting Views'' to the Committee Report to H.R. 4689, the ''Fairness in Sentencing Act of 2002,'' along with three other members of the Committee. The views included the following statements: ''If enacted, the bill would prevent individuals who perform low-level drug trafficking functions from qualifying for a mitigating role adjustment under the United States Sentencing Guidelines.'' and ''The bill prevents low-level, first-offense drug offenders from receiving a mitigating role adjustment under the sentencing guidelines.''.

These statements do not precisely reflect their point. The bill would overturn a new U.S. Sentencing Commission guideline which establishes a 10-year cap on how much drug quantity can impact the guidelines. Without such a cap, the impact of drug quantity alone can result in a sentence that is in great disproportion to the relative role of the offender in a drug enterprise. Accordingly, although the statements may not be precise, the point remains that, under the bill, certain low-level offenders will be prevented from receiving any meaningful benefit from a mitigating role adjustment, so long as the quantity alone can require such a disproportionate sentence under the guidelines.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. ARMEY. Mr. Speaker, I rise today in strong support of Subtitle G of the Homeland Security bill, which is the Support Anti-terrorism by Fostering Effective Technologies Act of 2002—otherwise known as the ''SAFETY Act.'' Briefly, the SAFETY Act ensures that U.S. companies will be able to develop and provide vital anti-terrorism technologies to help prevent or respond to terrorist attacks—without the threat of crippling lawsuits.

Many technologies already exist that could be used to provide the American public with greater protection against a range of terrorist

threats. However, due to concerns about potential lawsuits and liability, these technologies are not being made available to federal, state or local governments or to other commercial entities. Under current law, companies can only provide these technologies to a limited number of agencies of the Federal Government—but not to other entities with front line responsibility for protecting the public, including state and local authorities.

The SAFETY Act ensures that these important technologies can be made available to help protect our cities, schools, hospitals, nuclear power plants, bridges, dams, and other critical areas.

This legislation accomplishes this objective by providing litigation reforms and insurance guidelines for companies that help to prosecute the global war on terrorism. Without these protections, each time a technology or defense company puts its anti-terrorism technology to use, it becomes vulnerable to potentially unlimited and uninsurable liability. Such an enormous risk has an understandably chilling effect on the willingness and ability to research, develop, and deploy critical homeland security technology. The SAFETY Act guarantees that the best companies with the best products will come forward with their technologies and will not sit on the sidelines.

The SAFETY Act helps to ensure that the most advanced anti-terrorism technology is put to use as soon as possible to protect American citizens through four mechanisms:

First of all, the Act limits non-economic damages to the percentage of responsibility and limits the award of punitive damages.

Second, the Act allows all providers of anti-terrorism technology to claim the ''government contractor defense.'' If a contractor or company follows the strict specifications set forth by the government, then that company will have a government contractor defense as is commonplace in existing law.

Third, the Act applies to all providers of anti-terrorism technology, whether sold to the Federal government, state or local government, or a private sector entity that deals with the public safety. It also requires the companies to obtain liability insurance coverage. This provision balances the interests of potential plaintiffs and technology companies by requiring that the companies buy the maximum amount of reasonably available insurance without incurring unreasonable premiums. It is Congress' intent that the insurance that the contractor must obtain should be reasonably priced and the Act does not require the purchase of insurance that is priced at unreasonable or exorbitant levels which would distort the sales price of the technologies.

Fourth, because any act of terrorism presents unknowable risks, liability for all claims against companies that provide anti-terrorism technologies are capped at the amount of the companies' liability insurance coverage required under the Act. We must not allow the litigation fallout from one act of terrorism to bankrupt a company that otherwise could have developed technology that could prevent another act of terrorism. This section is modeled after a similar provision in the Air Transportation Safety and System Stabilization Act. It is the intent of Congress that this provision limit the liability for any and all claims as detailed in the Act.

Only those technologies designated by the Secretary of Homeland Security are covered under the SAFETY Act. Therefore, it is Congress's hope and intent that the Secretary will use the necessary latitude to make this list as broad and inclusive as possible, so as to insure that the maximum amount of protective technology and services become available. In addition, it is worth mentioning that the Act's anti-terrorism technology criteria are not intended to be exclusive, and in order for a technology to merit coverage by the Act, it needn't meet all criteria. For instance, though prior U.S. government use or demonstrated utility is the first criterion listed, products new to the market are certainly eligible for coverage.

Finally, all of the liability reforms and litigation measures of the SAFETY Act are intended to complement other government risk-sharing measures that some contractors can use such as Public Law 85–804. Thus, in those situations both types of measures could apply.

Through this Act, we want to give the appropriate incentives to companies to provide the technologies that can protect the American people.

KAZAKHSTAN'S REGIME SHOULD FREE JOURNALIST SERGEI DUVANOV

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROHRABACHER. Mr. Speaker, the despotic regime in Kazakhstan has imprisoned one of that country's best known journalists and human rights activists, Mr. Sergei Duvanov. I have joined a number of Members of the House International Relations Committee in writing a letter to President Bush urging the Administration to strongly speak to President Nursultan Nazarbayev and his regime to release Mr. Duvanov.

The campaign for the release of Mr. Duvanov, who has previously testified before our International Relations Committee on the need for human rights in Kazakhstan, has been joined by international human rights organizations, such as Human Rights Watch and Amnesty International, as well as by numerous Members of the European Parliament.

I am including for the RECORD a copy of an article titled, ''Central Asia Resists Pressure From West To Improve Human Rights,'' that appeared in the November 11, 2002 Wall Street Journal. I join the many voices of advocates of democracy and human rights from around the world who strongly urge the immediate freedom of Sergei Duvanov.

CENTRAL ASIA RESISTS PRESSURE FROM WEST TO IMPROVE HUMAN RIGHTS

(By Steve Le Vine)

ALMATY, KAZAKHSTAN—Several recent steps taken by Central Asian republics suggest an increasing boldness against Western pressure by the region's autocratic leaders, most of whom are key U.S. allies in its war against terrorism, Western officials say.

Following the Sept. 11, 2001, terrorist attacks, the U.S. began using Central Asia as a jumping-off point for its war to dislodge the Taliban in neighboring Afghanistan. The U.S. established military bases in three of the countries, Uzbekistan, Kyrgyzstan and Tajikistan, and obtained Air Force landing rights in Kazakhstan. U.S. aid to the region more than doubled.

In recent months, however, the U.S. and Europe have been increasingly outspoken about the region's poor human-rights record, and in response, the region's leaders have begun to publicly resist those pressures.

The Kazakh government says it officially charged a well-known opposition journalist with raping a 14-year-old girl, an accusation Western officials suggest may be politically motivated. The journalist, 49-year-old Sergei Duvanov, had been planning a trip to the U.S. for speaking engagements on Kazakhstan's human-rights record. He says the charges against him are fabricated.

It is the third time Mr. Duvanov has accused the government of harassment since he wrote a story earlier this year for an Internet site about Swiss bank accounts allegedly belonging to President Nursultan Nazarbayev. The accounts are part of separate money-laundering investigations by the U.S. and Switzerland. In July, the Kazkah government charged Mr. Duvanov with criminal libel for the story, and in August—two weeks before he was to attend a human-rights conference in Warsaw—he was beaten and a cross carved into his chest by unidentified men.

In a statement last week, the Organization for Security and Cooperation in Europe said, ''The pattern of incidents involving Mr. Duvanov, their coincidence with his planned trips abroad to discuss publicly the situation in Kazakhstan, and the disputed circumstances of the latest case trigger concerns that these incidents may be politically motivated.''

The U.S. and Europe are increasingly critical of President Nazarbayev, particularly regarding a series of attacks on journalists. Mr. Duvanov's beating was the eighth unexplained assault on a local reporter in the country this year. The government has denied any role in the attacks, and last week Mr. Nazarbayev admonished diplomats in a yearly meeting that he ''categorically rejects recommendations and advice aimed at unnaturally speeding up democratic processes.''

Mr. Nazarbayev's neighbors also appear increasingly brash, some analysts say. In Kyrgyzstan, President Askar Akayev has faced a drawn-out test of wills with his political opposition since police shot dead six demonstrators last March. More recently, Mr. Akayev said it is time for deeper democratic changes, yet critics complain that a Kyrgyz judge recently overturned an election victory by an opposition figure, saying his papers weren't in order, and gave the triumph to a challenger who received just 19% of the vote.

Uzbekistan President Islam Karimov recently used a news conference with United Nations Secretary-General Kofi Annan to assail critics of his human-rights record. And in Turkmenistan, the European Bank for Reconstruction and Development has blocked new loans for public projects because of President Saparmurat Niyazov's poor record on political and economic change.

''The key question is whether Washington's new relationship with these countries has increased its leverage with them. The tenor of the leaders in the region seems to indicate it hasn't,'' said Anthony Richter, director of the Central Eurasia Project at the New York-based Open Society Institute.

SUPPORT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE CITY OF EDWARDSVILLE, KANSAS, FOR H.R. 5561

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MOORE. Mr. Speaker, I recently received from Carol Marinovich, the mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, a letter in which she expresses the strong support of their governing body for H.R. 5561, legislation I have introduced that would settle pending land claims of the Wyandotte Nation in Wyandotte County, Kansas. Additionally, I received today correspondence from Edwardsville, Kansas, Mayor Luther Pickell strongly supporting H.R. 5561. I hope all Members of the House and the Senate will review the correspondence from Mayor Marinovich and Mayor Pickell, along with the resolutions unanimously adopted by the Unified Government's governing council and the city of Edwardsville in support of this measure, and join with me in endorsing this proposal.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KS,
CAROL MARINOVICH, MAYOR/CEO,
November 14, 2002.

Hon. DENNIS MOORE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MOORE: On November 5, 2002, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas (''Unified Government'') unanimously approved Resolution No. R–95–02 fully and completely endorsing Congressional approval of H.R. 5561 or similar legislation, permanently settling and releasing all rights and land claims asserted by the Wyandotte Nation (''Nation'') to approximately 1900 acres of real estate within our county. The terms of the Resolution, here attached, are the clearest expression of the governing body's collective endorsement in support of this legislation. The Unified Government respectfully requests your affirmative action in expediting this important legislation.

During the last ten years, the Nation and the Unified Government have struggled together to create an opportunity that mutually benefits the citizens of both our communities. Despite our best efforts in the Kansas Legislature and with the Kansas Governor, our actions to date have proven fruitless. Federal intervention remains the best and only viable solution to our problem.

The lawsuit, *Wyandotte Nation* v. *Unified Government of Kansas City and Wyandotte County*. Kansas, Case No. 012303–CM (U.S.D.C., Kan.), now pending before the United States District Court for the District of Kansas asserts a claim to 1900 acres of land in the Northeast area of our County. This realty includes the Fairfax Industrial area, with major industries such as General Motors, Owens-Corning and International Paper Corporation, as well as numerous other industries, large and small. Equally important and perhaps more compelling, the lawsuit's boundaries include many individual homeowners who have expressed fear at the prospect of losing their homes. The titles to all these properties are encumbered by this lawsuit. The cloud on their ownership affects the ability to purchase and sell, refinance, borrow and enjoy the security found in owning their home free and clear of any encumbrances.

The role of the Federal government in this matter is worthy of note. the land claim stems from an alleged failure of the Federal Government in the Treaty of 1855 with the Nation to properly require the sale or ceding of all rights in the now disputed 1900 acres. The merits of the claim are before the Court, and the course of litigation, at a minimum, will be tortuous, lengthy and very expensive before the final chapter is written. The United States was a party to this case at its inception. However, a motion to dismiss asserting an immunity defense was quickly filed and granted, removing the Federal Government from the case. The individual homeowners, small business and industrial businesses were left to absorb the costs of litigation and endure the fear and uncertainty that remains. Except for the legislation introduced by Congressman Dennis Moore, no other representative of the people of Wyandotte County has taken steps to alleviate this burden. The United States government simply fled from this problem by the most expedient means.

The people of Wyandotte County overwhelmingly support the concept of Class III gaming in our community. In a referendum held several years ago on the question of whether casino-style gaming should be conducted on the grounds of a local pari-mutuel racing facility, 80% of the voters approved. The reasons for this are as varied as the individuals within our community, but would include generally economic development and entertainment. This vote, by the way, occurred several years before the litigation was filed and was not a factor in anyone's thinking.

The Nation and Unified Government have, through the years, held each other in high regard and esteem. This relationship has, however, no doubt been strained by the litigation. Criticism that has found its way into the media neither reflects the entire story nor all that has been said. The Unified Government has consistently voiced criticism of the litigation as a means to resolve the underlying issues. Nevertheless, our community and our governing body has just as consistently supported Class III gaming in our county. We have sought the assistance of our Governor and the Kansas Legislature, which have turned away from us on this issue. Congressional intervention remains the best solution to this complicated problem.

Our county takes its name from the Nation. The long standing historical connection between us lies no farther than the Huron Cemetery across the street from our three principal government buildings. Their ancestors and ours lay buried together. Many of our current residents claim a common lineage from tribal members that resided here before 1855. Notwithstanding the litigation, resolution of this matter will allow the parties to work cooperatively to see this project to conclusion.

For the reasons stated above, I, as Mayor/CEO of the Unified Government, respectfully urge Congress to approve H.R. 5561 or similar legislation to resolve the current litigation.

Sincerely

CAROL MARINOVICH,
Mayor/CEO.

CITY OF EDWARDSVILLE,
EDWARDSVILLE, KS,
November 14, 2002.

Hon. DENNIS MOORE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MOORE: Congratulations on your successful re-election to the third District of Kansas. As you know during the last ten years the Wyandotte Nation has struggled to successfully defend their rights to land which was wrongly taken from them over a century ago by the United States Government. We are aware of the generous support that you have marshaled in Congress and applaud your efforts on behalf of our citizens, businesses and local units of government.

As elected leaders from Wyandotte County, the Edwardsville City Council unanimously endorsed the proposed Congressional Act to permanently settle this matter and avoid a certain litigation strategy which will be both costly to taxpayers and the Wyandotte Nation. The clouded land title will prevent existing corporations and businesses from expanding in the Fairfax Industrial District costing The State of Kansas and Local Units of government millions in revenue. The litigation has already prevented one major corporation from expanding in the Fairfax District and forced the relocation of over 350 employees. We cannot sustain economic growth in this area without the settlement of the land claim.

Your legislation provides for a federal legislative solution that protects over $2 billion in taxable real estate investment, saves over 4000 high salaried jobs for the State of Kansas and finally settles a century old land claim which badly needs to be ended. We wish you luck in the closing days of Congress and will assist you by any means necessary to gain passage of this important act.

Please notify us if we may be of assistance in explaining this to any other member of the United State Congress.

Sincerely,

LUTHER PICKELL, *Mayor.*

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. BENTSEN. Mr. Speaker, I rise in support of the Fiscal Year 2003 Defense Authorization Conference Report, legislation which will provide our military forces with the resources needed to counter threats abroad while strengthening the security of our homeland.

This conference report provides crucial funding in several critical areas, among them: weapons procurement, research and development, operations and maintenance, and efforts against the proliferation of weapons of mass destruction. At $393 billion, the conference report matches the President's request, and represents a 13 percent increase over current spending levels. As the largest national defense budget in inflation-adjusted terms since fiscal year 1990, this conference report confronts the changing security environment faced by our country and helps our armed services in coping with the new challenges facing them. I believe this legislation will provide the appropriate budgetary foundation to allow the President and Congress to pay for the war on terrorism as well as fulfill critical military needs that may arise.

Our military forces are today called upon to confront a host of wide-ranging challenges across every continent and hemisphere of the

world. This conference report will ensure that our military remains the best-trained, best-equipped, and best prepared force to continue confronting these evolving challenges. To that end, I am pleased that this legislation authorizes an across-the-board 4.1 percent pay increase, along with targeted increases of up to 6.5 percent for N.C.O.s and officers. This represents the fourth largest increase for military personnel since 1982. In addition, this legislation also includes provisions for improvements to health care and education for our service members, provisions I consider crucial to increasing the recruiting and retention rates of highly qualified military personnel.

As a member of the House Budget Committee, I have fought to recognize the immeasurable contributions of America's disabled veterans by being a strong proponent for concurrent receipt. I believe disabled military retirees deserve both disability and retirement benefits, therefore I am pleased that this defense authorization changes current law to allow veterans who earned a Purple Heart or who suffered a severe injury in a combat-related incident to receive both retirement and disability benefits. Although this provision targets only those specific veterans who are 60 percent disabled and I believe this benefit should be extended to additional veterans, I find this legislation a good first step in the right direction and urge my colleagues to continue supporting further efforts expanding concurrent receipt coverage in the future.

This conference report provides $7.3 billion to support DoD efforts to combat global terrorism, including funds for counterterrorism, force protection, counter-intelligence, and anti-terrorism programs. To guard against the threat weapons of mass destruction pose to the United States, this report authorizes $993 million for advanced chemical-biological detection, protection, and decontamination programs, $148.2 million for biowarfare defense technology, and $416.7 million funding efforts securing weapons of mass destruction and dismantling their facilities in the former Soviet Union. With respect to homeland defense, this legislation will require the DoD to work with the Department of Homeland Security and other federal agencies to share promising new technology, as well as assist local ''first responders'' improve their ability to respond to domestic terrorist actions.

While I will vote in support of this legislation, I have concerns regarding the process of base closures. With regard to base closures, I am concerned that language contained in this defense authorization would allow base closures to take place without adequate consultation with Members of Congress and affected communities. While I have a consistent record of supporting cost-savings in all areas of the federal budget, I do not believe another round of base closures should be conducted until the DoD makes a thorough evaluation as to whether its current infrastructure is in a position to cope with the changing security environment. The threats facing our nation require that infrastructure on the local, state, and certainly the federal level be prepared and adequate to confront any possible scenarios. Due to language that would require 7 of 9 members of the Defense Base Closure and Realignment Commission (BRAC) approve any base closure, I strongly encourage the DoD to consult closely with Members of Congress. I believe the concerns of potentially affected areas must be closely considered. The loss of a military base can prove potentially devastating for defense-dependent local economies, such is the case in my home state of Texas. Not only that, but in many cases, the additional level of disaster and emergency assistance provided by nearby military facilities can prove extremely helpful to local communities. As such, I believe the DoD and Congress should be cautious and prudent in planning the closure of bases that will be carrying our military's mission in the coming months and years.

While I have concerns about these provisions, I strongly support this Conference Report because it is important Congress speak with one voice in support of our armed services. On balance, the initiatives included in this bipartisan legislation are appropriate, and will provide our dedicated men and women in uniform with the necessary resources to cope with the demanding security challenges facing our nation. I urge my colleagues to vote in support of this important legislation.

HONORING THE OPENING OF THE EAGLE ROCK ART MUSEUM IN IDAHO FALLS, ID

HON. MICHAEL K. SIMPSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to honor the beauty and value of persistence. Ten years ago, a group of artists along with the Mayor and City Council of Idaho Falls had the idea of creating an area art museum. This huge undertaking would take thousands of volunteer hours and many fundraising efforts to become a reality. Today, I'm proud to say through the hard work of those dedicated volunteers and public servants, the Eagle Rock Art Museum opened its doors.

The Eagle Rock Art Museum showcases eastern Idaho artists. As someone who occasionally dabbles in artistic endeavors, I value the cultural significance art plays in our society. Visitors to this wonderful facility can now marvel at stone sculptures, oil and watercolor pictures, tiles painted by children and other compelling works of art. Children can enter the doors of the Eagle Rock Art Museum and be inspired by the work it showcases. There's even a children's art gallery to display the work of our youngest citizens.

In civilization, art transcends age. The works of Michelangelo, Leonardo DaVinci, Claude Monet and modern day artists like Norman Rockwell breathe light into culture. The works of artists live on forever through museums like the Eagle Rock Art Museum. I'm proud of the community of Idaho Falls for working to make the Eagle Rock Art Museum a reality. The selfless efforts of many illustrate the powerful principle of working together for a common cause. I compliment Idaho Falls Mayor Linda Milam, Council members Ida Hardcastle and Mel Erickson, artists Gloria Miller Allen and John Griffith and the hundreds of other artists, individuals, and businesses that helped create the art museum. Thanks to their efforts generations of Idahoans will have a lasting appreciation for the importance of art in our world.

CELEBRATING 30 YEARS OF QUALITY IN FEDERAL PROCUREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, on Sunday, October 27, a milestone in Federal procurement was observed. That day marked the 30th anniversary of President Nixon's signing of the ''Brooks Act'' qualifications based selection (QBS) process into law as Public Law 92–582.

This law, which prescribes the process by which Federal agencies select contractors for architecture, engineering and related services (''A/E services''), is codified in 40 USC 541 et. sq. for civilian agencies and, by reference, also applies to military agencies (10 USC 2855). Regulations implementing the law are found in part 36 of the Federal Acquisition Regulations.

Named for its sponsor, our respected former colleague, the Honorable Jack Brooks of Texas, the Brooks Act provides for selection of firms for A/E services on the basis of demonstrated competence and qualifications, with negotiation of a fee that is fair and reasonable to the government.

Agencies publicly announce their requirements for A/E services, firms submit their qualifications (including resumes of personnel, past performance, experience and background), agencies review the competing firms' qualifications, a short list of most qualified firms is established and agencies conduct interviews, and the most qualified firm is selected for specific contract negotiations of the precise scope of services to be performed and negotiation of a fee that is ''fair and reasonable to the government'' based on the government's own estimate of the project cost.

QBS has been a trendsetter. When it was enacted in 1972, the QBS law was a radical exception to the government's overwhelming reliance on awarding contracts based on the lowest bidder. Indeed, QBS was a precursor to the trend that came in the 1990s to migrate from lowest bid to best value procurement. Moreover, contractors' past performance is a major factor in the evaluation and selection process—again something used in A/E contracting since 1972, but which became commonplace in other areas of Federal procurement in the 1990s.

The Federal government annually spends billions of dollars on construction of facilities and has capital assets of hundreds of billions. This investment is highly dependent on A/E services for feasibility studies, design, operation and maintenance. It has been said that A/E services accounts for less than 1/10th of 1 percent of the life-cycle cost of a facility, but the quality of the A/E services performed determine what the life cycle cost will be.

The wisdom of Congress in passing, and President Nixon in signing, the ''Brooks Act'', and of Congress in preserving this law for the past 30 years, has provide the American public with quality, cost effective and efficient A/E services on projects that stand the test of time.

The wisdom of the law is also demonstrated by the degree to which it has been emulated. The QBS process is included in the Model

Procurement Code for State and Local Government written, published, endorsed and advocated by the American Bar Association, and the process has been enacted in ''min-Brooks Act'' statutes by more than 30 State Legislatures. As a local government official, I can personally attest to the value of this process in projects ranging from design of schools to hazardous waste site remediation, from water and wastewater facilities to geographic information systems (GIS) for growth management and transportation planning.

Today, Americans have the cleanest water, the safest and most attractive and functional public buildings, the most accurate maps, the safest roads, and many other aspects of the quality of life and our built environment because of the work of professional architects, engineers, surveyors and mappers who have worked on Brooks Act contracts. It is improtant that Congress pause at this moment to reflect on the success of this law. It has provided enormous benefits and effectiveness, and paid huge dividends to the taxpayers of our Nation.

Mr. Speaker, the Brooks Act has enjoyed wide bipartisan support over the years. This is a law that works. I congratulate our Nation's architects, engineers, surveyors and mapping professionals who have completed millions of dollars worth of projects as contractors to government agencies, as well as the dedicated public servants in the design professions who have been responsible for awarding these contracts and performing the inherently governmental responsibilities for oversight of that work. The Brooks Act fosters a true public-private partnership that should stand as a model for how government and the private sector can work together to build a better America.

CONGRATULATING DONALD EUGENE ARCHEY AND REVEL (MOORE) ARCHEY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TIBERI. Mr. Speaker, I rise today to honor Mr. Donald Eugene Archey and Mrs. Revel (Moore) Archey. Don and Revel met when Don accompanied his father to deliver a wagonload of firewood to the Moores. They were married on November 27, 1952 in Catlettsburg, Kentucky and shortly after moved to Columbus, Ohio. Since 1977, Don and Revel have lived in Delaware County, Ohio.

Don recently retired from his sole-proprietorship corporation, Don's Road Oiling. For more than 40 years he was the owner, president, and often the only employee. Revel and Don have seven children: Deborah, Stanley, Libby, Elisa, Gayla, Tawnya, and Jonathan. They are the proud grandparents of Jason, Zachary, Joel, Jairica, and Eli.

Fifty years of marriage is certainly an occasion worthy of celebration and recognition. I congratulate Revel and Don for this wonderful achievement, and wish them many more years of happiness together.

NATIONAL GUARD TROOPS

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. GUTKNECHT. Mr. Speaker, on September 11, 2001, our generation met its challenge. The attacks against innocent Americans were acts of war. We are still fighting that war. Carl von Clausewitz said that the goal of any military encounter is to destroy the enemy's will to fight. We still have work to do.

But at home we have come far. We have buried our dead. We have comforted our wounded. We have rebuilt the Pentagon. New York is being rebuilt. We have gained a resolve and determination to go on. We will continue to be the shining beacon of liberty. We are willing to bear the price of defending the principles of freedom, justice and honor. We are Americans, and proud to be so.

Generations of Americans have followed the wisdom of President Theodore Roosevelt when he said, ''In any moment of decision, the best thing you can do is the right thing. The worst thing you can do is nothing.''

From the Barbary Coast to the streets of Kabul, Americans have always sought to do what is right. We have never given way to despots and madmen in the name of artificial peace. More than 48 million men and women have served in our armed forces to do the right thing.

The sacrifice of Americans who left their homes and lives for the cause of justice across the globe is a testament to what is good and right about our great nation. Because of Americans, Europe was liberated from a madman. Because of Americans, Communism is left to the ash heap of history. Because of Americans, little girls are going to school in Afghanistan.

Today I honor those Americans who stepped in to secure our domestic defenses during a time of great uncertainty. The brave men and women of the National Guard. As active duty troops were deployed, the men and women of the National Guard dropped what they were doing and answered their call to duty. Careers were put on hold, families parted with a loved one, sacrifices were made to secure our nation.

Guard members from Minnesota have served in every major conflict since its inception more than 360 years ago. More than 150 Minnesota National Guard soldiers were called to duty following the September 11 attacks.

I am especially grateful to the National Guard soldiers of Company B, Second Battalion of the 135th Infantry. These soldiers performed special duties at the Rochester International Airport. During a time of crisis, they stepped up to join that long grey line. That line that has never failed us.

Thank you First Sergeant Thomas L. Butterfield, Sergeant Samuel M. Adjei, Sergeant First Class Jason R. Schweitzer, Specialist Jason A. Cox, Specialist Benjamin R. Jech, Specialist Jacob R. King, Staff Sergeant Troy D. Landsverk, Sergeant William M. Olson, Sergeant Timothy A. Patterson, Sergeant Daniel J. Prescher, Specialist Brandon L. Riggs, Sergeant Scott J. Saltou, Sergeant Matthew Swiger, and Specialist Benjamin W. Teed.

These soldiers deserve our respect and our gratitude.

As William Jennings Bryan said, ''Destiny is not a matter of chance, it is a matter of choice. It is not a thing to be waited for, it is a thing to be achieved.'' Americans have a history of choosing their destiny. We will continue to do so, because that is who we are.

We must, and we will, continue to achieve this victory for the people of the United States and for all civilized, peace-loving people around the world. There will be a price. The blood and treasure of our nation will be invested. The leadership, resources and unwavering courage of the United States are critical in this struggle. We shall not falter, we will rise to the challenges. And, in the end, we will leave to future generations a safer planet because we never failed to defend the freedom we cherish. We will continue to practice what we preach.

God Bless America.

UNINTENDED CONSEQUENCES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. PAUL. Mr. Speaker, government efforts at benevolence always backfire. Inevitably, unintended consequences overwhelm the short-term and narrow benefits of authoritarian programs designed to make the economic system fair, the people morally better, and the world safe for democracy. One hundred years of intense government ''benevolence'' in the United States has brought us to the brink of economic collapse, a domestic police state, and perpetual war overseas. And now our obsession with conquering and occupying Iraq is about to unleash consequences that no one can accurately foresee. The negative possibilities are unlimited and the benefits negligible.

Some have warned that the planned preemptive invasion of Iraq could prove so destabilizing to the region and the world that it literally could ignite a worldwide conflict big enough to be called World War III. Nuclear exchanges are perhaps even more likely to occur under the conditions of an expanded Middle East war than they were at the height of the Cold War, when the Soviets and U.S. had literally thousands of nuclear weapons pointed at each other. If we carry out our threats to invade and occupy Iraq, especially if we do so unilaterally, the odds are at least 50–50 that this worst case scenario will result.

The best-case scenario would be a short war, limited to weeks and involving few American and Iraqi civilian casualties. This, in combination with a unified Iraqi welcome, the placing into power of a stable popular government that is long lasting, contributing to regional stability and prosperity, and free elections, just is what our planners are hoping for. The odds of achieving this miraculous result are probably one in 10,000.

More likely, the consequences will be severe and surprising and not what anyone planned for or intended. It will likely fall somewhere between the two extremes, but closer to the worst scenario than the best.

There are numerous other possible consequences. Here are a few worth contemplating:

No local Iraqi or regional Arab support materializes. Instead of a spontaneous uprising

as is hope, the opposite occurs. The Iraqi citizens anxious to get rid of Hussien join in his defense, believing foreign occupation and control of their oil is far worse than living under the current dictator. Already we see that sanctions have done precisely that. Instead of blaming Saddam Hussien and his dictatorial regime for the suffering of the past decade, the Iraqi people blame the U.S.-led sanctions and the constant bombing by the U.S. and British. Hussien has increased his power and the people have suffered from the war against Iraq since 1991. There are a lot of reasons to believe this same reaction will occur with an escalation of our military attacks. Training dissidents like the Iraqi National Congress will prove no more reliable than the training and the military assistance we provided in the 70's and the 80's for Osama bin Laden and Saddam Hussien when they qualified as U.S. ''allies.''

Pre-emptive war against Iraq may well prompt traditional enemies in the regions to create new alliances, as the hatred for America comes to exceed age-old hatreds that caused regional conflicts. Iraq already has made overtures and concessions to Iran and Kuwait, with some signs of conciliation being shown by both sides. Total domination of the entire Persian Gulf and Caspian Sea regions by the U.S. will surely stir survival instincts in these countries as well as in Russia. As the balance of power continues to shift in the U.S.'s favor, there will be even more reasons for countries like China and Pakistan to secretly support the nations that are being subjected to U.S. domination in the region. The U.S. will never have a free ride in its effort to control the entire world's oil supply. Antagonisms are bound to build, and our ability to finance the multiple military conflicts that are bound to come is self-limited.

The Kurds may jump at the chance, if chaos ensues, to fulfill their dream of an independent Kurdish homeland. This, of course, will stir ire of the Turks and the Iranians. Instead of stability for northern Iraq, the war likely will precipitate more fighting than the war planners ever imagined. Delivering Kurdish Iraq to Turkey as a prize for its cooperation with our war plans will not occur without a heated and deadly struggle. Turkey is already deeply concerned about the prospect for Kurdish independence, and only remains loyal to America because U.S. taxpayers are forced to subsidize an already depressed Turkish economy caused by our Iraqi policies. More money will pacify for a while, but either frustration with the perpetual nature of the problem or our inability to continue the financial bailout will lead Turkey to have second thoughts about its obedience to our demands to wage war from their country. All of this raises the odds that Islamic radicals will once more take control of the Turkish government. These developing conditions increase the odds of civil strife erupting in Turkey.

Islamic fundamentalism in the entire region will get a shot in the arm once the invasion of Iraq begins, especially in Saudi Arabia, Yemen, and Turkey. Our placing the Shah in power in Iran in the 1950's was a major reason that the Ayatollah eventually made it to power in the late 1970's—a delayed but nevertheless direct consequence of our policy. Balance of power in this area of the world has always been delicate, and outside interference serves only to destabilize. There's no evidence that our current efforts will lead to more stability. Promoting democracy, as it's said we're doing, is a farce. If elections were to occur in most of the Arab countries today, Osama bin Laden and his key allies would win. Besides, it seems we adapt quite well to working with military dictators that have ousted elected leaders, as we do in Pakistan by rewarding their cooperation with huge subsidies and future promises.

In the chaos that may erupt, several countries might see an opportunity to move on their neighbors. Already we have been warned that cooperation from Russia means no American criticism or resistance to its moves in Georgia or Chechnya. China could attack Taiwan. North Korea could renew its struggle against South Korea. India may see this as an opportunity to settle the Kasmir dispute with Pakistan—with the real risk of nuclear war breaking out. It seems the obsession about Iraq's improbable possession of nuclear weapons far exceeds the more realistic possibility that our pre-emptive strike against Iraq may precipitate a nuclear exchange between these two countries, or even a first strike with nuclear weapons by Israel against Iraq.

Expect Israel to use the chaos to further promote their occupation and settlements in the Palestinian homeland and possibly even in Lebanon. Israel's possession of nuclear weapons in a period of outright war will surely serve to intimidate her neighbors and intensify her efforts to further expand the Israeli homeland.

If massive Iraqi civilian casualties result, as indeed is possible though not deliberate, expect more worldwide condemnation and even a U.N. resolution condemning what others will call American War Crimes. Our refusal to be subject to the International Criminal Court, while demanding other be tried in the court, will never sit well with the world community. Our position is a far cry from what it ought to be—demanding national sovereignty while promoting neutrality and friendship with all nations.

Our own CIA has warned that war with Iraq will more likely cause Saddam Hussien to use any massively lethal weapons that he might have than if we don't attack him. Also, they warned that the likelihood of al Qaeda attacks on our own soil will increase once an invasion begins. This, of course, could a wave of well-placed snipers around the United States.

It is now admitted that over 150,000 U.S. servicemen are suffering from Persian Gulf War Syndrome as a result of the first Persian Gulf War. Our government would like to ignore this fact, but a new war literally could create an epidemic of casualties of the same sort, since the exact etiology is not completely understood. The number of deaths and injuries that might occur from an occupation of Iraq is unknown, but conceivably could be much higher than anyone wants to imagine.

Anti Americanism now seeping the world will significantly increase once we launch our attack. Already we have seen elections swayed in Europe, Turkey, and Pakistan by those unfriendly to the United States. The attitude that the world's ''King of the Hill'' must be brought down will escalate, especially if the war goes poorly and does not end quickly with minimal civilian deaths.

Al Qaeda likely will get a real boost in membership once the war breaks out. Membership is already pervasive throughout the world without any centralized control. We should expect this to continue, with an explosion in membership and a negative impact around the world. Our attack will confirm to the doubters that bin Laden was right in assessing our desire to control the Middle Eastern resources and dictate policy to the entire region while giving support to Israel over the Palestinians.

Our very weak economy could easily collapse with the additional burden of a costly war. War is never a way to make the people of a country better off. It does not end recessions, and is much more likely to cause one or make one much worse. A significant war will cause revenues to decrease, taxes to increase, inflation to jump, encourage trade wars, and balloon the deficit. Oil prices will soar and the dollar will retreat ever further.

Already we're hearing demands for a military draft to be instituted for both men and women. I see that coming, and it will serve as another source of domestic friction as our economy deteriorates and unemployment rises. Under these conditions the standard of living for all Americans is destined to go down.

This war, if of any significant duration, in time will be seen as a Republican war plain and simple. Along with a weak economy, it could easily usher in a ''regime change'' here in the United states. The conditions may justify a change in leadership, but the return of control to the opposition party will allow them to use the opportunity to promote their domestic liberal agenda and socialize the entire economy.

The net result, regardless of the size and duration of the coming war, will be that the people of the United States will be less free and much poorer. The bigger the war, the greater will be the suffering.

IN HONOR OF THE CONGRESSIONAL CAREER OF CONGRESSMAN BOB CLEMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to a great friend, our colleague BOB CLEMENT, who is completing a distinguished 14-year career in the House of Representatives. BOB and I both began our service after special elections in 1988, and we have served together on the Transportation and Infrastructure Committee. I have had the chance to get to know his wife Mary and their children, and I wish them all the best as they begin this new phase of their lives.

BOB CLEMENT has upheld a fine family tradition of public service, following the example of his father, who served as Governor of Tennessee. BOB served in the Army and the Tennessee Army National guard, was elected to the Public Service Commission and later appointed by President Carter to the Tennessee Valley Authority Board of Directors. After success in the private sector, he became president of Cumberland University. BOB carried all of these experiences to Congress, working hard on behalf of our nation's veterans, particularly on Gulf War Syndrome issues, and focusing on the transportation needs of the country. He served as co-chair of the House Education Caucus and passed legislation dealing with the increasing problem of identity theft.

While his legislative accomplishments are substantial, BOB may be best remembered for the manner in which he achieved them. Ever the southern gentleman, BOB CLEMENT has defined comity during an increasingly partisan era. He worked well across the aisle and I hope we can keep his collegial spirit alive despite his absence. In this way, BOB has truly left his mark on this institution, and it is without doubt a better place for his having been here.

Mr. Speaker, I know all of our colleagues will join me in thanking BOB CLEMENT for his friendship and his dedicated service to the United States of America. Knowing BOB, his long, exemplary career will not end here. I look forward to the next chapter.

HERB YASSKY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. OWENS. Mr. Speaker, during the 106th Congress, the following statement was submitted for entry into the RECORD but was inadvertently lost. It is imperative that I re-submit this tribute to an outstanding American Point-of-Light.

HERB YASSKY: A POINT-OF-LIGHT FOR ALL AMERICANS

Herb Yassky sometimes seems to be climbing perpetually uphill with his efforts to bring medical supplies and equipment to Haiti and other underdeveloped countries. The problems multiply and the disappointments mushroom but Herb toils on in his almost singlehanded effort. He refuses to surrender when a container of hospital supplies is stuck on the docks of Port-au-Prince because there is no money to pay for transportation and the added cost of storage. Because he is quietly stubborn and intensely compassionate about his mission, Herb finds a way to deliver his vitally needed goods. In his spare time, as a volunteer, Herb has sent more than fourteen forty-foot containers of supplies to not-for-profit institutions overseas. This represents just one of many causes in the mosaic of Herb Yassky's Lifetime Struggle and Achievement.

A New Yorker by birth, Herb Yassky attended Stuyvesant High School, earned a Bachelor of Arts degree from New York University, studied Business Administration at Columbia University and became an executive in the electronics industry. He has served on the Board of the Shorefront YM–YWHA, the Board of Brooklyn Jewish Hospital and many civic organizations. Presently he serves as a Trustee of the Kingsbrook Jewish Medical Center and as President of the Rutland Nursing Home. Joining him in his generous contributions to the community is his wife, Paula.

Moved by the plight of poverty in Haiti, as well as other third world nations, Mr. Yassky founded ''Medical Aid for Haiti'' and for years worked closely with the New York Consul General, Phillipe Wilson Desir. The two of them teamed up for radio and television programs to make the public aware of the vital need for help in Haiti.

Herb Yassky presently serves as Chairman of the 11th Congressional District Health Care Advisory Committee where he works with Congressman Owens to expand his quest for adequate health care for all. Under Herb's leadership the hospitals of the Central Brooklyn Medical Complex-Kingsbrook, Kingsboro, Kings County, Brookdale and SUNY Downstate Medical Center have collectively become an important developable site in the Brooklyn Federal Empowerment Zone Plan. With Owens, Herb shares the dream of a Clarkson Avenue area where the threat of homeless shelters and detention centers will cease to exist because all available space is occupied by health care related organizations. Facilities for computer related health occupations training; a high school for health care careers; a medical supply shopping mall; offices for doctors and therapists; these are a few of the dreams that may be turned into brick and mortar realities. Yassky is an advocate and a planner who attends to the details and makes great things happen.

Because he is a tireless Champion for Health Care and Human Life, the people of Central Brooklyn are proud to salute Herb Yassky for his Lifetime Struggle and Achievement.

CONGRATULATING THE SOUTHWEST GEORGIA REGIONAL PUBLIC LIBRARY SYSTEM

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

November 14, 2002

Mr. BISHOP. Mr. Speaker, the Southwest Georgia Regional Public Library System, the sole library provider for the 44,000 residents of Decatur, Miller and Seminole counties, is a recipient of the National Award for Museum and Library Services, which is recognized as the highest honor that can be earned for community service by the nation's 122,000 libraries and 15,000 museums.

The Institute of Museum and Library Services, which sponsors the award program, could not have made a more worthy choice.

The Southwest Georgia Regional System, often partnering with other community organizations, reaches out in innovative ways to serve a widely dispersed population in the cities and rural areas it serves, including initiatives to raise the educational levels of low-income families. The system sponsors literacy programs, provides full access to the World Wide Web, and maintains close, ongoing support for schools and social service organizations. Utilizing a state-of-the-art bookmobile, the system makes books available to schools, nursing homes, and community centers. It provides special services for the handicapped. It sponsors historic projects and programs. In many different ways, it is helping raise the quality of life throughout a widespread area of southwest Georgia.

Mr. Speaker, I rise to congratulate the people who make the Southwest Georgia Regional Library System one of the country's very best.

THE VILLAGE OF OAK PARK'S CENTENNIAL ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to the Community of Oak Park, Illinois. I take great pride in expressing my delight and heart felt congratulations as we commemorate the 100th Anniversary of the Village of Oak Park.

Historically, Oak Park is a community in the Chicago area that has made significant contributions to diversity and is a model for other emerging American communities. Since the 1960's Oak Parkers have seriously planned for the evolution and development of their community. The Village of Oak Park has refused to maintain itself as a status quo neighborhood in the Chicago area. The integration of black and white residents has been a key component in the development of this unique neighborhoods. As the community began to change, the Village government took action by enacting an Open Housing Ordinance in 1968, a statement supporting integrated housing. In 1973 Village Trustees created a policy statement, ''Maintaining Diversity in Oak Park.'' These policies created the building blocks for a community now designated an ''All American City.''

Revolutionary action was taken by the Village and initiated during a time when visible racial transformation was needed throughout Chicago neighborhoods. Based on the initiatives of the Village of Oak Park, it has become the home of people from various occupations, professions, ages, and income levels.

Oak Park has produced a number of notable people who have made significant contributions to our world in their receptive fields of endeavor. To name just a few, in literature, Ernest Hemingway, and Carol Shields who is one of the finalists for the Man Booker Prize for literature this year. Percy Lavon Julian, an African American Research Chemist whose research led to discoveries in drug manufacturing, hormones, vitamins, amino acids, paint, and paper, Carl Rogers in psychotherapy, other of its better known have been Edgar Rice Burroughs of Tarzan fame, residents are Ray Kroc in fast food restaurants, and Frank Lloyd Wright an architectural genius, who has designed many of the world's most famous structures and buildings, many of which are a part of Oak Park's visible legacy. There is great need to maintain and commemorate the cultural richness and diversity of this unique village.

The Gale Research Center of the Historical Society is a research center, which is a repository of photos, publication, and artifacts that highlight the community's history. Complimented by this are exhibits and special programs that assist in public education. Oak Park can proudly boasts of the Oak Forest River Forest Public H.S. and Fenwick H.S. an outstanding Catholic Parochial School. Centennial celebrations mark the communities effort to proclaim and instill the historical legacy of the Village of Oak Park. The advocacy of community members has been instrumental in nurturing the excellence of Oak Park and in helping to shape public policy. There is virtually no issue that I don't hear from someone in Oak Park about. Mr. Speaker, I believe that the Village of Oak Park is one of the most fascinating communities in our country and I commend them as they celebrate their centennial anniversary.

COMMEMORATING THE RETIREMENT OF CONGRESSMAN STEVE HORN, CALIFORNIA 38TH DISTRICT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this evening to pay tribute to a dynamic Member of this institution who will be retiring at the end of the 107th Congress.

STEVE HORN came to Congress with a distinguished record. First serving as a political appointee in the Eisenhower Administration, and then working for Senator Thomas P. Kuchel, he came to this body with keen political savvy and a mind focused on service to the American people.

During his tenure as a legislative assistant in the Senate, he made valuable contributions to the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Shortly after being named in 1986 as ''one of the 100 most effective college presidents in the United States'' given his work at California State University, Long Beach, he began his tenure as the Trustee Professor of Political Science at the same university.

I have had the pleasure of working with Congressman HORN for over six years as a member of the Committee on Transportation and Infrastructure, where I always found his insights thoughtful, his skills as a legislator focused and effective, and his care for his constituents genuine.

In 1998, the Congressman and I worked together on the Transportation Equity Act for the 21st Century)—also known as TEA–21. Since then, we have worked together to integrate the interests of our nation's ports with the surrounding communities, made steps to address air quality concerns in these facilities, and most recently, worked together in a bi-partisan fashion to ensure the security of the Ports of Long Beach and Los Angeles.

Congressman HORN will be missed in these halls, and I will miss his friendship, and his warm, congenial manner in approaching each challenge. Thank you, STEVE, for your dedicated hard work and service.

CONGRESSMAN TIM ROEMER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. VISCLOSKY. Mr. Speaker, Congressman TIM ROEMER, the Ranking Member of the Subcommittee on Select Education of the House Committee on Education and Workforce and proud member of the House Select Committee on Intelligence, will be retiring after 12 years of dedicated service to his constituents in Northern Indiana and to our country.

I rise today to acknowledge and applaud the interests and service of TIM ROEMER during his productive career in public service, and to wish him the very best in his future endeavors.

By way of background, TIM ROEMER was first elected to Congress from the 3rd Congressional District of Indiana in 1990. TIM grew up in South Bend, and though he went to college in San Diego, he returned home and received a masters and Ph.D. from the University of Notre Dame. He has dedicated his life to public service not only through his term as a U.S. Representative, but also through his time with former 3d District Representative John Brademas and Arizona Senator Dennis DeConcini.

In his tenure in Congress, TIM served as Co-Chairman of the New Democratic Coalition. While being a staunch believer in balancing the federal budget, he fought endlessly to support legislation that would improve the quality of education received by all children in our country. TIM was a strong advocate of federal special education funding and supported innovative programs like Ameri-Corp, Transition to Teaching, and charter schools. As a strong supporter of the war on terrorism, through his work on the Select Intelligence Committee, he called for efforts to better secure the American homeland and prevent future terrorist attacks.

I have had the pleasure and privilege of knowing and working with TIM for just over a decade. I do not expect his retirement from elective office to end either his public service or his significant contributions to our Nation. In fact, I have every expectation that TIM ROEMER will continue to be an active, thoughtful, and valuable contributor to public debate on critical national issues. I wish him and his family the best.

HONORING REPRESENTATIVE DAN MILLER OF FLORIDA UPON THE OCCASION OF HIS RETIREMENT FROM CONGRESS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. PUTNAM. Mr. Speaker, I rise today to honor my retiring friend and colleague on the Government Reform Committee Congressman DAN MILLER, the distinguished Representative of Florida's 13th District.

Representative MILLER was elected to Congress in 1992 and in his five terms has accumulated a record of accomplishment as an advocate for his district and as a guardian of the hard earned tax dollars of all Americans.

Representative MILLER was born in Highland Park, Michigan. However, like so many of our State's citizens, he came to Florida as soon as he heard about it and, having graduated from high school in our great State, he thereby attained the status of ''semi-native'' Floridian.

As Congressman MILLER proudly told the voters throughout his five terms he is not a professional politician, in fact the only office he ever ran for was Congress. After winning a crowded primary his appeal as a candidate who focused on substance, not rhetoric, crossed party lines and he was routinely reelected with 60 percent plus margins. Through his background as a successful entrepreneur and as a university professor he brought a unique skill-set to Congress, which will be sorely missed next session.

As I complete my first term in Congress I wish to thank Representative MILLER for his kindness and courtesy during my freshman year, he is a consummate gentleman. In addition to always maintaining an open door to a freshman DAN MILLER and I share the unique bond of having been together on Air Force One on September 11, 2001. I shall always remember and cherish his encouragement, fortitude and calm in the face of the terrorist attacks that shook our country that day.

God bless you DAN and Glenda, I want to assure you that, while you may be retiring from Congress, your friends and colleagues recognize that the good work you have done here and for our great State of Florida will continue.

IN RECOGNITION OF A LIFETIME OF DEDICATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROSS. Mr. Speaker, I rise today to recognize an individual from my district who provides quite an inspiration for each and every one of us on how to live, and how to work.

J.E. Dunlap, Jr. is editor, publisher, and reporter for the Harrison Daily Times. At age 80, he continues to cover sports and other events and writes weekly articles for the paper. According to co-workers, he has an uncanny ability to just glance at a page of the paper before it is printed, and locate errors immediately.

Mr. Dunlap knows how to change with the times. He was instrumental in converting early typeset and printing facilities to modern press and computer equipment. He continues to work today with modern typeset computers, a laptop, and email.

He has received numerous journalism awards including the Distinguished Service Award presented by the Arkansas Press Association and he was nominated for the Pulitzer Prize, twice. In addition, he was cited by the Social Security Administration for effective and continued public service for keeping the public fully informed on Social Security issues. He says the honor he is most proud of was earning his wings as a Second Lieutenant during his service in the U.S. Army Air Corps in the 1940's.

About working at age 80, Mr. Dunlap says ''there is great satisfaction in knowing that I can continue doing my job after 64 years.'' His advice to young people entering the workforce is, ''be sure the job is something that you truly want to do and make every effort to fulfill the job requirements.''

I would like to congratulate him on being named this year's Outstanding Older Worker of Arkansas.

AGAINST H.R. 4163—PROHIBIT AFTER 2006 THE INTRODUCTION INTO INTERSTATE COMMERCE OF MERCURY INTENDED FOR USE IN A DENTAL FILLING AND FOR OTHER PURPOSES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I would like to thank you for holding this hearing concerning the risk of mercury poisoning from the

dental amalgam, which has been used for more than 150 years. According to the Food and Drug Administration (FDA) there is ''more significant human experience with dental amalgam than any other restorative material.'' Any adverse outcomes of mercury in amalgam would have first manifested in Dentists and their staff due to their daily exposure. The American Dental Association Health Foundation (ADAHF) have done research regarding the mean urinary mercury levels of dentists from 1975 to 2001 and have found that dentist urinary mercury levels are well below established limits for occupational exposure. Furthermore the American Dental Association (ADA) investigators have done studies and research to find any possible correlation between Kidney dysfunction and urinary mercury levels and found none.

In addition, the FDA through various U.S. Public Health Services (PHS) agencies reviewed claims of mercury exposure measurements and fetal mercury exposure and concluded that dental amalgam do not share the same toxicity characteristics of mercury and there is no evidence that individuals with dental amalgam restorations will experience adverse health effects from these restorations. Various disease organizations like The Alzheimer's Association, the Autism Society of America, the National Multiple Sclerosis Society and the American Academy of Pediatrics have stated that there is no scientific evidence linking dental amalgam with any known disease or syndrome that the groups track. Other organizations like the Center for Disease Control and Prevention, the World Health Organization, U.S. Federal Agencies and International Organizations and expert groups from Sweden, New Zealand, Canada and the European Commission have concluded that there is no direct evidence that dental amalgam has an adverse effect on patient's health except with isolated cases of allergic reactions. Also it is safe and cost effective.

By banning dental amalgam and using alternative type of fillings will only place additional financial burden on low-income individuals and the special needs population. Most insurance programs, whether private or Medicaid, pay for the lowest dental cost restorative material and would not pay for alternative dental options. This will only result in an even higher dental disease rate and dental need among low-income and special needs populat8ons.

In conclusion, dental amalgam is deemed as a serviceable, safe, cost effective restorative material, which is backed by scientific evidence and research approved by the ADA and FDA.

MOURNING THE DEATH OF DR. JEANNE LAVETA NOBLE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BISHOP. Mr. Speaker, when Dr. Jeanne Laveta Noble passed away on October 17, 2002, in New York City, the state of Georgia—and especially the city of Albany and the southwest Georgia region where she was born and raised—lost one of our great native citizens.

While Dr. Noble always remained close to her home town, returning often to visit with friends and family, she made contributions that were national and even international in scope as a noted educator, a fighter for human rights and against poverty, a scholar and writer who published three books and countless articles, an Emmy Award-winning media commentator, and a Presidential appointee in three Administrations.

Dr. Noble was the eldest child of Floyd G. and Aurelia P. Noble of Albany, Georgia. She earned her undergraduate, Masters and doctoral degrees from Howard University and Columbia University, and completed further studies at the University of Birmingham in England. She first taught Albany State University, and later served as dean of students at Langston University in Oklahoma, as the first black woman to serve as a tenured professor at New York University, and as professor emeritus of the graduate school at the City University of New York.

She was named by President Johnson to head the Women's Job Corps of the President's Task Force on the War Against Poverty, and served on commissions named by President Nixon and President Ford. In addition to her prolife writing, she moderated and co-wrote an acclaimed show called ''The Learing Experience.''

Dr. Noble was involved in many civic and charitable activities, including serving as the 12th national president of Delta Sigma Theta Sorority, the 200,000-member public service sorority that supports education, provides scholarships, boosts programs for young people, and promotes economic opportunities for all.

Mr. Speaker, Dr. Noble's devotion to education and her service to humanity inspired everyone who knew her or knew about her. Our thoughts and prayers are with her family and many friends.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report on H.R. 4628, Intelligence Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S11161–S11229

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 3170–3172, S. Res. 358, and S. Con. Res. 158. **Page S11214**

Measures Reported:

S. 1284, to prohibit employment discrimination on the basis of sexual orientation, with an amendment in the nature of a substitute. (S. Rept. No. 107–341)

S. 1602, to help protect the public against the threat of chemical attack, with an amendment in the nature of a substitute. (S. Rept. No. 107–342)

Report to accompany S. 3054, to provide for full voting representation in Congress for the citizens of the District of Columbia. (S. Rept. No. 107–343) **Page S11214**

Measures Passed:

Small Business Loans Federal Subsidy Rate Calculation Act: Senate passed S. 3172, to improve the calculation of the Federal subsidy rate with respect to certain small business loans. **Pages S11219–22**

Mozambique Congratulations: Senate agreed to S. Res. 358, congratulating the people of Mozambique on their successful efforts to establish, build, and maintain peace in their country for the past ten years. **Page S11222**

Mental Health Benefits Extension: Senate passed H.R. 5716, to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year, clearing the measure for the President. **Pages S11222–23**

PAYGO Balances: Senate passed H.R. 5708, to reduce preexisting PAYGO balances, clearing the measure for the President. **Page S11223**

Gila River Indian Community Judgment Fund Distribution Act: Senate passed S. 2799, to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, after agreeing to a committee amendment in the nature of a substitute. **Pages S11224–27**

E-Government Act: Senate passed H.R. 2458, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, clearing the measure for the President. **Pages S11227–28**

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Pages S11169–98**

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute. **Page S11169–98**

Daschle (for Lieberman) Amendment No. 4911 (to Amendment No. 4901), to provide that certain provisions of the Act shall not take effect. **Pages S11169–98**

Daschle (for Lieberman) Amendment No. 4953 (to Amendment No. 4911), of a perfecting nature. **Pages S11170–98**

During the consideration of this measure today, Senate also took the following actions:

By 65 yeas to 29 nays (Vote No. 244), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Thompson (for Gramm) Amendment No. 4901, listed above. **Page S11169**

The Chair sustained the point of order that Lieberman/McCain Amendment No. 4902 (to

Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States, was not germane, and the amendment thus fell. **Page S11169**

The following amendment No. 4951 fell when Lieberman/McCain Amendment No. 4902, listed above, was ruled not germane:

Dodd Amendment No. 4951 (to Amendment No. 4902), to provide for workforce enhancement grants to fire departments. **Page S11169**

A unanimous-consent agreement was reached providing for further consideration of the bill on Monday, November 18, 2002, upon disposition of executive calendar number 1178; that the 30 hours under cloture conclude at 10:30 a.m., on Tuesday, November 19, 2002; that at 10:30 a.m., the Senate will vote on Daschle (for Lieberman) Amendment No. 4953 (to Amendment No. 4911), listed above; that upon disposition of that amendment, the Senate then vote on Daschle (for Lieberman) Amendment No. 4911 (to Amendment No. 4901), listed above, as amended, if amended; that upon the disposition of that amendment, the Senate then vote on, or in relation to, the Thompson (for Gramm) Amendment No. 4901, listed above, as amended, if amended; that upon the disposition of that amendment, the Senate then vote on the motion to invoke cloture on the bill (H.R. 5005), provided further that no points of order be waived by this agreement. **Page S11219**

Continuing Resolution—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader, with the concurrence of the Republican Leader, may at anytime proceed to the consideration of Calendar No. 762, H.J. Res. 124, the Continuing Resolution. **Page S11228**

Authority for Committees to File—Agreement: A unanimous-consent agreement was reached providing that following the sine die adjournment of the 107th Congress; that the Select Committee on Intelligence be authorized to file, and the Secretary of the Senate be authorized to receive, a report in either classified or unclassified form, or both, solely on the Committee's investigation into the Intelligence Community's activities before and after the September 11, 2001, terrorists attacks on the United States, on one of the following days: Friday, December 20, 2002 or Thursday, January 2, 2003 from 10 a.m. to 12 noon. **Page S11228**

Intelligence Authorization Act Conference Report: Senate agreed to the conference report on H.R. 4628, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, clearing the measure for the President. **Page S11198**

Terrorism Risk Protection Act Conference Report—Agreement: A unanimous consent agreement was reached providing that immediately upon the passage of H.R. 5005, Homeland Security Act, the Senate proceed to the conference report on H.R. 3210, Terrorism Risk Protection Act; that the Senate then vote immediately on cloture on the conference report; that if cloture is invoked the Senate then immediately, without any intervening action or debate, vote on passage of the conference report; and that if cloture is not invoked the conference report continue to be debatable. **Page S11219**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Convention on Supplementary Compensation for Nuclear Damage (Treaty Doc. No. 107–21).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S11223**

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, at 12 noon, on Monday, November 18, 2002; that at the conclusion, or yielding back of time, but not before 5:15 p.m., Senate will vote on the motion to invoke cloture on the nomination; that if cloture is invoked the Senate then vote immediately on confirmation of the nomination; that if cloture is not invoked the nomination be returned to the executive calendar, and the Senate then return to legislative session. Further, that the granting of this consent fulfill the cloture filing requirement under Rule XXII. **Page S11219**

Nominations Confirmed: Senate confirmed the following nominations:

Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Kevin J. O'Connor, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Mary Carlin Yates, of Oregon, to be Ambassador to the Republic of Ghana. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.) **Pages S11216–19, S11229**

Messages From the House: **Pages S11211–12**

Executive Communications: **Pages S11212–14**

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Statements on Introduced Bills/Resolutions: Pages S11214–15

Additional Statements: Pages S11209–11

Amendments Submitted: Pages S11215–16

Record Votes: One record vote was taken today. (Total—244) Page S11169

Adjournment: Senate met at 9:45 a.m., and adjourned at 8:21 p.m., until 11 a.m., on Monday, November 18, 2002.

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of Alejandro Modesto Sanchez, of Florida, Andrew Saul, of New York, and Gordon Whiting, of New York, each to be a Member of the Federal Retirement Thrift Investment Board, after the nominees testified and answered questions in their own behalf. Mr. Sanchez was introduced by Senator Graham.

House of Representatives

The House was not in session today. It will next meet on Tuesday, Nov. 19 at noon.

Committee Meetings

No Committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of November 18 through November 23, 2002

Senate Chamber

On *Monday,* at 12 noon, Senate will consider the nomination of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, with a vote on the motion to invoke cloture; and if cloture is invoked, Senate will then vote on confirmation of the nomination. Also, Senate will resume consideration of H.R. 5005, Homeland Security Act.

On *Tuesday,* Senate will continue consideration of H.R. 5005, Homeland Security Act, with votes to occur on certain pending amendments, followed by a vote on the motion to invoke cloture on the bill.

During the balance of the week, Senate expects to consider any other cleared legislative and executive business, including conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on the Judiciary: November 20, to hold hearings to examine an assessment of the tools needed to fight the financing of terrorism, 10 a.m., SD–226.

House Chamber

The House did not meet today.

House Committees

Committee on Government Reform, November 19, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on "Computer Security in the Federal Government: How Do the Agencies Rate?" 10 a.m., 2154 Rayburn.

Committee on Small Business, November 21, hearing on Federal Prison Industries Unfair Competition with Small Businesses: Potential Interim Administrative Solutions, 10:30 a.m., 2360 Rayburn.

Next Meeting of the SENATE

11 a.m., Monday, November 18

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 12 noon), Senate will consider the nomination of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, with a vote on the motion to invoke cloture; and if cloture is invoked, Senate will then vote on confirmation of the nomination.Also, Senate will resume consideration of H.R. 5005, Homeland Security Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, November 19

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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