

The PRESIDING OFFICER. The clerk will call the roll.

The 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735. I want to read it again because, as I stated before, to even consider that our energy dependence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapidly growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withhold that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and overruled the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to.

I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that, so I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don't think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don't have an energy policy today; and we need one today a lot more than we did then.

Mr. President, 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation's border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my time. Whether this is germane or not I don't know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, myself, and Senator LEVIN—if he were here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator DASCHLE, the majority leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator BINGAMAN several times in the past week. He is doing his very best to report out a bill. I have spoken to the minority leader. The place that Republicans and Democrats want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can't agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get to the energy bill—hopefully this year—as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that. We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this now—I personally, since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for

our ability to fight a war. Now it is much more serious. We have gone through the 1990 Persian Gulf war. I think everyone realizes that.

The problem I have is the statement of the Senator from Nevada that nothing is going to happen, that this is merely a sense of the Senate. I know the Chair has ruled it is not germane. I will not challenge that and put in jeopardy the Defense authorization bill. I don't want to do that.

I only say this: Talk is cheap. We have been sitting around talking about it. The statement made by the Senator from Nevada is the same statement they made back in the 1980s and all during the 1990s. Every time we try to bring up an energy bill, they say: Yes, we all want it. Yet do they really want it?

We will continue in our efforts. I will continue in such a way as to not jeopardize in any way the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say from this side of the aisle that we welcome the decision not to challenge the bill so that we can go forward. The points the Senator made are well taken. Our Nation's trade deficit this year will exceed \$300 billion. We consume oil from other places around the world. As sure as we are meeting here today, some of those billions of dollars we are paying for oil from other sources—including from places where people do not like us very much—are surely going to fuel the kind of terrorism which happened 3 weeks ago this morning for a whole host of reasons.

I pledge to work with my friend from Oklahoma and others on the Energy Committee to get this legislation moving and out of committee. There is a lot on which we can agree. ANWR may be one. On some points we disagree. A lot we can agree on. We need to do that and move.

I really want to say this morning a word or two with respect to the Defense authorization bill as it pertains to our strategic defense capability.

The tragedy of 3 weeks ago this morning left many dead. There are a number of uncertainties that grow out of those attacks: Who planned them? Who executed them? Who funded them? Who supported them? Who harbors the terrorists today? How will we respond?

Amid those uncertainties, there are a number of things we know for sure. They include the fact that this war is going to be unlike any war we have fought in my lifetime and before—unlike World War II, in which many of our fathers served, unlike Korea, unlike Vietnam, where my generation served, and unlike the Persian Gulf war barely a decade ago.

This we know: Our success in this war against terrorism will depend on many factors:

The readiness of our forces we are deploying;

Our ability in gathering the support of the other civilized nations of the world to join us in this war;

The quality of the intelligence, the reliability of the intelligence that we gather and that we receive from others with whom we work;

Our ability to understand our intelligence and to act effectively in a timely manner in response to that intelligence;

Our ability to deploy covert operations and do so successfully.

And our success in the world also depends in no small part on our ability to move quickly at a moment's notice large numbers of men and women and materiel from the United States to other parts of the world.

There are many military bases around the world, out of which I used to operate as a naval flight officer, that are closed today. While we work with nations that are sympathetic to our cause against terrorists in order to try to secure air space and to try to secure airfields to use, the fact of the matter is we simply don't have the bases to deploy troops that we used to at airfields and ports. We depend more than ever on an air bridge that is going to be comprised of C-17s and on an air bridge that will be comprised of C-5s.

When I was a member of the active-duty forces, even though I was in the Navy, I flew a fair amount on C-141s, a transport aircraft that the Air Force uses. They are the workhorse for the Air Force. C-5s were introduced, and we had a combination of the C-141 and the C-5 to provide an air bridge in earlier wars.

The C-141 is old today. It is being retired. Its place is being taken by the C-17, a terrific aircraft. The C-17 carries about half the load of a C-5. While it has pretty good legs and can travel a pretty long distance, it doesn't have the legs or the ability to travel far distances that the C-5 enjoys. The C-5 has been with us more than two decades—C-5As and now C-5Bs. The aircraft is about half the age of the B-52.

I was struck when we started to ratchet up to see B-52s being called on again to serve our Nation. It has been around 50 years and is still ready to work for us. The C-5, having half the years and age of the B-52, is certainly able to work a bit longer alongside the C-17.

Someone gave me a sheet of paper today with a picture of the C-5. This picture shows some idea of the life remaining in the C-5 with respect to its ability to play a major role in our strategic airlift capability. The fuselage is good for another 30-plus years; stabilizers, another 40-plus years; wing service, over 50 years; the fuselage, another 50-plus years; forward fuselage, there is plenty of durability left in the C-5 aircraft.

There are two things the C-5 needs in order for us to be able to maximize its effectiveness in this war and in any other war that may come our way over the next 40 years. One is an avionics

package. When you sit in the cockpit of the C-5 and look at the instrumentation, you think you are looking at a plane that is 25 years old; and you are. The aircraft needs a new avionics package. The bill before us today provides a very substantial step to enable us to put that avionics package in place in the C-5 to enhance its capability.

Another major component of this bill deals with the engines that are mounted on the wings of the C-5. Most of the new airliners that are flying in our skies and around the world today have engines that can generally fly for 10,000 hours before they need to be changed. The engines on the C-5s, which I said earlier are over 20 years old, those engines need to be changed about every 2,500 hours. We need to reengine, if you will, the C-5s. If we do that, with modern engine technology, we will be able to get 10,000 hours between engine changes, as they do in the commercial fleets.

The combination of those two steps—to introduce into and incorporate into our C-5 aircraft, the C-5As and C-5Bs, a modern avionics package, and to also reengine the aircraft in years going forth—will enable us to fully benefit from the 30 or 40 years that are still left in those planes. There are a lot of air miles to be traveled, a lot of troops to be carried, a lot of tanks and helicopters and trucks to be moved. The C-5 and the C-17 can do it.

With the adoption of this legislation, our air bridge from this country to other troubled points around the world will be reinforced and made stronger for this generation and for generations to come.

I yield back my time, Mr. President. The PRESIDING OFFICER (Mr. BAYH). The Senator from Nevada.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I send an amendment to the desk. It is a filed amendment. It is amendment No. 1760.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD, proposes an amendment numbered 1760.

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

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

The amendment is as follows:

(Purpose: To strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651)

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment

made by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Mr. President, I rise today to offer an amendment along with Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUE, Mr. HUTCHINSON, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, Mr. DODD, Mr. DORGAN, and Mr. BILL NELSON.

Our amendment will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability.

This amendment is identical to the bill I sponsored on January 24, S. 170, the Retired Pay Restoration Act of 2001. The Retired Pay Restoration Act currently has almost 80 cosponsors, 80 Senators, approximately. This clearly illustrates the bipartisan support for this legislation.

As with the bill, this amendment will permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans disability compensation.

In 1891, the original inequitable 19th century law was passed to prohibit the concurrent receipt of military retired pay and VA disability compensation. When this original law was enacted, the United States had an extremely small standing army. Only a portion of our Armed Forces consisted of career soldiers.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. The law simply discriminates against career military men and women. I repeat, under the current law, if you retire from the military and have a service-connected disability, you have to waive your retirement pay. When I first heard about this, I could not believe it. I thought my staff had given me bad advice. They had not.

But adding to this injustice is the fact that the Federal employee has been able to collect VA disability compensation while working for the Federal Government—but not if you are in the military. You can work for the Department of Energy or the Park Service, and if you have a service-connected disability, you can draw your whole retirement pay. But if you retire from the military, no chance, you have to waive that or a portion of it. The civil service retiree may receive both his civil service retirement and VA disability with no offset at all.

Disabled military retirees are only entitled to receive disability compensation if they agree to waive their retirement pay or a portion of it equal to the amount of the disability compensation. This requirement clearly discriminates unfairly against disabled career soldiers by requiring them to essentially pay their own disability compensation.

If you are in the military, and you get out with a service-connected dis-

ability, you can draw all that pay unless you retire from the military. If you work for Sears & Roebuck, or if you work for the Interior Department, you get it all, but not if you are retired from the military. How unfair.

To understand the law's unfairness, one must look at why the Government pays retirees and disabled veterans. Military retirement pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is the promised reward for servicing at least two decades, and many times more, under conditions most Americans find intolerable. You are told when to get up, when to go to bed, where you are going to live, and what you are going to do. That is what the military is all about.

Veterans disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements.

One of our valued staff on the minority side, every time there is a military bill, comes in this Chamber proudly wearing on his lapel a medal, the Silver Star. He wears that very proudly. But if he has a service-connected disability—and he may have one—he can draw that because he is not a retiree from the military or, if he is, he cannot. It does not make sense. It is not fair. Current law ignores the distinction between these two entitlements. Military retirement pay and disability compensation were both earned and awarded for entirely different purposes.

This amendment represents an honest attempt to correct an injustice that has existed for a long, long time, for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. Today we have 560,000 disabled military men and women who have sacrificed a lot for this country. Today nearly one and a half million Americans dedicate their lives to the defense of our Nation. And that is going up as we speak. The U.S. military force is unmatched in terms of power, training, and ability. Our great Nation is recognized as the world's only superpower, a status which is largely due to the sacrifices that veterans have made during the last century.

This past weekend I read a book written by Stephen Ambrose. It is his latest book. It is about B-24s. It is the history of these bombers during World War II. It is a fascinating history. The losses of B-24 pilots and crews were unbelievable. They were shot down all the time. They were big, heavy, awkward airplanes, and very hard to fly. And they lost a lot of them in noncombat

situations. But it is an example of the sacrifices made by people who have served our country in the military.

Why should not someone who flew a B-24, has a service-connected disability, and has retired from the military, be able to draw that disability compensation as a result of being hurt flying a B-24?

Rather than honoring their commitment and bravery, the Federal Government has chosen instead to perpetuate a 110-year-old injustice.

I know the Senate will seriously consider passing this amendment. With almost 80 cosponsors, it is a fair statement that this amendment should pass. I hope the Senate will pass this amendment to end at last this disservice to our retired military.

Some believe this amendment may be too expensive. This country has saved lots of money by not doing the right thing in years past. We have 1,000 World War II veterans who die every day. From today to tomorrow, there will be 1,000 funerals held for World War II veterans. Since last June, we have fallen a little short. It has not been quite 1,000 a day. It has been close. Since then we have lost 465,000 veterans. These dedicated service people will never have the ability to enjoy their two well-deserved entitlements. To delay any action on this amendment means we will continue to deny fundamental fairness to thousands of our Nation's retirees.

If we can pass this legislation and give a World War II veteran 1 month of the compensation they deserve before they pass on, we should do that.

This amendment is supported by numerous veterans' service organizations—I cannot name them all—the Military Coalition, the National Military/Veterans Alliance, the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees, plus many more.

This is the right thing to do, and we must eliminate this century of sacrifice. Our veterans have earned this. Now is our chance to honor their service to the Nation.

I hope this legislation passes overwhelmingly and that it is not taken out in conference. We passed the amendment last year. Out of 100 percent of what we needed, we maybe got 2 percent to help just a few people. We need to help them all.

It is not easy for me to stand here and say that 1,000 World War II veterans die every day, but that is a fact. They do. Many of those World War II veterans are today receiving unfair payments by this Government. They are not able to receive their retirement and their disability. They have to waive part of their retirement. That is unfair.

I hope this amendment is adopted. I am not going to require a vote on it. I am not one who believes a big heavy vote helps in conference. Everyone

knows this has almost 80 Senate co-sponsors. It is something the veterans community supports wholeheartedly.

I was talking to one of the Armed Services staff people today. They get more mail on this issue than any other issue because people are desperate. They know they are dying off.

I hope this amendment will be accepted. I repeat, I am not going to require a recorded vote. But the conscience of this Senate calls out for recognizing the sacrifices made by these veterans and that we adopt this amendment in the Senate and make sure the same happens in conference because they deserve this.

**THE PRESIDING OFFICER.** The Senator from Kansas.

**MR. REID.** Are we going to take action on this amendment? Is the Senator from Kansas speaking on my amendment?

**MR. ROBERTS.** Mr. President, I was not planning to, unless the distinguished Senator would ask me to do so. I have worked with him at great length on the Ethics Committee. Is the amendment ethical?

**MR. REID.** The two managers are not here, Mr. President. I have no objection, if the Senator from Kansas is going to file another amendment, to setting mine aside.

**MR. ROBERTS.** I think the agreement was, at least as far as this Senator understood, that I was going to have 20 minutes to talk about an amendment I had planned on introducing. I am not in a position to acquiesce to the Senator's request. I would have to check with our leadership in that regard. I have no doubt the Senator has an outstanding amendment.

**MR. REID.** The Senator has every right under postclosure to speak for an hour on anything relating to defense as he wishes. I know he has been a very stalwart member of the committee and has done so much for defense issues over the years. I certainly look forward to listening to him for 20 minutes.

**MR. ROBERTS.** I thank my friend and colleague.

**THE PRESIDING OFFICER.** The Senator from Kansas.

#### ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

**MR. ROBERTS.** Mr. President, in the interest of germaneness and to move this bill along, I am acceding to the request by the distinguished chairman of the Armed Services Committee, Senator LEVIN, and Senator WARNER, our distinguished ranking member, in that I had intended on introducing an amendment. I am going to speak to the amendment. I think my decision will be to simply lay down the amendment as a freestanding bill.

Having said that, I rise this morning to warn my Senate colleagues about an urgent issue facing the Senate and this Nation. This issue has been identified many times now by various respected commissions, by leaders within the military, the academic, political, and national security communities. Wheth-

er we admit it or not, the need for action is instinctively understood by most Members of this body.

However, despite months and years of hearings, testimony, and warnings, until September 11 there was little sense of urgency or desire to make changes to the structure of the Senate required to address the problems of homeland security and terrorism.

I know the distinguished majority leader and our Republican leader and a few other Senators and staff have certainly given this recognition serious and careful consideration. As the former chairman of the Subcommittee on Emerging Threats and Capabilities within the Armed Services Committee, now the ranking member—the distinguished Senator from Louisiana, MARY LANDRIEU is now the chairman—I come to this issue after 3 years of hearings and testimony from virtually all the experts and more than 40 agencies of the Government.

It gives me little solace and a great deal of frustration to find the fine members of the subcommittee and our excellent staff in the role of Paul Revere, but unable to awaken the Federal Government, our colleagues, and the American people.

Let me share two paragraphs from the very first report our subcommittee issued to the Congress, to the press, and to the public:

The terrorist threat to our citizens, both military personnel and civilians at home and abroad is real and growing. The proliferation of weapons of mass destruction and individual acts of terrorism have dramatically raised the stakes and increased the potential of massive casualties in the event of the terrorist attack.

I further quote from the first report of the subcommittee:

Further, the serious prospect that known terrorist Osama bin Laden or other terrorists might use biological and chemical weapons as well as individual acts of terrorism is of great concern. His organization is just one of approximately a dozen terrorist groups. bin Laden, for example, has called the acquisition of these weapons "a religious duty" and noted that how to use them is up to us.

My colleagues, that was 3 years ago. We also stressed in our report that to confront this continuing and growing threat, it was critical that our governmentwide efforts to combat terrorism be coordinated and clearly focused. We noted at that time there were approximately 40 Federal departments and agencies with jurisdiction in the fight against terrorism.

Last spring, members of the Intelligence, Armed Services, and Appropriations Committees for the first time joined together and asked these same agencies to testify. All claimed jurisdiction. Many claimed they were in charge. We asked them three things: What is your mission? What do you really do? Who do you report to?

The bottom line: The hearings demonstrated that too many Federal agencies do not have a firm grasp of their roles and responsibilities for preventing and preparing for and responding to acts of domestic terrorism.

This patchwork quilt approach is not a substitute for a national strategy, the purpose of which would be to coordinate our Federal agencies into an effective force. It seems to me the administration is now working overtime to get that job done. Obviously, the administration has the attention of all Members of the House and Senate and the American people.

Along with that summation, the three committee chairmen and two subcommittee chairmen sent a list of recommendations to the Bush administration. We responded after those hearings. Now that situation has dramatically changed. The attack on the United States, the deaths of more than 6,000 Americans, and the very real probability that other attacks on the United States by terrorists are not only possible but probable require—require—that the Senate take action now to create a single entity to focus the action of the Senate—not the Federal agencies, not the House, but the Senate—on homeland security and terrorism.

I remind my colleagues that as tragic as September 11 was, it was not the first act of terrorism in this regard: The 1993 bombing of the World Trade Center, the bombing of the U.S.S. *Cole*—the Intelligence Committee, by the way, is still progressing on an investigation in regard to the U.S.S. *Cole*—and the bombing of our embassies. These earlier attacks and the promises and threats that prefaced them should have been the clarion call to prepare adequately for homeland security. They were not. If we now fail to properly organize and coordinate our actions in the Senate as the Nation fights a war against terrorism, we will be part of the problem, not the solution.

We do not now speak with one voice. As a body and as individual Members, we do not know all of the actions being taken within the various committees and subcommittees with jurisdiction or self-declared jurisdiction over homeland security and terrorism. I know this for sure in regard to reading about hearings that were held 2 weeks before, hearings we held in the Emerging Threats Subcommittee with the same witnesses, or that there were hearings planned 2 weeks down the road from hearings we had planned, not that we had the exact answer to the problem by any means. Bluntly put, the Senate cannot be a contributing partner with the Executive to win the war against terrorism unless we are properly organized.

On the other hand, we have done some good work. Last year, the Emerging Threats and Capabilities Subcommittee, in an attempt to reduce confusion and focus action, required the Department of Defense to establish a single Assistant Secretary to speak for the Department. Members of the Senate Appropriations Committee have worked hard to require a similar single point of responsibility in the Department of Justice.

Last Thursday, the President of the United States designated Pennsylvania Gov. Tom Ridge, a former colleague of ours in the House, to head up a new Cabinet-level organization to focus attention and to speak for the administration on homeland security.

Last week, the House of Representatives of the United States established a subcommittee to be the single voice for the House. The Senate leadership knows, I am sure—I have talked with them at length—that we must create a single committee in some form to coordinate and to prioritize initiatives and programs concerning homeland security and terrorism.

Mr. President, we have not done so. I say to my colleagues, it is our turn to act. The select committee I am recommending with this legislation will allow us to speak with one voice and be a key partner with the administration and the House of Representatives in the war on terrorism.

Before I outline my proposed legislation, let me give some background regarding this urgent need.

First, there is precedent for creating a select committee to address a very significant problem. The Truman committee: Convinced that waste and corruption were strangling the Nation's efforts to mobilize itself for war in Europe, President Truman conceived the idea for a special Senate committee to investigate the national defense program. Many consider this to be one of the most productive committees in the Senate's history.

The Arms Control Observer Group provided a way for Senate leaders to observe arms reduction talks and anticipate issues that might block eventual ratification.

Y2K was created to examine the year 2000 problem in the executive and judicial branches of the Federal Government, State governments, and the private sector operations in the United States and abroad. Everybody owes a debt of thanks to the distinguished Senator from Utah, Mr. BENNETT, for his leadership in that regard.

Each of these organizations was created to solve a particular problem in extraordinary times, and they proved to be invaluable. This is an extraordinary time.

To combat terrorism and protect our homeland is an issue demanding unity of effort in the Senate. Several studies and commissions have been conducted on the threat of terrorism and the preparedness of America to cope with an attack. We all know what they are. There is the Bremer commission, the Hart-Rudman commission, the Gilmore commission, and a study by the Center for Strategic and International Studies; the acronym is CSIS. Each had elements of agreement. They all recommended the following:

No. 1, the threat to our homeland is real. It is not a matter of if but when. Sadly, we know the answer to when. The people who planned the terrorist attack and killed 19 of our service men

and women on the U.S.S. *Cole* are the same kind of people who planned the attack in New York and Washington and the same kind of people who are planning the next attack.

Point No. 2, from all of these commissions, all of these experts: The executive branch is fragmented and poorly organized to prepare or deal with such an attack. The President is stepping up to that issue. So is Tom Ridge.

Point No. 3, the Nation needs a strategy to address the problems in international terrorism. I think the President is doing a good job on that respect with the help of his Cabinet, with the help also of the international community.

Point No. 4—and this is the point I want to make as of today—the Congress is as poorly organized and fragmented as the executive branch.

Finally, if we need another example of why we must coordinate our actions on this issue, we need only look at the various legislative proposals moving through the Senate to direct the administration to reorganize the executive branch to face this war on terrorism. These actions are certainly well meaning.

I do not oppose each or any of them, and I do not perjure their intent or the intent of the distinguished Senators who have introduced the bills. But, I say to my colleagues, could we not better serve the Nation in this critical time if there were a single select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

How many committees and subcommittees must the administration meet with to take action now, to put politics second and America first?

How many chairmen and ranking members must Governor Ridge meet with and convince before he can take action?

Could not a single coordinating and prioritizing committee better serve the Nation during this war on terrorism and serve the Senate as well?

During the hearings of the Emerging Threats Subcommittee, we asked all the witnesses to state what keeps them up at night, what was their biggest worry, and to prioritize homeland security threats.

Their suggestions mirror the threats now receiving national press attention and the priority challenges that now face Governor Ridge as he comes to the Senate asking for immediate consideration and expedited action.

The first concern mentioned by our witnesses was the danger of an attack using bioterrorism. Goodness knows, we have seen headlines about that. The probability is low or perhaps medium, but the risk is severe, if not chaotic. Were I to be asked by Governor Ridge and his staff, I would recount that con-

cern and recommend immediate funding and policy reforms.

I see the distinguished former chairman of the full Armed Services Committee, the ranking member, the gentleman I like to refer to as the "chairman emeritus," the distinguished Senator from Virginia, who is very much aware of an exercise that was just taken at Andrews Air Force Base called "Dark Winter," the use of biological weaponry. The results were very grim.

I think both Senator WARNER and this Senator would meet with Governor Ridge and say: Tom, this is something that must be addressed and is being addressed by the Secretary of Health and Human Services, Secretary Thompson. But on whose door will the Governor knock? Certainly, the Health, Education, Labor, and Pensions Committee; certainly the Armed Services Committee; perhaps our subcommittee; the Intelligence Committee; and the Government oversight committee, and, of course, the Appropriations Committee and the appropriate subcommittee on the Appropriations Committee. And let's not ever forget the growing danger of agriterrorism. So, obviously, he better knock on the door of the sometimes powerful Senate Agriculture Committee.

The second priority concern stressed by the experts was the danger of a cyber-attack, or information warfare. So Director Ridge doubtlessly would knock on the door of the Commerce Committee again, as well as the Armed Services Committee, the Judiciary Committee, doubtlessly the Banking Committee and others. Now I could go on, but I think my point has been made.

The third priority concern was the danger of a chemical attack, and the fourth, the danger of any possible use by a state organization or a nonstate organization of terrorists using a weapon of mass destruction.

As the September 11 tragedy demonstrated, there were few threats that were not discussed or that will be as Governor and now Director Ridge comes to the Senate to brief Senators to ask for our advice, our expertise, and our support, and we have that. We have had many hearings. We have many staff experts, and we have good judgments as evidenced by the Senator from Virginia and others who have worked so hard on this issue. That is how it should be.

We have a great many Senators, as I have indicated, who have considerable expertise and experience. They can, and we will, be part of the answer, but we do not have time to introduce bill after bill and hold hearing after hearing and request Governor Ridge to knock on virtually every committee and subcommittee door of the Senate in a merry-go-round of turf contests.

I know that senior committee chairmen and senior ranking members and even subcommittee members and ranking subcommittee members care about

turfs. Scratch their turf, and it is like Ferdinand the bull. He does not smell flowers; he gets upset.

I say again, the House has acted. The administration has acted. We have not. It is time. Last Sunday, Secretary of Defense Rumsfeld issued the long awaited Quadrennial Defense Review. In his forward he states:

The vast array of complex policy operational and even constitutional issues concerning how we organize and prepare to defend the American people are now receiving unprecedented action throughout the United States Government. Importantly, since the scope of homeland defense security responsibilities span an array of Federal, State, and local organizations, it will also require enhanced interagency processes and capabilities to effectively defend the United States against attacks.

Then he went on to say: The recent establishment of the Office of Homeland Security will galvanize this vital effort.

That is the word, "galvanize." "Galvanize," that is the word, to be sure. Various dictionaries define "galvanize" as follows, and I quote:

To arouse to awareness and action; to spur; to startle.

Erskine Childers of dictionary fame said:

A blast in my ear like the voice of 50 trombones galvanized me into full consciousness and action.

Mr. President, the Senate of the United States will not be able to galvanize or even play a significant part in winning the war against terrorism if in coming to the Senate the President, Tom Ridge, and the American people have to knock on 100 doors and listen to 100 different trombones. That is not galvanizing anything.

My proposed legislation would do the following: First, establish a Select Committee on Homeland Security and Terrorism. It would be cochaired by the majority and the minority leaders. It would have membership designated by the leadership from committees with preeminent and primary jurisdiction. Note I said preeminent and primary jurisdiction over homeland security and terrorism. And it would be responsible to coordinate and prioritize initiatives and programs of the U.S. Government concerning homeland security and terrorism.

It would submit to the Senate appropriate proposals for legislation and report to the Senate concerning such activities and programs.

This is a modest proposal. It is not written in stone. This proposal is not perfect. There is no such thing as a perfect bill. It is one that does not take authority away from committees, despite a lot of discussion that that might be the thing to do; the committees that certainly currently have the jurisdiction over these matters. It does allow the Senate to have a single voice and a single point of contact the administration can deal with as we fight this war on terrorism.

It is the right thing to do. It must be done now if the Senate is to be a key

player and a meaningful partner in this Nation's war on terrorism.

I have a more detailed summary of the bill. I ask unanimous consent that the summary be printed in the RECORD.

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

#### ROBERTS RESOLUTION ESTABLISHING A SELECT COMMITTEE

1. Establishes a Select Committee on Homeland Security & Terrorism.

2. Select Committee would coordinate and prioritize federal initiatives toward genuine homeland security and preventing incidents of terrorism in the U.S.

3. Select Committee will have a legislative jurisdiction and shall have referred to it all legislation substantively connected to addressing homeland security and terrorism challenges.

4. Composition of Select Committee would be: two co-chairmen (Majority Leader and Minority Leader), two vice-chairmen (appointed by majority and minority leaders), chairmen and ranking members of Senate committees with clear jurisdiction (as determined by leaders), four members not sitting on such committees, and four members with expertise in the area of homeland security and terrorism (these eight members will also be appointed by the majority and minority leaders).

5. The Select Committee will hold hearings, compel the attendance of witnesses, draft legislation, report legislation, and generally be the focal point for the Senate's legislative and policy response to the challenge of keeping the American homeland safe and prepared in regards to incidents of terrorism and the phenomenon of 21st century terrorism (where each incident is exponentially more catastrophic than the last).

6. Select Committee will periodically report to the Senate and the committees of the Senate on the federal long term policy response to challenge of homeland security and terrorism.

7. Select Committee will require an annual report from the President outlining the coordinated federal long term policy response to challenge of homeland security and terrorism.

8. Select Committee is to compliment (by coordination and prioritization) the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal.

9. After introduction, the resolution will be referred to the Senate Committee on Rules and Administration for further consideration.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment my distinguished colleague, a member of the Armed Services Committee. Let the RECORD reflect he was the chairman of the Emerging Threat Subcommittee, which as a new chairman I created many years ago. Many of us on the committee, preeminent and foremost our distinguished colleague, Senator ROBERTS, in his tireless efforts, brought to the attention first of the committee, then the Senate as a whole, the serious looming threats across the board. Often he was alone in those efforts, but he had me by his side. I say the two of us, I suppose, in some respects at times had to forge ahead.

I do not say that in a partisan way because both sides of the aisle, in terms of our committee, at times had to push hard to get measures through and to eventually get what money we could from the Appropriations Committee to support the initiatives of the former chairman of the Subcommittee on Emerging Threats.

We are fortunate the Senator remains as the ranking member under the chairmanship of the distinguished Senator from Louisiana.

I have not had an opportunity to examine the format of the Senator for this important initiative that must be taken at some point by the leadership of the Senate and hopefully the endorsement of the full Senate. From what I have heard of the Senator's remarks, I think it is a landmark place from which to begin to examine this question.

If I might inquire, perhaps in the Senator's extended remarks he covers the budgetary authority. That, as the Senator knows, is very important. For example, in our bill now pending before the Senate for the Armed Forces for fiscal year 2000, we have a number of billions of dollars directed towards the President's initiatives, the initiatives of the Congress of the United States, to thwart terrorism. How would that be treated under the proposal the Senator from Kansas has? Would that jurisdiction over those funds—would we have, should we say, coequal authority of, say, the Armed Services Committee and other committees that have jurisdiction over portions of terrorism?

Mr. ROBERTS. If the Senator will yield, I will be happy to respond. The second point, which will be inserted in the RECORD following my remarks, the select committee would coordinate and prioritize the Federal initiatives toward genuine homeland security and preventing incidents of terrorism.

It would have a legislative jurisdiction and have referred to it all legislation substantially connected to addressing homeland security and terrorism challenges, but the budget authority, of course, stemming from the Budget Committee and all the work they do and all the work the appropriators do would still remain in the Armed Services Committee. It is more of a clearinghouse.

I suspect Director Ridge would come to the select committee, indicate his advice and counsel from the National Security Council, all that he has talked to, that we have the top five priorities and that, as a result, would go to our committee. We would recommend to the committees of jurisdiction, which I would think would be no more than four or five. They would not lose their jurisdiction.

There was a great deal of concern, when I talked to various ranking members and chairmen of these committees, that they did not want to lose jurisdiction. Some thought about making them ex officio, but in terms of the budget authority, obviously the Senator from Kansas and the distinguished



chairman of the Armed Services Committee would have a direct say in terms of the authorization. It would be like everything else we do that is subject to our work with the appropriators.

Mr. WARNER. If I might continue, one area of work of the Senator, as the former chairman, and I presume now in this bill the current chairman, is to prioritize those funds that go to the National Guard support teams. We started out 3 years ago with I think 4, 5, 6. Our committee each year increased the number of teams, increased the funding for the teams. Their teams would be the first responders; or maybe the local police, fire, and other authorities would be the first responders.

There was a problem because we only had so many teams for the 50 States. How many teams are we up to now?

Mr. ROBERTS. If the distinguished Senator will continue to yield, we increased that number by 22. There was a GAO report, as the Senator knows. He always sat as the presiding chair and now ranking member at the subcommittee because of his intense interest. We would not have the subcommittee focus on this problem without the leadership and inspiration of the Senator from Virginia.

The GAO issued a rather critical report in regard to the teams, what we call civil support teams, the idea being that very well trained National Guard units could be within 4 hours of any community to be one of the first responders and signal back to the Federal Government—now with the FBI, with FEMA, with the Red Cross, with everybody concerned—exactly what the problem was.

That report found no fault in the raid teams. That report focused on the lack of direction and leadership within the Department of Defense. We fixed that problem with the help of the able staff, including the able staff member sitting to the Senator's right. He goes on periodic inspections to make sure these raid dreams are up to snuff. It means within 4 hours of anywhere in the United States you will have a crack professional and well-trained National Guard team to come in to immediately recognize the problem, indicate to the first responder, and also Washington, exactly what the problem is, and respond as fast as possible.

It was that initiative that the distinguished Senator mentioned to this Senator, and we were able to increase the number of teams even before the Department of Defense clearly recognized that need.

Mr. WARNER. I wanted to discuss that. There was a clear and historic bipartisanship in the work by the committee.

I pose it as a question now: Supposing in a future budget coming before the Congress from President Bush's team, and Mr. Ridge would have a voice, of course, and say, arbitrarily, he needed another 10 teams, and that funding is in the Department of De-

fense budget, and our committee decided we ought to have 20 teams. However, the new committee that you envision would, I presume, get the budget request, as would the Armed Services Committee, and would either have to agree with our committee or disagree, and if there is a disagreement, how do you resolve it?

Mr. ROBERTS. The same way we resolved the problems with Y2K. The leadership would have to make a decision in regard to the prioritization of what the distinguished Senator is talking about.

I point out No. 8 in the summary of the bill. The select committee is to complement—complement, by coordination and prioritization—the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal. I cannot imagine that the Select Committee on Homeland Security and Terrorism would not adhere to the recommendations of the Armed Services Committee, more especially the subcommittee on which I serve, and also the budget as submitted by the administration. The budget authority is more of a notification authority to this select committee. It is not “triplication”—if there is such a word—in terms of the Budget Committee.

I do not want in any way to tread on the expertise and the knowledge of the distinguished chairman and all the members of the committees that have jurisdiction. The Senator might remember we had a chart that we showed weeks ago, before September 11. The Senator may remember he was an active participant when we had the 40 agencies that came in. We asked: What is your mission? Who do you report to? Who is in charge? As a matter of fact, I think you were the Senator who showed up with the chart that showed it was a hodgepodge. It would be impossible for anyone to figure it out. I held up a much smaller chart of “stovepipes,” if you will.

At that time, I thought there were five major committees that had jurisdiction that somehow could recommend or at least be part of this select committee, either ex officio or official. We had decided now to make them members because I didn't want to scratch that term. I have since found out there are eight, and there may be nine, and it may be growing more than that. It did affect our budget.

Mr. WARNER. The RECORD should reflect the important contribution by that group of Senators. Senator JUDD GREGG was in the leadership at that time. You were present. Senator STEVENS, Senator INOUE, Senator LEVIN attended a lot of these. We had 2 full days of hearings.

Mr. ROBERTS. Senator MIKULSKI was very active, Senator HOLLINGS was very active, Senator STEVENS was there, as I have indicated, and Senator SHELBY on the Intelligence Committee.

We had the Armed Services Committee, Intelligence, and the appropriators.

Mr. WARNER. That was an important piece of work we did.

Again, if no standing committee gives up any jurisdiction, I am still having difficulty understanding exactly how this new committee will function. I ask the question in a supportive manner and in no way to infer that I am not supporting the ultimate objective, especially of the leadership itself, to establish such a format. If we don't have some yielding of jurisdiction, I am not sure how that committee functions.

Mr. ROBERTS. If the Senator will yield again, I will try to do this one more time. We had plans A, B, C. The first plan was to create a task force. Then we thought after September 11 that yet another task force was not the thing to do. The task force was to be a clearinghouse of all the major committees that had that jurisdiction. The task force was to at least let everybody know that the left hand knew what the right hand was doing. We have had meetings like that. Members come once, staff members come later, and simply protect the turf of the subcommittee or the committees.

We said: We will hold a hearing on that. Why would you want to hold a hearing when we already held one? With whom are you working downtown in terms of the agencies? And round and round and round. So we decided the task force would not fit the bill.

Then we had another plan. This plan I call the Bennett plan, although I am not sure the distinguished Senator from Utah would take credit for it, or even should. But it was based on the committee that he chaired in regard to the Y2K challenge we had. In this particular case, you had the majority leader, the minority leader designating two designees to be vice chairmen, which we do. He called it the worker bees, so they could get that done. They basically were in charge of that particular effort. It didn't mean that the Commerce Committee—I do not remember the other main committee involved; perhaps it was the Governmental Affairs Committee; I may be misspeaking—could not introduce legislation and have budget authority, which they did. It was an effort to make sure that the Senate of the United States was on top of this issue and everybody knew what was occurring.

When the leadership would come to Senator BENNETT or Senator DODD, the other participant, they would say: This is our best recommendation.

I will say any senior committee chair who has a strong feeling, I understand that, but in the end it will have to be a decision by the executive, by our leadership, hopefully by a single committee that can serve as a clearinghouse to prioritize. I don't think we get into the budgets that much.

Plan C is the one I have introduced to make sure your senior committee

chairmen, or at least part of the action, are not ex officio. Plan C was put in. First, this is flexible; this is not "the" plan.

I am trying to prompt action. Frankly, what I am trying to do when we have a problem in Dodge City, and you have to use a cattle prod and start to push a little bit, that is what we are doing. I think it is a pretty good bill, but it may not be the best bill, and there may be another way to approach this.

The distinguished Senator knows what has happened. We have been talking about this now for 6 months.

Mr. WARNER. In fairness, Senator LOTT has hosted several meetings—you and I have been present—so he could look at all options on it.

Mr. ROBERTS. Yes, I have been present.

Mr. WARNER. I want to follow this carefully.

Mr. ROBERTS. I have discussed this with the minority leader. I gave a similar plan, and I said it is not so much whether it is this plan or that plan, we must have a single select committee. We thought about a standing committee, and we said: No, that is going too far. You know and I know that if you tread on the turf of an important committee chairman, they will say no to the leadership. That is precisely what has happened. I am not going to get specific, but we have been working on this for 6 months to a year, and if we just get into personalities and turf fights, there ought to be a way to work this out. So this select committee would prioritize and coordinate with Tom Ridge. My word, if he can do it with 40 agencies, we can do it here with all the subcommittees and committees we have in the Senate. If we do not, we will not be part of the answer.

Mr. WARNER. Mr. President, I think the Senator is aware that I, in my capacity as ranking on Armed Services, have not objected to what Senator LOTT has put out as some format. To the contrary, I have indicated to him my strongest support for whatever evolves, hopefully with his leadership and others'—yourself—out of this effort.

I commend the Senator but I am prepared to make whatever adjustments are necessary in order for this very important concept to be formalized and instituted in the Senate.

I thank the Senator.

Mr. ROBERTS. I thank the Senator for his help, support, leadership, and advice, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Kansas for his continuing leadership. He was an absolutely marvelous chairman of the Emerging Threats Subcommittee and took that committee in a direction that really foresaw some of the activities that we have seen in the year since he began that effort. For that foresight we are all in his debt. He has continued that as ranking member

of the Emerging Threats Subcommittee now, with Senator LANDRIEU as Chair.

But he has really been way, way ahead of his time. He has prodded us, as he used the image, in more ways than one and more times than just a few. I know the leadership is discussing some kind of a select committee. Hopefully they will come to some kind of conclusion so we can act with one voice.

He has been sometimes a lone voice, often a voice with a lot of support—but nonetheless a strong voice in that direction. I thank him again as I often have publicly and privately for his extraordinary work on our committee and in the Senate.

Mr. ROBERTS. I thank the distinguished chairman and my good friend and colleague for his very kind remarks.

I yield the floor.

Mr. LEVIN. 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 the order for the quorum call be dispensed with.

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

#### AMENDMENT NO. 1760

Mr. REID. Mr. President, I ask we return to amendment No. 1760.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, for the record, the amendment is accepted on this side.

Mr. HUTCHINSON. Mr. President, I am proud to be lead Republican sponsor of the concurrent receipt amendment offered by my distinguished colleague from Nevada, Senator REID. Now is the time to restore fairness to our military retirees. Men and women who served our country, who dedicated their lives to the defense of freedom have earned fair compensation.

Our veterans have earned and deserve fair compensation. I have been a long-standing supporter of efforts to repeal the 110-year-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

This amendment will correct the inequity of disability compensation for our Nation's military retirees. Today, our military retirees are forced to fund their own disability compensation. Essentially, it is the view of this government, that those that have already given so much for our Nation must provide more. These are worthy Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during peacetime and conflict.

Today as we face a new enemy we have the duty to show our men and women in uniform that we as a nation fully support them, that the United

States Senate recognizes their sacrifice. I urge my colleagues on both sides of the aisle to support this important amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 1760) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

#### AMENDMENT NO. 1834

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator THOMAS and Senator GRAMM of Texas.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. THOMAS, for himself and Mr. GRAMM, proposes an amendment numbered 1834.

The amendment is as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

Mr. LEVIN. Mr. President, I am sure we all remember the lengthy, spirited debate on the question of whether or not private businesses in this country should have an opportunity to bid on items which the Government is buying or whether they ought to be preempted from being able to bid on those items by the monopoly position of Federal Prison Industries. The Senate spoke and spoke loudly. Senator GRAMM strongly opposed it. He had some suggestions afterward which I find acceptable, Senator THOMAS finds acceptable, and those suggestions are now incorporated in the amendment which we have sent to the desk. It leaves intact the thrust of our amendment.

I ask unanimous consent the amendment be considered.

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

Mr. LEVIN. Last week, the Senate voted 74–24 to table an amendment that would have removed the Federal Prison Industries provision from the bill. This vote was an overwhelming victory for those who believe, as I do, that Federal Prison Industries should not be able to prohibit private sector companies and their employees from bidding on federal contracts that are paid for with their tax dollars.

Under Section 821 of the bill, which has now been endorsed by the full Senate, FPI's "mandatory preference"



would come to an end, and Federal Prison Industries would have to compete for future Department of Defense contracts. Under this provision, the Department of Defense, not Federal Prison Industries, would be responsible for determining whether Federal Prison Industries can best meet the Department's needs in terms of price, quality, and time of delivery. If DOD determines that the FPI product is not the best available in terms of price, quality, and time of delivery, the Department is directed to purchase the product on a competitive basis.

Today, we are agreeing to an amendment that would modify the Federal Prison Industries provision. In particular, this amendment would delete language from the bill which specifically addresses: (1) DOD purchases of integral or embedded products from FPI; (2) DOD purchases of national security systems from FPI; and (3) DOD purchases in amounts less than the micropurchase threshold of \$2500.

The first thing that I would like to emphasize about this amendment is that it does not in any way alter or undermine the key language in the provision, which would end FPI's mandatory preference and allow private companies to compete against FPI for Department of Defense contracts. Would the Senator from Wyoming agree with this?

Mr. THOMAS. Absolutely. The Senate voted overwhelmingly to end FPI's mandatory preference on DOD contracts, and we have not and would not agree to any amendment that would undermine that action. As Senator LEVIN stated, last week's vote sent a clear message that the Senate fully supports eliminating FPI's mandatory source status.

Mr. LEVIN. I would now like to address the language that we are removing from the bill.

First, we are removing language that would have expressly stated that DOD may not be required to purchase integral or embedded products from Federal Prison Industries. This provision was intended to address FPI's practice of using its mandatory source status to insist that it get a share of projects that would ordinarily be performed by a single general contractor.

While we believe that some of FPI's practices in this area have been abusive, we are dropping this language from the bill because we do not believe that it is necessary. Since the language in the bill would end FPI's mandatory source status, FPI would no longer have the leverage it has used in the past to insist that contracts be divided up, that contract specifications specifically require the use of FPI products, or that subcontracts be awarded to FPI.

Let me be clear. We expect FPI's abusive practices to end under this provision. It is our belief that with the elimination of the mandatory preference, these practices will come to a stop. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree. The only reason for dropping this language from the bill is that it is redundant.

Mr. LEVIN. Second, we are removing language from the bill that would have expressly stated that DOD may not be required to purchase national security systems from FPI.

There are certain types of products that are inappropriate to produce in our prisons. I don't think we want guns produced in our prisons. I don't think we want missile guidance systems to be produced in prisons. I don't think we want rocket launchers to be produced in prisons. I don't think we want bullet proof vests to be produced in prisons.

We have agreed to drop the language in the bill because it is unnecessary. With the elimination of the mandatory preference, DOD will no longer be required to purchase any product from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Would the Senator from Wyoming agree with this?

Mr. THOMAS. I do agree and in fact, I think the American public would be shocked to learn that under a depression-era statute the DOD is required to purchase national security products from Federal prisoners.

In addition, FPI's entry into services generally, and data services related to mapping and geographic information in particular is troubling. This is an inappropriate area for prison work for a number of reasons. First, Congress has included mapping and geographic information services within the statutory definition of professional architect-engineer (A/E) services. This law requires Federal agencies to award A/E contracts (including those for surveying or mapping services) to firms based on their "demonstrated competence and qualification" subject to negotiation of a fee "fair and reasonable to the government", rather than awarding such contracts to the lowest bidder. The vast majority of States have also adopted this process in their codes and it is recommended by the American Bar Association in its Model Procurement Code for State and Local Governments.

Public health, welfare and safety is dependent on the quality of work performed by professionals in the fields of architecture, engineering, surveying and mapping. To add to these highly technical and professional services the drawings, maps and images processed by prison inmates is questionable to the public interest.

There are prisons engaged in a variety of digital geographic information services, including converting hard copy maps to electronic files; plotting maps at various scales; creating databases with information on homeowners, property appraisal and tax as-

essment; digitizing, and other computer aided design and drafting and geographic information services. FPI is involved in a program to provide support services to some of the Nation's most classified and sensitive mapping programs. I believe it is highly inappropriate for prisoners to be involved in programs where their work later becomes classified.

It is unwise to provide inmates access to information about individual citizens' property and assets, address information, and other data that carries serious civil liberty implications. I want to emphasize that inmates working for FPI in geographic information services often have access to homeowner data, property appraisal and tax assessment records and other information that most citizens would not want in prisoners' hands. It is equally dangerous in today's climate to give prisoners access to underground utility, infrastructure or power system location data.

Moreover, to train prisons in imaging techniques and technologies makes the potential for utilizing such skills in nefarious counterfeiting operations upon release from incarceration too tempting.

These are examples of where prison industries has gone too far and where constraints are needed.

Mr. LEVIN. finally, we are removing language from the bill that would have stated that DOD may not be required to make purchases with a value less than the micropurchase threshold of \$2500 from FPI.

The micropurchase threshold is important, because the removal of statutory requirements on small purchases makes it possible for DOD and other agencies to use efficient purchasing methods, including credit cards. For this reason, DOD has long sought, within the executive branch, an exemption from FPI's mandatory source requirement for purchases less than \$2,500. So far, FPI has been willing to grant an exemption only for purchases up to \$250.

We are removing this language from the bill so that the Department of Defense and the Department of Justice can continue efforts to work it out within the executive branch. It is our hope that, with the elimination of the mandatory preference for DOD purchases from FPI, the two agencies will be able to work this issue out in a constructive manner. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree with the good Senator from Michigan and want to point out that FPI has been fighting such changes for more than 5 years. Furthermore, FPI's reluctance to increase the micropurchase threshold points to FPI's unwillingness to recognize the legitimate needs of its Federal agency customers.

Lastly, I want to point out that this amendment does nothing to address the numerous other competitive advantages that FPI enjoys. As I pointed out

on the Senate floor last week, FPI will retain advantages such as: paying inmates between \$.23—\$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from paying Federal and State income tax, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these, and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the chairman, Senator THOMAS, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1834) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1805

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chicago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportunity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, IL. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroad tracks and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drilling facilities used by recruits were built hastily during World War II and are in desperate need of replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the

Finch Medical School, which is affiliated with the North Chicago Department of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotiations to set up a land swap that would benefit all concerned. The Finch Medical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to \$2 million of Operations and Maintenance funds to fulfill its obligations, once a final agreement is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely necessary for the Navy to carry out the plans for its new Recruit Training Center.

Mr. LEVIN. It is now the understanding that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pending amendment or two so we can complete consideration of this bill, hopefully before the briefing which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 briefing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering opportunity to my colleagues, I understand, if we resolve the matters with Senator ALLARD, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator ALLARD, Senator NELSON of Florida and others, Senator DODD, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of voting rights for our military personnel and that does so in a way that we can protect against any unintended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassembled

when called to order by the Presiding Officer (Mr. CLELAND).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary inquiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI, proposes an amendment numbered 1724.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, I have worked with our colleague from Georgia, Senator MILLER, to craft legislation to protect our soldiers and officials from illegitimate prosecutions by the International Criminal Court. Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MURKOWSKI together introduced the American Service Members Protection Act on May 9 of this year. We have worked since that time with the administration to craft the pending amendment, and the administration favors this amendment quite strongly.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they proceed with "Operation Enduring Freedom," as it has been named, against those who on September 11 committed mass murder against innocent American civilians.

The pending amendment ensures that countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.