

recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time. This provision would eliminate the 30-year limit and allow future claims for Vietnam veterans' respiratory cancers, irrespective of the date of manifestation of the disease.

As you can tell, these are important provisions. But they are also not opposed by anyone, as far as I can see. So why would someone block their passage? What further adds to my confusion is that a very similar scenario played out just a few weeks ago, with the very delayed passage of legislation to improve programs to homeless veterans. As America honored its veterans on Veterans Day, a member of the Senate was blocking legislation to help those who have put their lives on the line defending this country but who have fallen on hard times.

How is it, at a time when our Nation is at war and the resounding call of patriotism rings in our ears a Senator or Senators is playing penny ante partisan politics with legislation to help veterans, servicemembers and their dependents? Everyone is now flying the American flag. It is time that we act to honor those who carried it into battle.

Again, I request that whomever has placed a hold on this bill please come to speak to me I look forward to working with this colleague to resolve whatever impediments there are to Senate passage of this bill.

UNANIMOUS CONSENT REQUEST—  
H.R. 2716

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator ROCKEFELLER, who is chair of the Veterans' Committee for his work. As a member of the committee, I am very proud to support his request.

I say to the Senator from West Virginia, he has outlined, in this legislation passed out of the committee, a set of benefits that are so important to veterans. Yet it is being blocked by an anonymous hold.

I also now ask unanimous consent—this is another piece of legislation that I worked on together with Senator ROCKEFELLER—that the Senate proceed to the immediate consideration of Calendar No. 201, H.R. 2716; that the Rockefeller-Specter substitute amendment be agreed to; the act, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there an objection?

Mr. BURNS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is legislation that didn't just come up yesterday. It is something any number of us have worked on for the last

year and a half, 2 years—LANE EVANS and CHRIS SMITH from the House, Senators ROCKEFELLER, SPECTER, myself. This is a passion for me, focusing on homeless veterans. I think about a third of the adult males of this country who are homeless are veterans.

It is a scandal what we do with this legislation, which passed out of our committee 21 to 0 or thereabouts, a unanimous vote. It may have been a voice vote but a unanimous vote by the committee. What this amendment does is it provides services for veterans who are struggling with PTSD, addiction. Many of these veterans are Vietnam veterans. I used to spend a lot of time organizing the street people. This was long before I ran for the Senate. Many of them were veterans. Many of them were Vietnam veterans.

This legislation provides job training assistance. It also enables veterans to try one-stop shop places where veterans can get the help they need and tries to move people into affordable housing.

There is an anonymous hold. I went through this on this veterans homeless bill four or five times before Thanksgiving. I know the Senator from Montana himself is not the one who objects. This is an anonymous hold.

My hold is not anonymous. I announced yesterday, I have a hold on every single piece of legislation, every resolution that is nonemergency. We do a lot by unanimous consent in the Senate. We have unlimited debate. I love the Senate for that reason. We have unlimited amendments. I love the Senate for that reason.

One of the ways we get a lot done is we work this through committees. We massage it. We get everybody together and get consensus and we pass bills by unanimous consent.

Since this is an anonymous hold, my hold is not anonymous. I have a public hold on every piece of legislation now from the other side until this passes. I had to do that before Thanksgiving. I have to do it again.

This did not come up just yesterday. We have been working on this matter for the last couple of years. Anybody who objects can come out here and object. We can debate it. I will say to my colleagues that this is truly reprehensible.

It is not just the playing games. I use my leverage to fight for what I believe. In this particular case I am going to fight for veterans. I am proud to do so. It has been among the most meaningful work I have ever done as a Senator.

I am not a veteran. I was very involved in the war against the Vietnam war. When I was elected to the Senate, I had some contact with veterans but not much. I was a college teacher in Northfield, MN. I knew some of the veterans but not well.

I especially didn't understand a lot of the World War II veterans. I didn't know them. The best thing that has ever happened to me—I am not being melodramatic—as a Senator is that I

have learned a lot. I have grown as a person. I have had to be with a lot of people who don't see the world the same way I do, which is good. Veterans have been my teachers. There are so many issues I have worked with for veterans. This one I feel especially strongly about. It goes back to my community organizing days when a lot of poor people were homeless and many of them were veterans.

I know a lot of these veterans. They come to our office in Minnesota. You will be at a meeting with some of the veterans and guys who are struggling with PTSD. They can't sit that long. They will get up every 10 minutes. They will leave, and then they will come back. They are really struggling. So are a lot of other veterans.

Don't you think it is a scandal that so many homeless people today in our country are veterans and many of them Vietnam vets? Don't you think it is a scandal that there is an anonymous hold on its consideration on the floor of the Senate?

I was asked yesterday by a journalist whether or not the Senate's former majority leader, TRENT LOTT, violated his word. Absolutely not. We went through this before Thanksgiving. Everybody wanted to get this bill through dealing with the Internet and taxes or not taxes. The agreement was that the bill I had would go through and so then I took the hold off other legislation.

Now we have something that has come back from the House, we pre-conferenced it, and Representatives CHRIS SMITH and LANE EVANS worked hard on that. It is a better version. I love working with other people. Now we have this anonymous hold.

There are three issues here. No. 1, I thought we were doing some reform here on anonymous holds. I don't know what in the world is happening. Something has broken down because, obviously, people continue to do it. That is No. 1.

Second is the substance. I don't really know what the objection can be to this legislation. I don't know why a Senator would be opposed to getting more resources and providing more help to veterans who are homeless. I don't understand it, but I would like to see somebody come out and debate it.

Third, I was asked about the motivation. One more time, I have no idea what the motivation is. I don't know what is going on here politically. But I will say this. I can promise my colleagues that no other legislation is going to move unless it is an emergency. My hold is not anonymous. No resolutions, no other legislation. Pretty soon, I might even get to nominations in a day or two. That is what I will do until this passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak for no more than 5 minutes on the subject of a column I will talk about.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent to follow Senator KYL.

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

#### PRESIDENT BUSH'S SECURITY MEASURES

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a column in the December 5 edition of the Arizona Republic, the primary newspaper in my hometown, Phoenix, written by Robert Robb.

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

#### CRITICS OF BUSH SECURITY MEASURES FORGET WE'RE AT WAR

A democracy at war remains a democracy. That means that the government's policies, including the conduct of the war, remain appropriate subjects for discussion and debate.

To underscore that point, and highlight the contrast with the fascist enemy, Winston Churchill continued the practice of the prime minister standing for questions before Parliament during World War II.

As Churchill put it in his war memoirs: "(A)t no time was the right of criticism impaired. Nearly always the critics respected the national interest."

Churchill's description connotes a higher standard of conduct than ordinarily pertains in a democracy for those who criticize war policies, to be careful about facts and fair about issues, to check the customary political hyperbole, grandstanding and posturing.

The critics of the Bush administration's war policies are beginning to fail this higher standard.

This is, in part, because President Bush failed to ask for a formal declaration of war against al-Qaida, the Taliban and other specified terrorist organizations.

The bombs falling in Afghanistan should have settled the question. But without a formal declaration, there are still those who want to treat this as a law-enforcement action, rather than as a war.

But a war it is, and it has a domestic as well as foreign front.

Enemies of the United States entered the country, stole airplanes and killed thousands of Americans. The government believes that there are other enemies still in the United States who plan to commit similar acts of violence.

One of the war fronts is finding and incapacitating those enemies living within.

Critics now casually and routinely depict the efforts of the Bush administration to do so as an assault on civil liberties.

There were reasons to object to certain provisions of the anti-terrorism legislation, and, indeed, I so objected.

But the actual powers granted the government by the legislation are routinely mischaracterized in the public debate. More importantly, the general charge that the Bush administration is trampling on civil liberties is irresponsible hyperbole not justified by the record to date.

The administration has detained a handful of people as material witnesses, as permitted by the grand jury laws. It is detaining a larger number on suspected immigration law violations.

Clearly, the administration is selectively enforcing long-neglected immigration laws.

But enforcing a law isn't trampling on civil rights just because enforcement previously has been lax.

The Bush administration has been roundly criticized for wanting to ask questions of young men from Middle Eastern countries. Given that all of the hijackers were of a similar background, as are overwhelmingly the members of al-Qaida, that's a perfectly sensible desire.

These interviews are voluntary at a time of war. The adverse reaction to them is more revealing of the character of the critics than of the administration.

Then there are the potential military tribunals for foreign combatants. Under President Bush's executive order, he must personally designate someone for such a trial. A military tribunal would consider evidence with probative value, although classified information could be reviewed in camera, or in a judge's private office. Defendants would have procedural rights and an attorney.

We are at war. Having such a mechanism in place may be important to protect the security of the United States. Having the option poses no threat to civil liberties. Whether such tribunals adequately protect defendant rights and fairly administer justice can only be ascertained in practice.

Senate Judiciary Chairman Patrick Leahy, D-Vt., is going to bring Attorney General John Ashcroft before his committee to answer inflated civil rights concerns. This is supposedly part of Congress' vaunted oversight function, which receives no mention in the Constitution.

Meanwhile, Leahy is neglecting the clear constitutional duty to act on judicial nominations.

Leahy would better serve the nation by bringing some judges before his committee for confirmation, rather than trying to unfairly put Ashcroft in the dock.

Mr. KYL. Mr. President, I wanted to insert this column in the RECORD not only because the author is one of the best writers from my hometown newspaper, and frequently has very wise things to say, but also because his column is right on point for something that has been troubling me. The title is "Critics of Bush Security Measures Forget We Are at War."

The point he is trying to make is that in this question of deciding how we are going to make Americans more secure from terrorist attack, some people are getting carried away in the expression of concerns about the civil rights or due process rights of people who might be the subject of military commissions or other investigations by our law enforcement or military people in connection with this war on terrorism.

I think he makes a good point. His essential point is that it is not a zero sum game, that we can both provide for the security of our citizens on the one hand and, on the other hand, ensure that American citizens will always have their due process rights, and even for those who are not American citizens, who become the equivalent of prisoners of war, and that the United States, through procedures developed for the military commissions, will treat them fairly. I think that is a very legitimate point to make.

The Attorney General is going to be before the Judiciary Committee, and he will be asked to respond to a lot of

questions about how he is handling his investigations and how the military commissions will work. I note that the President's order to the Defense Department to develop the procedures for military commissions has not yet resulted in the rules and regulations, and rules of evidence and procedures, and so on, at least as far as I know. So it is premature to criticize those rules.

In the Judiciary Committee yesterday we heard from two eminent law professors, who I am sure would be happy to be called liberal in their political ideology: Laurence Tribe, with whom I have worked and for whom I have a lot of respect; and Cass Sunstein; as well as two Republican witnesses, both with significant experience in this area. All four agreed this was the kind of circumstance that justified the creation of military commissions and, indeed, that such commissions were constitutional. The two more liberal professors said they would make some changes around the margins. But nobody questioned the authority of the United States of America to set up these tribunals in order to take care of those people who might be captured, particularly in the Afghanistan situation, or said it would not be appropriate to try to bring them to justice under our article III court system in the United States.

I point that out to ask my colleagues to look at this column. I think it is very well written. It makes the point of what we need to be considering when we characterize the issue as a zero sum game, which it is not. We don't need to deprive anybody of appropriate civil liberties at the same time we are ensuring the security of the United States and its citizens from terrorist attacks.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. WELLSTONE. Yes.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the debate time prior to the cloture vote on the motion to proceed to S. 1731 be changed to reflect that the time begin at 11:45 a.m. today, and that the time until 11:45 a.m. be a period of morning business with Senators permitted to speak therein for up to 5 minutes each, with the remaining provisions of the previous order remaining in effect.

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

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

#### MENTAL ILLNESS DISCRIMINATION

Mr. WELLSTONE. Mr. President, when I was speaking about the homeless veterans, many who struggled, I