

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

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

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

The language is very simple. It is:

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

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

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

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

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

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

Then the Nelson amendment would have added the language:

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

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

I believe that language would be satisfactory to all parties.

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

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

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

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

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

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

(20) To perform such other duties relating to

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

(B) the provision of this chapter [5 USCS §§7101 et. seq.] cannot be applied to that agency or subdivision in a matter of con-

sistent with national security requirements and considerations.

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

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

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

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

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

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

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

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

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

#### IN REMEMBRANCE OF BRIGADIER GENERAL VORLEY (MIKE) REXRoad

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

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

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

and assigned to the Office of Special Investigations/Counterintelligence. When the war ended, Major Rexroad was selected to head one of the debriefing and interview teams for some 500 Air Force prisoners of war following their release from the North Korean prison camps. This experience reinforced Mike Rexroad's appreciation of military medicine's critical requirements for continuity and leadership. From 1955 through 1976, Mike Rexroad served as a professional staff member on Capitol Hill; he first served on the staff of Senator Dennis Chavez of New Mexico who was the chairman of the Subcommittee for the Department of Defense. Next he was selected by Senator John C. Stennis of Mississippi to serve as the senior staff member for the Subcommittee on Military Construction; and, continued to serve in that capacity for Senator Alan Bible of Nevada. From 1965 to 1976, he was appointed by Senator Mike Mansfield of Montana, Majority Leader of the Senate and chairman of the Subcommittee on Military Construction, to serve as the senior staff member for the subcommittee.

Following his service in both World War II and the Korean War, his review of the medical capabilities during the Vietnam War for the U.S. Senate, and 20 years as a senior member of Senate Committee Staffs, Mike Rexroad became dedicated to preserving the lessons learned in military medicine; he concurred with Congressman F. Edward Hebert's philosophy that America needed an academic home for military medicine. In the early 1970s, Rexroad prepared documentation and memoranda for presentation to the Senate Appropriations Committee to justify the establishment of USUHS and the need for continuity and leadership in military medicine. Following the passage of Public Law 92-426, the Uniformed Services Health Professions Revitalization Act of 1972, the senior administration of USUHS worked directly with Mike Rexroad to coordinate the construction requirements for USUHS.

In 1977, when closure threatened USUHS, the now-retired Mike Rexroad again volunteered to raise Congressional support for the University. At that time, no funding had been appropriated for USUHS. On March 21, 1977 due to Rexroad's intervention, the Chairman of the Select Committee on Aging, Congressman Claude Pepper, testified on behalf of USUHS and strongly endorsed the continuation of the University; the Members of the House of Representatives voted to retain USUHS with a vote of 264 to 142. The Honorable David Packard, first chairman of the USUHS Board of Regents, succinctly described Mike Rexroad's vital role in two letters to Rexroad dated July 12, 1976 and May 10, 1977: "It is no exaggeration to say that without your assistance USUHS could and would not have been established (1976). Without your help, it is questionable whether the school would have continued to enjoy the support of the

Congress (1977)." From 1993 through 1997, Rexroad was once more called upon to raise congressional support for the University. In May of 1996, the Members of the House of Representatives once more voted on the retention of USUHS. This time, with the tremendous support and coordination of the military retired associations, the vote to retain USUHS was 343 to 82. By November of 1997, the Secretary of Defense determined that USUHS should remain open; on December 11, 2000, the Honorable William S. Cohen, the Secretary of Defense, awarded the Joint Meritorious Unit Award to the University; and, on March 22, 2001, the Honorable Donald Rumsfeld, Secretary of Defense, wrote the following to the Chair of the USUHS Board of Regents:

The Department takes great pride in the fact that the USUHS graduates have become the backbone for our Military Health System. The training they receive in combat and peacetime medicine is essential to providing superior force health protection and improving the quality of life for our service members, retirees, and families. All of us in the Office of the Secretary of Defense place great emphasis on the retention of quality physicians in the military. The USUHS ensures those goals are met." In addition, the Association of American Medical Colleges Reporter pointed out in the December issues of both 1998 and 2001, that USUHS is the one medical school where students have been, and continue to be, trained in the medical response to weapons of mass destruction (WMD). "Today, while the other medical schools are in the process of initiating programs and training in WMD, USUHS has been providing such education since its first School of Medicine (SOM) Class of 1980; 3,265 SOM graduates and 157 advanced practice nurses have now had this training. The USUHS SOM graduates currently represent 22 percent of the physicians on active duty in the Military Health System; thus ensuring continuity and leadership for military medicine.

During his many years of support for USUHS, Mike Rexroad constantly acted upon his personal knowledge of what can go wrong when continuity and leadership are not ensured for military medicine. USUHS became a part of his overall commitment to the preservation of the hard-won knowledge of the battlefield, the absolute priorities of preventive medicine, the tremendous achievements of uniformed research, and the need for an academic home for military medicine. At the USUHS Commencement Exercises on May 15, 1998, Mike Rexroad received the Doctor of Medical Humanities, *Honoris Causa*; the honorary degree recognized his unflinching, consistent, and dynamic advocacy for USUHS and military medicine. Through his 87th year, there was no request from his military medical family for which he did not volunteer his time and effort; he played an essential role in making continuity and leadership a reality for military medicine.

Brigadier General Vorley (Mike) Rexroad USAF, (Retired), was an extremely gifted, resourceful, and dedicated American. The citizens of our Nation have immeasurably benefitted by his splendid record of accomplishments and commitment to military

medicine. I extend my deepest sympathy to his wife, Ruth Cutlip Rexroad, formerly of New Mexico; his son, Michael David Rexroad, a state prosecuting attorney in Howard County, Maryland; his daughter-in-law, Linda; and, his two grandchildren, Michael and Laurie, on their great loss.

#### THE GREAT LAKES LEGACY ACT

Mr. LEVIN. Madam President, I want to thank all of my colleagues in the Senate, Senator DEWINE, Senator STABENOW, Senator VOINOVICH, Senator CLINTON, Senator DURBIN, Senator DAYTON, and Senator WELLSTONE, as well as Representative VERN EHLERS for their leadership in passing the Great Lakes Legacy Act which is now on its way to the President. I want to thank Chairman JEFFORDS and the Environment and Public Works Committee. I also want to thank the Lake Michigan Federation, Sierra Club, the Northeast-Midwest Institute, the Great Lakes Commission, and the Council of Great Lakes Industry for their contributions to the successes of this bill.

I am particularly pleased that H.R. 1070 includes several of the legislative improvements contained in my companion legislation, S. 2544. As a result of the Senate amendments, H.R. 1070 now authorizes the Great Lakes National Program Office to carry out a public information program to provide information about the contaminated sediments and activities to cleanup the site. The Great Lakes National Program Office is reauthorized and may receive up to \$25 million per year which is \$14 million higher than the expired authorization. H.R. 1070 also responds to the GAO report released in May by requiring the EPA to submit a report to Congress on the actions, time periods, and resources which are necessary to fulfill the duties of the EPA relating to oversight of Remedial Action Plans at Areas of Concern. Lastly, the legislation has the flexibility to allow both cash and in-kind contributions to be used to meet the non-Federal cost-share requirement.

The Great Lakes Legacy Act is needed to address a problem that has been plaguing the Great Lakes for many decades. The region's industrial past unfortunately created a legacy of contaminated sediments, PCBs, heavy metals and other toxic substances in the lakes and tributaries that feed into the Great Lakes.

These pollutants, which are degrading the health of both humans and wildlife, settled at the bottom of the tributaries and harbors where they were dumped and contaminated the sediment or material on the bottom. Contaminated sediment is a major environmental problem in our region, and it is critical that some of these concentrated deposits of contaminated sediment be addressed now, because the longer we wait to cleanup the contamination, the longer we will see fish advisories in the Great Lakes. Cleanup delays also mean a greater likelihood that the sediment will be transported into the open waters of the Great